NORTH CAROLINA GENERAL ASSEMBLY
SENATE COMMITTEE ON REDISTRICTING

TRANSCRIPT OF THE PROCEEDINGS
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Reported by Rebecca P. Scott

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SEN. VAN DUYN: Here’s what I would say, okay? So we have -- we have a district that is shaped very similarly to what it was in the unconstitutional maps, and that clearly we cannot demonstrate, then, that we are in compliance with the Courts if we do not at least verify that those are no longer racially gerrymandered districts. So we used the criteria that included reducing the percentage of African-American voters in the district.

SEN. BROWN: Senator Blue?

SEN. BLUE: I’d like to ask Senator Hise a question, and he probably has anticipated what it is. But specifically in the court order, they say you’ve got to explain to them why you went over 50 percent in this district. What do you plan to tell them?

SEN. HISE: I would think as we go through this entire process -- I would even say that the Plaintiffs’ attorneys clearly stated even to the Courts that when districts are created by other criteria that there may be naturally occurring districts that exceed 50 percent, but that the predominant criteria in drawing that map was not racing and could not have been race. There
were no criteria in drawing the map or assigning voters in which we used race in order to place individuals.

As a result of using the criteria we have, there may be -- and I still don’t know what the numbers -- this is the first I’ve been told on this district -- there may be naturally occurring areas that have that -- a percentage of 50 percent, a percentage of 40 percent or 42 percent. Individuals group themselves into communities, particularly in urban areas that are compact in those, and naturally occurring districts may come out.

And I think any numbers that you find, which I’m willing to look at, are a result of naturally occurring districts that we did not assign any voters on the basis of race or move any voters to districts on the basis of race.

SEN. BROWN: Senator Blue?

SEN. BLUE: So, as I understand it, with a straight face, you’re going to ask the legislative lawyers to stand in front of these three federal judges and say the same guy who drew the district in 2011 knew all of these statistics, he knew what the map looked like, he redrew the
districts in 2017, and he does not remember what
the map looked like, he does not remember why he
put 50 percent or greater in that district, and it
just coincidentally happens that it looks like the
same district, it's got over 50 percent, which is
what he sought out to achieve in 2011, but we
didn't know that was going to happen. That just
naturally occurred. Is that going to be the
answer?

SEN. HISE: I think no different than you
would say that when you drew the maps, you used
Maptitude and somehow guessing it has some long-
term memory because it was the same software used
or may happen to have been the same chair
individuals were sitting in. Dr. Hofeller was
given the criteria of this Committee, which was
significantly different from the criteria of the
previous committee as a result the court rulings,
and from the criteria, drew maps that did not
include race. Race was not part of the database.
It could not be calculated on the system that is
done.

I wasn't drawing. It was Rucho there
that was drawing then versus me there now, but I
can tell you that there is no consideration of race
in the drawing of these maps, hidden or otherwise, nor is there sorting of individuals on the basis of race in the districts in the maps as they exist, quite counter to the amendments that you have been proposing.

SEN. BROWN: Senator Bishop?

SEN. BISHOP: Thank you, Mr. Chairman. I have a couple of other questions for Senator Van Duyn. Senator Van Duyn, I didn't get the -- or didn't retain the last name of the consultant that Senator Blue identified, but did the same gentleman -- his first name was Kareem -- did he draw your proposed amendment to Guilford?

SEN. VAN DUYN: Senator Bishop, with the Chair's permission, I worked with Senator McKissick on this. I can't answer that honestly because I don't know who he consulted with. Can I ask Senator McKissick that question?

SEN. BLUE: I'll allow that. You may need to identify yourself for the---

SEN. MCKISSICK: Sure. This is Senator Floyd McKissick, Senator District 20. There is a gentleman who was used by the name of Mr. Kareem Crayton, C-r-a-y-t-o-n, who worked closely with this in looking at potential alternative plans for
the Guilford County as well as for Mecklenburg County, with the goal of trying to see what alternative configurations might be put forth for those particular clusters that would present an alternative for this Committee and for this body to consider as you move forward.

SEN. BROWN: Senator Bishop?

SEN. BISHOP: Senator Van Duyn, what does Dr. Crayton have against Senator Wade?

SEN. VAN DUYN: I don’t believe he has anything against Senator Wade.

SEN. BISHOP: If you see on the map in your amendment, the little red dot there underneath the green District 28 and it’s just in 27. I think that’s Senator Wade’s home, and that’s in Senator Dr. Robinson’s district, as I understand it. Is that correct?

SEN. VAN DUYN: No one’s been double-bunked in this.

SEN. BISHOP: Do you know whether that district is favorable to Senator Wade’s prospects for re-election or not?

SEN. VAN DUYN: I’m sorry. I honestly do not know.

SEN. BISHOP: And did not give that
any -- do you know whether Dr. Crayton gave any consideration to that in drawing the map?

SEN. VAN DUYN: We believe it would be favorable to Senator Wade. I think, if you look at the statistics that are attached, you can see that that, in fact, is the case.

SEN. BROWN: Senator Clark, I'm going to let you take off, and I'm going to let Senator Bishop think about that for just a second. I think he's got another question, but go ahead.

SEN. CLARK: Thank you, Mr. Chairman. I think, Mr. Hise, when you were addressing Senator Blue regarding what you would tell the Courts, you would tell them that maybe we had exceeded the 50 percent mark as the result of a naturally occurring district. I find that sort of puzzling because one of our members Senator Erica Smith-Ingram did submit criteria to this particular Committee which said that we would recognize naturally occurring districts. However, that was voted down. So are we saying that is now an acceptable criteria?

SEN. HISE: That is the statement of your Plaintiffs -- I'm sorry -- of the Plaintiffs in the case.

SEN. CLARK: Follow-up.
SEN. BROWN: Follow-up.

SEN. CLARK: Since you did mention the idea of a naturally occurring district, I even admitted at the time when one the members -- fellow members set it forth, I really didn't what the heck that meant anyway. So since you've considered that as appropriate, what is a naturally occurring district anyhow?

SEN. HISE: I simply stated with what you have with the reference. You can refer to their counsel as to what they meant when they referenced that, but districts come in at various percentages based on the way individuals group together and the way those are followed in without an intent or without a specific purpose of the General Assembly in drawing those maps.

SEN. BROWN: Senator Bishop, are you ready now?

SEN. BISHOP: I think so. Thank you, Mr. Chairman. Senator Van Duyn, do you know how many municipalities you split in your proposed amendment?

SEN. VAN DUYN: I believe we have minimized the splitting of municipalities with this map.