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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

Mobile Gas Auditorium
2828 Dauphin Street
Mobile, Alabama

June 14, 1991

6:00 p.m.

SHORES REPORTING SERVICES, INC.

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

COMMITTEE MEMBERS
REPRESENTATIVE MICHAEL E. BOX, 96th House District,
Satsuma, Alabama.
SENATOR STEVE WINDOM, 35th Senate District, Theodore,
Alabama.

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3

P R O C E E D I N G S

June 14, 1991 6:00 p.m.

SENATOR WINDOM: Well, it's a little after
six and I guess it's time to go ahead and get started.
I appreciate y'all coming.

I'm Steve Windom, and I'm going to chair the
meeting tonight, which is the congressional
reapportionment hearings that are being conducted by the
Reapportionment Committee that's been appointed by the
Legislature, specifically the Speaker of the House and
the Lieutenant Governor.

With me tonight is my colleague, Mike Box,
who is the House representative on the Reapportionment
Committee for the First Congressional District. And the
Lieutenant Governor appointed me as the Senate
representative from the First Congressional District.

And we are going around the state holding a
series of hearings to get citizen input on how you think
reapportionment ought to be structured and how the
congressional districts ought to be structured in the
state.

With us is Marilyn Akers Terry, who is the
Executive Director of the Reapportionment Committee, and
also Keith Kennedy, who is our court reporter. And
he'll be taking down all of your statements when you

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4

come to tell us your ideas on reapportionment.

When you do come to the podium, I would ask
that you state your name and spell it if you would for
the court reporter before you make your statement. If
you have any written comments we would be happy to
receive them.

What we're doing, as I said, is going around
the state doing a series of hearings to get citizen
input on how congressional district lines should be
drawn, how you feel about where Mobile ought to be
placed in the congressional reapportionment process.
And then we'll be having meetings of our Committee and
we'll put together a reapportionment plan that we'll
submit to the Legislature.

The way the timetable is right now, the
numbers have to be ready for next year's qualification
for congressional races, and that date is April 3rd.
Those numbers have to be submitted to the Justice
Department ideally 120 days ahead of time and certainly
at least 60 days, but it's our goal to have them in by
the 120 day guideline limit, which would be December 3rd
of this year.

I know some of you have seen in the media
yesterday that we had some adjusted census numbers and
those will be finalized on July 15th. Since the

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Legislature will go out of session around July 30th, it's probably impossible that we could have a reapportionment plan approved by the Legislature by the time the regular session is over with. So it appears to us that there will be no choice but to have a special session in the fall in order to approve the reapportionment plan that we come up with.

One thing that I'll tell you is that our population has to be plus or minus 1% on a district by district basis on the seven districts across the state. Right now we're looking at an ideal population, these are with the numbers before yesterday, of 577,277. A total population based on the 1990 census is 593,911 in the First District as it is now. So there's a variation of 2.8%, which is greater than the ideal and that's a total of 16,084 people.

Based on the adjusted numbers that we got yesterday, assuming that they pan out, the ideal population would shift to 592,286, which would put the current population of our congressional district within the plus or minus 1% without making any changes whatsoever, and that's encouraging news.

The one thing that is a given in this reapportionment process is that we're going to create a district in the state that's going to be a Black

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7

answer any questions that you have.

A little more on the process. After we adopt the reapportionment plan in the Legislature it has to go to the Justice Department for clearance by the Justice Department. And then, frankly based on the changes that are going to be made across the state, I anticipate that there will probably be some litigation. I think that's a pretty good bet at this point. And hopefully we'll have, still be ready for our elections with our reapportionment plan and for qualifications on April 3rd.

Mike, do you have some comments you would like to make?

REPRESENTATIVE BOX: I'll wait until the end.

SENATOR WINDOW: Okay. At this time then we'll call on our speakers. And I'd like to call on our distinguished congressman, Sonny Callahan.

CONGRESSMAN CALLAHAN: Thank you Senator and Representative Box, it's nice to see you guys working so hard. I'm here tonight to share with you my thoughts on congressional reapportionment as it relates to the First Congressional District of Alabama. And I'll submit for your convenience a written statement for your records.

Having been in both the Alabama House during the reapportionment in the '70's and the Alabama Senate

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district. 65% Black population is the ideal population that the Committee is looking at. So there's quite a bit of discussion on how that district is going to be created.

I think that there is probably a pretty good chance that the First Congressional District, at least this point, may not be affected according to some of the plans that we have seen, although there have been some that we have seen that would dramatically change the district.

We had a hearing in Grove Hill Monday night I guess, wasn't it, Mike, and the residents of Clarke County very much want to stay in the First Congressional District. I don't think there's much doubt that Mobile County, or at least a majority of Mobile County, will remain in the First Congressional District. But there are all sorts of variations that could occur and that's why we need and appreciate your input tonight.

As far as how we're going to conduct this process -- of course, I've introduced the Committee members and the staff that are here. I've given you a little overview on the process and what we're doing, and I'll give you a little bit more in just a minute. And then we're going to have those of you that have signed up to speak to come and talk to us. And then we'll

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8

in the reapportionment of the '80's, I can certainly sympathize with the difficulty and demanding task that your committee has. Therefore, I will be the last person to presume to tell you how to divide up the state into equal parts.

But I would like to tell you that it has been my pleasure to state, honor, I suppose, to have represented the seven counties that now comprise the First Congressional District of Alabama. I hope and believe my office has developed a special relationship with every constituent who has asked for our assistance over the years. And I can tell you that I've enjoyed traveling through all seven counties, and especially enjoyed the great hospitality and reception that I have received there.

Therefore, it should come as no surprise that I ask you, to the extent possible, to keep the First Congressional District intact. As you are aware, the First District is approximately 16,000 -- this is with the old census -- residents over the ideal district number. But as you're also aware that small deviation even then is clearly within the previously accepted limit of plus or minus 2.5%.

Other than population, I hope that you will agree that the following three principles are critically

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important in creating a fair and effective congressional district. I mention effectiveness because I know as a congressman the worst vote you can cast on the floor of the House of Representatives is a vote that may help one part of your district but conceivably can harm another. The principles are compactness, community of interest and conformance to existing political, jurisdictional boundary. Geographical compactness is important in two ways.

First, if the district is too spread out geographically, then it becomes almost impossible for the member and the district office to adequately serve their constituents. I might add that probably 5 to 6,000 people have visited my office in the last five or six years. And it would be virtually impossible for them to visit my office or any office that was some 200, 225 miles away from the congressman's district office.

Secondly, compactness greatly affects community of interest. If geographical areas become too large, then community of interest is bound to suffer; that is, do we in Mobile have more in common with Baldwin County or Tuscaloosa County? Community of interest is the most critical aspect of the reapportionment in terms of casting votes on the floor of the House of Representatives. As I said earlier, the

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11

possible. I ask this, just not for me, but for the better representation of the citizens of Baldwin, Clarke, Escambia, Mobile, Monroe, Washington and Wilcox counties which presently comprise the First Congressional District.

You guys got a hard task in front of you and I sympathize with you, but I certainly appreciate, on behalf of the people of Alabama, what you're trying to do and; that is, to make this a fair place with fair representation in Congress and I know that you will do your job as fairly and as equitably as you can. Thank you.

SENATOR WINDOM: Thank you for your remarks. The next speaker is Doctor Joseph Mitchell.

DOCTOR MITCHELL: Thank you. Gentlemen, ladies, I am speaking and representing the interest of the community of the First Congressional District. And I come to you speaking for the Alabama New South Coalition, Mobile County chapter, where Celia Lutin is president.

At this point in time it is extremely important that we address the issue that is going to be one of the first of the state. And it concerns itself with the establishment of a district that is going to, at some point in time, be predominately Black.

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toughest choices are between one part of your district and another.

To the extent possible, counties and cities with like interests must be kept together; that is, Baldwin County and Mobile County, for example, both have interest in legislation that affects the Gulf of Mexico.

And finally there is conformance to existing political jurisdictional boundaries. To the greatest extent possible any congressional district should be a combination of both counties and cities; that is, don't put a part of the City of Mobile in one district and another part in another district.

A major factor in providing effective representation requires that citizens know who to contact for help. You should not need to know what street your congressman lives on to find out who represents you in Congress. Also congressmen should not be put in the position of getting grants or federal assistance for one part of a city or a county and letting someone else worry about the other half.

In summation because of the aforementioned factors please do your best to allow the First Congressional District to remain exactly the same. If changes are imperative to achieve some other goal, then please change this district as little as realistically

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Using the statistics that I have before the statistics that you have gave, we know for the purposes of this particular body of information at that time we had four million, forty thousand, five hundred and seventy and eighty-seven people in the State of Alabama approximately. We divide that by seven, giving us a total of 577,277 persons per district that can come up with the lines appropriate for that.

The perfect seat would be 577,227 people. This district that we're talking about will be 65% Black, and therefore will need 375,197 Black people in it. This is the information that we have.

Now, this plan, under the current information in terms of percentages, can't vary by more than 1%, plus or minus 1%. That amount of variance is, I assume, is allowed -- is designed to allow us not to allow us to set up a gerrymandering factor that might inappropriately include or exclude a particular population of people.

Furthermore, no district, no voting districts are supposed to be allowed to be split in counties only when necessary. And when counties are split, it is preferred that splits occur in large cities where voters are compact.

Not without an adequate amount of information

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1 I will say that the compactness refers now, to a certain
2 extent, to the compactness and the density of the
3 population of people that can have geographical
4 references but not necessarily.

5 We put it to you and suggest and recommend
6 that you look very, very closely at how these
7 populations of people and how the counties are set up.
8 When we look at where the people are in the state there
9 are only so many logical and arithmetical designs that
10 we can construct that's going to impact upon the state.
11 It's going to impact upon, as you mentioned, court
12 action and somebody is going to scream bloody murder
13 regardless of how you do it.

14 Our suggestion and recommendation that will
15 be presented at another point in time by the Alabama New
16 South Coalition at the state level is that you work
17 very, very diligently with the leaders in several
18 communities to come to an equitable solution that will
19 provide us with a new district that will enhance the
20 opportunities for all citizens of Mobile, Mobile County
21 and the State of Alabama.

22 The First Congressional District, as it now
23 exists, I believe consists of Clarke County, Monroe
24 County, Escambia County, Baldwin, Mobile and Washington
25 counties, I think that's right.

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1 MS. MURPHY: My name is Cecelia Murphy. I
2 think in one of your handouts you indicated that any
3 plan that is submitted would be a matter of public
4 record. I was just curious if y'all had any plans
5 submitted to you as a Committee, and if so, is it
6 possible for you to tell us what suggestions you have
7 and so forth?

8 SENATOR WINDOM: We have -- what's happened
9 at this point is, I think Representative Box and I have
10 been involved in the hearings in Grove Hill and this
11 hearing tonight and we've not had any submitted at
12 either one of those hearings.

13 But the staff has had in some of the other
14 hearings around the state some proposals submitted, I
15 think a total of three, Marilyn?

16 MRS. TERRY: Yes.

17 SENATOR WINDOM: We have two of those with us
18 tonight. One of them, I think, basically just takes
19 Wilcox County that's been proposed. And the other one
20 that we've seen to this point substantially changes the
21 First District and really moves us all the way over,
22 taking part of Dothan in, part of Houston County in.
23 But those are the two. What is the third one, Marilyn?

24 MRS. TERRY: The third one leaves the First
25 District very similar to the way it is now. It actually

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1 SENATOR WINDOM: Wilcox County.

2 DOCTOR MITCHELL: And Wilcox County. It is
3 very possible that that one recommendation that most
4 closely fits the allowable variance might possibly
5 exclude one of the current counties. We are going to
6 push, hopefully, for the equity associated with the
7 development of this new district.

8 We ask that you consider this information and
9 we ask that you please consider and continue to consult
10 with the diversity of leadership and fellowship in the
11 state and particularly so in the First Congressional
12 District as it now exists. Thank you very much.

13 SENATOR WINDHAM: Thank you, Doctor Mitchell.
14 I know we've had some folks come in late.

15 Judge Noonan, would you like to make some
16 remarks?

17 JUDGE NOONAN: Thank you, no.

18 SENATOR WINDOM: Any other persons in
19 attendance like to make any remarks before we close the
20 remarks portion of the public hearing? Going once,
21 going twice. All right. We'll close the remarks
22 portion.

23 At this point in time we'll move into any
24 questions that anyone has and we'll try and see if we
25 can't provide some answers. Yes, ma'am.

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16

1 splits Beville's district in half and the Fifth District
2 in half and creates a minority district that splits,
3 goes through Bibb County, splits Jefferson County and
4 comes across to pick up Macon and Bullock County.

5 SENATOR WINDOM: But those are the ones that
6 have been suggested at hearings. And, of course, we'll
7 take those into considerations when we start our
8 deliberations.

9 The last hearing I believe is in Montgomery
10 next week; isn't it?

11 MRS. TERRY: Next Wednesday at six o'clock.

12 SENATOR WINDOM: Next Wednesday at six
13 o'clock will be the last one and then we'll start
14 deliberations. Who has the next question?

15 DOCTOR MITCHELL: I need to get your specific
16 numbers on the population that you are currently using.
17 I think you mentioned it was five hundred ninety
18 something thousand?

19 SENATOR WINDOM: No. The one you had, the
20 numbers you had were correct, and, that is, the 577,227.
21 But we got the new numbers based on the numbers that
22 came in, they're not official, so we're not really using
23 them, but we just ran some quick numbers. Assuming they
24 became official on July 15th the current population of
25 the First District would be within plus or minus 1% with

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the present counties intact.

DOCTOR MITCHELL: My information to compactness pertains to population density. Does it do that or am I in error or how is it? Is it considered geographical compactness? And I can't -- I don't understand geographical compactness versus population compactness when you're talking about density and variations in populations.

MRS. TERRY: The guidelines that the Committee adopted actually say that districts will be created and be reasonably compact is the way -- we don't -- I don't think we go beyond defining --

DOCTOR MITCHELL: Nice legal term for saying --

MRS. TERRY: -- what, but we do say reasonably compact.

DOCTOR MITCHELL: But not deciding whether that means --

SENATOR WINDOM: That's not been defined as far as whether that's geographic or population. Probably a little bit of both.

MRS. TERRY: Right. There may be some, some federal, some case law, some precedent set, but that's what our legal counsel will be there to advise us on.

On page three of the reapportionment

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have to be a very, very strong effort made to see if it is possible and feasible to construct a congressional district that has a majority Black population. And depending on how that it is done the other surrounding congressional districts are likely to be impacted.

MS. MITCHELL: Thank you.

SENATOR WINDOM: Any other questions? Any other comments? Then we'll close the -- well, no, Mike you want to make some comments. Go ahead

REPRESENTATIVE BOX: I'm just going to add one thing. On that issue you probably noticed the maps around the room. Our staff has pulled a state map and the larger counties to show Black concentrations in the population. They're color coded according to what percent black population exists. One -- I think yellow is 30%; orange is 40; and red is 50%. You'll -- you can look and see which counties fall into one of those categories.

And then in the larger counties of Tuscaloosa, Montgomery, Mobile and Jefferson they've been broken down by precincts to show which precincts have various levels of Black voting population. All of that will be very instrumental in constructing a possible Black congressional district. So you can get an idea of some of the possibilities.

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guidelines, which is one of the handouts, criteria for legislative and congressional districts is set out. And under three, all legislative and congressional districts will be composed of contiguous and reasonably compact geography. So, it does speak to geographical areas there.

SENATOR WINDHAM: Any other questions?

MS. MITCHELL: Jenetta Whitt Mitchell. Is it -- does the Committee see a possibility of the district being drawn that will leave District One intact as it is?

SENATOR WINDOM: I think with the possible increase in population that we saw yesterday that there is a much greater possibility than there was when we did have a greater variance than we're trying to shoot for. Mike, what do you think?

REPRESENTATIVE BOX: I'm trying to figure out how to phrase this.

MS. MITCHELL: I'll accept his answer.

REPRESENTATIVE BOX: It's definitely possible, and for the folks in the First Congressional District it's very definitely preferable, but there will be at lot of other factors.

As Doctor Mitchell pointed out and Senator Windom mentioned at the beginning, there is going to

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The two plans that we have are up here. I don't think we have enough to hand out. So you may want to just take a look if you want to look and see what a couple of the proposals are.

I emphasize one more time to agree with what Senator Windom has said. The Committee has not drafted a plan. The members of the Committee have not met to even discuss structuring a congressional plan. All that we have done so far is solicit input and comments from the public. We'll start later this summer to actually draw up a congressional plan which will be introduced in all probability in a special session this fall. So at this stage we're open to your suggestions and your help.

SENATOR WINDOM: Judge Noonan.

JUDGE NOONAN: Is there such a thing as a prototype where you have your compactness, both in terms of density as well as geography, and then apply your ratios and then let the politics takeover after that, and history takeover, but do you have a prototype as an example?

SENATOR WINDOM: We do not have a prototype as such. We have -- and the public is invited to come to Montgomery. We have a very nice computer system that we're making -- what are the public days, Marilyn?

MRS. TERRY: On Fridays from 8:30 to 4:30 any

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1 member of the public who wishes to create a
2 congressional or a legislative plan can come to the
3 State House and actually work with a technical person to
4 create a plan.

5 SENATOR WINDOM: And you're welcome and we
6 invite you to do that. But we have a very nice computer
7 system that is set up with the numbers. And, of course,
8 it will have to be re-programed after July 15th. And I
9 guess cad cam, or whatever they call that fancy
10 engineering stuff, that you can draw lines and move them
11 around and see what effect that will have. So you can
12 come and we have all the numbers plugged in. And I
13 guess to that extent, we do have a prototype that you
14 can work with to try to create your vision for what the
15 congressional districts ought to look like. But we do
16 have that available and encourage people to come and
17 help us come up with a plan that will suit the needs of
18 our state. Anybody else have -- Marilyn, do you have --

19 MRS. TERRY: I was just going to say that two
20 of the three statewide proposals that we've received as
21 a result of these hearings have been drafted on the
22 computer system in the State House.

23 One of them was actually drafted with some
24 numbers and then he came to verify his numbers on the
25 computer and actually see what the plan would look like.

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1 way down to the streets that surround this auditorium
2 and get the population for this block. And that is
3 totally up to you where you want to select the lines.

4 As you make changes to one district, a report
5 on the screen automatically shows you the population
6 with the five race categories, total population and
7 voting age population broken down by race. And it also
8 shows you how you effect all the districts around it as
9 you make a change to an individual district.

10 DOCTOR MITCHELL: I've seen Auburn
11 University's program work. So I was wondering if it was
12 basically the same, computerized in the same package?

13 MRS. TERRY: Well, we're all using the TIGER
14 files, the geographic map files that were produced the
15 Census Bureau. And that's tied with the public law
16 data, the census data that came out.

17 SENATOR WINDOM: And that would be a big help
18 to anybody that would like to try to come up with their
19 own district and we would be glad to have them come and
20 use the system. That's what it's for. Anyone else have
21 a question or a comment?

22 Thanks for coming. And we hope to have
23 something good before the year is out. Thank you.

24
25 END OF HEARING

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1 JUDGE NOONAN: How do they define
2 compactness?

3 SENATOR WINDOM: Really, what the guidelines
4 that we established talk about geographical at this
5 point, but I'm sure that the population will also fit
6 into that as well.

7 MRS. TERRY: All of the districts, I guess
8 first thing as they've been drafted, were based on
9 population. And they've been trying to come up with
10 districts that would fall within that plus or minus 1%.
11 And I guess, except for one plan, most of them have --
12 they've used the base plan to start working from and not
13 completely start it over with a plan, but you certainly
14 could do that if you chose to.

15 DOCTOR MITCHELL: If I understand correctly,
16 the computer program that's in use effectively looks at
17 the populations, not necessarily the existing lines?

18 MRS. TERRY: Well, the -- as you pull up the
19 computer, as you pull up -- it's a statewide map. And
20 we've got the 1980, the current congressional plan in
21 the system, or you could start from a base plan of
22 Alabama without any existing district lines. But it has
23 county boundaries, precinct boundaries and goes all the
24 way down to an individual census block basis. So on the
25 computer we could go from a statewide map and go all the

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C E R T I F I C A T E

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4 I, ROBERT KEITH KENNEDY, Notary Public for the
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7 foregoing proceedings at the time and place stated in
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12 transcript of proceedings had on said occasion.

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

17 Given under my hand and seal this the 24th
18 day of June, 1991.

21 
22 Robert Keith Kennedy
Notary Public

23 My Commission Expires
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