

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

October 2, 1991

9:00 a.m.

**SHORES REPORTING SERVICES, INC.**

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P R O C E E D I N G S

October 2, 1991

9:00 a.m.

REPRESENTATIVE CAMPBELL: We have a quorum. I assume the Republicans caucus will come in out of the hall at the appropriate time.

Fellow committee members before we commence reviewing the plans, we cut things down, one of the matters that is floating around is a plan that has been proposed, it has not been submitted to us, that creates two districts that have a majority Black population in them.

This plan, I believe, is something that the National NAACP has submitted to us in a format that was incompatible with our computer. They sent us a list of what counties would comprise or what parts, the counties and parts of counties that would comprise the two Black districts and said y'all figure out what the other five districts look like. But based on Alabama's population, theoretically it's possible to have two districts that have a Black population and a majority.

And one of the things that we have done is I wanted to ask for some testimony on the feasibility of such a plan because somebody's

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1 going to draw one and somebody is going to submit  
2 it and this is as a good a time as any to request  
3 some feelings, particularly from those that are  
4 effected.

5 At this time I'm going to call on  
6 Mr. Joe Reed. Mr. Reed would you tell us.

7 It's nice of all you folks in the  
8 Republican caucus to join us.

9 SENATOR CORBETT: Now, wait a minute.  
10 I'm not in the Republican caucus, I was just out  
11 there lobbying.

12 REPRESENTATIVE CAMPBELL: Mr. Reed.

13 DOCTOR REED: Mr. Chairman and members  
14 of the Committee I have two or three things I  
15 would like to say in opening.

16 First, I would like to thank you for  
17 inviting me to participate and allowing me to  
18 participate before this very important committee.

19 I would also say while we're standing I  
20 do strongly encourage, and I would commend you for  
21 the way you're going about your job and the  
22 seriousness of it, I do commend you for that.

23 And I would say to you that as Judge,  
24 the late Judge Richard Reeves said, I think if you  
25 go back and look at the court opinion in the case

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1 of Buskey, not Buskey, but Burden versus Hobby,  
2 that was the most recent legislative  
3 reapportionment case where you are now under where  
4 Judge Johnson was citing Judge Reeves' statement  
5 that said he had longed for the day when the  
6 Alabama Legislature would do its constitutional  
7 duty. And went on to commend the Alabama  
8 Legislature for passing a reapportionment plan  
9 that they said met the constitution.

10 Of course, Judge Reeves has passed  
11 away, but he was an Alabamian whose soul and  
12 everything rested in this state and so was Judge  
13 Johnson. They were simply saying that they were  
14 just, in effect, glad to see the Alabama  
15 Legislature do its duty on this last  
16 reapportionment plan. That was 19 -- the plan  
17 which you're now serving under.

18 And I say that only to say again to you  
19 here today that I would strongly encourage you and  
20 call upon you and I know you will, do your duty in  
21 this reapportionment plan. That is to say, that  
22 while there are some plans before you, and all of  
23 us who drafted plans would encourage that plan be  
24 adopted.

25 I'm kind of reminded of the statement

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1 Abraham Lincoln made in his second inaugural  
2 address that he said both the North and the South  
3 both prayed to God for victory. Let each side be  
4 victorious over the other. But he says very  
5 obvious God wasn't going to answer both prayers.

6 And I know it's kind of like these  
7 reapportionment plans. Everybody has a plan out  
8 and they want the Legislature to take their plan,  
9 they think it's somehow endowed with some  
10 ingenuity that no other plan has in it.

11 So I would say that it is very obvious  
12 the Legislature can't adopt all plans, but I would  
13 ask you to do one thing is, not withstanding all  
14 other, adopt a plan that meets the law.

15 You have taken an oath to uphold the  
16 Constitution of Alabama and the Constitution of  
17 the United States and I would urge you to adopt a  
18 plan that meets the law first, it has to meet the  
19 law first.

20 I would not be intimidated by the  
21 executive branch of the government saying it's not  
22 going to call a special session, so what. And I  
23 don't think you've got to worry about that. I'd  
24 wait until to the regular session, in fact, maybe  
25 save some money. If they want to call one, fine,

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1 but if it does not want to call one, don't worry  
2 about that, pass it in the regular session and  
3 you've got time to pass it.

4 The last time around it took us three  
5 days to get the last plan precleared. John  
6 Teague, you remember so well, that we carried the  
7 plan up on Thursday, I received a call from Brad  
8 Reynolds, I believe that Saturday, says stay here  
9 until Monday so we can have a joint press  
10 conference so we can hail the Alabama plan as a  
11 model for the nation.

12 And I'll have you to believe now if you  
13 go to the Department of Justice, Civil Rights  
14 Division, you will find a picture of Alabamians  
15 hanging in that Frederick Douglas Room  
16 representing Alabama. Roy Johnson was there and  
17 some others were there, but I just happen to see  
18 two persons who participated in that various ways.

19 But the point I'm trying to make is, it  
20 took us three days to get a plan precleared. I'm  
21 not suggesting to you that it would take only  
22 three days for this. I'm suggesting to you that  
23 you do have time. If no special session is  
24 called, you do have time to pass a plan. And I  
25 wouldn't fret and be intimidated. And I don't think

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1 that the Legislature of Alabama ought to have to  
2 commit to anybody in advance of what it's going to  
3 do on a legislative reapportionment plan in order  
4 to get a special session of the Legislature.

5 I think you've got an obligation to  
6 meet the law. And the most you ought to commit to  
7 is we will pass a plan that satisfies the United  
8 States Constitution; that satisfies the 1965  
9 Voting Rights Act; and one to the extent that  
10 you're required to do so to satisfy the Alabama  
11 Constitution and that's your obligation. And I  
12 will call on you to do that.

13 I know that oftentimes there's somebody  
14 been involved in some judicial mischief, judge  
15 shopping and that's okay, except that, you know,  
16 and I commend you for saying to your lawyer that  
17 do whatever is necessary. And I think one of you  
18 said yesterday, I believe it may been  
19 Mr. Campbell, I think the paper quoted him as  
20 saying, that they thought the case may have been  
21 premature and that's okay.

22 But that's not the big thing. The most  
23 important thing for you to do is, if you pass a  
24 plan that meets the Constitution, you don't have  
25 to worry anybody else because the judiciary has a

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1 responsibility to uphold the Constitution. But  
2 you do -- if you -- the only way this state will  
3 fall short is for you not to do your duty. And I  
4 will call upon you to do it. I know you know how  
5 to do it, you're capable of doing it and I know  
6 you've got the courage to do what you're suppose  
7 to do.

8 Now, turning to some of these other  
9 plans. I do understand, and I've been dealing  
10 reapportionment, for the person for the record, I  
11 know you're trying to get in the record, so I'll  
12 help you out a little bit. I'm not being  
13 facetious, I just want to lay it out.

14 I'm Joe Reed, I'm Chairman of the  
15 Alabama Democratic Conference. I'm 53 years old;  
16 I'm a native Alabamian; I've studied Alabama  
17 politics carefully since 1960.

18 I've been involved in numerous  
19 political battles, won some and lost some.

20 I've been involved in many  
21 reapportionment plans, won most, because basically  
22 we fundamentally believe that you must follow the  
23 law.

24 And we have been involved in  
25 legislative reapportionment plan, the Kirvin Plan,

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1     which the Alabama Legislature has operated. Was a  
2     plan that I was the chief architect for that  
3     particular plan. That was the first plan that  
4     passed this Legislature, passed the Justice  
5     Department, and was blessed by the United States  
6     Middle District Court, Judge Frank N. Johnson  
7     presiding. That plan you and I operated under.

8             I've also drafted a plan for the State  
9     Board of Education, in which the State Board of  
10    Education is now operating under. That's a case  
11    called Watkins versus Hobby, I believe it is. And  
12    that case involved the reapportionment of the  
13    Alabama State Board of Education. That plan  
14    resulted in two Blacks being elected to the State  
15    Board of Education out of eight, a membership of  
16    eight.

17            The first Blacks were elected to the  
18    State Board since -- that was the first Black who  
19    were elected to the State Board since 1874.  
20    Peyton Finley was the last Black to serve on the  
21    State Board of Education in Alabama. Well, that  
22    plan now has two Blacks, that plan resulted in two  
23    Blacks being elected. One, of course, being  
24    Reverend Willie Paul and Doctor Ethel Hall.

25            I have also drafted, chief drafter for

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1 the city council plan that we currently are under.  
2 Montgomery has four Blacks out of nine on the  
3 Montgomery City Council.

4 The current plan for the Montgomery  
5 School Board, Montgomery School Board has four  
6 Blacks out of seven on the Montgomery School  
7 Board. Those are district plans.

8 Also there are numerous other plans  
9 across the State of Alabama we've helped to draft,  
10 helped to participate. And we're very pleased  
11 about our record of success.

12 In drawing a reapportionment plan one  
13 doesn't have to be a genius, just have to have the  
14 know how and be willing to meet the law. In every  
15 plan we've drafted we've simply turned to the  
16 lawyers and said what's the law, and the lawyers  
17 said this is the law. They said this is the law.  
18 We simply follow the law and that's why we have  
19 been successful.

20 One doesn't have to be a genius, just  
21 have enough courage to follow the law. So I want  
22 to get that in the record.

23 Now, there's a plan, one of the plans  
24 before you now is commonly referred to as the  
25 Reed-Buskey Plan. That plan satisfies, has one

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1 Black district, several influence districts. The  
2 counties, seven counties are divided in that  
3 particular plan. And someone alluded yesterday, I  
4 saw in the press where they said that the current  
5 congressional district plan is only two counties  
6 divided.

7 But I'll have you to know now your  
8 current congressional districts are  
9 malapportioned. If you don't know that they are  
10 malapportioned. They were malapportioned when  
11 they were passed ten years ago, we just didn't  
12 bother it, didn't have the time, we were so busy  
13 trying to do the legislature reapportioned. But  
14 the congressional district plan which you operate  
15 under the last ten years is malapportioned. It  
16 did not follow the one-person, one-vote. They  
17 just got by for ten years but that's over now  
18 because it's a different day.

19 But -- so the fact that only two  
20 counties were divided was not something that was  
21 so good and great about it, it's just that nobody  
22 challenged the makeup.

23 If you draw, or if anyone draws, I  
24 don't think anyone has drawn a plan yet that has  
25 no deviations and left -- has less than two

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1 counties divided.

2 Now, I have not counted all of the  
3 counties to determine all of the plans to  
4 determine how many counties are divided in each  
5 plan. But I would say to you that the plan we  
6 have does divide seven counties and it has one  
7 district.

8 Now, I understand there's another plan  
9 that the NAACP has floated about and I tip my hat  
10 to the NAACP for what it has done over the years.  
11 I have not yet been able to put that plan together  
12 because it is not a plan in its totality. So in  
13 order to judge a plan, one must see it in its  
14 totality. You really can't take a plan and loop  
15 some counties together or loop some census tracts  
16 together or loop some districts together and say  
17 this is a plan. You don't know where you're going  
18 to go land when you finish.

19 So -- but I have not seen a plan yet  
20 and I do not take the position under no  
21 circumstances can a Black win a district that's  
22 less than 65% Black. I don't take that position.

23 However, I do take the position -- I  
24 have not seen a plan presented around here that  
25 I'm willing for a Black to run in for a

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1 congressional seat because there are several  
2 factors, and I think you have to get this down,  
3 this is very important, aside from population,  
4 that satisfies the one-person, one-vote theory,  
5 but there are some other practical effect that one  
6 must look at.

7 Also you get to the question of your  
8 VAP, your voting age population. Your voting age  
9 population varies from as much 3, I guess, to 5%  
10 from your total population. Which means if your  
11 total population, let's say is, I'll just pull out  
12 a figure, 60%, then you're voting age population,  
13 let's pull out a figure, is 56%, maybe 4% less.  
14 Then once you get to your voting age population,  
15 then you've got to get your voter registration  
16 figures, which are usually among Blacks less than  
17 Whites. That may be as much, as high as a 3%  
18 variation.

19 Then you get, not only your voter  
20 registration population, then you've got to get  
21 your voter turnout. Then even aside from your  
22 voter turnout, when you take in the fact that many  
23 Blacks have not yet, even this day and time, never  
24 still because of education and what have you,  
25 don't have all of the political skills that Whites

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1 have had who have been operating government for  
2 hundred and hundred of years, then that's another  
3 factor.

4 Then you get into your factor, your  
5 economic factor in a campaign, that's your raising  
6 money. Most Black candidates can't raise money  
7 among poor Black folks, they don't have any.  
8 We're unemployed and you also get your  
9 quasi-captive vote. What's the captive vote,  
10 that's the quasi-captive, that's the vote that  
11 White folks still control among Black folks,  
12 that's the best way to put it.

13 We used to call it captive vote where  
14 they use to load them up on the truck and take  
15 them down and vote them. That had happened,  
16 though, during a period of reconstruction. But  
17 I'm talking about now where you've got a  
18 quasi-captive vote where many Blacks are still  
19 subjected to the influence of their employers and  
20 so forth where they simply don't know.

21 So all these factors, we put all these  
22 elements together, I have not seen a plan that put  
23 these elements together that will give us hope of  
24 electing two Black congressmen. I wish that I had  
25 a plan that could do that.

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1                   So, in a nutshell, based on what I  
2                   have, what I have seen and what I understand all  
3                   these plans to be, I have not seen one that would  
4                   give us that result.

5                   Thank you, Mr. Chairman. I appreciate  
6                   y'all listening to me.

7                   REPRESENTATIVE CAMPBELL: Thank you,  
8                   Mr. Reed. Does anybody have any questions of  
9                   Mr. Reed about his testimony?

10                  SENATOR DIXON: Only a comment, Mr.  
11                  Chairman, is his definition of quasi-captive vote.  
12                  I think a proper definition, that's the vote that  
13                  Joe Reed doesn't control.

14                  DOCTOR REED: Thank you, Larry.

15                  SENATOR CORBETT: Have you two ever  
16                  agreed on anything?

17                  REPRESENTATIVE CAMPBELL: I'd like to  
18                  hear now from Jerome Gray, also from the Alabama  
19                  Democratic Conference.

20                  MR. GRAY: Good morning. Thank you,  
21                  Mr. Chairman. I'm Jerome Gray, State Field  
22                  Director for the Alabama Democratic Conference. I  
23                  too have reviewed all the plans that have been --  
24                  that have come before this committee and I've seen  
25                  a number of plans that I do feel would enable a

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1 Black candidate to be elected in a majority Black  
2 district.

3 There has been some discussion  
4 regarding whether two majority Black districts can  
5 be created in the State of Alabama. And I have  
6 seen the proposed NAACP proposal and have talked  
7 with some of their attorneys about the plan that  
8 they have floated around in this state. I've  
9 looked at the plan and I have serious reservations  
10 regarding whether Blacks can get elected in either  
11 one of the districts under their proposed plan.

12 The plan proposes, it's a partial plan,  
13 you don't see the whole plan, so that certainly  
14 concerns me that you're looking at just a piece of  
15 the puzzle. And they based the plan on precinct  
16 data and you really don't have the whole plan in  
17 front of you to analyze. And they do cut up a lot  
18 of counties in drawing the two proposed majority  
19 Black districts.

20 The one thing -- the one concern that I  
21 have is Joe outlined the things we look at in  
22 terms of whether we think a district will be able  
23 to elect a Black candidate. And looking at those  
24 two districts they're right on the borderline,  
25 about 61%. Looking at the voting age population

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1 in both those districts, the voting age population  
2 falls under 55% in terms of Black voting age  
3 population in those two districts.

4 And if you look at the counties that  
5 make up the two districts, even though they rely  
6 upon urban centers for picking up their  
7 population, but they also combine a lot of rural  
8 counties in their plan, their proposed plan.

9 And one thing I know that is, in trying  
10 to turn out the Black vote in rural areas it's  
11 more difficult because you have, you know, more  
12 miles to cover, more folk, you know, longer  
13 distance to go pick up folk and it's just more  
14 difficult to turn out folks when you have more  
15 counties involved and more rural areas making up  
16 that proposed district.

17 The NAACP has used the argument that  
18 there are districts around the nation where Blacks  
19 have won in less than, say, 65%, that is true.  
20 But if you look at the Black congressmen who have  
21 won in districts that are less than 65% Black  
22 they're virtually all in urban centers.

23 The only district, congressional  
24 district that I know of, a nationwide Black  
25 district where you have a Black congressman, is in



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1 Mississippi where you have a district that's less  
2 than 65% that's not in an urban area. You have --  
3 Mike Epsey does have Jackson, and it goes out in  
4 the Mississippi Delta, but that's the only other  
5 place. Every other Black congressional district  
6 is located almost totally within an urban center  
7 where it's easier to turn out the vote and  
8 mobilize your voting population.

9 But under these two districts that's  
10 proposed by the NAACP, they rely upon a lot of  
11 rural counties to make up that population base to  
12 create those two districts. And I have serious  
13 concerns about whether either one of those  
14 districts could elect a Black.

15 The other thing that I don't know from  
16 looking at their plan is whether any of the  
17 incumbents, present incumbent congressmen are in  
18 those two districts.

19 As Joe talked about the captive vote,  
20 one thing that we know is that you do have Blacks,  
21 who will for whatever reasons, support White  
22 candidates in races. And particularly if you've  
23 got a White incumbent in either one of those two  
24 proposed districts, then you can see the problem  
25 that might create where you have a White incumbent



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1 in one of those two, or in either one of those two  
2 proposed districts. And we don't know whether  
3 there is an incumbent congressman in one of those  
4 districts.

5 I think in all the other plans that  
6 have created a majority Black district, there is  
7 not a White incumbent in the majority Black  
8 district, maybe with the exception of, maybe, one  
9 or two plans that I saw. But I think usually the  
10 plans, most of the plans that came before this  
11 committee tried to avoid putting an incumbent in  
12 the majority Black district. But I can't say  
13 whether that NAACP plan dodges putting a White  
14 incumbent in those two districts. Thank you.

15 REPRESENTATIVE CAMPBELL: Anybody got  
16 any questions of Mr. Gray. We also have with us  
17 this morning, we have Ms. Lillian Jackson, who is,  
18 I understand, is the chairman of the state NAACP;  
19 is that correct?

20 Ms. Jackson, we'd like to hear from  
21 you. We're glad to have you with us today.

22 MS. JACKSON: Good morning. I do  
23 represent the Alabama State Conference of Branches  
24 of the National Association for the Advancement of  
25 Colored People. And I think first off I need to,

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1 perhaps, clarify something that has transpired  
2 that may have caused some confusion. The NAACP  
3 has not submitted a plan with two districts. I  
4 think a suggestion came down from our national  
5 office and inadvertently, perhaps, a copy was  
6 submitted to this committee as well. And I think  
7 there are some other persons, perhaps, who are  
8 supporting that plan. But that is not the plan  
9 that the NAACP in Alabama is supporting.

10 We have some very serious problems with  
11 a two district plan. We believe that a plan that  
12 only has 60% Black population is not what we would  
13 consider a safe district. And it would have only  
14 approximately a 56% voting age population. We  
15 think that a plan would need to have, at least,  
16 65% Blacks in a district with at least 61% voting  
17 age population.

18 We see a number of other problems with  
19 a two district plan as well. We do have a large  
20 number of rural counties. And I don't want to go  
21 into a lot of things, repeat what has already been  
22 said, but it is a very strong concern of the  
23 NAACP, and we are a nonpartisan organization, but  
24 we are very concerned in political matters.

25 And in Alabama, in a Black district,

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1 regardless if it's one or two, it would have to  
2 encompass a large number of rural areas. And  
3 history has proven that we have more difficulty in  
4 getting people registered to vote in rural areas;  
5 more difficulty in getting them to the polls to  
6 vote and, therefore, we would have very serious  
7 problems with a plan that would only have about a  
8 60% Black population.

9 Realistically it would lessen the  
10 chances of getting a minority or a Black elected  
11 to Congress. It would weaken our ability to raise  
12 funds or the candidate's ability because the  
13 resources would be greatly split.

14 So, at this point, we have looked at a  
15 number of plans that have been submitted to this  
16 committee. And the NAACP here in Alabama set up a  
17 committee, we studied the ones that have been  
18 submitted to you, and we have decided and taken a  
19 vote that the plan that we see at this particular  
20 point that we would most support would be the plan  
21 that was drawn by Representative Buskey and some  
22 others.

23 So I do want to clear the record. We  
24 do not support a two district plan. Currently we  
25 support the plan that Mr. Buskey worked on and I

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1 believe that is one that people are referring to  
2 as the ADC Plan. Thank you.

3 REPRESENTATIVE CAMPBELL: Thank you,  
4 Ms. Jackson. Anybody got any questions of  
5 Ms. Jackson? We appreciate your coming today and  
6 Jerome and Joe Reed we appreciate y'all being with  
7 us today.

8 We went a long way yesterday under the  
9 able guidance of Senator deGraffenried. I told  
10 him I thought he ought to preside again and he  
11 said no.

12 SENATOR WINDOM: Lightning doesn't  
13 strike twice.

14 REPRESENTATIVE CAMPBELL: So the baton  
15 has passed. And I guess now we'll open the floor  
16 to committee members and see if we want to try to  
17 go further than we went yesterday or what  
18 procedure we want to take.

19 I recognize Representative Box.

20 REPRESENTATIVE BOX: Thank you, Mr.  
21 Chairman. In looking at the five plans that are  
22 remaining, there are three that are very similar,  
23 so similar, in fact, that I think with  
24 modifications within a matter of minutes they can  
25 be converted from one to the other. That's the

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1 plan that I have remaining, the plan offered by  
2 Senator Dixon, and the plan drafted by Senator  
3 Mitchell.

4 My suggestion at this time is going to  
5 be to eliminate two of those so that we will then  
6 have three totally different approaches left on  
7 the table. So with that thought in mind, I'm  
8 going to move at this time to indefinitely  
9 postpone my plan and to indefinitely postpone  
10 Senator Mitchell's plan.

11 SENATOR CORBETT: Second that motion,  
12 Mr. Chairman.

13 REPRESENTATIVE CAMPBELL: And that  
14 would leave us with the ADC Plan, Dixon Plan and  
15 the least acceptable of the remaining three.

16 SENATOR CORBETT: Mr. Chairman, if  
17 you'd like to entertain a substitute motion, I  
18 think probably you and I have some of the same  
19 reasons there.

20 REPRESENTATIVE BOX: Let's take this  
21 one at a time.

22 SENATOR CORBETT: Well, wait a minute.

23 SENATOR DEGRAFFENRIED: Let's don't get  
24 carried away. I would like the Chair to entertain  
25 a substitute motion to IPP the Box, Mitchell, and



1 deGraffenried, ditto, Plan 25.

2 SENATOR DEGRAFFENRIED: I've got a  
3 substitution motion to that. We report 25 out and  
4 the Dixon Plan and the Reed Plan.

5 REPRESENTATIVE CAMPBELL: Do y'all want  
6 to go through all these procedures. Let's go with  
7 what Mike Box has proposed, which is to  
8 indefinitely postpone his own plan and the --

9 SENATOR CORBETT: I second the motion.

10 REPRESENTATIVE CAMPBELL: -- Mitchell  
11 Plan; is that right?

12 And there's a second by Senator  
13 Corbett. Is there any discussion about this? All  
14 right. All in favor of Representative Box's  
15 motion say aye. Opposed no. Anybody want to be  
16 on record as voting no?

17 Then the Box Plan E, Mitchell Plan 3  
18 are now indefinitely postponed and what we have  
19 remaining are three plans.

20 SENATOR DIXON: Mr. Chairman.

21 REPRESENTATIVE CAMPBELL: Senator  
22 Dixon.

23 SENATOR DIXON: Representative Box has  
24 done a tremendous amount of work on this and  
25 obviously he has a tremendous interest and a lot



1 of energy and I commend him on the motion he just  
2 made. And I think it was done in an effort to  
3 move this committee forward and to be able to  
4 accomplish our responsibility as legislators and I  
5 commend him for the work he has done and the  
6 motion he has made.

7 REPRESENTATIVE CAMPBELL: We will issue  
8 a certificate of commendation at the appropriate  
9 time. And considering some of the plans that he  
10 made, perhaps, y'all might want to make him an  
11 honorary Republican.

12 Representative Ford. Then I'll get to  
13 Senator Corbett.

14 REPRESENTATIVE FORD: We are down to  
15 three plans and that's the only three we've got  
16 before the Committee as I understand it.

17 REPRESENTATIVE CAMPBELL: That's  
18 correct.

19 REPRESENTATIVE FORD: Would it be  
20 proper to entertain a motion now to let this  
21 committee take these three plans to the  
22 Legislature now?

23 REPRESENTATIVE CAMPBELL: That's -- any  
24 kind of motion like that would be in order. And  
25 we, of course, we can do whatever we want to. I

1 want to make sure that everybody understands that  
2 once we get to the legislative process that all 25  
3 plans, plus a few others, will probably be back on  
4 the table.

5 SENATOR DEGRAFFENRIED: Mr. Chairman,  
6 members of the Committee, with respect to the plan  
7 that I offered yesterday, I've got a substitute  
8 plan.

9 What it does, and I'd like to get,  
10 John, if you would, whoever has got copies of  
11 this, to please pass them out. It makes two  
12 changes.

13 It accommodates Congressman Callahan as  
14 far as Crenshaw and Monroe counties are concerned.  
15 That's the only change that is made. And if we're  
16 going to report three plans out, I would like for  
17 this plan to be.

18 SENATOR DIXON: Move to adopt the  
19 substitute.

20 REPRESENTATIVE CAMPBELL: So we now  
21 have Plan 25-A.

22 Representative Buskey.

23 REPRESENTATIVE BUSKEY: I understand  
24 what the Co-chairman is trying to do --

25 REPRESENTATIVE CAMPBELL: Y'all hold it



1 down and let Representative Buskey have the floor.

2 REPRESENTATIVE BUSKEY: I understand  
3 what Senator deGraffenried is trying to do with  
4 his plan. In looking at it in all fairness I  
5 think this is the most unrealistic plan I have  
6 seen. And there is no way that I can see that  
7 this plan would ever have much of a chance passing  
8 the Legislature.

9 The configuration of a Black district  
10 takes it from East Alabama, Macon, Bullock  
11 counties, Pike County to Mobile to Jefferson to  
12 Tuscaloosa and Greene. And I just don't see -- I  
13 think it's just too unrealistic. Like I say, I  
14 think I know what he is trying to do and it just  
15 does not cut it in trying to even provide any kind  
16 of compactness. And I -- well, I'll just wait to  
17 make any kind of motion.

18 REPRESENTATIVE CAMPBELL: We're going  
19 to give everybody the opportunity to speak.

20 Senator Corbett now.

21 SENATOR CORBETT: Mr. Chairman, I guess  
22 I basically concur with what Mr. Buskey has just  
23 said, probably in different reasons. We're down,  
24 you know, we've done a monumental job coming from  
25 25 down to 3 plans. And I, for one, I had always



1     longed for this committee to report out one plan.  
2     And I have come to the conclusion that that's  
3     probably not possible simply because the remaining  
4     two plans that I think are acceptable are  
5     variations of so much else that we have had put  
6     before us. And as you so aptly stated earlier,  
7     when we go in session some version of these 25  
8     plans is going to surface anyway as modifications,  
9     amendments, substitutes or whatever.

10             The plan that Senator deGraffenried has  
11     in front of us, while it may accommodate Senator  
12     -- Congressman Callahan or others, it obviously  
13     skews some congressional districts around all over  
14     the state, acknowledging what Mr. Buskey has said  
15     about the obvious makeup of the purported  
16     Congressional District Two.

17             Congressional District Three skews all  
18     over the place and runs in what I consider an  
19     unacceptable fashion as being from that part of  
20     the state. I'm sure there are others in this  
21     room, that, for whatever reason, may find it that  
22     one of these other districts that I'm not so  
23     familiar with skews all over the place.

24             I think that we find ourselves in a  
25     posture of being in a situation where we can put

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1 out a purported quote, unquote, "Black Plan," one  
2 that appears to be fairly acceptable to this  
3 committee.

4 And I think through Senator Dixon's  
5 efforts, that we find ourselves in the posture in  
6 having a plan that we would call, quote, unquote,  
7 a "Republican Plan," that this committee could  
8 find some merits in.

9 And at the proper time I'm going to  
10 move or will vote with someone else, or if someone  
11 else makes a motion before I do, to indefinitely  
12 postpone Plan 25. And that's in all due deference  
13 to the pro tem, but simply I don't think we ought  
14 to put three plans out of this committee that are  
15 so radically different that it does not signal  
16 anything to anyone as far as some coming together  
17 of this committee.

18 As we presently sit, if we put out  
19 these three plans, they are so radically different  
20 that we are simply saying that this committee is  
21 so indecisive that it can't even come to some sort  
22 of conclusion and report something out.

23 I ask you to, at least, think about  
24 that when the proper time comes as far as getting  
25 to a vote.

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1           SENATOR DEGRAFFENRIED: I would like to  
2 respond to that. And I'm going to ask John Teague  
3 to speak also. But members of the Committee we're  
4 down to trying to come up with something to  
5 recommend to the Legislature. And one of the  
6 things that I think that we have always tried to  
7 keep in mind is that we would love to preserve the  
8 integrity of all the congressional districts, but  
9 it's just not humanly possible when we know that  
10 we've got the responsibility to create one Black  
11 district.

12           There have been some discussions  
13 between our current congressional delegation, and  
14 I'm going to let Mr. Teague address those, and,  
15 obviously, we can't satisfy everybody, and I  
16 understand. I talked with Congressman Browder  
17 this morning.

18           SENATOR CORBETT: I don't need to talk  
19 to him, I can just look at the map.

20           SENATOR DEGRAFFENRIED: I understand  
21 that. But that's where the -- and, again, it  
22 still preserves him as far as an incumbent and  
23 electability, it just may be inconvenient. But we  
24 may have to inconvenience somebody, but we can  
25 still pretty much design a district where they can

1 be successful.

2 John, do you want to speak to that?

3 MR. TEAGUE: Thank you, Mr. Chairman,  
4 Committee members. If I could just briefly  
5 address this plan, and I will be brief, and also  
6 give you some background on this, the reasonings  
7 that went in behind this plan.

8 Originally I was contacted by  
9 Congressman Erdreich's office and Congressman  
10 Harris' office about representing them in the  
11 redistricting proposal. And at that time I  
12 thought that I would be representing the entire  
13 congressional delegation. But what has transpired  
14 is basically I'm representing Congressman Erdreich  
15 because after a visit to Washington it became  
16 apparent that everyone was interested, or most  
17 everyone was interested in preserving their own  
18 area and cared little about anything else.

19 In this plan I think that, other than  
20 the numbers, that you also need to look at the  
21 political considerations of members of this  
22 Legislature. In this plan there is a 65% Black  
23 district. It also has a 61.2% voting age Black  
24 proportion in this Black district.

25 I think that an effort was made in the

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1 ADC Plan to take in a large segment of the Black  
2 population out of Jefferson County and they  
3 accomplished this. In meeting with the different,  
4 various peoples that I met with we also wanted to  
5 maintain a large segment of the Black population  
6 in Jefferson County. And those people who have  
7 expressed an interest in running for Congress in  
8 the Black district are covered within this area.  
9 There is some 117,000 voters I believe out of  
10 Jefferson County.

11 You also have a consideration where you  
12 have with the other group, organized group in the  
13 state, the New South Coalition who were unhappy  
14 with the Reed Plan and had expressed so to me.

15 At the same time Senator Figures, who  
16 is a very influential and powerful senator,  
17 Senator Sanders who is also influential and  
18 powerful, do not support the other plans, but they  
19 do support this plan. They said that this  
20 encompasses what they desired, which is a portion  
21 of Mobile, predominately a Black population out of  
22 Mobile. And it also includes Perry, Hale and  
23 Greene counties, which they wanted included within  
24 this plan as well as taking in the Jefferson  
25 County portion.

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1           It's my understanding that with the  
2           effort that was made by Congressman Callahan last  
3           week, the last week of the session, and the  
4           support that he had to preserve his district as  
5           intact as possible, this was done within this  
6           plan.

7           Congressman Harris is in support of  
8           this plan.

9           Congressman Erdreich is in support of  
10          this plan.

11          And I want to be extremely careful  
12          about what I say about Congressman Bevill, but  
13          Congressman Bevill said he can live with the Reed  
14          Plan or this plan. He does support or endorse  
15          either one.

16          Congressman Cramer says that since he  
17          isn't effected, that he has no problems and he --  
18          and I don't want to say support this plan, but  
19          certainly does not oppose it.

20          The opposition, the basic opposition  
21          comes from Congressman Browder, who is my  
22          congressman and also a personal friend. And it  
23          takes Talladega County out of his district and  
24          goes down into Barbour, Henry and takes some  
25          12,000 votes out of Houston County, which they are

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1 Black, predominately Black votes.

2 I am convinced, myself, after looking,  
3 because my interest is to try to preserve the  
4 Democratic congressional districts. And to keep  
5 those incumbents who have built years of seniority  
6 in Washington because, unlike the state  
7 legislature where a freshman can come in and  
8 display talents, in Washington it is 99%  
9 seniority, and the longer you're there, the more  
10 powerful you become. So this was a real concern  
11 of -- that went behind this plan.

12 Excluding Lee and Russell counties,  
13 Congressman Browder still has approximately  
14 300,000 population in counties north of Russell  
15 and Lee County which he would consider his base.

16 The counties that are included are  
17 Democratic counties with Henry and Barbour County  
18 and the portion of Houston County is also  
19 Democratic.

20 The congressman has received tremendous  
21 support out of Lee and Russell counties the times  
22 that he has run, even though he had a person who  
23 resided in those counties that ran against him.

24 So I'm firmly convinced that  
25 Congressman Browder's position is not jeopardized.

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1 I think it is a district that will remain  
2 Democratic and I think that he will remain as a  
3 congressman. If I were not convinced of that,  
4 then I could not lend support, support simply this  
5 for personal reasons.

6 And I would like to ask you, taking all  
7 of these factors into consideration, and I can  
8 assure you that if some of things that I've  
9 addressed are not considered, if you just report  
10 the two plans out, if they're not considered, then  
11 there is going to be opposition and the threat of  
12 the courts and the threat of a lot of other things  
13 will probably come true.

14 And I think that if we had -- if you  
15 had three workable plans that have logical reasons  
16 too, and has support from various people within  
17 the legislative process, then you'll come close to  
18 having a consensus than if you were to just report  
19 the two out because the entire Legislature then  
20 could act on those.

21 I'll be happy to respond to any  
22 questions.

23 REPRESENTATIVE CAMPBELL: First of all,  
24 we're going to have Representative Thomas.

25 REPRESENTATIVE THOMAS: Mr. Chairman,



1 Co-Chair, I really have a great deal of problem  
2 respectfully for this plan.

3 First of all, it encompasses some 20  
4 counties, that's the first thing, and it extends  
5 east to west to extreme south into Mobile.

6 I talked with the chairperson, or the  
7 president of Alabama New South last evening.  
8 Alabama New South really does not have a problem  
9 with a district that does not encompass Mobile.  
10 That was the position that was stated to me on  
11 last evening. As a matter of fact, the president  
12 indicated that she would be here today to speak to  
13 that if necessary.

14 I think their concerns, more so than  
15 anything, is that they want to keep the Black Belt  
16 as contiguous as possible in that Choctaw, Sumter,  
17 Greene and would Hale be a part of the Black Belt.  
18 I think that can be accomplished with the Dixon  
19 Plan and merging it with somehow the Reed Plan. I  
20 think those two plans are the best plans, working  
21 instrument going to the Legislature with.

22 And because of that, my idea is to  
23 report these two plans out and let's see can we  
24 come to some common ground in as much as they're  
25 both somewhat similar. And this plan here is

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1 totally different from those two plans. I think  
2 we can use those two plans, merge them and have a  
3 workable situation, where this tends to cloud  
4 everything as far as the members of the  
5 Legislature is concerned.

6 With that, Mr. Chair, I respectfully  
7 and I reiterate, that I respectfully would request  
8 that we would lay this plan on the table.

9 REPRESENTATIVE CAMPBELL: We're going  
10 to get around to everybody. We'll go with Senator  
11 Corbett and then Senator Dixon wants to be heard  
12 and Representative Rogers and we're going to hear  
13 everybody.

14 SENATOR CORBETT: I want to ask a  
15 question of Mr. Teague. You indicated, if I heard  
16 you right, that -- let me preface my question by  
17 saying that as a member of the Committee I'm not  
18 committed to try and save any congressman's seat,  
19 I'm simply committed to trying to get a plan that  
20 works and that the Feds will approve and that this  
21 Legislature will approve.

22 But you made the remarks to a fact that  
23 Henry and Houston counties, the portion of it that  
24 you depicted in this map in your defense of  
25 protecting Congressman Browder, along with the



1 couple of congressmen, I assume, who are paying  
2 for your services, that Henry and Houston counties  
3 were Democrat.

4 Now, in the maps that I have looked at,  
5 in both the '90 governor's race and the past  
6 presidential race, those two counties were  
7 decidedly Republican counties.

8 Are you telling me that those maps are  
9 inaccurate? I realize that there are Democratic  
10 legislators in terms of state legislators, but in  
11 terms of congressional, presidential and  
12 gubernatorial, those counties, which you have told  
13 this committee are Democrat, are decidedly  
14 Republican.

15 MR. TEAGUE: With all due respect,  
16 Senator Corbett, the portion of Houston County  
17 that is taken out and put in Congressman Browder's  
18 district is 55% Black. It is not the Dothan area,  
19 which is the bulk of the population which carries  
20 Houston County Republican.

21 And I don't mean to --

22 SENATOR CORBETT: What about Henry?

23 MR. TEAGUE: In Henry County in the  
24 congressional races have supported the democratic  
25 nominees.

1           SENATOR CORBETT: What about the  
2 gubernatorial race and the presidential race?

3           MR. TEAGUE: Senator Corbett, I think  
4 that you and I both know in the gubernatorial  
5 race, and in the senatorial race, that they  
6 probably, I don't know, but I'll take your word,  
7 they went Republican. In the congressional race  
8 it went Democrat.

9           SENATOR CORBETT: I'm operating off of  
10 memory, but I've got a map in my office that  
11 depicts some of this and I think I'm correct in  
12 saying that Henry County has consistently gone  
13 Republican.

14          MR. TEAGUE: Not in congressional races  
15 and not in legislative races, state legislative  
16 races.

17                 And in the senatorial race, Henry  
18 County went 73% for the democratic nominee.

19           SENATOR CORBETT: Well, let me finally  
20 say that I'm going to echo what some other folks  
21 have said and I'm going to hush.

22                 The two plans that we have, other than  
23 this one, have some workability, this plan for  
24 those of us in the Third District, I think you  
25 will see when the time comes to vote is



1 unacceptable. Apparently, a goodly number of  
2 Blacks on the Committee find it unacceptable  
3 because of the gerrymandering effect that it does  
4 all over the state to get the purported Second  
5 District.

6 And I'm either going to make a motion  
7 or concur with the motion at the proper time, that  
8 we indefinitely postpone this plan and produce two  
9 plans coming out of this committee that have, not  
10 only a Black interest, but also have a nonpartisan  
11 or Republican interest as the case may be, Senator  
12 Dixon. And that, at least, we've got two workable  
13 plans that are somewhat compatible, instead of  
14 just saying that this committee is so indecisive  
15 that we're going to throw three plans out there,  
16 recommending absolutely nothing would be the  
17 effect of. Thank you, Mr. Chairman.

18 REPRESENTATIVE CAMPBELL: Senator  
19 Dixon.

20 SENATOR DIXON: Senator Teague, what is  
21 the number of counties that are divided in this  
22 plan?

23 MR. TEAGUE: Senator, I don't have that  
24 number.

25 SENATOR DIXON: It looks to me like

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1 it's a higher number than some of the other plans.  
2 Obviously, you know, this is adverse to  
3 Congressman Dickinson.

4 MR. TEAGUE: Yes, sir.

5 SENATOR DIXON: And I must say, I  
6 readily and wholeheartedly concur with your  
7 explanation of how valuable many of the democratic  
8 congressmen are in this state and how their  
9 seniority has been instrumental in achieving great  
10 gains for Alabama.

11 I would like to echo those comments to  
12 include Congressman Dickinson who has been there  
13 since 1964 and has been more than instrumental in  
14 securing all of kinds government projects and  
15 defense department projects for the entire State  
16 of Alabama. And then because it does treat him so  
17 adversely, I cannot support it either.

18 REPRESENTATIVE CAMPBELL: Let me ask a  
19 question about this. I note that it, and, I guess  
20 what's now the Third Congressional District, that  
21 there is some 82,000 people in Montgomery County  
22 that are put in this district. Does that also  
23 include Congressman Dickinson's hometown or not,  
24 address?

25 SENATOR DIXON: I can't tell.

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1 REPRESENTATIVE CAMPBELL: Or is  
2 Congressman Dickinson and Congressman Browder  
3 thrown against one another in this as they were in  
4 another plan?

5 MR. TEAGUE: Yes, sir, they are.

6 REPRESENTATIVE CAMPBELL:  
7 Representative Rogers.

8 REPRESENTATIVE ROGERS: Mr. Chairman, I  
9 think this plan is viable, I think it's  
10 reasonable, I think it's rationale and I also  
11 think it's legal.

12 Now, every plan I have seen looks like  
13 some Chinese puzzle, and true, this one is. And  
14 I've heard a number of people mention, make a  
15 projection of what they think the courts will do.  
16 And it's an opinion from everybody I've heard that  
17 that's where, whatever plan we pass, will wind up  
18 in the court for the court to determine what is  
19 proper. But it is my judgment and belief that  
20 this one will stand because we're in a unique  
21 situation due to the fact that we have got to, to  
22 put it simple I would say, gerrymander to get a  
23 Black district. That's what this whole thing is  
24 all about really.

25 And to do that, we're going to have to

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1 run from one side of the state to the other. And  
2 I think that the deGraffenried Plan meets all of  
3 the requirements that have been stipulated to us  
4 regarding preservation of districts, one-man,  
5 one-vote and so on down the line. And I would  
6 encourage you to let's put this plan out on the  
7 floor also.

8 Thank you, Mr. Chairman.

9 REPRESENTATIVE CAMPBELL:  
10 Representative Buskey.

11 REPRESENTATIVE BUSKEY: Mr. Chairman,  
12 thank you. An additional comment I wanted to make  
13 about this particular plan, and, of course, some  
14 of the comments, you know, if our only objective  
15 was to draw a Black district, then that may be one  
16 thing, but there are some other considerations as  
17 well you know about an overall plan.

18 Now, my biggest concern, of course, is  
19 for the make-up of a Black district. And I think  
20 there is some economic factors to be considered.  
21 When you talk about the person or persons running  
22 from the district, with this kind of  
23 configuration, and the media outlets that he has  
24 to serve these areas that he's going to have to  
25 advertise on this kind of campaign in this

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1 district is one factor.

2 I think there's no way that this  
3 district can be called compact. And I think you  
4 would be stretching it to say that it's  
5 contiguous, even though the lines connect. I  
6 think it's stretching it to say that it's  
7 contiguous in that sense because stretching all  
8 the way down really, with regard to what I'm  
9 looking at here, all the way down into Mobile,  
10 which is extreme south. And I guess the only  
11 reason for going up to the center of the state is  
12 to go up into Birmingham, around Shelby and up  
13 into Birmingham in order to pick up any Blacks up  
14 there. This would be an expensive campaign for  
15 anybody, an expensive district for anybody to run  
16 in.

17 And for those reasons and many others,  
18 I guess, we haven't had a chance to break this  
19 plan down, but I don't think it's a workable plan.  
20 And it would be unfair to Blacks to even to be  
21 forced to run in this district.

22 SENATOR DEGRAFFENRIED: Can I respond  
23 to that?

24 REPRESENTATIVE CAMPBELL: Let me get --  
25 I'm going to get Representative Flowers, and then

1 I'll get Senator deGraffenried.

2 REPRESENTATIVE FLOWERS: Mr. Chairman,  
3 I concur with my colleague, Mr. Buskey, that this  
4 plan is one I think that it would be laughable if  
5 it weren't for the deference of our committee  
6 Co-chairman who's a good friend of my mine. I  
7 think he's -- because of this deference we're  
8 looking at it. This is the least homogeneous plan  
9 I've ever seen presented to the Legislature. It  
10 stretches the Black district like a snake all over  
11 the state, it's kind of hard to imagine.

12 Furthermore, the one prevailing view  
13 that we had in our public hearings in the  
14 Southeast Alabama area of the state commonly known  
15 as the Wiregrass, is the one thing we were united  
16 on, all the members of the Legislature from that  
17 area is that we keep our area known as the  
18 Wiregrass intact. It splits it in half and uses  
19 us kind of as a dumping ground for the rest of the  
20 state, even to the point of coming in and getting  
21 part of Houston County, you know, which I could  
22 hardly imagine anybody in that area would be for  
23 that.

24 There are certain programs that effect  
25 the Wiregrass, especially the peanut program, that

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1 a congressman could not represent this area and  
2 work diligently on that program.

3 So I would say this, if it were not for  
4 Senator deGraffenried, who is a good friend of  
5 mine and member of this committee, this plan is  
6 pretty laughable. So I urge us to indefinitely  
7 postpone it.

8 REPRESENTATIVE CAMPBELL: I'm going to  
9 let Senator deGraffenried respond to that and then  
10 we'll get to Senator Horn.

11 Senator deGraffenried.

12 SENATOR DEGRAFFENRIED: I appreciate  
13 all the political rhetoric, it's great play in  
14 your hometown newspapers.

15 Representative Buskey, there is no  
16 cheap congressional race in the State of Alabama.

17 REPRESENTATIVE BUSKEY: I agree.

18 SENATOR DEGRAFFENRIED: So you know  
19 whoever is going to run it's going to be  
20 expensive, whether they're Black or White.

21 Now, as far as this plan is concerned,  
22 Representative Flowers, obviously, everybody is  
23 not going to be happy. I'm not happy with the  
24 Reed Plan, quite frankly. I don't like it any  
25 more than you like mine, Representative Thomas.

1 REPRESENTATIVE THOMAS: I can  
2 appreciate that.

3 SENATOR DEGRAFFENRIED: But this is a  
4 viable plan and I'm going to ask members of the  
5 Committee to report this plan out at the proper  
6 time.

7 REPRESENTATIVE CAMPBELL: Senator Horn.

8 SENATOR HORN: Yes, sir. In due time  
9 and in deference to my chairman, I'm going to have  
10 to ask him to go back and get him another plan for  
11 a lot of reasons and some of them may I state.

12 And being one of the first ones on this  
13 committee that traveled throughout these United  
14 States at reapportionment hearings we heard and  
15 digested a lot. And some of that we heard dealt  
16 with that we must bring back a plan that met  
17 certain criteria. And out of those, one-man,  
18 one-vote; they must be contiguous counties,  
19 districts; the preservation of county lines;  
20 protecting the incumbents. Furthermore, thinking  
21 in terms of more ways, institutionalized ways of  
22 thought patterns of people that they think alike.  
23 This plan here violates all of that.

24 First off, we have too many counties  
25 involved, the splitting of too many counties.

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1 Long story short. Justice told us  
2 whatever you do, do not bring back a plan that  
3 looks like a salamander, do not bring back a plan  
4 that looks like a salamander. Those were the  
5 verbatim words. And here we have a plan, not only  
6 looks like a salamander, but looks like a sick  
7 amoeba.

8 Ryan, get you another one.

9 SENATOR DIXON: Mr. Chairman, I think  
10 the Chair --

11 REPRESENTATIVE CAMPBELL: Senator  
12 Smith. The long, silent Tennessee Valley will now  
13 be heard.

14 SENATOR SMITH: Mr. Chairman, members  
15 of the Committee, I am not really ecstatic about  
16 Ryan's plan, but I wanted to say this for the  
17 record.

18 This is obviously done to assist  
19 Representative Harris. Representative Harris cast  
20 one of the crucial votes in Congress to preserve  
21 the space station which is really critical to my  
22 district. And he did that at some personal  
23 sacrifice potentially to his district visa-vis  
24 that that money was going to be used for some  
25 housing program. I talked to him and he delivered

1 one of the critical votes and it was something  
2 that took a lot of courage and I think it was  
3 something that was essential for, not only for my  
4 district, but for the security of the nation.

5 And for that reason, you know, I'm  
6 committed to assist him in helping him in any way  
7 that I can.

8 REPRESENTATIVE CAMPBELL:  
9 Representative Box.

10 REPRESENTATIVE BOX: Thank you,  
11 Mr. Chairman. In all fairness, I don't know how  
12 many of the members of the Committee have looked  
13 at congressional plans of other states, but if you  
14 do, I think you'll see that the plan offered by  
15 Senator deGraffenried is actually fairly compact  
16 compared with what some other states have done.

17 In all fairness, we've got three very  
18 different approaches and I don't particularly like  
19 the plan offered by Senator deGraffenried, but  
20 then I'm not overly fond of the plan offered by  
21 Representative Buskey either. But if we're going  
22 to submit more than one plan anyway, I see no  
23 rationale for eliminating deGraffenried's plan and  
24 not Reed's.

25 REPRESENTATIVE CAMPBELL:

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1 Representative Box.

2 REPRESENTATIVE THOMAS: Could I make  
3 one comment as it relates to Congressman Harris?

4 REPRESENTATIVE CAMPBELL: Quick.

5 REPRESENTATIVE THOMAS: It will be  
6 quick. I wish to state for the record that it is  
7 certainly my hope and my desire that we can  
8 accommodate the good congressman from West  
9 Alabama. And I think that it can be done with the  
10 Reed and the Dixon plan. It's my intent, my whole  
11 intent to support that effort as it relates to  
12 some of the other guys.

13 So I think that we can still accomplish  
14 what I believe that you wish to accomplish with  
15 the two plans. But the plan that you've submitted  
16 here causes me all kind of grief and for that,  
17 again, respectfully, I would like to lay it on the  
18 table this plan at this point.

19 SENATOR CORBETT: Are you making a  
20 motion?

21 REPRESENTATIVE THOMAS: Indefinitely  
22 postpone.

23 SENATOR CORBETT: I'm going to second  
24 Mr. Thomas' motion.

25 REPRESENTATIVE CAMPBELL: We're not

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1 going to cut off anybody.

2 REPRESENTATIVE THOMAS: I withdraw it.

3 REPRESENTATIVE CAMPBELL: No. You go  
4 and make a motion and second the motion.

5 SENATOR DEGRAFFENRIED: Let me do this.  
6 Rather than having to go through two votes, John,  
7 what I want to do is get this substitute adopted.  
8 And then if you want, instead of having --

9 SENATOR DIXON: There's a motion on the  
10 table, I made a motion and you seconded it.

11 REPRESENTATIVE CAMPBELL: That's true.  
12 We've got a motion to substitute his Plan 25-A for  
13 Plan 25, which I think just swapped two counties  
14 around.

15 SENATOR CORBETT: I think the proper  
16 motion would be, rather than split all the votes  
17 up, just substitute motion to indefinitely  
18 postpone the Plan 25 and appending substitute.

19 REPRESENTATIVE CAMPBELL: You can do it  
20 that way if you want to.

21 SENATOR DIXON: I'd speak to that  
22 motion.

23 REPRESENTATIVE CAMPBELL: Now, is that  
24 what you want to do?

25 Representative Thomas has moved that



1 Senator deGraffenried's, all of his proposals,  
2 both the one that's already before the Committee  
3 and the one he has proposed to substitute be  
4 indefinitely postponed and Senator Corbett has  
5 seconded that. I'll recognize Senator Dixon.

6 SENATOR DIXON: It's been the tradition  
7 in the Legislature, the years that I have been  
8 here, when a sponsor of a resolution or a plan or  
9 a bill asks to substitute and have the substitute  
10 be considered as the new proposal, that it is a  
11 traditional responsibility that I feel to allow  
12 him that courtesy. And, therefore, I would urge  
13 you to table the substitute motion that would  
14 supersede my motion to adopt the substitute on the  
15 floor as a courtesy to Senator deGraffenried.

16 REPRESENTATIVE THOMAS: Let me simply  
17 withdraw my motion out of courtesy.

18 REPRESENTATIVE CAMPBELL: Without  
19 objection, we'll do that. Is there any further  
20 discussion about the substitution?

21 SENATOR CORBETT: This is a vote on  
22 adopting the substitution?

23 REPRESENTATIVE CAMPBELL: This is a  
24 vote on substituting the plan. And, Senator, you  
25 might want to one more time tell everybody what

1 the difference is between the plan, as it's now  
2 before the Committee, and the one that you're  
3 proposing.

4 SENATOR DEGRAFFENRIED: The only  
5 difference is that it swaps, Crenshaw, is it,  
6 John?

7 MR. TEAGUE: Monroe and Crenshaw and  
8 Dale.

9 SENATOR CORBETT: That's all the  
10 questions.

11 REPRESENTATIVE CAMPBELL: The question  
12 then is to adopt the substitute. Is there anyone  
13 that wants a roll call vote on this? All in favor  
14 of adopting the substitute say aye. Opposed no.  
15 And we now have Plan 25-A.

16 Now, Representative Thomas.

17 REPRESENTATIVE THOMAS: I renew my  
18 motion now to move to indefinitely postpone.

19 SENATOR CORBETT: I second the motion.

20 SENATOR DEGRAFFENRIED: I'll ask for a  
21 voice vote.

22 REPRESENTATIVE CAMPBELL: There is a  
23 motion by Representative Thomas and seconded by  
24 Senator Corbett to indefinitely postpone Senator  
25 deGraffenried's plan. And the Senator has asked



1 that the ayes and no's be called for. And the  
2 Secretary will call the roll.

3 SENATOR DEGRAFFENRIED: I urge you to  
4 vote no.

5 THE SECRETARY: Senator Barron.  
6 Representative Bowling.

7 REPRESENTATIVE BOWLING: Aye.

8 THE SECRETARY: Representative Box.

9 REPRESENTATIVE BOX: No.

10 THE SECRETARY: Representative Buskey.

11 REPRESENTATIVE BUSKEY: Aye.

12 THE SECRETARY: Representative  
13 Campbell.

14 REPRESENTATIVE CAMPBELL: Aye.

15 THE SECRETARY: Senator Campbell.  
16 Senator Corbett.

17 SENATOR CORBETT: Aye.

18 THE SECRETARY: Representative Curry

19 REPRESENTATIVE CURRY: Aye

20 THE SECRETARY: Senator deDraffenried.

21 SENATOR DEGRAFFENRIED: No.

22 THE SECRETARY: Senator Dixon.

23 SENATOR DIXON: Aye.

24 THE SECRETARY: Representative Flowers.

25 REPRESENTATIVE FLOWERS: Aye.

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1 THE SECRETARY: Representative Ford.

2 REPRESENTATIVE FORD: Aye.

3 THE SECRETARY: Senator Hale.

4 Representative Hall.

5 REPRESENTATIVE HALL: Aye.

6 THE SECRETARY: Senator Horn.

7 SENATOR HORN: Aye.

8 THE SECRETARY: Senator Langford.

9 SENATOR LANGFORD: Aye.

10 THE SECRETARY: Senator Little.

11 SENATOR LITTLE: Aye.

12 THE SECRETARY: Representative Rogers.

13 REPRESENTATIVE ROGERS: No.

14 THE SECRETARY: Senator Smith.

15 SENATOR SMITH: No.

16 THE SECRETARY: Representative Thomas.

17 REPRESENTATIVE THOMAS: Aye.

18 THE SECRETARY: Senator Windom.

19 SENATOR WINDOM: No.

20 THE SECRETARY: 13 yeahs and five

21 naves.

22 REPRESENTATIVE CAMPBELL: The motion to  
23 indefinitely postpone prevails.

24 SENATOR CORBETT: Mr. Chairman.

25 REPRESENTATIVE CAMPBELL: I was

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1 reminded of something in the first roll call, and  
2 I forgot it in the second roll call.

3 All of the members of the Committee  
4 need to know that Representative Bobbie McDowell  
5 is having open-heart surgery today at UAB and  
6 that's the reason for her absence.

7 SENATOR WINDOM: What is she having?

8 REPRESENTATIVE CAMPBELL: She's going  
9 to have by-pass surgery.

10 SENATOR DIXON: That's rather sudden;  
11 isn't it?

12 REPRESENTATIVE CAMPBELL: Apparently  
13 she went to the doctor for a routine checkup last  
14 week and thought it was indigestion and turned out  
15 that she had about 80% blockage.

16 SENATOR CORBETT: Mr. Chairman, I'm  
17 going to move at this time, I think the plans have  
18 been discussed and hashed and discussed and  
19 recussed and I'm going to move that this committee  
20 recommend the Reed and Dixon plans as the  
21 Committee's recommendations to be forwarded to the  
22 Legislature as our plans.

23 REPRESENTATIVE BUSKEY: Seconded it.

24 REPRESENTATIVE CAMPBELL: Senator  
25 Corbett has moved and Representative Buskey has

1 seconded that the two plans, the Reed Plan and the  
2 Dixon Plan, be recommended to the Legislature by  
3 the Reapportionment Committee.

4 SENATOR LITTLE: Mr. Chairman, can we  
5 have a division of the voting?

6 REPRESENTATIVE CAMPBELL: Yes, sir. Is  
7 there any further discussion on this? The  
8 Secretary will call the roll.

9 SENATOR CORBETT: Are you going to  
10 divide the question? I have no objection to that.

11 REPRESENTATIVE CAMPBELL: We're going  
12 to go on and call, we're going to go on and have a  
13 roll call vote.

14 SENATOR WINDOM: He meant on each plan.

15 SENATOR CORBETT: Are you going to  
16 divide the question? He wants to be able to vote  
17 separately on the plans, I have no objection.

18 REPRESENTATIVE CAMPBELL: Oh, two  
19 things. Fine. We'll first vote on the ADC-Reed  
20 Plan. Those in favor of recommending that as one  
21 of the two plans will vote aye and opposed no and  
22 the Secretary will call the roll.

23 THE SECRETARY: Senator Barron.  
24 Representative Bowling.

25 REPRESENTATIVE BOWLING. Aye.

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1 THE SECRETARY: Representative Box.  
2 REPRESENTATIVE BOX: Aye.  
3 THE SECRETARY: Representative Buskey.  
4 REPRESENTATIVE BUSKEY: Aye.  
5 THE SECRETARY: Representative  
6 Campbell.  
7 REPRESENTATIVE CAMPBELL: Aye.  
8 THE SECRETARY: Senator Campbell.  
9 Senator Corbett.  
10 SENATOR CORBETT: Aye.  
11 THE SECRETARY: Representative Curry.  
12 REPRESENTATIVE CURRY: Abstain.  
13 THE SECRETARY: Senator deGraffenried.  
14 SENATOR DEGRAFFENRIED: No.  
15 THE SECRETARY: Senator Dixon.  
16 SENATOR DIXON: Abstain.  
17 THE SECRETARY: Representative Flowers.  
18 REPRESENTATIVE FLOWERS: Aye.  
19 THE SECRETARY: Representative Ford.  
20 REPRESENTATIVE FORD: Aye.  
21 THE SECRETARY: Senator Hale.  
22 Representative Hall.  
23 REPRESENTATIVE HALL: Aye.  
24 THE SECRETARY: Senator Horn.  
25 SENATOR HORN: Aye.

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1 THE SECRETARY: Senator Langford.  
2 SENATOR LANGFORD: Aye.  
3 THE SECRETARY: Senator Little.  
4 SENATOR LITTLE: No.  
5 THE SECRETARY: Representative Rogers.  
6 REPRESENTATIVE ROGERS: No.  
7 THE SECRETARY: Senator Smith.  
8 SENATOR SMITH: Aye.  
9 THE SECRETARY: Representative Thomas.  
10 REPRESENTATIVE THOMAS: Aye.  
11 THE SECRETARY: Senator Windom.  
12 SENATOR WINDOM: No.  
13 THE SECRETARY: I have 12 yeahs and 4  
14 nays.  
15 REPRESENTATIVE CAMPBELL: 12 ayes and 4  
16 nays.  
17 THE SECRETARY: And two abstentions.  
18 REPRESENTATIVE CAMPBELL: Two  
19 abstentions. The Reed Plan is recommended as one  
20 of the plans.  
21 Now, the question will be and we'll --  
22 Senator Corbett would move and Representative  
23 Buskey would second that we also report the Dixon  
24 Plans as the other plan to the Legislature.  
25 SENATOR HORN: Mr. Chairman, I might be

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1 out of order if I would ask my colleagues not to  
2 abstain and not vote no on this motion.

3 REPRESENTATIVE CAMPBELL: Do what, I'm  
4 sorry?

5 SENATOR HORN: Would I be out of order  
6 if I were to ask my colleagues not to abstain or  
7 vote no on this motion?

8 SENATOR CORBETT: I think if we  
9 followed Senator Dixon's lead on this one, he  
10 might not get his plan out, but I think we're  
11 bigger than that. So let's vote.

12 REPRESENTATIVE CAMPBELL: Secretary  
13 call the roll.

14 THE SECRETARY: Representative Bowling.

15 REPRESENTATIVE BOWLING: Aye.

16 THE SECRETARY: Representative Box.

17 REPRESENTATIVE BOX: Aye.

18 THE SECRETARY: Representative Buskey

19 REPRESENTATIVE BUSKEY: Abstain.

20 THE SECRETARY: Representative

21 Campbell.

22 REPRESENTATIVE CAMPBELL: Aye.

23 THE SECRETARY: Senator Campbell.

24 Senator Corbett.

25 SENATOR CORBETT: Aye.

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1 THE SECRETARY: Representative Curry.  
2 REPRESENTATIVE CURRY: Aye.  
3 THE SECRETARY: Senator deGraffenried.  
4 SENATOR DEGRAFFENRIED: Aye.  
5 THE SECRETARY: Senator Dixon.  
6 SENATOR DIXON: Aye.  
7 THE SECRETARY: Representative Flowers.  
8 REPRESENTATIVE FLOWERS: Aye.  
9 THE SECRETARY: Representative Ford.  
10 REPRESENTATIVE FORD: Aye.  
11 THE SECRETARY: Senator Hale.  
12 Representative Hall.  
13 REPRESENTATIVE HALL: Aye.  
14 THE SECRETARY: Senator Horn.  
15 SENATOR HORN: I was out of order so I  
16 won't vote.  
17 THE SECRETARY: Senator Langford.  
18 SENATOR LANGFORD: Abstain.  
19 THE SECRETARY: Senator Little.  
20 SENATOR LITTLE: Aye.  
21 THE SECRETARY: Representative Rogers.  
22 REPRESENTATIVE ROGERS: No.  
23 THE SECRETARY: Senator Smith.  
24 SENATOR SMITH: Aye.  
25 THE SECRETARY: Representative Thomas.

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1 REPRESENTATIVE THOMAS: Abstain.

2 THE SECRETARY: Senator Windom.

3 SENATOR WINDOM: Aye.

4 THE SECRETARY: I have 13 yeas, 3  
5 abstentions and 1 nay.

6 REPRESENTATIVE CAMPBELL: 13 yeas, 3  
7 abstentions and 1 nay and Senator Dixon's plan is  
8 also reported as a plan that's recommended by the  
9 Committee.

10 Now, let's turn our thoughts to -- I  
11 personally think, and Senator deGraffenried thinks  
12 that what we ought to do is to send a letter to  
13 the Governor saying that we have gotten down two  
14 plans and ask him if we would now consider calling  
15 a special session on congressional  
16 reapportionment. And I'd like to have some  
17 discussion.

18 SENATOR CORBETT: Before you make that  
19 motion, let's try one other thing.

20 REPRESENTATIVE CAMPBELL: And I think  
21 that's something that we need to do.

22 SENATOR CORBETT: In deference to  
23 Senator Dixon and to Buskey and others, you know,  
24 we've hashed this out and we've come down to two  
25 plans that are going to come out of this

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REPRESENTATIVE THOMAS: Abstain.

THE SECRETARY: Senator Windom.

SENATOR WINDOM: Aye.

THE SECRETARY: I have 13 yeas, 3  
nays and 1 nay.

REPRESENTATIVE CAMPBELL: 13 yeas, 3  
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8 also reported as a plan that's recommended by the  
9 Committee.

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13 the Governor saying that we have gotten down two  
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15 a special session on congressional  
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21 that's something that we need to do.

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23 Senator Dixon and to Buskey and others, you know,  
24 we've hashed this out and we've come down to two  
25 plans that are going to come out of this

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1 committee. And y'all may shoot me down at this  
2 point, and I realize that everybody doesn't take  
3 the posture that it takes, but I'm going to make  
4 one motion that these two plans are the  
5 recommendation of this committee by acclamation  
6 and let's put it out of here that way. I think  
7 that's important.

8 REPRESENTATIVE FORD: I agree with  
9 that. We've already had a vote, you know, I think  
10 it would be to the benefit of trying to pass a  
11 plan in the Legislature, that's a good move. We  
12 should do this.

13 REPRESENTATIVE CAMPBELL: We've got a  
14 motion and a second.

15 Representative Buskey.

16 REPRESENTATIVE BUSKEY: Mr. Chairman,  
17 I'm against that motion, and I'll tell you why.

18 REPRESENTATIVE CAMPBELL: Well, so much  
19 for that. Do you want to withdraw it now, Senator  
20 Corbett?

21 SENATOR CORBETT: No. I'd like to hear  
22 why.

23 REPRESENTATIVE BUSKEY: Any plan that's  
24 passed by the Reapportionment Committee or passed  
25 by this Legislature will go to Justice and I don't

1 want to be in a position of having voting for a  
2 plan that I am opposed to. But I would rather,  
3 for the record, reflect that I'm against it. But  
4 I have no problem, you know, with the Committee  
5 passing it out, but I do want the record to  
6 reflect that I'm against it. I would like my vote  
7 to stand.

8 SENATOR DIXON: Had we not divided the  
9 question, I would have voted aye on the original  
10 motion. I feel like and I know Mr. Curry does  
11 too, because we discussed this repeatedly, I feel  
12 like for the record it was important for us to be  
13 opposed to a plan we might have to testify against  
14 later.

15 In the spirit of what Mr. Corbett is  
16 proposing, I would not be adversed, and I don't  
17 think Mr. Buskey would either knowing him as I do,  
18 if we just had a nonrecorded voice vote by  
19 acclamation majority we're sending these out as a  
20 package. I could certainly support that.  
21 Otherwise, I couldn't go back on --

22 SENATOR CORBETT: Why don't I modify my  
23 motion, Mr. Chairman, make it a voice vote only  
24 for the purposes of, I guess, committee  
25 togetherness at this point.

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1           In respect to both of your positions  
2           that you may feel that at some point you may need  
3           to go to court, I then modify my motion that we  
4           have a voice vote of committee acclamation on  
5           these two plans.

6           REPRESENTATIVE CAMPBELL: Senator  
7           Little.

8           SENATOR LITTLE: Mr. Chairman, I, in  
9           all due respect to what apparently we're trying to  
10          do, I know of no committee in the Alabama  
11          Legislature that operates with such nonsense.  
12          We've never gone down to the extreme of trying to  
13          decide how we're going to bring a bill out with a  
14          total consensus and I'm totally opposed to it.

15          REPRESENTATIVE HALL: Both bills are  
16          out.

17          SENATOR LITTLE: I know that, but not  
18          by unanimous.

19          SENATOR DEGRAFFENRIED: You know, all  
20          this -- with all due respect, Senator Corbett, it  
21          sounds nice, but when the record is sitting over  
22          there reflecting Representative Buskey and others  
23          are opposed to it, a voice vote ain't going to  
24          show any kind of unanimity.

25          REPRESENTATIVE CAMPBELL: Do you

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1 gentlemen want to withdraw the motion.  
2 let's get on with other matters.

3 Representative Box.

4 REPRESENTATIVE BOX:

5 want to move that the co-chairs,  
6 delegation, I would suggest the  
7 that met with the Governor -- I  
8 Chair inform the Governor and the  
9 officers of the two Houses of the decision made by  
10 the Reapportionment Committee to encourage the  
11 Governor to call a special session for the purpose  
12 of passing an act.

13 SENATOR WINDOM: Second.

14 REPRESENTATIVE CAMPBELL: It's moved by  
15 Representative Box and seconded by Senator Windom  
16 that the Co-chairman inform the Governor's office  
17 and the presiding officer of the two Houses in  
18 writing of the Committee's decision that we urge  
19 the Governor to call a special session to address  
20 congressional reapportionment.

21 REPRESENTATIVE FORD: You know, I'm a  
22 little bit concerned about this last vote and  
23 here's why. I voted out of the spirit of  
24 cooperation of this committee to report two plans  
25 out.

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1 gentlemen want to withdraw the motion now and  
2 let's get on with other matters.

3 Representative Box.

4 REPRESENTATIVE BOX: Mr. Chairman, I  
5 want to move that the co-chairs, along with a  
6 delegation, I would suggest the same as the one  
7 that met with the Governor -- I move that the  
8 Chair inform the Governor and the presiding  
9 officers of the two Houses of the decision made by  
10 the Reapportionment Committee to encourage the  
11 Governor to call a special session for the purpose  
12 of passing an act.

13 SENATOR WINDOM: Second.

14 REPRESENTATIVE CAMPBELL: It's moved by  
15 Representative Box and seconded by Senator Windom  
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18 writing of the Committee's decision that we urge  
19 the Governor to call a special session to address  
20 congressional reapportionment.

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22 little bit concerned about this last vote and  
23 here's why. I voted out of the spirit of  
24 cooperation of this committee to report two plans  
25 out.

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1           Now, Larry made a statement in case he  
2           has to go to court to go against one of these  
3           plans. Well, you know, this committee voted, just  
4           a technicality, this committee voted more for the  
5           Republican plan than they did the Democratic plan.

6           So I think Danny made a real good move  
7           to kind of clear everybody, you know, make it, you  
8           know, sound even. But if we're going to get down  
9           to technicalities of going to court --

10           REPRESENTATIVE HALL: I don't think  
11           that will make no difference, Joe.

12           REPRESENTATIVE FORD: I think it may  
13           make a difference and I don't want to be the one  
14           to hang out, you know. I'm not sure we shouldn't  
15           have a re-vote on these things.

16           REPRESENTATIVE CAMPBELL: We've got  
17           another motion before us and then we'll go back to  
18           addressing that just as soon as we get through  
19           with that.

20           Is there any discussion on the method  
21           by which we inform the Governor and the presiding  
22           officers of both Houses?

23           All in favor of Representative Box's  
24           motion say aye. Opposed no. And that motion is  
25           adopted by acclamation.



1 Now, does anybody want to readdress the  
2 matter that Representative Ford brought up?

3 Representative Hall.

4 REPRESENTATIVE HALL: We've done got  
5 our plans out, I just move we adjourn.

6 REPRESENTATIVE BOX: I second.

7 REPRESENTATIVE CAMPBELL: All in favor  
8 of adjournment say aye. Opposed no.

9 We're adjourned.

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END OF HEARING

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C E R T I F I C A T E

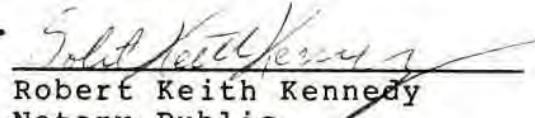
STATE OF ALABAMA )

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; that the foregoing pages numbered four through seventy, 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 11th day of November, 1991.

  
Robert Keith Kennedy  
Notary Public

My Commission Expires  
September 5, 1994

SHORES REPORTING SERVICES, INC.