Exhibit 14

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8 2011 SPECIAL SESSION 1
9 VIRGINIA HOUSE OF DELEGATES
10 REDISTRICTING FLOOR DEBATES
11 Tuesday, April 5, 2011
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A P P E A R A N C E S

Before the Honorable

BETSY B. CARR

DELEGATES PRESENT:

David L. Englin - Alexandria (D-45)

Robert G. Marshall - Prince William (R-13)

Ward L. Armstrong - Henry (D-10)

Brenda L. Pogge - James City County (R-96)

Adam P. Ebbin - Alexandria (D-49)

David Albo - Fairfax (R-42)

Mark L. Cole - Spotsylvania (R-88)

Roxann L. Robinson - Chesterfield (R-27)

S. Chris Jones - Suffolk (R-76)

Joe Morrissey - Henrico (D-74)

Lionell Spruill, Sr. - Chesapeake (D-77)

Patrick A. Hope - Arlington (D-47)

Rosalyn R. Dance - Petersburg (D-63)

M. Kirkland Cox - Colonial Heights (R-66)

Jennifer McClellan - Richmond City (D-71)

1 Virginia, they were the second place in the
2 competition, had nine majority/minority seats.
3 They had a better deviation, 2.94 percent, but
4 they still were as low as 59.2 percent on the
5 voting age population.
6 Now, everything that I have seen in my 25
7 years in elected office has indicated to me that
8 in the minority community there, there are not as
9 many registered per hundred as there are in the
10 white community and then the turn out is different
11 as well.
12 So if you don't -- as we heard in our
13 testimony, and as Delegate Dance and Spruill and
14 some other individuals and leaders in the
15 community have said, if you don't have an
16 effective voting strength then there's a good
17 chance that over the time of 10 years you will see
18 a dilution of their ability and there is the
19 community.
20 Not that I am -- it's not my seat. I think
21 the gentleman from Chesapeake, Mr. Spruill, would
22 agree with this. He can probably get elected with

a lower percentage. But he represents the community and the law states it's the community's ability to elect the candidate of their choice.

So that's why the testimony led me when drawing this map to not retrogress with the number of seats, which we didn't, and to keep an effective voting majority within each and every district. We had to keep the core of those districts, because I think that's very important, and because of the population shifts you did see a decrease in some of the percentages, but all were above 55 percent.

So as I continued to work, work this map I tried to do the best I could to meet the plus or minor 1 percent. It's obvious to me that from comments I received from colleagues who called me, who stopped by my office, who wanted to discuss their community and what the bill as introduced last week would do to that community if it passed, I said, "I'll be glad to sit down with each and every one of you who want to meet with me" and I did and I think through that process you have this

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Is the gentleman also aware that under Section 5 or possibly 2, but Section 5 of the Voting Rights Act that additional majority-minority districts must be created where practical?

DEL. JONES: I would agree with that statement, Mr. Speaker. I would emphasis, though, that to me practical, as we heard through the testimony, was an effective voting age population. And when I was mentioning earlier about the plans that were before us, I think -- I don't believe but a handful of the districts that were drawn actually would meet the Bartlett versus Strickland test, which, which a minimum amount legally required to constitute Section 2 district would be 50 percent plus 1.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Will the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Is the gentleman aware that one of those two plans developed by the Commission created a 13th majority-minority district?

DEL. JONES: I would say to this the gentleman, Mr. Speaker, yes, I am.

DEL. ARMSTRONG: Further question, Mr. Speaker.

Mr. Speaker: Does the gentlemen yield?

DEL. JONES: I yield.

Mr. Speaker: The gentleman yields.

DEL. ARMSTRONG: Can the gentleman explain to me the reasonings in his putting together HB 5001 as to why he did not create a 13th majority-minority district?

DEL. JONES: Mr. Speaker, I'd say to the gentleman I think he's answered his own question with his line of questioning earlier about an effective -- I think he's conflicted or he's confused in his approach here.

I think his line of questioning earlier was

me what then additional information that he did not glean from the official Privileges & Elections Committee meetings which were recorded that led to his development of the 12 minority-majority district plans?

MR. JONES: Mr. Speaker, I think I answered the gentleman's question before in my earlier remarks and I will stand by those remarks.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: Mr. Speaker, I would ask the gentleman whether there was any consideration given to the creation of a 14th minority-majority district in Southside, Virginia that would have included the city of Martinsville, the city of Danville and territory in both Henry and Pennsylvania counties.

MR. JONES: Mr. Speaker, I'd say to the gentleman, I believe that was what was presented

Now, that's my reading. I'm not an attorney, but I did attend some of the conferences that the gentleman from Henry did. I think we saw each other down in Texas. So that was kind of my reading of that, but that's a non-lawyer response to a lawyer's question.

DEL. ARMSTRONG: Further question, Mr. Speaker.

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: I yield.

MR. SPEAKER: The gentleman yields.

DEL. ARMSTRONG: I would preface my next question by saying my reading of Larios indicates that there were -- the population deviations there were done in a way and a pattern that would have favored one particular political party over another; that is, that where there were populations that were deviated down, they were done so for entirely political purposes.

My question is there have been a number of other cases, including one that the United States Supreme Court upheld, the 1970s House plan of

1 Virginia, where there was a 16.4 percent deviation
2 because there was a rational state policy for
3 doing so.
4 And the question that I pose to the gentleman
5 is; would he not agree with me that he could have
6 better effected minority representation in the
7 State, that is with better effective minority
8 populations within the 12 existing minority
9 districts, plus the ability to create a 13th, by
10 using a deviation percentage higher than plus or
11 minus 1 percent? Would the gentleman not agree?
12 MR. JONES: No, I would not agree. I would
13 say to the gentleman that what they did in Larios
14 was actually plus or minus 5 percent. The case he
15 referenced back in the 1970s, that's 40 years ago.
16 That was before I guess I even got out of high
17 school.
18 And I am aware of that case. I think that
19 dealt with the Eastern Shore, if I'm not, if I'm
20 not mistaken and those two counties. And I think
21 the overarching principle as I stated in my
22 opening remarks is the one-person, one-vote. That

while still abiding by the terms of the Voting Rights Act and trying to respect county and city lines." Quote, unquote, "It's easy to justify to the public when you have these very compact districts," she said, one of the nine students on a team with a winning map, "but Virginia is not square. It's just not." And I think that pretty much says it all.

DEL. MORRISSEY: Mr. Speaker, I thank the gentleman for his answers.

MR. SPEAKER: The gentleman from Chesapeake, Mr. Spruill.

DEL. SPRUILL: Mr. Speaker (inaudible words).

MR. SPEAKER: The gentleman has the floor.

DEL. SPRUILL: Mr. Speaker and Members of the House, let me have your ears and please listen if you can.

I'm surprised all of a sudden this has come out to be a racist thing about blacks who are in the House. This is not about no race. We have 100 members in this House and we're talking about black minority districts. If we had wanted to do

that, we have three fine lawyers in the Black Caucus that can do that.

My lawyer next to me who represents me says, "Be careful of what you say." Some are saying, "Why are members making this a thing about blacks being represented?" They're not saying, "Well, that's fair enough. Let's see who came to us and say, 'This is what I propose.'"

From the Governor's plan did they come to us? No. Delegate Chris Jones, we went to him and we had some concerns, mostly every member of the Black Caucus. He answered our concerns; some we were satisfied with and some we were not, but at least we had input into Plan 5001. Where's the other plan that's coming to the Black Caucus and saying, "Hey, we're going to try to help you all"? Who else?

I'm the (inaudible words) Black Caucus. Who has come to me and said to the Black Caucus, "Hey, we've got a plan to look out for black folks." This is not a thing about race. And I know somebody's standing there taking every word you

say because this is going to go to the court. Well, let's make it right.

To the members of this body, this is not about black folks, so don't let them, nobody put you on they're trying to save the black folks. That's not so. So okay. What is this is all about? Let's look at Plan 5002 that was submitted yesterday, that was talked to us yesterday. That plan had Delegate Kenneth Alexander, along with Delegate Ed Howell of the same district. That plan had Delegate Matthew James and Spruill, same district. That plan had my house in the 79th district.

No one has come to me or anybody and talked to us about this. So it's not about race. It's about representation of the folks. Delegate Chris Jones is the only one that came to us and says, "This is what" -- what he was saying. We went to him and said, "We have a problem. Can you resolve those problems?"

Now you've got the Governor's plan. The Governor has not sent -- well I wouldn't expect

the Governor to do it himself, but he asked no one to come to talk to us about it.

Let's talk about the 13th district. It was not taken up by the Black Caucus because we have not discussed it to talk about it, but by my friend here who spoke about it yesterday and this morning. The Governor's plan is talking about a 13th and 14th district. We do not need to create another black district.

Oh, I would love to see it happen. We already had one. Do you remember Flora Mass (ph)? Flora Mass was black. Guess who took Flora Mass's (unintelligible word)? Okay? And he is not of our persuasion.

Okay? Now you're talking about so that's the 13th seat. Now, I ask you to check and look what is a minority percentage of Delegate Joe Morrissey's district? Check it out. What is Morrissey's percent of the black district? But the people there in Richmond were so kind, they made him their choice. And that's a black district, but they made him their choice and I'm

1 glad for him. That's the 13th district he was
2 talking about. That's a black district.
3 Oh, let's talk about the 14th district.
4 Betsy Carr. That's a black district. They're
5 your 13 and 14. But the people in Richmond made
6 her their choice and I'm glad for her because she
7 is doing a good job. That's a black district. So
8 if those who are saying that "We've got to look
9 out for the blacks, we got to create a 13 and 14
10 black district," we already have them. But the
11 people in those black districts made their choice
12 to support (inaudible words) and that's -- there's
13 nothing wrong with that. That's their choice.
14 So you need to create -- (inaudible words) we
15 do create another 13th district and you select
16 another white. Then what? Then what you gonna do
17 about that? Because the peoples have made their
18 choice. So it's not about race. Please, don't
19 hang this on the black folks. So when you go to
20 court, don't say they tried to dilute the black
21 folks.
22 Well, what are my concerns? My concerns is

this. And let me put my eyes on. 1887 to 1888 African-Americans, members of the General Assembly, eight members. Come here and look at it. And they're downstairs somewhere in the little corner where you can't see them. Eight members of the Black Caucus were elected one year from 1887 to 1888. Since 1888 and here it is in 2011 we've only increased five. Okay?

Ain't nothing to do with race. "Well, what's it got to do with Spruill?" Then we're saying, "Well, look at the public of Virginia." 20 percent, whatever it is. So tell me how can we create districts. We talk about a snake going around to make sure you've got black's representation. We have blacks who lost, that don't vote. If they don't vote -- if you create a black district and they don't vote, then whose fault is that? Okay?

So we have what we're looking for. The (inaudible word) was saying "The NAACP, the representation, were they represented where they knew about it? Yes. Lue Ward, Lue Ward, NAACP in

Suffolk, NAACP in Chesapeake and Virginia Beach. I'm saying those because I know they're in a ruckus. I want to make sure I got it right. They are aware of it. I'm a member of the Men's (inaudible words) For Progress. Yes, we are aware of it.

So we are here today. I thought that if members of -- let me use this body on this side of the aisle. I felt concern that we were looked at and saying, "Let's create -- this is for everybody what's fair." But instead we're coming here and saying that we're talking about diluting the black folks and they be (inaudible words) representation. Don't do it.

My concern is to make sure that those blacks -- I don't like to use the word minority towards us. Those blacks -- my concern; have input with Delegate Chris Jones. My concern was to make sure that we have the numbers, to make sure that we keep what we got and can get more when we want to. Not because you're black. Because my concern is that we do not dilute.

it's not an African-American seat, but the citizens, both black and white, decide that he was the choice. So it's not about that.

So I ask you all this; is there -- if you're going to look at and look out for the black community, we ask you all look at who has come to us, look at who has worked with us to try to make sure that we maintain what we've got. Who has been that person? That person has been Delegate Chris Jones. I ask you all to support 5001. Thank you very kindly.

(Applause.)

MR. SPEAKER: The gentleman from Arlington, Mr. Hope.

DEL. HOPE: Thank you, Mr. Speaker. Would the gentleman from Suffolk resume the floor for a question?

MR. SPEAKER: Will the gentleman yield?

DEL. JONES: The gentleman from Suffolk will (inaudible word.)

MR. SPEAKER: Yeah.

DEL. JONES: I'm here to answer questions.

1 floor.
2 DEL. DANCE: Thank you. As a member of the
3 House Redistricting Committee I support House Bill
4 5001 in its substitute form as we have before us
5 and it's again for more than just the one reason
6 that it mirrors the -- or doesn't mirror, but it
7 does support the 12 minority districts that we
8 have now and it does provide that 55 percent
9 voting strength that I was concerned about as I
10 looked at the model and looked at the trending as
11 far as what has happened over the last 10 years.
12 And one of the best examples I can give for
13 that and most concern was the area that was
14 mentioned prior and that is Delegate Tyler's area
15 in the 75th. Because Delegate Tyler is an
16 African-American that now finally sits in a
17 minority seat that's been there for years, but
18 there have been three tries by minorities in the
19 past to win that seat and they were not able to do
20 so.
21 And if that district is below that 55 percent
22 voting strength, then I don't think she would be

C E R T I F I C A T E

I, Daphne S. Hurley, Court Reporter, certify that I transcribed from digital recording of the proceedings held on the 5th day of April 2011.

I further certify that to the best of my knowledge and belief, the foregoing transcript constitutes a true and correct transcript of the said proceedings. Given under my hand this 3rd day of May 2015.

Daphne S. Hurley

Daphne S. Hurley

My commission expires: August 20, 2018
Notary Public in and for
the State of Maryland