



Deposition of:  
**September 7, 2021 9:00 Public Hearing**  
*September 7, 2021*

In the Matter of:  
**Permanent Legislative Committee On  
Reapportionment Public Hearings**

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DEFENDANT'S  
EXHIBIT

**73**

ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT  
AND REDISTRICTING PUBLIC HEARING

HELD ON  
TUESDAY, SEPTEMBER 7TH, 2021  
BEGINNING AT 9:00 A.M.

LOCATION:  
SHELTON STATE COMMUNITY COLLEGE - MARTIN CAMPUS  
9500 OLD GREENSBORO ROAD  
TUSCALOOSA, ALABAMA 35405  
AND  
ONLINE VIA MICROSOFT TEAMS MEETING

TRANSCRIBED REMOTELY BY:  
KATHLEEN F. CAVAZOS, RPR,  
COURT REPORTER

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1  
2 SENATOR MCCLENDON: Good morning, everybody.  
3 Thank you for being with us. We appreciate you joining  
4 us, and we look forward to your comments.

5 My name is Jim McClendon. I'm a state senator  
6 from St. Clair County where I live, and I am Senate Chair  
7 of the Redistricting Committee.

8 On my right is Chris Pringle. Chris is a state  
9 representative, and Chris is the House of Representatives  
10 Chair. And on my left is Dorman Walker. He is an  
11 attorney, and Dorman works for the Reapportionment  
12 Committee.

13 Every 10 years, a census is mandated, and the  
14 census is not merely to count people but to locate  
15 people, and there's been a trend going on for decades of  
16 a migratory pattern away from rural areas and toward  
17 urban areas. And as a result of this, in order to try to  
18 honor the concept of one person, one vote, we have to  
19 change the shape of the districts. We have to catch the  
20 people as they move around.

21 We are working on and will be talking about  
22 today -- or you will be talking about today, if you wish,  
23 the seven Congressional districts, the eight state board  
24 of education districts, the 35 Senate districts and the  
25 105 Alabama House of Representative districts. Some of



1 these districts will go up in population, and those  
2 districts will have to be made more compact in order to  
3 get back to the ideal number. Some of them will go down  
4 in population, and those districts will have to be made  
5 larger in order to capture the number of people to reach  
6 the target number which I've got here. Where is the  
7 target number? There we go.

8 An ideal Senate district, for example, is  
9 143,551, and an ideal House district is one-third of  
10 that, 47,850. Now, we have a plus or minus five percent  
11 deviation that we can do. They don't have to have  
12 exactly the same number. However -- and that's true of  
13 the state board of education districts, too, but the  
14 Congressional districts have to be down to one person.  
15 They don't have a deviation.

16 I'll give you some examples. We'll start with  
17 Senate districts in your area that could impact you.  
18 Senate district five, for example, has lost about 4,500  
19 people. Senate district 21 has gained roughly 12,600  
20 people, and Senate district 24 has lost about 8,000  
21 people. Obviously, those district lines are going to  
22 have to be adjusted to get back to the ideal number.  
23 House districts in your area: House district 16 went  
24 down. It had a decrease in population of 2600. House  
25 district 61 went up in population by about 3,300. House

1 district 62 went up by about 7,600, and Senate district  
2 63, which is vacant right now, it went up by about 7,900.  
3 House district 70 went up by about 1,400, and 71 went  
4 down 3,300.

5 So that gives you an idea of our task. I would  
6 like to introduce now Representative Chris Pringle, and  
7 he is going to give you some guidelines for how we carry  
8 out these hearings.

9 MR. PRINGLE: Thank you so much, Senator.  
10 Again, I'm Representative Chris Pringle from House  
11 district 101, and I do believe my friend and colleague,  
12 Mr. England, is in the room with you from Tuscaloosa  
13 County. Welcome, Chris, glad to have you.

14 Today, you will be asked to speak in the order  
15 in which you signed up. Please limit your remarks to  
16 three minutes. At the end of the meeting, if we have  
17 time, we will come back around to you. When you're  
18 called, please come to the microphone, state your name,  
19 the community you represent and the district or districts  
20 you want to speak about. If you decide to speak but did  
21 not sign up, we'll ask at the end if anyone who hasn't  
22 spoken wants to speak.

23 If you're participating remotely, send your  
24 question, and we'll read it into the record and answer  
25 it.

1           This hearing is being transcribed by a court  
2     reporter working remotely. If you have something you  
3     would like to introduce into the record as an exhibit,  
4     bring it to the microphone when you speak and let the  
5     hearing officer know, and we'll get it put into the  
6     permanent record.

7           This hearing deals solely with redistricting, no  
8     other legislative issue. We're not here to talk about  
9     any other legislative issue, so please keep your comments  
10    germane to the redistricting issue.

11          Thank you so much. Now it's Mr. Walker's turn.

12          MR. WALKER: I'm Dorman Walker, and good  
13    morning. I'll go over the rules the legislature has for  
14    itself for drawing districts. They can't draw them just  
15    any way they want. The first rule, of course, is they  
16    have to comply with the Federal Constitution and  
17    principally the one person, one vote and  
18    nondiscrimination requirements of the Constitution.

19          With regard to one person, one vote, that's a  
20    requirement that all districts that have to be  
21    redistricted be roughly equal in population, if they're  
22    board of education or legislative districts, and be  
23    almost precisely equal in population if they are a  
24    Congressional district. The amount of deviation allowed  
25    for the state districts, which I mean to exclude the

1 Congressional districts, is five percent above or below  
2 the ideal population, and Senator McClendon gave you the  
3 ideal populations.

4 No plan adopted by the legislature can have  
5 either the purpose or the effect of diluting minority  
6 voting streams, and all plans must comply with section  
7 two of the Voting Rights Act.

8 No district can be drawn in a manner that  
9 subordinates race-neutral districting criteria to  
10 considerations of race, color or membership in a language  
11 minority group -- that term, race, color or membership in  
12 a language minority group, is taken from section two of  
13 the Voting Rights Act -- except when race, color or  
14 membership in a language minority group may predominate  
15 over race-neutral districting criteria is necessary to  
16 comply with section two of the Voting Rights Act,  
17 provided there is a strong basis in evidence in support  
18 of such a race-based choice. A strong basis of evidence  
19 exists when there is good reason to believe that race  
20 must be used in order to comply with the Voting Rights  
21 Act.

22 Districts should be reasonably compact, and all  
23 districts should reflect the democratic will of the  
24 people concerning how their government should be  
25 restructured, and that's one of the purposes of the

1 hearing today, to hear what people have to say about how  
2 the districts should be redrawn.

3           Districts are drawn on the basis of total  
4 population. The census bureau gives us population in a  
5 number of different forms. Total population is everyone  
6 who was in the district on census day, which was April 1,  
7 2020, and recorded as of that date. That includes a lot  
8 of people who can't vote, such as children or certain  
9 people who are incarcerated or people who are not  
10 residents of the state or people who are not citizens.

11           But, nevertheless, we base redistricting and  
12 have always based redistricting on total population,  
13 although at times we may look at voting age population or  
14 BVAP, black voting age population, in particular in order  
15 to ensure that we're complying with section two of the  
16 Voting Rights Act.

17           The number of Alabama Senate districts is set by  
18 statute at 35. And the number of House districts is set  
19 by statute at 105. The Constitution would allow us to  
20 have an additional district, 107 -- 106, excuse me. All  
21 districts are single-member districts, which means that  
22 only one person is elected from each district. Contests  
23 between incumbents will be avoided whenever possible with  
24 drawing districts.

25           Districts must be contiguous; that is, they must

1 contact all other districts -- At every point, they must  
2 be in contact with another district or with one of the  
3 boundaries of the state. Contiguity across water is  
4 allowed such as across rivers or lakes or Mobile Bay.

5 Districts shall respect communities of interest,  
6 neighborhoods and political subdivisions to the extent  
7 practicable. A community of interest is identified as an  
8 area with recognized similarities of interest, including,  
9 but not limited to, ethnic, racial, economic, tribal,  
10 social, geographic and historic identities. The term  
11 "community of interest" may in certain circumstances  
12 include political subdivisions such as counties, voting  
13 precincts, municipalities, tribal land and reservations,  
14 and school districts.

15 The discernment, weighing and balancing of the  
16 very interests or factors that contribute to communities  
17 of interest is an intensely political process best  
18 carried out by the elected representatives of the people.

19 Districts are required to be reasonably compact,  
20 and the legislature shall try to minimize the number of  
21 counties in each district.

22 In establishing legislative districts and,  
23 really, all of the districts, the reapportionment  
24 committee will give due consideration to all the criteria  
25 herein. However, priority is to be given to the

1 compelling state interest requiring equality of  
2 population among districts and compliance with the Voting  
3 Rights Act of 1965 as amended should the requirements  
4 conflict with any other criteria.

5 So those are the rules, and, particularly, we'd  
6 like to hear -- The legislature would like to hear about  
7 communities of interest that need to be respected. We  
8 have 29 people signed up today, but we have only one  
9 person who has signed up to speak. I'll call on that  
10 person, and then I'll see if there's anybody else who  
11 wants to speak, and then I'll see if we have any  
12 questions submitted by the people who are participating  
13 remotely. And then, after that, I'll see once again if  
14 anyone wants to speak, and if no one does, I'll close the  
15 hearing.

16 So Carol Prickett has signed up to speak from  
17 Tuscaloosa. Ms. Prickett, please come forward.

18 MS. PRICKETT: Hello. My name is Carol  
19 Prickett. I've lived in Tuscaloosa County for 38 years,  
20 and my Alabama family roots go back five generations.  
21 I'm here today as the spokesperson for the League of  
22 Women Voters of Greater Tuscaloosa, and I'm speaking to  
23 the issue of Congressional redistricting.

24 As I'm sure you know, the League of Women Voters  
25 is a nonpartisan organization. We do not endorse

1 specific candidates or parties, but we stand solidly  
2 behind issues that affect all citizens, such as voting  
3 and, here and now, creating fair Congressional districts.

4 Our issues: Substantially equal in population,  
5 geographically connected, equally representing racial and  
6 language minorities, and respecting communities of  
7 interest and the integrity of municipalities and  
8 counties, as has been referenced in the underscoring  
9 things that the entire legislature will be considering.  
10 These are also our league's concerns as Alabama faces the  
11 issue of redistricting.

12 The current district divisions meet many of  
13 these goals but not all and, most importantly, not the  
14 last one, respecting communities of interest,  
15 municipalities and counties. Tuscaloosa County  
16 represents a large, diverse hub of energy for West  
17 Alabama, which is a community of interest. But the  
18 current Congressional districts do not allow us to speak  
19 with a unified voice, do not receive the Congressional  
20 attention our unique needs require from one  
21 representative held accountable at our ballot boxes and  
22 buries our concerns by homogenizing them with those of  
23 very different areas of Alabama life. The northern part  
24 of our county is not like Albertville or Fort Payne, and  
25 the southern part of our county is not urban Birmingham.



1           It is our league's understanding that  
2     legislation will be proposed that maintains counties'  
3     integrity in drawing up Congressional districts and  
4     maintains all other requirements for redistricting, and  
5     I'm here to speak in favor of this whole-county  
6     philosophy. A plan for this has already been put on  
7     record at more than one of these hearings that began last  
8     week. We of the League of Women Voters of Greater  
9     Tuscaloosa stand behind and support this whole-county  
10    plan that preserves all our redistricting goals,  
11    including maintaining counties' integrity in  
12    Congressional districts.

13           Our state Constitution and long traditions  
14    support bolstering counties as the embodiment of  
15    communities of interest. As the leading force behind  
16    West Alabama's present and future, Tuscaloosa County  
17    needs to speak with one elected voice in Congress, and a  
18    whole-county philosophy needs to be part of this  
19    redistricting creed. It has been in the past, and if our  
20    future is to be all it can be, it should be again as  
21    difficult redistricting decisions are being made.

22           Thank you.

23           MR. WALKER: Ms. Prickett, did you bring with  
24    you, by any chance, any of these maps to hand out to the  
25    people at the hearing?

1 MS. PRICKETT: I do not have those maps with me.  
2 They've been submitted at other hearing, and we  
3 understand they're part of the record so far.

4 MR. WALKER: No, they are. I was just curious  
5 because Jim Blacksher asked me to reference a place where  
6 they can be found, but I think it's going to be hard --  
7 If anybody is interested in looking at the map that the  
8 League of Women Voters has proposed, and it has some  
9 interesting features, let me give you this website. Get  
10 your pens ready because it's a little bit complicated,  
11 [HTTPS://drive.google.com/file/d/1asnciqalQKVmKv7LjHX\\_7082](https://drive.google.com/file/d/1asnciqalQKVmKv7LjHX_7082zve-wVaQX/view)  
12 [zve-wVaQX/view](https://drive.google.com/file/d/1asnciqalQKVmKv7LjHX_7082zve-wVaQX/view). And, Jim, we've got to have a better way  
13 to get that information out than to read that.

14 MS. PRICKETT: I believe there was a link that  
15 was put into chat while you were speaking that's a little  
16 bit more concise.

17 MR. WALKER: Okay. Good.

18 MS. PRICKETT: And I will also mention, if  
19 anyone wants to email the League of Women Voters of  
20 Greater Tuscaloosa, we will make sure that you get that  
21 link in that.

22 We understand there are negotiations that will  
23 happen, but this is the proposal that Mr. Singleton is  
24 going to be backing, as we understand, and several other  
25 people in the legislature. Thank you for mentioning

1 that, and the link will be in the chat, and you can get  
2 that link from the League of Women Voters of Greater  
3 Tuscaloosa.

4 MR. WALKER: And I will point out there are two  
5 interesting characteristics of this plan, and I state I  
6 have no opinion on them one way or the other at this  
7 hearing. One is that it does not have a minimal  
8 deviation. It has a deviation of, I think, 2.46 total  
9 deviation from ideal population. And another thing is  
10 that it does not have a majority black district. It has  
11 two districts that are opportunity districts, district  
12 seven, which is Representative Sewell's district, has a  
13 BVAP, which means the population of black voters, in that  
14 district is 45.82 percent of the district, and then it  
15 also has a second district, which is district six, which  
16 is the counties of Jefferson, Bibb, Hale and Perry, which  
17 is 40.55 percent black. So those are two interesting  
18 features in that plan.

19 Is there anyone else at Shelton State in the  
20 auditorium who wishes to speak? And I can only see the  
21 podium. I can't see the crowd. So if there's anyone who  
22 wants to speak, please come up and just start speaking or  
23 somehow let us know.

24 Do we have any questions submitted remotely?  
25 Yes. Are these people participating remotely?

1 Catherine Meadows. Catherine, you need to  
2 unmute yourself.

3 MS. MEADOWS: Yes. Can you hear me?

4 MR. WALKER: We can hear you now. Thank you.

5 MS. MEADOWS: It is actually me and my husband  
6 both attending remotely.

7 I wanted to know, is the committee going to use  
8 an algorithm to help determine how to properly balance  
9 the districts and prevent gerrymandering? Alabama has  
10 recently been in several articles where even a middle  
11 school student was featured in Forbes, and Alabama was  
12 pointed out as one of the worst gerrymandered states in  
13 the country, and our lines are not drawn to balance. You  
14 keep talking about balancing the racial and other  
15 interests of everyone, and I think the most logical and  
16 the best way to do that would be to use an algorithm  
17 rather than, you know, an opinion of people.

18 And I've looked at the total -- the whole-county  
19 plan, and I agree that doesn't look like it balances the  
20 districts when I compare to information put out in  
21 articles that have called us out. Alabama is being  
22 repeatedly called out in the media for our issues, and we  
23 need to address those issues, and this is one of them and  
24 one of the ways to address those issues.

25 MR. WALKER: I'm not aware of a plan to use an

1 algorithm. If you're aware of an algorithm that you want  
2 to suggest to the legislature -- and I realize you're  
3 probably not an expert in redistricting -- that would be  
4 fine, but I'm not aware of a plan to use an algorithm. I  
5 know some states use algorithms. Those tend to be states  
6 that have redistricting commissions that are outside of  
7 the legislature in some way or another. Each state is  
8 set up in a different way, but there's not, so far as I  
9 know as the lawyer for the Redistricting Committee , a  
10 plan to use an algorithm.

11 MS. MEADOWS: Okay. Well, I am a computer  
12 programer, so that technology is something of interest to  
13 me, so I will send in suggestions for possible sources of  
14 algorithms.

15 MR. WALKER: Thank you for doing that.

16 Mike Altman. That's you right there. Okay.  
17 Mr. Altman, unmute yourself and speak, please.

18 MR. ALTMAN: Thank you. I'm from Tuscaloosa. I  
19 wanted to take a second to talk about the city itself in  
20 terms of how it's carved up in terms of districts right  
21 now. One of the things you mentioned is municipalites  
22 are considered communities of interest for redistricting  
23 purposes, but Tuscaloosa is cracked by a number of  
24 districts.

25 I have a friend, we used to be neighbors. Our

1 kids go to the same school. We go to the same church.  
2 We take our kids to the same parks. We go to lunch  
3 regularly. But we do not share a single state  
4 representative, and we have a different congressperson.  
5 We're part of the same community, except for our  
6 (inaudible) two U.S. senators. It makes absolutely no  
7 sense.

8           Instead of being part of the same district, our  
9 community is divided at both the state House and state  
10 Senate levels. Communities in the City of Tuscaloosa are  
11 districted with rural areas that are not the same kinds  
12 of communities. This means that our representatives are  
13 often distant from us in rural communities and do not  
14 share the concerns as a mid-sized city like Tuscaloosa.

15           If you look at the numbers you just put forth, a  
16 state Senate number was 143,000 and change. That's more  
17 than the population of the city of Tuscaloosa. You said  
18 the House number is like 47,850, around there. That's  
19 about half. So we should theoretically have maybe one  
20 state senator and two House members. And I'm looking at  
21 a map right now, and we've got four, depending on where  
22 you live in the city, state senators -- three state  
23 senators and four state House districts within the city  
24 limits.

25           My district is 71, a lovely district, happy to

1 live there. It trenches all the way to Livingston. I  
2 couldn't drive to the farthest southwest corner of my  
3 district and back and be here in time for lunch. I can  
4 have lunch with my buddy and get back to work, but we're  
5 not in the same district. If I was going to go to lunch  
6 with somebody in my district, I couldn't get back to work  
7 on time.

8 So I'd like to know what the committee can do as  
9 we draw these lines because the communities of a mid-size  
10 city share very little in common with the committees of  
11 the rural areas southwest of here or far north  
12 (inaudible).

13 MR. WALKER: As the hearing officer, I try to  
14 tread a line between commenting on comments or expressing  
15 an opinion, which I don't want to do, and providing  
16 information that might be helpful to people at the  
17 hearing in responding to questions. So don't interpret  
18 my comments as a statement of opinion one way or the  
19 other on what you said.

20 What happens, particularly with Tuscaloosa, and  
21 also the same thing happens with Lee County, if that  
22 makes you feel better, it's not just Alabama, it's  
23 Auburn, too, is they're densely populated counties in the  
24 middle of areas that are more sparsely populated and,  
25 worse than that, losing population.

1           So remember that the first overarching  
2     requirement that the legislature has to meet in order to  
3     comply with the Constitution is equality of population of  
4     districts. The only way to repopulate and get equal  
5     population for those sparsely populated counties around  
6     Tuscaloosa is to come in to Tuscaloosa and,  
7     unfortunately, parcel out some of its population to those  
8     counties. Otherwise, those districts would be huge. So  
9     that's probably why the legislature has done what it has  
10    done.

11           And I hear what you're saying about respecting  
12    communities of interest, but the priority has to be  
13    equality of population.

14           MR. ALTMAN: I appreciate that, but I guess I  
15    also noted -- I'm looking at a redistricting map right  
16    now, and when you click the minority age voting  
17    population filter, you quickly see that the minority  
18    voting age population numbers match pretty much exactly  
19    with the district line in ways that crack and then  
20    connect basically black voters on the west side of  
21    Tuscaloosa limits with voters down in Livingston, which  
22    creates one district; whereas, if you had the city in the  
23    middle, say, and you had those rural areas you're talking  
24    about moving out from those population centers or if you  
25    had (inaudible) talking about the House district, cut it



1 in half and go out that way, you would have competitive  
2 districts in terms of partisan lines and then have 55  
3 percent African-American (inaudible) minority district as  
4 opposed to 65 for district 71 right now. So there's some  
5 packing happening (inaudible) with that population  
6 requirement used as an excuse, it sounds like.

7 MR. WALKER: All right. Anyone else who wants  
8 to speak? Thank you for those comments, Mr. Altman.

9 Kathy Jones.

10 MS. JONES: Hi. This is Kathy Jones. I spoke  
11 to you last Wednesday at Drake State and really  
12 appreciate the hearings that you've been holding, and I'm  
13 just really in awe of all the people participating.

14 The one thing I did want to ask you, and I put  
15 it into the chat, was some references. We're not really  
16 sure why you keep saying that the Congressional districts  
17 have to balance by no more than one person because there  
18 is -- you know, there is a lot of precedent that says  
19 that's not a requirement, and it seems to be misleading,  
20 and I'm just trying to get you to -- I don't know if I  
21 leave this in the chat, if it's going to become part of  
22 the record or what else do I need to do to make sure that  
23 the concerns about the statements you're making about the  
24 one person difference in the Congressional district seems  
25 to be -- from what I'm getting advised, is not completely

1 accurate.

2 MR. WALKER: Thank you, Ms. Jones. I understand  
3 that Mr. Blacksher has an argument that the whole-county  
4 plan that the League of Women Voters has proposed with  
5 2.46 deviation meets the constitutional requirements. I  
6 don't fully know what that argument is. I know there are  
7 circumstances in which deviation has been allowed in  
8 Congressional plans, but I'm not sure that those  
9 circumstances apply in Alabama. The statements that you  
10 have submitted by chat are part of the record.

11 There's someone at the podium now. Would you  
12 identify yourself, please, and tell us what you have to  
13 say.

14 MS. TAYLOR: My name is Judy Taylor. I'm part  
15 of the County of Tuscaloosa, and I want to take the  
16 discussion a little different slope, and that is the  
17 standing committee that oversees the redistricting. Can  
18 you tell me when that committee was seated and how long  
19 those members have served on that committee?

20 MR. WALKER: Gosh. The committee was created by  
21 the legislature in the '70s, I think. '89, sorry. And  
22 during non-redistricting sessions, it is a small  
23 committee. During redistricting sessions, it is a large  
24 committee of, I believe, 22 people. It has membership  
25 from the House and from the Senate and, as you know from

1 sitting through our introduction, it has a Senate chair  
2 and a House co-chair.

3 I don't know that I have any information about  
4 the tenure of the people who have served on the  
5 committee. I know that Senator McClendon was the House  
6 co-chair last time, so he has good experience on the  
7 committee, which, trust me, it's a very -- it's not an  
8 easy task.

9 MS. TAYLOR: I was going to say a thankless job.

10 MR. WALKER: I'm sure they would agree with you  
11 that it is a thankless job.

12 I don't know -- I know there are members of the  
13 committee that have served for a long time, but I  
14 couldn't tell you exactly who they are and how long  
15 they've served. I'm sorry.

16 (Inaudible) This is a redistricting time. So  
17 there's 11 in the House and 11 in the Senate that are  
18 appointed. During years that redistricting is not going  
19 on, there's three members in the House and three members  
20 in the Senate that serve.

21 MS. TAYLOR: I was just curious about the  
22 appointment and the continuing service in those  
23 committees.

24 Thank you very much.

25 MR. WALKER: Thank you, ma'am.

1           Is there anyone else at Shelton State in the  
2           auditorium who wishes to speak? If you do, please come  
3           to the podium.

4           Ms. Jones, you still have your hand up. Do you  
5           have anything else you want to say?

6           MS. JONES: No. I guess I did not see it up.  
7           Thank you.

8           MR. WALKER: Okay. Thank you.

9           Yes, sir.

10          MR. TURNER: I'm Albert Turner from Perry  
11          County. I'm very interested in the Congressional makeup  
12          of the Alabama delegation. Currently, we only have one  
13          democrat in that delegation, and I am curious to know  
14          what is the objective of the committee, as well as what  
15          is the proposed deviation that you all are going to put  
16          forth to the full legislature.

17          As you know, a question earlier was presented  
18          that -- Someone made the statement that one person is the  
19          only deviation. We know that the Constitution allows up  
20          to a five percent deviation, and it ensures that  
21          African-Americans are represented in Congress. And from  
22          the State of Alabama, are you all making sure that  
23          African-Americans have representation in our  
24          Congressional delegations?

25          We know that, currently, with seven districts,

1 six are held by Republicans and one by a Democrat, and in  
2 central Alabama, there is a cluster of the population  
3 that are what we call the Black Belt population of which  
4 I'm from, Perry County. The population is leaving. So,  
5 therefore, Congressional district number seven is going  
6 to be expanded to make sure that we get the number of  
7 people that's required to have an equalization of  
8 districts.

9 So what is your deviation? We know one or zero  
10 is not going to work to make sure that African-Americans  
11 are adequately represented in the Congressional makeup.  
12 So what is the deviation or what is the target that you  
13 all are going for?

14 MR. DORMAN: My understanding of the law is that  
15 with Congressional districts, we're pretty much bound to  
16 minimal deviation. The Supreme Court cases discussing  
17 deviation for non-Congressional districts and from which  
18 the safe harbor, if you will, of plus or minus five  
19 percent comes from (inaudible), and the Supreme Court has  
20 therefore additionally allowed more latitude for those  
21 districts in terms of deviation while being more strict,  
22 typically, in the deviation from ideal population for  
23 Congressional districts. I understand that, again, the  
24 counsel for the League of Women Voters has a different  
25 argument on that. I think that it's likely that after

1 the legislature has drawn districts -- and, again, the  
2 legislature will do its best to make sure the districts  
3 it draws comply with the Federal Constitution, the equal  
4 protection clause and with the Voting Rights Act -- I  
5 think it's likely that we will have two competing  
6 lawsuits, based on what I've been told, (inaudible)  
7 whatever is drawn.

8           You may know, Mr. Turner, that in November of  
9 20 -- well, actually, in 2018, the Democratic Party filed  
10 a lawsuit alleging that the state should have drawn two  
11 majority black districts, and that was tried in federal  
12 court, and in order to draw two majority black districts  
13 instead of just the one district we have now, which is  
14 Terri Sewell's district -- I can't recall exactly what  
15 her BVAP is, but in order to draw two majority black  
16 districts, the BVAP of her district and a new majority  
17 black district two were taken down to from about 50 --  
18 between 50 and 52 percent BVAP, so just barely over the  
19 line.

20           Whether or not that's sufficient or not, I'm  
21 sure, is something that will be litigated again if that  
22 lawsuit is refiled, and my understanding is that the  
23 people who want to file that lawsuit has said they're  
24 going to file it again if the state doesn't draw two  
25 majority black Congressional districts.

1           On the other hand, there's the plan proposed by  
2     the League of Women Voters which doesn't have any  
3     majority black Congressional districts but has two what  
4     are called opportunity districts with, I think, 45 and 40  
5     percent BVAP that would cover districts -- The district  
6     seven under that plan is basically all of the Black Belt  
7     except for Barbour County and with some Black Belt  
8     adjacent counties like Washington, Clarke, Monroe and  
9     Conecuh. But then district six would be a second  
10    majority black district consisting of Jefferson, Bibb,  
11    Perry and Hale, and those last three, of course, are  
12    Black Belt -- or at least Perry and Hale are Black Belt  
13    counties.

14           MR. TURNER: I just wanted to make sure you know  
15    that I'm going to be objecting to Perry being taken out  
16    of the seventh district, and I want to make sure that the  
17    record shows that I object to any plan that does not have  
18    a majority black voting age population. We're not  
19    talking about population itself because in some of those  
20    counties, we have prisons. Prisoners are included in the  
21    data. So those numbers would not be adequately  
22    representing the African-America community.

23           So I want the record to show that I'm opposed to  
24    any plan that takes Perry County out of the seventh  
25    district, and I'm opposed to any plan that does not have

1 a voting age population of African-Americans above 55  
2 percent. History has shown that that is the only way  
3 that we can guarantee that we have an opportunity to have  
4 representation in Washington. Just to say that we've got  
5 black population does not guarantee black representation.  
6 So I want to make sure that the committee understands  
7 that the voting age population needs to be in excess of  
8 55 percent in any district that is created.

9 Thank you very much.

10 MR. WALKER: Mr. Turner, please don't leave.  
11 Just to make sure that I was clear, I don't want to  
12 misrepresent the League of Women Voter's plan. The  
13 percentages that I was talking about, 40.55 and 42.8  
14 percent for their district plan, six and seven, those are  
15 BVAPs, not total black population. So if I misspoke on  
16 that, I apologize. I didn't mean to do that.

17 I'd like to ask you to expound, though, if you  
18 can, because it's helpful to the committee on the  
19 statement that at least 55 percent BVAP is required for a  
20 successful Congressional district. Anything else you can  
21 tell the committee about why you believe it should be 55  
22 would be very helpful.

23 MR. TURNER: Well, 55 percent ensures that the  
24 population base would be above 55 percent. So the  
25 population that would be represented would be an African-



1 American district with the general population being above  
2 55 and the voting age being above 55, that would ensure  
3 us that you have a nine-and-a-half out of 10 chance of  
4 having an African-American to represent that particular  
5 district. And that should be the objective, to make  
6 sure --

7 We want to skirt around the issue, but race and  
8 politics go hand in hand. Very few minority districts  
9 are represented by majority people, and that goes  
10 black/white, white/black. So in dealing with  
11 redistricting in the past and with my father, 55 percent  
12 voting age population has always been guaranteed to make  
13 sure that we have someone of African-American descent  
14 representing that district.

15 And I heard her say something about Senator  
16 Singleton is going to be supporting a plan. Senator  
17 Singleton is not going to be representing any plan that's  
18 got 40-something percent voting age black population and  
19 think that's going to pass. That's not going to pass,  
20 and blacks sure aren't supporting that. I'll make sure  
21 that blacks understand that 55 percent or somewhere in  
22 that neighborhood is what's needed to ensure African-  
23 Americans being represented in Congress. If you take a  
24 40 percent black voting age population in a district and  
25 put in Congress, that district will be represented by a

1 white and most likely represented by a Republican, and  
2 there's no way that anyone can understand or should  
3 understand that our politics in Alabama is not issue  
4 based, per se.

5 So we want to make sure that the committee  
6 understands that we have to make sure that we have  
7 African-American representation in Congress. We only  
8 have one. We only have one Democrat, and it's because of  
9 the way the district lines were drawn before. To say  
10 you've got two districts with overall population being 50  
11 or 51 percent African-American, the voting age  
12 population -- which we are younger in our population. We  
13 have more people under the age of 18 than any other. So  
14 although you have a population of people amount, voting  
15 age population, which (inaudible) determines who can cast  
16 that vote should be the determination of 55 plus to  
17 ensure -- and if someone gets to a 55 plus population,  
18 you know, they deserve to win. We need to make sure that  
19 the cards are not stacked against, one, African-Americans  
20 and, two, Democrats in this upcoming redistricting  
21 process.

22 I'm satisfied we don't have enough black people  
23 in Alabama to create two 55 percent districts, but I'm  
24 satisfied to make sure we have one African-American in  
25 Congress that can speak on our behalf because we do have

1 different issues that need to be addressed by our own  
2 people.

3 Thank you.

4 MR. WALKER: Thank you, Mr. Turner. Is there --

5 MS. OVERTON: There's a question from -- I'm not  
6 sure of the name. It says, "I'm not familiar with racial  
7 makeup of the counties of Alabama, so does the LWV map  
8 not address racial packing?"

9 MR. WALKER: The question is does the League of  
10 Women Voters' map address racial packing, and packing is  
11 a term that's used, for those of you who are not  
12 familiar -- You may have heard two terms being used by  
13 speakers, "cracking" and "packing." Packing is when --  
14 and let's speak in terms of black populations, since  
15 that's principally what we're dealing with in Alabama.

16 When more black voters are put into a district  
17 than are necessary to elect a -- or to give blacks in  
18 that district the opportunity to elect the candidate of  
19 their choice and the, if you will, the excess black  
20 voters could be combined with black voters in other  
21 places to create another majority minority district, then  
22 that's what's called packing because those are wasted  
23 votes.

24 Cracking is where -- the opposite of packing, is  
25 where the minority community is spread among a variety of

1 districts so that it never has the chance to have the  
2 opportunity to elect the candidate of choice in the  
3 presence of racially polarized voting.

4 And I can't speak for the League of Women  
5 Voters' plan, but given that it's the League of Women  
6 Voters, I'm sure that they have thought about cracking  
7 and packing and have done their best to avoid that, but I  
8 think you would have to ask them about that.

9 Anybody else?

10 Mr. Altman, you have your hand up again?

11 MR. ALTMAN: Yes, just real fast. I heard what  
12 the gentleman said a second ago, and I just want to say  
13 it's not just the 55 percent minimum. That's like a  
14 perfect line, but you don't want to get above 60 percent  
15 because that's when you start getting into the packing  
16 you were just describing. The target would be between 55  
17 and 60 percent for a successful district. It doesn't  
18 have to be African-American, but someone they chose in  
19 that community is chosen. Even in our county, currently  
20 district 71 is over 50 percent African-American, hence my  
21 statement about packing earlier.

22 MR. WALKER: Thank you, Mr. Altman.

23 There's someone at the podium, if you want to  
24 introduce yourself and speak.

25 MS. WARD: My name is Lisa Ward. I am with

1 Tuscaloosa County, and my comment is just basically for  
2 the powers that be who are out there making these  
3 decisions to consider something, the representation, when  
4 you are redrawing these lines, the distance of where  
5 these representatives have to go to get to these people  
6 to have town halls or to be able to speak to them, in my  
7 case, touched on how far it is for him to go. I can only  
8 talk from experience, being somebody who is out in the  
9 field all of the time. For example, and I'm just going  
10 to give this one example right now because it's our most  
11 recent, but if everybody would look at district four in  
12 the U.S. Congressional district, it took us from sunup to  
13 sundown just to get from one location to another.  
14 There's no broadband. There's no cell services. There  
15 is no GPSs in most of these areas. So you spend a lot of  
16 time getting lost when you're up here trying to serve  
17 your community and do the things that you need to do.

18 And when you literally create these district  
19 lines from Mississippi to Georgia, there's a problem  
20 because there's only 24 hours in a day. So, please, when  
21 you're doing this, consider the representation, whoever  
22 they are, how far they have to go and what they have to  
23 do to get to their communities and their people that  
24 they're supposed to be representing. It was impossible  
25 for us, literally. I mean, there was some places it took

1 me 17 minutes to get from one house to the next. Can you  
2 imagine being a representative and trying to get to  
3 these? So just be consciencous of the borders of our  
4 state when you're doing this as well.

5 Packing and cracking and all of that is  
6 relevant. Population is relevant, but so is the funding.  
7 When you're splitting these counties up, there's also  
8 funding that goes up that way and how the representatives  
9 are supposed to be delegating these discretionary funds  
10 to their counties. So consider that, too, if you would.

11 Thank you.

12 MR. WALKER: Thank you.

13 Is there anyone else in the auditorium who  
14 wishes to speak? We don't have anybody who wants to  
15 speak remotely.

16 Thank you for attending this hearing. This  
17 hearing is closed.

18 (Exhibits 1 through 5 were marked.)  
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23  
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C E R T I F I C A T E

STATE OF ALABAMA )

COUNTY OF MOBILE )

I hereby certify that the above and foregoing was taken down remotely by me in stenotype and transcribed by means of computer-aided transcription, and that the foregoing is a true and correct transcript to the best of my ability.

I further certify that I am neither of counsel nor of kin to any of the parties, nor am I in anywise interested in the result of said cause.

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[appreciate - committee]

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