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NEWS

Report: GOP redistricting expert was in touch with Alabama legislator, attorney



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A Republican operative whose North Carolina legislative maps were later ruled "extreme partisan gerrymandering" had contact with individuals involved in Alabama's redistricting process, according to documents obtained by The Intercept and published Monday.

Thomas Hofeller, who drew maps for Republicans in North Carolina and Pennsylvania, corresponded with then-Rep. Jim McClendon, R-Springville, who helped oversee Alabama's redistricting process, and Dorman Walker, a Balch and Bingham attorney who defended the state plan in court, as the redistricting process in Alabama began in 2011.

The legislature was later forced to redraw the maps after federal courts ruled that legislators improperly used race in drawing a dozen districts.

The documents published by The Intercept suggest Hofeller saw guidelines used by the redistricting committee and was researching or had received data on racial breakdowns in the state. The documents do not include specifics on what role, if any, Hofeller had in drawing the final maps.

McClendon, now a state senator, said in a phone interview Tuesday that Hofeller "had no role in Alabama redistricting" and said he could not remember why he would have communicated with Hofeller.

"The bottom line is this: Hofeller has nothing to do with the drawing of any maps," he said.

McClendon declined to answer follow-up questions about how the maps were drawn. Walker had no comment on Tuesday. Hofeller died in 2018.

According to emails dated April 19 and 20, 2011 and published by The Intercept, Hofeller made "comments" on the redistricting committee guidelines. The recipients for the emails,

with the subject line “Confidential and Privileged Alabama Guidelines,” included Walker; Hofeller; McClendon; Dale Oldham, a business partner of Hofeller’s and John Ryder, a member of the Republican National Committee.

“Thanks to Tom for his good comments,” Walker wrote in the April 19, 2011 email. “Please see my further comments, in the first attachment, and my proposed changes, in response to what Tom has pointed out, in the second attachment.”

McClendon wrote to Hofeller on at least two occasions. An April 1, 2011 email with the subject line “Alabama A.G. 4.1.2011” appears to have included an agenda for an April 4, 2011 meeting with questions about public hearings, maps and redistricting of the Alabama State Board of Education. The notes on the board of education note that elections to the board take place “in even number years, 4 elected at a time.”

“If we redistrict now, we will change the districts in midterm,” the document said. “Same thing if we wait till next year for the other 4. How do we do this?”

In another email, dated April 3, 2011, McClendon appears to have sent a newspaper account of a public meeting on redistricting to Hofeller. He wrote that Sen. Jimmy Holley, R-Elba, was “bound and determined” to have a public hearing on congressional redistricting.”

“He knows far more than anyone else on how to have a public hearing since he has been in the AL senate (sic) for a couple of generations,” the email said. “Sen. Bryan Taylor (R-Prattville) is a new guy, easier to work with, but was commandeered for the exercise.”

McClendon said Tuesday he could not remember corresponding with Hofeller.

“I have no recollection of that and I can’t imagine why I would even be communicating with this guy,” he said.

According to a recent article in The New Yorker, Hofeller’s files included extensive data on race in North Carolina, including the black voting age population by district.

His obituary in The New York Times gave Hofeller credit for encouraging black politicians in the South to support majority-minority districts, which helped pull Democratic-leaning African-American voters out of more mixed districts and turned them more Republican.

Hofeller’s involvement with Alabama redistricting after April 2011 was not clear from the Intercept documents.

What is known is that the maps eventually approved by the Republican-controlled legislature came under heavy criticism for what opponents called “packing and stacking.” African-American legislators, who sued the state in federal court, argued the boundaries moved African-American voters, who tend to support Democratic candidates, into a handful of districts. That, they said, limited their ability to form alliances with like-minded white voters and muted their voices in the political process.

Republicans argued they were trying to stay within previous African-American percentages established in those districts and make up for population losses there.

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A federal court in 2017 ruled that legislators improperly used race in drawing 12 of the districts — 3 in the Senate and 9 in House. The legislature later redrew the boundaries to comply with the court orders. Another lawsuit challenging the construction of the state’s congressional districts is pending in federal court.

Messages seeking comment were left Tuesday morning with Ryder; former Sen. Gerald Dial, R-Lineville, who worked with McClendon on the maps; James Blacksher, an attorney who represented African-American legislators in the legislative lawsuit; and Richard Rouco, an attorney representing plaintiffs in the suit over congressional districting.

Hofeller's work on North Carolina's legislative maps led to lawsuits. Earlier this month, the North Carolina Supreme Court ordered new maps drawn, saying they amounted to "extreme partisan gerrymandering."

“The 2017 Enacted Maps, as drawn, do not permit voters to freely choose their representative, but rather representatives are choosing voters based upon sophisticated partisan sorting,” the ruling said.

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