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TRANSCRIPTION OF THE RECORDING OF

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"CCE COMM MAY 9 2017"

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Transcription of the Recording of
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<p style="text-align: right;">Page 2</p> <p>1 TRANSCRIPTION</p> <p>2</p> <p>3 CHAIRMAN: Thank you. You make the</p> <p>4 quorum, so I'd ask the clerk to recall the role</p> <p>5 now that the quorum is present and seated in the</p> <p>6 room.</p> <p>7 THE CLERK: Mr. Davis?</p> <p>8 MR. DAIVS: Here.</p> <p>9 THE CLERK: Mr. Beckman?</p> <p>10 MR. BECKMAN: Here.</p> <p>11 THE CLERK: Mr. (unclear)?</p> <p>12 Ms. Clark? Mr. Fincher?</p> <p>13 MR. FINCHER: Here.</p> <p>14 THE CLERK: Ms. Givan? Harbison?</p> <p>15 Mr. Harper? Ms. (unclear)?</p> <p>16 FEMALE SPEAKER: Here.</p> <p>17 THE CLERK: Pringle? Mr. Simms?</p> <p>18 MR. SIMMS: Here.</p> <p>19 CHAIRMAN: Okay. A quorum is</p> <p>20 present. Welcome, Mr. Dial. Your comments,</p> <p>21 please?</p> <p>22 SENATOR DIAL: Thank you,</p> <p>23 Mr. Chairman. Thank you, members of the</p>	<p style="text-align: right;">Page 4</p> <p>1 open up the public hearing at this time. I have</p> <p>2 two in opposition. We have a three-minute rule.</p> <p>3 And the first one is Senator Roger Smitherman.</p> <p>4 Welcome, Senator Smitherman.</p> <p>5 SENATOR DIAL: (Unclear.)</p> <p>6 SENATOR SMITHERMAN: Thank you,</p> <p>7 Mr. Chairman. Thank you all very much for</p> <p>8 allowing me this opportunity to speak to you.</p> <p>9 I rise in opposition of this plan.</p> <p>10 I think that the chairman and anybody else is on</p> <p>11 the reapportionment committee has seen the plan</p> <p>12 the legislative the Black Caucus has presented.</p> <p>13 Although that plan is not before you today, that</p> <p>14 plan itself meets the -- all the elements that</p> <p>15 the Court has laid out for us.</p> <p>16 As I said upstairs, one of the</p> <p>17 concerns I had in the rules that were qualified</p> <p>18 by the committee that they were going to operate</p> <p>19 out of is that there was a selective --</p> <p>20 isolated, selective desire to only use part of</p> <p>21 the Hill ruling, and that's the -- that's the</p> <p>22 attitude, intentional leave out the part that</p> <p>23 dealt with the county lines and keeping counties</p>
<p style="text-align: right;">Page 3</p> <p>1 committee. I'll be real brief. This is a</p> <p>2 senate plan that we passed after quite a bit of</p> <p>3 debate and a lot of work. And as all of you</p> <p>4 know, we're required to redo the districts and</p> <p>5 this is the senate plan that we have presented</p> <p>6 to you. In this plan, based on the guides we</p> <p>7 have, we put five whole counties back together</p> <p>8 that have been split in the previous. We put 47</p> <p>9 precinct that had been split in the previous</p> <p>10 plan back together. We reduced the number of</p> <p>11 senators -- I don't know how -- we reduced the</p> <p>12 number of senators, and five other counties we</p> <p>13 reduced the number of senators representing</p> <p>14 those counties. So this plan came through the</p> <p>15 committee, there's been a lot of discussion</p> <p>16 about this plan. But this is the plan that the</p> <p>17 senate developed through the process and was</p> <p>18 approved by the senate this past week. And,</p> <p>19 Mr. Chairman, I would answer any questions</p> <p>20 anybody had. I know you've got some other</p> <p>21 people that are going to testify. I can save my</p> <p>22 remarks until the end of --</p> <p>23 CHAIRMAN: If you would. And I will</p>	<p style="text-align: right;">Page 5</p> <p>1 whole. And that issue is the paramount issue</p> <p>2 along with the, of course, racial gerrymander</p> <p>3 and the one vote, one person's representation.</p> <p>4 The -- in that particular bill, that was one of</p> <p>5 the main things that it talked about and in</p> <p>6 relationship to that in the Alabama Constitution</p> <p>7 itself. We're operating under the federal</p> <p>8 mandate of the supreme court and the three-judge</p> <p>9 panel. But in the Alabama Constitution itself</p> <p>10 it's very clear the Alabama law itself provides</p> <p>11 the necessity to address those county boundary</p> <p>12 lines really, to me, in a more stricter way than</p> <p>13 even the courts has addressed that.</p> <p>14 If you look at this map, this map</p> <p>15 that deals with the -- I'll use the map that's</p> <p>16 here. This map here, if you notice in Jefferson</p> <p>17 County, the majority of 17, it's outside the</p> <p>18 county. The majority of five is outside the</p> <p>19 county. And the majority of 15 is outside the</p> <p>20 county. This -- this -- the map that the -- we</p> <p>21 feel that Jefferson County should -- in order</p> <p>22 for the County to be made whole is that there's</p> <p>23 a simple thing of taking this part and moving it</p>

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<p style="text-align: right;">Page 6</p> <p>1 out, then you're going to move -- you're going 2 to shift over and you're going to bring this in. 3 That's going to make the three -- although 4 you've still got two other districts that's out 5 in this area, the difference is is that this 6 senator does not even live in the county itself. 7 Everybody else at least lives in the county. So 8 what you have here, you have a situation where 9 this is almost a million people, 875,000, and 10 their fate is going to be determined by a 11 Senator that don't even live in the county and 12 the vast majority, which I would just 13 guesstimate and say that 80 percent -- 75 14 percent of its constituents live toward the 15 outside of the county. 16 That is one of the things that 17 causes us to be here in the first place is -- is 18 that -- how much more time I got? 19 CHAIRMAN: That's your three 20 minutes. You've used your three minutes. 21 SENATOR SMITHERMAN: Can I wrap -- 22 CHAIRMAN: If you'll wrap up. 23 SENATOR SMITHERMAN: Can I wrap up?</p>	<p style="text-align: right;">Page 8</p> <p>1 said as it relates to this plan. And from my 2 observation, what has taken place in this 3 process, it's almost unconscionable to think 4 that we could come and draft a plan the way that 5 it's been done by this legislature and at the 6 same time maintain constitutionality. 7 It seems to me that there's no 8 effort to do that, that it's strictly for racial 9 gerrymander purposes. The Jefferson County 10 situation is a perfect example of that where you 11 have almost 300,000 people having a say so in 12 Jefferson County, and Jefferson County happens 13 to be a majority black county. So it's clear to 14 me that the intent here is not to follow the 15 mandates of the supreme court nor even in many 16 cases the three-judge panel as it relates to 17 what you're trying to do. I would hope that we 18 would take time -- all of these committee 19 hearings have been last minute, spur of the 20 moment, not time to really go over the plans and 21 try to come with a plan and we owe it to 22 ourselves, we owe it to this legislative body, 23 in my opinion, to do a better job than that. We</p>
<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN: Sure. 2 SENATOR SMITHERMAN: All right. So, 3 in wrapping up, just remember this: The court 4 mandated us to draw a plan in conjunction with 5 its orders. It didn't mandate us to draw a plan 6 with a -- in our case in the senate that you 7 could secure 18 votes. 18 votes wasn't what 8 they mandated us to do. The court mandated us 9 to draw up the plan to those orders. We feel 10 strongly that this plan does not meet that. And 11 because of that, we rise in opposition of it and 12 as such ask the committee to do the same. 13 CHAIRMAN: Thank you, Senator -- 14 SENATOR SMITHERMAN: Thank you very 15 much. 16 CHAIRMAN: -- for your appearance 17 this morning. Our second in opposition is 18 Representative John Knight. Welcome, 19 Mr. Knight. 20 MR. KNIGHT: Thank you, 21 Mr. Chairman, for the recognition. I too rise 22 in opposition to this plan. I would like to 23 support everything that Senator Smitherman has</p>	<p style="text-align: right;">Page 9</p> <p>1 don't need to stay in court over a plan. It 2 came back to the legislature to draft a plan. 3 Not how many votes you can get for a plan, but 4 draft a plan that's constitutional and that 5 would be good for the people of this state. And 6 I have found that that process has been lacking 7 as it relates to attempting to do that. 8 And this plan right here is a 9 typical example of what has taken place. And you 10 know, Jefferson County is the issue. It makes 11 no sense that you have that many people coming 12 into Jefferson County when it doesn't have to be 13 that way. And there are members of the 14 legislature that would like to have a different 15 plan, and many of them have been told that we 16 can't touch your district. Well, there's no 17 such thing as you can't touch their district. 18 It came back to the legislature for us to draw 19 a constitutional plan. And I certainly would 20 hope that we would consider that and not go back 21 to courts once again, making the same mistakes 22 that we made in the past. 23 So having said that, I won't take up</p>

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<p style="text-align: right;">Page 10</p> <p>1 a lot of time because I know that -- I know that 2 we're going to get to plan, you're going to hear 3 public comment and then you're going to vote it 4 out. And I know that the votes are here to get 5 the plan on the committee. But I would hope 6 that you would tell the chairman, "Go back to 7 the drawing board, let's try to get with the 8 Black Caucus." We are willing to compromise and 9 come with a plan that all of us can agree on but 10 we're not going to agree on a racially 11 gerrymandered plan. We just don't think that 12 that's the right thing to do. 13 Thank you, Mr. Chairman. 14 CHAIRMAN: Thank you, Mr. Knight, 15 for your comments. Mr. Dial, welcome back to 16 the floor. We'll entertain questions to 17 Mr. Dial from the committee. 18 MALE SPEAKER: Okay. 19 CHAIRMAN: Yes, sir. If you'd like 20 to -- 21 MALE SPEAKER: Well, I'll go ahead 22 and ask the question, I'd like to (unclear) 23 through quickly.</p>	<p style="text-align: right;">Page 12</p> <p>1 it will be on the record when we go back to 2 court in short order. He said it from his lips; 3 it wasn't forced; it wasn't trickery. 4 But I think about Jefferson County. 5 Two words, Jefferson County. We actually got to 6 this point because of Jefferson County at the 7 point that my former house member decided to A, 8 take District 53 and move it to Huntsville, here 9 goes the debacle of stacking, packing and 10 gerrymandering. Now we are here today, six 11 senate seats, three of which are white and three 12 are black solely for the purpose of maintaining 13 control in Jefferson County. SV4-403 extends 14 Senator Reeds's district from Walker County to 15 Jefferson County. SV5 is 95 percent effective 16 white. 108-- excuse me. 18,107 people in 17 Jefferson County, 30 percent of the district's 18 population. We can't find a way to create a 19 balance, equality amongst the white and black 20 senators in the senate this day and time in the 21 State of Alabama? We're still creating 22 districts amongst the racial lines that does not 23 create a balance of equity, that you still can't</p>
<p style="text-align: right;">Page 11</p> <p>1 CHAIRMAN: Okay. Ms. Givan. 2 MS. GIVAN: I'm sorry. First of 3 all, I really have more of a comment. Just 4 sitting here thinking, Senator Dial, just back 5 seven years and I was thinking about Demetrius 6 Newton sat across from him, he and I were the 7 two African-American minorities, democrats that 8 sat on this committee. Someone said to me the 9 other day, "You're getting to be a ranking 10 member of this committee." I said, "Ranking 11 member?" I said, "No, I'm not. Not really," I 12 said, because I'm no authority. Maybe in years. 13 No one listens to me. Sometimes I feel 14 disrespected. And I thought about not (unclear) 15 and I said, "Well, I'm not here for anybody to 16 respect me, but I have to respect myself," and I 17 do that. But I thought about the lawyer you-all 18 have engaged and he was the same gentleman that 19 was engaged some years ago. And I asked the 20 question two weeks ago and he simply answered it 21 and I was glad that he answered because he 22 simply said that you-all were really 23 gerrymandering, and that was on the record. And</p>	<p style="text-align: right;">Page 13</p> <p>1 necessarily define the percentile, the 2 distinguishment between the plus or minus one. 3 I'm confused. 4 The question was asked even in our 5 meeting, and I know you guys saying you have to 6 leave and go to the restroom, and I gave you a 7 nice plug and called you out, but I'm -- 8 CHAIRMAN: When you're my age, you 9 go a lot. 10 MS. GIVAN: I understand. I have to 11 go too, and I'm not your age. But as I sat 12 there, I -- I said to myself and as I looked at 13 the numbers and I looked at the map, and I asked 14 several questions to you-all's counsel, and even 15 in his answers, the answer still went back to 16 the fact that you-all were ill-appropriately and 17 unconstitutionally stacking and packing these 18 districts and as well as not following the court 19 order. I have a colleague that is on this 20 committee that even asked the question, "What 21 did the order say?" 22 Based upon this plan, at the end of 23 the day, Senator, you're not following what the</p>

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<p style="text-align: right;">Page 14</p> <p>1 order said to do. You're not -- you're not 2 doing any differently than what you did seven 3 years ago regardless of the court -- the case 4 law or the case -- was it in the Georgia case or 5 the Virginia case, whichever one you look at, 6 it's -- you're ultimately coming back drawing 7 these lines no differently. And it still goes 8 back to Jefferson County. 9 SENATOR DIAL: Do you want me to 10 respond? 11 CHAIRMAN: I do, Mr. Demand, that -- 12 I asked the committee for a question. I 13 appreciate the comments that you've raised, all 14 very valid. Now let's let -- 15 SENATOR DIAL: I want to respond to 16 her quickly. Number 1 is if we looked at this 17 plan, you remember the court order, the court 18 order directed us to look at three senate seats 19 and nine house seats, that's all the court order 20 told us to do. That's all we had to do to meet 21 the three-judge panel court order that was sent 22 up. 23 We took that and based on the time</p>	<p style="text-align: right;">Page 16</p> <p>1 in Senator Ross's district. But the only 2 difference is in Jefferson County and we went as 3 far as we could, Jefferson County previously was 4 five republicans and three democrats. We cut 5 that to four republicans and three democrats. 6 If you do what's been proposed to us and if we 7 move Walker County out of Jefferson County, I 8 change Walker, Cullman, Blount, and St. Clair 9 County. So to make one county whole, I mess up 10 four other counties. So it's not that easy to 11 do. 12 And we had ten counties that were 13 not effected in anyway. There was no way to 14 bring -- no need to bring them into the 15 equation, so that's why we wound up where we 16 were. But, remember, the court order told us to 17 address three senate seats and nine house seats. 18 We could have taken that approach and sent it 19 back to the courts, and we know what would have 20 happened. The court said, "Oh, by the way, the 21 rules have changed. And now you need to look at 22 it from a different perspective." So we tried 23 to get ahead of that process, and that's why you</p>
<p style="text-align: right;">Page 15</p> <p>1 between the time we got the court order and the 2 time we began to work, we got the Bethune-Hill 3 case which came down from the supreme court 4 which drastically changed and it said we could 5 not place districts based on race. From that -- 6 let me finish. From that process, we began to 7 put together -- back together county lines and 8 precinct lines without any looking at whatever 9 the race makeup was. I do not know -- I only 10 know the race makeup of two districts on this 11 plan and that's because Senator Ross brought it 12 to my attention. 13 The other thing that was said that 14 we couldn't get equality in Jefferson County, 15 the statistics I show showed Jefferson County at 16 42 percent minority. It's not -- it's not an 17 equal -- we keep talking about making it equal. 18 It's not equal. It has 42 percent minorities. 19 The other thing is based on the plan 20 that's been presented, this plan that you see 21 here is basically the plaintiff's plan that was 22 presented to us with a difference in Jefferson 23 County. There may be a few tweaks are different</p>	<p style="text-align: right;">Page 17</p> <p>1 came with the program. 2 There's not a senator on this map 3 that just -- that's not satisfied with his or 4 her district. And the district composition is 5 okay. Where the problem is is how we treat 6 Jefferson County, whether we have three and 7 three or four and three or five and three. We 8 cut it to four and three without disrupting all 9 the plans above us and that's why we're here 10 today, Mr. Chairman. And I apologize for the 11 lengthy overrun of my three minutes, but I'll 12 stop any other question. 13 CHAIRMAN: Mr. Sanderford. 14 MR. SANDERFORD: When do we have to 15 have this back to the Justice Department? 16 SENATOR DIAL: May the 24th. We've 17 told them we would have a plan back to them by 18 the 24th of May. 19 MR. SANDERFORD: 24th of May, that's 20 this month; right? 21 CHAIRMAN: Yeah, this May. 22 SENATOR DIAL: This May, not next 23 May.</p>

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<p style="text-align: right;">Page 18</p> <p>1 MR. SANDERFORD: I want to give this</p> <p>2 bill a favorable report so it can move on back</p> <p>3 to the court.</p> <p>4 CHAIRMAN: Okay. That's the motion.</p> <p>5 Do I have a second? All right. Mr. Harbison is</p> <p>6 the second. Additional questions, Ms. Clark?</p> <p>7 MS. CLARK: Yeah, I'd like to thank</p> <p>8 you, Mr. Chairman. I'd like to ask Senator</p> <p>9 Dial -- and good morning, Senator.</p> <p>10 SENATOR DIAL: Good morning.</p> <p>11 MS. CLARK: Did you or others</p> <p>12 conduct serious data analysis of the Voting</p> <p>13 Rights Act in coming up with this?</p> <p>14 SENATOR DIAL: Are you talking about</p> <p>15 did we look at minority majority? No, ma'am. I</p> <p>16 do not know majority or minority make up of any</p> <p>17 district except two, and I only know those</p> <p>18 because it was brought to my attention. I</p> <p>19 cannot give you the majority or minority make up</p> <p>20 of any district because race is no longer a</p> <p>21 concern of this committee and that's no longer</p> <p>22 how we draw the plan.</p> <p>23 MS. CLARK: So then does that mean</p>	<p style="text-align: right;">Page 20</p> <p>1 together, we had to make the determination of</p> <p>2 where that precinct went, keeping plus or minus</p> <p>3 one deviation together, and that's what we did.</p> <p>4 MS. CLARK: Something that -- that</p> <p>5 I'm sure everybody looked very closely at</p> <p>6 percentages when we -- to look at maps and lines</p> <p>7 is one thing but for -- everybody is keenly</p> <p>8 interested in is the percentages.</p> <p>9 SENATOR DIAL: Yeah.</p> <p>10 MS. CLARK: Voting age population,</p> <p>11 black voting age population. How did you</p> <p>12 determine what percentages are the right</p> <p>13 percentage --</p> <p>14 SENATOR DIAL: I did not. I did</p> <p>15 not. I met with each member of the legislature</p> <p>16 and the senate, all 34 members personally,</p> <p>17 either met with them or gave them a map and</p> <p>18 asked them to carry it and look at it and come</p> <p>19 back to me. And I asked them to look at their</p> <p>20 district and make a recommendation to me on</p> <p>21 their district on how they wanted their lines to</p> <p>22 go. Ten senators were not involved. There were</p> <p>23 ten senators in North Alabama that were not</p>
<p style="text-align: right;">Page 19</p> <p>1 you would not be aware of what districts on the</p> <p>2 map are required by Section 2 of the Voting</p> <p>3 Rights Act?</p> <p>4 SENATOR DIAL: We know the</p> <p>5 existing -- existing -- you cannot regrade --</p> <p>6 regress the already existing minority district.</p> <p>7 The fact that we drew them out -- out of having</p> <p>8 majority district so we had to rely upon working</p> <p>9 from those districts that were already there.</p> <p>10 Knowing the population of how we move the</p> <p>11 brackets, we realized that we were not</p> <p>12 regressing those districts.</p> <p>13 MS. CLARK: So then what specific</p> <p>14 information was reviewed to come up with --</p> <p>15 SENATOR DIAL: We began to work from</p> <p>16 the plaintiff's plan that was given to us by the</p> <p>17 plaintiffs, and to put -- we got together</p> <p>18 precincts. Precincts that were split and</p> <p>19 violated the rules and counties that were split.</p> <p>20 And we began to put those back together to our</p> <p>21 best ability. And the problem we came up with,</p> <p>22 when you had a split precinct in two different</p> <p>23 -- where the democrat and republican met up</p>	<p style="text-align: right;">Page 21</p> <p>1 involved. I didn't actually involve them. They</p> <p>2 got to know that their districts were not</p> <p>3 changed.</p> <p>4 The other senators, I met with them</p> <p>5 personally, we went to the computer, we looked</p> <p>6 at how we could tweak -- for instance, Senator</p> <p>7 Singleton, he had -- Hale County was split and</p> <p>8 Choctaw was split. We wanted to put them back</p> <p>9 together, and he agreed that we needed to do</p> <p>10 that. So we put those counties back together</p> <p>11 not looking at the racial makeup, but looking at</p> <p>12 how we put together county line and precinct</p> <p>13 lines in order to make the process work.</p> <p>14 MS. CLARK: Mr. Chairman, if I may,</p> <p>15 one last question. Why was it necessary to</p> <p>16 divide the districts across so many counties?</p> <p>17 SENATOR DIAL: In the first place or</p> <p>18 now?</p> <p>19 MS. CLARK: Now.</p> <p>20 SENATOR DIAL: Well --</p> <p>21 MS. CLARK: Or in the first place?</p> <p>22 SENATOR DIAL: Well, in the first</p> <p>23 place --</p>

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<p style="text-align: right;">Page 22</p> <p>1 MS. CLARK: Are we correct in that?</p> <p>2 SENATOR DIAL: Going back to where</p> <p>3 we did the first plan, the first plan that I put</p> <p>4 together -- that we put together took the</p> <p>5 minority seat that we had, knowing the</p> <p>6 guidelines at that time because you could not</p> <p>7 regress any minority seat, so I drew in the</p> <p>8 minority seats to begin with and drew the other</p> <p>9 seats around it. That's how we began with the</p> <p>10 plan but the court said we had to look back</p> <p>11 knowing that the Justice Department would not</p> <p>12 approve it.</p> <p>13 Our plan went to the Justice</p> <p>14 Department was the first plan in America</p> <p>15 approved by the Justice Department when we sent</p> <p>16 it forward. It went to the court, and the court</p> <p>17 said I'm going to send it back -- it went to the</p> <p>18 supreme court and the court said we're sending</p> <p>19 it back to the district court, and the district</p> <p>20 court said you need to look at nine house seats</p> <p>21 and three senate seats.</p> <p>22 And then since then, the rules have</p> <p>23 changed. I was playing on 100-yard field, now</p>	<p style="text-align: right;">Page 24</p> <p>1 trying to keep an equal issue in reference to</p> <p>2 race based on what we already had. Is that a</p> <p>3 correct statement?</p> <p>4 SENATOR DIAL: That's correct. The</p> <p>5 original plan that we sent forward was based on</p> <p>6 those assumptions.</p> <p>7 MR. BECKMAN: So the Bethune-Hill</p> <p>8 thing basically is just a reiteration of what</p> <p>9 was actually said to correct us as far as when</p> <p>10 we went there the first time; is that right?</p> <p>11 SENATOR DIAL: No. The Bethune-Hill</p> <p>12 case completely changed how you draw a district.</p> <p>13 It said no longer could you consider race in</p> <p>14 drawing a district.</p> <p>15 MR. BECKMAN: Yeah, but we made the</p> <p>16 statement when we went to the supreme court that</p> <p>17 we wanted to keep it same as race and that's why</p> <p>18 they came back and said we had to look at it as</p> <p>19 far as the precincts or the -- based on race</p> <p>20 because they didn't want to do it. They changed</p> <p>21 completely about it. Wasn't that a correct</p> <p>22 statement?</p> <p>23 SENATOR DIAL: I think the supreme</p>
<p style="text-align: right;">Page 23</p> <p>1 I'm playing on 120-yard field. The rules have</p> <p>2 changed in the interim time that we got the</p> <p>3 ruling from the supreme court and since we got</p> <p>4 the ruling from the district court. It -- the</p> <p>5 federal court. It has changed now because the</p> <p>6 Bethune-Hill case says no longer can you</p> <p>7 consider race as a reason for drawing district</p> <p>8 lines, and that's why we put the county lines,</p> <p>9 precinct lines back together, and that's where</p> <p>10 we are today.</p> <p>11 MS. CLARK: Thank you, sir, for</p> <p>12 that.</p> <p>13 CHAIRMAN: Okay. Mr. Beckman and</p> <p>14 then Ms. Givan and Mr. Finch?</p> <p>15 MR. BECKMAN: Mr. Dial, thank you</p> <p>16 for the work that you've done on this.</p> <p>17 SENATOR DIAL: Do I get extra pay?</p> <p>18 MR. BECKMAN: I just have two</p> <p>19 questions and one on -- the first question is a</p> <p>20 clarification. Subsequent to the Bethune-Hill</p> <p>21 case, it was my understanding when we argued</p> <p>22 this case about it that we were very forthright</p> <p>23 in reference to tell that we were basically</p>	<p style="text-align: right;">Page 25</p> <p>1 court told the district court you need to -- the</p> <p>2 supreme court said that you did not look at</p> <p>3 individual districts in their complaint when it</p> <p>4 was filed with the supreme court. They said</p> <p>5 that you did not look at individual districts.</p> <p>6 You just said that some of these districts had</p> <p>7 been gerrymandered.</p> <p>8 MR. BECKMAN: Okay.</p> <p>9 SENATOR DIAL: And no, they sent it</p> <p>10 back and told the district court to look at</p> <p>11 those districts that might be gerrymandered.</p> <p>12 The district court, through Judge Hammond, gave</p> <p>13 us those 12 districts to look at. And then we</p> <p>14 came up with the federal court with the new --</p> <p>15 MR. BECKMAN: Right. And that</p> <p>16 basically was based on race and which is now,</p> <p>17 was confirmed in reference to the Hill case?</p> <p>18 SENATOR DIAL: Yes.</p> <p>19 MR. BECKMAN: Okay. Second question</p> <p>20 is when you all went to court the first time,</p> <p>21 wasn't county lines already brought up and</p> <p>22 discussed and the court disregarded that</p> <p>23 completely because of the demographics that they</p>

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<p style="text-align: right;">Page 26</p> <p>1 were located in as far as the State of Alabama?</p> <p>2 SENATOR DIAL: I don't know if they</p> <p>3 completely disregarded it, but they did not</p> <p>4 bring it to our attention that county lines --</p> <p>5 because we dropped -- what we did when we</p> <p>6 went --</p> <p>7 MR. BECKMAN: Well, wasn't it pled</p> <p>8 in the complaint? Because I thought I remember</p> <p>9 hearing in reference to it.</p> <p>10 SENATOR DIAL: My attorney might</p> <p>11 have to elaborate on that. Mr. Chairman, if you</p> <p>12 wanted him to reply?</p> <p>13 CHAIRMAN: Norman, do you want to</p> <p>14 respond to that question?</p> <p>15 NORMAN: Can I get the question</p> <p>16 again, please?</p> <p>17 MR. BECKMAN: Wasn't the county</p> <p>18 lines discussed in the original complaint in</p> <p>19 reference to they wanted to bring us back to the</p> <p>20 county lines because, if I recall, the Black</p> <p>21 Caucus had drawn up a map bringing everybody in</p> <p>22 that first case back to the county lines in</p> <p>23 which we all rejected. And wasn't that pled as</p>	<p style="text-align: right;">Page 28</p> <p>1 SENATOR DIAL: Mobile Bay was still</p> <p>2 --</p> <p>3 CHAIRMAN: Pensacola, it went to</p> <p>4 Pensacola for --</p> <p>5 MR. FINCHER: Did it move? Okay.</p> <p>6 The state crossed its legs or something down</p> <p>7 there and they came together. Okay.</p> <p>8 CHAIRMAN: All right. Ms. Givan.</p> <p>9 MS. GIVAN: Thank you, Mr. Chairman.</p> <p>10 I want to go back to Senator Reed. Tell me</p> <p>11 again how Senator Reed got drawn into Jefferson</p> <p>12 County.</p> <p>13 SENATOR DIAL: That district had</p> <p>14 been part of Jefferson County for a number of</p> <p>15 years, for 20 years.</p> <p>16 MS. GIVAN: How much more of</p> <p>17 Jefferson County is he picking up? Because he</p> <p>18 only had just -- I think he only had a just</p> <p>19 small portion of Jefferson County and could he</p> <p>20 not have been moved out of Jefferson County</p> <p>21 based -- go ahead. I'm sorry.</p> <p>22 SENATOR DIAL: Yes, he could have</p> <p>23 been moved out. As I explained earlier, I could</p>
<p style="text-align: right;">Page 27</p> <p>1 far as the first case was concerned?</p> <p>2 NORMAN: That was a part of the</p> <p>3 first case that the plaintiffs did not prevail</p> <p>4 on.</p> <p>5 MR. BECKMAN: Thank you.</p> <p>6 CHAIRMAN: Okay. Mr. Fincher, and</p> <p>7 then I'll come -- just giving everybody their</p> <p>8 first round.</p> <p>9 MR. FINCHER: I want to commend the</p> <p>10 senate, you have put a lot more counties</p> <p>11 together and made them whole it looks like just</p> <p>12 looking at the map. I want to commend the</p> <p>13 senate committee for doing that.</p> <p>14 Population variance, we've already</p> <p>15 mentioned one man, one vote. What is the</p> <p>16 population variance between --</p> <p>17 SENATOR DIAL: Plus or minus one.</p> <p>18 MR. FINCHER: All of them within</p> <p>19 plus or minus one?</p> <p>20 SENATOR DIAL: Yes, all of them meet</p> <p>21 deviation.</p> <p>22 MR. FINCHER: One last question:</p> <p>23 What happened to Mobile Bay?</p>	<p style="text-align: right;">Page 29</p> <p>1 have moved him out back and moved him all the</p> <p>2 way into Walker. I could have moved that one</p> <p>3 over to Cullman, that one move to Blount, that</p> <p>4 one move to St. Clair and probably part of</p> <p>5 Shelby. So I can fix it. If I go under the</p> <p>6 guidelines that y'all want me to fix Jefferson,</p> <p>7 I can just fix Jefferson at the -- the problem</p> <p>8 that I distribute and disrupt five other</p> <p>9 counties. And those counties have the same</p> <p>10 argument that you do. And so as I said, you</p> <p>11 were five and three, we cut it to four and</p> <p>12 three. We took Senator Ward all the way out,</p> <p>13 that was easy to do because he only had a small</p> <p>14 portion, and we were able to take that out and</p> <p>15 give him a part of -- more of St. Clair -- I</p> <p>16 mean of Shelby, so that was able to work. But</p> <p>17 that's why we -- that's why we got to this point</p> <p>18 in Jefferson County.</p> <p>19 MS. GIVAN: Let me ask this,</p> <p>20 Senator, and I have a question and it may be</p> <p>21 for -- is it Mr. Walker.</p> <p>22 MR. WALKER: Yes, ma'am.</p> <p>23 MS. GIVAN: Maybe.</p>

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<p style="text-align: right;">Page 30</p> <p>1 CHAIRMAN: If the gentleman yields 2 to Mr. Walker, ask your question. 3 MS. GIVAN: But if he's yielding, 4 you know, you mentioned you would have to fix 5 this and that, but it bothers me when you say 6 that because you took a district that had been 7 in here in Jefferson County for I don't know 8 how -- since there were district lines and moved 9 it all the way to Huntsville? 10 SENATOR DIAL: Ma'am, I didn't do 11 that. That was in the house plan. 12 NORMAN: That's the house. 13 CHAIRMAN: Well, they had -- 14 MS. GIVAN: You were a part of it 15 because you were the senate chair and all of 16 y'all worked together on it. So Mr. Walker? 17 CHAIRMAN: No. Direct your question 18 to Mr. Dial. 19 MS. GIVAN: Okay. But did he not 20 just say he was going to yield? 21 CHAIRMAN: Well, I don't know the 22 question yet. 23 SENATOR DIAL: I don't know what the</p>	<p style="text-align: right;">Page 32</p> <p>1 would bring more districts into -- which would 2 have brought more districts into the map? I 3 guess you didn't? 4 SENATOR DIAL: Well, we did. We -- 5 in his original -- he said we needed to bring 6 more in. We brought in more. Instead of having 7 three senate districts, now we've involved 26 8 senate districts. So we did bring in more based 9 on -- it was based on the Bethune-Hill case is 10 why we expanded the number of districts we 11 brought into. The original court order that 12 Judge Thompson was involved in two to one, but 13 it said that we'd do it in three senate 14 districts. Based on the Bethune-Hill case 15 expansion, we extended that to 26. So I guess 16 you could say did I agree with it? Not at that 17 time but the court changed the rules. They 18 changed the length of the football field while 19 we're right on -- when we're getting ready for 20 the kickoff. They went from 120 yards to 100 21 yards because now they've said we can't use race 22 as a means to draw the districts. 23 MS. GIVAN: And I'm --</p>
<p style="text-align: right;">Page 31</p> <p>1 question is. 2 MS. GIVAN: Okay. Well, I -- 3 CHAIRMAN: You haven't asked it. 4 MS. GIVAN: -- thought he told me me 5 if he would yield, and he said yes, so I thought 6 that -- 7 CHAIRMAN: But then you went on and 8 discussed a little bit about 53. I was -- I'm 9 on the senate plan. 10 MS. GIVAN: Okay. I understand. 11 CHAIRMAN: I want to use -- so 12 please stay with the senate plan. 13 MS. GIVAN: I understand, 14 Mr. Chairman, but typically the protocol is when 15 someone says they will yield, then you ask the 16 person that they're yielding to. 17 SENATOR DIAL: Maybe I should yield 18 with the stopwatch and go on one question. 19 MS. GIVAN: I got you, Senator Dial. 20 SENATOR DIAL: Ma'am, if I can't 21 answer it, I will bring in the -- 22 MS. GIVAN: Okay. Thank you. Do 23 you agree with Judge Thompson's analysis which</p>	<p style="text-align: right;">Page 33</p> <p>1 CHAIRMAN: That's the Virginia case. 2 MS. GIVAN: Okay. I understand the 3 cases. I'm very familiar with the cases but -- 4 and I -- I'm not understanding you when you 5 stand here and say that race has nothing to do 6 with the composition and makeup of these 7 districts when race has -- 8 SENATOR DIAL: No, ma'am, I didn't 9 say that. I said I did not -- 10 MS. GIVAN: You said you -- 11 SENATOR DIAL: I did not consider 12 race when I began to draw the plan. 13 MS. GIVAN: Then you also said you 14 didn't know anything about the makeup of the 15 racial lines with regards to these districts. I 16 listened very intently. 17 SENATOR DIAL: And that's correct. 18 MS. GIVAN: But that -- race has to 19 be a part of it. That's one of the reasons 20 these lines -- these districts had to come back 21 to be redrawn because they were 22 ill-appropriately drawn, Senator, because of 23 race.</p>

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<p>1 And the last question I have, did I</p> <p>2 understand you to say that all of the senators</p> <p>3 in the house -- excuse me, in this -- in the</p> <p>4 Alabama senate agreed or made modifications and</p> <p>5 were in agreement with these district lines as</p> <p>6 drawn and as you are presenting here today?</p> <p>7 SENATOR DIAL: I met with every</p> <p>8 senator that's affected in this district to go</p> <p>9 over their district and to see if they wanted to</p> <p>10 make changes and see if they were satisfied with</p> <p>11 their lines, and that's what we came up with.</p> <p>12 The point of contention continues to be that we</p> <p>13 have not made Jefferson County three and three,</p> <p>14 that's the point of contention. Not a one of</p> <p>15 the senators came to me and said I don't like my</p> <p>16 lines, change them. I want to get this</p> <p>17 district. I want to have this part. Not a one.</p> <p>18 Every one of them has signed off on their</p> <p>19 district being approved by them individually.</p> <p>20 CHAIRMAN: Okay. Thank you. We</p> <p>21 have a motion and a second. Would the clerk</p> <p>22 call the role?</p> <p>23 THE CLERK: Mr. Davis.</p>	<p>1 work for today. We'll be able to move on.</p> <p>2 Thank you. We are adjourned.</p> <p>3 (End of the recording.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
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<p>1 MR. DAVIS: I.</p> <p>2 THE CLERK: Mr. Beckman?</p> <p>3 MR. BECKMAN: I.</p> <p>4 THE CLERK: Mr. Lindsey? Ms. Clark?</p> <p>5 MS. CLARK: No.</p> <p>6 THE CLERK: Mr. Fincher?</p> <p>7 MR. FINCHER: I.</p> <p>8 THE CLERK: Ms. Givan?</p> <p>9 MS. GIVAN: No to racial</p> <p>10 gerrymandering, stacking and packing of these</p> <p>11 unconstitutional district boundaries and lines.</p> <p>12 THE CLERK: Mr. Hartsol?</p> <p>13 MR. PRINGLE: I.</p> <p>14 THE CLERK: Mr. Harper?</p> <p>15 MR. HARPER: I.</p> <p>16 THE CLERK: Mr. Harbison?</p> <p>17 Mr. Pringle? Mr. Sanderford?</p> <p>18 MR. SANDERFORD: I.</p> <p>19 THE CLERK: Seven.</p> <p>20 CHAIRMAN: Seven what?</p> <p>21 THE CLERK: I's, the I's have it.</p> <p>22 CHAIRMAN: Seven to two, the I's</p> <p>23 have it. Thank you, ladies and gentlemen. Good</p>	<p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF ALABAMA)</p> <p>4 JEFFERSON COUNTY)</p> <p>5</p> <p>6 I hereby certify that the above</p> <p>7 and foregoing transcription was taken down</p> <p>8 by me in stenotype, and the questions and</p> <p>9 answers thereto were reduced to computer</p> <p>10 print under my supervision, and that the</p> <p>11 foregoing represents a true and correct</p> <p>12 transcript of the recording to the best of my</p> <p>13 ability.</p> <p>14</p> <p>15 I further certify that I am</p> <p>16 neither of counsel nor of kin to the</p> <p>17 parties to the action, nor am I in</p> <p>18 anywise interested in the result of said</p> <p>19 cause.</p> <p>20</p> <p>21</p> <p>22 Alana Vines, Commissioner</p> <p>23 ACCR #473</p>

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