

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

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COMMITTEE MEMBERS

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

SENATOR STEVE WINDOM, 35th Senate District, Theodore,  
Alabama.

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

2       June 14, 1991

6:00 p.m.

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

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

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

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

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

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1       come to tell us your ideas on reapportionment.

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

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

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

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

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

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

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

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

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

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

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

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

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1 answer any questions that you have.

2 A little more on the process. After we adopt  
3 the reapportionment plan in the Legislature it has to go  
4 to the Justice Department for clearance by the Justice  
5 Department. And then, frankly based on the changes that  
6 are going to be made across the state, I anticipate that  
7 there will probably be some litigation. I think that's  
8 a pretty good bet at this point. And hopefully we'll  
9 have, still be ready for our elections with our  
10 reapportionment plan and for qualifications on April  
11 3rd.

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

14 REPRESENTATIVE BOX: I'll wait until the end.

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

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

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

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

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

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

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

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

10 First, if the district is too spread out  
11 geographically, then it becomes almost impossible for  
12 the member and the district office to adequately serve  
13 their constituents. I might add that probably 5 to  
14 6,000 people have visited my office in the last five or  
15 six years. And it would be virtually impossible for  
16 them to visit my office or any office that was some 200,  
17 225 miles away from the congressman's district office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25          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                   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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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 splits Bevill'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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1 the present counties intact.

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

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

13 DOCTOR MITCHELL: Nice legal term for  
14 saying --

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

17 DOCTOR MITCHELL: But not deciding whether  
18 that means --

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

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

25 On page three of the reapportionment

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

7 SENATOR WINDHAM: Any other questions?

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

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

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

19 MS. MITCHELL: I'll accept his answer.

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

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

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

6 MS. MITCHELL: Thank you.

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

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

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

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

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

14           SENATOR WINDOM: Judge Noonan.

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

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

25           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 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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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

SHORES REPORTING SERVICES, INC.

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 twenty-three, 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 24th day of June, 1991.

  
Robert Keith Kennedy  
Notary Public

My Commission Expires  
September 5, 1994

SHORES REPORTING SERVICES, INC.