

MEETING OF PERMANENT LEGISLATIVE COMMITTEE
ON REAPPORTIONMENT

RNC004.WAV

STATE 54

[MFP = Madam Forum President]

[recording started after roll call began]

MFP: ____ McClendon?

McClendon: Here.

MFP: Senator Orr?

Orr: Here.

MFP: Senator Sofield?

Sofield: Here.

MFP: Senator Singleton?

Singleton: Here.

MFP: Senator Smitherman?

Smitherman: Present and accounted, your Honor.

MFP: Senator ____?

Ward: Here.

MFP: Ward, excuse me. Representative Boyd?

Boyd: Here.

MFP: Representative Clouse?

Clouse: Here.

MFP: Representative Davis?

Davis: Here.

MFP: Representative Ford?

Ford: Here.

MFP: Representative Fredy -- Fridy?

Fridy: Fridy. Here.

MFP: Sorry, excuse me. Representative Greer? Representative Hall?

Hall: Here.

MFP: Representative Hammon? Representative McClammy?

McClammy: Here.

MFP: Representative Pringle?

Pringle: Here.

MFP: Representative Williams?

Williams: Last but not lease.

Chairman: Mr. Chairman?

MFP: Yeah?

Male: Madam Forum President.

MFP: Madam Forum.

Chairman: Madam Forum President, if you'll look in your package, you've got a copy of the March 1st meeting minutes. Look over those and I would be happy to accept a motion to approve these unless you see changes or deletions need to be made.

Male: So move.

Male: Second.

Chairman: Motion and second. Any discussion on the approval of the minutes from the last meeting on March 1st? Don't get that confused with the agenda for today, that's not it. I have a motion and a second to approve the minutes as presented. All in favor, say "Aye."

[Multiple]: Aye.

Chairman: Opposed "no's" and the "ayes" have it. Thank you for being here today. We're -- we have several things on the agenda but the first, I want to call our attorney, Dorman Walker, to the -- to the podium and we have, I think, Senator McClendon wants to offer an amendment to our Rules and Procedures, and you have the Reapportionment Committee Guideline before you. He wants to offer a -- an amendment that needs to be added to that and that -- after he does that, we'll ask Mr. Walker to explain it and he can receive questions about that. So --

Male: Chairman?

Male: Chairman, I want to make a motion we adopt some changes to our guidelines and, thankfully --

Chairman: -- he's gonna --

Male: -- Mr. Dorman Walker --

Chairman: I have a motion and --

Male: -- Walker will explain exactly --

Male: Mr. Chairman?

Male: -- what that is.

Male: Second.

Chairman: Motion ____ second. Go ahead, Mr. Walker, we turn it over to you.

Walker: Thank you very much. Thank you members of the Committee. You may remember in February the Committee adopted some new guidelines, which was really sort of housekeeping updates of rules. So you may wonder, "Well, why are we -- why are we adopting new guides, we are looking at the guidelines now." And the reason is, just after the Committee adopted those guidelines, the Supreme Court handed down a very important decision coming out of _____ called "*Bethune-Hill*." And in essence what *Bethune-Hill* says is that in order to comply with the Voting Rights Act, you draw your districts without regard to race but following traditional voting criteria. And we all know what those are -- compactness, contiguity, protecting incumbency, protect the communities of interest, and the things like that which can vary from state to state. But you draw a district with regard to traditional _____ criteria which _____ and then you see if you have satisfied your obligations under sections to the Voting Rights Act. If you believe that you need to increase the -- the -- the minority percentage of a minority opportunity's district or ability to elect district -- and you have a strong basis in evidence for doing that, then you may do so. And that -- that, in essence, is -- is a very summary holding of what *Bethune-Hill* decision says. And so that guidance on how you draw _____ has been incorporated into the guidelines here. If Committee members will remember, in following the 2010 census, we started drawing -- we started to plan by drawing the majority-black districts first because we thought that was the best way to fulfill our obligations and -- and sort of the Supreme Court has said, "No, you do it the other way around. You draw all of your districts without regard to race and then you look to see if there is a need for what you have a strong basis in evidence to improve the -- essentially the black voting-age population of any particular district. And if you do -- and if you have that strong basis in evidence, then you act on the base of race. So if you'll turn to your -- turn to the -- the proposed guideline changes to page 3 and look at -

- you'll see a Roman numeral V that says, "Plans Produced by Legislators," everybody sees that. The paragraph right above that, Arabic numeral 5 that begins "Notwithstanding the above," it's sort of my burden and my summary of the *Bethune-Hill* decision. And what it says is, after we've grown our decision -- after you've grown your districts, we -- we can use race if necessary to comply with the -- the Legislature's obligations under Section 2, provided again there be strong basis in evidence for doing that. So that's -- that's the purpose of the changes made to the guidelines here is in order to comply with that decision.

Smitherman: Mr. Chairman?

Chairman: Just a second. So the ladies and gentlemen of this Committee, on page 3, number 5, is the addition that's being proposed to be added to the... to the rules that we operate under. Yes, Senator?

Smitherman: I -- I -- I also -- I want to ask a question first before I -- after -- I want to make clear after I ask a question, I have something I want to state. _____ cut me off out here after the question and move on.

Chairman: _____ to cut you off, you know, but --

Smitherman: I didn't mean cut me off but _____ I was down here thinking exactly _____

Chairman: _____

Smitherman: _____, too. Why are we not _____ I'm going -- scanning through these -- these and if I miss something -- if we'll -- if we are focusing on the decision of the court, then why are we not talking about county boundary lines in here? I mean, if we want to adopt the procedure here today, you know, but I don't want us to be cherry picking and all out of it than we may -- have committed we may want to and not address the whole order itself. And that order to my understanding, and I stand corrected by you because you're making the presentation, is that we have the serious consideration to county boundary lines, just that was just as prevalent as the part that I've heard presented now. So, you know you can correct me but I'll tell the Committee what I want to move to amend that to include, as well, the - - whatever they said -- I'm not try to put the words _____ but whatever that court said about those county boundary lines, I want to make a motion to -- that that be included and you can tell us what it is because you -- you know, you have the habitat.

Walker: I'll -- I'll do that. Let -- let me -- let me -- before I answer your question, let me -- let me -- let me point out there were a few other changes that were made in the guidelines that -- there was amendments to Section 2 and various other places and I took those out and kind of consolidated in 5, just to be clear about all of the changes that were made. But -- but -- it's -- it's -- the point of that was to -- was to put in one place to -- to remove any ambiguity about what the Legislature's obligations are to comply with Section 2. Now if -- if I'm not mistaken, you were referring to the opinion of the three-judge court --

Smitherman: I --

Walker: -- _____ or were you referring to the *Bethune-Hill* opinion from the Supreme Court?

Smitherman: I -- I'm referring to the decision that -- the -- the orders handed down by the court as relates to the county boundary lines.

Walker: In the three-judge court hearing?

Smitherman: Well, if -- if -- yeah, that -- no, the one that -- I think it was in the -- is the *Bethune* the Virginia case?

Walker: Yes, sir.

Smitherman: Well, I think they would have mentioned that in the *Bethune* case.

Walker: Okay.

Smitherman: And we're taking that, if I'm not mistaken, from the *Bethune* case? Am I right? What you just said _____--

Walker: That's from the *Bethune-Hill* case.

Smitherman: _____ I'm asking that that be included from the *Bethune-Hill* case. I don't want no cherry-picking out of a case what -- you know, I'm not saying that's what you doing but I don't want to, as a Committee, be cherry-picking to try to fit whatever here the Committee is trying to -- they are part of a Committee for whatever is trying to be done, I want -- but you know we are going to rely in part on that part, I want to rely in whole and not cherry-pick that other part and neglect that the orders that came down because they -- to me, they're just as significant as this part that you was saying _____.

Walker: I -- I understand what you're saying. Of course I work for the Committee and -- and I want to be responsive to you. I don't understand the *Bethune-Hill* decision as speaking specifically about county boundaries in the same way that you do. I want to say that as a result of the re-band -- I think all of the counties' lists that were identified in the majority-black districts by the -- by the -- court have been fixed. And in -- in the new plan, you will see that there is much greater county unity than there was before. There's -- when I says "all of them," the reason I'm not sure about that is that it's possible that there was a place where in order to meet the Yazier(sp?) requirements, we had to split a county but I don't -- I don't think that's the case.

Smitherman: What I'm asking is that whatever that is, I'm not -- I don't have a -- an interpretation on what it's saying, I'm saying it. I'm not trying to, you know, present that. I am merely saying is that whatever, just like we saying that's what they said was *Bethune* -- the _____ case -- *Bethune* -- just like we said what

you just read ____ that from that case, this is what is -- is said. All I'm saying is that whatever it says from that case as relates to county boundary line, I'm re -- going to request to make a motion that that, too, be included. I'm not trying to give my words to what they're saying. I'm just saying I don't want no cherry-picking out of that case. We can get half of the law in the case that the case says and leaving the other out as if it's irrelevant or not relevant to the level that that is because if it's a total order -- if it's in a total order, that part is just as relevant as the other part that we have taken out because that's what the court spoke of.

Walker: I agree with you entirely. And -- and all I can say is I don't understand *Bethune-Hill* the same way that you do and I took from the *Bethune-Hill* decision what I thought was the guidance that -- that the Committee needed and -- and if I was wrong about that, somebody can point it out to me. But I -- I will point out to you that in the guidelines, it already says that the Legislature shall try to minimize the number of counties in each district. So I'm not -- I'm not trying to disagree with you, I'm just saying that -- that I -- you know, that I wasn't trying to cherry-pick, I was trying to take of the decisions what ____ to meet the appointed guidance from the Supreme Court and that's what I did.

Smitherman: Okay. In closing, Mr. Chairman -- and the reason I'm making that because I think that that's important, you know, as -- and being on the plaintiff and the House Committee, it should have some relevance in just getting to the end results of what we're trying to get to. So I just wanted to make that clear that I -- I want to request through -- to the Committee at the proper time that that be included, whatever it is because as you said, it's not my -- the way I see it. I just -- whatever the -- ____ if you put that ____, whatever is written there is the way I see it. It's not me looking at it and trying to interpret it in some way, I'm just asking whatever is in that ____ I'm being facetious, whatever ____ case --

Walker: Yeah.

Smitherman: -- on that case --

Walker: Yeah.

Smitherman: -- that it says about that, I'm asking that that be included.

Walker: Well, I agree with you it's important for the Committee to follow the requirements of the law of the Supreme Court and I'm glad to work with any Committee member towards that purpose.

Smitherman: Thank you.

Chairman: Thank you. Thanks. Senator Coleman-Madison? ____ --

Female: _____

Chairman: _____ the mic there are people that -- out in their -- in the -- in offices that are listening in and are not here and this is going out, I remind you, it's going out all over the -- all over the building so if you could -- she's going to give you a mic and -- and if you're not -- and, Dorman, I would like for you to speak into the mic _____ and I'm sorry, I thought you spoke loud enough you might not, being an attorney, as much as we're paying you, I thought surely they could hear you.

Coleman-Madison: Thank you, Mr. Chairman. I just want to -- echo the sentiments of my colleague, Senator Smitherman and -- and again, as Mr. Dorman said, he works for the Committee, the whole Committee, and -- and we understand that protecting county lines is something that was mentioned in there and I do think that it is significant enough to number of us on this Committee that it should be included because we represent and we have mostly delegations and meetings and things like that. We represent that particular constituency. Of course there are those who represent the multi-counties. But again, even in that, I'm looking at our public hearings that we had and I attended a couple of those. We heard from local people, in particular county commissioners and people in those particular counties, where they have an issue of trying to maintain the integrity of county lines so that they work together on a local basis with their state representatives that that use was protected. So I concur with Senator Smitherman that it should be con -- it should be included and we request that that be made -- the change be made.

Chairman: Alright, public question, comment by any member?

Male: Mr. Chairman, I renew my motion to adopt.

Chairman: What we have before us is -- is a motion to adopt through change as appears on page 3, line 24, and have a motion and second.

Female: _____

Smitherman: _____ make a -- a substitute motion.

Female: I -- I want to make it -- so we're just -- this _____ because I thought I understood there were several changes and I wanted to leave the -- those changes to be pointed out ____.

Chairman: Take the microphone, Dorman.

Female: _____ the only change that I have noted is number 5 on page 3. He indicated there were other ____--

Chairman: There were other places where sections here were referred to and he consolidated those into, and the way I understand it, on page 5, line 24. Is that correct?

Walker: That's -- that's correct. There were -- there are -- and, unfortunately, I'm sorry that I don't have those with me, there were one or two places where it referred to

compliance with Section 2 and in order to make it clear, I wanted to put them -- all of those in one place so -- so that there would be no margin and that there was an ambiguity in the guidelines, and that's what I did.

Female: So what you're saying, places I -- because I don't have in my folder were the older copies and so places where Section -- and what I -- and when I go back and read my -- the rules that we adopted, I will find a statement referring to Section 2 in those rules that we passed earlier?

Walker: Well, there is. If you look at the front page of the guidelines as _____, there's a statement that "districts shall be drawn in compliance of the Voting Rights Act of 1965 and a redistricting plan shall have neither the -- the purpose nor the effect of diluting minority voting strength and shall comply with Section 2 of the Voting Rights Act of the United States Constitution. That was -- I think that I cleaned up that language there just to make it simpler and more clear and then -- and my recollection is under -- under Criteria for Legislative districts, in 3(d) where it says House and Senate districts shall be drawn on the basis of total population except that voting age population may be considered if necessary to comply with sections of the Voting Rights Act.

[audible]

Walker: I'm sorry, that's on page 2 under Criteria for Legislative Districts --

Male: Give us some lines.

Female: Lines.

Walker: Oh, I'm sorry, that's good. Lines 12 through 14 on page 2.

Female: _____

Walker: Again, my recollection is I cleared up that language a little bit and then I wrote the new paragraph 5 that I read to you earlier that -- that is the purpose of that is to make clear the obligations of the Legislature to comply with Section 2 as interpreted by the Supreme Court in *Bethune*.

Female: And the rest remains the same?

Walker: That's my best recollection right now.

Chairman: Yes, Representative McClammy?

McClammy: Along the lines that Senator Smitherman was speaking, _____ House said that basically I would be _____ what was in the Alabama Constitution and that was _____ respect _____ I mean, you know, the _____. And then here on page 2, number 4, it talks about to the extent that we might violate or subordinate the foregoing policies described by the Constitution and laws of the

United States and the State of Alabama. Now from where I sit, you know, our first objective was not to count _____ county lines on this _____ what was the _____ doing _____?

Walker: Should I respond?

McClammy: Yeah.

Chairman: Go ahead.

Male: The problem is -- that Representative McClammy is referring to is this -- I understood he is looking at page 3, subsection (e), lines 19 through 23, where it says "the criteria identified in the preceding subsections are not listed in order of prevalence. In each instance, the Legislature should, using discretion, decide which comes first. In one of those criteria is (d), line 17, county boundaries -- that is the one criterion that is specified in the Constitution of Alabama and, in my opinion, the Legislature does not have discretion to ignore the importance of county boundaries. That's also the way the precedence appeared in your original 2012 guidelines which, by the way, the _____ district court attached to its opinion and ordered you to comply with, so I think that it is both legally and politically too bad that you're demoting the precedence of county boundaries in these guidelines.

Walker: Let me say that -- that I think what you're referring to was a change that was made in it all in the February changes to -- to the guidelines and which were improved by the Committee at that time. The -- I -- that -- the change that -- that I am bringing to the Committee now has to do with *Bethune-Hill*. I would state for the record that -- that while I have _____ respect for Mr. Blacher(sp?) I disagree with his interpretation of the requirements of the Alabama Constitution.

Chairman: Representative Boyd?

Boyd: Thank you so much ____ -- thank you so much, Mr. Chairman. One thing on page 3.

Walker: Yes, ma'am?

Boyd: On 5, on lines 24 through 27.

Walker: Yes, ma'am?

Boyd: I have concern about 3 words expressed - the "strong basis" and the "drawing of the lines," I need a little more elaboration according to that case and the evidence for believing that doing so is necessary, and the words "narrowly tailored." Can you elaborate on ____ according to whom and what basis is this statement? Because that -- that's so vague and a good attorney -- I mean, I'm not one but I think ____ could take this and --

Chairman: Representative Boyd, the -- these were taken from the guideline that the democrats used in reinforcement of -- it's a prior reinforcement. We adopted these rules based on what was used in 20 -- whatever the year was, I can't go back that far.

Boyd: Thank you, Mr. Chairman.

Chairman: That was -- that was just moved forward into this -- these guidelines we use but go ahead --

Boyd: Thank you.

Chairman: -- ____ Walker and answer her question.

Boyd: I had not finished, Mr. Chairman.

Chairman: Oh, I'm sorry. Excuse me.

Boyd: Thank you. That's irrelevant where they came from. At the present, I still would like to know how they apply to the case that you refer and that's my ____.

Walker: Okay. But the term "strong basis in evidence," and I'll agree with you that it's vague --

Boyd: Yes, it is.

Walker: It's a direct quote from the Supreme Court decision in *Bethune-Hill* and I wish they would give us a ____ instead of things like a "strong basis in evidence." Later on in *Bethune-Hill*, they define the "strong basis in evidence" as a good reason. So that's all the guidance the Supreme Court has given us and that's why I quoted them exactly on that. And the words "narrowly tailored" come from the strict scrutiny test that the Supreme Court applies when -- when something is alleged to be a violation of equal protection clause. For example, in this case, putting people on one side of a boundary because of their race is alleged to be a violation of -- of the equal protection clause that is analyzed under what is called the "strict scrutiny" standard. There are three standards for analyzing violations of the agreement -- of the equal protection clause _____. The hardest one to survive is strict scrutiny. And in order to survive that strict scrutiny, you have to show that the state was acting for a compelling reason and that the alternative so that it -- that it chose was the most narrowly tailored so that it -- so that it may have infringed on any rights to the smallest degree possible. And the Supreme Court has assumed, but never ruled, that compliance with the Voting Rights Act is a compelling reason to use race. And -- and -- and -- and then once you do that, you have to use race -- what this is saying is that you have to use race to the least extent possible to cure the problem because the counts -- the Constitution frowns so severely on the use of race as a basis _____. So that's taken from Constitutional law.

Boyd: Thank you.

Walker: Yes, ma'am.

Chairman: Representative -- thank you, Representative Boyd. Senator Figures?

Figures: Thank you. Thank you, Mr. Chairman. I would just like to -- to suggest that in the future when anything -- when we are to -- when this Committee is to consider any changes to something that was already agreed upon -- or voted on, I should say -- before now that we would get a copy of this prior to the time we are to meet --

Chairman: Are you talking about the change that was added today?

Figures: -- ____ Yes. And I -- I personally would have liked to have gotten a copy before it was passed and then the copy of what we are going to consider to replace that first copy.

Chairman: Senator -- and I -- I don't mean to --

Figures: Then we'd all be --

Chairman: -- cut you short but you had a copy of these at the first meeting ____ --

Figures: ____ --

Chairman: -- ____ --

Figures: Senator, what did I -- Senator, what I said, and I don't mean to cut you off, but what I just said was that when this meeting was called or -- or whenever these changes were made, we still should have gotten another copy of that regardless if -- if it was passed out ____ I think I was home with -- with surgery or whatever, but -- but the point is is that we should have gotten another copy ____ to use paper and ink here at the State house and it would -- and I think this is something that is so important that we should have gotten a copy of what was first passed so that we could intelligently compare to what the changes are now that we are being asked to vote on now and then we could have addressed it, I think, more intelligently having all the information at one time.

Chairman: Thank you, Senator. Senator ____?

Smitherman: Thank you, Mr. Chairman. I -- I would like to make a substitute amendment and I would like to clarify before we vote on it. My substitute amendment will be that we would include the -- the language in which has been presented and in addition we would pick the language that -- from the same case and -- ____ say that case was, *Beth* --?

Walker: *Bethune-Hill*.

Smitherman: *Bethune-Hill* and -- and ____ as it relates -- I don't have it here with me because I may send ____ if I had have known that if I've had ____ I would have had my own salesman and I ____ actually have the amendment read or the case sitting here where I could be writing out the exact languages. So I want in this amendment I'm just going to have to state it that my amendment to it is that I -- I want to request and add the language that in that case that is -- what it states word verbatim in that case as it relates to county boundary lines and the -- and the opinions of the courts and the records that they are. And before we vote on it, I want to say this -- you know, I've been in this process, the legislative process, long enough to know that if there's a strong chance, there's probably going to be some motion made to table it but I -- I -- I -- I want to say this really, you know, and I think that we are probably getting it to that point, it's -- it's one thing for the Committee to attach something and send it on and it's another thing for us to get to the point before the 22nd and reach a compromise. ____ So I just want to say that in the spirit of getting out of Committee so we in the Committee can go on about its business, I want to ask the Committee to try to resolve this. This -- if -- if -- if those ____ to be difficult on the Committee's standpoint with the claims I think to resolve this. But I make -- renew my motion and I so move.

Chairman: Alright, let me see if I can repeat the motion. The motion is that you -- you would move to add to the addition found page 3, Section 5, that any reference made in the *Bethune-Hill* case that refers to county boundaries be added to Section 5. Is that correct?

Smitherman: Yes, sir, Mr. Chairman.

Chairman: I have a motion. Do I have a second?

Female: Second.

McClendon: Mr. Chairman?

Chairman: Wait -- wait a minute, now. Hold up.

McClendon: Mr. Chairman?

Chairman: Do I have a second?

Female: Second.

Chairman: I have a second.

Female: Singleton _____

[multiple parties speaking]

Chairman: I have a motion _____ second.

McClendon: Mr. Chairman?

Chairman: Senator McClendon?

McClendon: Move to table.

Chairman: I have a motion to table and I have and I have a second.

Female: _____

Smitherman: Call to the roll call vote.

Chairman: Secretary, call roll.

Female: This is on the tabling motion?

Chairman: Table in motion and the “ayes” to table and a “no” is to not table.

[inaudible]

Williams: Mr. Chairman?

Chairman: Jack?

Williams: What -- what’s the advice of _____ regarding a vote on this?

Chairman: I hate to make a ruling from the Chair but I’m going to vote “no.” I’m going to vote to table.

Female: He didn’t ask that.

Chairman: _____ vote _____

Smitherman: That wasn’t the question.

Female: He didn’t ask you that.

[multiple parties speaking]

Chairman: Call roll.

[multiple parties speaking]

Secretary: Senator Dial?

Dial: Aye.

Female: _____ legitimate question.

Secretary: Senator Figures?

Female: That was a legitimate question. I know we are in the middle of a vote but we are here because _____ --

Chairman: Caller of the roll is being called, Senator. Call roll.

Secretary: Senator Holley?

Figures: No!

Secretary: Senator Holley? Senator Holtzclaw?

Holtzclaw: No.

Secretary: Senator Coleman--

Coleman-Madison: No.

Secretary: --Madison? Senator McClendon?

McClendon: Aye.

Secretary: Senator Orr?

Orr: Aye.

Secretary: Senator Scofield?

Scofield: Aye.

Secretary: Senator Singleton?

Singleton: No.

Secretary: Senator Smitherman?

Smitherman: Big, fat no.

Secretary: Senator Ward?

Ward: Aye.

Secretary: Senator -- I mean Representative Boyd?

Boyd: No.

Secretary: Representative Clouse?

Clouse: Aye.

Secretary: Representative Davis?

Davis: Aye.

Secretary: Representative Ford?

Ford: No.

Secretary: Representative Fridy?

Fridy: Aye.

Secretary: Representative Greer?

Greer: Aye.

Secretary: Representative Hall?

Hall: Aye.

Secretary: Representative -- oh, he's not here. Representative McClammy?

McClammy: No.

Secretary: Representative Pringle?

Pringle: Aye.

Secretary: Representative Williams?

Williams: No -- uh, Aye!

Male: _____

[laughter]

Williams: Aye!

Male: ____ pay attention --

Chairman: Order!

Secretary: _____ it's a tie.

Female: _____ objection _____

Chairman: It's a tie so on tie the -- the motion failed. We are back on the -- the motion to adopt --

Smitherman: As amended.

Female: As amended.

Chairman: -- as amended. Secretary, call roll.

[multiple parties speaking]

Chairman: We are on the amendment to adopt the amendment and the -- the --

Smitherman: Are we on ____ --

[multiple parties speaking]

Chairman: Listen, let me clarify it. We are on the amendment --

[multiple parties speaking]

Chairman: If you're in favor of the -- Senator Smitherman's amendment, you'll vote "aye", if you are opposed to amendment, you'll vote "no." Secretary, call roll.

[multiple parties speaking]

Secretary: Wait, hold on. --2, 3, 4, 5, 6, 7, 8, ____ 3, 4, 5, 6, 7, 8, _____. I'm sorry. I'm sorry. I -- I was -- okay, I -- I'm -- I'm mistaken _____. It's 10 to -- 11/10, so passes.

[multiple parties speaking]

Chairman: The debate to table passed?

Male: Passed, 11 to 10.

Chairman: Is that correct?

Secretary: Yes.

Chairman: Thank you. On a recount, the motion to table --

[multiple parties speaking]

Female: Point of order! Point of order! Point of order!

Chairman: _____ on, Senator. You don't have to scream. I can hear you. I don't know, if you're not dealing with the Chair, _____ dealing with the Senate _____

Smitherman: That -- that -- excuse me, that's our mistake. You don't have to _____ meeting.

Female: But did you know point of order should be _____.

Chairman: And -- and I'm about to give a point of order.

Female: Thank you.

Female: Can we not try to --

Female: What I'd like to know, is why is it that a vote of confidence given to the Chair, nobody on this Committee asked for a recount, but then all of a sudden you were told "wait, wait, wait," then you give another count.

Chairman: Would you like --

Female: ____ has never happened --

Chairman: Senator, _____ improper if you would like to motion for another count?

Female: I'm asking the question.

Smitherman: That's a proper question.

Female: I'm asking the question how did they come to that?

Smitherman: _____ made an error in their tally --

Female: I don't care, I'm sorry.

Female: Read the "ayes" and "nays."

Male: Read the names.

[multiple parties speaking]

Chairman: Alright. Unless I had the -- the motion to table prevails, we are back on the motion to adopt. All in favor of adopting --

Smitherman: Roll call vote.

Chairman: Call roll.

Female: Mr. Chair, a point of order, please.

Male: _____

Female: A point of order, please.

Chairman: Another point of order. Yes, ma'am?

Female: I do have the minutes from February ____ and I want to ask -- because he said that this was the same and he pointed out the differences but it is not on page 2, there was a -- a -- a section that's left out where it says, "Except that race may predominate over other district criteria if necessary to comply with Section 2 of

the Voter Rights Act.” So I want to know why that was left off. You didn’t say anything about it.

Chairman: Mr. Walker?

Walker: Yeah.

Chairman: Get the mic.

Walker: That -- that is -- that is the clarification that I -- that I was talking on. Race --

Female: Why did you leave it out?

Walker: Well, it’s not left out. It’s in -- it’s in --

Female: _____ --

Walker: No, no, I understand what you’re saying, let -- let -- excuse me.

Male: _____

Walker: Let me explain this to you. Before *Bethune-Hill*, or after the 2010 census, we thought, and I think many people thought, that the correct way to satisfy the requirements of the Voting Rights Act was to start by drawing regarding black districts and to make sure that they had an adequate number of -- of -- of -- in the case of Alabama, of African-American population to be successful majority-black districts. That is to ensure that -- that African Americans running for office in those districts could be elected. And that’s what that language required, okay, that -- that you’re referring to.

Female: Of -- of -- of -- of the old language?

Walker: Yes, ma’am. That’s what that language requires. But the -- what I was trying to explain earlier is that the *Bethune-Hill* decision changed that understanding and said, “That’s not the way you do it. The way you do it is you draw decisions without regard to race following traditional, nonracial criteria.” And then you look to see if there is a strong basis in evidence for adjusting any of your majority-black district population --

Female: Okay, so ___ --

Walker: -- on the basis of race. And that’s what -- that’s what that new paragraph 5 says.

Female: Okay, I understand but this is not in 5, it -- it’s up in 1 and it’s just that you talked about the change but you didn’t -- you didn’t say that this was taken off and this was left off. That’s why _____ --

Walker: That's why the change was made. Now, I'm sorry if I failed to mention that but what I was trying to do was explain the purpose of the change and to remove any ambiguity from any of -- other part of the guideline.

Chairman: Other questions?

Smitherman: Call roll.

Chairman: CALL roll on the adoption of the new addition on page 3, 5. Call roll. All in favor will vote "aye" and vote "no."

Secretary: Senator Dial?

Dial: Aye.

Secretary: Senator Figures?

Male: No.

Figures: No.

Secretary: Senator Holley? Senator Holtzclaw?

Holtzclaw: Aye.

Secretary: Senator Coleman-Madison?

Coleman-Madison: No.

Secretary: Senator McClendon?

McClendon: Aye.

Secretary: Senator Orr?

Orr: Aye.

Secretary: Senator Scofield?

Female: Call to order, Mr. Chairman.

Scofield: Aye.

Female: _____, Mr. Chairman.

Chairman: Not in the middle of roll call.

Secretary: Senator Singleton?

Singleton: No.

Secretary: Smitherman?

Smitherman: No, no.

Secretary: Senator Ward?

Ward: Aye.

Secretary: Senator -- Representative Boyd?

Boyd: No.

Secretary: Representative Boyd?

Boyd: No, can I get two votes? I answered twice.

[laughter]

Secretary: Representative Clouse?

Clouse: Aye.

Secretary: Representative Davis?

Davis: Aye.

Secretary: Representative Ford?

Ford: No.

Secretary: Representative Fridy?

Fridy: Aye.

Secretary: Representative Greer?

Greer: Aye.

Secretary: Representative Hall?

Hall: No.

Secretary: Rep_____ -- Representative McClammy?

McClammy: No.

Secretary: Representative Pringle?

Pringle: Aye.

Secretary: Representative Williams?

Williams: Confidently aye.

Male: _____?

Secretary: It was a 12 to 9.

Chairman: 12 to 9 and -- and the --

Secretary: 8, it was 8.

[multiple parties speaking]

Chairman: 12 to 8 and the motion carries. Senate -- Speaker, did you have a point?

Secretary: No, I -- I'm -- I'm self-correcting.

Chairman: Alright. Now we're -- now we are going to move to the next phase of -- of the meeting, and that is to look at maps as -- as they are presented and -- and work has been done and _____ Reapportionment Committee Senate Plan from the Senate and it's lying on your desk. And -- and before we start on that, I want to -- to reiterate the -- the three-judge panel directed us to look at 3 Senate seats and 9 House seats.

Female: Listen, Chairman, point of order, please.

Chairman: State your point.

Female: Oh, my point is how many members are present to vote and just those counts _____, how many of us are present?

Chairman: Well, the Forum President ___ --

Female: No, sir! _____

Chairman: Well, that changes as people come and leave. Senator Holley had to go to a meeting so he was here and answered the roll and he's gone so as long as we have a forum, we'll conduct business and the number that's here will continue to fluctuate based on people coming and going and the _____ some may vote and some may not so I can't give you a definitive answer on that.

Smitherman: Mr. Chairman?

Female: My point of order, Mr. Chairman, referred to the previous vote and overall and _____ you know how many people are eligible to vote. I did not know that. I'm asking how many people were eligible --

Chairman: How many people are on the Committee?

Female: _____

Chairman: There are 22 Committee members so there are 20 people eligible to vote.

Female: How many are in the room, Mr. Chairman --

Chairman: I can't --

Female: -- when we took each vote?

Chairman: I can't have a count and I know Senator Holley just left and -- and --

Female: _____

Chairman: -- and Senator Hammon is out so -- so -- I -- I --

[multiple parties speaking]

Chairman: -- we have 20 members present to vote here. Okay?

[multiple parties speaking]

Female: That's what I _____

Chairman: But Senator Holley went -- stepped out.

[multiple parties speaking]

Smitherman: _____ don't ask how I vote and walk out before we vote. That don't work.
_____. That don't work.

Female: And that's my point.

Female: Was he _____

Chairman: Alright. Point of validation and we are moving on to the Senate plan now. And we are in the process of talking about the Senate plan, which in front of you today. As you know, the -- the court asked us to look at 3 Senate districts and after the discussion in the Supreme Court ruling, which has been discussed here at length --

Female: _____

Chairman: -- we -- we expanded that to be 25 Senate seats. And looking at a total of 25 Senate seats and going back to the court ruling, we put every county boundary and every precinct with -- within the majority districts back together with the exception of 3 or 4 that had to be split to meet the deviation. Now we are

continuing to hear about we've got to keep counties whole and, unfortunately, we don't have the same amount of population Senate-wise and county-wise to make that work. And when we _____ by deviations, sometimes we have to cross county lines. But in the Senate plan -- if you'll look at the Senate plan before you, and based on the plaintiff plan that they presented us, and which we worked from very closely, we had put 7 counties back together that were originally split. And we have put approximately 44 to 48 precincts so we are still trying to get all of it together and the Senate plan back together to reach the guidelines that we were given by the court to look at that and with the -- remember -- this is not like when I coached football. I had a rule book and what -- everybody played by the same rule we started the season, we ended the season. We've started this season with -- with one set of rules, 3 and 9, and the -- and the cases we just heard discussion broaden those rules and change those rules drastically from where we worked for. We could have gone into this and said, "We're just going to do what the court said, the 3 Senate seats and the 9 House seats and send it back to court and let them take it." But under the _____ the Supreme Court made a decision that we know will impact us because if we had stayed within those guidelines, we would have been hemmed into that and it would have gone strictly right back to the court, so we tried to expand that and that's why we are dealing with 25 Senate seats. You have that map before you and you have the deviations in those. Most of the people, and -- and some are not, but most of the people in the Senate that were affected -- 25 Senators were either looking at maps or providing maps and had input to some degree. Is everybody happy? No. And -- and the Good Lord walked on the Earth and couldn't make everybody happy so don't think I can. I've done -- I've done the best I can trying to work with whatever I can. I'm going to tell you one thing, it's at a point of contention and it is continuing to be a point of contention and has not been resolved completely to satisfy the plaintiff, but while the issues with the Jefferson County issue in the Senate and -- and we -- we took the Jefferson County issue and worked -- it's 5 and 3 now, we worked it to 4 and 3. We moved -- we removed one of the Senators out of that district as best we can without Tony disrupting the whole process and redoing the plan. And so the plan you see before you has -- has a 4 -- 4/3 split in Jefferson County. The remainder of the counties went a long way to putting districts back whole and to meeting the best qualifications we could in -- in front of the House -- in front of the Senate's districts in putting those counties back together and reaching as much agreements we can. We did not -- there were -- there were 10 districts that were not affected and we did not bring them in. There might have been changes that they would have liked to have made simply because they had gotten upset with some people down in one community because they had not gotten them a new road or a new school and they wanted to draw them out but we did not go into that because of the fact that the -- that that was not part of the corridor. So you have before you a redistricting plan based upon the best that we could do to put back together counties whole and put back precinct that been split. The only time we have split precincts in counties now is to meet the deviation qualification and -- and I will stop there. I know Representative Boyd has a question.

Boyd: Thank you so much, Senator. I want to commend you for what you have done for Talladega County in moving them from 4 to 3 but they still are not satisfied and, as their Representative, they would prefer 2 if possible -- 1 in the northern part and 1 in the southern part. And, as their Representative, would you please take that under consideration?

Chairman: Thank you, Senator Boyd, and I would and _____ --

Female: Senator?

Chairman: -- and I need to represent them, too. And I -- I understand their -- their former Senator over there that won't even have dinner with me anymore, he's still mad about those splits. But we -- we have worked as diligently we can. We did remove 1 to cus down and try to cut back that -- and -- and work toward that goal. But thank you for those comments. Other comments about the Senate plan?

Smitherman: Yes, sir. _____ now?

Chairman: Alright. Yes, sir. Go ahead ____.

Smitherman: _____ that the -- the plan as it relates to the Senate in Jefferson County is -- based on the -- the members who were affected, if that's the plaintiffs, is totally unacceptable the way that it is up there to us at this time. I just want the Committee to understand that. When you -- when you look at the -- _____, I guess, but I want _____ -- but when you look at the district on the left, and I think that's the one _____ Walker, there is a smidget of land, and you look at the one at the top, of the majority of that ____ district was in another area, you come in and get another smidget, and you look down at the bottom of one that's going -- the grey one is going that way, it's another little smidget. There's enough land right there to bring that in, bring them on out and keep them in and _____ just that simple. There -- there is nothing complicated about doing _____ very few people out there just scattered _____ few people in that bottom part and I -- because I know who live up in there and this -- this plan, it could easily be placed to where there is 3 and 3 in that Senate district. And I just -- and since we -- since -- since -- since this is -- and, you know, this is my own interpretation. Since -- when we started with these roads and everything else, it's my interpretation, not nobody else's, that is in your face, you know, I -- I -- I think they just _____ just _____ where they sit the hay down where the cow can get. And that's simply that that's not going to be acceptable and I'm just saying that whatever the Committee want to do, that's fine, you know, and that's so be it, that's a commission decision, you know, and I -- I -- majority rules on the Committee but I'm just saying that's -- that's not going to fly in terms of being acceptable _____ situation. _____ our last meeting, fine with me. If it is not, then we need to work toward those ends. But that's the acceptability from the plaintiff's side, that is not going to change. We are not going to accept that.

Chairman: Thank you, Senator. And I -- and I do -- you and I have had this discussion before and -- and I understand where you're coming from and -- and as I explained to you, I was able to reduce it from 5-to-3 to 4-to-3 to make some headway in that direction and -- and that is the best that -- that I can do based on Paul is surrounding people that's involved in it and so that _____.

Smitherman: I'd like to have one final, quick comment and that is -- however, there is a plan among the 3 parties that is -- that -- that addresses that, it does that. So is there _____ to do that within the guidelines _____ has set because there is a plan that's before this -- before the Legislature or any reapportionment that we'll do that. Thank you.

Chairman: Thank you, Senator. Senator McClendon?

McClendon: Mr. Chairman, I'd like to make a motion to adopt this Senate reapportionment plan that we have in front of us.

Male: Second.

Chairman: I have a motion and second. Secretary, call the roll.

Secretary: Senator Dial?

Dial: Aye.

Secretary: Senator Figures?

Figures: No.

Secretary: Senator Holley?

_____: She's not here.

Secretary: Senator Holtzclaw?

Holtzclaw: Aye.

Secretary: Senator Coleman-Madison?

Coleman-Madison: No.

Secretary: Senator McClendon?

McClendon: Aye.

Secretary: Senator Orr?

Orr: Aye.

Secretary: Senator Scofield?

Scofield: Aye.

Secretary: Senator Singleton?

Singleton: No.

Secretary: Senator Smitherman?

Smitherman: No.

Secretary: Senator Ward?

Ward: Aye.

Secretary: Representative Boyd?

Boyd: No.

Secretary: Representative Clouse?

Clouse: Aye.

Secretary: Representative Davis?

Davis: Aye.

Secretary: Representative Ford?

Ford: No.

Secretary: Representative Fridy?

Fridy: Aye.

Secretary: Representative Greer?

Greer: Aye.

Secretary: Representative Hall?

Hall: No.

Secretary: Rep_____ -- Representative McClammy?

McClammy: No.

Secretary: Representative Pringle? Representative Williams?

Williams: Aye.

Secretary: 11 "ayes," 8 "nays."

Chairman: The vote is, with 19 people voting, 11 "ayes," 8 "nays," and the program -- the plan has been approved. The plan is to introduce this bill in the Legislature. It will go to the Senate committee in which time that if anybody would like, they can have a public hearing and we move forward from there. But thank you, ladies and gentlemen. I'm going to turn it over to my co-chair, Representative Davis.

Davis: Thank you, Mr. Chairman. We're -- before us now will be the House Reapportionment Committee. As they're passing the maps out, I would like one here, if I may. But I feel like I can do it almost by memory. I would say that -- that -- just a couple of things that Mr. Walker eluded to earlier -- of course we're under the same guidelines. It's a little difficult to -- to not maintain the county lines based on the fact that some county -- our smallest is at 9,000 and our largest is at 675,000 -- so it makes it a bit more problematic to stay within that boundary. We are also working from an existing 2012 map and so that -- that limits some of the things that we are able to do. In the early phases of the plan -- of course we were looking at 9 House seats -- after the *Bethune-Hill* case, Virginia, we went to -- expanded that number to about 28 districts. And essentially what we ended up with -- and affecting those, it's like a big spider web, you pull one tentacle and it -- it -- it moves, so we went from 39 districts with no activity in them to 66 districts with -- with some activity in them. We did use some recommendations from Mr. Blackshear(sp?) and continue to work on those recommendations. Of course the geographic areas of -- of highest importance in this area that we -- we try to focus on of -- of -- from the south -- Mobile to Montgomery to Jefferson County, issues that are wiregrass -- Anniston area, Madison County's region, trying to -- to work to -- to accommodate members. I would say our plan is still in motion. I think we have the plan at -- at at least 85, 80% effective status and as we move forward in trying to maintain a timeline that we wanted to -- to move forward on today's reapportionment House plan so that we can accommodate schedule. And with that, Mr. -- Mr. Chairman or members, I will take any questions you might have.

Chairman: Questions from -- do I have any motions?

Male: Mr. Chairman?

Smitherman: I have a question.

Male: _____ any questions, I make a move to adopt.

Smitherman: I have a question.

Chairman: Would you hold the minute, Representative Boyd has a question.

Male: Sure.

Female: _____

Chairman: I -- I -- we'll go ahead and accept the motion and get a second and then I have a second from Representative Williams. Representative Boyd, your question?

Boyd: Yes. House issue -- House issue 32, the regular reference --

Male: Did you say 32 or 3?

Boyd: 32.

Male: Thank you, ma'am. I -- I -- it's hard to hear back here.

Boyd: Oh, okay. You make a reference to something about Anniston and I want you to clarify that for me and then give me the percentages of that district, please.

Davis: _____ and if you would look on page -- on the map --

Boyd: The Senate's map?

Davis: The -- yes, ma'am, if you should the -- the current map that is there. And -- and 32 was a -- was a difficult -- that was probably a district, Representative Boyd, Ms. Boyd, that -- that -- that I spent as -- more time on than any trying to reduce the number of counties the precincts splits and county lines and currently that -- in the black population is 52.86% and I -- I do not have the VAP on that at this point but that is generally the -- you know, what we felt like was the best we could do in following the guidelines and staying in the parameters of what the -- what -- what we saw as the court's request.

Boyd: And do you think that _____ in the _____ if that percentage is lower than what it was? _____ that is my question.

Davis: Yeah, and -- and I would say, just to offer a comment, that the -- the situation we found ourselves in was to undo some percentages that occurred in -- in 2012 to reduce those percentages and yet have members be above 50% and a part of the *Bethune-Hill* case, we are -- we are above that. But we've tried to do and work, and are working, with members to continue to adjust where practical. And -- and -- and again, I don't want to do something wrong that would then open the case up for further litigation, and that's what we are trying to avoid.

Male: I think that would be impossible.

Boyd: _____ may I conclude would you continue to work on that one?

Davis: Is that a request from you to continue to work on that?

Boyd: Yes, that is my request.

Davis: Yes.

Boyd: Thank you.

Davis: Thank you.

Chairman: Senator Smitherman, _____?

Smitherman: I have two questions. _____ take us back just to get some clarification on Senate district 18. I don't see any -- it's -- it's -- can someone explain to me the breakdown of _____ as I look at this chart, I'm not able to ascertain this clearly. That's the first question. And the second one, under this House plan, what is the makeup of the House districts in Jefferson County? So those are my two questions. Number one is the question related to the Senate plans in district 18. ____ I'm looking at --

Chairman: Restate your Senate question again.

Smitherman: I -- I'm looking at 18 and I see -- I see a -- in -- in -- in one area, I -- I see that the -- I do want to make sure I see what I see. I see the white population is 85.58 in Senate district 18, which is a predominate African American district at this time. And I see the African American population to 5.38%. Is that correct?

Davis: Are you on the Senate map or the House map?

Smitherman: Well, I'm -- let's see -- I'm on the House map. I'm -- I'm -- I'm on the House map.

Davis: So --

Smitherman: So I -- I -- I go back to the second question then. I haven't even looked at the Senate one but I -- I --

Davis: If -- if -- if -- if -- if I may explain that on that 18, the ____ --

Smitherman: No, no, no, no, no. I -- I didn't mean that about 18 in the House.

Davis: Okay.

Smitherman: I thought this was the Senate.

Davis: Okay.

Smitherman: But my question for the House is that how many -- what's the makeup of the districts in Jefferson County in the House?

Davis: The -- how many?

Smitherman: African American versus non in numbers. _____

Davis: 18 -- initially, I think, is currently there.

Smitherman: No, not number 18. Just scrap what I said about 18.

Davis: Okay.

Smitherman: I'm just trying to get the numbers.

Male: He's talking about 18 total members.

Smitherman: Just 18 total members?

Male: Currently.

Female: In Jefferson --

Davis: Right now it's 10/8. I would -- I would think after this --

Smitherman: 8 African Americans and 10 non-African Americans?

Davis: Yes, sir, and that would be reduced in a -- in -- in a recommendation that we will present moving forward to go 9/8.

Female: 9/8?

Smitherman: Okay, thank you. That answers my question.

Chairman: Other questions? Oh, I'm --

Male: Yes, sir, I -- I -- I just wanted to know if this Committee is going to invite in opportunity for public comment?

Chairman: ___ I would think so. They say _____ the same --

Male: Process.

Male: _____

Chairman: I -- if -- of course I don't run your House rules but I'd think it would go to the House committee just like any other bill, you have opportunity for a public hearing, ask for public hearing.

Male: I'm talking Reapportionment Committee. _____

Chairman: No. The public _____ are going to be given at the -- in the committee that the bills are assigned to ___ public hearing and notification. Other?

Female: _____ question.

Chairman: Yes?

Female: Are we -- going from 10/8 --

Chairman: Now, you need direct that to -- in House seats.

Female: Oh -- okay. Let's say we going from 18 to 17 in Jefferson County?

Male: No, ma'am.

Female: Is that what we're saying?

Davis: ____ Yes. So -- so -- currently there are 10 --

Female: We lose those seats?

Davis: You lose one member.

Female: That's what I'm saying, we lose a seat --

Davis: Yes.

Female: -- last year we lost -- that been -- been -- 4 years ago it was almost we lost a seat. We lost it to 3. No?

Male: _____

Female: I must -- I must --

Male: _____

Male: What?

Female: Oh, okay. Never mind.

Chairman: Alright her -- her question has been resolved by her _____ provide legal _____

Female: We hate -- we hate to lose him.

Chairman: Representative -- Senator, he'll send you a ____ next week with the count. Senator Smitherman?

Smitherman: I just -- I think -- I think that the question related to the House seats --

Female: Yeah.

Smitherman: -- and I think the _____ I know he's a Senator --

Female: No, no, we good.

Smitherman: -- ____ we good?

Female: We're good, we're good, we're real good.

Smitherman: Okay. Alright.

[multiple parties speaking]

Chairman: Back on the motion that we had from --

Singleton: Mr. Chair?

Chairman: -- from Senator McClendon for ____ --

Singleton: Mr. Chairman?

Chairman: I will withhold. I'm -- we -- we are -- we are motion and second so that's what we are going -- Rep -- Senator Singleton.

Singleton: I just want to ask a question.

Chairman: ____ go ahead.

Singleton: I just want to ask a question. Since we are -- we are dealing under Section 2, and I'm looking at your population numbers and everything I see as total pop, how much consideration were voter age population given in the total numbers in making up these districts, especially minority districts?

Chairman: Mr. Walker, will you -- will you respond to that?

Walker: ____ see the microphone? Oh. The -- the -- it's a different record that -- that -- that -- that calculates BVAP. It's a good question you asked. My understanding is that all the districts except for Ms. Boyd's came in above BVAP or were -- or were below 50% BVAP already. Ms. Boyd's was one that was above BVAP before the plan was drawn. It came in below BVAP when the -- when the splits that the court objected to were put back together and, as a result of that and as a result of the *Bethune-Hill* case, we -- we got a -- we had a study done to ensure we had strong basis of evidence of moving the black population in her district above 50%. So that's -- that's of BVAP.

Singleton: Thank you.

Walker: Yes, sir.

Chairman: Thank you. Alright, call the roll on adoption of -- on the adoption of the House plan as presented, motion made by McClendon and seconded by Scofield. Call roll.

Secretary: Senator Dial?

Dial: Aye.

Secretary: Senator Figures?

Figures: No.

Secretary: Senator Holley?

Holley: Aye.

Secretary: Senator Holtzclaw? Senator Coleman-Madison?

Coleman-Madison: No.

Secretary: Senator McClendon?

McClendon: Aye.

Secretary: Senator Orr?

Orr: Aye.

Secretary: Senator Scofield?

Scofield: Aye.

Secretary: Senator _____ -- Singleton?

Singleton: No.

Secretary: Senator Smitherman?

Smitherman: No.

Secretary: Senator Ward?

Ward: Aye.

Secretary: Representative Boyd?

Boyd: No.

Secretary: Representative Clouse?

Clouse: Aye.

Secretary: Representative Davis?

Walker: Aye.

Secretary: Representative Ford?

Ford: No.

Secretary: Representative Fridy?

Fridy: Aye.

Secretary: Representative Greer?

Greer: Aye.

Secretary: Representative Hall?

Hall: No.

Secretary: Representative McClammy?

McClammy: No.

Secretary: Representative Williams?

Williams: Aye.

Secretary: 11 "ayes," 8 "no."

Chairman: With 19 voting, the vote was 11 "ayes," and 8 "no's." --

Smitherman: Mr. Chairman?

Chairman: It's approved. Before we adjourn ____ --

Smitherman: Mr. Chairman?

Chairman: Just a minute, I want to make an announcement before everybody leaves. Confirmation is going to be directly after this so if you want confirmation, please attend. Senator -- Senator Smitherman?

Smitherman: I have -- thank you, Mr. Chairman -- I will just ask that the record reflect -- that the record reflect that every member of the plaintiff voted "no" --

Chairman: Thank you, Senator.

Smitherman: -- on -- on these plans. Thank you.

Chairman: This Committee _____ adjourned. Thank you, ladies and gentlemen.