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U.S. DISTRICT COURT  
N.D. OF ALABAMA

## P U B L I C H E A R I N G

## JOINT LEGISLATIVE COMMITTEE

ON

## REAPPORTIONMENT

Joint Briefing Room  
Alabama State House  
Montgomery, Alabama

August 21, 1991

10:00 a.m.

## SHORES REPORTING SERVICES, INC.

413 NORTH 21ST STREET  
BIRMINGHAM, ALABAMA 35203  
(205) 251-2427

COMMITTEE MEMBERS

SENATOR RYAN DEGRAFFENRIED, 21st Senate District,  
Tuscaloosa, Alabama.

REPRESENTATIVE JAMES M. CAMPBELL, 36th House District,  
Anniston, Alabama.

REPRESENTATIVE JAMES L. THOMAS, 69th House District,  
Selma, Alabama.

REPRESENTATIVE MICHAEL E. BOX, 96th House District,  
Satsuma, Alabama.

REPRESENTATIVE JOE FORD, 28th House District,  
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SENATOR TED LITTLE, 27th Senate District, Opelika,  
Alabama.

REPRESENTATIVE JOHNNY CURRY, 50th House District,  
Bessemer, Alabama.

SENATOR FRED HORN, 18th Senate District, Birmingham,  
Alabama.

REPRESENTATIVE W. C. BOWLING, 2nd House District,  
Cullman, Alabama.

REPRESENTATIVE JOHN BUSKEY, 77th House District,  
Montgomery, Alabama.

SENATOR CHARLES LANGFORD, 26th Senate District,  
Montgomery, Alabama.

REPRESENTATIVE STEVE FLOWERS, 89th House District, Troy,  
Alabama.

SENATOR RAY CAMPBELL, 3rd Senate District, Town Creek,  
Alabama.

REPRESENTATIVE FRANK ROGERS, 51st House District,  
Birmingham, Alabama.

SENATOR DANNY CORBETT, 28th Senate District,  
Phenix City, Alabama.

SENATOR LARRY DIXON, 25th Senate District, Montgomery,  
Alabama.

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## P R O C E E D I N G S

August 21, 1991 10:00 a.m.

REPRESENTATIVE CAMPBELL: We have got a  
quorum present.

We have two people here this morning to  
present plans. We have Mr. Huffstutler, who has two  
plans, and Mr. Albert Turner to present a plan.

We'll recognize Mr. Huffstutler at this time.

Mr. Huffstutler, do you have a -- you have  
the floor. Senator Horn, are you going to be the  
proponent here?

SENATOR HORN: Some or similar.

REPRESENTATIVE CAMPBELL: Which one are you  
going to start with?

SENATOR HORN: The one that's already been  
presented.

Thank you, Mr. Chairman. Ladies and  
gentlemen, what we have here this morning, it is one of,  
one of two and, maybe, one of several plans that my own  
personal demographer, R. C. Huffstutler, drew for me  
merely taking into the considerations that I asked him  
to do. And he is going to introduce Plan A here today  
for your consideration.

Plan B has been introduced and will be  
defended at a later time. And he is presently taking

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under consideration Plan C that I feel that we, as a  
Committee, that we, as a state, may have and must have,  
which will be Plan C.

And not to bring it up or attempt to lose you  
in it, but the major reason that we went to Orlando to  
find out what other states were doing and to our sad  
chagrin we found that other states that had presented  
their plans to Justice were rejected on something that  
this state must meet.

We found out, that particularly in the state  
of Louisiana when they would introduce their plan,  
Justice sent them back for the simple reason that they  
did not have the ultimate number of Black districts that  
could come, irrespective as to the percentages being 65  
or above 50 for that matter.

And so we, in my estimation, will be sent  
back, irrespective as to what plan we end up with. We,  
again in my estimation, must show and defend that two  
predominately or two Black districts cannot come from  
the State of Alabama. That will be Plan C that we will  
come back with showing that we had two Black districts  
from this state, irrespective as to the number that may  
be in it. It may be two 50's; it may be one 40; one 60;  
it may be one 30 and one 60. But we are going to have  
and show that and defend the reason why two districts

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1 cannot be and eventually settle with the one ultimately  
2 that we would like to have.

3 And so with that, Mr. Huffstutler is going to  
4 show Plan 1, The Horn Plan 1. So, he is my own  
5 demographer and refer all questions to him, or if not, I  
6 will attempt to answer them also. So at this time let  
7 us hear from R. C. Huffstutler.

8 MR. HUFFSTUTLER: Thank you, Senator Horn.  
9 Marilyn, can you bring up my map on the screen, please?

10 MRS. TERRY: That's it.

11 MR. HUFFSTUTLER: No, it's not.

12 MRS. TERRY: What's it called?

13 MR. HUFFSTUTLER: Horn's Plan, R. C.  
14 Huffstutler.

15 MRS. TERRY: Just Horn's Plan?

16 MR. HUFFSTUTLER: Yeah. Two June.

17 SENATOR DIXON: What is that?

18 MRS. TERRY: That's it. It's up at the top.  
19 The shaded in where the -- the black lines are the  
20 current congressional plan so we can see where it's  
21 being changed.

22 Do you want me to get rid of the black lines,  
23 will that help you?

24 MR. HUFFSTUTLER: Take the black lines out  
25 for a minute. I think everybody on the Committee is

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1 REPRESENTATIVE FLOWERS: You put some of the  
2 whites --

3 MR. HUFFSTUTLER: What? If you'll look -- do  
4 you have the handout?

5 REPRESENTATIVE FLOWERS: Yeah.

6 MR. HUFFSTUTLER: Okay. Inside there it has  
7 a printout of Montgomery County.

8 SENATOR LITTLE: Marilyn, do we have any more  
9 handouts?

10 MRS. TERRY: Yes.

11 SENATOR DIXON: Mr. Huffstutler, am I correct  
12 in understanding what you say is that you have drawn a  
13 Black district across the state and you're cutting out  
14 the City of Montgomery from the Second Congressional  
15 District, which is where the incumbent currently lives,  
16 and you're moving, you're putting that in the Black  
17 district. And then you're -- then you're adding two  
18 more counties to make up for the population loss by  
19 taking Montgomery County out of it and reconstituting  
20 the Second District?

21 MR. HUFFSTUTLER: Everything is correct with  
22 what you said except I checked the home place of  
23 Dickinson is in, still in District Two.

24 SENATOR DIXON: Well, you didn't take the  
25 City of Montgomery out because he lives right in the

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1 perfectly familiar where all the districts are right  
2 this minute.

3 Okay, District One. I'll start with the  
4 lower left-hand corner, Mobile. Deleted one county from  
5 it and got the numbers, if you still have your handouts  
6 from the other day when we gave them out. That leaves  
7 District One with a population of 580,343, which gives  
8 it a variance of plus .54%.

9 Okay. Now, then, District Two, I added  
10 Russell County and Lee County to it and split Montgomery  
11 County and took virtually the City of Montgomery out of  
12 Montgomery County and made it into -- put it in with  
13 Black district as I call District Six. Then the numbers  
14 turned around in District Two being 580,721, which is  
15 plus .61% over.

16 REPRESENTATIVE FLOWERS: Can we ask  
17 questions?

18 MR. HUFFSTUTLER: Yes, sir.

19 REPRESENTATIVE FLOWERS: You took the City of  
20 Montgomery, take all the whites out of Montgomery too?

21 MR. HUFFSTUTLER: Well, what I did was I took  
22 the map of the County of Montgomery and made contiguous  
23 voting districts around and tried to draw out mainly the  
24 Black districts. But I had to include some white  
25 districts in too to make it contiguous.

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1 heart of it.

2 MR. HUFFSTUTLER: I didn't say -- I didn't  
3 take the whole city, I just took most of it.

4 SENATOR DIXON: Well, you left the incumbent  
5 in the Second Congressional District. I don't know how  
6 much of Montgomery you took out because he lives, he  
7 lives in the heart of the City of Montgomery.

8 MR. HUFFSTUTLER: Well, you'll see on -- do  
9 you have your --

10 SENATOR DIXON: Yes, I do. But this doesn't  
11 have the city.

12 MR. HUFFSTUTLER: Well, this particular part  
13 right here of -- has Two in there, that's -- the  
14 Cloverdale area, all that in there, the Normandale  
15 Shopping Center, I think it is.

16 SENATOR DIXON: So what you did is you took  
17 east Montgomery and all of the white growth of the city  
18 and put it in the Black congressional district.

19 MR. HUFFSTUTLER: No.

20 REPRESENTATIVE BUSKEY: They're still in the  
21 Second.

22 MR. HUFFSTUTLER: No. They're still in the  
23 Second District. You'll just have to see a big map of  
24 Montgomery to see what all I did to you.

25 SENATOR DIXON: I think that's the correct

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1 term.

2 MR. HUFFSTUTLER: Well, somebody is going to  
3 do it to everybody and I live in Jefferson County and  
4 wait until we get to Jefferson County and wait and see  
5 what we did to me.

6 REPRESENTATIVE ROGERS: That's right. You  
7 murdered us.

8 SENATOR DIXON: And you say your Mr. Horn's  
9 personal demographer?

10 MR. HUFFSTUTLER: I'm a retired school  
11 teacher. Also of a different persuasion.

12 SENATOR DIXON: What do you mean by that?

13 MR. HUFFSTUTLER: I'm a Republican, yes, sir.

14 SENATOR DIXON: Thank you, Mr. Huffstutler.

15 MR. HUFFSTUTLER: We've got Montgomery up on  
16 the screen. Now, maybe, you can see it a little bit  
17 better.

18 MRS. TERRY: We had Montgomery. I thought  
19 you were about to move to Jefferson.

20 MR. HUFFSTUTLER: Now we get off Montgomery  
21 County for a second. And you can see what I've got for  
22 District Three then up above it in kind of a lavender  
23 color there.

24 And then up above that in the corner is  
25 District Five in kind of a red color.

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1 REPRESENTATIVE BUSKEY: Can you give me the  
2 number of, the number of Blacks that you put into the  
3 Black district, Montgomery County?

4 MR. HUFFSTUTLER: Yes, sir, I can.

5 REPRESENTATIVE BUSKEY: And the number of  
6 Blacks that you've got in Jefferson County you put in  
7 the Black district.

8 MR. HUFFSTUTLER: Not off the top of my head.  
9 But I can tell you it's going to be about 150,000,  
10 somewhere in that range.

11 REPRESENTATIVE THOMAS: Out of Jefferson  
12 County?

13 MR. HUFFSTUTLER: Out of Jefferson County,  
14 about a hundred and -- we have 190,000, close to  
15 200,000, somewhere in that range. Like I said, I can  
16 give you exact numbers, but I'll have to go through my  
17 notes.

18 REPRESENTATIVE FLOWERS: That's out of  
19 Jefferson County?

20 MR. HUFFSTUTLER: Jefferson County Blacks.

21 REPRESENTATIVE FLOWERS: How many Blacks out  
22 of Montgomery?

23 MR. HUFFSTUTLER: About 150,000.

24 REPRESENTATIVE THOMAS: There isn't 150,000  
25 people in Montgomery.

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1 REPRESENTATIVE HALL: You drew that one for  
2 Senator Barron; didn't you? It would be perfect for him  
3 or Hinton Mitchem to run for that. It looks to me like  
4 there's been a little gerrymandering done there for  
5 those senators.

6 MR. HUFFSTUTLER: No, sir. If you'll look at  
7 the map itself, if you'll look at the map itself, this  
8 particular one I tried to make it more geographically  
9 together.

10 REPRESENTATIVE HALL: Looks to me like you  
11 took it more apart.

12 MR. HUFFSTUTLER: I didn't care who lived  
13 where on running because I don't really know anything  
14 about the northern part of the state. And like I said,  
15 I live in Jefferson County and I live in Lee County.

16 SENATOR DIXON: Mr. Chairman, may I ask that  
17 we resuperimpose the current congressional districts  
18 back over this plan, would that mess you up too much,  
19 Mr. Huffstutler?

20 Mr. Huffstutler, can we resuperimpose the old  
21 congressional districts back over this, would that mess  
22 you up too much?

23 MR. HUFFSTUTLER: No. Go ahead.

24 SENATOR DIXON: Would that help other people?  
25 I think that would help me some.

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1 REPRESENTATIVE FLOWERS: Well, that's too  
2 many.

3 MR. HUFFSTUTLER: Well, that's what I'm  
4 saying. It's no more than that.

5 REPRESENTATIVE THOMAS: There is not 150,000  
6 Blacks in Montgomery.

7 MR. HUFFSTUTLER: I'll put it this way, I  
8 took as many as I could get. Okay. As close I can give  
9 you total population that I took out of Montgomery  
10 County to put into District Two was around 94,000  
11 people.

12 SENATOR DIXON: Do you have a breakdown on  
13 that?

14 MR. HUFFSTUTLER: No, I don't have a  
15 white-black breakdown on it. The computer can probably  
16 give it to you.

17 SENATOR DIXON: In your district, other than  
18 Birmingham, and your map, other than Birmingham and  
19 Montgomery, is there any other major cities that are  
20 split in half?

21 MR. HUFFSTUTLER: No. That's what I tried to  
22 do on this plan was only split two counties, was  
23 Montgomery and Jefferson County. Jefferson County is  
24 going to have to be split anyway you look at it. And if  
25 the Blacks in Montgomery and Macon County and Bullock

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County are included in the Black district, then you'll have to split Montgomery too because it's contiguous there.

SENATOR DIXON: Well, you're obviously gerrymandering by running that line over and pick up those two counties. That's done to benefit somebody.

MR. HUFFSTUTLER: No, sir. What I did was to benefit the Blacks that live in those two counties. Now, what you have to understand, I don't care who gets elected, that's the difference between me and some of the rest of you here.

REPRESENTATIVE HALL: Why are you working on it then? If you don't care, why are you working on it?

MR. HUFFSTUTLER: Because I'm a citizen of the State of Alabama.

REPRESENTATIVE HALL: Well, you care then. Don't tell us you don't care.

MR. HUFFSTUTLER: I don't care who gets elected. I care about my congressional districts. I do not care who is elected to them when I do not live in that district. That is up to the people who live in that district to determine. If five people want to run or ten people want to run, that's their business.

I live in two different districts. I live in Jefferson County. I own a house, I live there in

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that the Black district?

MR. HUFFSTUTLER: Yes, sir.

SENATOR DIXON: Whose Senate district is that?

MR. HUFFSTUTLER: I don't know.

REPRESENTATIVE CURRY: That would be primarily Senator Horn's and Senator Bennett's.

Does the Black district -- where does that start, in East Lake?

MR. HUFFSTUTLER: Barrett Elementary School, 4501.

REPRESENTATIVE CURRY: And Hueytown, which district is it in?

MR. HUFFSTUTLER: Hueytown, I think is, as we looked at one time before, Mr. Curry, is in the yellow.

And if there's any questions about it in the pink area up there, upper end 4501. The reason I know where that's at because that's where I live. My particular part is called East Lake for the ones of you that know about that part of town. It's slowly going from white to black.

REPRESENTATIVE ROGERS: You're putting Walker County in District Seven?

MR. HUFFSTUTLER: Yes, sir. I don't know why -- I know about what that fight means. I've heard about

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Jefferson County. I also live in Lee County. That's because my wife teaches at Auburn University.

REPRESENTATIVE ROGERS: Which one do you claim?

MR. HUFFSTUTLER: Neither one claims me I don't believe. I don't think Senator Little claims me or Senator Horn either one.

SENATOR DIXON: Is there another plan?

SENATOR HORN: Do we have any further questions other than what we have given out to you?

SENATOR DIXON: Have you got another plan, Senator Horn?

SENATOR HORN: I have another one, we have two more, but only this one will be presented today.

SENATOR DIXON: Okay.

MR. HUFFSTUTLER: Marilyn, could you pull up Jefferson County and let's get that fight over with.

Now, Jefferson County, I split it in three different districts. Part of it goes into what I call District Seven, which is the blue area. And the pink area, that's the part of the Black district, District Six. And then the yellow is District Four, as I call it, on this particular plan. Any questions on that particular --

SENATOR DIXON: The pink, Mr. Huffstutler, is

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that one.

REPRESENTATIVE ROGERS: You'll hear more too.

MR. HUFFSTUTLER: Yes, I have. I've heard a lot already. That's the reason there's a Plan 2 and 3 after this.

REPRESENTATIVE ROGERS: Did you go to the doctor after you drew this thing up?

MR. HUFFSTUTLER: No, sir. But I'm going to the doctor right after this is over with in Birmingham. I have a pain in my feet and after this I may have a pain a little higher up in my legs.

REPRESENTATIVE CURRY: There's going to be a lot of us with pains before this is over.

MR. HUFFSTUTLER: I agree with you. When we get to Plan 2 and Plan 3 it gets better.

REPRESENTATIVE ROGERS: Let's move on.

MR. HUFFSTUTLER: Okay. You've got your totals you can see that I'm -- District One through Seven is plus or minus, less than plus or minus 1%. So the numbers work. District Six turns out to be 67.31% Black. And also you have significant Black populations in One, Two and Three, which is over 20%.

SENATOR DIXON: Is there any reason why you changed the district numbers?

MR. HUFFSTUTLER: No. Nothing in particular.

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1 SENATOR LITTLE: Marilyn, go back to his  
2 original plan.

3 REPRESENTATIVE BUSKEY: While we're waiting,  
4 I think you said you estimated you took about 150,000  
5 Blacks out of Jefferson County?

6 MR. HUFFSTUTLER: No. It's going to be more  
7 than 150,000 after looking back at my notes. It's  
8 192,000, I think it is.

9 REPRESENTATIVE BUSKEY: Jefferson County only  
10 has 228,000. I think you've got about 157,000.

11 MR. HUFFSTUTLER: No. I did better than  
12 that. I know I did better than 150,000 out of Jefferson  
13 County.

14 REPRESENTATIVE THOMAS: Have you checked his  
15 numbers out?

16 MRS. TERRY: Yeah. Everything he has done  
17 has been built by our system. We just need to run a  
18 report that will -- we haven't run a report that asks  
19 for that specific information.

20 REPRESENTATIVE THOMAS: So you don't know  
21 whether the numbers he's giving you --

22 MRS. TERRY: In terms of the Blacks that he  
23 has put in the districts, no, we would have to run a  
24 report to verify it.

25 But I do know that that finger that runs into

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1 correspond, because the colors and the numbers will  
2 always be the same. For example, District Four will  
3 always be yellow according to the way we have the system  
4 set up, but we can change those colors when they --

5 LITTLE: Well, I guess, if we could have a  
6 distinct red somewhere or something that would really,  
7 seem like to me, it would give more dimension.

8 MRS. TERRY: Sure. We'll look into doing  
9 that.

10 MR. HUFFSTUTLER: Any other questions on this  
11 plan gentlemen, ladies? Any questions? Okay. That  
12 takes care of Plan 1. I'll see you back later at a date  
13 with Plan 2. And it's up to Senator Horn when that's  
14 introduced. I'll leave it all up to him. We have it  
15 ready, but it's his plan and I'll let him do the  
16 deciding on it.

17 REPRESENTATIVE BOX: You all don't want to  
18 present anything else today?

19 MR. HUFFSTUTLER: No, sir, I don't.

20 REPRESENTATIVE THOMAS: Fred, the Plan 2 and  
21 3, those are the plans you're talking about which will  
22 show that you could do two districts?

23 SENATOR HORN: Plan 3.

24 REPRESENTATIVE THOMAS: So you have another  
25 plan which will show one district?

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1 Jefferson County is close to 200,000 people. If you do,  
2 if you take all the majority Black precincts out of  
3 Jefferson it's close to 200,000. I think it's 196 or  
4 something.

5 MR. HUFFSTUTLER: I think that's about the  
6 same thing I quoted a minute ago.

7 REPRESENTATIVE CURRY: That would have to be  
8 about right.

9 SENATOR LITTLE: Marilyn, for the benefit of  
10 the Committee, on future maps can we distinguish the  
11 colors differently from District One and District Six?  
12 Is there any way to have a distinct red for one -- I  
13 mean, the way it -- maybe, I just don't have enough  
14 color distinction, but I'm reading into it --

15 MRS. TERRY: Where District One and District  
16 Seven is, is that what you're talking about?

17 SENATOR LITTLE: Well, I'm thinking about the  
18 minority district in Mobile County. To me those colors  
19 just go very closely together and it's a bit confusing.

20 MRS. TERRY: Right. We can change it, we can  
21 customize the colors. In this particular case the  
22 Mobile District and Seven just happen to be up against  
23 each other. If you were to draw a plan and put One at  
24 the bottom and Seven at the top, then the colors  
25 wouldn't run together. But when those numbers do

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1 SENATOR HORN: Similar to this plan. I have  
2 another plan similar to this, not the same  
3 configuration.

4 MR. HUFFSTUTLER: Plan 2 is similar to this,  
5 but it's reality as I call it, as is your question a few  
6 minutes ago. And Plan 3 will be just an alternative for  
7 the courts.

8 REPRESENTATIVE BOX: We have with us also --

9 SENATOR HORN: Just one statement.  
10 Essentially, we only have two counties that were  
11 divided. With your permission, I would like to place  
12 all of these 10 or 12 maps breaking down into details in  
13 the Jefferson County Delegation and let it remain for a  
14 couple of weeks. And then Legislators there to see.  
15 And then find a central place to leave them for the ones  
16 in Montgomery to see exactly what and where the  
17 precincts end or start. And with your permission, I'd  
18 like to do that. And I can place these in the Jefferson  
19 County Delegation office and let them remain for the  
20 next week or 10 days.

21 REPRESENTATIVE BOX: Do you want to leave  
22 them up here?

23 SENATOR HORN: No. In the Jefferson County  
24 Delegation office.

25 SENATOR DIXON: Where is that?

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1 SENATOR HORN: That's on the 10th Floor in  
2 the Commerce Building in Birmingham. And then I'll wait  
3 on you to tell me a place we can leave it here for the  
4 Montgomery legislators to see.

5 SENATOR DIXON: If you would, Senator, I  
6 think it would be all right with us is, after you get  
7 finished with that you can bring it back here to Marilyn  
8 and we'll come up and see it here.

9 REPRESENTATIVE BOX: Our next presenter will  
10 be Albert Turner. He's presented two plans. For the  
11 record, he's going to discuss Plan A; is that correct?

12 MR. TURNER: That's right.

13 REPRESENTATIVE BOX: Plan B has not yet been  
14 verified. The numbers are still being checked on that  
15 one. So we'll hear now from Mr. Turner about his plan.

16 MR. TURNER: Mr. Chairman --

17 SENATOR LITTLE: Mr. Chairman, can we ask the  
18 individuals if they're presenting plans in their own  
19 behalf, or on behalf of someone else. Like I presume,  
20 we had the Horn Plan, and Mr. Turner, I presume, is  
21 either presenting on his behalf or on behalf of someone  
22 else?

23 REPRESENTATIVE BOX: That's a good point.  
24 Mr. Turner, if you would, identify who you're with and  
25 in what capacity do you present this plan.

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1 MR. TURNER: This plan has been accepted by  
2 the New South Coalition. And they are presenting this  
3 exact same plan as a plan that they will support. I  
4 also drew this plan as a plan for the Perry County Civic  
5 League. And I started off drawing a plan just for my  
6 own gratification.

7 Before I present my plan, I would like to  
8 give you a little thought behind what I was trying to  
9 do. I didn't just draw a plan. I listened to most of  
10 the people who had concerns about redistricting of the  
11 State of Alabama and did all I could to put a plan  
12 together that would answer as many questions or as many  
13 concerns as possible.

14 One concern I considered was incumbents. So  
15 I did all I could to not disturb incumbents, with the  
16 exception of the fact that there will be two incumbents  
17 have to meet. And that would be the incumbents in the  
18 west part of the State of Alabama according to my plan.  
19 That's Representative Harris and Beville. They will be  
20 in the same district. Otherwise, no other incumbents  
21 would have incumbents in the district with them.

22 The Black plan has no incumbent in it at all.  
23 And that would be a lot of reasons behind that that I'll  
24 discuss later.

25 I also tried to not disturb what is called

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1 SENATOR HORN: That's on the 10th Floor in  
2 the Commerce Building in Birmingham. And then I'll wait  
3 on you to tell me a place we can leave it here for the  
4 Montgomery legislators to see.

5 SENATOR DIXON: If you would, Senator, I  
6 think it would be all right with us is, after you get  
7 finished with that you can bring it back here to Marilyn  
8 and we'll come up and see it here.

9 REPRESENTATIVE BOX: Our next presenter will  
10 be Albert Turner. He's presented two plans. For  
11 record, he's going to discuss Plan A; is that co

12 MR. TURNER: That's right.

13 REPRESENTATIVE BOX: Plan B has not y  
14 verified. The numbers are still being checked o  
15 one. So we'll hear now from Mr. Turner about hi

16 MR. TURNER: Mr. Chairman --

17 SENATOR LITTLE: Mr. Chairman, can we  
18 individuals if they're presenting plans in their  
19 behalf, or on behalf of someone else. Like I presume,  
20 we had the Horn Plan, and Mr. Turner, I presume, is  
21 either presenting on his behalf or on behalf of someone  
22 else?

23 REPRESENTATIVE BOX: That's a good point.  
24 Mr. Turner, if you would, identify who you're with and  
25 in what capacity do you present this plan.

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1 MR. TURNER: This plan has been accepted by  
2 the New South Coalition. And they are presenting this  
3 exact same plan as a plan that they will support. I  
4 also drew this plan as a plan for the Perry County Civic  
5 League. And I started off drawing a plan just for my  
6 own gratification.

7 Before I present my plan, I would like to  
8 give you a little thought behind what I was trying to  
9 do. I didn't just draw a plan. I listened to most of  
10 the people who had concerns about redistricting of the  
11 State of Alabama and did all I could to put a plan  
12 together that would answer as many questions or as many  
13 concerns as possible.

14 One concern I considered was incumbents. So  
15 I did all I could to not disturb incumbents, with the  
16 exception of the fact that there will be two incumbents  
17 have to meet. And that would be the incumbents in the  
18 west part of the State of Alabama according to my plan.  
19 That's Representative Harris and Beville. They will be  
20 in the same district. Otherwise, no other incumbents  
21 would have incumbents in the district with them.

22 The Black plan has no incumbent in it at all.  
23 And that would be a lot of reasons behind that that I'll  
24 discuss later.

25 I also tried to not disturb what is called

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1 Republican-Democratic theory as much as possible because  
2 I had already been warned that we should not use plans  
3 to try to deviate from what was pretty much the norm in  
4 terms of the political party structure.

5 So you might note that in the Mobile area  
6 there is also exactly what it was before, with the  
7 exception of moving Wilcox County out. And that leaves  
8 that plan intact for political reasons.

9 In Montgomery, which is District Two, in my  
10 plan it will be District Three really. Mobile is Two in  
11 my plan. I left the incumbent there basically intact,  
12 with the exception of having to take some of the Blacks  
13 from Montgomery for a lot of reasons. And other than  
14 that, this plan is almost the same. Other than the fact  
15 I had to also make all those districts within a 1%  
16 deviation.

17 And I would like to state to you now -- I  
18 have some of these to pass out, but I don't have enough  
19 for everybody, but the deviations in my plan the highest  
20 I have is .54. In other words, that's a plus .54.  
21 That's the largest deviation from the norm. And that  
22 would be in District Two, which is the Mobile area. The  
23 rest will be less than .54.

24 District One is a plus 35; District Two is a  
25 plus 54; District Three is a plus 43; and District Four

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# Attorney Work Product

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1 So, my sole interest was to develop a plan  
2 that was as fair as possible and as close as possible to  
3 a 65% Black. My theory is that we would like to have  
4 one seat in congress that we can say we sent somebody  
5 to. I feel very strongly that if it's 50 or 55%,  
6 whoever wins that plan will win as a result of whatever  
7 the Whites in that district does. And I'm interested in  
8 trying to have at least one out of seven. I would like  
9 for the record to show that and I intend to take that  
10 position all the way.

11 So my plan, as a Black plan, is about 65%  
12 Black. And I worked on that with the theory of trying  
13 to give people in Birmingham a chance to be elected.  
14 People in Montgomery a chance to win. People in the  
15 Black Belt a chance to win. And the Black people in  
16 East Alabama. I used that theory because these people  
17 have, throughout the years, worked in politics and  
18 they've got strong political organizations and they've  
19 got strong Black representation in all of these areas.

20 And I feel that based on the history of  
21 Alabama and the struggle of Alabama that all of these  
22 areas should be represented in Congress with a Black  
23 representative. And that anybody from any of those  
24 areas who is Black, who can win, should have the  
25 opportunity to win. Now, that's my thesis behind my

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1 is a minus 48; District Five is a minus 36; District Six  
2 is a minus 35; District Seven is a minus 13.

3 I'd also like for you to note that these  
4 numbers have been computerized. I had the services of  
5 the Sociology Department or whatever in Auburn, Alabama,  
6 and they ran all these figures through the computer and  
7 they've been computerized with my map and everything  
8 else. So I would like to say that to authenticate the  
9 figures and they did checkout through a computer.

10 In my philosophizing of this plan, I had been  
11 told from the Black community that it was various Black  
12 people who had an interest in running for the  
13 congressional seat. And by the way, I want to dispel  
14 all theory, I have no intention at all of trying to  
15 support a two Black congressional seats in Alabama. I  
16 think it's ludicrous, to be honest with you. I don't  
17 see no possibility of having two seats that Black folks  
18 can win in Alabama. In fact, I have a problem in trying  
19 to get one that they can win knowing the Black Belt of  
20 Alabama and the State of Alabama, and I intend to take  
21 that position with Justice and anybody else. I'm not  
22 interested in trying to take a fold of the population of  
23 Alabama and try to make two Black seats out of it. I do  
24 not buy that theory that a 50% Black seat or a 55% Black  
25 seat is electable.

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1 Black district.

2 The others, the best I could do, was to keep  
3 them as close as I could to what they were and not to  
4 try to show any favoritism to Democrats or Republicans.

5 In Birmingham, Alabama, in particular, I used  
6 as few Blacks as I could to make my seat black as it  
7 should have been. And that was on the theory that if I  
8 had used too many Blacks out of Birmingham, it would  
9 allow Birmingham to switch its party position too easy.

10 So I took Birmingham and Shelby County, or  
11 the remainder of Jefferson County that I left, and  
12 Shelby County, and put it together to make a district.  
13 I took the theory that I will leave enough Blacks in  
14 Birmingham to domino the Whites that I added from the  
15 Shelby County. And the Democrat then would have to win  
16 from his constituents in Birmingham.

17 Shelby County has roughly a hundred thousand  
18 people in it that is known to be strictly Republican.  
19 And we left roughly 80,000 Black people in Birmingham to  
20 domino that effect. And that's the theory upon drawing  
21 your Birmingham seat and not using no more Blacks than I  
22 had to use.

23 I did use 150,000 Black people from  
24 Birmingham out of 228,000 up there. And, of course,  
25 that would leave roughly 80,000 people, more precise,

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1 78,000 would be left in that district to help balance it  
2 all and to help keep it as is politically.

3 As you might note, I took the whole Black  
4 Belt as is and put it in the Black district. Started at  
5 Choctaw County and going all the way up through  
6 Tuscaloosa County.

7 Tuscaloosa has 38,000 Black people in it.  
8 And we took 26,000 of the 38,000 out of Tuscaloosa and  
9 gave it to the Black district. We also took roughly  
10 25,000 white people from Tuscaloosa. So Tuscaloosa  
11 County would have 50,000 people in District One. I call  
12 that the Black district. And, of course, they're about  
13 50/50.

14 Montgomery was an area I was very concerned  
15 about and I guess I worked on that map for about two  
16 years to be sure that we got all the Black people we  
17 could get out of Montgomery, Alabama into the Black  
18 district. So they had 87,000 down there, Blacks in  
19 Montgomery. And my plan drew about 75,000 of those  
20 85,000 into the Black seat. I did not want to have a  
21 fight between what we call the Black community, ADC and  
22 New South. So I put all that I could in that from ADC  
23 and all I could from New South so there would be no  
24 lawsuit about ones that are Blacks having an advantage  
25 over the other one.

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1 REPRESENTATIVE BOX: Mr. Turner.

2 SENATOR LITTLE: How many counties have you  
3 split, Mr. Turner?

4 MR. TURNER: In my drawing I split Jefferson,  
5 Tuscaloosa and Montgomery. That was to give us a  
6 maximum.

7 REPRESENTATIVE FLOWERS: I thought Shelby was  
8 split to; isn't it?

9 MR. TURNER: Shelby is not -- Etowah is split  
10 a little bit, that's right. Etowah, we got 10,000  
11 people out of Etowah County to make our deviation right.  
12 I was very concerned about not having a deviation that  
13 was larger than one-half percentage point.

14 SENATOR LITTLE: Point out Etowah. I don't  
15 see where it's split over there.

16 MR. TURNER: You've got a very small amount,  
17 it's not large, but it's a very -- it's 10,000 people to  
18 be exact. And we need that 10,000 to give, to be sure  
19 that our deviation didn't get beyond what's allowable.

20 SENATOR LITTLE: Now, Mr. Turner, do you mind  
21 if we go ahead and slip the present congressional screen  
22 on top of that just to get a --

23 MR. TURNER: That won't bother me at all.

24 REPRESENTATIVE BOX: This won't take but just  
25 a second. Let me get Representative Rogers' question.

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1 So we find that we took roughly 90% of the  
2 Black people from Montgomery and put them into the Black  
3 seat. The whole City of Montgomery has roughly 150,000  
4 people in it, for the full county at least. And out of  
5 that I took about 75,000 of them being Black.

6 REPRESENTATIVE BUSKEY: You mean the city?  
7 You said 150,000, you're talking about the city, not the  
8 county?

9 MR. TURNER: Yeah.

10 REPRESENTATIVE BUSKEY: It's about 170,000.

11 MR. TURNER: In the whole county.

12 REPRESENTATIVE BUSKEY: The county has got  
13 about 209,000.

14 MR. TURNER: Yeah. What I'm saying is, the  
15 whole county of Montgomery, because I took some of the  
16 county too.

17 REPRESENTATIVE THOMAS: Blacks you're talking  
18 about --

19 MR. TURNER: Yeah. I was just talking about  
20 the whole county that I took. Of course, the way I got  
21 it here is a little different from this. I got 120,000  
22 -- I've got 75,000 of these people being Black out of  
23 the 209,000 total peoples. But in the county, my total  
24 population of Montgomery is only 120,000 people. Now,  
25 these figures will vary a little bit.

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1 REPRESENTATIVE ROGERS: In regard to  
2 Jefferson County, what's that number now under your  
3 plan? It's presently District 6.

4 MR. TURNER: In my plan it's Seven.

5 REPRESENTATIVE ROGERS: How many counties now  
6 are making up --

7 MR. TURNER: Jefferson.

8 REPRESENTATIVE ROGERS: -- what, the old  
9 Sixth District?

10 MR. TURNER: You've got Jefferson and Shelby  
11 together, that's all. That makes up what used to be Ben  
12 Erdreich's district. That's all you've got. You've got  
13 Jefferson County and Shelby County. In other words,  
14 Shelby County had enough people to replace what I took  
15 from Jefferson County to give you almost a perfect  
16 district there. In fact, the deviation is less than a  
17 half of a percentage point.

18 REPRESENTATIVE ROGERS: Then what about that  
19 portion that Claude Harris has now, does he lose all of  
20 that?

21 MR. TURNER: Claude, doesn't have any of  
22 that. That went into what we call District One, which  
23 would be a Black seat. That's the -- that's your  
24 figures on it. And I'm calling this District -- Seven  
25 is what I'm calling, that's just your old Birmingham

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1 seat, and it's made out of Jefferson County and Shelby  
2 County only.

3 REPRESENTATIVE BOX: Representative Buskey.  
4 Mr. Turner, I was a little concerned about your  
5 beginning statement of protecting incumbents.

6 MR. TURNER: As much as possible.

7 REPRESENTATIVE BUSKEY: Is that a primary  
8 consideration of yours in drawing the plan was  
9 protecting incumbents?

10 MR. TURNER: That is one of my  
11 considerations. And according to the Justice Department  
12 and all the experience that I've had in drawing plans  
13 that would have to be one that you do consider. They  
14 are very concerned that you give all the consideration  
15 that's possible to the incumbents. And all the court  
16 cases I've been in, I've been in a lot of them.

17 REPRESENTATIVE BUSKEY: What I really want to  
18 know -- I understand what you're saying. What I really  
19 to know, in drawing your plan when you considered  
20 incumbents on a scale of, say, one to five, where did  
21 that consideration fall?

22 MR. TURNER: Well, all the incumbents, as far  
23 as I'm concerned, have got an opportunity to be elected  
24 with the exception of Claude Harris and Beville.

25 REPRESENTATIVE BUSKEY: My question is; in

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1 I took all -- I took everything in  
2 consideration that I thought they could challenge me on  
3 and tried to draw a plan around it, including factions,  
4 Black factions; including the Republican issue;  
5 including the incumbent issue. I did the best I could  
6 in terms of compactness. Of course, that became  
7 somewhat of a problem a little bit.

8 But I also wanted to be sure that there was  
9 major factions who would not have a strong leg to stand  
10 on. I didn't want the Republican Party to be able to go  
11 to court and argue that we drew plans specifically to  
12 dismantle them nor the Democrats.

13 And, of course, I was very concerned about my  
14 numbers because I know if the numbers were wrong you  
15 ain't got a chance. So you might note that my average  
16 deviation is less than a half percentage point. And  
17 that was one of my greatest concerns. That's what  
18 caused me to split Etowah County because I was very  
19 concerned that I didn't get out of bounds with them  
20 numbers because I know how bad you can be challenged in  
21 court on that issue. So I drew my plan with really  
22 court challenges in mind, I want to be honest with you.

23 REPRESENTATIVE BOX: Representative Curry.

24 REPRESENTATIVE CURRY: Mr. Turner, you said  
25 you left approximately 80,000 Black residents in

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1 your thinking in drawing the plan, if you were, in your  
2 consideration of things to be considered such as  
3 incumbency, where does this consideration fall in  
4 protecting the incumbency 1, 2, 3, 4, 5 on your --

5 MR. TURNER: Well, my first concern working  
6 for a group of Black people, and I drew this plan trying  
7 to create a Black district, there's no question about  
8 that. So my first concern was draw a Black district  
9 that we thought would pass Justice and that would be  
10 hard to challenge in court.

11 Now, once I made that, then I went to work  
12 trying to protect incumbents and Republicans and  
13 Democrats so to speak.

14 REPRESENTATIVE BUSKEY: So incumbents became  
15 number two, your number two consideration?

16 MR. TURNER: That would be basically the way  
17 I would say it. Of course, we also considered the  
18 theory I was aware of the fact that the courts is very  
19 concerned about the fact that you should not jive around  
20 with the Republican-Democrat thing.

21 And I drew a plan -- I'll tell you, I drew my  
22 plan with the intentions of trying to beat a court  
23 challenge, to be honest with you. And I did everything  
24 I could with this plan to be able to defeat anybody in  
25 court.

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1 Jefferson County in the blue district you have drawn  
2 there. Do you know offhand what communities or cities  
3 those might be?

4 MR. TURNER: To be honest, I know exactly.

5 REPRESENTATIVE CURRY: Well, how about  
6 telling us.

7 MR. TURNER: You drew my map by what we call  
8 a district -- a census map. In other words, I drew  
9 precincts and boxes and junk like that. So I knew  
10 exactly what boxes we took, what precincts we took and  
11 all.

12 REPRESENTATIVE CURRY: Well, what happened to  
13 the City of Bessemer, where is it?

14 MR. TURNER: I can tell you to start with  
15 that nothing was left intact specifically. There was  
16 some of the City of Bessemer taken out and some left.

17 Birmingham on my map looked like this. That  
18 is exactly what I took out of the City of Birmingham.

19 REPRESENTATIVE CURRY: Oh, I like that map.

20 MR. TURNER: I do too. And I do have a match  
21 that I can show you exactly what precincts end and what  
22 exactly precincts out because I did my own precincts.

23 REPRESENTATIVE CURRY: You have a good plan.

24 MR. TURNER: And this -- that's the  
25 computerized list of what precincts is in and out and

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1 the numbers on each precinct.

2 I did leave Senator Horn out. And when I  
3 found out where he lived, I put him in. I was close all  
4 the time, but I finally found out where he lived. And  
5 the only change in my plans, I had to take one precinct  
6 out and put one precinct in to get Mr. Horn in, but it  
7 did not change my numbers at all, I found one to swap.

8 SENATOR HORN: His plan now has a chance.

9 MR. TURNER: Senator Horn is in.

10 SENATOR DIXON: Mr. Turner, you've got --

11 MR. TURNER: Who am I addressing?

12 REPRESENTATIVE BOX: Senator Dixon.

13 SENATOR DIXON: Mr. Turner, I'm wondering,  
14 you speak about lack of gerrymandering, you speak about  
15 compactness, but yet you have a very obvious corridor  
16 running across north Montgomery in order to pick up  
17 Macon County.

18 MR. TURNER: Exactly right.

19 SENATOR DIXON: Now, would not it be more  
20 compact if your plan included Lowndes County, which is  
21 contiguous to --

22 MR. TURNER: Lowndes County is in there.

23 SENATOR DIXON: I understand. Which is  
24 contiguous to west Montgomery only, and then pick up  
25 Washington County and some of the other Black Belt

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1 opportunity to run for this seat.

2 SENATOR DIXON: So what you're saying is,  
3 then you have split Montgomery County to give them a  
4 chance to run?

5 MR. TURNER: Now, wait a minute. I want to  
6 tell you -- I want to answer your question. And your  
7 question is, we are very concerned about giving Bullock  
8 and Macon County the opportunity to be involved in  
9 whatever senatorial -- congressional Black seat there  
10 is.

11 Now, also they're concerned, we are very  
12 concerned about having as large a Black population as we  
13 can. And we had chosen to use Washington County, which  
14 is about 35% Black, and had chosen to use Pickens  
15 County, we would have gotten a much smaller number of  
16 Black people from either one of those counties. And  
17 would have caused to have to use more Black people from  
18 Jefferson County, which I did not want to do because we  
19 also have a concern not to have one of these major areas  
20 top heavy. The Black community did not want to have a  
21 Birmingham instance where there's many more Blacks than  
22 in Montgomery or the Black Belt of Alabama. So we had  
23 all of those things to consider.

24 And in considering all these things from all  
25 angles, not just the Montgomery angle. I think I left

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1 counties rather than running a corridor across the top  
2 of Montgomery and unnecessarily splitting Montgomery  
3 County just to pick up Macon County.

4 MR. TURNER: Montgomery was not split for the  
5 purpose of picking up Macon County, I want to make sure  
6 that's clear. Montgomery was split, Montgomery was  
7 split for the purpose of getting every Black citizen I  
8 could into the Black district.

9 SENATOR DIXON: Well, if that's the case --

10 MR. TURNER: That's what I split it for.

11 SENATOR DIXON: -- I would think that  
12 Washington County and Pickens County and some of the  
13 other Black Belt counties that you've left out of your  
14 compact district over there would have been more  
15 reasonable to have been included than instead of running  
16 that corridor over there and pick up Macon County.

17 MR. TURNER: I think I explained to you in  
18 the beginning of why we chose Macon County.

19 SENATOR DIXON: No, you didn't.

20 MR. TURNER: Well, my reason was is because  
21 Macon County is one of the counties who have a large  
22 number of Black elected officials, and for years who  
23 have had Black elected officials.

24 We also understand that there are several  
25 people in that area who would like to have the

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1 everybody in Montgomery I could have left in there for  
2 Dickinson and did what we had to do.

3 REPRESENTATIVE BUSKEY: You said Dickinson or  
4 Dixon?

5 MR. TURNER: Dickinson or whatever his name  
6 is. I don't know. Whatever his name is down there.

7 SENATOR DIXON: Well, it just seems to me  
8 that you have unnecessarily split the county.

9 MR. TURNER: We couldn't get the same -- we  
10 could not get the same effect. I tried everything in  
11 the State of Alabama. And Washington and Pickens County  
12 does not give us the effect of having Bullock and Macon  
13 in terms of blackness.

14 You've got Macon County, which is about 90%  
15 Black, and Bullock County, which is about 80% Black.  
16 And the only way I could have got the rest of the Blacks  
17 is that I would have to go to Birmingham, which I didn't  
18 want to do, because I do two things when I get more  
19 Blacks from Birmingham.

20 One is, I make the Democratic seat weaker,  
21 and another one is I give the Black people a greater  
22 advantage of electing somebody in Birmingham than the  
23 rest of the state. And that was the concerns I had in  
24 trying to draw my stuff.

25 SENATOR HORN: The press is here, you don't

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mind me going ahead and adopting your plan?

MR. TURNER: No, I don't. I have no objection.

REPRESENTATIVE BOX: I have a question from Representative Thomas.

REPRESENTATIVE THOMAS: Basically all of the plans that tend to draw the predominately Black district you will find Montgomery County in it. I think your question was why take Montgomery County. You've got to have Montgomery County to get the numbers.

SENATOR DIXON: I'm not the least bit concerned about that.

MR. TURNER: That's what Montgomery County looks like, actual precinct by precinct.

SENATOR DIXON: The only thing I'm concerned about is that you're splitting the county in half, just cutting out half of Montgomery and putting it in another district. You're splitting the city in half is what you're doing.

REPRESENTATIVE THOMAS: True. But you're doing it in order to get the numbers.

SENATOR DIXON: So that is your statement and goal then, it's all right with you if we split the city in half in order to achieve the Black district?

REPRESENTATIVE THOMAS: If that's the only

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about.

SENATOR DIXON: Mr. Turner, these pink precincts --

MR. TURNER: That's the White. That's Mr. Dickinson or whoever.

SENATOR DIXON: You know, you're splitting neighborhoods here, you're getting --

MR. TURNER: Ain't no neighborhoods split. Everything I've got there is a -- absolutely not one precinct split. Everything I've got is solid precincts. I do not split precincts.

SENATOR DIXON: What I'm saying is, you've made a half moon around the City of Montgomery. You're coming over here from Southlawn, going up, picking up Chisom, going up and picking up east Montgomery, coming over here and picking up Carriage Hills and putting all of that into the Black district. And then you've just got a little finger of a pie coming in here and picking up. You're giving most of the City of Montgomery to the Black district.

MR. TURNER: We had to do that to be sure that your representative was in that white precinct. That's why we see that finger in there. Right there where your pencil is, is where the representative lives. We barely could get him in there. And I didn't want to

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way it can be accomplished. And according to the way I perceive it, you're going to have to have Montgomery in it.

SENATOR DIXON: So you're going to support a plan that does that?

REPRESENTATIVE THOMAS: Oh, absolutely.

MR. TURNER: Now, the only thing I would like to add is that we know, there is no question about this, that there's going to be a court suit from here to yonder if you don't put everybody you can in Montgomery County in that Black seat. We already know that. You might not, but I do.

So my personal, first concern was to give Mr. Reed every Black citizen he could get in Montgomery County. And I didn't want to have a fight with Johnny Ford and the rest of the Ford supporters in Tuskegee. These other people are not that hung up you named.

Gerrymandering, as far as I'm concerned, you know, if you're going to go draw a Black seat, you've got to gerrymander -- if you like to gerrymander, you can forget about having anything Black because you just can't do it no way. The Black people live in Birmingham, Alabama, they live in Mobile, and they live in Montgomery and the Black Belt of Alabama. And when you leave there, there are no more Black folks to talk

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draw a plan that didn't have him in it. So he's in there. I made sure that I get a written statement of where he lives.

SENATOR DIXON: What you've also gotten, Mr. Turner, is you've got the high growth white part of the City of Montgomery in your district also.

MR. TURNER: Well, I had to do it because I had to have some white folks to make my district up. I've got to have some white folk in there now remember. Ain't but 85,000 Black folks in Montgomery. And I've got to have a district that also 577,000 people in it. So I've got to have some white folk in that district.

So, you know, Montgomery had to lose some and some of them had to be white. It's about 50% really is. Whites and Blacks of Montgomery is about 50/50. But I wanted to be sure that I got every Black that I could get.

REPRESENTATIVE BOX: We have a question from Representative Thomas.

REPRESENTATIVE THOMAS: What is your composition -- have you done a tally of what the Black composition is in the Black Belt and compare it to Montgomery and Jefferson?

MR. TURNER: Well, let's say it this way.

REPRESENTATIVE THOMAS: Do you have any

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1 numbers?

2 MR. TURNER: Yeah, I've got it. But it's --  
3 I can explain it two different ways.

4 REPRESENTATIVE THOMAS: Explain it the way I  
5 like it.

6 MR. TURNER: In my theory, we've got three  
7 component parts of that district, in the Black district.  
8 And I considered the three components being Birmingham a  
9 component; Montgomery a component; and the Black Belt a  
10 component. And as near as possible I tried to give each  
11 one of those components a fair representative as  
12 possible in terms of having a chance to be elected. So,  
13 I ended up with 150,000 Black people out of Birmingham,  
14 which has the largest number of Blacks that I can get  
15 there.

16 As far as I'm concerned, I consider East  
17 Alabama and Montgomery to be kind of cousins. So if you  
18 put East Alabama and Montgomery together, you'll end up  
19 with roughly about 150,000 Blacks there or close to it,  
20 a hundred thirty, or something like that.

21 The Black Belt and Tuscaloosa goes together  
22 and they come up with something like 130,000. So you  
23 will find that the three entities that we considered  
24 ourselves in the Black community has about as equal  
25 chance as being challenged. And there is no entity can

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1 can get elected, Mr. Dickinson, because he won't have no  
2 Black to be in his way.

3 SENATOR DIXON: But he doesn't have his  
4 traditional power strength anymore, you've taken out the  
5 white neighborhood --

6 MR. TURNER: Well, he's still Dothan, Alabama  
7 down there, and he's still got Auburn, Alabama.

8 SENATOR DIXON: Yeah. But you've also taken  
9 out the white neighborhoods of Montgomery.

10 MR. TURNER: Now, I had to do that. Now, he  
11 can't have everything.

12 REPRESENTATIVE BUSKEY: He lost Montgomery in  
13 the last election.

14 SENATOR DIXON: Not in those districts.

15 REPRESENTATIVE BOX: This is not completely  
16 accurate. The current District Seven has 180,000 Blacks  
17 in it. And that's the nucleus of all, of both of these  
18 Black districts.

19 Now, that 180,000 includes a small number  
20 from Jefferson plus the ones from Tuscaloosa County. So  
21 you can probably figure there was roughly 150,000 in the  
22 Black Belt counties outside of Jefferson and Tuscaloosa.

23 REPRESENTATIVE THOMAS: Outside of Jefferson  
24 and Tuscaloosa.

25 MR. TURNER: The eight Black Belt counties

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1 win without the help of the other one.

2 Now, this has been a concern that we've  
3 discussed among ourselves. And we're trying to draw a  
4 plan that's going to satisfy the Black community more  
5 than we is anybody else.

6 We couldn't do nothing for the white folks  
7 but do what was already there. We got a district drawn  
8 that was suitable. And, of course, we would not like to  
9 have a seat drawn, I'm going to tell you now, that  
10 leaves East Alabama out of the Black seat because of the  
11 historical reasons. They had the very first Black  
12 elected official in the State of Alabama. And we think  
13 as folks going to Washington saying they represent Black  
14 folks they need to be representing where Black people  
15 are elected and not just some Black folks. And that's  
16 going to be my advice when I get to Justice or anywhere  
17 else.

18 And what I have drawn has given historical  
19 Montgomery its chance; historical Birmingham its chance;  
20 and historical Black Belt of Alabama its chance and the  
21 best man will win. And in doing that, I did not bother  
22 any new incumbents really, as far as I'm concerned.

23 Now, the man has a white district about 80%  
24 that you're concerned about. He has less than 25% Black  
25 people in there. So if white folks want him elected, he

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1 that we got in that district --

2 REPRESENTATIVE THOMAS: That's what I'm  
3 concerned about.

4 MR. TURNER: -- has a total Black population  
5 of 144,958 people -- no, total population.

6 The Black population of those eight counties  
7 88,697 people.

8 REPRESENTATIVE THOMAS: Give me those figures  
9 again.

10 MR. TURNER: For eight counties, it's  
11 144,958. And we've got 88,697 of them Black. Now,  
12 that's the eight counties. But in my theory of what I  
13 call the Black Belt, that is not exactly what I consider  
14 as being -- but that's the eight counties.

15 That does not include Marengo County and it  
16 does not include -- the Marengo County will give you  
17 another 12,000. And, of course, wherever you want to  
18 put Macon and Bullock, they would be in there somewhere  
19 too.

20 But based on what I generally know from my  
21 working for the State of Alabama, you've got a pretty  
22 balanced three part in the Black district. And in the  
23 white district you did not do anything to disturb them.  
24 We didn't mess with the Republicans no more than we had  
25 to.

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1 Jefferson County was the biggest county and I  
2 was concerned about it and I think I did all I could do  
3 to save Jefferson.

4 REPRESENTATIVE BOX: Let me make one  
5 observation on that point because we didn't really get  
6 into that on Senator Horn's plan earlier. You said it  
7 several times, you want to leave enough Blacks in  
8 Jefferson County in the current District Six?

9 MR. TURNER: That's true.

10 REPRESENTATIVE BOX: The current District Six  
11 has 36%? Congressman Ben Erdreich's district is 36%  
12 Black? Under your plan, Ben Erdreich's district is  
13 going to be -- let's see. Is that District Four?

14 MR. TURNER: Ben Erdreich is going to be  
15 District Seven now.

16 REPRESENTATIVE BOX: District Seven is going  
17 to be 15.16%. You're cutting him by more than half.  
18 And under Senator Horn's plan it's 6.7%. He's cutting  
19 him 30%.

20 MR. TURNER: That's the best I could do for  
21 him and still keep the Black district. Because  
22 Birmingham is the nucleus of where all the Blacks live.  
23 And I kept as small a number as I could and still have  
24 what I considered a 65% district.

25 And, of course, I had no other place to go

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1 and get the Blacks because I had gotten all I could out  
2 of the Black Belt and all I could in Montgomery. And I  
3 had gotten -- I put Tuskegee and Bullock in there to get  
4 the rest. So I really don't have any place to go to get  
5 them otherwise.

6 REPRESENTATIVE BOX: Looks to me like what  
7 you have done, although it may be a little more  
8 acceptable than what Senator Horn's plan says, what you  
9 have done is taken a significant portion of Congressman  
10 Erdreich's democratic support away from him, leaving him  
11 with some shaky ground I would suspect.

12 REPRESENTATIVE FLOWERS: Every plan does  
13 that, though, Mike.

14 MR. TURNER: We did all we could for him,  
15 everything I could, and still give him a Democratic  
16 Black seat.

17 REPRESENTATIVE BOX: One other observation.  
18 You've got one district with 66% Black; one's 28; one's  
19 25; and one's 19. Those are your highest concentrations  
20 of Blacks.

21 MR. TURNER: Where have you got one 28 at?  
22 That's Mobile. That's just like it was all the time.  
23 We didn't change Mobile.

24 REPRESENTATIVE BOX: You've got four  
25 districts that have close to 20% or better Black.

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1 MR. TURNER: Yeah.

2 REPRESENTATIVE BOX: And we saw today he had  
3 28, 23, 20 in Six and Seven, plus one was 18. So he has  
4 got about five districts that are close to that one.

5 MR. TURNER: Yeah. But he also would have a  
6 much weaker Black seat with that.

7 REPRESENTATIVE BOX: His Black seat is 67%,  
8 yours is 66. His Black seat is stronger than yours.

9 MR. TURNER: And I think you need to check  
10 his Black numbers too because he had too many in  
11 Montgomery.

12 REPRESENTATIVE BOX: These were done on the  
13 computer and they're accurate.

14 MR. TURNER: Okay.

15 REPRESENTATIVE BOX: There's a possibility of  
16 drawing a plan that would create a 60% Black district, a  
17 30% Black district and two 25% districts.

18 MR. TURNER: That wouldn't do us no good. I  
19 wouldn't be interested in that.

20 REPRESENTATIVE BOX: That would give you  
21 three significance impact districts.

22 MR. TURNER: I've got a real problem with  
23 that, I really do. I think that's the problem you just  
24 mentioned, I'm serious about that. And I don't think  
25 30% is much of an impact. I'm serious what I'm saying.

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1 I think the impact is going to be about the  
2 same regardless in all fairness. Other than the fact  
3 when you've got something like 30 or 35% Black people in  
4 a district, I personally don't think you've got much  
5 impact if the people ain't together anyway.

6 REPRESENTATIVE BOX: Better to have two 25's  
7 and a 30 than to have a 20, a 25 and a 28?

8 MR. TURNER: I'll answer that question in  
9 respect to what it does otherwise. I will speak in  
10 terms, what we do in terms of incumbents; what it does  
11 in terms of deviations. And I can't answer that  
12 question out of the clear blue because I -- and what it  
13 would do in terms of splitting ED's and this kind of  
14 thing, you know.

15 But now if you want to keep everything you  
16 can intact about any splits, try to keep incumbents as  
17 close as to home as you can, then I have to answer that  
18 question that way. But just on hypothetical numbers, I  
19 can't talk about. And that's what I feel like you're  
20 giving me there is hypothetical numbers.

21 REPRESENTATIVE BOX: Anybody else have any  
22 questions for Mr. Turner?

23 REPRESENTATIVE THOMAS: One final question.  
24 You gave a figure of 150,000 out of Birmingham. I know  
25 a great number of those are Blacks or all of those

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1 Blacks, are you talking about 150 total number out of  
2 Birmingham?

3 MR. TURNER: No. It's 170,000 total people  
4 left in Birmingham. 175,000 total people and 150,000 of  
5 them are Black people. And in all the plans that I have  
6 checked out without going to Mobile, and I do have a  
7 plan that has Mobile involved that I haven't scoped out  
8 properly.

9 REPRESENTATIVE THOMAS: You've got it in your  
10 back pocket?

11 MR. TURNER: But other than that, and  
12 considering anything else I need to consider, frankly  
13 speaking, I think the Black community, and I'm very  
14 serious about this, is going to have about as much  
15 impact the way I've got that plan drawn wherever, than  
16 you would if you split them all up and tried to use  
17 other stuff. And I think if we did you what you're  
18 talking, you would probably mess with incumbents there  
19 and Republicans and all that kind of stuff.

20 REPRESENTATIVE BUSKEY: My real concern, I  
21 think there is not going to be a whole lot of interest  
22 in a plan that does not give the Black district, I'll  
23 use 65, it could be a little less than that, 60.

24 And also from Senator Dixon's question about  
25 splitting up Montgomery, you've got to have two of the

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1 taking your time to come talk with us today.

2 SENATOR DIXON: Didn't he say he has another  
3 plan?

4 REPRESENTATIVE BOX: He does but the  
5 numbers --

6 REPRESENTATIVE THOMAS: It's in his back  
7 pocket.

8 REPRESENTATIVE BOX: We do have a copy of his  
9 Plan B.

10 MR. TURNER: Well, that would be simply  
11 putting Mobile in the district and takes out East  
12 Alabama, to be honest with you. And the reason I don't  
13 push it too hard because we've got Mobile and Montgomery  
14 and Birmingham in that and I think that's a little too  
15 much. And, of course -- but if somebody wants me to  
16 draw that --

17 REPRESENTATIVE THOMAS: Just keep that in  
18 your back pocket.

19 REPRESENTATIVE BOX: Is there anyone else who  
20 has not signed up who would like to address the  
21 Committee this morning?

22 If not, our next meeting is the day after  
23 Labor Day at three o'clock.

24 REPRESENTATIVE BUSKEY: Mr. Chairman,  
25 yesterday the chairman had the members of the

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1 metropolitan districts --

2 MR. TURNER: No doubt about it.

3 REPRESENTATIVE BUSKEY: -- or large county  
4 areas. You've got Montgomery, Jefferson, or Jefferson,  
5 Mobile, or Jefferson, Montgomery, and you can't draw a  
6 predominate Black district without those two, two of the  
7 three large metropolitan districts to pick from those  
8 counties in that district.

9 REPRESENTATIVE BOX: A question from  
10 Representative Flowers.

11 REPRESENTATIVE FLOWERS: I just wanted to say  
12 that I want to commend Mr. Turner for the concept  
13 politically that he has taken the three areas we would  
14 take the Black population from and given them equal  
15 representation, Jefferson County from the Black Belt and  
16 from the Montgomery area with his sort of similar  
17 numbers among the Black community.

18 He's also in Jefferson County given the  
19 Democratic incumbent, at least, a fighting chance by  
20 giving him 80,000. He's enhanced -- he's probably gone  
21 anyway, but what I'm saying is, he's given him a chance  
22 a little bit in that Republican district up there. So I  
23 want to commend you. Much better than Senator Horn's.

24 REPRESENTATIVE BOX: Any other questions of  
25 Mr. Turner? Thank you, Mr. Turner. We appreciate you

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1 congressional aids here stand and be recognized.

2 I wonder if we could have all of the  
3 congressional candidates, potential candidates stand at  
4 this time.

5 REPRESENTATIVE BOX: That may be a little  
6 premature.

7 Nothing else, the meeting is adjourned. See  
8 you the day after Labor Day.

12 END OF HEARING

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C E R T I F I C A T E

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, ROBERT KEITH KENNEDY, Notary Public for  
the State of Alabama at Large, hereby certify that I am  
the Court Reporter who made machine shorthand notes of  
the foregoing proceedings at the time and place stated  
in the Caption thereof; that I later reduced my  
shorthand notes into typewriting, or under my  
supervision; that the foregoing pages numbered three  
through fifty-four, both inclusive, contain a full,  
true, and correct transcript of proceedings had on said  
occasion.

I further certify that I am in no way related  
to nor employed by any of the parties, the witness or  
counsel, and that I have no interest in the outcome of  
this matter.

Given under my hand and seal this the 26th  
day of August, 1991.

  
Robert Keith Kennedy  
Notary Public

My Commission Expires  
September 5, 1994

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