

2001

**JOINT
REDISTRICTING
COMMITTEES**

MINUTES

HOUSE CONGRESSIONAL REDISTRICTING COMMITTEE
2001-2002 SESSION

<u>MEMBER</u>		<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
MCMAHAN, Ed	Chair	Sharon Cram	733-5934	1104	54
		Committee Assistant			
WRIGHT, Thomas	Chair	Vanda Wilson-Wormack	733-5754	528	5
		Committee Assistant			
ALEXANDER, Martha	Vice-Chair	Ann Faust	733-5807	2208	32
DOCKHAM, Jerry	Vice-Chair	Regina Irwin	733-5822	1106	66
HILL, Dewey	Vice-Chair	Ginny McCann	733-5830	1309	21
THOMPSON, Gregg	Vice-Chair	Edna Sykes	733-5828	1002	38
ADAMS, Alma		Rhonda Towns	733-5902	542	67
BOWIE, Joanne		Sharon Gaudette	733-5877	538	77
BOYD-MCINTYRE, Flossie		Mia Bailey	733-5974	506	18
BUCHANAN, Monroe		Glenda Jones	733-5825	536	30
CLARY, Debbie		Elena Askey	733-5654	1211	110
COX, Leslie		Ferebee Stainback	733-5746	1220	15
CREECH, Billy		Rhonda Todd	715-4466	602	88
CULPEPPER, Bill		Dot Crocker	715-3028	404	36
CUNNINGHAM, Pete		Valerie Rustin	733-5778	541	7
DAUGHTRY, Leo		Bernice Bullard	733-5868	510	42
DAVIS, Don		Ellen Pickett	715-6707	504	99
DECKER, Michael		Linda Hines	733-5988	1021	87
ELLIS, Sam		Alice Falcone	733-5755	607	116
FITCH, Toby		Carolyn Branch	715-2241	1202	27
FOX, Stan		Mary Capps	733-5758	2123	46
GIBSON, Pryor		Shirlyn McPherson	715-3007	419A	108
GILLESPIE, Mitch		Cindy Hobbs	733-5987	1201	111
GOODWIN, Wayne		Kristen Corbett	733-5849	503	81
GRAY, Lyons		Cindy Brooks	733-5820	533	49
HURLEY, Bill		Melissa Riddle	733-5601	2215	23
JARRELL, Mary		Edna Lee Collar	733-5749	2219	22
MCCOMBS, Gene		Suzanne Erskine	733-5881	514	75
MICHAUX, Mickey		Anita Wilder	733-5772	1325	57
MITCHELL, Frank		Susan West	733-5931	513	101
MORRIS, Mia		Joy Feagin	733-5741	1315	65
NESBITT, Martin		Jan Lee	715-3001	420	20
POPE, Art		Barbara Rhodes	733-5809	539	53
RUSSELL, Carolyn		Susan Brothers	715-0873	1213	103
SAUNDERS, Drew		Ruth Fish	733-5606	2217	48
SEXTON, Wayne		Debbie Turner	733-5905	508	90
TOLSON, Joe		Gayle Christian	715-3024	402	59
WALEND, Trudi		Ken Walend	715-3012	418A	113
WARNER, Alex		Ann Stancil	733-5853	1206	11
WARREN, Edith		Nancy Willis	715-3019	417A	17

Committee Counsel: Karen Cochrane-Brown
Bill Gilkeson
Gerry Cohen

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE CONGRESSIONAL REDISTRICTING COMMITTEE
2001 – 2002 SESSION



Rep. McMahan
Chair



Rep. Wright
Chair



Rep. Alexander
Vice-Chair



Rep. Dockham
Vice-Chair



Rep. Hill
Vice-Chair



Rep. Thompson
Vice-Chair



Rep. Adams



Rep. Bowie



Rep. Boyd-McIntyre



Rep. Clary



Rep. Cox



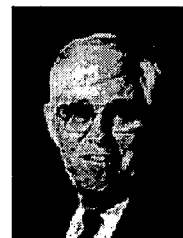
Rep. Creech



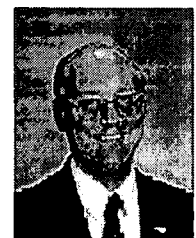
Rep. Culpepper



Rep. Daughtry



Rep. Davis



Rep. Decker



Rep. Ellis



Rep. Fitch



Rep. Fox



Rep. Gibson



Rep. Gillespie

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE CONGRESSIONAL REDISTRICTING COMMITTEE
2001 – 2002 SESSION



Rep. Goodwin



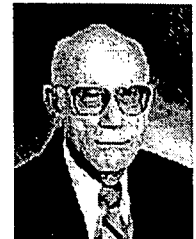
Rep. Gray



Rep. Hurley



Rep. Jarrell



Rep. McCombs



Rep. Michaux



Rep. Mitchell



Rep. Morris



Rep. Nesbitt



Rep. Pope



Rep. Russell



Rep. Saunders



Rep. Sexton



Rep. Tolson



Rep. Walend



Rep. Warner



Rep. Warren

HOUSE COMMITTEE
ON LEGISLATIVE REDISTRICTING
2001-2002 SESSION

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
Larry Justus, Senior Chair	Carolyn Justus	733-5956	2204	13
Ron Sutton, Senior Chair	Juanita Coley	715-0875	1321	71
Pete Cunningham, Vice Chair	Valerie Rustin	733-5778	541	7
Phil Baddour, Regional Chair	Elizabeth Kirkland	715-0850	2301	31
Andy Dedmon, Regional Chair	Donna Abu Harb	733-5732	2213	12
Beverly Earle, Regional Chair	Ann Raeford	733-5747	535	95
Jim Gulley, Regional Chair	Lucille Carter	733-5860	1307	25
Joe Hackney, Regional Chair	Emily Reynolds	733-5752	2207	69
Danny McComas, Regional Chair	Jayne Walton	733-5786	606	109
Richard Morgan, Regional Chair	Dixie Epps	715-3010	418B	64
Wilma Sherrill, Regional Chair	Rosa Kelley	715-3026	403	37

MEMBERS

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
Gordon Allen	Lillie Pearce	733-5662	530	10
Cary Allred	Jean Allred	733-5878	611	26
Bobby Barbee	Rosa Murray	733-5908	1025	52
Dan Blue	Lin Threatt	715-2528	1227	80
Donald Bonner	Lucy Johnson	733-5803	1313	83
Harold Brubaker	Cindy Coley	715-4946	1229	39
Monroe Buchanan	Glenda Jones	733-5825	536	30
Walter Church	Joyce Fuller	733-5805	1311	33
Jim Crawford	Linda Winstead	733-5824	1301	24
Arlie Culp	Waneta Lord	733-5865	1010	50
Rick Eddins	Dorie Monroe	733-5800	1319	74
Theresa Esposito	Judy Lowe	715-3009	418C	40
Robert Grady	Peggy Murray	715-9644	616	62
Phil Haire	Sara Jane Lennard	715-3005	419B	47
Bill Hiatt	Edna Pearce	733-5862	1008	63
George Holmes	Glenda Jacobs	733-5771	2119	41
Joe Kiser	Marilyn Holder	733-5782	1317	100
Paul Luebke	Joyce Harris	733-7663	529	44
Marian McLawhorn	Susan Burleson	715-3017	417B	34
David Miner	Susan Phillips	733-5861	1006	76

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
Edd Nye	Jo Bobbitt	733-5477	639	1
Warren Oldham	Delta Prince	715-2530	634	58
Bill Owens	Linda A. Johnson	733-0010	632	9
John Rayfield	Brenda Olls	733-5607	609	61
David Redwine	Nancy Brantley	733-5829	635	19
Gene Rogers	Sally Gillis	715-3023	416A	35
Mitchell Setzer	Joanna Mills	733-4948	1204	86
Ronnie Smith	Ann Jordan	733-5773	2223	2
William Wainwright	Blinda Edwards	733-5662	530	8
Nurham Warwick	Linda Uzzle	715-3003	419C	14
John Weatherly	Nancy Garriss	733-4838	502	93
Roger West	Linda C. Johnson	733-5859	1004	106
Gene Wilson	Rebecca Jones- Cooper	733-7727	1109	51

March 1, 2001

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE LEGISLATIVE REDISTRICTING COMMITTEE
2001 – 2002 SESSION



Rep. Justus
Senior-Chair



Rep. Sutton
Senior-Chair



Rep. Baddour
Regional-Chair



Rep. Cunningham
Vice-Chair



Rep. Dedmon
Regional-Chair



Rep. Earle
Regional-Chair



Rep. Gulley
Regional-Chair



Rep. Hackney
Regional-Chair



Rep. McComas
Regional-Chair



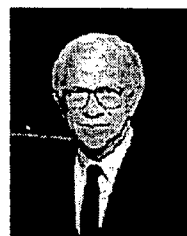
Rep. Morgan
Regional-Chair



Rep. Sherrill
Regional-Chair



Rep. Allen



Rep. Allred



Rep. Barbee



Rep. Blue



Rep. Bonner



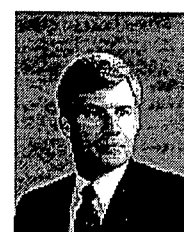
Rep. Brubaker



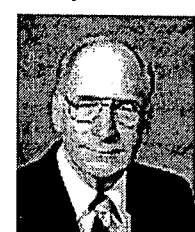
Rep. Buchanan



Rep. Church



Rep. Crawford



Rep. Culp

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE LEGISLATIVE REDISTRICTING COMMITTEE
2001 – 2002 SESSION



Rep. Eddins



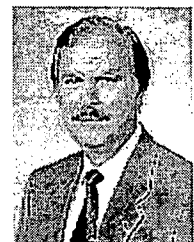
Rep. Esposito



Rep. Grady



Rep. Haire



Rep. Hiatt



Rep. Holmes



Rep. Kiser



Rep. Luebke



Rep. McLawhorn



Rep. Miner



Rep. Nye



Rep. Oldham



Rep. Owens



Rep. Rayfield



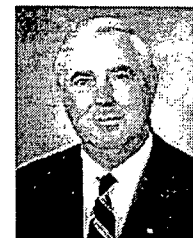
Rep. Redwine



Rep. Rogers



Rep. Setzer



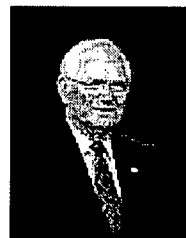
Rep. Smith



Rep. Wainwright



Rep. Warwick



Rep. Weatherly



Rep. West



Rep. G. Wilson

SENATE REDISTRICTING COMMITTEE

SENIOR CHAIR

BRAD MILLER

Room 300 E, Legislative Office Building

715-8363

Cornelia McMillan, Legislative Assistant

CO-CHAIRS

FRANK BALLANCE

Room 523, Legislative Office Building

715-3032

Irma Avent-Hurst, Legislative Assistant

STEVE METCALF

Room 300 D, Legislative Office Building

715-8361

Angie Whitener, Legislative Assistant

VICE-CHAIRS

KAY HAGAN

Room 519, Legislative Office Building

733-5856

Vera Holshouser, Legislative Assistant

BILL MARTIN

Room 411, Legislative Office Building

715-3042

Joyce Hodge, Legislative Assistant

ALLEN WELLONS

Room 1026, Legislative Building

733-5850

Peggy Anne Hogan, Legislative Assistant

RANKING MINORITY

PATRICK BALLANTINE

Room 1127, Legislative Building

715-2525

Luci Johnson, Legislative Assistant

MEMBERS

CHARLIE ALBERTSON

Room 525, Legislative Office Building
733-5705

Julia Birdsong, Legislative Assistant

JOHN CARRINGTON

Room 515, Legislative Office Building
733-5653

Kathy Davis, Legislative Assistant

DAN CLODFELTER

Room 406, Legislative Office Building
715-8331

Wanda Joyner, Legislative Assistant

CHARLIE DANNELLY

Room 2106, Legislative Building
733-5955

Dee Hodge, Legislative Assistant

JAMES FORRESTER

Room 1121, Legislative Building
733-5708

Mary Watson, Legislative Assistant

VIRGINIA FOXX

Room 1120, Legislative Building
733-5743

Erin Grant, Legislative Assistant

WIB GULLEY

Room 408, Legislative Office Building
715-3036

Carol Resar, Legislative Assistant

OSCAR HARRIS

Room 407, Legislative Office Building
733-4809

Judy Crisp, Legislative Assistant

FLETCHER HARTSELL

Room 518, Legislative Office Building

733-7223

Gerry Johnson, Legislative Assistant

DAVID HOYLE

Room 300 A, Legislative Office Building

733-5734

Penny Williams, Legislative Assistant

LUTHER JORDAN

Room 625, Legislative Office Building

715-3034

Gloria Haywood, Legislative Assistant

JOHN KERR

Room 526, Legislative Office Building

733-5621

Evelyn Hartsell, Legislative Assistant

HOWARD LEE

Room 629, Legislative Office Building

715-3030

Chris Menard, Legislative Assistant

JEANNE LUCAS

Room 620, Legislative Office Building

733-4599

Bernie David-Yerumo, Legislative Assistant

BOB MARTIN

Room 410, Legislative Office Building

715-3040

Carolyn Gooden, Legislative Assistant

KEN MOORE

Room 1419, Legislative Building

715-0706

Peggy Halifax, Legislative Assistant

FOUNTAIN ODOM

Room 300 B, Legislative Office Building

733-5707

Anne Wilson, Legislative Assistant

AARON PLYLER

Room 627, Legislative Office Building

733-5739
Pat Misner, Legislative Assistant

TONY RAND
Room 300 C, Legislative Office Building
733-9892
Evelyn Costello, Legislative Assistant

DAN ROBINSON
Room 2113, Legislative Building
733-5880
Jean Robinson, Legislative Assistant

LARRY SHAW
Room 621, Legislative Office Building
733-9349
Barbara Lee, Legislative Assistant

R. C. SOLES
Room 2022, Legislative Building
733-5963
Joan Leatherman/Janet Blalock, Legislative Assistants

SCOTT THOMAS
Room 622, Legislative Office Building
733-6275
Susanne Gunter, Legislative Assistant

ED WARREN
Room 623, Legislative Office Building
733-5953
Delores Ledford, Legislative Assistant

ERIKA CHURCHILL
KAREN COCHRANE-BROWN
BILL GILKESON
Committee Counsel

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2001-2002 SESSION



HOUSE COMMITTEE ON LEGISLATIVE REDISTRICTING

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HOUSE COMMITTEE ON LEGISLATIVE REDISTRICTING

2001-2002 SESSION

PAGE 2

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**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION**

You are hereby notified that the Committee on **JOINT HOUSE AND SENATE
REDISTRICTING** will meet as follows:

DAY & DATE: **Wednesday, March 21, 2001**

TIME: **1:00 p.m.**

LOCATION: **Room 643**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

ORGANIZATIONAL AND INFORMATIONAL MEETING

Respectfully,

Representative Ed McMahan
Representative Thomas Wright
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at
11:00 a.m. on March 16, 2001.

____Principal Clerk
____Reading Clerk - House Chamber

Sharon Cram (Committee Assistant)

Joint Meeting of House and Senate Redistricting Committees

1 p.m. Wednesday, March 21, 2001
Room 643, Legislative Office Building
Raleigh NC

Introductory Remarks by Co-Chairs:

Senate Redistricting Co-Chairs

Sen. Brad Miller Sen. Frank Ballance Sen. Steve Metcalf

House Legislative Redistricting Co-Chairs

Rep. Larry Justus Rep. Ron Sutton

House Congressional Redistricting Co-Chairs

Rep. Ed McMahan Rep. Thomas Wright

Introduction of Staff.

Basic Schedule of Redistricting:

- *William R. Gilkeson, Attorney, Research Division.*

Data Available for Redistricting:

- *Gerry Cohen, Director of Legislative Drafting.*

Access to Redistricting System:

- *Dennis McCarty, Director of Information Systems Division.*
- *Karen-Cochrane-Brown, Attorney, Research Division.*

Demonstration of DistrictBuilder:

- *Dan Frey and Kelley West, Information Systems Division.*

Adjournment.

**MINUTES
HOUSE COMMITTEE ON
CONGRESSIONAL REDISTRICTING**

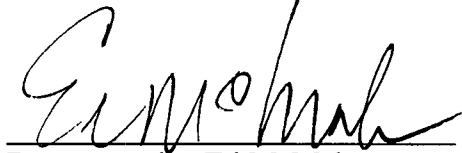
March 21, 2001

The House Committee on Congressional Redistricting met jointly with the Senate Committee on Redistricting, and the House Committee on Legislative Redistricting on Wednesday, March 21, 2001, in Room 643 of the Legislative Office Building at 1:03 p.m. The following members were present: Co-Chairman Ed McMahan, Co-Chairman Thomas Wright, Vice Chairman Martha Alexander, Vice Chairman Jerry Dockham, Vice Chairman Dewey Hill, Vice Chairman Gregg Thompson, Representatives Adams, Bowie, Clary, Cox, Culpepper, Daughtry, Ellis, Fitch, Fox, Gibson, Gillespie, Goodwin, Hurley, Jarrell, McCombs, Michaux, Mitchell, Morris, Nesbitt, Russell, Saunders, Sexton, Tolson, Walend, Warner, and Warren.

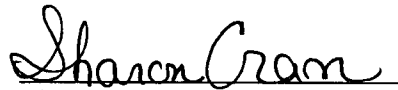
Chairman Ronnie Sutton, of the House Legislative Redistricting Committee called the meeting to order. A transcript of the meeting is attached.

The meeting was adjourned at 2:37 p.m.

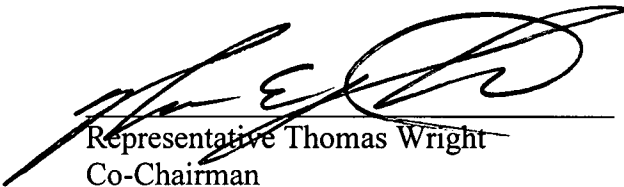
Respectfully submitted,



Representative Ed McMahan
Co-Chairman



Sharon Cram
Committee Assistant



Representative Thomas Wright
Co-Chairman



Vanda Wilson-Wormack
Committee Assistant

STATE OF NORTH CAROLINA
JOINT MEETING OF HOUSE AND SENATE
REDISTRICTING COMMITTEES

BEFORE: SENATE CO-CHAIRS: Sen. Brad Miller
Sen. Frank Ballance
Sen. Steve Metcalf

HOUSE LEGISLATIVE
CO-CHAIRS: Rep. Larry Justus
Rep. Ron Sutton

HOUSE CONGRESSIONAL
CO-CHAIRS: Rep. Ed McMahan
Rep. Thomas Wright

COPY

TRANSCRIPT
OF
MEETING

At Raleigh, North Carolina
March 21, 2001 - 1:03 p.m.

Reported by:
Tina M. Kirby, CVR

**Capital
Reporting**

General Court Reporting

Post Office Box 19418
Raleigh, NC 27619
(919) 787-7775

1 I, Christine (Tina) M. Kirby, being a
2 Certified Verbatim Reporter and a Notary Public
3 in and for the state of North Carolina, was
4 appointed commissioner by consent to take the
5 JOINT MEETING OF HOUSE AND SENATE REDISTRICTING
6 COMMITTEES held on the 21st day of March, 2001,
7 beginning at 1:03 p.m. in Room 643, Legislative
8 Office Building located at Raleigh, North
9 Carolina.

10 -----
11 REP. SUTTON: I want to welcome each

12 and every one of you to the initial meeting
13 of our Redistricting Committee or Committees
14 here in the General Assembly. This is a
15 joint meeting between the House and the
16 Senate.

17 The primary purpose of today's meeting
18 is so you will know how the committees are
19 formed and how they're organized so that
20 when we move on from this we'll get on to
21 the business of redistricting.

22 First I'd like to recognize our House
23 pages. Andrew Tripp, I guess it is, from
24 Wake and Lauren Honeycutt from Granville

1 County. We have a sergeant-at-arms, Bob
2 Fowler, Donelle Leathers, Dusty Rhodes, Tom
3 Slaughter and Ann Lassiter. We have a
4 Senate page of -- I guess that's Adessa
5 Tobin.

6 The first thing we want to do is
7 explain to all the members and to the public
8 at large how the General Assembly is
9 organized to undertake redistricting this
10 year. We will have future meetings, and the
11 purpose of this meeting is more or less an
12 organizational meeting. In future meetings
13 we will talk more about how we're going to do
14 things, but that is not the purpose of
15 today's meeting.

16 Today's meeting is to acquaint
17 everybody with the procedures we're going to
18 follow and get organized, and then we'll
19 proceed into the real business of the
20 redistricting at the next meeting.

21 First of all, so that you will
22 understand how the House is organized, I'm
23 going to talk about legislative redistricting
24 in the House. The House is divided into two

1 committees, one for legislative redistricting
2 and the other for congressional
3 redistricting. And I'm going to discuss with
4 you now and tell you who the chairs are for
5 legislative redistricting.

6 First, there are the two senior chairs.
7 One is Larry Justus, to my right here. I am
8 the other senior chair, Ron Sutton. Also we
9 have one vice chair, and that is Pete
10 Cunningham is the vice chair.

11 We have the House -- the state of North
12 Carolina is divided into four regions, and
13 there will be four Democrats and four
14 Republicans co-chairing the regional section.
15 Their regional chairs first will be Phil
16 Baddour, Andy Dedmon, Beverly Earle and Joe
17 Hackney. Those are the four regional chairs
18 that are Democrats.

19 At this time I'll turn over it over to
20 Larry Justus and he'll tell you who are the
21 regional chairs from his side of the aisle.

22 **REP. JUSTUS:** Good afternoon, members
23 of the Redistricting Committee. We're
24 delighted to have you here today.

1 To expedite things, we'll do this rather
2 quickly. I'll introduce the regional chairs
3 who will be doing the work in their districts
4 for the House Legislative Redistricting
5 Committee.

6 First of all, out to the west is Wilma
7 Sherrill. Wilma, will you stand? Everybody
8 knows you and ladies first, if you will,
9 please.

10 In the mid-district -- and he's not
11 here yet I don't believe -- no, not yet.

12 In the east we have Danny McComas, and
13 the other two are Richard Morgan and Jim
14 Gulley. And they have not arrived as yet.
15 When they do, we'll introduce them properly.

16 Thank you, Mr. Chair.

17 **REP. SUTTON:** Thank you. And now to
18 introduce you to the congressional part of
19 the House is Tom Wright.

20 **REP. WRIGHT:** Thank you, Larry. Good
21 afternoon, members of the Committee.

22 The House Congressional Redistricting
23 Committee is structured with 38 members, and
24 Representative Ed McMahan and I are

1 co-chairing. Our committee assistants --
2 Sharon Cram, our legislative assistant, and
3 Vanda Wilson-Wormack will be assisting her.

4 And we look forward to this initial
5 meeting; and after we have finished with this
6 meeting and the second meeting, it is our
7 intent to have a separate meeting with
8 members of the Congressional Redistricting
9 Committee to begin our work and our process
10 there.

11 Let me now defer to my co-chair,
12 Representative Ed McMahan, who is going to
13 share with you the vice chair's of our
14 committee.

15 **REP. McMAHAN:** Thank you very much,
16 Representative Wright. I really want to
17 welcome all of you to the Committee. I look
18 forward to working with everyone, and I
19 particularly look forward to working with
20 Representative Wright and Representative Hill
21 and Alexander and all the members of the
22 committee.

23 The co-chairs on our side are
24 Representative Jerry Dockham and

1 Representative Gregg Thompson. Again welcome
2 and we look forward to working with you.

3 Okay, again, the co-chairs on the
4 Democratic side is Representative Martha
5 Alexander and Representative Dewey Hill.

6 **REP. SUTTON:** Thank you, Representative
7 McMahan. I'd like to point out that our
8 legislative assistants involved with the two
9 senior chairs on the legislative
10 redistricting is for Larry Justus, Carolyn
11 Justus, and for myself, Juanita Coley.
12 They're going to be very active in our
13 process here today and throughout
14 redistricting.

15 We want to also note that representing
16 the Speaker of the House in the redistricting
17 process will be Jane Gray, counsel for the
18 speaker. Jane I think is present here.
19 She's going to be representing the Speaker's
20 office in the process.

21 At this time I would like to call on
22 the chair, Senator Miller, from the Senate.

23 **SEN. MILLER:** Fortunately, we do not
24 have as many people to introduce. We have

1 three chairs. Senator Metcalf is co-chair.
2 Senator Metcalf has said that he will waive
3 opening today. Senator Ballance is not here.

4 We do have some of the members of our
5 Senate staff -- our temporary staff, Norma
6 Mills, our staff counsel. She is somewhere.
7 She's in the room waving at me talking on
8 the phone. And Phil Hayes I believe is here
9 somewhere, or maybe not -- over here. Also
10 Senator Metcalf's legislative assistant,
11 Angie Whitener is here. She's there in the
12 pink. And Cornelia McMillan also is here,
13 and I do not believe that Irma Avent is here
14 -- there she is. Irma is Senator Ballance's
15 legislative assistant, and it is her task to
16 make sure Senator Ballance is where he's
17 supposed to be, and she's apparently failed
18 in that today.

19 We look forward to a cordial working
20 relationship with the House throughout this
21 process. Thank you very much.

22 **REP. SUTTON:** Thank you, Brad. We're
23 going to have a variety of staff --
24 professional staff assigned and working with

1 the various committees. Of course, we all
2 know Gerry Cohen is the division director.
3 He's going to have a very active role in the
4 process.

5 And at this time I will turn it over to
6 Bill Gilkeson, who will identify and give you
7 notice of all the staff members.

8 **MR. GILKESON:** Yes, sir, I -- there are
9 actually three divisions of the Legislative
10 Services Office that will be working on
11 redistricting and have staff available for
12 you. There is the Research Division, the
13 Legislative Drafting Division and the
14 Information Services Division. And I may
15 have forgotten one there someplace, but I
16 didn't do it intentionally if I did.

17 In the Research Division the director,
18 of course, is Terry Sullivan; and he has
19 asked me to kind of coordinate redistricting
20 efforts for the Research Division. We're
21 generally committee staff, and I'm supposed
22 to be assigned to all committees. Esther
23 Manheimer is to be counsel to the House
24 Legislative Redistricting Committee, Al

1 Andrews counsel to the House Congressional
2 Committee, and Erika Churchill and Karen
3 Cochrane-Brown are joint counsels to the
4 Senate Redistricting Committee. Kristen
5 Crosson, who's a research assistant in our
6 office sitting next to me here is -- will be
7 available for redistricting efforts as well.

8 Let me turn this over to this over to
9 Gerry Cohen, who can introduce the people in
10 the Legislative Drafting Division, and then
11 to Dennis McCarty, who can introduce the
12 Information Services Division people.

13 **MR. COHEN:** From the bill drafting
14 division working with members of committees
15 will be myself. There's three other persons
16 in our division -- I'm not sure if they are
17 here -- Gayle Moses, staff attorney. Gayle
18 is currently covering the Municipal
19 Corporation Study Commission that's meeting
20 right now. Also Ken Leavenbook and Canaan
21 Huie, I'm not sure if either of them are
22 here -- Ken and Canaan are off to my right
23 and your left there. Thank you.

24 **MR. GILKESON:** Dennis McCarty is here;

1 and as the director of the Information
2 Services Division, I believe he can probably
3 introduce the folks from his division now.

4 **MR. McCARTY:** Thank you. In the
5 Information Systems Division there are
6 several people. Let me start off with Dan
7 Frey, who's sitting over here. Dan is the
8 project manager for redistricting.

9 Sitting next to him is Kelley West.
10 Kelley is the trainer and client support
11 person. Rachel Sueflow, which is somewhere
12 in the area -- she's in the back. Rachel is
13 a cartographer, as is Raleigh Myers, who's
14 also sitting back there. And there's still
15 three more to go. Janki Parikh -- there,
16 she's in the back -- Jankie and Jay Rutledge
17 and, finally, Justin Flint. They are all
18 client support, and Justin is from CGIA.
19 That's really all of our staff.

20 **REP. SUTTON:** Thank you very much. As
21 you can tell, we have a rather large staff
22 as we have rather large committees. So we
23 can almost go one on one. I understand,
24 Representative Justus, one of your regional

1 chairs is here.

2 **REP. JUSTUS:** Yes. Thank you, Mr.
3 Chairman. Representative Jim Gulley has
4 arrived, and he'll be doing the Piedmont area
5 on the Republican side. Jim, would you
6 stand, please? Thank you much.

7 **SEN. MILLER:** Our third co-chair,
8 Senator Frank Ballance, has also arrived.

9 **REP. SUTTON:** Just a little more
10 housekeeping to take care of, and then we
11 will get into the meat of our meeting.

12 I will let all of the committee members
13 know that -- especially some of you
14 non-attorneys, we -- all our committee
15 meetings will have verbatim data taken. In
16 other words, we have a court reporter here
17 today who's taking down every statement that
18 is made. That is part of the requirement so
19 that we can have it to go forward to the
20 Justice Department and other agencies so
21 they'll know how the process was done here in
22 North Carolina and how valid it is. So I
23 just make you aware that every statement
24 that you make into your microphone today will

1 be not only recorded but it will be recorded
2 verbatim.

3 Now, at this point we want to get into
4 the -- a little more into the meat of what
5 we're doing, and I'm going to call on Bill
6 Gilkeson to give us the basic schedule for
7 redistricting.

8 MR. GILKESON: I believe you've
9 probably seen a little schedule, one-sheet
10 thing, that I just passed out. The --
11 Representative Sutton mentioned that this is
12 being -- that a court reporter is taking down
13 all the remarks here. One of the reasons
14 for that is that the redistricting process,
15 while it's part of the legislative process
16 and in many ways is the same as the rest of
17 the legislative process in the sense that the
18 goal is to pass three pieces of legislation
19 which will come in the form of bills and will
20 be -- go through -- will be introduced, will
21 go through committees, will be ratified like
22 other bills, there are some differences
23 between this -- the regular legislative
24 process and the redistricting process.

1 One of them is that the governor
2 doesn't veto the bills that you pass here.
3 All the -- the legislative -- the State House
4 plan, the State Senate plan and the
5 Congressional plan are all exempt from the
6 governor's veto. The last time this was done
7 the governor didn't have a veto. Now the
8 governor does have a veto, but redistricting
9 plans are not subject to it.

10 The bills are bills; but with text, with
11 sponsors' names on the top of them, they
12 become committee substitutes. They go
13 through committees. They can be amended.

14 There are also, however, maps with data
15 in the middle of them with descriptions of
16 districts which can be turned into colored
17 maps and impressive little packets of
18 information. So it's a bill and it's also a
19 plan.

20 The third way in which the
21 redistricting process is different from the
22 rest of the legislative process is that
23 everything that passes here before it can go
24 into effect has to be pre-cleared by the

1 U.S. Justice Department as part of Section 5
2 of the Voting Rights Act.

3 The -- I'm not going to get into the
4 legalities of the Voting Rights Act right
5 now. That may be for a later meeting, but
6 the -- suffice it to say that for 40
7 counties of North Carolina that are covered
8 by Section 5 of the Voting Rights Act, no
9 change affecting voting can go into effect
10 until the U.S. Justice Department approves
11 it.

12 In order to get the U.S. Justice
13 Department to approve it, you have to submit
14 the plans; and the submissions that are
15 required by the Justice Department for
16 redistricting plans tend to be voluminous.
17 They tend to want to know all sorts of
18 things. They want to know -- there are 34
19 notebooks in the Legislative Library that
20 compose the submission to the Justice
21 Department for the 1991 and 1992
22 congressional and legislative plans.

23 They include, for example, the
24 transcript of all the meetings, the

1 transcript -- a transcript of all the public
2 hearings and a transcript of floor debates
3 and all sorts of plans, all sorts of
4 alternative plans.

5 But my real goal here is -- so the
6 process, to a large extent, that you go
7 through is governed by that product, the
8 product of those notebooks. I could have
9 rolled them up here from the library, but I
10 was kind of afraid I might lose them.

11 They -- what you say and what you do
12 here will generally go into those notebooks
13 and be presented to the Justice Department,
14 and the Justice Department will attempt to
15 determine whether you have put minority
16 voters in a worse position than they were in
17 under prior law. But the ins and outs of
18 that can be for a later day.

19 What I've passed out is a brief
20 schedule, a brief look at the two different
21 schedules of redistricting. One from 1991
22 and 1992 and one for this year; and of
23 course, you know what happened in 1991 and
24 1992. You don't necessarily know what

1 happened this year.

2 This may give you an idea of what
3 you'll be in for for the next few months.
4 The first item is Data Arrives. As you all
5 -- as you probably all know, the census data
6 down to the census block -- the detailed
7 census data actually arrived today by -- on
8 CD from the Census Bureau.

9 In 1991 it arrived on February 18th,
10 about a month earlier than now. This time
11 it arrived on March 21st.

12 The next thing that needs to happen in
13 order for plans to be drawn is that the data
14 needs to be loaded into computers so that
15 the plans can be drawn. In 1991 this was --
16 this had not occurred until April 26th, which
17 was basically nine weeks after the data had
18 arrived. A number of things had to be done
19 at that time that could probably be
20 short-cutted this time, and the people in ISD
21 believe that it can be done in a much
22 shorter time. So we don't know exactly when
23 but probably -- when plans can be drawn on
24 the computers, but it will probably be

1 earlier -- sooner than it was in 1991.

2 There was -- in 1991 there was a set of
3 public hearings around the state before any
4 plans were drawn, and they -- we heard --
5 March 1st was the first public hearing in
6 1991, and they continued until April 6th.

7 This year the chairs of the committee
8 have tentatively -- have tentatively decided
9 that there would be hearings in the first
10 couple of weeks of May, and the -- the sites
11 that they have discussed doing them are
12 Asheville, Charlotte, Winston-Salem,
13 Wilmington, Greenville, Fayetteville,
14 Lumberton and Edenton. Those are tentative
15 sites. They're also considering expanding
16 the number of locations by using community
17 colleges -- community college campuses
18 through teleconferencing.

19 The -- in 1991 these hearings outside
20 of Raleigh were done before a plan was ever
21 presented by the leadership. The first
22 plans were actually not presented by the
23 leadership of the redistricting committees
24 until May 29th, which may seem later than you

1 might expect. But May 29th was the
2 leadership's first Congressional plan that it
3 presented. June 4th was the first Senate
4 plan presented, and June 13th the first
5 House plan.

6 This may be partly because it takes
7 awhile of consultation with members before
8 plans can be developed that the leadership
9 feels are ready to roll. We don't know when
10 that will happen this year, of course.

11 After here -- in 1991, after the initial
12 leadership plans were made public, there were
13 public hearings on those plans. People
14 could come. They had been given an
15 opportunity to look at the plans and they
16 could come and react to them, present their
17 own plans, whatever. Those occurred in the
18 middle of June, June 13th through 21st.

19 The plans -- each of the plans, as you
20 can see there, passed the first house that
21 they were introduced in between June 26th
22 and July 11th, and pretty shortly after that
23 they were ratified. They moved rather
24 quickly in 1991 at least, but after they

1 started to roll. They were all ratified.
2 They were ratified July 9th for Congress and
3 July 13th for the Senate and the House plans.

4 The next step was to submit the plans
5 to the Justice Department, and it was a
6 labor intensive activity at that time to try
7 to pull all the materials together that the
8 Justice Department said in its rules it
9 needed for the -- to review the plans under
10 the Voting Rights Act.

11 We are going to try this time to
12 shorten that, if possible, by collecting all
13 the information that's needed ahead of time
14 so that it can be whipped together. In 19
15 -- in some of the later post-lawsuit
16 redistrictings that occurred such as in 1997,
17 I think it may have happened pretty quickly.

18 But the statute says that on submitting
19 -- the North Carolina statute on submitting
20 plans under the Voting Rights Act says that
21 the State Board of Elections is the office
22 that is supposed to submit them, and it
23 should be done within 30 days of their
24 ratification. It didn't quite happen that

1 way at that time, but -- or at least they
2 weren't completed by that time. I think
3 there may have been a letter going for
4 submission within the 30 days, but the
5 complete submission was that.

6 And then the Justice Department, under
7 its own -- by its own rules, has 60 days to
8 -- after it gets the submission to review the
9 plan. What it can do -- what the Justice
10 Department can do is at some point send a
11 letter saying, "Your submission is not
12 complete. We don't" -- "You didn't give us
13 enough information. So please send us a
14 completed submission. Please include the
15 following items, and within 60 days of
16 receiving that, we will give you an answer."

17 In 1991 on October 18th, they sent one
18 of those letters saying, "You didn't give us
19 enough information. Please give us more
20 information." They asked for a great deal
21 of information, and there were more notebooks
22 pulled together and sent up to them. And
23 virtually to the day, three months later than
24 that, the Justice Department sent one letter

1 denying pre-clearance to all of the plans
2 saying that they had not met the standard
3 that was required.

4 We're saying in 19 -- this year under
5 the column for this year, we're saying maybe
6 they won't. Maybe the Justice Department
7 will say yes the first time. Maybe they
8 won't ask for additional information.

9 One question that sometimes comes up
10 about redistricting -- about the schedule of
11 redistricting is by what time do we have to
12 do it? When do we have to have it finished?
13 And basically the answer is the time by which
14 the -- does the entire process have to be
15 completed. The basic answer is the beginning
16 of the candidate filing period for Congress,
17 State House and State Senate which is this --
18 the first Monday in January by statute, and
19 for 2002 that means January the 7th.

20 The -- in 1991 that schedule was -- that
21 deadline was not met because the Justice
22 Department had not approved the plan. So
23 the General Assembly, as you can see there,
24 went into special session to redraw all three

1 of the plans in basically January of 1992.
2 And all three plans -- it came up with three
3 new plans.

4 The three plans were quickly
5 pre-cleared by February 6th, and there was a
6 special filing period starting in February
7 and going through March. And then the
8 primaries all happened on time I believe.
9 That's basically the schedule for
10 redistricting.

11 I wanted to point out that we have
12 passed out a green book -- pastel green book
13 which is an updating of a book that our
14 division and with the assistance of other
15 people put together in 1991. It's -- this
16 -- we're calling this the first edition of
17 this book. We hope that it will be helpful
18 to you for redistricting.

19 It -- this first edition was completed
20 just before the numbers came. So if you get
21 to the part of the book where it says what
22 the population was in -- for each county in
23 1990 and then in 2000, the 2000 column will
24 be blank because we just got the numbers

1 today.

2 But -- and there are a number of other
3 -- there are a couple of other things I
4 wanted to mention that might affect this
5 schedule to some degree. They are -- and we
6 couldn't talk about them in the book either
7 because we don't know the answer yet. There
8 are a couple of lawsuits of course that are
9 hanging out there.

10 One of them is the lawsuit brought by
11 the State of Utah challenging the Census
12 Bureau for giving to North Carolina a
13 thirteenth member of the U.S. House rather
14 than to Utah. That -- as I understand it,
15 that hearing -- that the litigation of that
16 is working its way through the courts -- the
17 federal courts in Utah and will probably go
18 up to the U.S. Supreme Court. And it's not
19 known exactly how long that will take. There
20 was supposed to be a hearing yesterday, but
21 that hearing was postponed. And various
22 things are -- various maneuverings are going
23 on about that.

24 The other -- another thing that is

1 hanging out there is the U.S. Supreme Court
2 is still considering the case of Cromartie
3 versus Hunt, that is to say, is still
4 considering the constitutionality of the
5 North Carolina 12th Congressional District,
6 the one that was drawn in 1997 and that was
7 used in the 2000 elections.

8 It's -- the case is almost moot because
9 nobody -- in one sense the case is moot
10 because there aren't going to be any other
11 elections held under that district anyway,
12 but the U.S. Supreme Court might be able to
13 give guidance to the state as to what kind
14 of district will be constitutional to draw,
15 whether something like the 12th Congressional
16 District would be constitutional now. And
17 that would of course be important guidance
18 for the state to have -- for the General
19 Assembly to have in drawing the districts
20 that it draws this year.

21 That's basically what I have. Thank
22 you.

23 **SEN. MILLER:** Thank you. As Mr.
24 Gilkeson said, we are planning at later

1 meetings to have a presentation of our best
2 guess of what the law is now, which has been
3 a moving target for the last couple of
4 decades. And we are inviting -- expect to
5 invite to that meeting not just members of
6 our staff and the Attorney General's Office,
7 but some of the folks who have been involved
8 in the litigation, a great deal of which has
9 been centered in North Carolina.

10 But are there any questions now from
11 any member of any of the committees for Mr.
12 Gilkeson? Remarkable.

13 Our next speaker is Gerry Cohen, or next
14 presenter. Mr. Cohen I think is in his
15 third census. He has helped us through the
16 1980s and the 1990s. We do ask though this
17 time that he not propose to send any e-mail
18 after midnight.

19 **MR. COHEN:** Thank you very much, Mr.
20 Chairman, and I think prodigiously the -- all
21 your chairs scheduled this meeting a week in
22 advance knowing that we'd get the census
23 data this morning and have all -- a bunch of
24 analysis already done. Obviously we didn't

1 know that when the meeting was scheduled,
2 but the -- so most of my presentation was
3 actually prepared yesterday or the day
4 before, not knowing we'd get the data today
5 nor that the folks from ISD would have been
6 able to put a lot of this together.

7 There's a number of sheets which I'll
8 go over briefly, the data that was handed
9 out this morning for individual districts and
10 counties. I'll go over that in a second.
11 First I just want to talk about what kind of
12 data is available from the Census Bureau.

13 The Census Bureau provided us with data
14 this morning that went all the way from the
15 county level down to the smallest level of
16 geography, the census block, of which there's
17 about 260,000. There are several different
18 types of census hierarchy that fit within
19 each other.

20 County is the basic level of census
21 geography. There's a handout here of census
22 data available I'll go over briefly. One
23 step below that is the tract, the block group
24 and the block. That's the kind of

1 information used mainly by social sciences
2 because I think very few election officials,
3 candidates, voters or whoever really know or
4 have any idea of what census tract they're
5 in. I certainly don't myself.

6 There's also a separate unit of
7 geography, the county and then the township
8 and the block, which is also provided. Since
9 North Carolina really doesn't do anything by
10 township, this is less useful information.
11 This was used by us 20 years ago and, to a
12 little less extent, ten years ago.

13 The main kind of information we will be
14 using is the county, then the precinct below
15 that and then the census block. There's
16 also a fourth level with municipal
17 populations.

18 The Census Bureau has -- and we haven't
19 gotten all of this out of their database yet
20 that we got this morning, but the Census
21 Bureau has provided precinct data for all 100
22 counties. Compared with we had precinct
23 data in 1990 from 68 counties and in 1980
24 from just three counties. This means that

1 really precincts can be used as the building
2 block anywhere to the extent that counties
3 are divided.

4 However, in only 92 counties of the 100
5 is the precinct information totally accurate
6 because largely in some mountain counties
7 where ridge lines were used, the Census
8 Bureau required us to combine some precincts
9 in what they call the combined reporting unit
10 because in Buncombe, Cherokee, Graham,
11 Jackson, Swain, Transylvania and Wilkes
12 County there were some precincts that were
13 on ridge lines. The Census Bureau said they
14 could not divide those out because they
15 didn't know where the boundary was. So they
16 asked us to combine those.

17 So when you're -- for instance, when
18 you're looking at Buncombe County's data when
19 that comes out, there's going to be five
20 combined reporting units that are basically
21 ten precincts combined into five units. So
22 those will be the building blocks there.
23 Those pairs of precincts will be together.
24 To district them separately will require

1 going to the block level; but, again, all of
2 this is a great improvement from what we had
3 ten years ago.

4 In Carteret County there's also a
5 combined reporting unit. I think there was
6 probably some water feature or some precinct
7 boundary near the ocean that followed an
8 invisible boundary in Carteret County. So
9 there there are two precincts combined. I
10 don't know what they are, but at some point
11 we'll be telling you, especially the members
12 from those counties, what those combined
13 units are.

14 In nine counties the County Boards of
15 Elections adopted some precinct changes to be
16 effective in the 2002 election, and the
17 Census Bureau allowed them to get their
18 advance boundaries in for two years from
19 now. Those are Cumberland, Forsyth,
20 Guilford, Haywood, Henderson, Hoke, Lenoir,
21 Lincoln and Wake.

22 In those counties when we see precinct
23 information, those are the precincts that are
24 going to be used by those counties in 2002

1 that were adopted by their Boards of
2 Elections earlier this year or late last
3 year. They will be somewhat different than
4 the 2000 boundaries largely because precincts
5 have been divided in some of those places
6 and a few adjusted.

7 The population data -- the Census
8 Bureau made a major change this year. There
9 are 64 different types of population data
10 because persons were allowed to designate
11 more than one race. For the purpose of our
12 database, we've compressed a lot of these
13 down to 12 or 13 categories. For instance,
14 there is one category that appears -- every
15 precinct, every census block nationwide
16 people have designated themselves as being of
17 all six races. Well, in fact, there were 382
18 people in the country that checked they were
19 all six. I'm not sure whether their pencil
20 was just jumping or something.

21 But we've narrowed it down to about 13
22 categories. We have a category for each
23 person that listed themselves as one race and
24 a sixth category for persons who listed

1 themselves as multi-race. That totals to
2 100 percent. Probably in the next day or
3 two we'll be able to tell you how many people
4 designated themselves as more than one race.
5 In other states, that's varied anywhere from
6 a half a percent to two percent.

7 We also have some multi-racial
8 categories, another five or six. These
9 don't add to anything nor do you really add
10 them to the other numbers that already total
11 100 percent, but we've got six categories on
12 the second page where it says any person who
13 listed themselves as black and checked
14 another race box other than Native American.
15 Number 2 is the flip side of that. Number 3
16 is both of those.

17 In a couple of cases we tried to look
18 at what were the most useful information.
19 There are a couple of counties that have
20 substantial population of three different
21 races with persons that may have checked
22 more than one. So we tried, after discussing
23 this with people in those areas, to try to
24 come up with some meaningful information.

1 We felt in the 12 or 13 categories this
2 would all fit on a page and be useful rather
3 than having 64 all across a spreadsheet for
4 several pages, most of which were zeros.

5 Voter registration data. In the
6 database will be voter registration data.
7 One of the reasons all the system isn't ready
8 on day one is that all these files for voter
9 registration and election and population have
10 to be merged into one database. We have
11 voter registration data from all 100 counties
12 showing registration by precinct, broken down
13 by party and race.

14 In 99 of the counties, they are cross
15 tabulated by party and race, for instance,
16 white Democrats, black Democrats, white
17 Republicans, black Republicans. We got
18 Forsyth's yesterday I think which was number
19 99, and we expect the data from Robeson
20 County sometime in the next several days.

21 Also an enhancement, that cross
22 tabulation was not there ten years ago in
23 our database. We're also going to have
24 voter registration by male and female and

1 four age categories, which were not in the
2 system ten years ago. These are all
3 available for people that feel that they are
4 useful to them in analyzing or building plans.

5 In the nine counties that have changed
6 boundaries for 2002, the registration data I
7 think has been adjusted in most of those
8 cases by the county boards to accurately
9 reflect the new lines. I think they've
10 already recalculated their voter registration
11 data. In others, we may have adjusted this.
12 Any districts that you build will show voter
13 registration data.

14 Of course if you go below the precinct
15 level in creating a district, the voter
16 registration data for the parts of the
17 precinct are just approximations. I think
18 what we do is if you divide a precinct in
19 half, we'll just assign half the voter
20 registration to each district even though
21 that might not really be totally accurate,
22 but there's really no other way to do it.
23 That's what we did ten years ago.

24 Election data has also been obtained

1 from each county. In the system we'll be
2 covering the 1998 U.S. Senate general
3 election, the 2000 primaries for Democrat and
4 Republican governor and Democratic state
5 auditor, and the 2000 general election for
6 governor, chief justice, state auditor, U.S.
7 House, N.C. House and N.C. Senate.

8 In the 1998 data, of course we had to
9 adjust that to deal with changes in precinct
10 boundaries. So in some cases they're
11 approximations. So if you see that in a
12 particular district that somebody -- it shows
13 that it was exactly 50/50, that doesn't
14 necessarily mean it's really exactly that.
15 All these are approximations, the same as it
16 was ten years ago.

17 I should note that if you're looking on
18 a database for how U.S. -- how congressional
19 N.C. House and N.C. Senate candidates in the
20 2000 election did in your proposed district,
21 be forewarned that if one party didn't run a
22 candidate or if they ran a token candidate,
23 that may make the information less than
24 useful. So it may be that even though we'll

1 have something in the database for how state
2 senate candidates did in a district -- a
3 proposed district, you may find it more
4 useful to use higher level or statewide races.

5 Also, absentee ballots are excluded
6 from all these precinct totals because
7 absentee ballots in North Carolina are
8 counted at the county level. There's no
9 information for how they broke down precinct
10 by precinct. So that couple of percent of
11 all the votes in the state are just --
12 again, the election data is available to
13 assist members in doing plans. There's not
14 any guarantee that it's exactly correct.
15 There are several pages here showing exactly
16 what these fields in the database are going
17 to be.

18 I want to go over quickly the
19 information that you've got today. We got
20 the Census data this morning around 9:00, and
21 I'd hoped to have some information in 24
22 hours. In fact, we -- due to the excellent
23 work by our folks from ISD, we had some of
24 the information within about two hours and

1 the other at about 12:30. All these
2 spreadsheets have been sent to every
3 individual member in their e-mail.

4 We have totals for population for each
5 county. We have them for each state House,
6 state Senate and congressional district
7 showing the deviation, both percentage and
8 actual. In other words, it may show that
9 House -- I'm going to make up a number --
10 that House district -- House district 62 is
11 42 percent over which is 30,000 people over
12 -- or under. In our total plans, all of the
13 districts within the state House or state
14 Senate has to be within 10 percent. Meaning
15 if a district is minus five, then no district
16 can be more than plus five.

17 But this will give you a rough idea of
18 how much your district will need to gain or
19 lose. If you're a minus, the number in
20 there -- if it said minus 3,500, your
21 district would need to gain 3,500 to be at
22 the ideal population.

23 We've also done some regional looking.
24 We've divided out on one of these sheets

1 here -- you got an e-mail -- it may have
2 been handed out here today -- by the four
3 regions the House chairs have chosen for
4 their legislative redistricting. We also did
5 some regional things looking at some sort of
6 population centers, the Research Triangle
7 area, Charlotte area, coastal, mountains
8 showing population shifts because an area
9 gains representation if it gains faster than
10 the state average, it loses if it's slower
11 than the state average.

12 So your county might have gained
13 population, but still lose representation if
14 its gain was less than the state average.
15 Now, some counties actually lost population.
16 For instance, the Research Triangle area, if
17 you were looking at whole counties, the six
18 counties of the Research Triangle area, for
19 instance, would have about two more House
20 seats than they did ten years ago.

21 I'll be glad to answer any questions
22 about this either here or at the Chair's
23 discretion or if you want to talk to me
24 after the meeting or by e-mail. I'll be glad

1 to go over any of this data with anyone at
2 any time. And, again, we did not expect to
3 have all this district-by-district data this
4 morning. I think it was all the planets
5 lined up together at 1:00.

6 **SEN. MILLER:** It was the planets, but
7 it was also the excellent work of our ISD
8 office. The members frequently just cast
9 off amazing demands on our staff, and
10 certainly I have been guilty -- all the folks
11 here today have been guilty of that. We
12 told ISD that the first numbers we wanted
13 that we thought would be most interesting to
14 members was how your district did and whether
15 you needed to gain population or lose
16 population, assuming that the map -- that
17 you can still recognize what started out as
18 your district at the end of it all.

19 And to have all this information that
20 you have before you now within four hours is
21 remarkable work, and I do want to thank Dan
22 Frey and Kelley West and the whole ISD group.
23 Thank you very much.

24 Are there questions now?

1 Representative Justus?

2 REP. JUSTUS: Thank you, Mr. Chairman.
3 What is the average increase in the state
4 population by districts?

5 [DISCUSSION HELD OFF MICROPHONE]

6 MR. COHEN: 21.4 percent. So if your
7 area grew faster than 21.4 percent, you gain
8 representation. Less than that, you would
9 lose relative to the rest of the state.

10 SEN. MILLER: Any other questions from
11 any member of the committees? Representative
12 Michaux?

13 REP. MICHAUX: Do I understand that the
14 legislative redistricting is going to be done
15 in sections?

16 SEN. MILLER: I think I'll defer to my
17 house chairs on that.

18 REP. SUTTON: What we've done, we have
19 regional co-chairs that are going to be
20 involved in a regional plan. Now, we
21 realize you cannot have one independent plan
22 for any part of the state and it act and
23 exist totally independent of everything else,
24 but for initial work-up stages, the state

1 has been divided into four regions.

2 And there's co-chairs from both parties
3 involved in the regions, and they're going
4 to be concentrating their efforts in their
5 regions rather than -- for instance, the two
6 co-chairs on the east is Representative
7 Baddour and McComas. They won't be
8 concentrating on what's going to happen out
9 in the west. They'll be concentrating on
10 working in the east in the initial phase of
11 this.

12 So we realize that we can't take one
13 district and just work across, you know, one
14 region working independently; but in the
15 initial phase we're going to have regional
16 chairs involved in working and sorting out
17 within their region. And then as we
18 progress, you know, obviously it will be a
19 full statewide plan.

20 **SEN. MILLER:** We won't be doing all
21 that in the Senate, Representative Michaux.
22 Representative Walend?

23 **REP. WALEND:** Thank you, Mr. Chairman.
24 I have a question for Mr. Cohen.

1 **SEN. MILLER:** Yes, ma'am.

2 **REP. WALEND:** You mentioned that
3 absentee ballots were -- would not be counted
4 in the election returns that will be shown.
5 What about the early voting from the 2000?

6 **MR. COHEN:** That's the same thing.
7 See, the early voting is not available at the
8 precinct level. So that is -- in trying to
9 set up the system, we judged that trying to
10 assign any of those early voting or absentee
11 members anywhere really would be more
12 misleading than it's worth. And I would say
13 that -- in advance that the early voting and
14 absentee tends to be slightly more Republican
15 than the vote in the state as a whole. So
16 that if you excluded it, any numbers you get
17 showing election returns will probably show
18 the districts slightly more Democratic in
19 voting history than they actually are.

20 **SEN. MILLER:** Any more questions from
21 any member of the committee? Thank you, Mr.
22 Cohen.

23 **MR. COHEN:** Thank you.

24 **SEN. MILLER:** Next Dennis McCarty and

1 Karen Cochrane-Brown will discuss access to
2 the redistricting system.

3 **REP. JUSTUS:** Mr. Chairman --

4 **SEN. MILLER:** A disembodied voice
5 somewhere. Ah, right here. Representative
6 Justus?

7 **REP. JUSTUS:** Thank you. Before you
8 start, we have a regional map here. There's
9 not been enough of them produced for
10 everybody to see one, but we do have one
11 right here. And at some time if some of you
12 want to look at it, it's available.

13 **MS. COCHRANE-BROWN:** Thank you, Mr.
14 Chair. Good afternoon members. I am Karen
15 Cochrane-Brown. I'm a staff attorney in the
16 Research Division, and Dennis McCarty and I
17 have been asked to talk briefly about access
18 to the redistricting system. I am very
19 briefly going to talk about access to
20 professional staff and what we can provide
21 for you, and then Dennis will go over the
22 policies that will govern access to the
23 machines and the software system and the
24 support services that will be provided by ISD.

1 To begin with, I'll review the --
2 you've already been introduced to the staff,
3 but I will say that professional staff
4 outside of the support provided by ISD will
5 be provided by the Research Division. From
6 the Research Division, Bill Gilkeson has been
7 assigned as coordinator for redistricting and
8 will be assigned to all committees. Myself
9 and Erika Churchill are committee counsel to
10 the Senate Redistricting Committee.

11 Al Andrews is committee counsel to the
12 House Congressional Committee, and Esther
13 Manheimer is committee counsel to the House
14 Legislative Redistricting Committee. We also
15 have a research assistant, Kristen Crosson,
16 who will be working with us as well. From
17 the Bill Drafting Division, as has already
18 been introduced, Gerry Cohen, Ken Leavenbook,
19 Gayle Moses and Canaan Huie.

20 I'll say that we have all been trained
21 on the software and will be available to the
22 committees and to members to generate maps,
23 reports and provide other data. The lawyers
24 have all been assigned to and attended

1 seminars and have done a considerable amount
2 of research in the last few months so that
3 we are knowledgeable about the legal issues
4 and the requirements of the -- the legal
5 requirements of redistricting.

6 Our goal is to provide advice and
7 assistance to the committees, primarily at
8 the direction of the chairs, and then to all
9 of the members of the General Assembly as
10 well.

11 Access to the staff will be as it is
12 for all other legislative business. We've
13 been assigned to work with committees, but
14 we are available and accessible to all
15 members of the General Assembly equally.
16 And, as you know, we are a nonpartisan
17 impartial staff that provides our services as
18 available to all of you. And we will do that
19 in this process as well. There is obviously
20 a fewer number of us than there are of you,
21 and we hope that you'll all be patient with
22 us. But we'll do our best to meet your
23 requests as quickly as possible in this
24 regard.

1 I will say that our director -- for the
2 members of the Research Division our
3 director, Terry Sullivan, has assigned us to
4 our other committees during this session in
5 such a way so that when redistricting becomes
6 very active, when the committees become very
7 active, we will be pulled away from other
8 committees and there will be other people to
9 fill those committees. So Terry has made a
10 great attempt to try and balance staff in
11 such a way that we'll be primarily available
12 for purposes of redistricting throughout the
13 session.

14 I'll briefly mention the issue of
15 confidentiality. As I stated, our services
16 will be provided as they are for all other
17 legislative business. During the process of
18 developing the plan, the legislative staff is
19 bound by the same confidentiality law and
20 requirements as we are for all other
21 legislative communications, and we will honor
22 and abide by those as we do for all other
23 legislative business.

24 The statute provides an exception

1 however for redistricting cases. Once the
2 plans become enacted into law, G.S. 120-133
3 creates an exception to the confidentiality
4 statute and provides that at that time all
5 drafting and information requests and other
6 information provided during the process are
7 no longer confidential and become public
8 record.

9 This exception is necessary because of
10 the requirements of the Voting Rights Act.
11 As Bill discussed earlier, the Federal Voting
12 Rights Act required that the plans be
13 pre-cleared by the Justice Department; and
14 during that process a great deal of
15 information will have to be supplied to the
16 Justice Department about how the plans were
17 created and what information you all
18 considered in developing the plans.
19 Therefore, the General Assembly included in
20 the confidentiality statute this exception
21 for this purpose.

22 As usual during the process, while the
23 plans are not public, they cannot be
24 disclosed without the consent of the member

1 who made the request. However, with the
2 permission of a member, the plans can be
3 disclosed to whomever the member chooses to
4 have them disclosed to; and that basically is
5 no different than the way we operate
6 generally.

7 Once the plans have been released to the
8 public -- and that usually will occur in the
9 context of the committee, once it's released
10 in committee and it's before the committee,
11 the ISD will make them available to the
12 public via the General Assembly's website
13 primarily. And ISD will be available to
14 provide other information to the public as
15 well, as well as providing access to the
16 system for purposes of drawing plans by the
17 public.

18 But I think now at this point basically
19 I'll defer to Dennis to go over how members
20 will have direct access to the system and
21 what they will -- the support that ISD will
22 give -- provide to members and to the public
23 generally. Thank you.

24 **MR. MCCARTY:** Mr. Chairman -- Mr.

1 Chair, folks, members, I'd like to take a
2 few minutes now and cover the DistrictBuilder
3 System that we have, the decision to develop
4 it in-house versus procuring it, looking at
5 the distribution of that software, then
6 looking at the redistricting facilities that
7 are ready and available, finally covering
8 some ISD policies relating to redistricting,
9 and then that will be followed by a
10 demonstration.

11 So with that in mind, the
12 DistrictBuilder System and the decision to
13 develop it in-house, that question has been
14 a good one. In 1996 the General Assembly
15 made a decision to develop an in-house
16 application for redistricting. The decision
17 was based after exploring what was
18 commercially available out in the market and
19 then looking at it from a cost perspective
20 and seeing what other options we had
21 available.

22 There was nothing available at that time
23 commercially. Although, we did look at a few
24 things. There were some things that the

1 application did not do out there. We did at
2 that time, in November 1996 contract or get
3 a memorandum of understanding -- of agreement
4 with the Center for Geographical Information
5 and Analysis, a state agency in the budget
6 office.

7 We then set up a working relationship
8 between the General Assembly and them and
9 began our process of developing an
10 application. What it did result in is a
11 tool that we could use for automated
12 redistricting.

13 Let me just say that there were a
14 couple of vendors that were out there that
15 we did look at. And just to get that out
16 front, we looked at Election Data Services
17 and Environmental Systems Research Institute.
18 The systems that they had were really GIS
19 type systems. They weren't for redistricting.

20 So a lot of the things you've heard
21 about us merging in data from the State
22 Board of Elections, all of that wouldn't be
23 done. So we'd have to do a lot of extensive
24 tailoring for that product.

1 One of the other reasons we went
2 in-house development is from our last
3 experience with redistricting software where
4 we couldn't get support. It seems like once
5 it was purchased and redistricting was in
6 motion, the vendor support was lacking, and
7 that continued for about ten years. And
8 here we are today.

9 With partnering with the CGIA, we hope
10 and we believe that we'll have great support
11 from there. In fact, in our introduction of
12 staff, I mentioned one person from CGIA
13 which is on staff all the time for us and he
14 was here. It's Justin Flint.

15 Today our development is complete.
16 There's some reports that we're still working
17 on, and what I can say is that we have a
18 very feature-rich system that is well
19 performing in the GIS redistricting area.
20 It's far superior to any products that are
21 available today for redistricting, and we're
22 pretty happy with it.

23 There are three major things. Systems
24 accessibility. In the 1990 series, those who

1 have been here, there were seven terminals,
2 green-screen terminals or amber-screen
3 terminals. Today the DistrictBuilder System
4 was built to handle between 35 and 40 users
5 -- concurrent users. Okay. So we can have
6 more copies of it out there.

7 The other thing is the DistrictBuilder
8 is built to be centralized storage of all
9 plans, and that kind of matches what you
10 heard about once everything becomes public --
11 everything does become public and it's
12 central at that point.

13 System stability. Again, the vendor
14 support. CGIA is here to support us, which
15 is very good.

16 And system performance. During our
17 development, initial development, we really
18 weren't sure for a while how well this was
19 going to perform; and as we got farther down
20 the road, this is beating the old system
21 hands down. It's a very good performer
22 right now.

23 With that, how do we get it out to you
24 and who's going to get it? Well, there's a

1 policy, which the policies were handed out;
2 and I'll just mention the first one in there
3 which says, "Distribution of the
4 DistrictBuilder software will be designated
5 by the President Pro-tem and the Speaker of
6 the House." That's because we know that
7 there's only a limited number of people that
8 can access it in a given time.

9 Presently there are 36 workstations
10 that have this installed; and, again,
11 remember I said our target was 35 to 40. If
12 we find out that performance is great and we
13 can put more out there, then we can.

14 Redistricting facilities. There are
15 several facilities that have been set up in
16 this building and across the street. In the
17 legislative office building there's three
18 member-access rooms located on the second
19 floor. Each of those rooms have higher
20 powered PCs, larger monitors and a color
21 printer. There's also a room on the second
22 floor for public access. There's really two
23 PCs in there and a shared printer -- color
24 printer.

1 And there's another room down there
2 which is there for the press to access and
3 to do their work, and there's a color
4 printer and a higher powered PC there.
5 Finally, on the third floor of this building
6 is the House redistricting work room, and
7 that has printers, plotters, PCs. It's on
8 the third floor.

9 In the legislative office -- legislative
10 building, the Senate redistricting work room
11 is over there, again equipped with plotters
12 and PCs. And there's also a couple of TV
13 monitors so that if you want to project --
14 and projectors too if you want to project a
15 plan. Use those.

16 One of the things you'll see on the
17 website, if some of you have looked, is it
18 says where to get a room. We ask you to
19 schedule in four-hour blocks and 24 hours
20 notice. Now, reality says that's not always
21 going to happen; and if you're in there and
22 you're working and there's nobody behind you,
23 reality says you're going to keep going.
24 And we understand that. This was just a

1 general policy that we had to come up with
2 to treat everybody equally. The big thing is
3 we're going to be reasonable about it, and I
4 hope you all are. I hope you can work it
5 out really well.

6 With that, I'll go through a couple of
7 the other policies. First of all, the
8 policies which were handed out is a one sheet
9 printed on both sides. They were based upon
10 the 1990 policies and updated to include
11 more copies of the software, and I'll just
12 kind of hit the title and give you the gist
13 of the policy.

14 Member and member staff support.
15 Basically what that policy is about is to say
16 that we can't -- we're technologists. We're
17 not attorneys. We can't help you do
18 redistricting. We can help you use the
19 software, and that's about all we can do,
20 hardware and software support; but we can't
21 help you design and develop a plan. We will
22 provide that support to you, to the members
23 and the members' staff.

24 That policy also says the work rooms

1 will be there, which we've already said, and
2 that we'll be available to help people while
3 you're in that room with any technical
4 assistance.

5 I believe that Karen covered the
6 support of the Research and Bill Drafting
7 Division staff. So I'll skip to the next one
8 which is public access.

9 As I said, there is a public access
10 room where the public can come in and use
11 our software and our equipment to generate
12 their own plan. That's what it's down there
13 for. They can print on a 11 by 17 printer
14 -- color printer. So they can print what
15 they have, and that's the same rules about
16 scheduling. And that's out there.

17 We also will provide a copy of the
18 plans as they are generated on a CD for the
19 user if that's what they want, and we have
20 to -- just work with us to help you do that.

21 Confidentiality was already covered.
22 Publicly released plans. The website will be
23 the primary means of distribution from us.
24 And let me tell you, if somebody comes up

1 and says, "Member so-and-so said to give me
2 a copy of the plan or give me access to the
3 plan," we aren't going to do that unless we
4 have your permission. And that -- we're
5 asking for that in writing. That's to keep
6 the confidentiality there.

7 When a plan is introduced in either
8 chamber, it will be put on the web because
9 then it's public at that time. So we'll put
10 it on the website for you.

11 Finally, if there are people bringing
12 copies of plans that they generated with
13 other software and they're bringing them in,
14 we can import them into our system if they
15 bring them in in something called
16 tab-delimited text format. The staff can
17 help you direct the right questions and the
18 right statements to people.

19 We have a long time to go here, and
20 that's all I have for this presentation.

21 **SEN. MILLER:** Questions?

22 **REP. LUCAS:** Yes, Mr. Chair.

23 **SEN. MILLER:** Well, I thought
24 Representative McComas had a question. Our

1 House chair pointed him out first. Where is
2 he? Representative McComas, he passed,
3 right? Senator Lucas?

4 **SEN. LUCAS:** Mr. Chair, just looking at
5 one of the policies here, Public Access, the
6 one that's number 2. Will there be any
7 flexibility for persons who work until 5:00
8 and they would like to have access? Is that
9 possible?

10 **MR. MCCARTY:** I believe we can work
11 through that. These are just the start and
12 stop guidelines.

13 **SEN. LUCAS:** Thank you.

14 **SEN. MILLER:** Representative Blue?

15 **REP. BLUE:** Yes, thank you, Mr.
16 Chairman. What is our policy regarding the
17 availability of the software to other
18 entities? That's part of a two-part
19 question. And, secondly, have we perfected
20 it to the point that we can make some money
21 on it?

22 **MR. MCCARTY:** As a businessman, getting
23 into other entities outside government and
24 given the software, the software is built on

1 several pieces that are proprietary to the
2 vendors. One is Sequel Server which is the
3 database that it uses, and the other is Map
4 2 which is from a company by the name of
5 ESRI, E-S-R-I. So whoever would take the
6 software would have to have that. They'd
7 have to buy those products. That's just the
8 first step.

9 The second step is if they have the
10 product, the code, they're going to be able
11 to uncover or go through the security
12 related pieces of it, which kind of
13 compromises our security. And we would, with
14 that statement, say that it's not generally
15 available. I believe that that falls within
16 the appropriate law. We did get an AG's
17 opinion on that. This is a system, not a
18 record.

19 **REP. BLUE:** Lastly, Mr. Chair, do we
20 have a policy regarding the availability of
21 either our software or our systems to the
22 local governments in the state so that they
23 won't incur extraordinary expenses in trying
24 to replicate something that we have developed

1 to a satisfactory level?

2 SEN. MILLER: Maybe Mr. Cohen has an
3 answer to that.

4 MR. COHEN: I think that question
5 really isn't developed directly within these
6 policies, but I can say what the rules were
7 in the 1980s and 1990s which was that at the
8 request of a member, staff is available to do
9 this just like any other local bill or local
10 research project. So that we in 1990
11 assisted -- we did nine or ten different
12 plans for cities, counties or school boards
13 and actually adopted them through local
14 legislation.

15 Five or six other cases, staff assisted
16 local government representatives who came up
17 here to draw up plans which they then
18 adopted themselves through city or county
19 board resolutions.

20 SEN. MILLER: Any other questions for
21 Mr. McCarty or of Ms. Cochrane-Brown from
22 any member of the committees? Thank you.

23 I do want to introduce a Senate Page
24 and I think the House Chairs introduced

1 their House Pages, but we have Adesa Tobin.
2 Did I get your name right, Mr. Tobin? All
3 right. Mr. Tobin is sponsored by Senator
4 Eric Reeves. As I'm painfully well aware
5 right now, Senator Reeves has a two-member
6 district. I am the other Senator. Mr.
7 Tobin, please give my regards to your
8 parents tonight.

9 The next item on our agenda is again
10 the hero of the morning, Dan Frey and Kelley
11 West. They did ask, for purposes of
12 demonstration, that they take a legislative
13 district and show how it might be changed
14 using the software. We thought that
15 regardless of how many times we said it's
16 for demonstration purposes only, if we picked
17 a district at random, it would cause heart
18 stoppage.

19 So we are using Senate District 14
20 which is my district, as I understand it; but
21 please don't get any ideas that the changes
22 you'll see will be actually considered unless
23 of course I like them.

24 **MS. WEST:** Good morning -- or

1 afternoon. My name is Kelley West, and I'm
2 going to give you a quick demonstration of
3 the DistrictBuilder application. What I'm
4 going to show you are a lot of the basic and
5 very simple features, but very necessary at
6 the same time.

7 I've already logged into the system,
8 and when you sign up to come to a -- to use
9 the access rooms, you'll get your own
10 DistrictBuilder user name and password. And
11 once you log in, this is the screen that you
12 will see. The information here, the list
13 that --

14 **FEMALE SPEAKER:** Mr. Chairman, if she
15 -- we can't hear her over here.

16 **SEN. MILLER:** Could you speak a little
17 louder and make sure you speak into the
18 microphone. Thank you.

19 **MS. WEST:** The information that you see
20 on the screen over on the right, the lists
21 that you see are plan types. What a plan
22 type is is a foundation for building a plan.
23 Any of those that you decide to use will not
24 show you any information that someone else

1 has built in a plan. They're just a
2 foundation for a plan. I'll show you what's
3 behind those plan type names. You click on
4 the "View Plan Type" key, and the
5 information that you see at the top, you can
6 see there are 13 districts in this plan type.
7 And there's one representative per district.

8 When you're choosing a different plan
9 type to build a plan on, you can go through
10 this list and find one that suits your
11 specifications just by clicking on them and
12 choosing the "View Plan Type" key. If you
13 don't see one that you feel like you'd want
14 to build a plan on, you can create your own,
15 and I'm going to walk you through that
16 quickly.

17 You simply click on this button, and
18 then you just name it. Click on "Okay," and
19 then just name any number of districts that
20 you want for your plan. When you click on
21 "Okay," it will bring you to this screen, and
22 here is where you have the option to specify
23 different numbers of members in each district
24 simply by clicking on these boxes and

1 entering a different number.

2 Over on the right you see this fill
3 color option, and what you see is repeating
4 colors which is what DistrictBuilder uses by
5 default. And that means that DistrictBuilder
6 has 19 default colors that it will go
7 through; and after it uses those 19, it will
8 repeat those. So if you're building a plan
9 using a plan type that has more than 19
10 districts, you're going to have colors that
11 repeat. So for plan types with more than 19
12 districts, you're going to want to probably
13 opt to use the random colors just because
14 every district will have its own unique color.

15 And once you've changed all this
16 information, you can also go in and add --
17 if you wanted to name your districts instead
18 of just leaving them District 1, 2, et
19 cetera, you may change those the same way
20 just by clicking on those boxes and changing
21 the name.

22 When you select "Okay," the plan type
23 is entered into the system, and it will take
24 you back to the beginning screen that you

1 saw. And this is just a notice telling you
2 what you've done and what you can do with
3 that play type once it's been created, and
4 now it's returned us to our starting screen.

5 And you see at the top where I selected
6 the plan type; that's the one I just
7 created; but first before we build --
8 starting building a plan on that plan type,
9 I'm going to show you what's on the other
10 tab. This is your existing plan tab, and
11 I've logged in as myself. So the plans you
12 see here are either mine or ones that other
13 users of DistrictBuilder have given me access
14 to see or to make changes to.

15 You'll see that it lists the plan name,
16 the author of the plan, the plan type that
17 the plan was built on, and the date it was
18 last modified on. You have -- automatically
19 you have read-only access to all these plans,
20 which means you can at least open them and
21 look at them. It doesn't necessarily mean
22 that you can make changes to them, but that
23 is possible in another step.

24 And I'll show you how to make that

1 copy. If you -- say you have the current
2 House plan and you want to make changes to
3 it. Here you see that I have a copy of the
4 House plan, and the author name is not my
5 name, which means I have read-only access to
6 it. When you open a plan that you have
7 read-only access to, this is the message that
8 you will see, "You can view this plan, but
9 you cannot make changes." And that's not an
10 error message; it's just a notification.

11 So you see that this plan has been
12 opened. This is the current House plan, and
13 if you'll look at the top, you see the plan
14 name and that it's in read-only mode, which
15 means that you can't make changes. If you
16 see here where my mouse is, that is the add
17 and remove keys, and you'll see that they're
18 grayed out or disabled. Those will also
19 indicate to you that you cannot make changes
20 to this plan.

21 If you want to make your own copy and
22 make changes to what this exact plan looks
23 like, you simply go to "File" and "Save As,"
24 give it a new name, and DistrictBuilder will

1 simultaneously close that read-only plan and
2 open up your copy of the same plan in which
3 you can make all the changes that you would
4 like.

5 Now you see that the plan that's open
6 is the one that I renamed, and you can see
7 that it's in editing mode. And my add and
8 remove keys are enabled, which means that
9 I've just simply made a copy of the original
10 plan and now I can make changes without
11 affecting the original.

12 Now we're going to go back to the
13 previous plan type that we created before,
14 and I'm just going to show you some of the
15 basic features and tools that DistrictBuilder
16 has. So by selecting this and clicking on
17 "Okay," I'm telling DistrictBuilder that I
18 want to build a plan based on this plan type,
19 and I have to give it a name.

20 When you choose to build a new plan,
21 you're going to be prompted with this
22 description box when you first start, and
23 that's a place for you to enter just a short
24 mental note. It could be a sentence and

1 just to remind you later on if you start
2 building several plans maybe what you were
3 thinking when you were building that plan.
4 And this you can go back to later and make
5 changes or just look at it.

6 And now it brings you to a blank state.
7 This is your new plan. I think no geography
8 has been assigned. And just to get you
9 familiar with this screen, the area that you
10 see in gray that's on the left, that's
11 referred to as the legend. And all those
12 layers that you see there, if you put a
13 check in any of those boxes, it basically
14 serves as a display layer. You're not
15 changing your assignment layer, and I'll get
16 to that in just a minute. But if you check
17 any of those, they will display on the map
18 and show you the lines for all of those
19 layers.

20 At the top where you see "Assignment
21 District" and the number 1, that reflects
22 your current district that you're working in
23 and the active district. That's the district
24 that will respond to any additions or

1 removals of geography, any checks on district
2 statistics and any of the other tools that
3 are district oriented instead of plan
4 oriented.

5 You'll see that there's only 25 numbers
6 in this list, and that's reflective of the
7 plan type that I chose. If you remember,
8 when I created the plan type, I chose that
9 there should only be 25 districts. So that
10 restricts you to only being able to build 25
11 districts. You can obviously build less, but
12 to add districts, you have to repeat the
13 process.

14 The color next to it just indicates the
15 color that the district will be on the map.
16 Next to that where it says, "Solid," that's
17 your fill style. By default it goes to
18 solid, and that's the fill style that most
19 people stick with.

20 And then lastly these are your
21 assignment layers, and you see there's only
22 six. The reason these are assignment layers
23 is because there are populations associated
24 with each of these layers, which means that

1 obviously there's a population inside of them
2 and you can add to them, increasing the
3 population of your district.

4 And if you want to switch -- if you
5 want to add using counties, you have to
6 select here. If you want to switch over and
7 add different precincts, you have to choose.
8 Here it says, "VTDs," but it's the same
9 thing as precincts. And you have to switch
10 it from this list.

11 Okay. Just some of the basic buttons
12 the DistrictBuilder has that helps you
13 navigate a little bit easier and build plans
14 a little bit easier. First we have a
15 zoom-in key, and that's just as simple as
16 clicking on it and then selecting the map.
17 You can also drag a rectangle; it's a little
18 bit more accurate. And zoom out works in
19 the same fashion.

20 There's also -- as you may have
21 guessed, as you start displaying several of
22 these layers, the lines may not be able to
23 tell which are counties and which are
24 precincts. I'll show you an easy way to

1 distinguish your lines from one another.

2 And by double clicking on the word
3 "Counties" or any of these layer names,
4 you'll be able to access the layer properties
5 box in which from this single tab if I just
6 click once in the color box -- and I'm going
7 to choose one that's a little bit different
8 and will be easier to see.

9 And I'll change the width just so it's
10 still a little bit easier to see; and when I
11 click on "Okay," you'll see that the county
12 lines have now turned red. And if I display
13 another layer, you'll see how it's helpful.
14 And now you can tell the difference between
15 your precincts and your county lines which
16 will come in very handy later.

17 Just kind of an aside, this -- some of
18 the layers take awhile to draw depending on
19 the extent that you're zoomed in, and I'm
20 going to display the block layer. And you'll
21 see that it draws fairly fast, but we're
22 also zoomed in. If I zoom out to the
23 statewide extent, which this -- the key on
24 the toolbar that looks like a world, that's

1 the full extent. It will take you back to
2 the state level.

3 You'll see that's taking awhile to
4 draw. If you ever get in the situation that
5 you don't want to wait, you just hit
6 "Escape" and it cancels the draw, and then
7 you can just uncheck it from the legend.
8 And then it will stop that draw, and then
9 it's a little bit easier to display than when
10 you're zoomed in.

11 And then probably the two most
12 important keys are the add and the remove
13 geography. This is the add key, and I'm just
14 going to go ahead and add one county just
15 for demonstration purposes. And so that's
16 as simple as adding, and of course I'm
17 adding -- I added the whole county because I
18 am in the counties assignment layer. If I
19 wanted to add precincts, which I'll show you
20 in just a minute, you have to choose it from
21 the top.

22 See how it didn't add the whole county
23 this time. It added the precinct because
24 that's the assignment layer that's active.

1 Another tool is the pan key which looks
2 like a little hand that's on the toolbar,
3 and if you'll notice there's no scroll bars
4 on the map screen itself. This pan key just
5 helps you to move around your map, if you
6 need to scoot it over. It's a little more
7 flexible than a scroll bar, but that's how
8 you can move your map screen around too. If
9 you're zoomed in really close, that you can
10 see what's nearby.

11 And the "District Extent" key is
12 helpful when you're -- it's kind of a
13 shortcut to zooming in. It will zoom in to
14 the active district that's selected. Right
15 now we have District 1 selected, and I'm
16 going to click on that "District Extent" key
17 which is the funny yellow shape that's in the
18 center of the toolbar. And you'll see it
19 zooms right into that District 1 according to
20 the geography that we have assigned so far,
21 and it doesn't cut off any of the borders.

22 And I mentioned a minute ago that the
23 world key takes you back to the statewide
24 extent, and then the one next to it is your

1 previous extent key which flip-flops between
2 the past two extents that you've seen.

3 Another important feature is the key
4 that looks like a pointer with a question
5 mark. That's helpful when you get a map
6 with so many districts and you can't
7 distinguish color with number and you want to
8 know which color equals which district
9 number. You can simply select that and
10 click in the colored area, and you'll see
11 that that says it's part of District 1. If
12 I click in any of the gray area, it will tell
13 me "Prior District 0" because that area has
14 been unassigned.

15 This button here, the black circle with
16 the eye in it, that helps you to identify
17 and that also works along with the
18 assignment layer that's selected. I'm going
19 to go back to counties, and I'm just going
20 to click inside the county. And you see it
21 flashes, and then it brings up a box with
22 all the statistics from that one county. And
23 you can do the same thing -- if I was to
24 choose precincts, I could take a look at any

1 of the statistics from that particular
2 precinct.

3 And "District Statistics," that's
4 something that's going to be pretty
5 important. That you can look at, and that
6 also works with whichever district is your
7 active district. In this case it's District
8 1. Your "District Statistics" key, located
9 here, and it takes about ten seconds to load
10 the first time. Every time after that it's
11 pretty fast.

12 So you'll see at the top it tells you
13 your active district, and it also tells you
14 the ideal population for that district which
15 was calculated when you specified the number
16 of districts that you wanted. That's
17 according to the total state population.
18 And then you have your difference -- a
19 percent difference which is also the variance.

20 Next to that is your "Ideal Statistics"
21 window, and this helps you keep track of
22 every single district in the plan. It's a
23 little bit of a summary of your whole plan
24 so far, and you'll see here that we have a

1 bunch of zeros because I've only assigned
2 geography to District 1. But that way you
3 can keep an eye on how all of them are doing.

4 And then another fairly important
5 feature is when -- the ability to add some
6 additional reference map layers, and that's
7 the key on the far right end of the toolbar.
8 If you select this you'll see several folders
9 here. I'm just going to go to the
10 incumbents folder today, and there's three
11 incumbent layers, one for Congressional,
12 House and Senate plans.

13 And you'll see that something has been
14 added to the legend that's not displayed on
15 the map by default, but all you have to do
16 is put a check in the box. And you'll see
17 all those squares indicate the residence of
18 each person. And to identify those people,
19 you select the key that kind of looks like a
20 cross here with the eye in the circle on the
21 toolbar, and you click on a square. And it
22 shows you -- it tells you who the person is,
23 the party, district number, body, et cetera.
24 You see it over here on the left.

1 And just a shortcut to some of those
2 features, your main editing tools will be
3 your add, remove, zoom in, zoom out, pan and
4 identify, and those are a little bit easier
5 to find with a right click. If you right
6 click anywhere on your map, you'll get to
7 them that way or you can just go back and
8 forth with your toolbar.

9 And then lastly, reports are located
10 under the tools menu, and I'm just going to
11 run a couple of them for you. This will be
12 looking at the build text for District 1, and
13 you can see right now it's pretty simple.
14 But it comes with a little bit of
15 information at the top, and this can be
16 printed out.

17 I'll also show you the plan statistics
18 report. In this case you can see it's a
19 little bit like all the information that's in
20 the ideal statistics window, and this is for
21 the entire plan. Those are just a couple of
22 the reports that are available.

23 And another thing that may be of
24 interest to you is the ability to export

1 these plans as an image instead of a shape
2 file. An image basically is just a
3 photograph. You can't manipulate it. You
4 can -- it's just for viewing purposes.
5 DistrictBuilder gives you the ability to do
6 this. In which case you might want to send
7 these images as an e-mail or include them in
8 a document that you have.

9 And to do that -- and the image will
10 look like whatever you're seeing in this plan
11 window here. You choose file and export plan
12 as image, and then it gives you an area to
13 rename the image. You can choose where to
14 store that image. If you don't want to save
15 it -- it automatically goes to your
16 DistrictBuilder output directory. You don't
17 have to save it there, and then you can save
18 it and go back and pull it out of there at
19 your convenience to include it in documents
20 or e-mail.

21 And then lastly our print menu. Of
22 course you're going to want to print these
23 maps out. Simply select print, and
24 DistrictBuilder is going to print whatever --

1 again, whatever you see in that plan window.
2 And this is a little bit of a quick review.
3 Of course it won't look exactly like this.
4 You have the option to include a title, the
5 author and the date, all of which
6 DistrictBuilder pulls from whatever you named
7 your plan, and then your user name. You can
8 change all this information or you can opt to
9 have it not included on your map. And
10 that's basically how you print.

11 **MR. FREY:** So, again, just to show you
12 some of the basic functions, and I don't
13 know if anyone has any questions. Well, I'd
14 say that -- yeah, that's some of the basic
15 functionality, and if any of you have any
16 questions, we'll be happy to answer those.

17 **SEN. MILLER:** Okay. Representative
18 Blue?

19 **REP. BLUE:** You mentioned platforms,
20 and I know that we'll get into this once we
21 get trained on it. But you mentioned
22 platforms. Are they basically foundations
23 that you use with predefined criteria,
24 incumbency, et cetera, et cetera, or what

1 goes into the platforms that you chose?

2 MR. FREY: Yes, as far as plan types go,
3 they're -- you know, they're just -- they're
4 simply definitions that say how many
5 districts a plan has and then how many
6 members there are per district, you know, in
7 any given district. And that's -- and then
8 you can also give the districts different
9 names, you know, different than the straight
10 numbering. But that's basically all there is
11 to this, the plan type.

12 REP. BLUE: Okay. So on the overlays
13 then you will have stuff that incorporates
14 the criteria or whatever guidelines we use
15 for the overall process, registration and
16 other things like that, incumbency and --

17 MR. FREY: Right. You can get -- yeah,
18 you can pull up the statistics by clicking on
19 an individual unit. It's possible to do
20 some labeling, and it's also -- will put some
21 attributes in the precinct layer so that you
22 can shade behind -- you know, shade by
23 percentages, different -- you know, different
24 statistics.

1 **REP. BLUE:** And you can globally
2 predetermine that simply by whatever query
3 you might put to it?

4 **MR. FREY:** Yeah, I'm not sure if I
5 understand exactly, but, yeah, you can label.
6 I mean like this thing that Gerry Cohen
7 handed out with all the different statistics,
8 those are the ones that are available that
9 you could query on and get information on or
10 label on.

11 **SEN. MILLER:** Senator Martin?

12 **SEN. MARTIN:** Thank you, Mr. Chairman.
13 This question is for [inaudible] and also for
14 the chair. To what extent, if any, would it
15 be reasonable for any of this information to
16 be accessible to all computers as opposed to
17 the workstations?

18 **SEN. MILLER:** That's not a question for
19 the Chair.

20 **MR. FREY:** Well, like I said, the main
21 hesitancy that we have to put like this
22 information as far as the actual application
23 on many different people's desktops is the
24 target number of users. If you get too many

1 people on it, it can slow the system down to
2 where it doesn't do anybody any good.

3 Certainly the basic information, you
4 know, in terms of like spreadsheets that you
5 could look at in Excel or those sorts of
6 things, you know, everybody could have access
7 to that and use that on their PC.

8 **SEN. MILLER:** Further questions from
9 any member of the committees? Okay.

10 You all decided not to mess with my
11 district after all. All right.

12 I think that brings us to the end of
13 our planned agenda for today. We will have
14 probably a meeting next week or soon on the
15 legal aspects. We're searching for a new
16 time that is both convenient to the House and
17 Senate members. As it turns out, this time
18 is in conflict with the Finance Committee.

19 So we are looking for a new time.
20 Probably Thursday afternoon before sessions
21 is what we most recently talked about. If
22 you have ideas on the time, that would be
23 fine.

24 There being no further business for

1 today, we are adjourned.

2 [MEETING ADJOURNED AT 2:37 P.M.]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

C E R T I F I C A T E

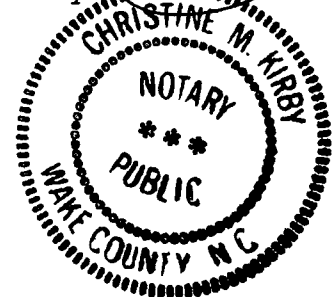
I, Christine M. Kirby, notary public/court reporter,
do hereby certify that the above-named meeting was reported
and transcribed under my supervision; and that the foregoing
pages, inclusive, constitute a true and accurate
transcription of the meeting.

I do further certify that the persons were present as
stated in the caption.

I do further certify that I am not of counsel for or
in the employment of either of the parties to this matter,
nor am I interested in the results of this matter.

IN WITNESS WHEREOF, I have hereunto subscribed my name
this 11th day of April, 2001.

Notary Public



My commission expires:

January 11, 2003

A Brief Look at Redistricting Schedules – 1991 and 2001

William R. Gilkeson, Attorney, Research Division – March 21, 2001

	1991-92	2001-02
Data Arrives	February 18	March 21
Data Loaded in Computers so Plans Can Be Drawn	April 26 (nine weeks later)	Probably earlier than in 1991
Pre- Plan Public Hearings	March 1 – April 6	Tentatively May 3-12
First Plans Presented	May 29 – Congress June 4 – Senate June 13 – House	????
Post-Plan Public Hearings	June 13-21	????
Plans pass first house	June 26 – Congress July 3 – Senate July 11 -- House	????
Plans ratified	July 9 – Congress July 13 – Senate & House	????
Ratified plans submitted for preclearance under Voting Rights Act	August 26 – House September 3 – Senate September 28 -- Congress	????
Justice Department asks for more information, extending their 60 days	October 18	Maybe they won't
Justice Department denies preclearance to all 3 plans	December 18	Maybe they won't
Candidate filing period begins for Congress, Senate, House	1 st Monday in January	January 7
Special session to redraw all three plans	Dec. 30 – Jan. 24	Maybe unnecessary
All three plans precleared under Voting Rights Act	February 6	Maybe unnecessary
Special filing period	February 10 – March 9	Maybe unnecessary

Policies for ISD Redistricting Operations

Member and Member Staff Support

1. ISD will install the redistricting application on workstations designated by the President Pro Tempore and the Speaker of the House.
2. ISD will provide technical training on the redistricting application.
3. ISD will provide technical support to members and member staff who have the redistricting application loaded on their computers.
4. ISD staff does not provide plan design and legal advice to members and member staff, that is provided by Research and Bill Drafting Divisions.
5. ISD will provide one or more small redistricting workrooms that can be reserved by members and member staff.
 - a. An ISD staff member will be available to provide technical assistance in operating software and hardware.
 - b. Appointments must be scheduled in advance.
 - c. Rooms may be reserved for periods of up to four hours.
 - d. An individual may reserve only one time slot. That appointment must be used before another is scheduled.
6. Members and member staff will be responsible for generating their own maps, reports, and datasets. ISD will generate these materials only when users, due to limitations of software or hardware, cannot generate them.
7. Requests on behalf of members must come from staff or members directly. They will otherwise be considered public access requests.

Support of Research and Bill Drafting Division Staff

1. ISD will provide hardware, software, training, and technical support to assigned staff.
2. Division staff will be responsible for generating their own maps, reports, and datasets.
3. A plotter will be available where division staff can direct large format maps.
4. The materials production role of ISD will be limited to specialized items that cannot be generated within the divisions due to software limitations.

Public Access

1. ISD will provide a public access room where the general public can build their own district plans.
2. Public access hours will be between 8:00 a.m. and 5:00 p.m. Monday through Friday.
3. An ISD staff member will be available to provide technical assistance in operating software and hardware only.
4. Appointments must be scheduled in advance.
5. Workstations may be reserved for periods of up to three hours.
6. An individual may reserve only one time slot. That appointment must be used before another is scheduled.
7. All plans created on the public access workstations will be considered public information.
8. A color printer will be available in the public access room for users to produce hard copies of their plans and associated reports. Custom and large-format maps of publicly created plans will be treated like any other external map request to the division.

9. A directory on the local machine will be provided for output of bitmaps, shapefiles, block export files, and reports. At the end of a session, upon request, ISD will copy this information to a CD for the user. The local output directory will then be purged in preparation for the next session.

Confidential Plans

1. To get information on a non-public plan, individuals must go through either the plan author or a system user to which the author has granted access.
2. Plan authors may request materials from ISD that they cannot generate themselves due to hardware or software limitations. Such requests must be made in writing by the plan author (e-mail is acceptable).

Publicly Released Plans

1. The General Assembly's web site will be the primary means of distribution for maps and statistics on publicly released plans.
2. Requests for additional information on these plans should be directed in writing to ISD (e-mail is acceptable).
3. Depending upon workload, ISD may not be able to satisfy all requests received and therefore may have to prioritize based on the source of requests and estimated time to complete them.
4. Cost of reproduction fees will apply to materials generated for external clients.

Posting of Plans on the Web Site

1. Any plan introduced in either chamber will be posted to the General Assembly's web site.

Plan Imports

1. Plan files from external sources can be imported, provided they are submitted in a tab-delimited text format, each line consisting of a district number followed by a block key. Block keys must be in the format *state.county.tract.block* (e.g. 37.015.650100.21005).
2. All media received from external sources will be subject to a virus scan. Detection of a virus will warrant rejection of the submitted item.
3. ISD will work with the public to import plans in preparation for public access sessions.

North Carolina

House	members	2000	ideal	ideal +/-	+/- %
1	1	62,488	67,078	-4,590	-6.84%
2	1	64,593	67,078	-2,485	-3.70%
3	1	64,181	67,078	-2,897	-4.32%
4	2	122,169	134,155	-11,986	-8.93%
5	1	56,918	67,078	-10,160	-15.15%
6	1	62,315	67,078	-4,763	-7.10%
7	1	55,809	67,078	-11,269	-16.80%
8	1	55,339	67,078	-11,739	-17.50%
9	1	75,564	67,078	8,486	12.65%
10	1	60,382	67,078	-6,696	-9.98%
11	1	60,803	67,078	-6,275	-9.35%
12	1	70,890	67,078	3,812	5.68%
13	1	72,031	67,078	4,953	7.38%
14	2	137,946	134,155	3,791	2.83%
15	1	87,711	67,078	20,633	30.76%
16	1	72,801	67,078	5,723	8.53%
17	2	97,770	134,155	-36,385	-27.12%
18	2	128,449	134,155	-5,706	-4.25%
19	2	148,391	134,155	14,236	10.61%
20	1	84,560	67,078	17,482	26.06%
21	1	70,323	67,078	3,245	4.84%
22	2	130,784	134,155	-3,371	-2.51%
23	3	199,230	201,233	-2,003	-1.00%
24	2	145,023	134,155	10,868	8.10%
25	3	196,956	201,233	-4,277	-2.13%
26	1	58,092	67,078	-8,986	-13.40%
27	1	77,993	67,078	10,915	16.27%
28	1	59,159	67,078	-7,919	-11.81%
29	1	70,844	67,078	3,766	5.61%
30	1	71,903	67,078	4,825	7.19%
31	1	71,684	67,078	4,606	6.87%
32	1	55,874	67,078	-11,204	-16.70%
33	1	58,183	67,078	-8,895	-13.26%
34	1	72,754	67,078	5,676	8.46%
35	1	61,784	67,078	-5,294	-7.89%
36	1	71,247	67,078	4,169	6.22%
37	1	58,475	67,078	-8,603	-12.82%
38	1	69,309	67,078	2,231	3.33%
39	1	58,642	67,078	-8,436	-12.58%
40	3	193,686	201,233	-7,547	-3.75%
41	2	131,841	134,155	-2,314	-1.73%
42	1	63,286	67,078	-3,792	-5.65%
43	1	82,625	67,078	15,547	23.18%
44	1	59,666	67,078	-7,412	-11.05%
45	2	141,063	134,155	6,908	5.15%
46	2	126,598	134,155	-7,557	-5.63%
47	1	62,821	67,078	-4,257	-6.35%
48	3	187,093	201,233	-14,140	-7.03%
49	1	61,978	67,078	-5,100	-7.60%
50	1	75,947	67,078	8,869	13.22%
51	3	184,557	201,233	-16,676	-8.29%
52	2	124,477	134,155	-9,678	-7.21%
53	1	66,157	67,078	-921	-1.37%
54	1	108,899	67,078	41,821	62.35%
55	1	64,039	67,078	-3,039	-4.53%
56	1	57,282	67,078	-9,796	-14.60%
57	1	71,006	67,078	3,928	5.86%
58	1	60,906	67,078	-6,172	-9.20%
59	1	56,702	67,078	-10,376	-15.47%
60	1	82,564	67,078	15,486	23.09%

North Carolina

61	1	60,118	67,078	-6,960	-10.38%
62	1	115,364	67,078	48,286	71.99%
63	1	85,457	67,078	18,379	27.40%
64	1	60,871	67,078	-6,207	-9.25%
65	1	87,140	67,078	20,062	29.91%
66	1	57,707	67,078	-9,371	-13.97%
67	1	56,667	67,078	-10,411	-15.52%
68	1	68,084	67,078	1,006	1.50%
69	1	91,452	67,078	24,374	36.34%
70	1	55,760	67,078	-11,318	-16.87%
71	1	64,032	67,078	-3,046	-4.54%
72	1	64,015	67,078	-3,063	-4.57%
73	1	60,783	67,078	-6,295	-9.38%
74	1	69,536	67,078	2,458	3.66%
75	1	67,060	67,078	-18	-0.03%
76	1	79,381	67,078	12,303	18.34%
77	1	69,801	67,078	2,723	4.06%
78	1	59,329	67,078	-7,749	-11.55%
79	1	56,426	67,078	-10,652	-15.88%
80	1	58,769	67,078	-8,309	-12.39%
81	1	92,137	67,078	25,059	37.36%
82	1	66,062	67,078	-1,016	-1.51%
83	1	68,556	67,078	1,478	2.20%
84	1	75,745	67,078	8,667	12.92%
85	1	64,622	67,078	-2,456	-3.66%
86	1	63,762	67,078	-3,316	-4.94%
87	1	56,612	67,078	-10,466	-15.60%
88	1	72,367	67,078	5,289	7.89%
89	2	127,708	134,155	-6,447	-4.81%
	1	73,544	67,078	6,466	9.64%
	1	61,116	67,078	-5,962	-8.89%
92	1	84,946	67,078	17,868	26.64%
93	1	61,063	67,078	-6,015	-8.97%
94	1	66,526	67,078	-552	-0.82%
95	1	75,918	67,078	8,840	13.18%
96	1	73,509	67,078	6,431	9.59%
97	1	52,471	67,078	-14,607	-21.78%
98	1	62,335	67,078	-4,743	-7.07%

North Carolina

Senate	members	2000	ideal	ideal +/-	%
1	1	150,216	160,986	-10,770	-6.69%
2	1	131,945	160,986	-29,041	-18.04%
3	1	151,747	160,986	-9,239	-5.74%
	1	191,272	160,986	30,286	18.81%
	1	162,944	160,986	1,958	1.22%
6	1	132,357	160,986	-28,629	-17.78%
7	1	115,556	160,986	-45,430	-28.22%
8	1	145,150	160,986	-15,836	-9.84%
9	1	164,503	160,986	3,517	2.18%
10	1	151,189	160,986	-9,797	-6.09%
11	1	181,605	160,986	20,619	12.81%
12	2	296,212	321,973	-25,761	-8.00%
13	2	354,059	321,973	32,086	9.97%
14	2	359,836	321,973	37,863	11.76%
15	1	170,357	160,986	9,371	5.82%
16	2	337,364	321,973	15,391	4.78%
17	2	328,804	321,973	6,831	2.12%
18	1	167,939	160,986	6,953	4.32%
19	1	178,971	160,986	17,985	11.17%
20	2	296,602	321,973	-25,371	-7.88%
21	1	163,870	160,986	2,884	1.79%
22	1	174,563	160,986	13,577	8.43%
23	1	156,866	160,986	-4,120	-2.56%
24	1	157,052	160,986	-3,934	-2.44%
25	1	141,447	160,986	-19,539	-12.14%
26	1	163,662	160,986	2,676	1.66%
27	2	295,864	321,973	-26,109	-8.11%
28	2	303,977	321,973	-17,996	-5.59%
	1	157,833	160,986	-3,153	-1.96%
	1	163,553	160,986	2,567	1.59%
31	1	137,416	160,986	-23,570	-14.64%
32	1	152,942	160,986	-8,044	-5.00%
33	1	126,748	160,986	-34,238	-21.27%
34	1	237,330	160,986	76,344	47.42%
35	1	194,254	160,986	33,268	20.66%
36	1	225,783	160,986	64,797	40.25%
37	1	145,792	160,986	-15,194	-9.44%
38	1	164,951	160,986	3,965	2.46%
39	1	165,829	160,986	4,843	3.01%
40	1	145,629	160,986	-15,357	-9.54%
41	1	134,278	160,986	-26,708	-16.59%
42	1	171,046	160,986	10,060	6.25%

North Carolina

COUNTY	P1990	P2000	HSE 1990	HSE 2000	H + or -	SEN 1990	SEN 2000	S + or -
RTP	858,485	1,187,941	15.53	17.71	2.18	6.47	7.38	0.91
Wake, Orange, Durham, Chatham, Johnston, Franklin								
METROLINA	1,012,973	1,326,999	18.33	19.78	1.46	7.64	8.24	0.61
Mecklenburg, Cabarrus, Iredell, Gaston, Union, Lincoln								
PIEDMONT TRIAD	1,216,485	1,437,429	22.01	21.43	-0.58	9.17	8.93	-0.24
Guilford, Forsyth, Davidson, Randolph, Alamance, Rockingham, Stokes, Davie, Rowan								
NORTHEAST	577,417	630,875	10.45	9.41	-1.04	4.35	3.92	-0.43
Bertie, Camden, Chowan, Edgecombe, Gates, Hertford, Martin, Nash, Northampton, Pasquotank								
Washington, Tyrrell, Wilson, Halifax, Caswell, Person, Granville, Vance, Warren, Halifax								
COASTAL	455,776	551,187	8.25	8.22	-0.03	3.44	3.42	-0.01
Currituck, Dare, Hyde, Brunswick, New Hanover, Onslow, Carteret								
Pender, Pamlico								
SOUTHEAST	1,021,158	1,164,721	18.48	17.36	-1.11	7.70	7.23	-0.46
Columbus, Bladen, Beaufort, Pitt, Craven, Jones, Lenoir, Greene, Wayne								
Duplin, Sampson, Cumberland, Robeson, Scotland, Hoke								
MOUNTAINS	518,665	637,577	9.38	9.51	0.12	3.91	3.96	0.05
Cherokee, Graham, Macon, Clay, Jackson, Swain, Haywood, Madison								
Buncombe, Transylvania, Henderson, Polk, McDowell, Yancey								
SOUTHCENTRAL	290,984	332,620	5.26	4.96	-0.31	2.19	2.07	-0.13
Harnett, Lee, Moore, Montgomery, Stanley, Anson, Richmond								
NORTHWEST/ W. PIEDMONT	683,673	784,846	12.37	11.70	-0.67	5.15	4.88	-0.28
Rutherford, Cleveland, Burke, Catawba, Alexander, Caldwell, Yadkin, Wilkes,								
Alleghany, Ashe, Surry, Watauga, Avery, Mitchell,								

North Carolina

	1990	2000	SEATS	SEATS	H + or -	SEN 1990	SEN 2000	S + or -
ALAMANCE	108,213	130,800	1.96	1.95	-0.01	0.82	0.81	0.00
ALEXANDER	27,544	33,603	0.50	0.50	0.00	0.21	0.21	0.00
ALLEGHANY	9,590	10,677	0.17	0.16	-0.01	0.07	0.07	-0.01
ANDERSON	23,474	25,275	0.42	0.38	-0.05	0.18	0.16	-0.02
ASHE	22,209	24,384	0.40	0.36	-0.04	0.17	0.15	-0.02
AVERY	14,867	17,167	0.27	0.26	-0.01	0.11	0.11	-0.01
BEAUFORT	42,283	44,958	0.77	0.67	-0.09	0.32	0.28	-0.04
BERTIE	20,388	19,773	0.37	0.29	-0.07	0.15	0.12	-0.03
BLADEN	28,663	32,278	0.52	0.48	-0.04	0.22	0.20	-0.02
BRUNSWICK	50,985	73,143	0.92	1.09	0.17	0.38	0.45	0.07
BUNCOMBE	174,778	206,330	3.16	3.08	-0.09	1.32	1.28	-0.04
BURKE	75,740	89,148	1.37	1.33	-0.04	0.57	0.55	-0.02
CABARRUS	98,935	131,063	1.79	1.95	0.16	0.75	0.81	0.07
CALDWELL	70,709	77,415	1.28	1.15	-0.13	0.53	0.48	-0.05
CAMDEN	5,904	6,885	0.11	0.10	0.00	0.04	0.04	0.00
CARTERET	52,553	59,383	0.95	0.89	-0.07	0.40	0.37	-0.03
CASWELL	20,693	23,501	0.37	0.35	-0.02	0.16	0.15	-0.01
CATAWBA	118,412	141,685	2.14	2.11	-0.03	0.89	0.88	-0.01
CHATHAM	38,759	49,329	0.70	0.74	0.03	0.29	0.31	0.01
CHEROKEE	20,170	24,298	0.36	0.36	0.00	0.15	0.15	0.00
CHOWAN	13,506	14,526	0.24	0.22	-0.03	0.10	0.09	-0.01
CLAY	7,155	8,775	0.13	0.13	0.00	0.05	0.05	0.00
CLEVELAND	84,713	96,287	1.53	1.44	-0.10	0.64	0.60	-0.04
COLUMBUS	49,587	54,749	0.90	0.82	-0.08	0.37	0.34	-0.03
CRAVEN	81,613	91,436	1.48	1.36	-0.11	0.62	0.57	-0.05
CUMBERLAND	274,713	302,963	4.97	4.52	-0.45	2.07	1.88	-0.19
CURRITUCK	13,736	18,190	0.25	0.27	0.02	0.10	0.11	0.01
DARE	22,746	29,967	0.41	0.45	0.04	0.17	0.19	0.01
DAVIDSON	126,677	147,246	2.29	2.20	-0.10	0.95	0.91	-0.04
DAVIE	27,859	34,835	0.50	0.52	0.02	0.21	0.22	0.01
DUPLIN	39,995	49,063	0.72	0.73	0.01	0.30	0.30	0.00
DURHAM	181,854	223,314	3.29	3.33	0.04	1.37	1.39	0.02
EDGECOMBE	56,692	55,606	1.03	0.83	-0.20	0.43	0.35	-0.08
FORSYTH	265,878	306,067	4.81	4.56	-0.25	2.00	1.90	-0.10
FRANKLIN	36,414	47,260	0.66	0.70	0.05	0.27	0.29	0.02
GASTON	175,093	190,365	3.17	2.84	-0.33	1.32	1.18	-0.14
GATES	9,305	10,516	0.17	0.16	-0.01	0.07	0.07	0.00
GRAHAM	7,196	7,993	0.13	0.12	-0.01	0.05	0.05	0.00
GRANVILLE	38,341	48,498	0.69	0.72	0.03	0.29	0.30	0.01
GREENE	15,384	18,974	0.28	0.28	0.00	0.12	0.12	0.00
GUILFORD	347,420	421,048	6.29	6.28	-0.01	2.62	2.62	0.00
HALIFAX	55,516	57,370	1.00	0.86	-0.15	0.42	0.36	-0.06
HARNETT	67,833	91,025	1.23	1.36	0.13	0.51	0.57	0.05
HAYWOOD	46,942	54,033	0.85	0.81	-0.04	0.35	0.34	-0.02
HENDERSON	69,326	89,173	1.25	1.33	0.08	0.52	0.55	0.03
HERTFORD	22,523	22,601	0.41	0.34	-0.07	0.17	0.14	-0.03
HOKE	22,856	33,646	0.41	0.50	0.09	0.17	0.21	0.04
HYDE	5,411	5,826	0.10	0.09	-0.01	0.04	0.04	0.00
IREDELL	92,935	122,660	1.68	1.83	0.15	0.70	0.76	0.06
JACKSON	26,846	33,121	0.49	0.49	0.01	0.20	0.21	0.00
JOHNSTON	81,306	121,965	1.47	1.82	0.35	0.61	0.76	0.14
JONES	9,414	10,381	0.17	0.15	-0.02	0.07	0.06	-0.01
LEE	41,370	49,040	0.75	0.73	-0.02	0.31	0.30	-0.01
LENOIR	57,274	59,648	1.04	0.89	-0.15	0.43	0.37	-0.06
LINCOLN	50,319	63,780	0.91	0.95	0.04	0.38	0.40	0.02
MCDOWELL	35,681	42,151	0.65	0.63	-0.02	0.27	0.26	-0.01
MACON	23,499	29,811	0.43	0.44	0.02	0.18	0.19	0.01
MADISON	16,953	19,635	0.31	0.29	-0.01	0.13	0.12	-0.01
MARTIN	25,078	25,593	0.45	0.38	-0.07	0.19	0.16	-0.03

North Carolina

MECKLENBURG	511,481	695,454	9.25	10.37	1.11	3.86	4.32	0.46
MITCHELL	14,433	15,687	0.26	0.23	-0.03	0.11	0.10	-0.01
MONTGOMERY	23,352	26,822	0.42	0.40	-0.02	0.18	0.17	-0.01
MOORE	59,000	74,769	1.07	1.11	0.05	0.44	0.46	0.02
NASH	76,677	87,420	1.39	1.30	-0.08	0.58	0.54	-0.04
NEW HANOVER	120,284	160,307	2.18	2.39	0.21	0.91	1.00	0.09
NORTHAMPTON	20,798	22,086	0.38	0.33	-0.05	0.16	0.14	-0.02
ONSLOW	149,838	150,355	2.71	2.24	-0.47	1.13	0.93	-0.20
ORANGE	93,851	118,227	1.70	1.76	0.06	0.71	0.73	0.03
PAMLICO	11,368	12,934	0.21	0.19	-0.01	0.09	0.08	-0.01
PASQUOTANK	31,298	34,897	0.57	0.52	-0.05	0.24	0.22	-0.02
PENDER	28,855	41,082	0.52	0.61	0.09	0.22	0.26	0.04
PERQUIMANS	10,447	11,368	0.19	0.17	-0.02	0.08	0.07	-0.01
PERSON	30,180	35,623	0.55	0.53	-0.01	0.23	0.22	-0.01
PITT	108,480	133,798	1.96	1.99	0.03	0.82	0.83	0.01
POLK	14,416	18,324	0.26	0.27	0.01	0.11	0.11	0.01
RANDOLPH	106,546	130,454	1.93	1.94	0.02	0.80	0.81	0.01
RICHMOND	44,518	46,564	0.81	0.69	-0.11	0.34	0.29	-0.05
ROBESON	105,170	123,339	1.90	1.84	-0.06	0.79	0.77	-0.03
ROCKINGHAM	86,064	91,928	1.56	1.37	-0.19	0.65	0.57	-0.08
ROWAN	110,605	130,340	2.00	1.94	-0.06	0.83	0.81	-0.02
RUTHERFORD	56,919	62,899	1.03	0.94	-0.09	0.43	0.39	-0.04
SAMPSON	47,297	60,161	0.86	0.90	0.04	0.36	0.37	0.02
SCOTLAND	33,763	35,998	0.61	0.54	-0.07	0.25	0.22	-0.03
STANLY	51,765	58,100	0.94	0.87	-0.07	0.39	0.36	-0.03
STOKES	37,223	44,711	0.67	0.67	-0.01	0.28	0.28	0.00
SURRY	61,704	71,219	1.12	1.06	-0.05	0.47	0.44	-0.02
SWAIN	11,268	12,968	0.20	0.19	-0.01	0.08	0.08	0.00
TRANSYLVANIA	25,520	29,334	0.46	0.44	-0.02	0.19	0.18	-0.01
TYRRELL	3,856	4,149	0.07	0.06	-0.01	0.03	0.03	0.00
UNION	84,210	123,677	1.52	1.84	0.32	0.63	0.77	0.13
VANCE	38,892	42,954	0.70	0.64	-0.06	0.29	0.27	-0.03
WAKE	426,301	627,846	7.71	9.36	1.65	3.21	3.90	0.69
WARREN	17,265	19,972	0.31	0.30	-0.01	0.13	0.12	-0.01
WASHINGTON	13,997	13,723	0.25	0.20	-0.05	0.11	0.09	-0.02
WATAUGA	36,952	42,695	0.67	0.64	-0.03	0.28	0.27	-0.01
WAYNE	104,666	113,329	1.89	1.69	-0.20	0.79	0.70	-0.09
WILKES	59,393	65,632	1.07	0.98	-0.10	0.45	0.41	-0.04
WILSON	66,061	73,814	1.20	1.10	-0.09	0.50	0.46	-0.04
YADKIN	30,488	36,348	0.55	0.54	-0.01	0.23	0.23	0.00
YANCEY	15,419	17,774	0.28	0.26	-0.01	0.12	0.11	-0.01
NORTH CAROLINA	6,632,448	8,049,313						

SEN IDEAL POP	132649	160986.3
HOUSE IDEAL POP	55270.4	67077.61

This table shows in the first two columns the 1990 Census Population and the 2000 Census Population. The third and fourth columns show the number of State House seats that each county was "entitled" to under the 1990 census and the 2000 census. The next column shows the net increase or decrease from 1990 to 2000. The final three columns convey the same information for the State Senate.

North Carolina

COASTAL	1,522,065	1,735,038	27.54	25.87	-1.67	11.47	10.78	-0.70
Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Hertford, Hyde, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Sampson, Tyrrell, Washington, Wayne, Wilson								
EASTERN PIEDMONT	1,808,118	2,298,730	32.71	34.27	1.56	13.63	14.28	0.65
Lamance, Anson, Caswell, Chatham, Cumberland, Durham, Franklin, Granville, Harnett, Hoke, Johnston, Lee, Montgomery, Moore, Orange, Person, Richmond, Robeson, Scotland, Vance, Wake, Warren								
WESTERN PIEDMONT	1,812,327	2,265,344	32.79	33.77	0.98	13.66	14.07	0.41
Cabarrus, Davidson, Davie, Forsyth, Guilford, Mecklenburg, Randolph, Rockingham, Rowan, Stanly, Union								
WEST	1,534,412	1,800,082	27.76	26.84	-0.93	11.57	11.18	-0.39
Alexander, Allegheny, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, Yancey								

North Carolina

Congress	2000	ideal	ideal +/-	% +/-
Congressional District 1	587,830	619,178	-31348	-5.06%
Congressional District 2	730,266	619,178	111088	17.94%
Congressional District 3	615,614	619,178	-3564	-0.58%
Congressional District 4	765,876	619,178	146698	23.69%
Congressional District 5	637,158	619,178	17980	2.90%
Congressional District 6	689,529	619,178	70351	11.36%
Congressional District 7	690,054	619,178	70876	11.45%
Congressional District 8	661,112	619,178	41934	6.77%
Congressional District 9	693,042	619,178	73864	11.93%
Congressional District 10	655,413	619,178	36235	5.85%
Congressional District 11	656,619	619,178	37441	6.05%
Congressional District 12	666,800	619,178	47622	7.69%
Congressional District 13	0	619,178	-619178	-100.00%

CENSUS DATA AVAILABLE

The redistricting system has three data components: population, registration, and elections.

POPULATION

This data comes from the Census Bureau

County
Tract
Block Group
Block

County
MCD (Township)
Block

County
VTD (Precinct)
Block

County
Place (City or Town)
Block

Of these four separate hierarchies, the third (County/Precinct/Block) is the one that the Redistricting system is designed to use, as that is the way our districts are generally built. It is possible to use the Place designation to put an entire municipality in a district. The Tract/Block Group/Block hierarchy is mainly useful to social scientists, but neither candidates, election officials, voters, or legislators are usually familiar with Tract boundaries

While the Census Bureau has precinct data for all 100 counties (up from 68 in 1990 and 3 in 1980), in only 92 counties is this totally accurate. There are a few things to note. In a few counties, ridge lines or other nonvisible features that did not meet census standards were used as precinct boundaries. This required the combining of ACTUAL precincts into something called a "Combined Reporting Unit". Each CRU usually consists of two precinct. CRU's are found as follows:

Buncombe (5), Carteret (1), Cherokee (2), Graham (1), Jackson (1), Swain (1), Transylvania (3), and Wilkes (1)

In a nine counties, the county Boards of Elections adopted some precinct changes to be effective in the 2002 election, and got them to the census bureau in time to be used in the new database. This means in those nine counties, the boundaries shown will be those that are being used in 2002, but have some changes from what you were familiar with for the 2000 election. Those counties are Cumberland, Forsyth, Guilford, Haywood, Henderson, Hoke, Lenoir, Lincoln, and Wake.

The population data is broken down by race and Hispanic origin, and also in separate tabulation for all residents and for voting age population. While the census bureau has 64 different population classifications (due to the multi-race categories, our database has collapsed these to

the five single race categories, and a multi-race category, which adds to 100%. In addition we have six categories breaking out some of the multi-race

- 1) Any part Black, not Hispanic or Native American. This category covers a person who checked Black and any other race EXCEPT Native American, and did not check Hispanic
- 2) Any part Native American, but not Black This category covers a person who checked Native American and any other race EXCEPT Black
- 3) Any Part Black and Native American, but not Hispanic. This category covers someone who checked Black AND Native American (and perhaps other races as well) but did not check Hispanic
- 4) Hispanic any Part Black. This covers any person who checked Hispanic AND Black (and possibly other races also)
- 5) Hispanic and White. This covers any person who checked Hispanic AND White, but NOT other races
- 6) Hispanic other, single race. This covers someone who checked Hispanic and some othe race besides Black or White.

The multi-race categories are confusing to use, and different users might make different analyses of how to add any of them to the single-race totals. The collapsed breakdown in our judgement isolates the most useful information without listing another 50 columns mostly filled with zeroes or very small numbers. (382 people nationwide checked all six races, for example)

VOTER REGISTRATION DATA

Voter registration data has been obtained from all 100 counties, showing registration by precinct, broken down by party and race. In 99 of the counties, these are crosstabulated by party and race, to show for example White Democrats, Black Democrats, White Republicans, Black Republicans, etc. This crosstabulated data has not yet been received from Robeson County, but we expect it to arrive soon. The data will also show male and female for each precinct, as well as four age categories. I believe that in the nine counties that have changed boundaries for 2002, the registration data has been adjusted by the county boards to accurately reflect the new lines, while in others we may have adjusted. Any districts built will show voter registration data. If precincts are divided in a district, only an approximation can be made within that precinct.

ELECTION DATA

Election Data has been obtained from each county. This will cover the 1998 US Senate general election, the 2000 primaries for Democratic and Republican Governor and Democratic State Auditor, and the 2000 General Election for Governor, Chief Justice, State Auditor, US House, NC House and NC Senate. The 1998 data has been adjusted for precinct changes since then (and is thus an approximation in some cases), and the 2000 data has also been adjusted for the nine counties that have changed boundaries for 2000. It should be noted that US House, NC House and NC Senate may be less meaningful in cases where one party fielded no candidate or only a token candidate. If precincts are divided in a district, only an approximation can be made within that precinct. It should also be noted that absentee ballots are excluded as these can not be allocated back to the precinct level, they are counted on a whole county basis.

Statistical Fields Included in the NC General Assembly's 2001 Redistricting System

PL94-171 Statistics	Field	Source	Currency	Geographic Level of Collection	Block Level Break-out Value
Total Population					
Total	PL00AA_TOT	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Primary Race Breakdown (adds to 100%)					
White - single race	PL00AA_W_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Black - single race	PL00AA_B_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Native American - single race	PL00AA_NA_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Asian/Pacific Islander - single race	PL00AA_API_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Other - single race	PL00AA_O_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Multi-Race	PL00AA_MR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Ethnicity					
Hispanic	PL00AA_HISP	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Non-Hispanic	PL00AA_NONHISP	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Mutually Exclusive Minority Categories					
Any Part Black (not Hispanic or N.A.)	PL00AA_AP_B	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Any Part Native American (not Black)	PL00AA_AP_NA	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Any Part Black and Native American (not Hispanic)	PL00AA_AP_BNA	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Hispanic Any Part Black	PL00AA_H_AP_B	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Hispanic White - single race	PL00AA_HW_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Hispanic Other - single race	PL00AA_HO_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Voting Age Population					
Total	PL00VA_TOT	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Primary Race Breakdown (adds to 100%)					
White - single race	PL00VA_W_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Black - single race	PL00VA_B_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Native American - single race	PL00VA_NA_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Asian/Pacific Islander - single race	PL00VA_API_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Other - single race	PL00VA_O_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Multi-Race	PL00VA_MR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Ethnicity					
Hispanic	PL00VA_HISP	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Non-Hispanic	PL00VA_NONHISP	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Mutually Exclusive Minority Categories					
Any Part Black (not Hispanic or N.A.)	PL00VA_AP_B	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Any Part Native American (not Black)	PL00VA_AP_NA	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Any Part Black and Native American (not Hispanic)	PL00VA_AP_BNA	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Hispanic Any Part Black	PL00VA_H_AP_B	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Hispanic White - single race	PL00VA_HW_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required
Hispanic Other - single race	PL00VA_HO_SR	U.S. Census Bureau PL94-171 Data	Apr-00	census block	none required

Voter Registration		Field	Source	Currency	Geographic Level of Collection	Block Level Break-out Value
Total		REG00G_TOT	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Race categories						
White		REG00G_W	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Black		REG00G_B	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Native American		REG00G_NA	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Other		REG00G_O	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Party Categories						
Democrat		REG00G_D	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Republican		REG00G_R	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Libertarian		REG00G_L	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Unaffiliated		REG00G_U	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Race and Party						
White Democrats		REG00G_WD	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
White Republicans		REG00G_WR	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
White Libertarians		REG00G_WL	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
White Unaffiliated		REG00G_WU	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Black Democrats		REG00G_BD	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Black Republicans		REG00G_BR	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Black Libertarians		REG00G_BL	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Black Unaffiliated		REG00G_BU	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Native American Democrats		REG00G_NAD	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Native American Republicans		REG00G_NAR	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Native American Libertarians		REG00G_NAL	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Native American Unaffiliated		REG00G_NAU	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Other Democrats		REG00G_OD	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Other Republicans		REG00G_OR	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Other Libertarians		REG00G_OL	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Other Unaffiliated		REG00G_OU	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Gender						
Male		REG00G_M	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Female		REG00G_F	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
Age						
18 - 25		REG00G_1825	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
26 - 40		REG00G_2640	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
41 - 65		REG00G_4165	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population
66 and over		REG00G_66UP	N.C. State Board of Elections	Feb-01	voter precinct	total voting age population

Election Returns	Field	Source	Currency	Geographic Level of Collection	Block Level Breakdown Value
1998 General Elections					
US Senate					
Democrat - John Edwards	EL98G_USS_D	N.C. State Board of Elections	Nov-98	voter precinct	total voting age population
Republican - Lauch Faircloth	EL98G_USS_R	N.C. State Board of Elections	Nov-98	voter precinct	total voting age population
Liberarian - Barbara Howe	EL98G_USS_L	N.C. State Board of Elections	Nov-98	voter precinct	total voting age population
2000 Primaries					
State Auditor - Democrat					
Ralph Campbell	EL00P_SA_D_RC	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Pamela Connell	EL00P_SA_D_PC	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Governor - Democratic					
Mike Easley	EL00P_GOV_D_ME	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Dennis Wicker	EL00P_GOV_D_DW	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Other	EL00P_GOV_D_O	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Governor - Republican					
Leo Daughtry	EL00P_GOV_R_LD	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Art Manning	EL00P_GOV_R_AM	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Charles Neely	EL00P_GOV_R_CN	N.C. State Board of Elections	May-00	voter precinct	total voting age population
Richard Vinroot	EL00P_GOV_R_RV	N.C. State Board of Elections	May-00	voter precinct	total voting age population
2000 General Election					
Governor					
Democrat - Mike Easley	EL00G_GOV_D	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Republican - Richard Vinroot	EL00G_GOV_R	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Liberarian and Reform	EL00G_GOV_O	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Chief Justice					
Democrat - Henry Frye	EL00G_CJ_R	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Republican - Beverly Lake	EL00G_CJ_D	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
State Auditor					
Democrat - Ralph Campbell	EL00G_SA_D	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Republican - Leslie Merritt	EL00G_SA_R	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
US House					
Democrat	EL00G_USH_D	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Republican	EL00G_USH_R	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Other	EL00G_USH_O	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
NC House					
Democrat	EL00G_NCH_D	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Republican	EL00G_NCH_R	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Third Party	EL00G_NCH_T	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
NC Senate					
Democrat	EL00G_NCS_D	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Republican	EL00G_NCS_R	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population
Third Party	EL00G_NCS_T	N.C. State Board of Elections	Nov-00	voter precinct	total voting age population

VISITOR REGISTRATION SHEET

JOINT HOUSE AND SENATE REDISTRICTING

March 21, 2001

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rose Duman	Rep. David Price
John Goodman	Linwood Mercer & Assoc.
R. Paul Wilkins	NCHBA
Brian Francis	Meck Cnty
Tim Johnson	Center for Geographic Information & Analysis
Harold Webb	Raleigh-local
Deborah Stagner	Tharrington Smith
Tim Minton	NC Home Builders Assn
Courtney Reid	Daily Tarheel Chapel Hill, NC
Richard Hudson	Congressman Robin Hayes' Office
HAL WEATHERMAN	U.S. REP. SUE MYNICK
Andy Munn	US REP SUE MYNICK
John McAlister	Duke Energy
Nat Murod	Conservation of NE

VISITOR REGISTRATION SHEET

JOINT HOUSE AND SENATE REDISTRICTING

March 21, 2001

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
B. T. Perslee	NC GOP
David Tilley	NC GOP
John Dorman	OSBPM
Jack Betty	Charlotte Observer
James Andrews	NC State AFL-CIO
Ronnie Moore	N.C. Democratic Party
George Everett	Duke Energy
John Bowdich	Alley Associates
Jeff VAN DYKE	BELLSouth
JOHN SANDERS	—
DAVID McCoy	OSBPM

VISITOR REGISTRATION SHEET

JOINT HOUSE AND SENATE REDISTRICTING

March 21, 2001

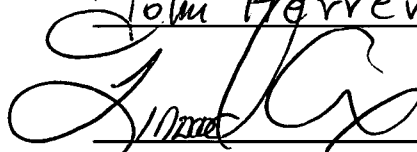
Name of Committee

Date

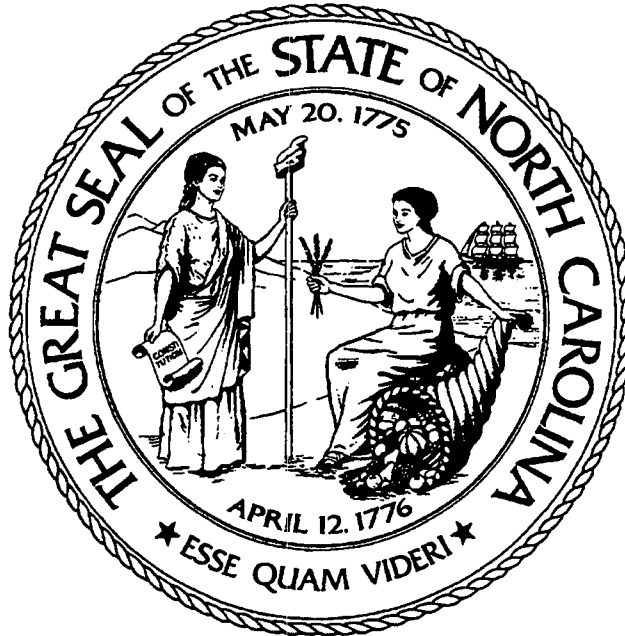
VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Harveys.	SHCU.
	NCMS
G. M. L.	CCS
Beta V. Caesar	NC Central University
KENYATA WOODALL	NC CENTRAL UNIVERSITY
Kia Chavious	NC Central University
Kimberly Baldwin	NC Central University
Dr. Jarvis Hall	N.C. Central University
Eric Miller	N.C. Central University
Chris Tanks	N.C. Central University

REDISTRICTING 2001



LEGISLATOR'S GUIDE TO NORTH CAROLINA LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

First Edition

RESEARCH DIVISION
NORTH CAROLINA GENERAL ASSEMBLY
MARCH 2001

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**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION**

You are hereby notified that the Committee on **JOINT HOUSE AND SENATE
REDISTRICTING** will meet as follows:

DAY & DATE: **Tuesday, April 3, 2001**

TIME: **1:00 p.m.**

LOCATION: **Room 643**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

REDISTRICTING LAW

Respectfully,

Representative Ed McMahan
Representative Thomas Wright
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at
3:30 p.m. on March 29, 2001.

____Principal Clerk
____Reading Clerk - House Chamber

Sharon Cram and Vanda Wilson-Wormack (Committee Assistants)

Joint Meeting of House and Senate Redistricting Committees

1 p.m. Tuesday, April 3, 2001
Room 643, Legislative Office Building
Raleigh NC

Introductory Remarks by Co-Chairs:

Senate Redistricting Co-Chairs	House Legislative Redistricting Co-Chairs	House Congressional Redistricting Co-Chairs
<i>Sen. Brad Miller Sen. Frank Ballance Sen. Steve Metcalf</i>	<i>Rep. Larry Justus Rep. Ron Sutton</i>	<i>Rep. Ed McMahan Rep. Thomas Wright</i>

Announcement of Schedule of Public Hearings:

Durham	Thurs., May 3, 7 p.m.	Lumberton	Thurs., May 10, 7 p.m.
Winston-Salem	Friday, May 4, 7 p.m.	Wilmington	Friday, May 11, 7 p.m.
Charlotte	Sat., May 5, 9:30 a.m.	Greenville	Sat., May 12, 9:30 a.m.
Asheville	Sat., May 5, 4 p.m.	Edenton	Sat., May 12, 4 p.m.

Report on Litigation with Utah over 13th Congressional Seat:

- ***The Honorable Roy A. Cooper***, Attorney General of North Carolina.

Discussion of Legal Requirements of Redistricting:

- ***Adam Stein***, Attorney, Ferguson Stein Wallas Adkins Gresham & Sumpter. Represented Defendant-Intervenors in Shaw and Cromartie litigation concerning North Carolina congressional districts. Firm represented plaintiff in Gingles litigation in 1980s concerning N.C. legislative districts.
Todd Cox, assistant counsel for NAACP Legal Defense and Educational Fund, Inc., co-counsel with Adam Stein in Cromartie litigation. Participated in Shaw litigation on behalf of U.S. Justice Department
- ***Robinson O. Everett***, Professor of Law, Duke University School of Law, Represented Plaintiffs in Shaw and Cromartie.

Adjournment.

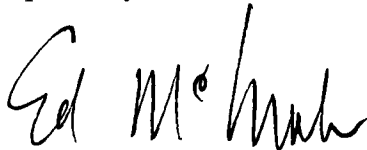
MINUTES
HOUSE COMMITTEE ON
CONGRESSIONAL REDISTRICTING

April 3, 2001

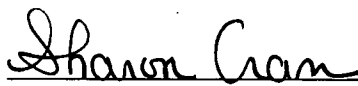
The House Committee on Congressional Redistricting met jointly with the Senate Committee on Redistricting, and the House Committee on Legislative Redistricting on Wednesday, April 3, 2001, in Room 643 of the Legislative Office Building. The following members were present: Co-Chairman Ed McMahan, Co-Chairman Thomas Wright, Vice Chairman Martha Alexander, Vice Chairman Jerry Dockham, Vice Chairman Dewey Hill, Vice Chairman Gregg Thompson, Representatives Bowie, Boyd-McIntyre, Clary, Cox, Creech, Culpepper, Daughtry, Davis, Decker, Fox, Gibson, Gillespie, Goodwin, Hurley, Jarrell, McCombs, Michaux, Mitchell, Morris, Nesbitt, Pope, Russell, Sexton, Tolson, Walend, Warner, and Warren.

Chairman Larry Justus, of the House Legislative Redistricting Committee called the meeting to order. A transcript of the meeting is attached.

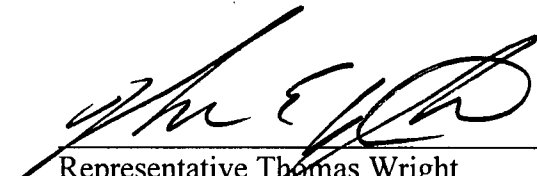
Respectfully submitted,



Representative Ed McMahan
Co-Chairman



Sharon Cram
Committee Assistant



Representative Thomas Wright
Co-Chairman



Vanda Wilson-Wormack
Committee Assistant

STATE OF NORTH CAROLINA
JOINT MEETING OF HOUSE AND SENATE
REDISTRICTING COMMITTEES

BEFORE:

SENATE CO-CHAIRS:

Sen. Brad Miller
Sen. Frank Ballance
Sen. Steve Metcalf

HOUSE LEGISLATIVE:
CO-CHAIRS:

Rep. Larry Justus
Rep. Ron Sutton

HOUSE CONGRESSIONAL
CO-CHAIRS:

Rep. Ed McMahan
Rep. Thomas Wright

TRANSCRIPT
OF
MEETING

COPY

At Raleigh, North Carolina
April 3, 2001 - 1:06 a.m.

Reported by:
Amy L. Poythress, CVR

**Capital
Reporting**

General Court Reporting

Post Office Box 19418
Raleigh, NC 27619
(919) 787-7775

1 I, Amy L. Poythress, being a Certified
2 Verbatim Reporter and a Notary Public in and for
3 the state of North Carolina, was appointed
4 commissioner by consent to take the JOINT MEETING
5 OF HOUSE AND SENATE REDISTRICTING COMMITTEES held
6 on the 3rd day of April, 2001, beginning at 1:06
7 in Room 643, Legislative Office Building located
8 at Raleigh, North Carolina.

9 - - - - -

10 REP. JUSTUS: I call this meeting of
11 the Joint Meeting of the House and Senate
12 Redistricting Committees together on the 3rd
13 of April at 1:05, 13:05, for the record; and
14 welcome everybody to the meeting.

15 We have a very tight schedule. We have
16 a number of important people that are going
17 to be speaking to us today, none of whom are
18 here yet. So if they don't get here, we
19 will have a rule meeting.

20 First of all, I would like to introduce
21 our pages. Our House pages are Katie Bland,
22 who is sponsored by Senator Edwards. Where
23 are you, Katie? And Kathryn Moss, who is
24 sponsored by Representative Bill Owens.

1 Where are you?

2 Thank you for coming. We hope that you
3 have an opportunity to see how your House
4 and Senate Redistricting Committee works and
5 take it back to school and tell the folks
6 there something about how we operate.

7 Senator Miller, when he chairs, will
8 introduce the Senate pages, so I will forgo
9 that. And he says he has none, so that's no
10 problem there.

11 With me on my left is the Senate Senior
12 Chair, Senator Brad Miller; and on my right
13 is the House Senior Chairs. And we have
14 Representative Ronnie Sutton, who is the
15 Senior Chair. Next to him is Senator -- I
16 just promoted you -- or demoted you,
17 whichever one you like, Ed McMahan,
18 Representative McMahan; and Representative
19 Tom Wright.

20 So that's the group that's sitting
21 here. And I have a few housekeeping duties
22 I think you ought to know about.

23 You know, you have the ability to go on
24 the net and discover and schedule yourselves

1 for some training if you so desire. And you
2 do that by going into the Internet and
3 reserving some rooms in the second floor
4 where there are computers and people to
5 teach you what you need to know or what you
6 might want to know.

7 And if I can find the number here --
8 it's www.nclegislator.com. And you sign up in the
9 redistricting room in four-hour blocks. And
10 also make note there's a little blue button
11 on your computer that says "see intranet."
12 And by utilizing that, you should be able to
13 get in the computer and schedule yourself
14 for whatever training you'd like to have.

15 Sometime in the near future, in the
16 month of May, we are going to have a series
17 of public meetings. And the schedule for
18 those public meetings, if you want to write
19 this down -- and we will have a document for
20 you later so it won't matter whether you
21 write them down or not -- we will be in
22 Durham on Thursday, May 3rd from 7:00 p.m. is
23 when that thing is scheduled; Winston-Salem
24 on Friday, May 4th at 7:00 p.m.; Charlotte

1 on Saturday, May 5th at 9:30 a.m.; and later
2 in the day in Asheville, that also is May
3 5th, at 4:00 p.m.

4 And the following week, we will be in
5 Lumberton on Thursday, May 10th at 7:00
6 p.m.; Wilmington on Friday, May 11th at 7:00
7 p.m.; Greenville, Saturday, May 12th at 9:30
8 p.m.; and then we will be in Edenton and
9 finish up on Saturday, May 12th at 4:00 p.m.

10 So I hope that many of you will take
11 advantage of coming to those meetings.

12 I have two of the House Regional Chairs
13 in place by now. Representative Wilma
14 Sherrill and Representative Jim Gulley.
15 Representative Beverly Earl is also here.
16 And as the others come in, we will catch them
17 and introduce them as time may allow us to.

18 We have a very tight schedule today,
19 and some very important people that we want
20 to hear from. So we will move right into
21 that. And if -- Senator Cooper is still not
22 here, is that the case?

23 **UNIDENTIFIED SPEAKER:** I am pretty sure
24 I would recognize him.

1 **REP. JUSTUS:** I am going to correct
2 that in a second. Is he here?

3 **SEN. MILLER:** He is not.

4 **REP. JUSTUS:** He is still being elected
5 so he can be attorney general.

6 **SEN. MILLER:** We will come back to
7 Attorney General Cooper. He was more
8 punctual when he worked in the legislative
9 branch of government.

10 We've asked to hear today some of the
11 participants in the litigational aspect. I
12 think most of you know redistricting has been
13 the subject of much litigation. You have
14 probably noticed, in fact, that we keep
15 redrawing districts over the course of the
16 last decade, and we have asked today some of
17 those who have been involved in that
18 litigation -- Adam Stein, who I believe
19 argued the most recent case before the
20 supreme court on behalf of the LEAFUS
21 [phonetic], the NAACP; and also Todd Cox
22 from the NAACP; and Professor Robinson
23 Everett who is on his way.

24 What we asked each of these folks to do

1 is to tell us what they contend -- where they
2 contend the law now is; what the law commands
3 us to do; what it requires us, what it
4 forbids us from doing; and what that middle
5 ground is. What is permissible, what is it
6 that we can do. We are required to do, we
7 are forbidden to do; we can do. And within
8 that range, however broad or narrow it is,
9 what they contend we should do.

10 Mr. Stein? Would you like to come
11 forward?

12 [MR. STEIN AND MR. COX APPROACH PODIUM]

13 **SEN. MILLER:** Mr. Stein is an attorney
14 with the firm of Ferguson, Stein, Wallas,
15 Adkins, Gresham & Sumpter; represented the
16 defendant-intervenors in Shaw and Cromartie
17 litigation; and also his firm -- I think the
18 lawyer involved at that time was Leslie
19 Winter -- represented the plaintiffs in the
20 Gingles litigation in 1980s.

21 Todd Cox is an assistant counsel for
22 the NAACP Legal Defense and Educational Fund;
23 was co-counsel with Mr. Stein in the
24 Cromartie litigation; and also participated

1 in the earlier Shaw litigation on behalf of
2 the United States Department of Justice.

3 Mr. Stein?

4 **MR. STEIN:** Thank you, Senator Miller,
5 and thank you for giving us the opportunity
6 to have --

7 **SEN. MILLER:** Push the button --

8 [PODIUM MICROPHONE ACTIVATED]

9 **MR. STEIN:** Auspicious start. I
10 couldn't find my way up here and I couldn't
11 turn the microphone on.

12 Thank you, Senator Miller. It's hard
13 to believe that this decade of litigation
14 about congressional redistricting is over.
15 We would hope somewhat that there won't be
16 another decade next year, but I certainly
17 wouldn't promise that.

18 My firm has partnered with the Legal
19 Defense Fund for over 35 years in a variety
20 of civil rights cases. Julius Chambers, our
21 founder, began as an intern with the Legal
22 Defense Fund and, as many of you know, left
23 our firm in the 1980s to be director of
24 counsel there.

1 Literally hundreds of cases we did
2 together with them. Voting rights cases
3 principally began for us with the Legal
4 Defense Fund in the 1980s with the Gingles
5 case. Leslie Winter for our firm, and
6 Lonnie Binear [phonetic], then with the Legal
7 Defense Fund, litigated that case and Julius
8 Chambers argued it for us in the United
9 States Supreme Court.

10 After the United States Supreme Court
11 in Shaw against Reno indicated that the 12th
12 and the 1st Congressional Districts that had
13 been created in 1991 by the General Assembly
14 might be unconstitutional, we represented
15 people who intervened in that case,
16 including, again, Ralph Gingles, to protect
17 the principles that would guarantee the
18 opportunity of minority voters to have an
19 equal opportunity to elect candidates of
20 their choice.

21 And then after that case was concluded
22 and the Supreme Court and this party adopted
23 the remedial plans in 1997 and new
24 litigation was instituted attacking that

1 plan, we represented people who intervened in
2 that case to again to look after the
3 interests of minority voters who were seeking
4 to preserve the legal principles that had been
5 established in Gingles.

6 Todd Cox is here with me today, who is
7 a staff lawyer, assistant counsel, with the
8 Legal Defense Fund who specializes in voting
9 rights cases and has done so for some nine
10 years -- first with the United States
11 Department of Justice and then with the
12 Legal Defense Fund.

13 His job at the moment is appearing as
14 he will today before a legislative body,
15 before black caucuses, before community
16 groups that are interested in seeing that
17 the redistricting process around the country
18 insures that the interests of minority voters
19 are protected.

20 Before I turn it over to Todd Cox, I'd
21 like to make two points. In the Shaw
22 litigation and then in Cromartie and in
23 various public statements and speeches, my
24 friend Professor Everett has insisted that

1 any consideration of race in redistricting is
2 unconstitutional and is wrong, and that
3 certainly building a congressional district
4 or a legislative district based on racial
5 considerations is unconstitutional. And he
6 has made those points in the courts and
7 publicly consistently. And although he has
8 prevailed in limiting and putting some limits
9 on what the legislatures can do, what he has
10 not persuaded the courts -- and, in fact,
11 the courts have said, that legislatures will
12 consider race, that that is something that
13 will happen and that it is fully
14 constitutional for the legislature to
15 consider race.

16 But the Supreme Court has also held
17 that it is appropriate where it is necessary
18 to secure the rights of minority citizens
19 for the general assemblies and legislatures
20 of the country to use race to build districts.

21 In fact, that is the exactly the
22 message of the Cromartie decisions, the final
23 chapter of which we are waiting on from the
24 United States Supreme Court.

1 But what's clear from that case is that
2 the 1st District that this body created that
3 is represented by Eva Clayton, the courts
4 found that the General Assembly intentionally
5 created a majority-minority district there in
6 order to guarantee the rights of the
7 minority citizens in that part of the state
8 to an equal opportunity to elect
9 representatives of their choice; that that
10 was constitutional; that that was done
11 pursuant to, based on firm evidence that was
12 before this body; that otherwise those
13 citizens would not have those rights; and
14 that the plan that was drawn in 1997 was
15 narrowly tailored to accomplish
16 constitutional goal.

17 So, the court has said in that instance
18 it was fully constitutional to use race as
19 the basis for creating that district.

20 And then as to the 12th District, that
21 the plan that was created in 1997 and which
22 is in litigation now and from which
23 Representative Watt has been elected, the
24 issue in there is not whether it was improper

1 to consider race at all. The courts have
2 said that that was fully proper. But that
3 the question was, did race predominate over
4 every other legitimate consideration when
5 this court created that district..

6 And as a factual issue the lower court
7 found that race predominated despite the
8 testimony which I thought was compelling from
9 Representative McMahan and from then-Senator
10 Cooper, but it was a matter of fact. They
11 showed, in fact, the principal interest and
12 consideration of this body was instead to
13 maintain the six-six partisan balance that
14 then existed in the delegation and otherwise
15 to look after interests of incumbents, that
16 that was politics and politics is
17 constitutional for the body to rely on.

18 I would -- and this is not to say that
19 there have not been changes in the law as a
20 result of the litigation that Mr. Everett
21 spawned. But the two best principal
22 arguments that he has made that you can't
23 consider race and you can never use race to
24 build a district have been rejected.

1 Before I turn this over to Todd Cox, I
2 would like to make one point that's somewhat
3 different. I understand that Senator --
4 Attorney General Cooper is to appear here and
5 to give a report on the litigation in Utah
6 where North Carolina is seeking to retain the
7 additional 13th Congressional District seat
8 that the Census people have assigned to this
9 state.

10 Believing, and I guess we all believe
11 that there is an interest in North Carolina
12 in having as many congressional seats as we
13 are allowed to have. During the last ten
14 years, we have had a situation where cities
15 in North Carolina have been represented by
16 more than one member of Congress. And let
17 me focus on Charlotte, which, as you know,
18 has been represented by both a Republican,
19 Sue Myrick, and a Democrat, Mel Watt.

20 Historically or in the past it has not
21 been said that having more than one
22 representative from a -- representing a city
23 was a districting principle that the
24 legislature was interested in. But you've

1 had experience now for ten years, and I ask
2 that you look at that and see whether, as I
3 know many community leaders in Charlotte
4 believe, that it is very much to Charlotte's
5 benefit to have two rather than one member
6 of Congress representing it, particularly in
7 Charlotte's instance where one is a member of
8 the Democratic party and rising in the
9 Democratic caucus in the House; and,
10 likewise, the other is a member of the
11 Republica party who is also a rising star in
12 that party.

13 And if you decide that there is an
14 interest for the state of North Carolina in
15 that, that would be an appropriate
16 districting principle for you to follow.

17 So I will now turn the microphone over
18 to Todd Cox from the NAACP Legal Defense
19 Fund.

20 **MR. COX:** Thank you very much, Adam,
21 and I thank the General Assembly for
22 permitting us to participate in this meeting.

23 As Adam said, the Legal Defense Fund in
24 conjunction with Adam Stein, but also in

1 conjunction with others, are participating in
2 the redistricting process, initially at this
3 point doing a lot of public education with
4 state legislators and the public about
5 redistricting standards and how the standards
6 have evolved over the last decade.

7 In fulfilling your redistricting
8 responsibilities, you must be cognizant, as
9 you know, of your role in insuring the
10 voting rights of North Carolina's minority
11 voters are not violated. And also as you
12 know, as Adam alluded to, the rules governing
13 redistricting have evolved over the decade.

14 Over the years since the decision of
15 Shaw versus Reno, the courts have clarified
16 criteria for creating districts designed to
17 insure that all voters have an equal
18 opportunity to elect their candidates of
19 choice. Through these decisions, the Supreme
20 Court has made a definitive statement that
21 the Voting Rights Act is still valid; and
22 that states are justified in creating
23 majority-minority districts to remedy
24 violations under the act.

1 Today I'd like to focus my comments on
2 three areas. Number one, the role of race
3 in redistricting, how that has evolved over
4 the decade. Number two, the role of Section
5 2 of the Voting Rights Act. And number
6 three, the role of Section 5 in North
7 Carolina's redistricting process.

8 First of all, the courts have
9 recognized that those drawing district lines
10 are always aware of where people live and
11 usually know their race and ethnicity. Race
12 is, thus, always part of the redistricting
13 process; and being race conscious or aware
14 of race during that process is not itself a
15 violation of the law.

16 Also, jurisdictions must be race
17 conscious enough to make sure that district
18 plans they create do not dilute minority
19 voting strength, and a redistricting plan
20 will not necessarily be invalid simply
21 because the redistricting is performed with
22 consciousness of race or because the state
23 intentionally creates majority-minority
24 district.

1 As Adam already discussed, the most
2 recent Supreme Court decision on the subject,
3 Hunt versus Cromartie, a case originating in
4 North Carolina, is very helpful here.

5 A group of plaintiffs, including some
6 of the voters who brought the initial Shaw
7 case, sought to have North Carolina's 12th
8 and 1st Congressional Districts ruled
9 unconstitutional.

10 The Supreme Court, however, found it was
11 inappropriate to conclude on the evidence
12 presented at the time that the district was
13 unconstitutional; rather, consistent with its
14 prior rulings, the court pointed to evidence
15 that in creating the 12th District the North
16 Carolina General Assembly, quote, "Did no
17 more than create a district of strong
18 partisan Democrats holding that a
19 jurisdiction may engage in constitutional
20 political gerrymandering even if it so
21 happens that the most loyal Democrats happen
22 to be black democrats; and even if the state
23 were conscious of that fact."

24 Therefore, you are permitted to express

1 and meet political goals through the
2 redistricting process, such as insuring the
3 success of one political party over another
4 and protecting incumbency even if the result
5 is the creation of a majority-minority
6 district.

7 In so doing, consistent with Cromartie
8 and other cases in the Supreme Court, you
9 may include a particular part of the
10 district, the most loyal voters toward that
11 political party that you would like to see
12 succeed even if you are aware of the race of
13 those voters that you are including.

14 The second point I would like to
15 discuss is the role of Section 2 and how, if
16 at all, it has evolved during the last decade.

17 Because Section 2 of the Voting Rights
18 Act protects voters from any election
19 procedures that deprive them of an effective
20 vote because of their race, color or
21 membership, language, minority group,
22 jurisdictions like North Carolina are legally
23 required to avoid diluting minority voting
24 strength.

1 In fact, the need to avoid diluting
2 minority voting strength would be a
3 compelling justification for creating a
4 majority-minority district, helping to
5 protect the district from constitutional
6 attack.

7 In Shaw versus Hunt, the court assumed
8 without argument that Section 2 could be a
9 compelling justification, justifying even a
10 plan drawn predominantly on the basis of race
11 if necessary to avoid violating Section 2;
12 and that at the time of the drawing of the
13 district the state had a strong basis in
14 evidence to support that conclusion.

15 Also the court has stated, quote,
16 "Strict scrutiny does not apply merely
17 because redistricting is performed with
18 consciousness of race, nor does it apply to
19 all cases of intentional creation of
20 majority-minority districts."

21 It's clear, and the court has made it
22 clear, that nothing in Shaw or its progeny
23 should be interpreted to call into question
24 the continued importance of complying with

1 Section 2 of the Voting Rights Act.

2 Cromartie, again, provides a good
3 example. In that case, the district court,
4 while ruling that the 1st Congressional
5 District was a racial gerrymander, or that
6 race predominated in its creation, ruled that
7 it was narrowly tailored to meet North
8 Carolina's compelling state interest in
9 complying with Section 2 of the Voting
10 Rights Act.

11 I would finally like to focus in on
12 Section 5 of the Voting Rights Act and how
13 that has evolved. In your packets that have
14 been distributed, there is some discussion of
15 not only the evolution of the law, but also
16 Section 5 of the Voting Rights Act and how
17 the Department of Justice is going to
18 interpret Section 5 of the Voting Rights Act
19 given some changes in the law.

20 As you all know, North Carolina is
21 covered under Section 5 because 40 of its
22 counties are covered, and therefore its
23 congressional plans and state legislative
24 plans must be precleared by the Department

1 of Justice. But the question becomes, how is
2 Section 5 going to be interpreted given the
3 fact that Shaw versus Reno is out there and
4 given the fact that these constitutional
5 standards have evolved over time.

6 Well, the Department of Justice has
7 given some guidance on this point. First,
8 the Department of Justice has said that it
9 will not deny preclearance on the grounds
10 that a plan violates Section 2 of the Voting
11 Rights Act; it will not object to a plan on
12 the basis that people argue without any other
13 court finding that the plan violates
14 constitutional strictures of Shaw versus
15 Reno. The Department of Justice will not
16 engage in constitutional analysis in the
17 Section 5 process.

18 Second, absent a finding by a federal
19 court that the existing redistricting plan in
20 place in North Carolina has been found
21 unconstitutional, the Department will use the
22 current plans as the benchmark against which
23 new plans will be compared.

24 And what that means for North Carolina

1 in the case of the congressional plan, as
2 Adam alluded to, the 1997 plan, barring any
3 different opinion from the Supreme Court,
4 will be the benchmark plan. For the state
5 legislative districts, the current districts
6 in place will be the benchmark districts.

7 In our process of actually doing public
8 education, the Legal Defense Fund has
9 produced several guides. We have a
10 redistricting guide here. I have a few
11 copies that I would like to share with you,
12 if you are interested.

13 I have also passed around a Section 5
14 pamphlet that we are using in our public
15 education efforts with communities, just to
16 give you an idea of what we are telling
17 people and how we expect redistricting to
18 progress in compliance with the Voting Rights
19 Act.

20 Thank you very much.

21 **SEN. MILLER:** Thank you, Mr. Cox and
22 Mr. Stein.

23 Mr. Stein, you pointed out that in
24 Charlotte those districts are split, one is

1 represented by a Democrat and one Republican,
2 and that worked well for Charlotte. In Wake
3 County we are split between David Price and
4 Bobby Ethridge, both are Democrats, and that
5 has also worked quite well.

6 Any questions for either Mr. Stein or
7 Mr. Cox? Senator Shaw?

8 **SENATOR SHAW:** Thank you, Mr. Chairman.
9 Could we have made available to members of
10 the committee their presentations?

11 **SEN. MILLER:** I think they did, in
12 fact, bring something with them but they ran
13 out. But we will make sure that you get
14 one, Senator Shaw.

15 Any further -- Representative Pope?

16 **REPRESENTATIVE POPE:** I'd like to ask
17 Mr. Cox a question. Mr. Cox, when you
18 stated that the Justice Department would use
19 the current districts as a benchmark for the
20 Section 5 analysis, is that the current
21 districts for the 1990 census list and
22 percentages of race, or the current districts
23 with the 2000 census?

24 Give you an example. If a

1 predominantly black district had 67 percent
2 Afro-American in 1990, the same district
3 based on 2000 census is 61 percent
4 African-American, which is the benchmark --
5 61 percent or 67 percent?

6 **MR. COX:** The benchmark plan, and this
7 is something that's -- actually, the
8 Department of Justice actually just produced
9 guidance on this to us. It's in the packet,
10 so if I am incorrect, you can check me on
11 this.

12 My understanding is that the benchmark
13 plan is the current plan with 2000 data
14 overlay, and that is the comparative. But in
15 the guidance that I passed out to you --
16 unfortunately it's blue, the same color as
17 your state-provided guidance -- the
18 Department of Justice has extensive
19 discussion of how they will calculate the
20 benchmark plan.

21 And the comments that I gave actually
22 are -- hopefully they were passed around.
23 They are certainly available, the fuller
24 version of what I spoke about.

1 **SEN. MILLER:** Question from the chair
2 also on the Section 5 analysis and benchmark.
3 Our legislative districts were never
4 effectively challenged in the way that our
5 congressional districts were under Shaw v.
6 Reno's analysis of racial gerrymandering
7 analysis. You said in your presentation that
8 the Justice Department guidelines says that
9 unless a current districting plan had been
10 struck down as unconstitutional that that
11 became the benchmark. What duty, if any,
12 are we under to try to determine whether our
13 existing legislative plan would have survived
14 effective challenge?

15 **MR. COX:** For Section 5 purposes, you
16 are under -- let me just put it this way.
17 The Department of Justice has made it very
18 clear that given the Bossier versus Reno
19 decision, they are restricted to analyzing
20 retrogression, which means -- and this is in
21 their guidance -- they will not be engaging
22 in analysis as to whether Section 2 of the
23 Voting Rights Act is violated by a given plan
24 of the Section 5 process as it will not be

1 analyzing any constitutional results or any
2 constitutional violation potentially from a
3 given plan.

4 So your duty, as far as the Department
5 of Justice is concerned, is not to
6 retrogress. And they will use the benchmark
7 plan, the last legally enforceable plan,
8 which is a plan that has not been ruled
9 unconstitutional by any federal court.

10 **SEN. MILLER:** Wouldn't the 2001 plan be
11 subject to challenge in the next decade if we
12 use as a benchmark a district that would not
13 have survived scrutiny had it ever been
14 challenged?

15 **MR. COX:** I don't know. I mean, it's
16 hard to speculate exactly what might -- what
17 may or may not be challenged. I think that
18 in drawing the plans as I have discussed
19 before, the courts have made it very clear
20 that Section 2 of the Voting Rights Acts is
21 a compelling justification for creating
22 certain districts. And clearly I think your
23 need not to retrogress would be a
24 justification for creating plans.

1 Whether or not a particular plan that
2 is drawn now might be challenged down the
3 line is really not something that the
4 Department of Justice or the Section 5 Unit
5 will engage in consideration of.

6 **SEN. MILLER:** Representative Sutton?

7 **REP. SUTTON:** Thank you. This question
8 is aimed at both Mr. Cox and Mr. Stein.
9 Would you give the committee a very concise
10 version or what have you of your
11 interpretation of the court's holding and the
12 court's meaning and any key parts of both
13 the Shaw and the Cromartie cases? Very
14 precise, what did the court mean, what did
15 they say, what do they mean and what the key
16 element in each of those holdings. And I
17 would like both of you to respond.

18 **MR. COX:** Well, I think the Shaw versus
19 Reno standard has actually been tweaked a
20 little bit by a case called Johnson versus
21 Miller. So reading them together, Johnson
22 versus Miller interprets Shaw to mean that if
23 race was the predominant factor in creating
24 a redistricting plan or drawing district

1 lines, then strict scrutiny applies.

2 If strict scrutiny applies, then you
3 have to show that the plan was justified
4 through a compelling justification or
5 actually was predicated on compelling
6 justification such as Section 2 of the
7 Voting Rights Act.

8 Cromartie feeds into that because it's
9 our interpretation of what Cromartie means
10 and our interpretation of what the case is is
11 that strict scrutiny should never have
12 applied to the 12th District. That district
13 -- in that district, race was part of,
14 perhaps, the consideration; but it was not
15 the predominant factor in the creation of
16 the plan.

17 Therefore, strict scrutiny shouldn't
18 apply.

19 Strict scrutiny will only apply if race
20 predominates. And during the redistricting
21 process, you are allowed to be race
22 conscious. The courts have made that very
23 clear, that being race conscious alone is not
24 a problem. It is the predominance of race

1 -- meaning that it pushed out all other
2 considerations -- that puts the state in
3 strict scrutiny and requires a compelling
4 justification.

5 It's not very succinct, but
6 unfortunately that's the standard.

7 **REP. SUTTON:** And Mr. Stein, would you
8 comment on both?

9 **MR. STEIN:** I agree with that, that the
10 other part of it, which is simply restating
11 what Gingles held. And that is if there is
12 evidence of racially polarized voting, which
13 means that the minority community acts
14 politically together, and that usually the
15 white majority votes to defeat the candidate
16 of choice, usually; and the minority
17 constitutes a geographically compact area;
18 then Section 2 would require the drawing of
19 a district like that.

20 What was the fault that the Supreme
21 Court found with the 12th District in the
22 Shaw case was that it was not -- that the
23 minority community that was being identified
24 was not geographically compact. And that put

1 a limitation on Gingles that hadn't existed
2 before. And when the General Assembly was
3 drawing districts in 1991 and 1992, the
4 Supreme Court had not said that. And so the
5 district that the body thought was
6 appropriate to draw in the 12th because you
7 could even though it had odd shapes, the
8 Supreme Court said that that is not going to
9 be acceptable. And the shape of districts
10 clearly matters a lot more after Shaw than
11 it did before. And I think that as you look
12 at the legislative districts this time, you
13 must take that into account.

14 **SEN. MILLER:** Mr. Stein, did you -- on
15 that point, in looking at those districts
16 that survived the nineties because of no
17 effective litigation, do you agree that we
18 are under no obligation to consider the
19 constitutionality of those districts had
20 there been an effective challenge in a
21 preclearance retrogression analysis?

22 **MR. STEIN:** I think that that's right.
23 That's my reading of the advice from the
24 Justice Department about what they will do

1 with Section 5. But any district you create,
2 let me add, you must look at that on its
3 face and determine whether that is
4 unconstitutional. So I suppose, and Mr. Cox
5 may wish that I am not saying this, but I
6 suppose if in drawing a district to avoid
7 retrogression you draw a district that you
8 are certain would be unconstitutional under
9 Shaw, then I think you would not draw that
10 district.

11 **SEN. MILLER:** I like having two
12 lawyers. It gives me a choice of advice to
13 take.

14 Representative Hackney? I'm sorry, I
15 saw Representative Alred's hand first.
16 Representative Hackney is next.

17 **REPRESENTATIVE ALRED:** Thank you, Mr.
18 Chairman. Since North Carolina's primary
19 election results normally require a 40
20 percent majority, if a district can be drawn
21 where -- close to a majority if not an equal
22 number of the residents or registered voters
23 would be minority residents, what obligation
24 does the state have for drawing a district

1 that can be winnable by a minority candidate?

2 Would either one of the gentlemen be
3 able to answer that?

4 **MR. COX:** If I understand your
5 question, you are asking whether or not
6 influence district -- you can draw a district
7 where it's just below a majority. I think --

8 **REP. ALRED:** If its in the counties
9 that are under the Voting Rights Act. Let's
10 say you could draw a district that had 49
11 percent minority residents and voters, and
12 since it only requires 40 percent under our
13 laws to be able to run a primary election,
14 what obligation are we under to create a
15 district that is winnable by a minority
16 resident in those counties that are under
17 the Voting Rights Act?

18 **MR. COX:** Well, I think -- it's hard to
19 answer that question specifically. I mean, I
20 think that in analyzing any plan, and Adam
21 sort of alluded to this a little bit, under
22 the Gingles standard you need to look at a
23 number of things. You need to look at the
24 behavior of the voters, how they vote, and

1 whether or not how many voters or how many
2 -- how many voters would have to be enough
3 to offer an opportunity to elect candidate
4 of choice really would vary. And I think it
5 would vary based on turnout; obviously based
6 on a number of factors. That's hard to sort
7 of articulate right now, but I think that
8 your obligation is to avoid minority vote
9 dilution. And in the context of doing that,
10 the analysis, using expert witnesses and
11 expert analysis, will take into account
12 turnout, will take into account the number of
13 voters and how -- really the critical mass
14 that would be necessary to allow them to
15 elect a candidate of choice.

16 I know that's not all that helpful, but
17 it really does vary situation by situation.

18 **MR. STEIN:** I think that the obligation
19 under Section 2, that there's nothing magical
20 about 50 percent, and that certainly seemed
21 to be the way the courts were looking at the
22 Cromartie litigation. There had been some
23 argument made that the plan was defensible
24 because it was less than 50 percent, the

1 12th District. And it did seem like both in
2 the district court and in the Supreme Court
3 that that was not what was considered
4 controlling.

5 In the 1st District, the 1st District
6 that was drawn, as I recall, was barely a
7 majority by total population, but was not
8 with voting population, but was still
9 considered an appropriate response to Section
10 2 obligation. So I think that if -- I think
11 it's likely, and the reason that Mr. Cox, as
12 I understand it, was not giving you a
13 definitive answer is that the courts haven't
14 given a definitive answer.

15 **REP. ALRED:** Follow up, Mr. Chairman.
16 Quickly. In your opinion, if a district that
17 could be drawn even though it doesn't
18 contain a majority of minority residents, if
19 it is winnable by, then must it be drawn?
20 Your opinion.

21 **MR. STEIN:** I am assuming it's also a
22 district where a majority could not be drawn.
23 And my opinion would be that it could be
24 drawn if that's necessary to insure that the

1 minority community -- that that's the only
2 way the minority community can have an equal
3 opportunity to elect candidates of choice.
4 And so my answer to that would be yes.

5 **SEN. MILLER:** Representative Hackney?

6 **REP. HACKNEY:** I want to return to the
7 Section 5 retrogression guidance, which I
8 have looked at. Do you interpret that to
9 mean that, for instance, a 90 percent
10 minority-majority (sic) district cannot
11 retrogress even to achieve compactness or
12 incumbency protection?

13 [MR. STEIN AND MR. COX CONFER]

14 **MR. STEIN:** Mr. Cox worked in the
15 Justice Department and worked on these
16 issues, and I don't -- I think he understands
17 what they do there better than I do, which
18 is often confusing to me.

19 **MR. COX:** Well, Adam may have misspoken.
20 Actually, it's hard to know what they are
21 going to do. I think that -- but I think
22 that in measuring retrogression, what they
23 are going to be analyzing, what they are
24 going to be looking at, again, are the

1 voters. And they are going to be looking at
2 the opportunity for those voters to still be
3 able to have electoral -- the same electoral
4 opportunity they had in the prior plan.

5 So considerations of incumbency
6 protection, considerations of other kinds of
7 issues, while it might bleed over into
8 considerations in this process and the lines
9 are not very strict, for the Section 5 Unit,
10 they are going to be looking at the ability
11 of those voters and how they perform.

12 And I think that's what you are going
13 to have to sort of be looking at and
14 analyzing and how they actually are able to
15 elect their candidate of choice.

16 **SEN. MILLER:** Representative Hackney?

17 **REP. HACKNEY:** I agree that it says
18 that. That's not my question, however. My
19 question is, can you retrogress from, say, 90
20 to 60?

21 **MR. COX:** Well, that's retrogression
22 and they could object to that. I mean, I am
23 telling you what --

24 **REP. HACKNEY:** Yes, it is

1 retrogression, but it does not necessarily
2 interfere with the candidate of choice.

3 MR. COX: The incumbent?

4 REP. HACKNEY: Candidate of choice,
5 incumbent or not.

6 MR. COX: Right. I think the
7 Department of Justice is going to -- that's
8 part of the answer.

9 REP. HACKNEY: You agree that the
10 guidance doesn't give us guidance on this?

11 MR. COX: Well, the guidance is
12 especially unspecific because they want to
13 take things on a case-by-case basis. And
14 that case-by-case basis is an analysis of how
15 those voters perform, not necessarily whether
16 or not an incumbent can get reelected --
17 which may be actually part of it, but it's
18 not the beginning of their inquiry.

19 SEN. MILLER: The next hand I had was
20 Representative Justus followed by Luebke,
21 followed by Senator Shaw. Representative
22 Justice?

23 REP. JUSTICE: Thank you, Mr. Chairman.
24 Mr. Cox, assuming that the committee might

1 want to draw more single-member districts
2 than presently exist, thereby breaking up
3 some multi-member districts, what is your
4 opinion of retrogression, in layman's terms
5 so that we can all understand, wherein we
6 might create more minority districts by the
7 creation of those single-member districts as
8 opposed to multi-member districts?

9 MR. COX: Well, in sort of layman's
10 terms, and you may not like this answer, it's
11 really going to be based on what the impact
12 of that change is on the voters. And while
13 I think the courts have not automatically
14 said the multi-member districts are violative
15 of people's voting rights, of someone's
16 voting rights, the minority voting rights,
17 and I really think that the analysis as to
18 whether or not that particular change is
19 retrogressive or the analysis of whether that
20 change will have an ameliorative effect or a
21 dilute effect really needs to be certainly
22 analyzed the contest of a particular plan.

23 It's hard to sort of speculate about
24 whether or not that would be

1 non-retrogressive or would be retrogressive.

2 I think in the first instance -- I
3 think I will leave my answer at that. It
4 really needs to be analyzed from the context
5 of a given plan as to whether or not it
6 would have a -- what retrogressive effect it
7 would have.

8 I'm sorry that's not very specific.

9 MR. STEIN: My lay and probably
10 less-informed opinion is that it really
11 depends. That one could take a multi-member
12 district and create single-member districts
13 and not regress. But what you would need to
14 analyze what you've done and how it affects
15 the voters.

16 SEN. MILLER: Representative Luebke?

17 REP. LUEBKE: Thank you, Mr. Chairman.
18 My question had to do with the history of
19 racial polarized voting. I actually was a
20 witness in Gingles versus Thornburg for the
21 plaintiffs and I know that one of the -- I
22 did not testify about this, but other
23 witnesses did. And the question really is
24 that particularly in eastern North Carolina

1 there was a lot of evidence that white
2 Democrats would not vote for a black
3 Democrat; they would vote for a white
4 Democrat and not a black Democrat. And as I
5 recall, and I look to Mr. Stein because you
6 follow this more closely than I, that that
7 was very, very important in the Gingles
8 decision of why we had to make single-member
9 districts in so many places.

10 My question is, what happened to that
11 language in Gingles; and I actually found it
12 in the green booklet on page 13 of the case.
13 What happens to that in light of the Shaw
14 decision? Anything? Or does the Shaw
15 decision change that racial polarization
16 finding in Gingles or not?

17 **MR. STEIN:** No, I think it didn't
18 change it at all. And particularly in the
19 Texas case, Bush against Vera, it was clear
20 there were five members of the United States
21 Supreme Court saying that Section 2 as
22 interpreted in Gingles remains the law.

23 In 1996 or 1997, whenever this body was
24 considering the 1997 plan, we -- meaning the

1 intervenors in the Shaw case, the black
2 intervenors in the Shaw case -- commissioned
3 a racially polarized voting study to update
4 the material that had been in Gingles, and
5 it was part of the legislative record.

6 And, sadly, the conclusion was very
7 nearly the same as it had been in Gingles;
8 that it continued to be so; that white
9 voters were defeating the aspirations, and
10 typically, as we say, it's the white
11 Democrats would not vote for the white
12 Democrat, but would cross over when it was a
13 black Democrat in very significant numbers.

14 **REP. LUEBKE:** Thank you.

15 **SEN. MILLER:** Senator Shaw?

16 **SEN. SHAW:** Thank you, Mr. Chairman.
17 Attorney Cox, I thought I heard someone say
18 that he was a member of the Justice
19 Department previously.

20 **MR. COX:** That's right.

21 **SEN. SHAW:** Counselor, tell me, I
22 wasn't around in 1990 when they were
23 considering the redistricting issues at that
24 time. But I do recall that the plan had

1 been developed and submitted and the Justice
2 Department denied approval and said there
3 should two, possibly three minority
4 congressional districts drawn. And, hence,
5 this set off this wave of issues that we are
6 still talking about today. [Inaudible]
7 landmark cases, I'm sure.

8 In light of the 2000 census population
9 increases, what type of census plans have to
10 be preapproved, what type of balance do you
11 think the Department of Justice will offer in
12 terms of minority districts this time?

13 **MR. COX:** Well, it's an excellent
14 question and I wasn't there in 1990 either.
15 I think the Department of Justice's first
16 line will be not to retrogress. Not to take
17 away opportunity that already exists. And
18 where there are -- and this is going to sort
19 of sound like what I said before -- but
20 where there are compact African-American
21 populations where there is racially-polarized
22 voting and African-Americans vote cohesively,
23 they will look to see as to whether or not
24 -- well, not for Section 5 purposes, but they

1 will look to see if there is an opportunity
2 to create a district. And if there is and
3 one is not created, that might be a Section
4 2 violation. [Inaudible] would look at
5 that, too.

6 I think in terms of Section 5, one
7 thing to keep in mind, that kind of analysis,
8 while it's not Section 2, also is relevant to
9 the Section 5 inquiry. Whether or not you
10 intend to retrogress or whether you do
11 retrogress, Justice Scalia in Reno versus
12 Bossier Parish has said it's really a
13 dilution analysis. So retrogression is not
14 just, you know, a mere numbers game; it
15 really is almost a Section 2 kind of analysis
16 in terms of determining whether or not you
17 retrogress.

18 But I think the guidance from the
19 Department of Justice will be, first, don't
20 retrogress; and then they will also probably
21 be following up with a litigation program to
22 see if there has been any dilution. And
23 they will act accordingly.

24 **SEN. MILLER:** Senator Pope?

1 **SEN. POPE:** This question is probably
2 for Mr. Cox again. This is another Section
3 5 retrogression question.

4 In all the examples we have given so
5 far we have been talking in terms of the
6 African-American population. For
7 retrogression purposes, a substantial
8 racially minority communities, such as Native
9 American or Hispanic, how will they be
10 included in retrogression analysis especially
11 if they vote cohesively as a group.

12 Give you an example of a current
13 district that was 49 percent
14 African-American, 11 percent Native American
15 and five percent Hispanic, it's a total 65
16 percent for a minority-majority district, but
17 it's not all African-American.

18 **MR. COX:** My understanding is the
19 Department of Justice looks at the voting
20 power, voting strength of each individual
21 group to see -- to check and evaluate their
22 opportunity to elect a candidate of their
23 choice. And that's, you know, how I think
24 their analysis will go.

1 One additional aspect to this which your
2 question sort of raises is what is to be done
3 or what is going to be done with those who
4 check more than one race. And that guidance
5 is also in the materials that I passed out.
6 And the way the Department of Justice will
7 evaluate that will be to allocate the
8 multi-racial responses back to the original
9 census tabulations to evaluate whether or not
10 there is a retrogressive effect on Native
11 Americans, for example, on African-Americans,
12 on Latinos. So they will go through the
13 analysis and they will evaluate, based on
14 voting strength that exists currently what
15 retrogressive effect something will have.

16 **SEN. MILLER:** Two of our co-chairs have
17 questions, but let me ask a question first.

18 Looking at the change in population,
19 with deviation from the ideal of the various
20 districts, but especially the legislative
21 districts, many of the districts that have
22 lost ground across the state are the
23 districts that were majority minority at the
24 beginning of the last decade. For purposes

1 of our preclearance analysis, Section 5
2 retrogression analysis, how do you take that
3 into account?

4 MR. COX: I think your benchmark will
5 be the existing districts under the 2000
6 data. And they will evaluate your current
7 plan against that. Recognizing the need for
8 some districts to pick up population, the
9 state will still be under some obligation not
10 to retrogress from the existing voting
11 strength of a minority population.

12 I think that, again, whether or not --
13 how that factor is going to work given a
14 particular population is difficult to
15 speculate about, but I think the obligation
16 not to retrogress doesn't really change.
17 Even if there is loss of population in a
18 given district, it may make it -- it just
19 may make the analysis slightly different or
20 might engage it slightly differently, but the
21 obligation is still there.

22 SEN. MILLER: But if we can't increase
23 the geographical area, if there are
24 contiguous districts that are predominantly

1 African-American so that any additional
2 territory added to the district would have to
3 therefore necessarily lower the percentage of
4 the district that's African-American, how can
5 it possibly not retrogress?

6 MR. COX: That's a good question. I
7 don't really -- it's hard to speculate
8 without being able to see anything. It's
9 hard to be able to answer that question. I
10 mean, the retrogression analysis that the
11 Department will engage in, if this is any
12 guide, will be how those voters perform in
13 their opportunity to still be able to elect
14 candidates of choice.

15 So I think that may offer some guidance
16 in terms of -- it's going to be -- I think
17 it will be a functional analysis as well as
18 an actual diminution of numbers, if that
19 helps.

20 SEN. MILLER: If that part of the state
21 where a district that was predominantly black
22 at the beginning of the decade has at least
23 gained so much population that there is
24 racial polarized voting in that area, we

1 cannot draw a district where the minority
2 population can elect a candidate of choice,
3 what do we do?

4 MR. COX: Are you saying you can't
5 maintain the current majority-minority
6 district?

7 SEN. MILLER: Right. Exactly. And,
8 again, we haven't gotten to that point yet.
9 But looking only at those first numbers of
10 deviation from the ideal, it's a possibility
11 that would be faced with some of the
12 [inaudible].

13 MR. COX: I think -- I mean, again,
14 and this is not going to be helpful, probably
15 -- the Section 5 purpose is retrogression;
16 Section 2 purpose is in terms of liability.
17 If there is a reasonably compact
18 African-American population around which the
19 district can be drawn and there is racially
20 polarized voting, it might be a potential
21 Section 2 violation if it's not created.
22 And I think that's not Section 5 analysis,
23 but that is an additional layer to this that
24 must be considered in addition to the

1 Section 5 retrogression.

2 SEN. MILLER: The one person/one vote
3 requirement trumps our obligations under
4 Section 2 and Section 5.

5 MR. COX: Well, I think you start by
6 drawing lines, and then you also take into
7 account where you draw the districts, where
8 you put the districts. And that obligation
9 is ultimately up to the legislature. And if
10 the legislature, for a number of other
11 reasons, decides to not -- or decides to
12 dilute minority voting strength in an effort
13 to comply with one person/one vote, that
14 still may be a violation of the Voting Rights
15 Act because those aren't necessarily the only
16 opportunities or only alternatives that were
17 available.

18 And I am not saying this is an easy
19 decision to make, but the obligation under
20 Section 2 of the Voting Rights Act are
21 always going to be there. And I think
22 moving a line here or there to pick up
23 population, the increase isn't in there in
24 terms of your Section 2 obligations.

1 **SEN. MILLER:** Representative Justus and
2 then Representative McMahan.

3 **REP. JUSTUS:** Mr. Cox, several years
4 ago at a meeting of the National Caucus of
5 State Legislators in Washington I asked this
6 question and didn't get a very definitive
7 answer there; and would like to know if the
8 Justice Department is going to recognize that
9 racially polarized voting cuts two ways.

10 For example, in the area that I'm from
11 has less than five, six percent minority
12 population, two minority candidates entered
13 the Republican primary, carried in excess of
14 48 percent of the white vote. And is the
15 Justice Department going to recognize that
16 this kind of thing occurs and not punish us
17 in our legislative redistricting drawing if
18 we take something like that into
19 consideration?

20 **MR. COX:** Well, I guess you are talking
21 about -- in doing an analysis for racially
22 polarized voting is Section 2 as well as
23 maybe a dilution analysis for Section 5; but
24 what you are looking at in terms of

1 analyzing racially polarized voting analysis
2 is more-often-than-not. So two examples of
3 the not does not necessarily an anti-Section
4 2 case make.

5 So I think, from my perspective -- I
6 can't speak for the Department of Justice --
7 from my perspective, and as I have alluded
8 to, we are going to be looking at the
9 more-often-than-not opportunities for
10 minorities who elect candidates of choice
11 and, you know, the few exceptions that exist,
12 whether they are taken into account or not,
13 won't -- in analyzing the Section 2, won't
14 tip that balance.

15 **SEN. MILLER:** Representative McMahan.

16 **REP. MCMAHAN:** Very briefly because I
17 know we need to move on, but I want to talk
18 specifically about District 12 in comparing
19 the 1997 plan with the 1998 plan that we
20 drew a couple of years ago.

21 Obviously when we went to the 1998 plan
22 we reduced the minority population by some
23 ten percent. At the same time we replaced
24 those people primarily with Democratic

1 voters. We didn't have a minority incumbent
2 that was involved in the race, and did make
3 it a lot more geographically compact, which
4 is one of the criterias that we were looking
5 for.

6 Retrogression, how -- as far as I know,
7 the Justice Department approved that plan,
8 but yet we did reduce it by 10 percent, from
9 40 percent to 30 percent. But how do you
10 see that, if something like that developed
11 again, what would the Justice Department say?

12 **MR. STEIN:** In that instance, the 1997
13 plan has been declared unconstitutional by
14 the district court so that it wasn't
15 retrogressive. A plan that's been declared
16 unconstitutional is not a benchmark plan.
17 And you won't know until the Supreme Court
18 decides Cromartie whether it's the 1997 plan
19 or the 1998 plan which would be your
20 benchmark plan for District 12.

21 So it wasn't retrogression because they
22 then compared it against the 1982 plan,
23 which was altogether different.

24 **REP. MCMAHAN:** One follow-up, if I

1 might, is it your opinion that if the 1998
2 plan is redrawn, would it be acceptable and
3 be precleared by the Justice Department?

4 **MR. STEIN:** My opinion would be, if the
5 Supreme Court says that the 1997 plan was
6 constitutional, reverses the district court,
7 and that's the plan that is in effect at the
8 moment, then I think the 1998 plan would be
9 retrogression and those ten points would make
10 a difference. But I have never been
11 employed by the Justice Department.

12 **SEN. MILLER:** Mr. Stein, Mr. Cox, thank
13 you very much, and I hope that you remember
14 next year when you are conducting our
15 depositions how nice we were to you today.

16 We have with us the Attorney General of
17 North Carolina, Roy Cooper. Also Professor
18 Everett is here and under our agreement,
19 Representative Justus will preside now.
20 Attorney General Cooper?

21 **REP. JUSTUS:** Thank you, Mr. Chair, but
22 you were doing a wonderful job.

23 Mr. Attorney General?

24 **ATTORNEY GENERAL COOPER:** Mr. Chairman,

1 I extend my deepest condolences to all of the
2 chairs.

3 I wanted to give you a brief report on
4 the Utah case. This is a case that you and
5 the Governor and the members of Congress
6 have asked us to be involved in.

7 As you know, we finished about
8 800-or-so people ahead of Utah as to who
9 gets the new congressional seat. And,
10 therefore, the Senate -- excuse me, the
11 Census awarded North Carolina the 13th
12 Congressional Seat. Utah didn't like that
13 and saw that they were very close, about 800
14 people. So they sued the Census on the
15 basis of really two areas.

16 One, they said that the Census made an
17 error in counting military and federal
18 employees overseas; and that, number two, the
19 Census made an error in failing to count
20 Mormon missionaries that were overseas.

21 At your request and at the request of
22 the congressional delegation and the
23 Governor, we filed to intervene in that case.
24 And essentially our argument was that, first,

1 the United States Supreme Court had already
2 upheld in a case that's called Martin that it
3 was proper for the Census to count military
4 overseas personnel in that they are there
5 upon orders of their country and this was a
6 fair thing to do.

7 And that, secondly, the Census should
8 not single out on particular religious
9 denomination to count; and that North
10 Carolina had a number of foreign missionaries
11 overseas, students and business people who
12 were not counted.

13 The case was heard last week in Utah
14 before a three-judge panel with three judges
15 from Salt Lake City. We made, I think, some
16 good arguments and we are very hopeful that
17 we can win even at that level. They say
18 home court is worth ten points. I don't
19 know about that in this particular case, but
20 I think we have made some very good
21 arguments and I am very hopeful that we will
22 prevail at the three-judge panel level. If
23 not, the case would be appealed directly to
24 the United States Supreme Court.

1 But suffice it to say that we are very
2 hopeful that North Carolina will retain the
3 13th member of Congress and my advice to
4 you, Mr. Chairman, if you were going to go
5 ahead and start thinking about the process,
6 that you be thinking in terms of 13 members
7 of Congress with the thought that potentially
8 the Supreme Court could reverse that.

9 I don't know what kind of time line we
10 will have. We were successful in getting a
11 three-judge panel so that case can be
12 appealed directly to the Supreme Court and
13 hopefully we can have a decision hopefully
14 before the end of the year.

15 But I wanted to bring you up to date on
16 that. We are feeling good about our
17 arguments.

18 And I want you to know that our office
19 stands ready to work with you in this process
20 of redistricting. As I came in a few
21 minutes earlier and heard the extreme
22 technical nature of the questions -- it is an
23 extremely complicated process -- I do hope
24 that some light will be shed on the subject

1 when the Cromartie case comes down from the
2 United States Supreme Court. That is a case
3 that deals with whether the 1997 congressional
4 redistricting plan is constitutional. We are
5 expecting an opinion from the United States
6 Supreme Court any day now -- in fact, we
7 thought it was coming down last week, but we
8 hope that it will be coming down soon -- and
9 we hope that this case will provide you some
10 guidance concerning this balance of race that
11 you have been talking about and that it will
12 shed more light on the subject and more
13 light on the difficult task that you have
14 ahead of you.

15 So, Mr. Chairman, that's my report and
16 if anybody has any questions, I'll be glad to
17 answer them.

18 **REP. JUSTUS:** Thank you, Mr. Attorney
19 General. As usual, a very thorough
20 presentation and a very hopeful one. We will
21 share -- our congressional chairmen and
22 senate chairs will assume that we are going
23 to have that 13th member and work accordingly.

24 Are there questions for the Attorney

1 General?

2 [NO RESPONSES]

3 **ATTORNEY GENERAL COOPER:** Thank you, Mr.
4 Chairman.

5 **REP. JUSTUS:** Thank you very much for
6 your appearance and presentation. And with
7 that said, Senator Miller, will you complete
8 the program?

9 **SEN. MILLER:** Our last speaker today,
10 also involved in the litigation in the last
11 decade, is Professor Robinson Everett.
12 Professor Everett is a professor of law at
13 the Duke University School of Law. He
14 represented the plaintiffs in both the Shaw
15 case and in the Cromartie case.

16 Senator Everett -- Professor Everett?

17 **PROFESSOR EVERETT:** Mr. Chairman, I'll
18 answer to almost anything. Any title.

19 I appreciate the opportunity to be
20 here. I hope it hasn't excited me so much
21 that I lose my voice. One thing I agree
22 with the Attorney General on, 13 will be a
23 lucky number and I certainly hope we add
24 that.

1 What I did after talking with Mr.
2 Gilkeson, realizing this was a very
3 complicated topic, I did a paper, a long one
4 that I relied on here, which some of you may
5 be interested in, which I presented at a
6 symposium at the UNC Law School. And I made
7 about 15 copies of this in the draft form.
8 It will be published later. It is a personal
9 perspective on North Carolina gerrymandering
10 carrying you back to 1966 when the 4th
11 District was gerrymandered in a congressional
12 way and some things like that.

13 So I am going to hand this over in a
14 moment to Mr. Gilkeson. If I can just hand
15 that to the Chair at the present time.

16 **SEN. MILLER:** Since this is not enough
17 to distribute to everyone --

18 **PROFESSOR EVERETT:** I realize there are
19 not enough --

20 **SEN. MILLER:** I'll give it to anyone
21 who wants a copy.

22 **PROFESSOR EVERETT:** My thought is that
23 probably the non-lawyers in the group would
24 feel that this is daunting and might not want

1 it. So it can be burned in a bond fire like
2 the fires that were going over in my
3 hometown last night after a certain ballgame
4 some of you probably heard of.

5 I did provide a lot more copies of a
6 statement that I prepared for this occasion
7 and I am just going to briefly summarize a
8 few points and if I can answer questions, I
9 will be glad to do so.

10 I heard some of the questions and
11 answers earlier and I am sorry that I was
12 late getting over here, one of the reasons
13 being that I was trying to have something in
14 writing that you could look at.

15 One thing I would urge you to do, given
16 the -- or not to do given the pending
17 legislation -- or the pending lawsuit,
18 rather, out in Utah, is to adopt alternative
19 plans.

20 I know in 1988 -- 1998, rather, after
21 we had won on summary judgement, the
22 legislature adopted the 1998 plans of
23 Congress. And it was the one that reduced
24 the 12th District in percentage from 47

1 percent to 35 percent. But there was a
2 little catch in there which said that if the
3 state won on its appeal from the summary
4 judgement, then the 1987 plan would be used.

5 So it went from a plan where the 12
6 District had roughly 55 percent minorities,
7 African-American, to one where it was 47;
8 then down to 35; and then up to 47.

9 Obviously, that generated a little bit
10 of confusion, and I suspect that was an
11 unintended consequence, but that confusion
12 has continued right up to the present time.

13 I was sort of hoping that this morning
14 I would get a call from the Supreme Court
15 having learned that our case had been
16 decided one way or the other.

17 I have been waiting for that phone call
18 for quite awhile. We argued the case
19 November 27th, and it's still pending.

20 I frankly don't know, you would have to
21 participate in the argument, and it was the
22 fourth argument I had made with respect to
23 redistricting, I still don't know what the
24 particular interest of the Supreme Court was

1 in that case.

2 It involves a difficult issue of what
3 was really the motive. And some of you were
4 here when the 1997 plan was adopted and you
5 know what your motive was, perhaps; maybe
6 you don't know. Because they were certainly
7 controversial.

8 But in any event, it makes clear that
9 there were difficulties in the future in
10 terms of what is predominant motivation if,
11 in fact, there is an attempt to prepare
12 another racially gerrymandered redistricting
13 plan for Congress.

14 Now, I think all of you realize that
15 there are certain guidelines that you are
16 bound by. And one of them is Baker v. Carr.
17 When you are dealing with Congress you have
18 almost no leeway, particularly at the
19 beginning of a decade. When you are dealing
20 with the state House and Senate here in the
21 General Assembly, you have a little bit more
22 opportunity to deviate.

23 Then, in turn, you have the question
24 raised by Thornburg v. Gingles back in 1986

1 as to whether or not you could use
2 multi-member districts; and under what
3 circumstances can you use multi-member
4 districts. And here you get in the question
5 of the operation of Section 2 and various
6 requirements, one of which is that there be
7 -- in order to require that there be a
8 majority-minority district, it has to be
9 shown that that minority could be created
10 into a geographically compact district; i.e.,
11 that there is a way to do that. And in that
12 event, together with other requirements,
13 there is a basis under which Section 2 comes
14 into play.

15 Now, frankly I have not looked in
16 detail at the new census figures. I have
17 only read the newspaper accounts. I would
18 doubt that with respect to Congress there is
19 any way in which Section 2 would be applied
20 -- could be applied. And I say that
21 particularly because I understand that
22 there's been some diminution of population in
23 the northeastern part of the state with
24 respect to other parts of the state. We

1 have been a growing state, but that the
2 growth has not been that great in the
3 northeastern part of the state. So that
4 would affect one situation and it would
5 affect the one area of the state where in
6 the past it seemed that there was a
7 possibility that a majority-minority district
8 could be formed.

9 There was a question I heard or thought
10 I heard as to how the Justice Department
11 interprets minority. Does it mean in order
12 to have a majority-minority district that
13 there has to be a majority of a particular
14 minority; or does it mean simply that nobody
15 is a majority or that there is no white
16 majority.

17 As I understood it in the 1990 time
18 period, the Justice Department was saying it
19 all had to be a majority of one race in
20 order to be -- well, in order to satisfy
21 their requirements.

22 And for that reason, a district which
23 would have been in the southeastern part of
24 the state and which would have included the

1 Lumberton area, Roberson County, with
2 substantial number of Native Americans, would
3 not suffice because it would not have had a
4 majority of African-Americans.

5 Now, we've got a new attorney general,
6 new civil rights division, I suspect. I
7 don't know what they are going to do, but if
8 they take the same view that they had
9 before, then majority minority means, in
10 North Carolina at least, majority
11 African-American.

12 And when you look at the influx of
13 Hispanics and Asians -- there are a lot of
14 Asian-Americans -- at least I see them over
15 in Durham -- the conditions basically have
16 changed. And, as I say, I don't think that
17 there is a situation where Thornburg v.
18 Gingles would apply to require the creation
19 of a majority-minority congressional district
20 no matter how you construe that term.

21 And I doubt that that would be
22 required, vis a vis the state or the house
23 districts.

24 In any event, we have a fluid situation

1 and we have some terms that are still very
2 unclear. Now, I, of course, have been
3 exposed to this whole issue from 1992 up to
4 the present. And I remain of the view that
5 to use race in any sense in drawing districts
6 is inappropriate, unconstitutional and it's
7 harmful to the entire electoral process
8 because everybody is harmed in that regard.

9 I think it relies on stereotypes and I
10 think those stereotypes are out of date.
11 And particularly out of date in the 21st
12 century. And that's why I have been
13 involved. I am a believer in the color
14 blind society and that may be a subject of
15 disagreement on the part of others, but at
16 least I think we run a real risk if the
17 process is repeated which took place in the
18 early 1990s in this state and everywhere else.

19 Also there are a lot of unintended
20 consequences. When you create the compressed
21 districts, new districts, where you are
22 artificially creating them in order to have a
23 particular racial balance, there often are
24 unintended results. And I think that was

1 true in the 1990s, at least in the sense
2 that there were many activists for civil
3 rights who pushed to have as many majority
4 white districts and majority Hispanic
5 districts as possible. But in so doing, they
6 had the effect of bleaching other districts,
7 and that, in turn, in view of voting
8 patterns, led at least in part to a change
9 in control of the U.S. Congress and the
10 House of Representatives in 1994. And I
11 doubt if a lot of people who were supporting
12 the majority-minority districts favor that
13 result; while on the other hand, the civil
14 rights division, as it was structured at that
15 time, the orientation it had in the early
16 1990s under the Bush administration may have
17 had an entirely different view.

18 Now, one of the criticisms that has
19 been made about the decisions of the Supreme
20 Court, and they have been criticized from
21 time to time in this field, the Shaw case
22 and others, I am aware of that, is that they
23 hinge on whether a district is ugly, is
24 non-aesthetic. That's not what it's about.

1 The point is that if you have these
2 districts which are distorted and bizarre and
3 which do not conform to the traditional
4 redistricting principles, then you have
5 districts which evidence the actual intent.
6 They are circumstantial evidence of the
7 intent that underlay. You don't get a
8 district where all the predominantly black
9 districts in a county -- all predominantly
10 black precincts county are put in one
11 district and all the predominantly white
12 districts are put in any other. You don't
13 get that by coincidence, no matter what
14 anybody says.

15 One other thing to keep in mind and we
16 emphasize it in some of the arguments and in
17 the trial of Hunt v. Cromartie is that in
18 North Carolina where you have a closed
19 primary and where only registered Democrats
20 and independents can vote in the Democratic
21 primary; and only registered Republicans and
22 independents can vote in the Republican
23 primary, if you create a district with as
24 much as 35 to 40 percent of a minority, at

1 least if you take the registration patterns
2 in North Carolina where 95 percent of the
3 African-Americans who register are registered
4 and vote as Democrats; if you take that
5 situation, then there is an absolute overkill
6 in creating a district with a 55 percent
7 population.

8 So it's actually counterproductive and
9 it discourages coalition, and coalition is
10 important.

11 And finally I believe that these
12 districts have been proven to be superfluous
13 in order to -- the purpose is to get
14 diversity. But the diversity is achieved
15 artificially, when in all probability there
16 would be diversity achieved in other
17 districts if they were created differently.

18 And I say that because I think there
19 are a number of African-American candidates
20 who can win in predominantly white districts.

21 And I base that at least in part on my
22 experience in Durham. Where we live in the
23 county, where the majority of the county
24 commissioners are African-American, and where

1 a majority of the city council is
2 African-American where the population is
3 predominantly while.

4 So I think there are candidates,
5 potential candidates who could be elected
6 without the artificial creation of these
7 districts.

8 I think that would certainly be true of
9 Eva Clayton in the northeastern part of the
10 state. I don't know enough about the
11 politics of the Triad area and of Charlotte
12 to know whether that would result there.

13 But you have a situation where you
14 create districts that are distorted; it costs
15 more to campaign in one of these districts
16 who stretches into several TV markets and
17 radio markets; and your ultimate result I
18 think is one which is inappropriate and
19 corrupts the electoral process.

20 Now, I guess the point of it is, in my
21 view, that what you need to do at this
22 particular point is to adopt a very different
23 approach. Look at the census figures that
24 you now have. Look at the changes that have

1 occurred. Look at the changes that have
2 occurred in our society and in attitudes,
3 and then decide what you want to do.

4 And when you make that decision, I
5 think you will come to the conclusion that
6 one of the best solutions is to use the
7 process which has been recommended in a
8 couple of bills that are pending in the
9 legislature, one in the house and one in the
10 senate. I think one was introduced by Hamm
11 Lawton and the other by Art Pope, and their
12 continuation of efforts by John Weather, they
13 propose an independent redistricting
14 commission. And that's pretty hard to
15 stomach if you are a legislator and say,
16 "Well, why can't I do it just as well as a
17 'independent district'?" And I can
18 understand how you would feel that way.

19 On the other hand, in about 10 or 12
20 states they put an independent redistricting
21 commissions, and that can be on either the
22 basis that the commission produces the final
23 plan that becomes law; or they submit it to
24 the legislature for a vote up or down by

1 simple majority.

2 And either way would probably work
3 pretty well. But that commission, if you
4 don't deal with a commission I hope you
5 yourselves will do it in this way, that
6 commission should not look at the racial
7 statistics, should not look at the voting
8 performance statistics and should not look at
9 incumbency.

10 And you are going to get a more
11 competitive election. You are going to get
12 one where there will be a rolling of the
13 dice, but it will be legitimate; the dice
14 will not be loaded. And I think that's very
15 important in terms of maintaining confidence
16 in the electoral process.

17 There are a lot of people that are very
18 cynical about the electoral process. And
19 you hear them say, "Oh, I am not going to
20 bother to vote; it doesn't mean anything."

21 And to the extent that you have a
22 gerrymandered situation, that cynicism is
23 reinforced and is confirmed.

24 So I suggest to you that after you find

1 out whether there are going to be 13 or only
2 12 congressional seats for North Carolina,
3 you formulate a congressional redistricting
4 plan.

5 Meanwhile, as you formulate those for
6 the General Assembly, I think you should
7 still use the principles that I would
8 advocate, and those would be principles of
9 trying to take race out of the picture; take
10 partisan politics and registration out of the
11 picture; look at true community of interests,
12 which is predicated on people who live close
13 to each other, work at the same places,
14 watch the same TV shows, same stations,
15 listen to the same radio stations, read the
16 same papers.

17 That's the sort of thing that really
18 generates community of interests and should
19 be looked at.

20 And you should also get away from what
21 we had at the beginning of the 1990s when
22 census blocks were used in drawing districts.
23 And even precincts. Instead, look at county
24 and city boundaries. Look at political

1 subdivisions in drawing your lines.

2 And I think when you do that, you will
3 come up with plans that will be much more
4 meaningful, which will be successful in
5 withstanding court attack and which will be
6 much more satisfactory to the people of North
7 Carolina

8 I appreciate you letting me come here
9 and say that. It probably sounds a little
10 simplistic and unriddled. And I see some of
11 you smiling thinking, "This guy is a nut.
12 This isn't going to happen." And
13 Representative Cunningham just nodded his
14 head and I can understand why you feel that
15 way. But, on the other hand, I request you
16 and everybody else here to take a new look
17 and say "Has there been a real change, is
18 the situation today different." Look at the
19 Cromartie when it does come down, draw your
20 conclusions and then enact plans which follow
21 those conclusions.

22 I have a lot of faith in the General
23 Assembly in North Carolina. My dad served
24 in it one time long, long ago. And it's a

1 very fine body. But in drawing districts,
2 your situation where -- it's like a judge
3 who is deciding a case in which he has a
4 personal interest. And, therefore, you
5 really have a tough job. And I admire you
6 for trying to perform it. And I do suggest
7 that maybe the fast way to do it would be to
8 use the independent redistricting provision.

9 If there are any questions, I'll be
10 glad to try to answer them.

11 **SEN. MILLER:** The chair would like to
12 recognize questions, a couple of points, and
13 then Representative Michaux.

14 We are having more copies made, both of
15 the Professor Robinson's handouts, for anyone
16 who wanted them. It turned out more people
17 wanted them. Those are in the works, if
18 they have not already been passed out.

19 Second, Professor Robinson (sic), I
20 hope you understood as well as Mr. Stein and
21 Mr. Cox, that by inviting you today to give
22 your advice, we do not mean to represent to
23 you that we would take your advice.

24 **PROFESSOR EVERETT:** If you all took all

1 of my advice, I'd be amazed. I'd be
2 delighted to be amazed.

3 **SEN. MILLER:** Representative Michaux
4 and then Representative Cunningham.

5 **REP. MICHAUX:** Yes. Robbie, over here
6 to your left -- right.

7 Robbie, I have looked with a great deal
8 of interest at your -- the suit, the actions
9 that you have filed in this matter and
10 wondered whether or not in any instance did
11 you take history into account. And let me
12 preface that by saying simply this. You
13 mentioned Durham, but you forget that in
14 Durham utilized methods used by majority
15 population in order to achieve the goal we
16 reached. Like single-shot voting and
17 double-shot voting, which this General
18 Assembly attempted to outlaw. But we had to
19 resort to those areas, to do those things in
20 order to get representation when we did. So
21 why don't you consider history as a part of
22 all of this rather than just plain race, as
23 you state?

24 **PROFESSOR EVERETT:** I do try to consider

1 history. I try to take the past into
2 account. I take into account, among other
3 things, that in 1980 or thereabout you were
4 a superb candidate for the Congress. And
5 attitudes at that time were such that you
6 probably were defeated in the Democratic
7 primary by a narrow vote because of some of
8 those attitudes. That's 20 years ago. I
9 don't think that would have happened today.

10 So I think there's been some change,
11 Mickey. That's the thing.

12 **REP. MICHAUX:** May I follow up?

13 **SEN. MILLER:** Representative Michaux.

14 **REP. MICHAUX:** I have -- Robbie, I,
15 too, could be practical about this, and I
16 would hope today there has been some change,
17 but there really hasn't. We still have to
18 result to various means and methods to get
19 points across as far as the minority
20 community is concerned. I mean, there's no
21 question about it.

22 We are fortunate in Durham that people
23 recognize that the single shot is effective
24 and we don't have to use it in Durham

1 anymore, to that extent.

2 But here, even over here, we run into
3 problems. And race, don't fool yourself,
4 don't delude yourself, race is a factor and
5 it's going to be a factor, if we don't watch
6 it, in this particular redistricting because
7 we could stand -- we've got -- when we
8 redistricted before, we picked up seats on
9 the single-member districts. Right now with
10 the census figures, we could lose 14 of the
11 18 House seats that we have already. So how
12 do we protect our interests if we don't do
13 something about it?

14 **PROFESSOR EVERETT:** Well, my view is
15 that by having effective candidates like you,
16 for example, it would help surmount that
17 particular problem. I note also, think back
18 30 years where here in Raleigh they elected
19 a predominantly -- in a predominantly white
20 community they elected a black mayor. We
21 have had the same thing in Durham on one
22 occasion. But the council is still a
23 majority.

24 Howard Lee was one of the first black

1 mayors in the south and so forth. I think
2 Dan Blue was -- over here, he was the
3 Speaker the House back in the early 1990s,
4 highly respected.

5 I think there is a tendency to look at
6 the past and say, "Well, we could have done
7 it any other way." I don't think that's
8 correct.

9 But what I am asking you to do is to
10 take a new look at it. Asking you and other
11 members of the African-American community,
12 the minority community who are here, and see
13 whether or not if you played according to a
14 level field where you take away the use of
15 race and a party and of incumbency in
16 drawing your lines, whether that wouldn't
17 work out better. And I suggest it would.
18 And, you know, one of the things that is
19 sort of disturbing to me, and I am a
20 yellow-dog Democrat -- at least I was at one
21 point -- changed a little bit recently.
22 Ninety-five percent of the African-Americans
23 or higher are registered as Democrats. I
24 find it very difficult to believe that

1 there'd be that much commonality of viewpoint
2 among 95 percent, 97 percent of the
3 population even though I may believe in the
4 Democratic ideals. You read about the
5 diversity, even in the African-American
6 community, and I think it's -- there's been
7 a major change and I think that there is a
8 need to reexamine on all points.

9 And I think that need is going to be
10 even greater as the Hispanic population
11 grows. I understand that's what happened in
12 California; that the influx of Hispanics
13 changed the whole political equation and we
14 are going to see that right here.

15 **REP. MICHAUX:** I appreciate your
16 comment, but going back to 95 percent belong
17 to the Democratic party, such is because what
18 we consider the ideals, the difference, the
19 philosophical differences involved, and it
20 doesn't necessarily mean that while we may
21 belong to one party that we are a
22 homogeneous group as far as ideally situated.
23 The problem, Robbie, is that while we try to
24 move out of the past, we still run into

1 problems today. I guess maybe the
2 appointment of Colin Powell and Condalista
3 Rice may change a little bit of that, but we
4 still have to see what happens on down the
5 line.

6 But philosophically, our ideals and our
7 thoughts are, you know, based on the
8 Democratic party. There was a time when it
9 was the Republican party. You ought to know
10 that. Check at the turn of the century. So
11 things change, things constantly change. And
12 it seems like the more they change, the more
13 they stay the same.

14 And that's what our problem is now.
15 And you've got to -- we've got excellent
16 legislators, black legislators here right now
17 who I guarantee you, if they didn't have
18 those districts cut out for them, they
19 wouldn't be here. I guarantee you that.
20 And this is in just recent times.

21 **PROFESSOR EVERETT:** Well, I am more
22 optimistic than you, and I do think that
23 things change and really change. But that's
24 something you all are going to have to decide

1 whether to take a leap forward in faith or
2 whether to say, "Well, okay, it's always been
3 that way and therefore we will remain that
4 way."

5 So I call for you to do a
6 reexamination, sincere reexamination on all
7 sides.

8 **SEN. MILLER:** I do want to allow
9 questions and follow up, but kind of
10 unlimited tit-for-tat will run us right out
11 of time.

12 Representative Cunningham?

13 **REP. CUNNINGHAM:** It's about two or
14 three minutes, I would just have to say to
15 the learned lawyer that if it had not been
16 for the laws that we have now in terms of
17 our voting rights to expect we would have
18 had a congressman let's say from the 12th
19 District, and we have had one in a hundred
20 years. And you say go by faith. I am a
21 person of faith, but my faith only carried
22 me so far. And right now your idea just
23 doesn't seem to -- let me make just one good
24 example.

1 Two or three months back there was a
2 young man, just because he was
3 African-American, was dragged behind this
4 truck and I am sure you probably saw it on
5 television. That's racism.

6 Racism unfortunately is still well and
7 kicking in America. It is not gone. And
8 the only way that you are going to get rid
9 of some of these things, and I guess I am
10 asking you the question, is that by laws; and
11 the only way you can make laws is someone
12 has to get elected that will help to see
13 these problems and ask for solutions that
14 you can directly relate to. And we wouldn't
15 have this many African-Americans in this
16 General Assembly now if it hadn't been for
17 the Voting Right law. Would you agree with
18 that?

19 **PROFESSOR EVERETT:** Well, let me
20 respond in this way. I am not even going to
21 dispute you about the role of the laws in
22 the past. I think that may be exaggerated
23 in some respect, but let's assume that.

24 My suggestion and thought is that in

1 the year 2001, as you prepare the
2 redistricting plan, there are several things
3 that were necessary or even desirable in the
4 past are no longer necessary [inaudible] and
5 that they create more harm than good. And
6 not only create more harm -- they created
7 more harm than good for everybody. They
8 damaged the competency in the electoral
9 process today, and I would suggest to you
10 that as the population changes, then you
11 have to take that into account as the
12 demographics change. And when you do that,
13 you are going to find that the
14 gerrymandering in the past is obsolete and
15 harmful to everybody. And that's my
16 thought. I have it outlined in detail in
17 this article I did, but if you have a chance
18 to read it, maybe that will suggest to you to
19 take another look at it. That's all I ask.

20 **SEN. MILLER:** The Senate takes a more
21 flexible view on what constitutes quarter
22 till, and the House chairs have agreed to
23 follow the Senate rules in this respect. So
24 we will go for just a minute more.

1 Senator Ballance?

2 SEN. BALLANCE: Professor, this is a
3 short question and answer and response, but
4 are you suggesting that in drawing
5 congressional plans we ignore the fact that
6 Mel Watt and Eva Clayton are in Congress?

7 PROFESSOR EVERETT: Actually, I think I
8 would suggest that you ignore the fact that
9 they are the present 12 people in Congress.

10 SEN. BALLANCE: Just ignore that fact.

11 PROFESSOR EVERETT: I would say that we
12 should [inaudible] without regard to
13 incumbency.

14 SEN. BALLANCE: And the second part of
15 that question, in broad state plans should
16 we ignore the fact that we have 18
17 African-Americans, one Native American and
18 seven African-American senators in this body?

19 PROFESSOR EVERETT: Without going into
20 detail of how the present day works and all
21 the details, I would say yes. I try to be
22 consistent on that.

23 SEN. MILLER: I have a couple of
24 housekeeping matters. First of all, the data

1 will shortly be available on the computers
2 for you all to start considering how to draw
3 plans, of course, disregarding where your own
4 house is, I'm sure.

5 The computers are on the second floor
6 of the legislature -- I'm sorry, thank you
7 very much, Professor.

8 **PROFESSOR EVERETT:** Thank you.

9 **SEN. MILLER:** -- on the second floor of
10 the LOB, the access is available on a
11 four-hour blocks. You can call Kelly Gless
12 at Information Systems Division to schedule,
13 733-5688, or you can contact her through
14 email. And you should probably do that at
15 least 24 hours in advance.

16 Second, this booklet "Redistrict 2001"
17 is now available in a second edition, the
18 cover is blue. I believe some are up here
19 around and about. They have at least a
20 summary of the data that we have with
21 respect to his year's census that was not
22 available at the time the first edition was
23 put out.

24 There being no further business -- oh,

1 I'm sorry. Excuse me. Yes, and
2 Representative Justus wanted me to recognize
3 our court reporter, Amy Poythress. Thank you.

4 There being no further business, we are
5 adjourned.

6 [MEETING ADJOURNED AT 2:48 P.M.]

STATE OF NORTH CAROLINA

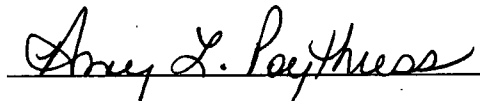
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I, Amy L. Poythress, notary public/court reporter, do hereby certify that the above-named meeting was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the statements of the presenters.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of April, 2001.



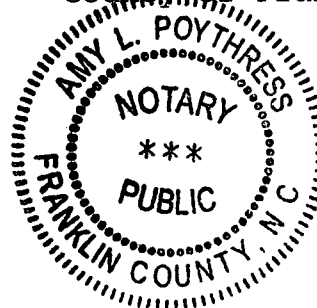
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Nathan Diering

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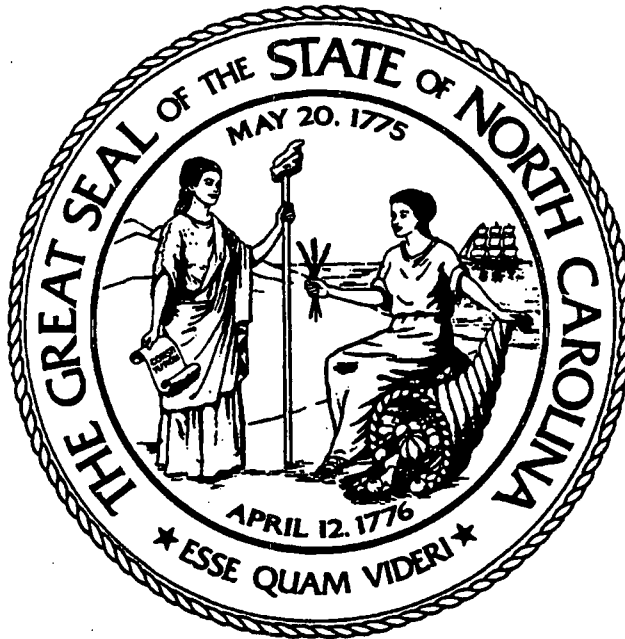
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APRIL 2001**

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A PERSONAL PERSPECTIVE ON NORTH CAROLINA GERRYMANDERING

Robinson O. Everett

Gerrymandering is a practice distasteful to many but for which there is time-honored precedent. Almost two centuries ago, Governor Eldridge Gerry of Massachusetts recognized the political gains that could be achieved by drawing legislative districts with boundaries designed to produce desired voting results; and thus the term, "gerrymander" memorializes Gerry's guiding role in creating a legislative district that resembled a salamander but produced the voting outcome he desired.¹ Gerry's underlying concept was to place targeted voters where they would do his cause the most good or the least harm; and as I have become painfully aware, that concept still has many adherents both in North Carolina and elsewhere. Moreover, now computers are available to assist in drawing district boundaries that will produce certain desired demographics.²

Only a few State constitutions contain requirements – such as contiguousness and compactness - intended to limit gerrymandering in drawing legislative districts.

Even fewer States provide political or legal remedies adequate to enforce such requirements;³ and also it is often unclear who has standing to invoke whatever remedies may exist. Consequently although many States have become more urbanized over the decades, districts differing greatly in population would continue to elect the same number of legislators and the practical value of a city dweller's vote diminished in relation to the value of a farmer's vote. Moreover, in many States to change this situation would have required extensive changes in State constitutions and statutes; and those in control of State legislatures were content with the existing situation.⁴

A good example of the difficulty in obtaining change is provided by Colegrove v. Green, 328 U.S. 549 (1946), which concerned Congressional districts in Illinois. The plaintiffs complained that because of changes in population the districts, which had been drawn by the legislature in 1901, lacked compactness and approximate equality of population. Justice Frankfurter, in denying relief, wrote that "Courts ought not to enter the political thicket. The remedy for unfairness in districting is to secure state legislatures that will apportion properly or to invoke the ample powers of Congress."⁵

Despite Colegrove and other discouraging precedents, groups which had their core strength in the cities continued to push for changes that could provide urban dwellers greater voting power.⁶ Tennessee voters challenged the districts which were used in electing members of the State's General Assembly. The plaintiffs alleged that subsequent to the 1901 statute which created the districts, substantial growth and redistribution of Tennessee's population had occurred but that the legislature had arbitrarily and capriciously failed to enact a reapportionment plan to take account of these changes. As a result these voters suffered "debasement of their vote" and were thereby denied equal protection. The district court dismissed the complaint on the basis of nonjusticiability under Article III of the Constitution and noted that the "matter is considered unsuited to judicial inquiry or adjustment." (Id at 196) The plaintiffs appealed to the Supreme Court.⁷

Justice Brennan, writing for the Court, noted appellants' argument that, despite the "shifted and enlarged voting population" that had occurred since the 1901 reapportionment statute, the composition of the legislature made it difficult or impossible to obtain reapportionment.⁸ Then, rejecting the district court's view as to nonjusticiability, he outlined several factors bearing on justiciability, such as "lack of judicially discoverable and manageable standards for resolving" the issue,⁹ and

he concluded that here a cause of action had been stated as to which the Court had jurisdiction.¹⁰ Brennan also upheld the standing of the complaining voters.

Foreseeably Justice Frankfurter dissented; and he was joined by Justice Harlan. In retrospect, the application of equal protection in Baker v Carr seems almost as important as that which occurred in Brown v Board of Education - U.S. (1954) - indeed, perhaps *as* important because of its incredible effect on the political map of the United States.

In reliance on Baker v Carr the Supreme Court two years later invalidated the Alabama apportionment of its state legislature because of its significant departure from the "one person, one vote" standard and the resulting violation of equal protection, Reynolds v Sims, 377 U.S. 533 (1964). The Court made clear that more flexibility would be allowed a State in creating its legislative districts than in drawing congressional districts¹¹ and noted that the Alabama legislative apportionment "presented little more than crazy quilts, completely lacking in rationality, and could be found invalid on that basis alone." (377 U.S. at 568) This comment seems to intimate that irrational boundaries of a legislative district may offend equal protection.

Soon after Baker v Carr was decided, a recent Wake Forest Law School graduate, Renn Drum, initiated a federal lawsuit to require that North Carolina redistrict itself in accord with the "one person, one vote" mandate. See Drum v. Seawell 249 F.Supp. 877 (M.D.N.C. 1965). Subsequently, acting under Court order, the General Assembly redistricted North Carolina's congressional districts. In doing so, Democratic leaders sought to use gerrymandering to protect an incumbent, Representative Harold Cooley, one of North Carolina's most senior members of Congress. He was facing a likely challenge in the Democratic primary from William A. Creech, who had been Chief Counsel for Senator Sam Ervin's Subcommittee on Constitutional Rights. Creech had always resided in Johnston County, which for many years had been in the same congressional district with Cooley's Nash County. However, in redistricting, the General Assembly decided to remove Creech's home County from the new District - and thereby to create an obvious barrier to his candidacy. Since Creech and I were close friends, we talked about seeking to enjoin the gerrymander ¹² - which had produced a district that was barely contiguous. ¹³ I undertook such an effort, and among the several voters in our area who joined as plaintiffs one was Ruth O. Shaw, a public-spirited Durham citizen, who unwittingly was preparing herself for precedent-setting litigation a quarter of a century later.

A hearing before a three-judge district court led to the decision that the challenged congressional district was so lacking in compactness and contiguousness as to deny equal protection. Drum v Seawell, 250 F. Supp. 922 (M.D.N.C. 1966), affirmed ___ U.S. ___ (1966). See also Drum v Seawell, 271 F. Supp. 193 (M.D.N.C. 1967). However, because the May 1966 primaries were fast approaching, the district court allowed the General Assembly to delay until 1968 the enactment of a constitutional redistricting plan; and on appeal the Supreme Court summarily affirmed.¹⁴ This discouraging outcome has been repeated in several other redistricting cases in North Carolina and elsewhere. A court decides that a legislature has violated the constitution by designing gerrymandered districts which violate equal protection; but even so, in deference to the legislature, the court allows the unconstitutional plan to remain in effect until the next election cycle.

In succeeding years several important trends took place in electoral law. One was the recognition of a right of minority groups to obtain a judicial remedy if under certain conditions a State legislature has failed to create majority-minority districts¹⁵ Furthermore, the Department of Justice actively employed its authority to require that States such as North Carolina that were subject to preclearance¹⁶ obtain approval from the Civil Rights Division before implementing new practices or procedures.¹⁷

The advent of a new census in 1990 imposed on many legislatures a duty to enact new redistricting plans; and the result was that many States had to seek preclearance for the new plans from the Civil Rights Division of DOJ. For a State that disagreed with the Justice Department on denial of preclearance, appeal was available to a three-judge court in the District of Columbia; but the delay, uncertainty and cost involved made this alternative unattractive. Generally State legislatures decided to negotiate the most palatable plan that the Civil Rights Division would approve and not to undertake a judicial battle. An added incentive for a legislature to accept a DOJ demand or an NAACP proposal was that otherwise substantial costs might be incurred - not only for the State's litigation expenses, but also for subsequent reimbursement of expenses to the minority groups seeking relief. Because of such economic realities a State was under pressure to get the best deal from the Civil Rights Division that it could without engaging in litigation.

Political realities in North Carolina were similar to those in several other States in the 1980's and 1990's. Minority voters tended strongly to favor the Democrats. For example, in testimony in North Carolina redistricting litigation the

experts estimated without disagreement that over 95% of the African-Americans who registered and voted did so as Democrats. Thus, to the extent that African-Americans are packed into minority-black districts, the inevitable result will be an overwhelming percentage of Democratic voters. In turn, other districts - which have been "bleached" - will be deprived of potential Democratic voters.¹⁸

In 1986 the Supreme Court had handed down a decision in Davis v. Bandemer, 478 U.S. 109, that had significant implications for gerrymandering. There the challenge was to political gerrymandering by which the Republican Party for many years had blocked Democrats from winning elective office in Indiana. In one respect the Democrats won the case. A majority of the Court recognized that it was conceivable that almost immutable legislative districts which prevented a party out of power from winning any seats could constitute a violation of equal protection. However, the prerequisites for a successful challenge were almost impossible to comply with.

Thus, the Supreme Court was able to recognize an important principle of fairness. However, at the same time no relief to the plaintiffs was forthcoming in Davis v Bandemer. A warning was sent but the old order continued.¹⁹ Moreover,

the decision left unclear who had the standing to assert the claim of an equal protection violation by reason of political gerrymandering. For plaintiffs to demonstrate their standing and prove their cause of action would take time and money; and in many of these cases, it would be a heavy burden. Furthermore, the delays involved and the time required in litigation placed a further burden on those challenging redistricting because of political gerrymandering.

Against this backdrop the North Carolina General Assembly in the summer of 1991 undertook to draw a new redistricting plan. As a result of equipopulousness requirements and North Carolina's rapidly growing population, there would be twelve congressional districts - instead of only eleven as during the 1980s. A redistricting plan with only one majority-black district, located in northeastern North Carolina, was rejected by the Department of Justice in favor of requiring creation of a second majority-black district.²⁰ One possibility for such a district was that it would run through the Piedmont region of the State from Charlotte to Durham²¹ In any event, because of pressure from the Civil Rights Division North Carolina was destined to create two majority-black districts. Under a plan enacted in January 1992, one of these was in the northeast but extended from Virginia almost to the South Carolina border; and the other was in

the Piedmont in the central area of the State and ran from Gastonia to Durham.

At this point - in February 1992 - the Republican Party in North Carolina realized it had been out-maneuvered, for the Democrats had cleverly used racial demographic data from the 1990 Census to create these two majority-black districts – apparently without endangering white Democratic incumbents in other districts. Therefore, the Republican Party in North Carolina instituted an attack on this plan as being a political gerrymander.²²

On the basis of information which later became available, I have concluded that the Republican attorneys attacking the North Carolina gerrymander had been directed by the Republican National Committee to stay away from any claim of racial - as distinguished from political - gerrymandering. Otherwise the plaintiffs would have been challenging indirectly the “maximization” policy enforced so vigorously by the Civil Rights Division of the then Republican-controlled Department of Justice.

The political gerrymandering case had been filed by Arthur Pope²³ and other Republican plaintiffs against various State officials. Resolution of the issues by the district court was swift; and the suit was dismissed. Pope v Blue, 809 F. Supp. 392

(W.D. N.C. 1992), summarily affirmed, 506 U.S. 801 (1992). No effort was made by the Republican plaintiffs to assert at any time any claim which relied on or even mentioned race.

When in January 1992, I had seen a map of the two majority-black districts that had been created, I was incredulous. They seemed to defy requirements of compactness and contiguousness referred to by the district court in 1966 in holding unconstitutional the gerrymandered district which I had helped contest.²⁴ Upon inquiry, I learned that these two districts had been drawn with a majority of African-Americans to assure election of two blacks to Congress. Shortly thereafter I talked separately to several persons in Durham who felt disenfranchised by the legislature's creation of the Twelfth District and the district court's upholding of that Twelfth District against the charge of gerrymandering. One who wished to enter a judicial challenge to this District was Professor Melvin Shimm, a Duke Law School friend and colleague of mine since the 1950s. A second person who was interested in court action was Ruth O. Shaw, who had been a party in court in 1966 in attacking the politically rigged gerrymander directed at William Creech.²⁵

My own motivation for initiating the suit was a firm belief that racial stereotyping and racial quotas were divisive and harmful. Moreover, I was unconvinced that creation of majority-black districts was the only means by which African-Americans could be elected to office. In Durham, where I resided, inter-racial coalitions were formed successfully and at various times during the 1990's a majority of Durham's County Commission and City Council members had been black, although in each instance the majority of the population was white. Moreover, Durham - like Raleigh and Charlotte - had elected a black mayor on at least one occasion. Furthermore, my longtime association with the Armed Services - in which racial integration for the most part has been successful - produced optimism on my part as to the feasibility of creating a "color-blind" society in the United States. Indeed, to me the majority-minority districts created in North Carolina - like those elsewhere - had greater potential for harm than good.

Although over the years I have been a loyal Democrat²⁶ I had no political motivation for initiating litigation. However, had I approached the issue of racial gerrymandering from a partisan standpoint and with the information I acquired later, I would have been equally opposed to the creation of "bizarre" majority-

black districts because their ultimate effect was to polarize Congress by making it more difficult for moderate white Democrats to be elected.

Subsequently we filed a complaint in March 1993 - wherein we named both federal and State defendants. Although all five plaintiffs - of whom I was one - were white, this fact was not stated in our complaint, for we did not believe it to be relevant. In our view, every voter regardless of his or her race, was entitled to participate in an electoral process not based on racial classification or quotas.

Motions to dismiss were filed by all the defendants, who maintained that we had stated no cause of action against anyone. A prompt hearing led to an order dismissing all our claims and leaving as the only issue whether we five plaintiffs should simply "steal away into the night." We found such a choice difficult to accept. My belief was that well-recognized principles of equal protection established in cases like Batson v Kentucky 476 US 79 (1986), were defied by a redistricting plan clearly designed to establish two distorted majority-black districts in order to assure that two African-American candidates would be nominated in the Democratic primary and then elected in the general election. In Batson the Supreme Court had outlawed race-based exercise of peremptory

challenges because of the harm caused thereby to persons of all races. However the use of race as a basis for redistricting seemed to approve the use of race in the electoral process to achieve race-based results and therefore was at odds with Batson.²⁷ In effect, racial quotas for Congress were being established by the North Carolina legislature. Moreover, potential multiracial political coalitions were being rejected in favor of cleverly designed majority-black districts, which would assure election of two African-Americans to Congress without need for white support.²⁸

Our cause of action was probably being derided by many at the time; but it seemed clear to us that some basic issues of equal protection were involved. Therefore, we went ahead with an appeal, and to our delight, we learned on December 7, 1992, that probable jurisdiction had been noted by the Supreme Court.²⁹ At that point we became aware of the important roles of amici curiae who might file briefs for or against our position. The Republican National Committee filed as an amicus on our side, and the Democratic National Committee filed against us. The Washington Legal Foundation and American Jewish Congress supported our appeal - probably because of our professed adherence to principles of nondiscrimination. Amicus briefs on the other side were filed by the NAACP

Legal Defense and Education Fund, the Lawyers' Committee for Civil Rights under Law, and others.

After argument on April 20, 1993,³⁰ the Court affirmed the dismissal as to the federal defendants but by a five-to-four vote it reversed the dismissal of our action as to the State defendants. Our claim had rested on three arguments. The first was that Fourteenth Amendment equal protection barred the intentional use of race to draw majority-black districts that ignored traditional redistricting principles; and our premise was that the Constitution did not allow an electoral process in which voters - black or white - were segregated explicitly or implicitly on the basis of race. This was the claim on which the Court ultimately ruled in our favor.

A second theory, derived from Gomillion v Lightfoot, 364 U.S. 379 (1960) was that voters placed inside or outside artificially constructed race-based districts suffered an abridgement of their right to vote in violation of the Fifteenth Amendment. Finally, we asserted that insofar as congressional elections are concerned, the Article I, Section 2 requirement that Representatives be elected by the "people" of the State does not permit those "people" to be arbitrarily divided

by racial gerrymandering. The Court found no need to explore any theory other than that of equal protection - which it accepted. The Court's opinion referred to the "appearances" of the North Carolina redistricting plan and to make the point clearer had appended a map of the districts. Critics subsequently complained that the Court was preoccupied with "aesthetics." However, this criticism ignores the fact that "appearances" are important in revealing intent. Furthermore, a district drawn in compliance with traditional redistricting principles, such as compactness, contiguousness, and conformity to the boundaries of cities, counties, and other political subdivisions, is more likely to be "functional" – a district in which voters are aware of the district in which they vote, representatives are aware of whom they represent, and coalitions can be more readily formed.³¹

Subsequent events provided an eye-opener as to the tactics that would be used later in defending racial gerrymanders. For example, in the oral argument in April 1993, Professor Jeff Powell, who represented the State appellees, commented that everyone knew why the 1992 North Carolina redistricting plan had been created. The obvious implication of his remarks was that the plan was a racial gerrymander and that such gerrymanders were permissible. However, when the Court reversed the dismissal of our action as to the State officials and

remanded the case for trial, the State changed its position, and it then denied that the North Carolina gerrymander was based on race. This denial was hard to reconcile with the circumstance that the distorted Twelfth District with its 55% black population was located in North Carolina, where only 22% of the total population are African-Americans and they are “relatively dispersed.” 509 U.S. at 634

In this connection an argument for evading Shaw was employed. The Supreme Court had emphasized several times its desire not to have federal courts interfere with the prerogatives of State legislatures. Thus, rather than apply to racial gerrymandering claims the test customarily used in deciding whether strict scrutiny of affirmative action is necessary - the test that was applied in Arlington Heights v Metropolitan Housing Dev. Corp., 429 U.S. 252 (1977) - the Court has insisted on a more burdensome test for those challenging use of race in redistricting. Race must not only be a cause of the redistricting ; it must be the predominate motive for the redistricting. Taking advantage of this requirement legislators have contended that race had not been their chief motive - or even a motive. At most, race was only “considered” - a term that those who perpetrate gerrymanders have sought to use as a shield against a factual finding of a predominant race-based motive.

Why legislators should have more leeway to utilize race in drawing district lines than in making other decisions is hard to fathom. That legislatures should not be unduly hampered by the courts seems appropriate, but this does not entitle legislatures to trample on constitutional rights. The right to vote is among the most precious rights of citizenship; and it deserves no less protection than is provided other rights - such as the right to be a juror or to have equal access to education and employment. Moreover, in redistricting the legislators have a self-interest that exists in few other areas.

Hopefully in the interest of consistency and fairness, the Court someday will apply strict scrutiny more readily to racial gerrymandering. Unfortunately, just as with political gerrymandering - where in Davis v Bandemer the Court recognized a right but made it very difficult to vindicate that right - the Court may choose to denounce racial gerrymanders but to create undue potential barriers against voters' obtaining relief from such gerrymanders.

After we had appealed to the Supreme Court in 1993, I learned that plaintiffs in other States had followed in our footsteps with complaints that

tracked our own.³² When in late June 1993 we received the welcome news of our victory in Shaw v Reno, we realized that we would be entering a new stage. In the hope that some settlement might be reached, I requested a conference with then North Carolina Attorney General Mike Easley. When that occurred, my basic point was that although we five white plaintiffs were all Democrats, we had no racial or partisan agenda to pursue. Our goal was simply to seek from the legislature the enactment of a race-neutral redistricting plan, and we believed this task could be readily resolved by a good faith effort of everyone involved.

I heard nothing for several weeks thereafter until - while attending a National Legislators Conference in San Diego - I learned from Gerry Cohen, a staff member of the General Assembly,³³ that on the previous day the legislature had adjourned soon after appropriating \$500,000 to defend the 1992 redistricting plan at trial. Obviously, the battle would continue!

At this point I realized for the first time how significant a financial burden would have to be carried by us five plaintiffs - all private individuals and not backed by political groups - in order to present our case adequately to the district

court. Large costs would be involved in discovery. Moreover, the absence of ample resources for hiring experts would make it difficult to establish a racial gerrymander's existence in the face of post hoc denials by legislators. Our good fortune was that we encountered some highly motivated experts who did not wish to be tarred by any suspicion that they were "hired guns" seeking to receive expert witness fees or to profit in any other way from our litigation.³⁴

We discovered, too, that some objective standards had been evolved by political scientists to make it easier to establish whether geographical compactness had been ignored in gerrymanders. Our opponents criticized Shaw v Reno on the ground that "appearances" should not matter in redistricting and that districts were not unconstitutional just because they were "ugly." This criticism often had an undertone of ridicule of Shaw. However, with the aid of measurement tools developed by political scientists,³⁵ we could emphasize that far more than "appearance" was involved and that its disregard of geographical compactness in drawing the "targeted" districts revealed the legislature's true intent to be predominantly race-based.³⁶

Our good fortune was that when before trial the NAACP intervened in the

case on the defendants' side, the Republican Party intervened on our side.³⁷ That action apparently resulted from some change in Republican leadership - which perhaps was receiving a backlash from party members for encouraging racial gerrymanders. Certainly some Republicans had concluded that, whatever political gain might accrue from the flagrant racial gerrymandering in the North Carolina 1992 redistricting plan, their party in the long run would be subject to complaints about promoting reliance on race in the electoral process.³⁸

The Court had made clear in Shaw that the legislature's primary motive could be established by direct evidence, circumstantial evidence, or both.³⁹ When the gerrymanders were being enacted shortly before Shaw was decided, legislators were unaware of any possibility that an "analytically distinct" claim would later be recognized by the Court as to racial gerrymandering. Therefore, in many instances, they had acknowledged without hesitation a racial purpose behind their redistricting. Moreover, in seeking preclearance from the Civil Rights Division the purpose to elect black candidates by designing majority-black districts was asserted specifically by those filing submissions to the Department of Justice. Subsequently these legislative statements were disavowed to whatever extent possible; but still they were part of the record for use as evidence by

plaintiffs.⁴⁰

In North Carolina the defendants attributed the shape of the districts to a “political” purpose to concentrate Democrats in “safe” districts. What easier way was there to concentrate Democrats than to “pack” a district with African-Americans - of whom over 95% of those who registered and voted did so as Democrats? To counter such claims of a political - not racial - motive, it was especially important for us plaintiffs to have available experts who demonstrated from the demographic data and otherwise that different districts would have been drawn had race not been the primary motive.

In terms of compactness - and geographical measures thereof like “perimeter compactness” and “dispersion compactness” - North Carolina’s “bizarre” Twelfth District was in the bottom one percent out of 435 districts nationally; and the First District was close behind. The defendants attempted to discount these embarrassing facts by introducing an amorphous concept of “functional compactness” - which focused on asserted similarities among individuals regardless of where they resided. Not surprisingly, race was argued to be the most vital factor in establishing “functional compactness.” On this

rationale a legislative district could be formed by grouping African-Americans from all over North Carolina and nonetheless be viewed as "compact;" and so, lack of "compactness" could not be relied on as circumstantial evidence to establish a race-based motive.⁴¹

The defendants not only disputed the predominate racial motive for North Carolina's Twelfth and First Districts but also insisted that, even if race-based, the two districts survived the test of "strict scrutiny." This test requires a showing of a "compelling governmental interest" and of "narrow tailoring" to serve that interest. Here again the availability of expert testimony was important because the defendants cited evidence of many years of racial discrimination in North Carolina to justify creating these districts. Moreover, the First District was explained as being in the tradition of a predominantly black congressional district – the "Black Second" – that had existed in eastern North Carolina near the end of the nineteenth century. The Twelfth District was justified as having followed generally the "Piedmont Crescent" across the center of the State and also having followed the path of the North Carolina Railroad – which had been built some 150 years ago. Fortunately, the experts we obtained could point to demographic changes and relocation of population that had occurred in recent years; describe

improving race relations, increased voting participation, and greater office holding among African-Americans; and show how each of the two majority-black districts in the 1992 plan ignored the boundaries of Standard Metropolitan Areas (SMA) and television, radio and newspaper markets.

Probably the most persuasive claim of compelling government interest was that the State had to obtain preclearance from the Civil Rights Division and that the Civil Rights Division would not preclear without two majority-black districts. Of course, the Justice Department "maximization" policy was later held to be illegal, (See) Miller, supra; Abrams v. Johnson, - U.S. - (); but in 1992 this policy had been a major redistricting constraint for many states. A second compelling state interest was to avoid a possibly successful suit by the NAACP for failure by the General Assembly to create a majority-black district that could feasibly be drawn.⁴²

After a week's trial the three-judge Court ruled against us 2-to-1; Shaw v. Hunt, F. Supp. (E.D.N.C. 1994) and once again we were launched on a direct appeal to the Supreme Court. The district court had concluded that a predominant race-based motive existed and that all of the plaintiffs- even though white - had

standing because all were registered voters in North Carolina. They also decided , however, that the two districts survived “strict scrutiny.”

The Supreme Court delayed in acting on our appeal while it considered Shaw-type cases from Louisiana and Georgia - two states where the redistricting plaintiffs had won at trial. In U.S. v Hays 515 U.S. 737 (1995), the Louisiana plaintiffs lost their appeal on standing grounds, because none of the plaintiffs had been registered voters of the challenged congressional district.⁴³ In Miller v Johnson 515 U.S. 900 (1995) the defendants tried in various ways to limit the scope of Shaw; but the Court reaffirmed its principles. The defendants there - as in almost every other redistricting case - have complained that Shaw is unclear or ambiguous. However, most of the ambiguity appears to have been generated by defendants, and the principles of Shaw seem understandable to those who wish to follow them. Of course, complaints of vagueness and uncertainty are a familiar tactic for seeking to limit the scope of a precedent or to have it overruled.

At the same time that the Court decided Hays and Miller, it noted probable jurisdiction in our case, as well as in a case which held invalid the racial gerrymandering of congressional districts in Dallas and Houston. In turn, our appeal was heard immediately after that of the State of Texas and other defendants

in Bush v Vera, 517 U.S. 952 (1996). That appeal apparently occurred because, after a three-judge district court had held the Texas plan unconstitutional, Governor Bush decided not to remand the plan to the Texas legislature, which was then controlled by Democrats.

Our case - like Vera - produced a favorable outcome for the plaintiffs. The Court recognized the predominant racial purpose of the North Carolina plan and concluded that, if the Twelfth District, which slithered from Durham to Gastonia, was designed to fulfill a compelling interest, its boundaries did not match that claimed purpose. In short, the district would not have been drawn as it was if its real purpose had been to assure compliance with Section 2 and 5 of the Voting Rights Act. Chief Justice Rehnquist's opinion for the Court termed "singularly unpersuasive" the State's claim that, if it were required by the Voting Rights Act to draw two majority-black districts, they could be drawn in any manner and anywhere the legislature might choose. _____ U.S. at _____

During the oral argument a question had arisen as to our standing. Unfortunately none of the plaintiffs resided in the First District, and so we apparently lacked standing to challenge that district - although I contended that the

adjacent districts were so interconnected that voters in all congressional districts in North Carolina were prejudiced by the “ripple effect” from the gerrymandered First District. However, we did have two plaintiffs who resided in the portion of Durham County which lay within the Twelfth District; and they provided the necessary standing as to that district.⁴⁴

When we received news of a reversal, we tried the same tactic employed unsuccessfully after Shaw v Reno was decided – namely, a negotiated solution. Since only a few months remained before the 1996 elections would be held, we requested prompt action by the General Assembly and by the Governor to put a new plan in place. Our logic was that because a violation of important constitutional rights had continued over the preceding four years, it was time for a change. To continue longer with use of a plan held unconstitutional by the Supreme Court was intolerable! Furthermore, we submitted that a racially-neutral plan could be drawn rather easily, and we pointed out several models to draw upon.

The defendants responded that considerable time would be needed to prepare a new plan and that the General Assembly should be given ample

opportunity to do so.⁴⁵ We then sought an extraordinary writ from the district court to require the General Assembly to prepare a plan.⁴⁶ Failing in that effort, we then tried unsuccessfully to obtain a writ of mandamus from the Supreme Court to direct the district court to order action by the legislature. The result was that the unconstitutional plan was used in the 1996 elections.⁴⁷

The events in North Carolina are in contrast with those in Texas. There thirteen out of more than thirty districts were redrawn in 1996 to eliminate racial gerrymanders. This was accomplished within a time frame comparable to that available to the legislature in North Carolina, where there are only twelve congressional districts. Thus, the claim of potential disruption of the electoral process if redistricting had taken place in 1996 was revealed to be exaggerated.⁴⁸

When it became clear that a new plan would not be forthcoming in 1996 for the election and that for a third time the unconstitutional plan would be used, we sought to induce legislators to adopt a non-gerrymandered plan for 1998. However, so far as we could determine, the General Assembly wanted to get by with the fewest changes in the 1992 plan that would be accepted by the courts.

To try to forestall acceptance of a spurious claim about a need to create a majority-black district to comply with the Voting Rights Act, our related non-profit organization, Americans for the Defense of Constitutional Rights,⁴⁹ offered a \$1,000 prize for a design of the most “geographically compact” district containing a majority of African-Americans. The winning contestant proposed a district in which blacks barely exceeded 50% of total population and which did not conform to either the First or Twelfth Districts, as they had been drawn in the 1992 plan.⁵⁰ The contest provided additional evidence that majority-black congressional districts in North Carolina had not been - and could not be - “narrowly tailored” to fulfill any claimed compelling State interest.⁵¹

Just before an April 1, 1997 deadline prescribed by the district court, a new redistricting plan was enacted. Now Durham County was removed from the Twelfth District; and so the existing plaintiffs, who all resided in Durham, lost their standing. Just as in the 1992 plan both the Twelfth and First Districts appeared to lack geographical compactness although they both were improvements on their predecessors. The First District by a very narrow margin was majority-black in total population; the Twelfth District was almost 47% African-American, instead of 55% as before.

As the legislative record later revealed, the Chair of the Senate Redistricting Committee apparently believed - and so advised his colleagues - that Shaw applied only to the creation of majority-black districts and that, accordingly, a district that did not reach 50% black in population was not subject to the “analytically distinct” claim first recognized by Shaw. On this theory, the Twelfth District was immune from attack and a license existed to base its district lines on race.

When the district court which had decided Shaw considered the adequacy of the 1997 plan as a remedy, the plaintiffs pointed out that none of them had standing but that they believed the plan was unconstitutional. Their logic was that such a great similarity existed between the Twelfth District in the 1992 plan, and the “new” district in the 1997 plan that the more recent version should be viewed as racially motivated and the “fruit of the poisonous tree.” Moreover, its obvious purpose was to assure retention of incumbents who had been elected under the unconstitutional 1992 plan; and so persons with “dirty hands” would retain their spoils. The district court ultimately approved the 1992 plan only as a remedy for those parties who had been victims of the original unconstitutional gerrymander;⁵² and thereby it left the constitutionality of the new plan open for challenge by

others who might have standing.

Martin Cromartie, a Tarboro lawyer, and several others from the Tarboro area initiated a lawsuit to challenge the First District.⁵³ Thereafter, some other persons who resided in the 1997 plan's Twelfth District, joined in the suit in order to challenge that district. After a hearing in late March, 1998 the district court to which that case had been assigned and which had only one judge in common with the panel of judges that had decided Shaw ruled in favor of the plaintiffs on their motions for summary judgment.

To a majority of the three judges it seemed clear from the uncontested facts - such as the racial demographics and their relation to district boundaries - that the "new" Twelfth District was predominantly race-based. Although the percentage of African-Americans had been reduced from around 55% to below 47%, that percentage was still much greater than the percentage of African-Americans in the State - around 22% - or the percentage of African-Americans in the six counties from which the District had been created - a percentage below 30%. Moreover, in the 1997 plan the blacks who were in the 1992 Plan's Twelfth District had been retained in that District in a much higher percentage than whites had been.⁵⁴

The district court concluded that to decide the constitutionality of the First District would require a full trial, but that meanwhile it would be necessary for the legislature to redraw the Twelfth District. Both the district court and the Supreme Court denied a defense-requested stay. Therefore, in April 1998 a new plan was developed which did not change the First District but modified the Twelfth District and several contiguous districts.

The Twelfth District's black percentage had now been reduced to around 33%; the number of counties affected directly by that district had been reduced from six to five; and unlike the 1997 version one entire county was not split by the Twelfth District. As to compactness, the district was clearly more compact than its 1992 and 1997 predecessors .

The State undertook an appeal to the Supreme Court. At the same time, it included a rather unique proviso in the legislation enacting the 1998 plan. According to that proviso the 1998 plan would be in effect not only in 1998, but also in later years, except that if the State obtained reversal of the summary judgment, the 1997 plan would again go into effect. This meant that if the State

won its appeal, the Twelfth District would become less compact and more racially gerrymandered in the 1998 election . Moreover, until a trial could take place, it would be uncertain if the 1997 plan's Twelfth District could be used in an election because a trial would be needed to determine the district's constitutionality. In any event, if the State's appeal from the summary judgment against the 1997 plan's Twelfth District were successful, the 1998 plan's Twelfth District could not be used again without new legislation. The uncertainty and confusion resulting from this proviso raise inevitably the question why was it inserted? Was it forthcoming as a suggestion from the Attorney General's office or from the legislators who had spawned the 1997 plan? Were the possible confusing consequences foreseen?

After elections in 1998 under the plan which the legislature had enacted earlier that year, the State continued its appeal. Ultimately it won a Supreme Court ruling that a trial was necessary as to whether a predominant racial motive existed for the 1997 plan's Twelfth District. Upon remand, extensive discovery occurred - which included depositions, interrogatories, and expert witness reports. Then, after a brief delay occasioned by a judge's death, the trial took place late in November 1999. The comprehensive evidence before the court led to a decision

by a majority in March 2000 to the effect that the Twelfth District was predominantly race-based and could not survive strict scrutiny, that the First District was race-based - as its 1992 predecessor also had been, but that this District was adequately justified by the compelling interest of compliance with the Voting Rights Act.

A request for a stay was denied by the lower court but was granted by the Supreme Court pending completion of the state's appeal. A subsequent effort by plaintiffs to obtain summary affirmance was not granted, and the case was argued on November 27, 2000. As appellees the plaintiffs relied on Federal Rule of Procedure 52 (a) which establishes "clear error" as the standard for reviewing findings of fact by a lower court. Moreover, this Rule requires the appellate court to accept determinations as to credibility made by the factfinder. Thus, our principal contention was that the majority in the district court had considered voluminous documentary evidence, heard extensive testimony, and then made factually supportible findings as to the General Assembly's predominant motive.

The appellants asserted that the predominant motive of the General Assembly in drawing District 12 had been to create a Democratic district and to

protect incumbent Melvin Watt. This argument was bolstered by the circumstance that in North Carolina at least 95% of the African-Americans who register and vote do so as Democrats. Thus, if 47% of the population of a district is black, it is almost inevitable that a Democrat will be elected to Congress;⁵⁵ and so it can be contended that the primary goal was to elect a Democrat by segregating a number of Democrats – who just happen to be African-Americans.

A subsidiary argument of appellants was that incumbent protection was an important motive for the General Assembly and that Congressman Watt, who had represented the Twelfth District for many years, should be protected by having as many African-Americans as possible in the Twelfth District. One possible flaw in this argument was suggested by a question during argument. If the Twelfth District from which Congressman Watt was elected in 1992 was itself an unconstitutional racial gerrymander – as held in Shaw v. Hunt – is the incumbent elected therefrom entitled to any protection?⁵⁶

One possible result of the appeal is a reversal of the judgment entered by the district court after a lengthy trial. However, in view of the extensive evidence

offered by the plaintiffs to supplement the evidence on which they obtained summary judgment in 1998, it would seem inconsistent for the Court to reverse and dismiss the action. A second possibility is remand for a further trial; but since the remand was for trial of the factual issue of whether a racial motive predominated, little would seem to be left for further trial proceedings.

A third possibility is affirmance of the judgment entered below. In that event, the remedy will undoubtedly become an issue. Typically the district court is given an opportunity to formulate a remedy rather than to have this done initially by the Supreme Court. Of course, the November 2000 congressional election has taken place and there will be some reluctance to overturn its results. However, it seems an affront to Shaw and to equal protection that the November 2000 election was conducted in a Twelfth District that was more racially gerrymandered than the Twelfth District as it existed at the time of the 1998 election. Furthermore, a racially gerrymandered Twelfth District has been used since 1992 despite strenuous opposition, and respect for the Constitution is diminished when its provisions are so flagrantly violated. Some type of lesson has to be taught that such a result is intolerable.

Is there a solution for the gerrymandering problem as we move towards redistricting that will rely on the Year 2000 Census? Ironically we are provided guidance by Chief Justice Warren's opinion in Reynolds v Sims, 377 U.S. 533 (1964), where he wrote: "The British experience in eradicating 'rotten boroughs' is interesting and enlightening. Parliamentary representation is now based on districts of substantially equal proportion, and periodic reapportionment is accomplished through independent Boundary Commissions." 567 U.S. at 567, 44.

In the United States some states have proceeded in a similar manner and have created or authorized redistricting commissions for congressional redistricting or legislative reapportionment. Five states - New Jersey, Hawaii, Idaho, Montana, and Washington have commissions for Congressional redistricting.⁵⁷ To assure some partisan balance, each state provides that the majority leaders of both houses and a representative of the minority party in both houses shall each choose at least one member. In Idaho and New Jersey the state chairs of the State's two largest political parties also each choose a member. Idaho's commission has an even number of members; but in New Jersey, Hawaii, Idaho, and Washington the appointed members of the commission - who are an even number - choose an additional member to serve as chair of the commission.

Each of these five states seeks to assure the commission's political independence by imposing limitations on participation in electoral politics or lobbying before, during, and after service on the commission.

Six other states use independent commissions to perform legislative reapportionment.⁵⁸ Yet another six states use commissions as a backup method of redistricting if the state legislature fails to adopt redistricting plans.⁵⁹ In three states - Iowa, Maine, and Vermont - redistricting commissions are used only in a consultative capacity.

In Hawaii, Idaho, and New Jersey, a redistricting plan approved by the independent commission requires no further approval and is not subject to amendment. The plan becomes law upon filing with the appropriate official. In Montana a congressional redistricting plan prepared by the commission becomes law upon filing with the Secretary of State; but a legislative reapportionment plan must be submitted to the legislature for comments. After a 30-day period the legislature returns the plan along with its recommendation to the commission, which then must file a final revision with the Secretary of State within 30-days. A redistricting plan approved by the Washington redistricting commission must be

submitted to the state legislature which by two-thirds vote of each house may make amendments affecting no more than two percent of the population of each district. The plan then becomes law.

In light of North Carolina's unhappy history with redistricting during the 1990's, I have become convinced that creation of such a commission will be the best means for the state to deal with redistricting in the wake of the year 2000 census. Legislators will undoubtedly protest that they are the elected representatives of the people and should perform redistricting, rather than have it performed by others. However, they fail to recognize that in matters where legislators have such great self-interest, it is preferable to have impartial persons make the decisions.

A constitutional amendment would be the best means for establishing an independent commission. However, such an amendment would be time-consuming and the legislature might be hesitant to propose such an amendment. Moreover, unlike some states North Carolina has no initiative procedure whereby voters can place an amendment before the voters for their consideration. Nevertheless, there remains the possibility of a deadlock in redistricting and in

desperation the General Assembly might decide as an alternative to create an independent redistricting commission.

If created, such a commission should have some provision for partisan balance, such as the appointment of one member apiece by the leaders of each major party in the House and Senate. Likewise, the members of the commission should be persons who have not been involved recently in the legislative process either as legislators and lobbyists and who agree not to run for elective office or to lobby within several years after their service on the commission.

Certain basic requirements would be prescribed for the commission to use in preparing a plan; and those would be derived from the traditional neutral districting principles to which the Supreme Court has referred in recent redistricting cases. Thus, contiguousness, geographical compactness, and respect for the boundaries of cities, counties, and other political subdivisions would be mandated. In light of the State's egregious racial gerrymandering it would be important to prohibit the consideration of racial data in drawing district boundaries, except to the extent required by federal law under the Gingles case. Because of the high identification of African-Americans with the Democratic

party, the danger exists that racial gerrymandering will be disguised as partisan gerrymandering. To avoid such issues it would be wise to prohibit partisan gerrymanders and to prohibit consideration of political data concerning registration and voting preferences. Similarly, since incumbent protection may be used as a means to allow representatives who were the beneficiaries of racial gerrymandering to retain their spoils, I would propose that the commission not be allowed to consider the residence of incumbents.⁶⁰

The redistricting plan once prepared would be submitted to the legislature and would take effect if not disapproved within 30 days by a two-thirds vote of both the House and the Senate. Amendments would not be permitted; and if disapproval occurred by the required supermajorities in the legislature, the plan would be returned to the commission to prepare a new plan. The process would continue until a plan was approved.⁶¹

Legislation along these lines was twice offered in the past by members of the General Assembly but received no meaningful consideration. However, in light of the events of the past decade, a new look should be given to the creation of redistricting commissions.⁶² Otherwise we may confront redistricting litigation

during this entire decade - just as we did during the 1990's.

¹ The "rotten borough" was the British equivalent of the gerrymander.

² The 1990 Census provided extensive data - including racial data - as to census blocs which sometimes are for an area no larger than a city block; and thereby they facilitated targeting racial and ethnic groups.

³ For example, in Reynolds v Sims, 377 U.S. 533 (1964), the Court noted that "No effective political remedy to obtain relief against the alleged malapportionment of the Alabama Legislature appears to have been available. No initiative procedure exists under Alabama law. Amendment of the State Constitution can be achieved only after a proposal is adopted by three-fifths of the members of both houses of the legislature and is approved by a majority of the people, or as a result of a constitutional convention convened after approval by the people or a convention call initiated by a majority of both houses of the Alabama Legislature."

⁴ They argued that as elected representatives of the voters they were entitled to draw the boundaries - regardless of their deep personal interest in the outcome.

⁵ 328 U.S. at _____. Resort to Congress would not be very helpful if reapportionment of a legislature were involved, rather than congressional districts..

⁶ Charles Rhyne - a native of Gastonia, N.C., who had migrated to Washington, D.C. to practice law - became a major leader in challenging gerrymanders that underrepresented urban voters. As president of the American Bar Association (1957) he added considerable prestige to the attacks on gerrymandering.

⁷ There Charles Rhyne not only argued the case for the voter-appellants but also joined in filing an amicus brief for the National Institute of Municipal Law Officers; and Solicitor General Archibald Cox argued as an amicus in support of the appellants.

⁸ 369 U.S. at 192-3

⁹ 369 U.S. at 217 (1962). Justice Brennan's discussion of justiciability and of "political question" has often been cited in later cases as controlling authority.

¹⁰ The Court also cited in support of its position its recent decision in Gomillion v Lightfoot, 364 U.S. 339 (1960), where the Fifteenth Amendment was applied to strike down a redistricting of the municipal boundaries of Tuskegee, Alabama by the State Legislature to exclude practically all blacks and thereby deprive them of the right to vote in municipal elections.

¹¹ See also Wesberry v. Sanders 376 U.S. (1964).

¹² During the early 1960's while many momentous changes in electoral law were underway, I had the good fortune of editing a two-part symposium on "The Electoral Process" published in *Law and Contemporary Problems*. In light of what next transpired in North Carolina, the intensive exposure I received to electoral law therefrom proved of great value.

¹³ There was some question as to whether it even was contiguous, because it was not clear that Nash and Wake Counties - which were both in the newly drawn district - had any common boundary.

¹⁴ Creech changed his voting registration to a county in the new district and immediately thereafter filed as a candidate for Congress. He lost the nomination to Representative Cooley in the primary and, in turn, Cooley lost in the general election to Republican Jim Gardner, who thereby launched his political career. Our net result was to invalidate an unconstitutional congressional district, but to obtain this relief only after significant damage had occurred.

¹⁵ The leading case was Thornburg v. Gingles, 478 U.S. 306 (1986), which arose in North Carolina. The lower court awarded relief under the Voting Rights Act - the purpose of which had been to prevent disenfranchisement and vote dilution of minority voters. Under Gingles if minority groups could demonstrate that certain threshold conditions existed - the creation of a minority-black district could be compelled. The three Gingles conditions

were: (1) a minority group "sufficiently large and geographically compact to constitute a majority in a single-member district," (2) the minority group is "politically cohesive;" and (3) "the white majority votes sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate." 509 U.S. at 655

¹⁶ See 43 U.S.C. § 1973 c

¹⁷ Of North Carolina's hundred counties forty are subject to preclearance requirements under 42 U.S.C. 1973 c.

¹⁸ The Civil Rights Division under the Bush Administration could hardly be characterized as a proponent of affirmative action generally. However, at the urging of Benjamin Ginsberg, Counsel for the National Republican Party, Greensboro attorney, Allan Foster, and others, the Civil Rights Division pushed hard to implement a policy of "maximization" - "if you can, you must" - which was designed to force creation of any possible majority-black congressional districts in the South and elsewhere. Indeed, the 1994 change in control of the House of Representatives may be a tribute to their political cunning because it resulted in part from the defeat of moderate Democratic members of Congress whose districts had been changed incident to "maximization."

¹⁹ One of the rare examples of a viable challenge to a State voting system occurred later when North Carolina Republicans convinced a federal court that in North Carolina dominance of the judicial system by Democrats would continue until a change was compelled in the statewide election of superior court judges.

²⁰ Forty of North Carolina's hundred counties are subject to preclearance; and so a statewide redistricting plan requires preclearance. The premise for the denial of preclearance by the Civil Rights Division is reflected in the testimony of State Senator Dennis Winner that at a meeting at the Department of Justice in December 1991, John Dunne, who headed the Division, had expressed the view that since 22% of North Carolina's population is black at least two of its 12 representatives in Congress should be African-American.

²¹ This alternative was apparently first proposed by David Balmer, a Republican legislator from Charlotte.

²² Race was not alleged to be involved as a factor in any constitutional violation.

²³ Pope, a Raleigh resident, has served in the General Assembly from time to time and was reelected in November 2000.

²⁴ Indeed, the Twelfth District in the 1992 plan was probably the least compact of all 435 congressional districts drawn after the 1990 census.

²⁵ A son of mine, Greg Everett, and my secretary, Dorothy Bullock, also decided to join the litigation as plaintiffs. I was counsel for myself and the other four plaintiffs, and received important pro bono assistance from a young Raleigh lawyer, Jeffrey Parsons..

²⁶ Some would have referred to me as a "yellow dog" Democrat - someone who would vote for a "yellow dog" rather than for a Republican.

²⁷ Several other Supreme Court precedents reaffirmed and extended Batson. See, e.g., Powers v. Ohio, 499 U.S. 400 (1991); Edmonson v. Leesville Concrete Co., 500 U.S. 614 (1991); Georgia v. McCollum, 505 U.S. 42 (1992); J.L.B. v. Alabama, 511 U.S. 127 (1994) (gender-based challenge); cf. Hernandez v. New York, 500 U.S. 352 (1991).

²⁸ According to some comments by Congressman Melvin Watt, after his election from the majority-black Twelfth District, he preferred that he not have to "cater" to whites. See footnote ____ to dissent of Judge Voorhees in Shaw v. Reno, F.Supp. ____ (1994).

²⁹ In noting probable jurisdiction the Court directed that argument be directed to this question: Whether a state legislature's intent to comply with the Voting Rights Act and the Attorney General's interpretation thereof precludes a finding that the legislature's congressional redistricting plan was adopted with invidious discriminatory intent where the legislature did not accede to the plan suggested by the Attorney General but instead developed its own.

³⁰ The most effective part of my argument was to call the Court's attention during oral argument to the bizarre shape of the Twelfth District as shown on a large map which we had lodged with the Court.

³¹ Justice O'Connor referred to traditional redistricting principles such as "compactness" and "contiguity." Both terms were used in a federal statute for many years, see Wood v. Brown, 287 U.S. 1 (1932); and apparently were understood by persons concerned with congressional redistricting during this period.

³² Thus, on a visit to Monroe, Louisiana, where one of my sons was teaching, I met a sole practitioner, Paul Hurd, who had pending at the trial level a racial gerrymandering case that was awaiting the outcome of our appeal. (Hays v. Louisiana). We developed a close relationship and interchanged ideas and information. Such interchanges with Hurd and others proved invaluable for us; and subsequently we were able to reciprocate some of the benefits we received. We became increasingly aware that ours was a pivotal case that could have a profound effect on the electoral process in the United States. This awareness enhanced our determination to fight to the finish.

³³ Cohen was the staff member who headed up Bill drafting for the General Assembly and who drafted the 1991 and 1992 plan and later drafted other redistricting plans in 1997 and 1998.

³⁴ For example, William O. Keech, then a Professor at UNC, whom I asked to be an expert witness for us, said that he would do so only on one condition. Anxiously, I inquired as to that condition and welcomed the news that his condition was that he not be paid any expert witness fees. His interest was only in obtaining justice! Similarly Timothy O'Rourke, then a professor of political science at Clemson, decided to waive witness fees and only obtain from us reimbursement of actual expenses.

³⁵ The two most accepted measures of compactness - "perimeter compactness" and "dispersion compactness" - were explained in Pildes & Niemi in an article in the Michigan Law Review.

³⁶ One of the three Gingles conditions is that there be a "geographically compact" majority of minority persons.

³⁷ The intervenors actually were persons sponsored by the organizations involved. A question exists as to the standing of organizations to be a party to Shaw-type litigation.

³⁸ In any event, we were provided access to many valuable witnesses. One was Thomas Hofeller, the leading Republican expert on redistricting, whose experience made it easy for him either to construct a racial gerrymander or to identify such a gerrymander created by others. His testimony was important in establishing that race was the primary motive for the North Carolina gerrymander and that other explanations were spurious.

³⁹ See also Miller v. Johnson U.S. (1995).

⁴⁰ In other states such as Georgia and Texas, the legislature in enacting racial gerrymanders made revealing statements about their purpose. See Miller, Supr; Bush v. Vera _____ - U.S. - (1996).

⁴¹ Carried to an extreme, "functional compactness" means that a black person with a white spouse in Durham would be deemed to be less "compact" with that spouse than with another black person in Charlotte. Placing in the same district predominantly black census blocs, wherever located, would also be permissible. This use of "racial profiling" seems at odds with its denunciation in many other contexts.

⁴² In this connection the three conditions of Thornburg v. Gingles, 478 U.S. 306 (1986) came into play, because unless they can all be satisfied, Section 2 liability under the Voting Rights Act cannot be invoked. One of these three conditions is the existence of a "geographically compact" minority population; and in North Carolina with its "relatively dispersed" minority population, this condition is hard to satisfy.

⁴³ This principle also was applied in Shaw v. Hunt and quite recently in an Alabama case _____ (decided November 27, 2000).

⁴⁴ Certainly the clear lesson for the future was to assemble a sufficient number of plaintiffs so that change of residence or death does not leave only plaintiffs who lack standing.

⁴⁵ The Republican controlled House of Representatives did develop a plan, but the Democratic controlled Senate insisted more time was required.

⁴⁶ The Redistricting Committee in the then Republican-controlled House of Representatives, did prepare a plan. The Democratic-controlled Senate took the position that preparing a plan could not be accomplished in time for the November 1996 elections; and it did nothing.

⁴⁷ It is difficult for lay persons to understand how a redistricting plan can continue to be used after being held unconstitutional. This lack of understanding increases cynicism about the electoral process.

⁴⁸ The Texas remedial plan provided for open primaries to be conducted on the day of the general election and a runoff between the two top candidates if no one received a majority.

⁴⁹ The five Shaw plaintiffs incorporated this non-profit corporation as a means for mobilizing efforts of those concerned with violations of equal protection and informing citizens in North Carolina and elsewhere about evils that result from explicit or implicit use of racial classifications - especially in the electoral process.

⁵⁰ The winning plan would not have been politically acceptable because it tied Durham County to northeastern North Carolina.

⁵¹ The contest results tended to indicate that a geographically compact district in North Carolina would have to include communities of African-Americans in Durham, if it could be created at all.

⁵² For the five plaintiffs in Shaw the plan provided full relief. Their county - Durham County - was no longer split and they were placed in a district that was compact and not drawn on racial lines.

⁵³ I represented Cromartie whom I have known for almost a half century.

⁵⁴ Over 90% of the African-Americans who were in the Twelfth District under the 1997 plan had been in that District under the 1992 plan: but for whites the percentage was under 50%.

⁵⁵ Since North Carolina has party primaries open only to members of the party and to independents, it is quite likely that such a district will nominate an African-American

⁵⁶ In a sense, such protection could be viewed as providing "fruit of the poisonous tree."

⁵⁷ NJ Const., Art II § 2. Ha. Const. Art IV § 2; Id. Const., Art III, § 2; Mont. Const. Art. II, § 43 (2).

⁵⁸ These states are Alaska, Arkansas, Colorado, Missouri, Ohio and Pennsylvania.

⁵⁹ Commissions are a backup for the legislature in Connecticut, Illinois, Indiana, Mississippi, Oklahoma and Texas.

⁶⁰ Under the 1992 plan there were elections in which persons ran successfully for Congress even though they did not reside in the district involved. Thus, an incumbent would be free to run for Congress even though placed in a district where he or she did not reside. That would not be true as to candidates for the state legislature.

⁶¹ Apparently the requirement of an "up or down" vote on a plan can work successfully - or, at least, it seems to have done so in the case of the Federal Base Closing Commission.

⁶² If redistricting commissions are not established to eliminate gerrymandering, it might be desirable to consider multimember districts with preferential voting. However, it would be far better to continue the requirement of single member congressional districts if gerrymandering can be curtailed.

Statement of
NAACP Legal Defense and Educational Fund, Inc.

Before a
Joint Meeting of the Redistricting Committees
of the North Carolina General Assembly

April 3, 2001

The Legal Defense Fund has been a pioneer in the efforts to secure and protect minority voting rights. LDF has been involved in nearly all of the precedent-setting litigation relating to minority voting rights over many decades, including cases abolishing white primaries, creating the first majority African-American congressional and state legislative districts in several states, and eliminating barriers to black voter participation and office-holding. LDF also played a major advocacy role in crafting and enacting the Voting Rights Act of 1965 and has been involved in every major legislative and administrative advocacy issue since, including the development, passage, implementation and defense of the 1982 amendments to the Voting Rights Act and the National Voter Registration Act of 1993. In North Carolina, the Legal Defense Fund and Adam Stein of the law firm of Ferguson, Stein, Wallas, Adkins, Gresham & Sumter, P.A. have a long history of litigating in this area, including the precedent-setting *Thornburg v. Gingles*, 478 U.S. 30 (1985), the Supreme Court decision interpreting the amended Section 2 of the Voting Rights Act.

In preparation for this redistricting cycle, the Legal Defense Fund has been very active across the country, and will be active in North Carolina, educating voters and elected officials about redistricting standards and the need to ensure that the redistricting process is fair and the need to create plans that provide all voters an equal opportunity to elect candidates of their

choice. The Legal Defense Fund will also be remain vigilant throughout the redistricting process to assure compliance with the Voting Rights Act of 1965 and the U.S. Constitution.

INTRODUCTION

In fulfilling your redistricting responsibilities, you must be cognizant of your role in ensuring that the voting rights of North Carolina's minority voters are not violated. The rules governing redistricting and your role in protecting minority voting rights have evolved since the last redistricting and it all began with a case from North Carolina called *Shaw v. Reno*, in which the Supreme Court permitted voters to challenge the constitutionality of electoral districts drawn consciously to avoid diluting minority voting strength. Over the years since this decision, the courts have clarified the criteria for creating districts designed to ensure that minorities have an equal opportunity to elect their candidates of choice. Through these decisions, the Supreme Court has made a definitive statement that the Voting Rights Act is still valid and that states are justified in creating majority-minority districts to remedy violations under the Act, for example, to prevent the dilution of minority voting strength. Today, I would like to focus my comments on the current state of redistricting law in light of *Shaw v. Reno* and its progeny, and how this standard will impact your redistricting responsibilities.

I. The Role of Race in the Redistricting Process

The courts have recognized that those drawing district lines are always aware of where people live and usually know their race and ethnicity. Race is thus always a part of the redistricting process and being race conscious or aware of race during the redistricting process is

not itself a violation of the law.¹ Also, states must be race conscious enough to make sure that the redistricting plans they create do not dilute minority voting strength, and a redistricting plan will not necessarily be held invalid simply because the “redistricting is performed with consciousness of race” or because a state intentionally creates a majority minority district:²

States may intentionally create majority-minority districts and may otherwise take race into consideration, without coming under strict scrutiny. Only if traditional districting criteria are neglected *and* that neglect is predominantly due to the misuse of race does strict scrutiny apply.³

The most recent Supreme Court decision on this subject, *Hunt v. Cromartie*,⁴ a case originating in North Carolina, is very instructive. A group of plaintiffs, including some of the same voters who brought the initial *Shaw* case, filed *Cromartie v. Hunt*, seeking to have North Carolina’s new Twelfth and First Congressional Districts ruled unconstitutional racial gerrymanders. However, the Supreme Court found it was inappropriate to conclude on the evidence presented at the time that the district was an unconstitutional racial gerrymander. Rather, consistent with its prior rulings⁵, the Court pointed to evidence that, in creating the Twelfth District, the North Carolina General Assembly “did no more than create a district of

¹ See *United States v. Hays*, 515 U.S. 737, 745 (1995) (“We recognized in *Shaw*. . . that the ‘legislature always is *aware* of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness does not lead inevitably to impermissible race discrimination’”) (citation omitted) (emphasis in original).

² *Bush v. Vera*, 517 U.S. 952, 958 (1996) (citations omitted).

³ *Id.* at 993. (O’Connor, J., concurring) (emphasis in original).

⁴ 526 U.S. 541 (1999).

⁵ See, e.g., *Bush v. Vera*, 517 U.S. 952, 968 (1996); *Shaw v. Hunt*, 517 U.S. 899, 905 (1996); *Miller v. Johnson*, 515 U.S. 900, 916 (1995); *Shaw v. Reno*, 509 U.S. 630, 646 (1993).

strong partisan Democrats,”⁶ holding that “a jurisdiction may engage in constitutional political gerrymandering, even if it so happens that the most loyal Democrats happen to be black Democrats and even if the State were *conscious* of that fact.”⁷ The Court concluded:

Evidence that blacks constitute even a supermajority in one congressional district while amounting to less than a plurality in a neighboring district will not, by itself, suffice to prove that a jurisdiction was motivated by race in drawing its district lines when the evidence also shows a high correlation between race and party preference.⁸

Thus, you are permitted to express and meet political goals through the redistrictings process, such as ensuring the success of one political party over another and protecting incumbency, even if the result is the creation of majority-minority districts. In so doing, consistent with *Cromartie*, you may include in a particular district the most loyal voters for the party for which victory is sought even if you are *aware* of the race of those voters.

II. Section 2 of the Voting Rights Act as a Compelling Justification

Because Section 2 of the Voting Rights Act of 1965, as amended (“Section 2”)⁹ protects voters from any election procedures that deprive them of an effective vote because of their race, color or membership in a language minority group, states and local jurisdictions are legally required to avoid diluting minority voting strength during redistricting. In fact, the need to avoid

⁶ *Cromartie*, 526 U.S. at 550.

⁷ *Cromartie*, 526 U.S. at 551 (emphasis in the original) (citing *Bush v. Vera*, 517 U.S. 952, 968 (1996); *Shaw v. Hunt*, 517 U.S. 899, 905 (1996); *Miller v. Johnson*, 515 U.S. 900, 916 (1995); *Shaw v. Reno*, 509 U.S. 630, 646 (1993)).

⁸ *Cromartie*, 526 U.S. at 551, 552.

⁹ 42 U.S.C. § 1973, as amended.

minority vote dilution would be a compelling justification for creating a majority-minority district, helping to protect the district from constitutional attack.

In *Shaw v. Hunt*, the Court assumed without argument that “§ 2 could be a compelling interest” justifying even a plan drawn *predominantly* on a racial basis, if necessary to avoid violating Section 2 and that at the time of creating the plan, the state has a strong basis in evidence to support that conclusion.¹⁰ Similarly, in *Bush v. Vera*, the Court stated that “[s]trict scrutiny does not apply merely because redistricting is performed with consciousness of race. . . . Nor does it apply to all cases of intentional creation of majority-minority districts.”¹¹ The point is further emphasized by Justice O’Connor who, in *Bush v. Vera*, made it clear that nothing in *Shaw* or its progeny should be interpreted as calling into question the continued importance of complying with Section 2 of the Voting Rights Act.¹²

The Supreme Court and several district courts have endorsed the principle that jurisdictions have a compelling interest in complying with the Voting Rights Act during redistricting and that complying with the Act is a defense against constitutional attack.¹³ For

¹⁰ See *Shaw v. Hunt*, 517 U.S. 899, 914 (1995). See also *Miller*, 515 U.S. at 916 (race-consciousness in drawing district lines would not alone render a districting plan presumptively unconstitutional).

¹¹ *Bush*, 517 U.S. at 958 (citations omitted).

¹² See *id.* at 990-992 (O’Connor, J., concurring).

¹³ See, e.g., *King v. State Board of Elections*, 522 U.S. 1087 (1998) (*per curiam*) (summarily affirming district court ruling upholding the constitutionality of Illinois’ Fourth Congressional District drawn to comply with Section 2 of the Voting Rights Act); *Cromartie v. Hunt*, No. 4:96-CV-104-BO(3), slip op. at 27-29 (E.D.N.C. March 7, 2000) (upholding the constitutionality of North Carolina’s First Congressional District drawn to comply with Section 2 of the Voting Rights Act); *DeWitt v. Wilson*, 856 F. Supp. 1409, 1413-15 (E.D. Cal. 1994), *aff’d*, 515 U.S. 1170 (1995) (intentional creation of majority-minority districts does not violate

example, here in North Carolina, the district court in *Cromartie v. Hunt* ruled that, while race predominated in the creation of the First Congressional District, it was narrowly tailored to meet North Carolina's compelling state interest of complying with Section 2 of the Voting Rights Act.¹⁴

III. Section 5 of the Voting Rights Act and the State of North Carolina

Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, prohibits the enforcement or administration by covered jurisdictions of "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting" without first receiving preclearance from the United States Attorney General of the United States District Court for the District of Columbia. Such changes in procedures which affect voting are legally unenforceable unless and until Section 5 preclearance has been obtained.¹⁵ Forty counties in North Carolina are covered

Constitution when redistricting plan "evidences a judicious and proper balancing of the many factors appropriate to redistricting, one of which was the consideration of the application of the Voting Rights Act's objective of assuring that minority voters are not denied the chance to effectively influence the political process"). See also *Addy v. Newton County, Mississippi*, 2 F. Supp. 2d 861 (S.D. Miss. 1997) (dismissal of Fourteenth Amendment challenge to majority-minority district created to remedy Section 2 violation); *Clark v. Calhoun County, Mississippi*, 88 F.3d 1393, 1407 (5th Cir. 1996) (the Supreme Court in its recent decisions did not alter the *Gingles* proof, nor did the "Court suggest that a district drawn for predominantly racial reasons would necessarily fail the *Gingles* test."); *Cane v. Worcester County*, 35 F.3d 921, 926-27 n.6 (4th Cir. 1994), *cert. denied*, 513 U.S. 1148 (1995) (holding that *Shaw* is not implicated in Section 2 challenge to at-large election scheme where proposed majority-black remedial district was comparable to other election districts drawn by the county). *Wilson v. Eu*, 823 P.2d 545, 563-64, 582, 583-84, 594, 1 Cal. 4th 707, 746, 775, 776, 790, 4 Cal. Rptr. 2d 379, 397-8, 416, 417-8, 428 (1992) (decision of the California Supreme Court that created the redistricting plans challenged in *DeWitt* describing the various special efforts taken to create districts that would comply with the Voting Rights Act).

¹⁴ *Cromartie v. Hunt*, No. 4:96-CV-104-BO(3), slip op. at 27-29 (E.D.N.C. March 7, 2000).

¹⁵ *Clark v. Roemer*, 500 U.S. 646, 652 (1991).

jurisdictions and subject to the Section 5 preclearance requirements.¹⁶ Therefore, even though only a few counties are covered, the congressional and state legislative redistricting plans for the entire state must be submitted for review.¹⁷

Under Section 5, North Carolina has the burden of proving that the submitted voting changes will not have a racially discriminatory effect and that it was not adopted with discriminatory intent to retrogress:

[a] covered jurisdiction . . . must make *two distinct* showings: first, that the proposed change 'does not have the purpose . . . of denying or abridging the right to vote on account of race or color,' and second, that the proposed change 'will not have the effect of denying or abridging the right to vote on account of race or color.'¹⁸

The Department of Justice has provided some guidance as to how it will interpret Section 5 in this round of redistricting.¹⁹ First, just as it will not deny preclearance on the grounds that a plan violates Section 2 of the Voting Rights Act, it will not object to a plan on the basis that it

¹⁶ Procedures for the Administration of Section 5 of the Voting Rights Act, 28 C.F.R. Part 51, Appendix (Jurisdictions covered under Section 4(b) of the Voting Rights Act, as amended).

¹⁷ See *Lopez v. Monterey County*, 525 U.S. 266 (1999); 28 C.F.R. §§ 51.2 and 51.6.

¹⁸ *Reno v. Bossier Parish School Bd.*, 120 S. Ct. 866, 871- 872 (2000) (*Bossier Parish II*) (emphasis added) (citing *Reno v. Bossier Parish*, 520 U.S. 471, 478 (1997) and 28 C.F.R. § 51.52(a) (1999)). See also *Beer v. United States*, 425 U.S. 130, 140-142 (1976) (holding that voting change may not be enforced until the covered jurisdiction has met the burden of proving that the change does not have a discriminatory effect); *Georgia v. United States*, 411 U.S. 526, 538 (1973) (covered jurisdiction has burden of proof under Section 5); 28 C.F.R. §§ 51.52(a) and 51.54. In addition to the burden of proving that the adopted change lacks retrogressive effect, the State of Virginia has the burden of showing that its decision is not tainted, even in part, by an invidious racial purpose to retrogress. See *id.*

¹⁹ See Guidance Concerning Redistricting and Retrogression, 66 Fed. Reg. 5412 (2001).

violates the constitutional standard established in *Shaw v. Reno*.²⁰ Second, absent a specific finding by a federal court that the existing redistricting plan in place has been found unconstitutional, the Department will use that plan as the benchmark against which a new plan is compared for purposes of Section 5 analysis.²¹

CONCLUSION

In conclusion, as I have explained, far from requiring that you ignore race in fashioning districts, the Voting Rights Act mandates that the drawing of new districts based on the 2000 Census results be performed in a manner that does not have the effect of suppressing the opportunity of minority citizens to participate meaningfully in the political process and elect candidates of their choice. That duty, in turn, requires that you be knowledgeable about the impact of various possible districting alternatives on minority voting strength. A plan drawn in this fashion, that fairly treats all political and racial groups, will not be vulnerable to challenge under the *Shaw* line of decisions.

²⁰ *Id.* at 5412.

²¹ *Id.*

**Joint Meeting of the Redistricting Committees
of the North Carolina General Assembly**

April 3, 2001



**NAACP LEGAL DEFENSE
AND EDUCATIONAL FUND, INC.**

PROVISIONS OF THE VOTING RIGHTS ACT OF 1965

Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973, as amended, prohibits any practice that has the intent or the result of denying someone the right to vote on account of race, color or status as a language minority. Section 2 states in pertinent part:

(a) No voting qualification or prerequisite to voting or standard, practice or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as set forth in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by a class of other citizens protected by subdivision (a) in that its member have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered:

Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, as amended, requires that certain states, or portions of states, with a history of discrimination in voting submit any law that could affect voting to the federal government for review to make sure that the law is not racially discriminatory. Section 5 states in pertinent part:

Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964,...such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made.

**PART 51—PROCEDURES FOR THE
ADMINISTRATION OF SECTION 5
OF THE VOTING RIGHTS ACT OF
1965, AS AMENDED**

Subpart A—General Provisions

Sec.

- 51.1 Purpose.
- 51.2 Definitions.
- 51.3 Delegation of authority.
- 51.4 Date used to determine coverage; list of covered jurisdictions.
- 51.5 Termination of coverage (ballout).
- 51.6 Political subunits.
- 51.7 Political parties.
- 51.8 Section 3 coverage.
- 51.9 Computation of time.
- 51.10 Requirement of action for declaratory judgment or submission to the Attorney General.
- 51.11 Right to bring suit.
- 51.12 Scope of requirement.
- 51.13 Examples of changes.
- 51.14 Recurrent practices.
- 51.15 Enabling legislation and contingent or nonuniform requirements.
- 51.16 Distinction between changes in procedure and changes in substance.
- 51.17 Special elections.
- 51.18 Court-ordered changes.
- 51.19 Request for notification concerning voting litigation.

**Subpart B—Procedures for Submission to
the Attorney General**

- 51.20 Form of submissions.

§51.1

- 51.21 Time of submissions.
- 51.22 Premature submissions.
- 51.23 Party and jurisdiction responsible for making submissions.
- 51.24 Address for submissions.
- 51.25 Withdrawal of submissions.

Subpart C—Contents of Submissions

- 51.26 General.
- 51.27 Required contents.
- 51.28 Supplemental contents.

Subpart D—Communications From Individuals and Groups

- 51.29 Communications concerning voting changes.
- 51.30 Action on communications from individuals or groups.
- 51.31 Communications concerning voting suits.
- 51.32 Establishment and maintenance of registry of interested individuals and groups.

Subpart E—Processing of Submissions

- 51.33 Notice to registrants concerning submissions.
- 51.34 Expedited consideration.
- 51.35 Disposition of inappropriate submissions.
- 51.36 Release of information concerning submissions.
- 51.37 Obtaining information from the submitting authority.
- 51.38 Obtaining information from others.
- 51.39 Supplementary submissions.
- 51.40 Failure to complete submissions.
- 51.41 Notification of decision not to object.
- 51.42 Failure of the Attorney General to respond.
- 51.43 Reexamination of decision not to object.
- 51.44 Notification of decision to object.
- 51.45 Request for reconsideration.
- 51.46 Reconsideration of objection at the instance of the Attorney General.
- 51.47 Conference.
- 51.48 Decision after reconsideration.
- 51.49 Absence of judicial review.
- 51.50 Records concerning submissions.

Subpart F—Determinations by the Attorney General

- 51.51 Purpose of the subpart.
- 51.52 Basic standard.
- 51.53 Information considered.
- 51.54 Discriminatory effect.
- 51.55 Consistency with constitutional and statutory requirements.
- 51.56 Guidance from the courts.
- 51.57 Relevant factors.
- 51.58 Representation.
- 51.59 Redistrictings.
- 51.60 Changes in electoral systems.

28 CFR Ch. I (7-1-98 Edition)

- 51.61 Annexations.

Subpart G—Sanctions

- 51.62 Enforcement by the Attorney General.
- 51.63 Enforcement by private parties.
- 51.64 Bar to termination of coverage (ballot).

Subpart H—Petition To Change Procedures

- 51.65 Who may petition.
- 51.66 Form of petition.
- 51.67 Disposition of petition.

APPENDIX TO PART 51—JURISDICTIONS COVERED UNDER SECTION 4(b) OF THE VOTING RIGHTS ACT, AS AMENDED

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 509, 510; and 42 U.S.C. 1973c.

SOURCE: 52 FR 490, Jan. 6, 1987, unless otherwise noted.

Subpart A—General Provisions

§51.1 Purpose.

(a) Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, prohibits the enforcement in any jurisdiction covered by section 4(b) of the Act, 42 U.S.C. 1973b(b), of any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the date used to determine coverage, until either:

(1) A declaratory judgment is obtained from the U.S. District Court for the District of Columbia that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, or

(2) It has been submitted to the Attorney General and the Attorney General has interposed no objection within a 60-day period following submission.

(b) In order to make clear the responsibilities of the Attorney General under section 5 and the interpretation of the Attorney General of the responsibility imposed on others under this section, the procedures in this part have been established to govern the administration of section 5.

§51.2 Definitions.

As used in this part—

Act means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Civil Rights Act of 1968, 82 Stat. 73, the Voting Rights Act Amendments of 1970, 84 Stat. 314, the District of Columbia Delegate Act, 84 Stat. 853, the Voting Rights Act Amendments of 1975, 89 Stat. 400, and the Voting Rights Act Amendments of 1982, 96 Stat. 131, 42 U.S.C. 1973 *et seq.* Section numbers, such as "section 14(c)(3)," refer to sections of the Act.

Attorney General means the Attorney General of the United States or the delegate of the Attorney General.

Change affecting voting means any voting qualification, prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the date used to determine coverage under section 4(b) and includes, *inter alia*, the examples given in §51.13.

Covered jurisdiction is used to refer to a State, where the determination referred to in §51.4 has been made on a statewide basis, and to a political subdivision, where the determination has not been made on a statewide basis.

Language minorities or language minority group is used, as defined in the Act, to refer to persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. (Sections 14(c)(3) and 203(e)). See 28 CFR part 55, Interpretative Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups.

Political subdivision is used, as defined in the Act, to refer to "any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." (Section 14(c)(2)).

Preclearance is used to refer to the obtaining of the declaratory judgment described in section 5, to the failure of the Attorney General to interpose an objection pursuant to section 5, or to the withdrawal of an objection by the Attorney General pursuant to §51.48(b).

Submission is used to refer to the written presentation to the Attorney

General by an appropriate official of any change affecting voting.

Submitting authority means the jurisdiction on whose behalf a submission is made.

Vote and *voting* are used, as defined in the Act, to include "all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election." (Section 14(c)(1)).

§51.3 Delegation of authority.

The responsibility and authority for determinations under section 5 have been delegated by the Attorney General to the Assistant Attorney General, Civil Rights Division. With the exception of objections and decisions following the reconsideration of objections, the Chief of the Voting Section is authorized to act on behalf of the Assistant Attorney General.

§51.4 Date used to determine coverage; list of covered jurisdictions.

(a) The requirement of section 5 takes effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census and the Attorney General under section 4(b). These determinations are not reviewable in any court. (Section 4(b)).

(b) Section 5 requires the preclearance of changes affecting voting made since the date used for the determination of coverage. For each covered jurisdiction that date is one of the following: November 1, 1964; November 1, 1968; or November 1, 1972.

(c) The appendix to this part contains a list of covered jurisdictions, together with the applicable date used to determine coverage and the FEDERAL REGISTER citation for the determination of coverage.

§51.5

§51.5 Termination of coverage (ball-out).

A covered jurisdiction or a political subdivision of a covered State may terminate the application of section 5 (or ball out) by obtaining the declaratory judgment described in section 4(a) of the Act.

§51.6 Political subunits.

All political subunits within a covered jurisdiction (e.g., counties, cities, school districts) are subject to the requirement of section 5.

§51.7 Political parties.

Certain activities of political parties are subject to the preclearance requirement of section 5. A change affecting voting effected by a political party is subject to the preclearance requirement:

(a) If the change relates to a public electoral function of the party and

(b) If the party is acting under authority explicitly or implicitly granted by a covered jurisdiction or political subunit subject to the preclearance requirement of section 5.

For example, changes with respect to the recruitment of party members, the conduct of political campaigns, and the drafting of party platforms are not subject to the preclearance requirement. Changes with respect to the conduct of primary elections at which party nominees, delegates to party conventions, or party officials are chosen are subject to the preclearance requirement of section 5. Where appropriate the term "jurisdiction" (but not "covered jurisdiction") includes political parties.

§51.8 Section 3 coverage.

Under section 3(c) of the Act, a court in voting rights litigation can order as relief that a jurisdiction not subject to the preclearance requirement of section 5 preclear its voting changes by submitting them either to the court or to the Attorney General. Where a jurisdiction is required under section 3(c) to preclear its voting changes, and it elects to submit the proposed changes to the Attorney General for preclearance, the procedures in this part will apply.

28 CFR Ch. I (7-1-98 Edition)

§51.9 Computation of time.

(a) The Attorney General shall have 60 days in which to interpose an objection to a submitted change affecting voting.

(b) Except as specified in §§51.37, 51.39, and 51.42 the 60-day period shall commence upon receipt by the Department of Justice of a submission.

(c) The 60-day period shall mean 60 calendar days, with the day of receipt of the submission not counted. If the final day of the period should fall on a Saturday, Sunday, any day designated as a holiday by the President or Congress of the United States, or any other day that is not a day of regular business for the Department of Justice, the Attorney General shall have until the close of the next full business day in which to interpose an objection. The date of the Attorney General's response shall be the date on which it is mailed to the submitting authority.

§51.10 Requirement of action for declaratory judgment or submission to the Attorney General.

Section 5 requires that, prior to enforcement of any change affecting voting, the jurisdiction that has enacted or seeks to administer the change must either:

(a) Obtain a judicial determination from the U.S. District Court for the District of Columbia that denial or abridgment of the right to vote on account of race, color, or membership in a language minority group is not the purpose and will not be the effect of the change or

(b) Make to the Attorney General a proper submission of the change to which no objection is interposed.

It is unlawful to enforce a change affecting voting without obtaining preclearance under section 5. The obligation to obtain such preclearance is not relieved by unlawful enforcement.

[52 FR 490, Jan. 6, 1987; 52 FR 2648, Jan. 23, 1987]

§51.11 Right to bring suit.

Submission to the Attorney General does not affect the right of the submitting authority to bring an action in the U.S. District Court for the District of Columbia for a declaratory judgment

Department of Justice

§51.15

that the change affecting voting does not have the prohibited discriminatory purpose or effect.

§51.12 Scope of requirement.

Any change affecting voting, even though it appears to be minor or indirect, returns to a prior practice or procedure, ostensibly expands voting rights, or is designed to remove the elements that caused objection by the Attorney General to a prior submitted change, must meet the section 5 preclearance requirement.

§51.13 Examples of changes.

Changes affecting voting include, but are not limited to, the following examples:

(a) Any change in qualifications or eligibility for voting.

(b) Any change concerning registration, balloting, and the counting of votes and any change concerning publicity for or assistance in registration or voting.

(c) Any change with respect to the use of a language other than English in any aspect of the electoral process.

(d) Any change in the boundaries of voting precincts or in the location of polling places.

(e) Any change in the constituency of an official or the boundaries of a voting unit (e.g., through redistricting, annexation, deannexation, incorporation, reapportionment, changing to at-large elections from district elections, or changing to district elections from at-large elections).

(f) Any change in the method of determining the outcome of an election (e.g., by requiring a majority vote for election or the use of a designated post or place system).

(g) Any change affecting the eligibility of persons to become or remain candidates, to obtain a position on the ballot in primary or general elections, or to become or remain holders of elective offices.

(h) Any change in the eligibility and qualification procedures for independent candidates.

(i) Any change in the term of an elective office or an elected official or in the offices that are elective (e.g., by shortening the term of an office,

changing from election to appointment or staggering the terms of offices).

(j) Any change affecting the necessity of or methods for offering issues and propositions for approval by referendum.

(k) Any change affecting the right or ability of persons to participate in political campaigns which is effected by a jurisdiction subject to the requirement of section 5.

§51.14 Recurrent practices.

Where a jurisdiction implements a practice or procedure periodically or upon certain established contingencies, a change occurs:

(a) The first time such a practice or procedure is implemented by the jurisdiction,

(b) When the manner in which such a practice or procedure is implemented by the jurisdiction is changed, or

(c) When the rules for determining when such a practice or procedure will be implemented are changed.

The failure of the Attorney General to object to a recurrent practice or procedure constitutes preclearance of the future use of the practice or procedure if its recurrent nature is clearly stated or described in the submission or is expressly recognized in the final response of the Attorney General on the merits of the submission.

§51.15 Enabling legislation and contingent or nonuniform requirements.

(a) With respect to legislation (1) that enables or permits the State or its political subunits to institute a voting change or (2) that requires or enables the State or its political subunits to institute a voting change upon some future event or if they satisfy certain criteria, the failure of the Attorney General to interpose an objection does not exempt from the preclearance requirement the implementation of the particular voting change that is enabled, permitted, or required, unless that implementation is explicitly included and described in the submission of such parent legislation.

(b) For example, such legislation includes—

(1) Legislation authorizing counties, cities, school districts, or agencies or

officials of the State to institute any of the changes described in §51.13.

(2) Legislation requiring a political subunit that chooses a certain form of government to follow specified election procedures.

(3) Legislation requiring or authorizing political subunits of a certain size or a certain location to institute specified changes.

(4) Legislation requiring a political subunit to follow certain practices or procedures unless the subunit's charter or ordinances specify to the contrary.

§51.16 Distinction between changes in procedure and changes in substance.

The failure of the Attorney General to interpose an objection to a procedure for instituting a change affecting voting does not exempt the substantive change from the preclearance requirement. For example, if the procedure for the approval of an annexation is changed from city council approval to approval in a referendum, the preclearance of the new procedure does not exempt an annexation accomplished under the new procedure from the preclearance requirement.

§51.17 Special elections.

(a) The conduct of a special election (e.g., an election to fill a vacancy; an initiative, referendum, or recall election; or a bond issue election) is subject to the preclearance requirement to the extent that the jurisdiction makes changes in the practices or procedures to be followed.

(b) Any discretionary setting of the date for a special election or scheduling of events leading up to or following a special election is subject to the preclearance requirement.

(c) A jurisdiction conducting a referendum election to ratify a change in a practice or procedure that affects voting may submit the change to be voted on at the same time that it submits any changes involved in the conduct of the referendum election. A jurisdiction wishing to receive preclearance for the change to be ratified should state clearly that such preclearance is being requested. See §51.22 of this part.

§51.18 Court-ordered changes.

(a) *In general.* Changes affecting voting that are ordered by a Federal court are subject to the preclearance requirement of section 5 to the extent that they reflect the policy choices of the submitting authority.

(b) *Subsequent changes.* Where a court-ordered change is not itself subject to the preclearance requirement, subsequent changes necessitated by the court order but decided upon by the jurisdiction remain subject to preclearance. For example, voting precinct and polling place changes made necessary by a court-ordered redistricting plan are subject to section 5 review.

(c) *In emergencies.* A Federal court's authorization of the emergency interim use without preclearance of a voting change does not exempt from section 5 review any use of the practice not explicitly authorized by the court.

§51.19 Request for notification concerning voting litigation.

A jurisdiction subject to the preclearance requirement of section 5 that becomes involved in any litigation concerning voting is requested promptly to notify the Chief, Voting Section, Civil Rights Division, Department of Justice, P.O. Box 66128, Washington, DC 20035-6128. Such notification will not be considered a submission under section 5.

[52 FR 490, Jan. 6, 1987, as amended by Order 1214-87, 52 FR 33409, Sept. 3, 1987]

Subpart B—Procedures for Submission to the Attorney General

§51.20 Form of submissions.

(a) Submissions may be made in letter or any other written form.

(b) The Attorney General will accept certain machine readable data in the following forms of magnetic media: 3½" 1.4 megabyte MS-DOS formatted diskettes; 5¼" 1.2 megabyte MS-DOS formatted floppy disks; nine-track tape (1600/6250 BPI). Unless requested by the Attorney General, data provided on magnetic media need not be provided in hard copy.

Department of Justice

§ 51.24

(c) All magnetic media shall be clearly labelled with the following information:

- (1) Submitting authority.
- (2) Name, address, title, and telephone number of contact person.
- (3) Date of submission cover letter.
- (4) Statement identifying the voting change(s) involved in the submission.

The label shall be affixed to each magnetic medium, and the information included on the label shall also be contained in a documentation file on the magnetic medium. If the information identified above is provided as a disk operating system (DOS) file, it shall be formatted in a standard American Standard Code for Information Interchange (ASCII) character code, with a line feed or carriage return control character starting in position 80. If the information identified above is provided other than as DOS files, it shall be formatted as ASCII text (or Extended Binary Coded Decimal Interchange Code (EBCDIC) if IBM standard labels are used), 80 byte fixed record length, blocked in a multiple of 80 with a blocksize no larger than 32 kilobytes, and with no carriage return or line feed.

(d) Each magnetic medium (floppy disk or tape) provided must be accompanied by a printed description of its contents, including an identification by name and/or location of each data file that is contained on the medium, a detailed record layout for each such file, a record count for each such file, and a full description of the magnetic medium format.

(e) All data files shall be provided in a fixed record-length format using alphanumeric ASCII values. The first 50 records of each such file shall be printed on hard copy and shall be attached to the printed description of the file. Proprietary and/or commercial software system data files (e.g. SAS, SPSS, dBase, Lotus 1-2-3) and data files containing compressed data or binary data fields will not be accepted. Nine-track tapes shall be clearly marked with printed labels to indicate their density, and manner of labelling (ANSI, IBM, or unlabelled). The printed label shall also include the record count, the record length, the blocksize, the dataset name (DSN) if it is a labelled

tape, and the file number of each file on the tape.

[52 FR 490, Jan. 6, 1987, as amended by Order No. 1536-91, 56 FR 51836, Oct. 16, 1991]

§ 51.21 Time of submissions.

Changes affecting voting shall be submitted as soon as possible after they become final.

§ 51.22 Premature submissions.

The Attorney General will not consider on the merits:

(a) Any proposal for a change affecting voting submitted prior to final enactment or administrative decision or

(b) Any proposed change which has a direct bearing on another change affecting voting which has not received section 5 preclearance.

However, with respect to a change for which approval by referendum, a State or Federal court or a Federal agency is required, the Attorney General may make a determination concerning the change prior to such approval if the change is not subject to alteration in the final approving action and if all other action necessary for approval has been taken.

§ 51.23 Party and jurisdiction responsible for making submissions.

(a) Changes affecting voting shall be submitted by the chief legal officer or other appropriate official of the submitting authority or by any other authorized person on behalf of the submitting authority. When one or more counties or other political subunits within a State will be affected, the State may make a submission on their behalf. Where a State is covered as a whole, State legislation (except legislation of local applicability) or other changes undertaken or required by the State shall be submitted by the State.

(b) A change effected by a political party (see § 51.7) may be submitted by an appropriate official of the political party.

§ 51.24 Address for submissions.

(a) *Delivery by U.S. Postal Service.* Submissions sent to the Attorney General via the U.S. Postal Service shall be addressed to the Chief, Voting Section, Civil Rights Division, Department

of Justice, P.O. Box 66128, Washington, DC 20035-6128.

(b) *Delivery by other means.* Submissions sent to the Attorney General by carriers *other than* the U.S. Postal Service should be addressed or may be delivered to the Chief, Voting Section, Civil Rights Division, Department of Justice, 320 First Street, NW., room 818A, Washington, DC 20001.

(c) *Special marking.* The envelope and first page of the submission shall be clearly marked: Submission under section 5 of the Voting Rights Act.

[Order 1214-87, 52 FR 33409, Sept. 3, 1987, as amended by Order No. 1793-93, 58 FR 51225, Oct. 1, 1993]

§51.25 Withdrawal of submissions.

(a) A jurisdiction may withdraw a submission at any time prior to a final decision by the Attorney General. Notice of the withdrawal of a submission must be made in writing, addressed to the Chief, Voting Section, as specified in §51.24 of this part. The submission shall be deemed withdrawn upon receipt of the notice.

(b) Notice of withdrawals will be given to interested parties registered under §51.32.

[52 FR 490, Jan. 6, 1987, as amended by Order 1214-87, 52 FR 33409, Sept. 3, 1987]

Subpart C—Contents of Submissions

§51.26 General.

(a) The source of any information contained in a submission should be identified.

(b) Where an estimate is provided in lieu of more reliable statistics, the submission should identify the name, position, and qualifications of the person responsible for the estimate and should briefly describe the basis for the estimate.

(c) Submissions should be no longer than is necessary for the presentation of the appropriate information and materials.

(d) The Attorney General will not accept for review any submission that fails to describe the subject change in sufficient particularity to satisfy the minimum requirements of §51.27(c).

(e) A submitting authority that desires the Attorney General to consider any information supplied as part of an earlier submission may incorporate such information by reference by stating the date and subject matter of the earlier submission and identifying the relevant information.

(f) Where information requested by this subpart is relevant but not known or available, or is not applicable, the submission should so state.

(g) The following Office of Management and Budget control number under the Paperwork Reduction Act applies to the collection of information requirements contained in these Procedures: OMB No. 1190-0001 (expires February 28, 1994). See 5 CFR 1320.13.

[52 FR 490, Jan. 6, 1987, as amended by Order No. 1284-88, 53 FR 25327, July 6, 1988; Order No. 1498-91, 56 FR 26032, June 6, 1991]

§51.27 Required contents.

Each submission should contain the following information or documents to enable the Attorney General to make the required determination pursuant to section 5 with respect to the submitted change affecting voting:

(a) A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting.

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed.

(c) If the change affecting voting either is not readily apparent on the face of the documents provided under paragraphs (a) and (b) of this section or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.

(d) The name, title, address, and telephone number of the person making the submission.

(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

(g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).

(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

(i) The date of adoption of the change affecting voting.

(j) The date on which the change is to take effect.

(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

(m) A statement of the reasons for the change.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups.

(o) A statement identifying any past or pending litigation concerning the change or related voting practices.

(p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.

(q) For redistrictings and annexations: the items listed under §51.28 (a)(1) and (b)(1); for annexations only: the items listed under §51.28(c)(3).

(r) Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in §51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission re-

lating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in §51.37.

§51.28 Supplemental contents.

Review by the Attorney General will be facilitated if the following information, where pertinent, is provided in addition to that required by §51.27.

(a) *Demographic information.* (1) Total and voting age population of the affected area before and after the change, by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, reference to the appropriate volume and table is sufficient.

(2) The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.

(3) Any estimates of population, by race and language group, made in connection with the adoption of the change.

(4) Demographic data provided on magnetic media shall be based upon the Bureau of the Census Public Law 94-171 file unique block identity code of state, county, tract, and block.

(5) Demographic data on magnetic media that are provided in conjunction with a redistricting shall be contained in a table of equivalencies giving the census block to district assignments in the following format:

(i) Each census block record (including those with zero population) will be followed by one or more additional fields indicating the district assignment for the census block in one or more plans.

(ii) All district assignments in the plan fields shall be right justified and blank filled if the assignment is less than four characters.

(iii) The file structure shall be as follows:

Field	PL 94-171 reference name	Length	Data type
State	STATEFP	2	Numeric.
County	CNTY	3	Numeric.
Tract	TRACT/BNA ..	6	Alpha/Numeric.
Block	BLCK	4	Alpha/Numeric.

Field	PL 94-171 reference name	Length	Data type
Plan 1 District	User supplied	4	Alpha/Nu- meric.
Plan 2 District	User supplied	4	Alpha/Nu- meric.
Plan 3 District, etc.			
Plan n District	User supplied	4	Alpha/Nu- meric.

(iv) State and county shall be identified using the Federal Information Processing Standards (FIPS-55) code.

(v) Census tracts shall be left justified, and census blocks shall be left justified and blank filled if less than four characters.

(vi) Unused plan fields shall be blank filled.

(vii) In addition to the information identified in §51.20 (c) through (e), the documentation file accompanying the block level equivalency file shall contain the following information:

(A) The file structure.

(B) The total number of plans.

(C) For each plan field, an identification of the plan (e.g., state senate, congressional, county board, city council, school board) and its status or nature (e.g., plan currently in effect, adopted plan, alternative plan and sponsors).

(D) The number of districts in each plan field.

(E) Whether the plan field contains a complete or partial plan.

(F) Any additional information the jurisdiction deems relevant such as bill number, date of adoption, etc., and a listing of any modifications the submitting authority has made that alter the structure of the TIGER/line geographic file.

(b) *Maps.* Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information:

(1) The prior and new boundaries of the voting unit or units.

(2) The prior and new boundaries of voting precincts.

(3) The location of racial and language minority groups.

(4) Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units.

(5) The location of prior and new polling places.

(6) The location of prior and new voter registration sites.

(c) *Annexations.* For annexations, in addition to that information specified elsewhere, the following information:

(1) The present and expected future use of the annexed land (e.g., garden apartments, industrial park).

(2) An estimate of the expected population, by race and language group, when anticipated development, if any, is completed.

(3) A statement that all prior annexations subject to the preclearance requirement have been submitted for review, or a statement that identifies all annexations subject to the preclearance requirement that have not been submitted for review. See §51.61(b).

(d) *Election returns.* Where a change may affect the electoral influence of a racial or language minority group, returns of primary and general elections conducted by or in the jurisdiction, containing the following information:

(1) The name of each candidate.

(2) The race or language group of each candidate, if known.

(3) The position sought by each candidate.

(4) The number of votes received by each candidate, by voting precinct.

(5) The outcome of each contest.

(6) The number of registered voters, by race and language group, for each voting precinct for which election returns are furnished. Information with respect to elections held during the last ten years will normally be sufficient.

(7) Election related data containing any of the information described above that are provided on magnetic media shall conform to the requirements of §51.20 (b) through (e). Election related data that cannot be accurately presented in terms of census blocks may be identified by county and by precinct.

(e) *Language usage.* Where a change is made affecting the use of the language of a language minority group in the electoral process, information that will enable the Attorney General to determine whether the change is consistent with the minority language requirements of the Act. The Attorney General's interpretation of the minority language requirements of the Act is contained in Interpretative Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, 28 CFR part 55.

(f) *Publicity and participation.* For submissions involving controversial or potentially controversial changes, evidence of public notice, of the opportunity for the public to be heard, and of the opportunity for interested parties to participate in the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place. Examples of materials demonstrating public notice or participation include:

- (1) Copies of newspaper articles discussing the proposed change.
- (2) Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).
- (3) Minutes or accounts of public hearings concerning the proposed change.
- (4) Statements, speeches, and other public communications concerning the proposed change.
- (5) Copies of comments from the general public.
- (6) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.
- (g) *Availability of the submission.* (1) Copies of public notices that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection (e.g., at the county courthouse) and invite comments for the consideration of the Attorney General and statements regarding where such public notices appeared.

(2) Information demonstrating that the submitting authority, where a submission contains magnetic media, made the magnetic media available to be copied or, if so requested, made a hard copy of the data contained on the magnetic media available to be copied.

(h) *Minority group contacts.* For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.

[52 FR 490, Jan. 6, 1987, as amended by Order No. 1536-91, 56 FR 51836, Oct. 16, 1991]

Subpart D—Communications From Individuals and Groups

§51.29 Communications concerning voting changes.

Any individual or group may send to the Attorney General information concerning a change affecting voting in a jurisdiction to which section 5 applies.

(a) Communications may be in the form of a letter stating the name, address, and telephone number of the individual or group, describing the alleged change affecting voting and setting forth evidence regarding whether the change has or does not have a discriminatory purpose or effect, or simply bringing to the attention of the Attorney General the fact that a voting change has occurred.

(b) The communications should be mailed to the Chief, Voting Section, Civil Rights Division, Department of Justice, P.O. Box 66128, Washington, DC 20035-6128. The envelope and first page should be marked: Comment under section 5 of the Voting Rights Act.

(c) Comments by individuals or groups concerning any change affecting voting may be sent at any time; however, individuals and groups are encouraged to comment as soon as they learn of the change.

(d) Department of Justice officials and employees shall comply with the request of any individual that his or her identity not be disclosed to any person outside the Department, to the

§51.30

extent permitted by the Freedom of Information Act, 5 U.S.C. 552. In addition, whenever it appears to the Attorney General that disclosure of the identity of an individual who provided information regarding a change affecting voting "would constitute a clearly unwarranted invasion of personal privacy" under 5 U.S.C. 552(b)(6), the identity of the individual shall not be disclosed to any person outside the Department.

(e) When an individual or group desires the Attorney General to consider information that was supplied in connection with an earlier submission, it is not necessary to resubmit the information but merely to identify the earlier submission and the relevant information.

[52 FR 490, Jan. 6, 1987, as amended by Order 1214-87, 52 FR 33409, Sept. 3, 1987]

§51.30 Action on communications from individuals or groups.

(a) If there has already been a submission received of the change affecting voting brought to the attention of the Attorney General by an individual or group, any evidence from the individual or group shall be considered along with the materials submitted and materials resulting from any investigation.

(b) If such a submission has not been received, the Attorney General shall advise the appropriate jurisdiction of the requirement of section 5 with respect to the change in question.

§51.31 Communications concerning voting suits.

Individuals and groups are urged to notify the Chief, Voting Section, Civil Rights Division, of litigation concerning voting in jurisdictions subject to the requirement of section 5.

§51.32 Establishment and maintenance of registry of interested individuals and groups.

The Attorney General shall establish and maintain a Registry of Interested Individuals and Groups, which shall contain the name and address of any individual or group that wishes to receive notice of section 5 submissions. Information relating to this registry and to the requirements of the Privacy

28 CFR Ch. I (7-1-98 Edition)

Act of 1974, 5 U.S.C. 552a *et seq.*, is contained in JUSTICE/CRT-004. 48 FR 5334 (Feb. 4, 1983).

Subpart E—Processing of Submissions

§51.33 Notice to registrants concerning submissions.

Weekly notice of submissions that have been received will be given to the individuals and groups who have registered for this purpose under §51.32. Such notice will also be given when section 5 declaratory judgment actions are filed or decided.

§51.34 Expedited consideration.

(a) When a submitting authority is required under State law or local ordinance or otherwise finds it necessary to implement a change within the 60-day period following submission, it may request that the submission be given expedited consideration. The submission should explain why such consideration is needed and provide the date by which a determination is required.

(b) Jurisdictions should endeavor to plan for changes in advance so that expedited consideration will not be required and should not routinely request such consideration. When a submitting authority demonstrates good cause for expedited consideration the Attorney General will attempt to make a decision by the date requested. However, the Attorney General cannot guarantee that such consideration can be given.

(c) Notice of the request for expedited consideration will be given to interested parties registered under §51.32.

§51.35 Disposition of inappropriate submissions.

The Attorney General will make no response on the merits with respect to an inappropriate submission but will notify the submitting authority of the inappropriateness of the submission. Such notification will be made as promptly as possible and no later than the 60th day following receipt and will

include an explanation of the inappropriateness of the submission. Inappropriate submissions include the submission of changes that do not affect voting (see, e.g., §51.13), the submission of standards, practices, or procedures that have not been changed (see, e.g., §§51.4, 51.14), the submission of changes that affect voting but are not subject to the requirement of section 5 (see, e.g., §51.18), premature submissions (see §§51.22, 51.61(b)), submissions by jurisdictions not subject to the preclearance requirement (see §§51.4, 51.5), and deficient submissions (see §51.26(d)).

§51.36 Release of information concerning submissions.

The Attorney General shall have the discretion to call to the attention of the submitting authority or any interested individual or group information or comments related to a submission.

§51.37 Obtaining information from the submitting authority.

(a) If a submission does not satisfy the requirements of §51.27, the Attorney General may request from the submitting authority any omitted information considered necessary for the evaluation of the submission. The request shall be made by letter and shall be made within the 60-day period and as promptly as possible after receipt of the original submission. See also §51.26(d).

(b) A copy of the request shall be sent to any party who has commented on the submission or has requested notice of the Attorney General's action thereon.

(c) The Attorney General shall notify the submitting authority that a new 60-day period in which the Attorney General may interpose an objection shall commence upon the receipt of a response from the submitting authority that provides the information requested or states that the information is unavailable. The Attorney General can request further information within the new 60-day period, but such a further request shall not suspend the running of the 60-day period, nor shall the receipt of a response to such a request operate to begin a new 60-day period.

(d) The receipt of a response from the submitting authority that neither provides the information requested nor states that such information is unavailable shall not commence a new 60-day period. It is the practice of the Attorney General to notify the submitting authority that its response is inadequate and to provide such notification as soon as possible after the receipt of the inadequate response.

(e) If, after a request for further information is made pursuant to this section, the information requested becomes available to the Attorney General from a source other than the submitting authority, the Attorney General shall promptly notify the submitting authority by letter, and the 60-day period will commence upon the date of such notification.

(f) Notice of the request for and receipt of further information will be given to interested parties registered under §51.32.

§51.38 Obtaining information from others.

(a) The Attorney General may at any time request relevant information from governmental jurisdictions and from interested groups and individuals and may conduct any investigation or other inquiry that is deemed appropriate in making a determination.

(b) If a submission does not contain evidence of adequate notice to the public, and the Attorney General believes that such notice is essential to a determination, steps will be taken by the Attorney General to provide public notice sufficient to invite interested or affected persons to provide evidence as to the presence or absence of a discriminatory purpose or effect. The submitting authority shall be advised when any such steps are taken.

§51.39 Supplementary submissions.

(a) When a submitting authority provides documents and written information materially supplementing a submission (or a request for reconsideration of an objection) for evaluation as if part of its original submission, or, before the expiration of the 60-day period, makes a second submission such that the two submissions cannot be independently considered, the 60-day

§51.40

period for the original submission will be calculated from the receipt of the supplementary information or from the second submission.

(b) The Attorney General will notify the submitting authority when the 60-day period for a submission is recalculated from the receipt of supplementary information or from the receipt of a second related submission.

(c) Notice of the receipt of supplementary information will be given to interested parties registered under §51.32.

§51.40 Failure to complete submissions.

If after 60 days the submitting authority has not provided further information in response to a request made pursuant to §51.37(a), the Attorney General, absent extenuating circumstances and consistent with the burden of proof under section 5 described in §51.52 (a) and (c), may object to the change, giving notice as specified in §51.44.

§51.41 Notification of decision not to object.

(a) The Attorney General shall within the 60-day period allowed notify the submitting authority of a decision to interpose no objection to a submitted change affecting voting.

(b) The notification shall state that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change.

(c) A copy of the notification shall be sent to any party who has commented on the submission or has requested notice of the Attorney General's action thereon.

§51.42 Failure of the Attorney General to respond.

It is the practice and intention of the Attorney General to respond to each submission within the 60-day period. However, the failure of the Attorney General to make a written response within the 60-day period constitutes preclearance of the submitted change, provided the submission is addressed as specified in §51.24 and is appropriate for a response on the merits as described in §51.35.

28 CFR Ch. I (7-1-98 Edition)

§51.43 Reexamination of decision not to object.

After notification to the submitting authority of a decision to interpose no objection to a submitted change affecting voting has been given, the Attorney General may reexamine the submission if, prior to the expiration of the 60-day period, information indicating the possibility of the prohibited discriminatory purpose or effect is received. In this event, the Attorney General may interpose an objection provisionally and advise the submitting authority that examination of the change in light of the newly raised issues will continue and that a final decision will be rendered as soon as possible.

§51.44 Notification of decision to object.

(a) The Attorney General shall within the 60-day period allowed notify the submitting authority of a decision to interpose an objection. The reasons for the decision shall be stated.

(b) The submitting authority shall be advised that the Attorney General will reconsider an objection upon a request by the submitting authority.

(c) The submitting authority shall be advised further that notwithstanding the objection it may institute an action in the U.S. District Court for the District of Columbia for a declaratory judgment that the change objected to by the Attorney General does not have the prohibited discriminatory purpose or effect.

(d) A copy of the notification shall be sent to any party who has commented on the submission or has requested notice of the Attorney General's action thereon.

(e) Notice of the decision to interpose an objection will be given to interested parties registered under §51.32.

§51.45 Request for reconsideration.

(a) The submitting authority may at any time request the Attorney General to reconsider an objection.

(b) Requests may be in letter or any other written form and should contain relevant information or legal argument.

(c) Notice of the request will be given to any party who commented on the

Department of Justice

§51.49

submission or requested notice of the Attorney General's action thereon and to interested parties registered under §51.32. In appropriate cases the Attorney General may request the submitting authority to give local public notice of the request.

§51.46 Reconsideration of objection at the instance of the Attorney General.

(a) Where there appears to have been a substantial change in operative fact or relevant law, an objection may be reconsidered, if it is deemed appropriate, at the instance of the Attorney General.

(b) Notice of such a decision to reconsider shall be given to the submitting authority, to any party who commented on the submission or requested notice of the Attorney General's action thereon, and to interested parties registered under §51.32, and the Attorney General shall decide whether to withdraw or to continue the objection only after such persons have had a reasonable opportunity to comment.

§51.47 Conference.

(a) A submitting authority that has requested reconsideration of an objection pursuant to §51.45 may request a conference to produce information or legal argument in support of reconsideration.

(b) Such a conference shall be held at a location determined by the Attorney General and shall be conducted in an informal manner.

(c) When a submitting authority requests such a conference, individuals or groups that commented on the change prior to the Attorney General's objection or that seek to participate in response to any notice of a request for reconsideration shall be notified and given the opportunity to confer.

(d) The Attorney General shall have the discretion to hold separate meetings to confer with the submitting authority and other interested groups or individuals.

(e) Such conferences will be open to the public or to the press only at the discretion of the Attorney General and with the agreement of the participating parties.

§51.48 Decision after reconsideration.

(a) The Attorney General shall within the 60-day period following the receipt of a reconsideration request or following notice given under §51.46(b) notify the submitting authority of the decision to continue or withdraw the objection, provided that the Attorney General shall have at least 15 days following any conference that is held in which to decide. (See also §51.39(a).) The reasons for the decision shall be stated.

(b) The objection shall be withdrawn if the Attorney General is satisfied that the change does not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group.

(c) If the objection is not withdrawn, the submitting authority shall be advised that notwithstanding the objection it may institute an action in the U.S. District Court for the District of Columbia for a declaratory judgment that the change objected to by the Attorney General does not have the prohibited purpose or effect.

(d) An objection remains in effect until either it is withdrawn by the Attorney General or a declaratory judgment with respect to the change in question is entered by the U.S. District Court for the District of Columbia.

(e) A copy of the notification shall be sent to any party who has commented on the submission or reconsideration or has requested notice of the Attorney General's action thereon.

(f) Notice of the decision after reconsideration will be given to interested parties registered under §51.32.

§51.49 Absence of judicial review.

The decision of the Attorney General not to object to a submitted change or to withdraw an objection is not reviewable. The preclearance by the Attorney General of a voting change does not constitute the certification that the voting change satisfies any other requirement of the law beyond that of section 5, and, as stated in section 5, "(n)either an affirmative indication by the Attorney General that no objection

§ 51.50

will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure."

§ 51.50 Records concerning submissions.

(a) Section 5 files: The Attorney General shall maintain a section 5 file for each submission, containing the submission, related written materials, correspondence, memoranda, investigative reports, data provided on magnetic media, notations concerning conferences with the submitting authority or any interested individual or group, and copies of letters from the Attorney General concerning the submission.

(b) Objection files: Brief summaries regarding each submission and the general findings of the Department of Justice investigation and decision concerning it will be prepared when a decision to interpose, continue, or withdraw an objection is made. Files of these summaries, arranged by jurisdiction and by the date upon which such decision is made, will be maintained.

(c) Computer file: Records of all submissions and of their dispositions by the Attorney General shall be electronically stored and periodically retrieved in the form of computer printouts.

(d) The contents of the files in paper or microfiche form described in paragraphs (a) through (c) of this section shall be available for inspection and copying by the public during normal business hours at the Voting Section, Civil Rights Division, Department of Justice, Washington, DC. Those who desire to inspect information that has been provided on magnetic media will be provided a copy of that information in the same form as it was received. Materials that are exempt from inspection under the Freedom of Information Act, 5 U.S.C. 552(b), may be withheld at the discretion of the Attorney General. Communications from individuals who have requested confidentiality or with respect to whom the Attorney General has determined that confidentiality is appropriate under § 51.29(d) shall be available only as provided by § 51.29(d).

28 CFR Ch. I (7-1-98 Edition)

Applicable fees, if any, for the copying of the contents of these files are contained in the Department of Justice regulations implementing the Freedom of Information Act, 28 CFR 16.10.

[52 FR 490, Jan. 6, 1987; 52 FR 2648, Jan. 23, 1987, as amended by Order No. 1536-91, 56 FR 51837, Oct. 16, 1991]

Subpart F—Determinations by the Attorney General

§ 51.51 Purpose of the subpart.

The purpose of this subpart is to inform submitting authorities and other interested parties of the factors that the Attorney General considers relevant and of the standards by which the Attorney General will be guided in making substantive determinations under section 5 and in defending section 5 declaratory judgment actions.

§ 51.52 Basic standard.

(a) *Surrogate for the court.* Section 5 provides for submission of a voting change to the Attorney General as an alternative to the seeking of a declaratory judgment from the U.S. District Court for the District of Columbia. Therefore, the Attorney General shall make the same determination that would be made by the court in an action for a declaratory judgment under section 5: Whether the submitted change has the purpose or will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. The burden of proof is on a submitting authority when it submits a change to the Attorney General for preclearance, as it would be if the proposed change were the subject of a declaratory judgment action in the U.S. District Court for the District of Columbia. See *South Carolina v. Katzenbach*, 383 U.S. 301, 328, 335 (1966).

(b) *No objection.* If the Attorney General determines that the submitted change does not have the prohibited purpose or effect, no objection shall be interposed to the change.

(c) *Objection.* An objection shall be interposed to a submitted change if the Attorney General is unable to determine that the change is free of discriminatory purpose and effect. This

Department of Justice

§51.57

includes those situations where the evidence as to the purpose or effect of the change is conflicting and the Attorney General is unable to determine that the change is free of discriminatory purpose and effect.

§51.53 Information considered.

The Attorney General shall base a determination on a review of material presented by the submitting authority, relevant information provided by individuals or groups, and the results of any investigation conducted by the Department of Justice.

§51.54 Discriminatory effect.

(a) *Retgression.* A change affecting voting is considered to have a discriminatory effect under section 5 if it will lead to a retrogression in the position of members of a racial or language minority group (i.e., will make members of such a group worse off than they had been before the change) with respect to their opportunity to exercise the electoral franchise effectively. See *Beer v. United States*, 425 U.S. 130, 140-42 (1976).

(b) *Benchmark.* (1) In determining whether a submitted change is retrogressive the Attorney General will normally compare the submitted change to the voting practice or procedure in effect at the time of the submission. If the existing practice or procedure upon submission was not in effect on the jurisdiction's applicable date for coverage (specified in the appendix) and is not otherwise legally enforceable under section 5, it cannot serve as a benchmark, and, except as provided in paragraph (b)(4) of this section, the comparison shall be with the last legally enforceable practice or procedure used by the jurisdiction.

(2) The Attorney General will make the comparison based on the conditions existing at the time of the submission.

(3) The implementation and use of an unprecleared voting change subject to section 5 review under §51.18(a) does not operate to make that unprecleared change a benchmark for any subsequent change submitted by the jurisdiction. See §51.18(c).

(4) Where at the time of submission of a change for section 5 review there exists no other lawful practice or procedure for use as a benchmark (e.g.,

where a newly incorporated college district selects a method of election) the Attorney General's preclearance determination will necessarily center on whether the submitted change was designed or adopted for the purpose of discriminating against members of racial or language minority groups.

§51.55 Consistency with constitutional and statutory requirements.

(a) *Consideration in general.* In making a determination the Attorney General will consider whether the change is free of discriminatory purpose and retrogressive effect in light of, and with particular attention being given to, the requirements of the 14th, 15th, and 24th amendments to the Constitution, 42 U.S.C. 1971(a) and (b), sections 2, 4(a), 4(f)(2), 4(f)(4), 201, 203(c), and 208 of the Act, and other constitutional and statutory provisions designed to safeguard the right to vote from denial or abridgment on account of race, color, or membership in a language minority group.

(b) *Section 2.* Preclearance under section 5 of a voting change will not preclude any legal action under section 2 by the Attorney General if implementation of the change demonstrates that such action is appropriate.

[52 FR 490, Jan. 6, 1987, as amended at 63 FR 24109, May 1, 1998]

§51.56 Guidance from the courts.

In making determinations the Attorney General will be guided by the relevant decisions of the Supreme Court of the United States and of other Federal courts.

§51.57 Relevant factors.

Among the factors the Attorney General will consider in making determinations with respect to the submitted changes affecting voting are the following:

(a) The extent to which a reasonable and legitimate justification for the change exists.

(b) The extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change.

(c) The extent to which the jurisdiction afforded members of racial and

§51.58

language minority groups an opportunity to participate in the decision to make the change.

(d) The extent to which the jurisdiction took the concerns of members of racial and language minority groups into account in making the change.

§51.58 Representation.

(a) *Introduction.* This section and the sections that follow set forth factors—in addition to those set forth above—that the Attorney General considers in reviewing redistrictings (see §51.59), changes in electoral systems (see §51.60), and annexations (see §51.61).

(b) *Background factors.* In making determinations with respect to these changes involving voting practices and procedures, the Attorney General will consider as important background information the following factors:

(1) The extent to which minorities have been denied an equal opportunity to participate meaningfully in the political process in the jurisdiction.

(2) The extent to which minorities have been denied an equal opportunity to influence elections and the decision-making of elected officials in the jurisdiction.

(3) The extent to which voting in the jurisdiction is racially polarized and political activities are racially segregated.

(4) The extent to which the voter registration and election participation of minority voters have been adversely affected by present or past discrimination.

§51.59 Redistrictings.

In determining whether a submitted redistricting plan has the prohibited purpose or effect the Attorney General, in addition to the factors described above, will consider the following factors (among others):

(a) The extent to which malapportioned districts deny or abridge the right to vote of minority citizens.

(b) The extent to which minority voting strength is reduced by the proposed redistricting.

(c) The extent to which minority concentrations are fragmented among different districts.

28 CFR Ch. I (7-1-98 Edition)

(d) The extent to which minorities are overconcentrated in one or more districts.

(e) The extent to which available alternative plans satisfying the jurisdiction's legitimate governmental interests were considered.

(f) The extent to which the plan departs from objective redistricting criteria set by the submitting jurisdiction, ignores other relevant factors such as compactness and contiguity, or displays a configuration that inexplicably disregards available natural or artificial boundaries.

(g) The extent to which the plan is inconsistent with the jurisdiction's stated redistricting standards.

§51.60 Changes in electoral systems.

In making determinations with respect to changes in electoral systems (e.g., changes to or from the use of at-large elections, changes in the size of elected bodies) the Attorney General, in addition to the factors described above, will consider the following factors (among others):

(a) The extent to which minority voting strength is reduced by the proposed change.

(b) The extent to which minority concentrations are submerged into larger electoral units.

(c) The extent to which available alternative systems satisfying the jurisdiction's legitimate governmental interests were considered.

§51.61 Annexations.

(a) *Coverage.* Annexations, even of uninhabited land, are subject to section 5 preclearance to the extent that they alter or are calculated to alter the composition of a jurisdiction's electorate. In analyzing annexations under section 5, the Attorney General only considers the purpose and effect of the annexation as it pertains to voting.

(b) *Section 5 review.* It is the practice of the Attorney General to review all of a jurisdiction's unprecleared annexations together. See *City of Pleasant Grove v. United States*, C.A. No. 80-2589 (D.D.C. Oct. 7, 1981).

(c) *Relevant factors.* In making determinations with respect to annexations, the Attorney General, in addition to

Department of Justice

Pt. 51, App.

the factors described above, will consider the following factors (among others):

(1) The extent to which a jurisdiction's annexations reflect the purpose or have the effect of excluding minorities while including other similarly situated persons.

(2) The extent to which the annexations reduce a jurisdiction's minority population percentage, either at the time of the submission or, in view of the intended use, for the reasonably foreseeable future.

(3) Whether the electoral system to be used in the jurisdiction fails fairly to reflect minority voting strength as it exists in the post-annexation jurisdiction. See *City of Richmond v. United States*, 422 U.S. 358, 367-72 (1975).

[52 FR 490, Jan. 6, 1987; 52 FR 2648, Jan. 23, 1987]

Subpart G—Sanctions

§51.62 Enforcement by the Attorney General

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including section 5. See section 12(d).

(b) Certain violations of section 5 may be subject to criminal sanctions. See section 12(a) and (c).

§51.63 Enforcement by private parties.

Private parties have standing to enforce section 5.

§51.64 Bar to termination of coverage (ballot).

(a) Section 4(a) of the Act sets out the requirements for the termination of coverage (ballot) under section 5. See §51.5. Among the requirements for bailout is compliance with section 5, as described in section 4(a), during the ten years preceding the filing of the bailout action and during its pendency.

(b) In defending bailout actions, the Attorney General will not consider as a bar to bailout under section 4(a)(1)(E) a section 5 objection to a submitted voting standard, practice, or procedure if the objection was subsequently withdrawn on the basis of a determination

by the Attorney General that it had originally been interposed as a result of the Attorney General's misinterpretation of fact or mistake in the law, or if the unmodified voting standard, practice, or procedure that was the subject of the objection received section 5 preclearance by means of a declaratory judgment from the U.S. District Court for the District of Columbia.

(c) Notice will be given to interested parties registered under §51.32 when bailout actions are filed or decided.

Subpart H—Petition To Change Procedures

§51.65 Who may petition.

Any jurisdiction or interested individual or group may petition to have these procedural guidelines amended.

§51.66 Form of petition.

A petition under this subpart may be made by informal letter and shall state the name, address, and telephone number of the petitioner, the change requested, and the reasons for the change.

§51.67 Disposition of petition.

The Attorney General shall promptly consider and dispose of a petition under this subpart and give notice of the disposition, accompanied by a simple statement of the reasons, to the petitioner.

APPENDIX TO PART 51—JURISDICTIONS COVERED UNDER SECTION 4(b) OF THE VOTING RIGHTS ACT, AS AMENDED

The preclearance requirement of section 5 of the Voting Rights Act, as amended, applies in the following jurisdictions. The applicable date is the date that was used to determine coverage and the date after which changes affecting voting are subject to the preclearance requirement.

Some jurisdictions, for example, Yuba County, California, are included more than once because they have been determined on more than one occasion to be covered under section 4(b).

Jurisdiction	Applicable Date	FEDERAL REGISTER citation	
		Volume and page	Date
Alabama	Nov. 1, 1984	30 FR 9897	Aug. 7, 1965.
Alaska	Nov. 1, 1972	40 FR 49422	Oct. 22, 1975.
Arizona	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
California:			
Kings County	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
Merced County	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
Monterey County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Yuba County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Yuba County	Nov. 1, 1972	41 FR 784	Jan. 5, 1976.
Florida:			
Collier County	Nov. 1, 1972	41 FR 34329	Aug. 13, 1976.
Hardee County	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
Hendry County	Nov. 1, 1972	41 FR 34329	Aug. 13, 1976.
Hillsborough County	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
Monroe County	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
Georgia	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Louisiana	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Michigan:			
Allegan County:			
Clyde Township	Nov. 1, 1972	41 FR 34329	Aug. 13, 1976.
Saginaw County:			
Buena Vista Township	Nov. 1, 1972	41 FR 34329	Aug. 13, 1976.
Mississippi	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
New Hampshire:			
Cheshire County:			
Rindge Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Coos County:			
Millsfield Township	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Pittsburg Grant	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Stewartstown Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Stratford Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Grafton County:			
Benton Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Hillsborough County:			
Antrim Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Merrimack County:			
Boscawen Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Rockingham County:			
Newington Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
Sullivan County:			
Unity Town	Nov. 1, 1968	39 FR 16912	May 10, 1974.
New York:			
Bronx County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Bronx County	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
Kings County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Kings County	Nov. 1, 1972	40 FR 43746	Sept. 23, 1975.
New York County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
North Carolina:			
Anson County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Beaufort County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Bertie County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Bladen County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Camden County	Nov. 1, 1964	31 FR 3317	Mar. 2, 1966.
Caswell County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Chowan County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Cleveland County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Craven County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Cumberland County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Edgecombe County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Franklin County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Gaston County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Gates County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Granville County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Greene County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Guilford County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Halifax County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Harnett County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Hertford County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Hoke County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Jackson County	Nov. 1, 1972	40 FR 49422	Oct. 22, 1975.
Lee County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Lenoir County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.

Department of Justice

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Jurisdiction	Applicable Date	FEDERAL REGISTER citation	
		Volume and page	Date
Martin County	Nov. 1, 1964	31 FR 19	Jan. 4, 1966.
Nash County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Northampton County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Onslow County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Pasquotank County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Perquimans County	Nov. 1, 1964	31 FR 3317	Mar. 2, 1966.
Person County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Pitt County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Robeson County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Rockingham County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Scotland County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Union County	Nov. 1, 1964	31 FR 5081	Mar. 29, 1966.
Vance County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Washington County	Nov. 1, 1964	31 FR 19	Jan. 4, 1966.
Wayne County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
Wilson County	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
South Carolina	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.
South Dakota:			
Shannon County	Nov. 1, 1972	41 FR 784	Jan. 5, 1976.
Todd County	Nov. 1, 1972	41 FR 784	Jan. 5, 1976.
Texas	Nov. 1, 1972	40 FR 43748	Sept. 23, 1975.
Virginia	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965.

The following political subdivisions in States subject to statewide coverage are also covered individually:

Jurisdiction	Applicable date	FEDERAL REGISTER citation	
		Volume and page	Date
Arizona:			
Apache County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Apache County	Nov. 1, 1972	40 FR 49422	Oct. 22, 1975.
Cochise County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Coconino County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Coconino County	Nov. 1, 1972	40 FR 49422	Oct. 22, 1975.
MoHAVE County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Navajo County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Navajo County	Nov. 1, 1972	40 FR 49422	Oct. 22, 1975.
Pima County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Pinal County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Pinal County	Nov. 1, 1972	40 FR 49422	Oct. 22, 1975.
Santa Cruz County	Nov. 1, 1968	36 FR 5809	Mar. 27, 1971.
Yuma County	Nov. 1, 1964	31 FR 982	Jan. 25, 1966.

Chapter IX

Enforcing Voting Rights in the Clinton Administration As We Approach the New Millenium

by Todd A. Cox

Introduction

The fairness of any legal system can be measured by the availability of adequate remedies to protect one's rights. Thus, the essential question is, does one have free access to a court or legislative body to obtain vindication where a human right has been infringed?

A. Leon Higginbotham, Jr., *In the Matter of Color, Race and the American Legal Process: The Colonial Period* (1978).

As the next century approaches, the voting rights of the nation's minorities are at an important crossroads. At the beginning of the first Clinton Administration, lawsuits challenging redistricting plans that contained minority-opportunity districts (i.e., districts providing minorities an equal opportunity to elect candidates of their choice) threatened to eliminate the electoral gains won following the 1990 redistricting.¹ As the first half of the second Clinton Administration draws to a close, there are continued threats to minority voting rights from new *Shaw* challenges, as well as new questions raised in the enforcement of both the Voting Rights Act of 1965² and the National Voter Registration Act of 1993 (NVRA).³ The Administration will have to be proactive in its law enforcement and creative in developing responses to the challenges that have become inevitable in enforcing voting rights laws. Depending on the enforcement strategies implemented by the Administration, minority electoral gains will either be protected or suffer severely as we near the next century and the next

redistricting cycle. With the first two years of the second term of the Clinton Administration as a backdrop, this chapter will briefly examine the burgeoning and continuing threats to minority voting rights that the Administration will have to confront in the following areas: (1) enforcement of section 2 of the Voting Rights Act⁴ in the wake of *Shaw* and its progeny; (2) enforcement of section 5 of the Voting Rights Act⁵ in the wake of *Shaw* and recent Supreme Court rulings; and (3) enforcement of the NVRA in light of recent legislative attacks, as well as the persistent resistance by states, and potential obstacles relating to changes in the laws that affect the agencies through which the NVRA is implemented.

I. Continuing to Ensure Electoral Opportunities in the Post-Shaw Era

Although the country is fast approaching the 2000 census and a new redistricting cycle, the courts are still resolving battles over redistricting plans developed after the 1990 census. In the wake of *Shaw v. Reno*,⁶ and *Miller v. Johnson*,⁷ several Supreme Court rulings on Fourteenth Amendment Equal Protection challenges to majority-black or Hispanic congressional districts have helped clarify the criteria for creating minority-opportunity districts. Through these decisions, the Supreme Court has made a definitive statement that the Voting Rights Act is still valid, and that there is a compelling justifi-

cation for creating majority-minority districts to remedy violations under the Act.

In *Shaw v. Hunt*⁸ and *Bush v. Vera*,⁹ the Court once again addressed the constitutional standards that apply to congressional districts that were drawn to create equal electoral opportunities for minority voters. In *Shaw v. Hunt*, the Court reviewed North Carolina's 1990 congressional plan, following a full trial on the merits regarding the constitutionality of North Carolina's Twelfth and First Congressional districts.¹⁰ Similarly, *Bush v. Vera* involved a challenge to three congressional districts in Texas. In both cases, the Court ruled that all of the challenged districts were unconstitutional under the Fourteenth Amendment because they were not narrowly tailored to further a compelling governmental interest.¹¹

However, the Supreme Court's rulings in the *Shaw* line of cases have not eroded the need for states and local jurisdictions to be sufficiently "race conscious" in their redistricting processes so as to avoid diluting minority voting strength. Indeed, in *Bush*, the Court stated that "[s]trict scrutiny does not apply merely because redistricting is performed with consciousness of race. . . . Nor does it apply to all cases of intentional creation of majority-minority districts."¹² As Justice O'Connor observed:

*States may intentionally create majority-minority districts and may otherwise take race into consideration, without coming under strict scrutiny. Only if traditional districting criteria are neglected, and that neglect is predominantly due to the misuse of race, does strict scrutiny apply.*¹³

Moreover, Justice O'Connor has made clear that nothing in *Shaw* or its progeny should be interpreted as calling into question the continued importance of complying with section 2 of the Voting Rights Act:¹⁴

The results test of § 2 is an important part of the apparatus chosen by Congress to effectuate this Nation's commitment "to confront its conscience and fulfill the guarantee of the Constitution" with respect to equality in voting. S. Rep. No. 97-417, p. 4 (1982).¹⁵

Justice O'Connor recognized that "it would be irresponsible for a State to disregard the § 2 results test,"¹⁶ concluding that states have a compelling interest in complying with section 2 of the Voting Rights Act and, more specifically, in complying with "the results test as this Court has interpreted it."¹⁷ Justice O'Connor's opinion confirms that reasonably compact majority-minority districts are not inevitably subject to challenge under the constitutional claim recognized in *Shaw*, and that jurisdictions continue to have a compelling interest in complying with the Voting Rights Act.¹⁸

The most recent Supreme Court decision in this area is instructive. In *Lawyer v. Department of Justice*,¹⁹ the Court upheld the constitutionality of a majority-minority state senate district in the Tampa Bay, Florida, region. In this case, the district court approved a settlement plan that reduced the total minority voting-age population in the challenged district from an original 55.3% to 51.2% through reconfiguration of the district to one that was characterized as still somewhat oddly shaped, albeit "less strained and irregular."²⁰ In determining whether it would approve the new boundaries, the district court placed primary importance on the fact that the new plan "offers to any candidate, without regard to race, the opportunity to seek elective office and both a fair chance to win and the usual risk of defeat."²¹

The Supreme Court upheld the settlement, finding that race, while a factor, did not predominate and subordinate Florida's traditional redistricting criteria.²² Although the new district splits three counties and several municipalities and is irregularly shaped, the Court held that none of these factors required a finding that the district was unconstitutionally race-based. The Court relied on the district court's finding that Florida has traditionally drawn districts that encompass more than one county and cross bodies of water, and that the district at issue therefore was not a dramatic departure from Florida's traditional redistricting principles. It thus acknowledged for the first time an important limit on the *Shaw* doctrine: a majority-minority district's adherence to "traditional redistricting principles" should be judged according to the principles the state itself applies in drawing

districts rather than abstract concepts of ideal compactness and shape. In another case, *King v. State Board of Elections*, the Court affirmed without an opinion a district court ruling that Illinois' Fourth Congressional District, drawn after the 1990 census, is constitutional.²³ Lower courts have applied the principles of these and prior Supreme Court rulings and determined that the creation of majority-minority districts under the Voting Rights Act is valid.²⁴

In view of the affirmances in *Lawyer* and *King*, as well as the Supreme Court's repeated assurances that the use of race in drawing district lines does not automatically render districts unconstitutional, it appears evident that jurisdictions have a compelling justification for complying with the strictures of section 2 of the Voting Rights Act, and may be sufficiently race-conscious in redistricting to avoid diluting minority voting strength.

This term, the Supreme Court will again have an opportunity to provide further guidance on these issues, taking for review *Cromartie v. Hunt*.²⁵ *Cromartie* challenges the new Twelfth and First Congressional districts, drawn after the Court struck the old Twelfth in *Shaw v. Hunt*. The new Twelfth was only 47% African American, reduced from the original 53% minority district that the Supreme Court struck down in *Shaw v. Hunt*. *Cromartie* will give the Supreme Court perhaps its final opportunity prior to the 2000 census to clarify its original *Shaw* ruling and to further develop the limits for redrawing districts found to be unconstitutional under the *Shaw* standard.

Over the past two years, the U.S. Department of Justice has intervened in some of these *Shaw* challenges and has been named as a defendant in several of them.²⁶ The Department's involvement in these cases has had an impact on its enforcement record. A number of federal court decisions in recent years have been harshly critical of the Department's section 5 enforcement policies.²⁷ Also, in a number of cases, lawyers for the plaintiffs who are challenging the majority-minority districts have successfully sought to take the depositions of the Department's Voting Section personnel, and even of the Assistant Attorney General of the Civil Rights Division, concerning the Department's decision-making process in section 5

preclearance determinations. These inquiries are often time-consuming and demoralizing for the Civil Rights Division and Voting Section staff. Moreover, these probes have threatened the confidentiality between Department staff and the outside community that has been a hallmark of the Division's ability to gather information for, and execute its responsibilities under, the section 5 preclearance process.

Despite these obstacles, the Division must continue to intervene in these challenges. Defense of these challenges has borne fruit not only in ultimate victories, but also in the successful settlement of cases and redrawing of districts that still provide minorities an equal opportunity to elect candidates of choice. In this regard, *Lawyer*, in which the Department was a party-defendant, is instructive, for the presence of the Department at settlement negotiations and on appeal was an important part of the success of that case. As a party, the Department is in a position to instruct courts directly about its enforcement role, as well as shape settlements and court decisions.

However, while defense of challenged majority-minority districts is an important priority, it is equally important for the Voting Section to employ its substantial personnel and resources in bringing affirmative cases under section 2 of the Voting Rights Act. As discussed above, section 2 is recognized by the Supreme Court to be constitutional, and jurisdictions have a responsibility to comply with its strictures; in other words, the *Shaw* line of cases has not erected a bar to section 2 lawsuits.²⁸ Thus, the Voting Section must invigorate its program of investigating and filing cases under the Act. A proactive and vigorous strategy for bringing cases under section 2 will help bolster the credibility of the Department and the Voting Rights Act's validity before the courts and before otherwise recalcitrant jurisdictions. The Department must become a leader in this important effort, as it is critical for courts and jurisdictions alike to understand that section 2 compliance is still required and that the Department will hold jurisdictions accountable for any discrimination against minority voters during the next redistricting process.

Also, since census data is essential in the redistricting process, this Administration's decision to permit individuals to designate multiple racial and ethnic categories on the 2000 census forms presents particular issues for the post-2000 redistricting process. In order to ensure an accurate count of individuals during redistricting and reapportionment, it will be critically important to report these multiple categories in a format that is useful for enforcing civil rights law and creating redistricting plans. The Department will need to take the lead in coordinating this Administration's efforts to determine and implement the methods for tabulating and reporting the census data collected, and to ensure consistent enforcement and compliance across the agencies that use this data.

II. Enforcing Section 5 of the Voting Rights Act

Confronted with "unremitting and ingenious defiance of the Constitution,"⁷²⁰ Congress enacted the Voting Rights Act of 1965 to "banish the blight of racial discrimination in voting,"⁷²¹ concluding that "the unsuccessful remedies which it had prescribed in the past would have to be replaced by sterner and more elaborate measures in order to satisfy the clear commands of the Fifteenth Amendment."⁷²¹ The Voting Rights Act and, specifically, section 5 of the Voting Rights Act, represents the culmination of Congress's efforts to establish these new remedies designed to "rid the country of racial discrimination in voting."⁷²²

Section 5 prohibits the enforcement or administration by covered jurisdictions of "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting" without first receiving preclearance from the United States Attorney General or the United States District Court for the District of Columbia.³⁵ Covered jurisdictions can meet this burden by showing that the voting change is not tainted, even in part, by an invidious racial purpose³⁶ and will not have a retrogressive effect.³⁵ For

several reasons, including cost and convenience, jurisdictions tend to seek preclearance through the administrative process conducted by the Department of Justice, rather than through litigation in the district court. Therefore, the Department has a unique, critical role in preventing the implementation of discriminatory electoral practices. The Administration, however, must confront several issues related to its section 5 enforcement responsibilities.

First, the district court decision in *Bossier Parish v. Reno*³⁷ threatens to significantly alter the fundamental standard for reviewing voting changes submitted pursuant to section 5. The Supreme Court in *Village of Arlington Heights v. Metro Housing Development Corp.* held that the assessment of whether purposeful discrimination was a motivating consideration "demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available."³⁷ The Supreme Court also identified several factors that may provide evidence of invidious purpose in the context of official action taken by governing officials, including: (1) the historical background of the decision; (2) the sequence of events leading up to the action taken; (3) procedural departures from the normal process; (4) substantive departures from the normal process; and (5) the legislative or administrative history, including contemporary statements by the members of the governing body, minutes of their meetings, and any testimony by the decision-makers regarding their intent.³⁸

In the first *Bossier* decision, however, a sharply divided three-judge district court granted preclearance to the Bossier Parish, Louisiana, school board redistricting plan, holding that circumstantial evidence of discriminatory intent may not be considered in a section 5 proceeding if such evidence would also be admissible in a proceeding under section 2 of the Voting Rights Act.³⁹ In a vigorous dissent, District Judge Gladys Kessler pointed out that the majority's standards for determining discriminatory intent departed sharply from Supreme Court precedents such as *Arlington Heights*, and stated that the record "demonstrates overwhelmingly that the School Board's decision . . . was motivated by discriminatory purpose."⁴⁰ The district court also refused to apply a

Justice Department regulation under which section 5 preclearance would be denied if a voting change would constitute a clear violation of the "results" test of section 2 of the Voting Rights Act.⁴¹

On appeal, the Supreme Court upheld the district court's unanimous conclusion that a section 2 violation could not be an independent justification for a denial of preclearance under section 5.⁴² However, the Court remanded, instructing the lower court to apply the standard set out in *Arlington Heights* to the evidence of discriminatory purpose in the record, and directing the district court to consider the parish's argument that section 5's discriminatory purpose prong was limited to voting changes adopted with an intent to retrogress, and did not extend to a more general intent to limit minority voting strength.⁴³ On remand, the district court panel did not address the question of the scope of section 5's purpose prong. It applied the *Arlington Heights* standard only to the issue of whether the parish intended to retrogress when it made the decision to adopt the redistricting plan, with a majority of the court determining that the parish did not intend to retrogress.⁴⁴ The case is again pending before the Supreme Court on appeal.

Following the initial Supreme Court ruling in *Bossier*, the Department of Justice made a change in its regulations governing the section 5 administrative process. This change removed the provision authorizing the Department to deny section 5 preclearance if a voting change would constitute a clear violation of the "results" test of section 2 of the Voting Rights Act.⁴⁵ It is thus critically important that the Department be prepared to bring affirmative section 2 lawsuits against jurisdictions whose voting changes may not violate section 5's purpose or effect prongs, but nevertheless violate section 2. In addition, depending upon the outcome of the *Bossier Parish* case in the Supreme Court, the Department may have to determine how it will further modify its method of evaluating voting changes under section 5.

Second, the Supreme Court's decisions in the *Shaw* line of cases present certain challenges to the Department's section 5 enforcement. Specifically, the Department must evaluate its section 5 decision-

making process in light of these rulings to determine if further guidance should be provided to submitting jurisdictions. For example, the Department will have to determine how it will respond to a redistricting submission in which members of the community have alleged that the plan violates the standard set out in *Shaw* and subsequent cases.⁴⁶ Similarly, the Department will have to prepare for the possibility that a jurisdiction itself will use compliance with the *Shaw* standard as a reason for seeking to implement a redistricting plan that other evidence indicates was adopted with the intent to discriminate against minority voters or would have a discriminatory effect against minority voting rights.

In addressing these and other issues regarding section 5 law enforcement, the Department should be aware of several concerns. First, current regulations, policy directives, and administrative decision precedents already accommodate these various contingencies, obviating the need for any changes in formal policy. It is understandable that the Department is sensitive to the critiques of its policies leveled by the courts and may wish to be responsive to changes in the law. Nevertheless, the Department should seek other methods to assure the courts and covered jurisdictions that it is complying with the governing laws, short of radical changes to its section 5 regulations or procedures that could have the unintended result of weakening section 5 enforcement.

Second, in addressing these and any other issues, the Department should consult the stakeholders in the section 5 process, including the minority voters whom the process is intended to protect.⁴⁷ Timely input from all parties with a stake in the section 5 process will not only help ensure that the purposes of the process are preserved, but will also enhance the credibility of the process with those groups.

III. Enforcement of the National Voter Registration Act

A. Responding to Legislative Attacks on the National Voter Registration Act, and the Erection of Electoral Barriers and Voter Intimidation

The National Voter Registration Act is approaching its fifth anniversary. It has been enormously successful in enlarging the pool of voters by requiring states to provide voter registration materials in a variety of offices providing various public services, such as drivers' licenses, public assistance, and services to the disabled. Indeed, the Federal Election Commission, the agency charged with reporting the impact of the NVRA on the administration of elections, reports that in 1996, more than 27 million people were registered to vote pursuant to the statute.⁴⁰ Specifically, the Federal Election Commission (FEC) noted that "[t]he mail registration provisions of the NVRA [under which voters are permitted to register to vote by mail] caused very few problems for the States and accounted for nearly one third of all voter registration applications from 1995 through 1996."⁴¹ Despite the success and the relative ease in implementing the statute, there have been legislative attempts over the years to amend the NVRA to remove many of the features that have made it most successful. The most recent iteration of these efforts occurred during the last Congress.

At the beginning of the 105th Congress, California Congresswoman Loretta Sanchez's electoral victory was challenged in the House by former Representative Robert Dornan, whom she defeated. At the heart of the former Congressman's challenge were allegations that noncitizens had voted in the election and had provided the margin for victory in the race. In the wake of these allegations of vote fraud and the subsequent House investigations into them, the House considered several bills—termed "ballot security" measures—which, while purportedly designed to address issues regarding vote fraud, actually threatened to undermine or effec-

tively to repeal provisions of the NVRA and, ultimately, the Voting Rights Act.

Beginning in 1997, the House first considered H.R. 1428, which would have established a federal program to "confirm" the citizenship of registered voters and voter registration applicants at the discretion of state or local election officials, allowing them to drop registered voters from the rolls and reject registration applications if their citizenship could not be confirmed. Under the bill, the local registrars were given the discretion to use the databases of the Social Security Administration (SSA) and the Immigration and Naturalization Service (INS) to confirm the citizenship status of would-be and current registrants. However, at the June 25, 1997, hearing before the House Judiciary Subcommittee on Immigration and Claims, both agencies testified that it was not possible to verify a person's citizenship using either agency's database.⁴² The bill was defeated in February 1998.

Proponents of NVRA amendments next made several failed attempts to incorporate these amendments into various campaign finance proposals. First, before the 1998 Easter recess, the House considered and defeated a "campaign finance reform" bill, H.R. 3485, which incorporated the language of H.R. 1428. Second, the House considered a new campaign reform bill, H.R. 2183, and permitted members to offer a number of amendments to the legislation, including amendments: (1) eliminating the Voting Rights Act requirement that jurisdictions provide bilingual voting materials and bilingual assistance;⁴³ (2) establishing, similar to H.R. 1428, a federal pilot program to allow state and local election officials to "verify" citizenship of voters in, "at a minimum," California, Texas, Florida, New York, and Illinois, by using INS and SSA data; and (3) repealing the NVRA's mail-in registration requirement, requiring proof of citizenship and Social Security numbers to register to vote, allowing states to purge voters from the rolls for nonvoting, and permitting states to require photo identification at the polls.

Of course, these amendments had nothing to do with campaign finance. They were introduced without any congressional findings or proof of *any*, let alone any widespread, fraud or problems with the

NVRA procedures. Significantly, where there have been allegations of fraud in an electoral process, the existing system—under state *and* federal law—has operated to address the complaints and adjudicate the matters.⁵³

Rather than addressing vote fraud, these proposals posed serious threats to the voting rights of all Americans. Requiring “proof of citizenship to register or to vote” and requiring photo identification would have a disparate impact on low-income citizens who are disproportionately racial minorities, as they would be forced to purchase documents to prove identity and citizenship in order to vote, tantamount to a poll tax.⁵⁴ Moreover, repealing the mail-in registration would undermine the NVRA. The FEC Report indicated that approximately 27 million people had registered under the NVRA, with more than 12 million registering through mail-in.⁵⁴ If enacted, these bills would have eroded protections guaranteed by the NVRA and the Voting Rights Act, erecting additional, unnecessary barriers and hurdles to voter registration that, in principle, the NVRA was designed to eliminate, and against which the Voting Rights Act was designed to protect.

We should expect similar measures to be introduced as bills or amendments in Congress in the coming years. As in past debates over these issues, the Department of Justice and other agencies should continue to advise Congress that the federal government does not have the ability to create data systems that would facilitate these various proposals. In addition, the Department should point out the potential for discrimination raised by proposals such as the ones discussed, particularly by those that would eliminate the Voting Rights Act’s bilingual provisions or erect barriers at the polls that would render the provisions of the NVRA a nullity. It will be critical not only to defeat such proposals in the future, but also to ensure such an overwhelming defeat that the proponents of these measures do not continue to reintroduce them and states and private parties are not further empowered to replicate these measures locally.

Through its legislative advocacy and the section 5 process, the Department of Justice must continue to be vigilant and work to prohibit the implementa-

tion of electoral requirements that would intimidate or disproportionately impact the electoral participation of minority voters, such as requiring the presentation of photo identification at the polls. In addition, through its election monitoring, the Department should work to preempt intimidation in the electoral process. Even before specific complaints and allegations are lodged, the Department should investigate areas with a prior history of discriminatory or intimidating electoral practices. When allegations of intimidating activity are presented, the Department must act *promptly* and *systematically* to investigate allegations and then act aggressively to preempt the intimidation by instructing private and public parties that the intimidating behavior constitutes a violation of the Voting Rights Act. Finally, if necessary, the Department must in due course litigate to prevent or cause the cessation of voter intimidation, integrating this litigation strategy into its process of pre-election investigation and its federal observer program. While the Department currently conducts pre-election investigations and sends federal observers when specific allegations are raised, the threshold for Department intervention tends to be quite high. A lower threshold would permit the Department to intervene earlier and preempt discriminatory activity, perhaps even obviating the need for further federal involvement.

B. The Next Generation of NVRA Litigation and the Need to Expand Agency Coverage

At this stage of the NVRA’s enforcement, most questions concerning the statute’s constitutionality have been resolved and lawsuits against states that had simply refused to comply with the NVRA have been successfully concluded.⁵⁵ However, enforcement of the NVRA in public assistance agencies and disability benefits offices in many states has been much less systematic than its enforcement at drivers’ license bureaus. It is thus still necessary to pursue aggressively the remaining jurisdictions that have failed to designate the broad spectrum of agencies necessary to provide all the voter registration oppor-

tunities contemplated by the NVRA. This should be a priority for the Voting Section, requiring a next generation of NVRA lawsuits to ensure that where the NVRA has been implemented, states are complying with the strictures of the law fully and fairly, particularly in public assistance and disability agencies. It is essential, therefore, for the Department of Justice to conduct ongoing investigations of NVRA compliance nationwide, including the development of a comprehensive strategy for the extensive and thorough collection of data concerning NVRA implementation in the state agencies.⁶⁰

In addition, as a result of welfare law changes, many public assistance recipients may not currently be offered the chance to register to vote which the NVRA offers. Many states are adopting programs under which prior AFDC (Aid to Families with Dependent Children)⁶¹ recipients are diverted from the new Temporary Assistance to Needy Families (TANF)⁶² program to job training and job service programs. These diverted individuals may not be provided opportunities to register to vote pursuant to the NVRA during this process. As the principal NVRA law enforcer, the Department of Justice should take the lead in researching and collecting data on the effects of these diversion programs and on voter registration. The Department should also coordinate with other agencies, such as the Department of Health and Human Services, to ensure that state agencies are still fulfilling their obligations under the NVRA.

IV. Conclusion

In order to facilitate the sharing of information and views, the Department should consider establishing formal working groups composed of Department personnel and members of the voting rights advocacy community and holding periodic meetings to discuss issues of concern. Such working groups could help to foster trust between the community and the Department on these issues and help everyone stay informed of policy changes and trends. They also would provide an informal means for the community to share ideas and give feedback to the Department.

The Voting Rights Act and the NVRA are the primary statutes that guarantee the voting rights of this country's citizens. As the principal agency charged with enforcing them, the Department of Justice stands at the intersection of these statutes, ensuring that these rights continue to be protected in the face of a changing legal and legislative landscape. The strategies which this Administration develops to address the new issues confronting voting rights law will shape the future of the government's voting rights enforcement and impact minority voting rights in the next century.

Endnotes

¹ The gains in minority representation resulting from the redistricting following the 1990 census were dramatic. For example, prior to 1990, there were still five southern states with substantial African American populations which had not elected a single African American to Congress since the end of Reconstruction: Alabama, Florida, North Carolina, South Carolina, and Virginia. In 1992, those five states elected eight African Americans to Congress because each of those states for the first time created one or more majority African American congressional districts. Overall, African American representation in the House of Representatives increased from 26 in 1991, prior to redistricting, to 39 in 1992, following redistricting.

² 42 U.S.C. § 1973, *et seq.*

³ 42 U.S.C. § 1973gg, *et seq.*

⁴ 42 U.S.C. § 1973, as amended.

⁵ 42 U.S.C. § 1973c.

⁶ 509 U.S. 630 (1993).

⁷ 515 U.S. 906 (1995).

⁸ 517 U.S. 899 (1996).

⁹ 517 U.S. 952 (1996).

¹⁰ In the original 1993 *Shaw v. Reno* decision, the Court did not address the constitutionality of the challenged districts; the Court addressed only whether the plaintiffs had a cause of action to challenge the districts under the Constitution.

¹¹ In *Shaw*, however, the Court ruled the plaintiffs in the case did not have standing to challenge the First Congressional district and, therefore, the Court did not decide the constitutionality of that district.

¹² *Bush*, 517 U.S. at 958 (citations omitted).

¹³ *Id.* at 993. (O'Connor, J., concurring) (emphasis in original). See also *United States v. Hays*, 515 U.S. 737, 745 (1995) ("We recognized in *Shaw*. . . that the 'legislature always is *aware* of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness does not lead inevitably to impermissible race discrimination'" (citation omitted) (emphasis in original)).

¹⁴ Section 2 of the Voting Rights Act of 1965, 42 U.S.C. § 1973, as amended, prohibits any practice that has the intent or result of denying a citizen of the United States the right to vote on account of race, color, or status as a language minority. Section 2 states in pertinent part:

Sec. 2(a) No voting qualification or prerequisite to voting or standard, practice or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as set forth in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by a class of other citizens protected by subdivision (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. . . .

¹⁵ *Id.* at 992 (O'Connor, J., concurring).

¹⁶ *Id.* at 991-992 (O'Connor, J., concurring).

¹⁷ *Id.* Justice O'Connor's opinion on this issue is particularly important given that four other members of the

Court, who dissented from the rulings striking down the North Carolina and Texas plans, clearly agree that states have a compelling interest in avoiding diluting minority voting strength and in complying with section 2 of the Voting Rights Act. See *Bush*, 517 U.S. at 1003, 1011 (Stevens, J., joined by Ginsburg and Breyer, JJ., dissenting); *id.* at 1045, 1050-51 (Souter, J., joined by Ginsburg and Breyer, JJ., dissenting).

¹⁸ See also *Lawyer v. Department of Justice*, 521 U.S. 567, 117 S. Ct. 2186 (1997) (upholding the constitutionality of a Florida state legislative districting plan that was drawn with conscious consideration of race to settle litigation challenging a prior plan, creating a majority-minority district that afforded minority voters the opportunity to elect candidates of their choice that was somewhat irregularly shaped and that split county and city boundaries); *Abrams v. Johnson*, 521 U.S. 74 (1997) (approving congressional districting plan for Georgia having majority-black district); *King v. State Board of Elections*, ___ U.S. ___, 118 S. Ct. 877 (1998) (*per curiam*) (summarily affirming district court ruling upholding the constitutionality of Illinois' Fourth Congressional District); *DeWitt v. Wilson*, 856 F. Supp. 1409, 1413-14 (E.D. Cal. 1994) (finding that intentional creation of majority-minority districts does not violate Constitution when redistricting plan "evidences a judicious and proper balancing of the many factors appropriate to redistricting, one of which was the consideration of the application of the Voting Rights Act's objective of assuring that minority voters are not denied the chance to effectively influence the political process"), *aff'd*, 515 U.S. 1170 (1995).

¹⁹ 521 U.S. 567, 117 S. Ct. 2186 (1997).

²⁰ *Scott v. United States*, 920 F. Supp. 1248, 1255 (M.D. Fla. 1996), *aff'd sub nom. Lawyer v. Department of Justice*, 521 U.S. 567, 117 S. Ct. 2186 (1997).

²¹ *Id.* at 1256.

²² See *Lawyer*, 117 S. Ct. at 2195.

²³ *King v. State Bd. of Elections*, ___ U.S. ___, 118 S.Ct. 877 (1998). See also *Abrams v. Johnson*, ___ U.S. ___, 117 S. Ct. 1925 (1997) (upholding the constitutionality of a Georgia district court's decision to maintain one urban majority-black congressional district and to eliminate two nonurban majority black districts).

²⁴ See *Clark v. Calhoun County, Mississippi*, 88 F.3d 1393, 1407 (5th Cir. 1996) (the Supreme Court in its recent decisions did not alter the *Gingles* proof, nor did the "Court suggest that a district drawn for predominantly racial reasons would necessarily fail the *Gingles* test [for majority-minority districts]"); *Cane v. Worcester County*, 35 F.3d 921, 926-27 n.6 (4th Cir. 1994); *cert. denied*, 115 S. Ct. 3616 (1995) (holding that *Shaw* is not implicated in section 2 challenge to at-large election scheme where proposed majority-black remedial district was comparable to other election districts drawn by the county); *Addy v. Newton County, Mississippi*, 2 F. Supp. 2d 861 (1997) (dismissal of Fourteenth Amendment challenge to majority-minority district created to remedy section 2 violation).

²⁵ *Cromartie v. Hunt*, No. 4:96CV104-BO(3) (E.D.N.C. April 14, 1997), *prob. juris. noted*, 119 S. Ct. 28 (1998).

²⁶ See, e.g., *Hays v. State of Louisiana*, 936 F. Supp. 360 (W.D. La. 1996); *Scott v. United States*, 920 F. Supp. 1248 (M.D. Fla. 1996), *aff'd sub nom. Lawyer v. Department of Justice*, 521 U.S. 567, 117 S. Ct. 2186 (1997).

²⁷ See, e.g., *Smith v. Beasley*, 946 F. Supp. 1174 (D.S.C. 1996); *Johnson v. Miller*, 863 F. Supp. 1354 (S.D. Ga. 1994), *aff'd*, 115 S.Ct. 2475 (1995).

²⁸ See *Barnett v. City of Chicago*, 141 F.3d 699 (7th Cir. 1998), *cert. denied*, 118 S. Ct. 2372 (1998); *Johnson v. Hamrick*, 1998 WL 476186 (N.D. Ga. June 12, 1998); *Goosby v. Town of Hempstead*, 956 F. Supp. 326 (E.D.N.Y. 1997).

²⁹ *South Carolina v. Katzenbach*, 383 U.S. 301, 309 (1986).

³⁰ *Id.* at 308.

³¹ *Id.* at 309.

³² See *id.* at 315.

³³ 42 U.S.C. § 1973c. Section 5 reads in pertinent part:

Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, . . . such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made.

³⁴ See *City of Richmond v. United States*, 422 U.S. 358, 378-379 (1975); *City of Rome v. United States*, 422 U.S. 156, 172 (1980); *Busbee v. Smith*, 549 F. Supp. 494, 516-517 (D.D.C. 1982), *aff'd*, 459 U.S. 1166 (1983); *Wilkes County v. United States*, 450 F. Supp. 1171, 1177 (D.D.C. 1978).

³⁵ See *Beer v. United States*, 425 U.S. 130, 140-142 (1976); 28 C.F.R. § 51.54.

³⁶ 7 F. Supp. 2d 29 (D.D.C. 1998).

³⁷ *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266 (1977).

³⁸ *Arlington Heights*, 429 U.S. at 267-68.

³⁹ *Bossier Parish School Board v. Reno*, 907 F. Supp. 434 (D.D.C. 1995).

⁴⁰ *Id.* at 463.

⁴¹ *Id.* at 442.

⁴² *Reno v. Bossier Parrish School Board*, 520 U.S. ___, 117 S. Ct. 1491 (1997).

⁴³ *Id.* at 1494.

⁴⁴ *Bossier Parish School Board v. Reno*, 7 F. Supp. 2d 29 (D.D.C. 1998).

⁴⁵ Effective May 1, 1998, the Attorney General amended the Procedures for the Administration of section 5 of the Voting Rights Act of 1965, deleting paragraph (b)(2) of 28 C.F.R. § 51.55.

⁴⁶ Similar issues would be raised, during the course of litigation, when a jurisdiction submits a redistricting plan that is challenged under the *Shaw* standard.

⁴⁷ In a speech to the National Conference of State Legislatures Annual Meeting in 1997, Acting Assistant Attorney General for the Civil Rights Division Isabelle Katz Pinzler spoke of the Department's deep concern over the criticism of the Department's policies in *Shaw* and *Miller*, and that as a result of developments in redistricting and section 5 law, the Department was beginning the process of studying whether the guidelines governing its section 5 administrative process needed to be revised. Subsequently, the Department has met with officials from jurisdictions covered by section 5 to discuss the section 5 process and possible changes to the current administrative guidelines.

⁴⁸ Federal Election Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 1995-1996, a Report to the 105th Congress*, 27.

⁴⁹ *Id.* at 1.

⁵⁰ Statement of David W. Ogden, Associate Deputy Attorney General, before the Subcommittee on Immigration and Claims, Committee on the Judiciary, United States House of Representatives, concerning H.R. 1428 Voter Eligibility Verification Act, at 4-8 (June 25, 1997) ("DOJ Testimony"); Statement by Sandy Crank, Associate Com-

missioner for Policy and Planning, before the House Judiciary Subcommittee on Immigration and Claims, at 1-3 (June 25, 1997).

⁶¹ This amendment mirrored earlier attempts to remove this provision. See H.B. 351, 104th Congress, 1st Session (introduced Jan. 9, 1995).

⁶² In particular, there is no evidence that the registration and voting of noncitizens, a concern that the citizenship confirmation process was purportedly designed to address, is a significant or widespread national problem. For example, a Grand Jury convened in Orange County to investigate allegations that noncitizens had illegally registered to vote in the Dornan/Sanchez 46th Congressional District election refused to return indictments against anyone.

⁶³ See, e.g., Statement of Becky Cain, President, League of Women Voters of the United States, before the House Judiciary Subcommittee on Immigration and Claims, at 2 (June 25, 1997); DOJ Testimony, *supra* note 50, at 8-9.

⁶⁴ Federal Election Commission, *supra* note 48, at 27.

⁶⁵ See, e.g., *Association of Community Organization for Reform Now v. Edgar*, 56 F.3d 791 (7th Cir. 1995); *Condon v. Reno*, 913 F. Supp. 946 (D.S.C. 1995).

⁶⁶ Of course, these strategies will be developed in the context of the district court decision in *United States v. State of New York*, 3 F. Supp. 2d 298 (E.D.N.Y. 1998), holding that New York was not required by the NVRA to designate public and private hospitals, nursing homes, and community-based organizations that process Medicaid applications as voter registration agencies.

⁶⁷ 42 U.S.C. § 601.

⁶⁸ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law No. 104-193, 110 Stat. 2105, 2110.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 9, 2000

OMB BULLETIN NO. 00-02

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement

1. **Purpose:** This Bulletin establishes guidance for agencies that collect or use aggregate data on race. It also establishes guidance for the allocation of multiple race responses for use in civil rights monitoring and enforcement.
2. **Background:** The Office of Management and Budget (OMB) announced revisions to the standards for classification of Federal data on race and ethnicity in a *Federal Register* Notice of October 30, 1997 (62 FR 58782-58790). Revisions to these standards followed a lengthy process that included considerable public involvement and active participation from more than 30 Federal agencies. The revised standards require, among other things, that agencies offer individuals the opportunity to select one or more races when reporting information on race in Federal data collections. The five minimum race categories are American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White.

Census 2000 will be the first nationwide implementation of the revised standards. Data from Census 2000 will capture more accurately the increasing diversity of the Nation's population. Results from Census 2000 will display the full range of single and multiple race reporting by the American people.

As the revised standards for collecting and presenting data are implemented, we must ensure that we maintain our ability to monitor compliance with laws that offer protections for those who historically have experienced discrimination. In addition, we must minimize reporting burden for institutions such as schools and businesses that report aggregate data on race to Federal agencies.

In response to requests from agencies responsible for monitoring and enforcing civil rights laws, OMB has led an interagency group to develop guidance. This guidance addresses the collection of aggregate data when agencies request information from businesses, schools, and other entities. The guidance also addresses the allocation by agencies of responses, whether individual or aggregate, for use in civil rights monitoring and enforcement.

3. **Guidance for aggregation and allocation of multiple race responses for use in civil rights monitoring and enforcement:** The attached guidance is designed to be straightforward and easy to implement. It provides consistency across agencies responsible for enforcing civil rights laws, and does not preclude the use of more detailed

data if an agency chooses to do so. The guidance does not involve methods that require either fractional or double counting of individuals, or arbitrary allocation of responses to one minority group versus another.

4. **Implementation process:** OMB will continue to work closely with the enforcement agencies and the civil rights community to assess these methods as they are implemented over the next few years and to consider the need for future modifications. The guidance provided in this Bulletin will be reflected in the Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity that will be available from OMB later this year.
5. **Inquiries:** Inquiries concerning the information in this Bulletin should be directed to Katherine K. Wallman, Chief Statistician (202-395-3093).



Jacob J. Lew
Director

Attachment

Guidance on Aggregation and Allocation of Multiple Race Responses for Use in Civil Rights Monitoring and Enforcement

L. Aggregation Guidance: Census 2000 will provide 63 categories of data on the population by race; these data will be available by April 1, 2001, at the national, state, local, and census tract levels. Data collected by Federal enforcement agencies often are provided by businesses and institutions in aggregate form. To facilitate agency efforts to work with data on race, an aggregation method is presented below. This method keeps intact the five single race categories, and includes the four double race combinations most frequently reported in recent studies. The method also provides for the collection of information on any multiple race combinations that comprise more than one percent of the population of interest. Based on data from Census 2000, responsible agencies will determine which additional combinations meet the one percent threshold for the relevant jurisdictions. A balance category is provided to report those individual responses that are not included in (1) one of the five single race categories or four double race combinations or (2) other combinations that represent more than one percent of the population in a jurisdiction. The following *example* illustrates this guidance.

1	American Indian or Alaska Native
2	Asian
3	Black or African American
4	Native Hawaiian or Other Pacific Islander
5	White
6	American Indian or Alaska Native <i>and</i> White
7	Asian <i>and</i> White
8	Black or African American <i>and</i> White
9	American Indian or Alaska Native <i>and</i> Black or African American
10	> 1 percent: Fill in if applicable ¹ _____
11	> 1 percent: Fill in if applicable _____
12	Balance of individuals reporting more than one race
13	Total

¹Based on Census 2000 data, agencies will determine the race combinations that meet the one percent threshold. For example, in Hawaii there may well be combinations of race groups that meet this threshold such as Native Hawaiian or Other Pacific Islander *and* Asian, or Native Hawaiian or Other Pacific Islander *and* White, or Native Hawaiian or Other Pacific Islander *and* Asian *and* White.

II. Allocation Guidance: Federal agencies will use the following rules to allocate multiple race responses for use in civil rights monitoring and enforcement.

- Responses in the five single race categories are not allocated.
- Responses that combine one minority race and white are allocated to the minority race.
- Responses that include two or more minority races are allocated as follows:
 - If the enforcement action is in response to a complaint, allocate to the race that the complainant alleges the discrimination was based on.
 - If the enforcement action requires assessing disparate impact or discriminatory patterns, analyze the patterns based on alternative allocations to each of the minority groups.

Allocation for enforcement purposes should not be confused with various allocation methods under consideration for "bridging" to past data collections as described in OMB's Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity. These bridging methods would take advantage of information being gleaned from Census 2000 and other experimental work being carried out by the statistical agencies. The principal purpose of allocation for bridging is to conduct trend or time series analysis.



Federal Register

Thursday,
January 18, 2001

Part XV

Department of Justice

Guidance Concerning Redistricting and
Retrogression Under Section 5 of the
Voting Rights Act, 42 U.S.C. 1973c; Notice

DEPARTMENT OF JUSTICE

Office of the Assistant Attorney General, Civil Rights Division; Guidance Concerning Redistricting and Retrogression Under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: The Attorney General has delegated responsibility and authority for determinations under Section 5 of the Voting Rights Act to the Assistant Attorney General, Civil Rights Division, who finds that, in view of recent judicial decisions, it is appropriate to issue guidance concerning the review of redistricting plans submitted to the Attorney General for preclearance pursuant to Section 5 of the Voting Rights Act.

FOR FURTHER INFORMATION CONTACT: Joseph D. Rich, Acting Chief, Voting Section, Civil Rights Division, United States Department of Justice, Washington, D.C. 20530, (202) 514-6018.

SUPPLEMENTARY INFORMATION: Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, requires jurisdictions covered by the Act's special provisions to obtain a determination from either the Attorney General or the United States District Court for the District of Columbia that any change affecting voting, which they seek to enforce, does not have a discriminatory purpose and will not have a discriminatory effect.

Beginning in April 2001, these jurisdictions will begin to seek preclearance of redistricting plans based on the 2000 Census. Based on past experience, the overwhelming majority of the covered jurisdiction will submit their redistricting plan to the Attorney General. As part of the Department's preparation for the upcoming redistricting cycle, Departmental representatives conducted a nation-wide outreach campaign to inform as many of the interested parties as possible of the manner in which it will analyze redistricting plans under section 5. Many of the contacts, both governmental entities and interested private citizens and groups, expressed the view that, in view of recent judicial decisions, it would be helpful for the Department to issue some general guidance in this area. These requests coincided with the Attorney General's view that, by identifying, in general terms, the Department's analytical approach, such guidance would serve a useful law enforcement purpose. This guidance is not legally binding; rather, it is intended only to provide assistance

to entities and persons affected by the preclearance requirements of section 5. Approved OMB No. 1190-001 (expires December 31, 2001).

Guidance Concerning Redistricting and Retrogression Under Section 5 of the Voting Rights Act, as Amended, 42 U.S.C. 1973c

Following release of the 2000 Census data, the Department of Justice expects to receive several thousand submissions of redistricting plans pursuant to the preclearance provisions in Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. The Civil Rights Division has received numerous requests for guidance concerning the procedures and standards that will be applied during review of these redistricting plans. Many of the requests relate to the role of the 2000 Census data in the Section 5 review process and to the Supreme Court's decisions in *Shaw v. Reno*, 509 U.S. 630 (1993), and later related cases.

The "Procedures for the Administration of Section 5 of the Voting Rights Act," 28 CFR Part 51, provide detailed information about the Section 5 review process. Copies of these Procedures are available upon request and through the Voting Section Web Site (<http://www.usdoj.gov/crt/voting>). This document is meant to provide additional guidance with regard to current issues of interest. Citations to judicial decisions are provided to assist the reader but are not intended to be comprehensive. The following discussion provides supplemental guidance concerning the following topics:

- The scope of Section 5 review;
- The Section 5 "benchmark";
- how the benchmark plan is compared with the proposed plan;
- The considerations leading to the decision to interpose a Section 5 retrogression objection;
- racially discriminatory purpose under Section 5; and
- The use of 2000 Census data and other information during Section 5 review.

The Scope of Section 5

The Supreme Court has held that under Section 5, a covered jurisdiction has the burden of establishing that a proposed redistricting plan does not have the purpose or effect of worsening the position of minority voters when compared to that jurisdiction's "benchmark" plan. *Reno v. Bossier Parish School Board*, 120 S. Ct. 866, 871-72 (2000). If the jurisdiction fails to show the absence of such purpose or effect, then Section 5 preclearance will be denied by the Department of Justice

or the District Court for the District of Columbia.

The decision in the *Bossier Parish School Board* case addressed the scope of Section 5 review. Redistricting plans that are not retrogressive in purpose or effect must be precleared, even if they violate other provisions of the Voting Rights Act or the Constitution. The Department of Justice may not deny Section 5 preclearance on the grounds that a redistricting plan violates the one-person one-vote principle, on the grounds that it violates *Shaw v. Reno*, or on the grounds that it violates Section 2 of the Voting Rights Act. Therefore, jurisdictions should not regard Section 5 preclearance of a redistricting plan as preventing subsequent legal challenges to that plan by the Department of Justice. In addition, private plaintiffs may initiate litigation, claiming either constitutional or statutory violations.

Benchmark Plans

The last legally enforceable redistricting plan in force for a Section 5 covered jurisdiction is the "benchmark" against which a new plan is compared. See 28 CFR 51.54(b)(1). Generally, the most recent plan to have received Section 5 preclearance (or have been drawn by a federal court) is the last legally enforceable redistricting plan for Section 5 purposes. When a jurisdiction has received Section 5 preclearance for a new redistricting plan, or a federal court has drawn a new plan and ordered it into effect, that plan replaces the last legally enforceable plan as the Section 5 benchmark. See *McDaniel v. Sanchez*, 452 U.S. 130 (1981); *Texas v. United States*, 785 F. Supp. 201 (D.D.C. 1992); *Mississippi v. Smith*, 541 F. Supp. 1329, 1333 (D.D.C. 1982), appeal dismissed, 461 U.S. 912 (1983).

In *Abrams v. Johnson*, 521 U.S. 74 (1997), the Supreme Court held that a redistricting plan found to be unconstitutional under the principles of *Shaw v. Reno* and its progeny could not serve as the Section 5 benchmark. Therefore, a redistricting plan drawn to replace a plan found by a federal court to violate *Shaw v. Reno* will be compared with the last legally enforceable plan predating the unconstitutional plan. Absent such a finding of unconstitutionality under *Shaw* by a federal court, the last legally enforceable plan will serve as the benchmark for Section 5 review. Therefore, a jurisdiction is not required to address the constitutionality of its benchmark plan when submitting a redistricting plan and the question of whether the benchmark plan is constitutional will not be considered

during the Department's Section 5 review.

Comparison of Plans

When the Department of Justice receives a Section 5 redistricting submission, several basic steps are taken to ensure a complete review. After the "benchmark" districting plan is identified, the staff inputs the boundaries of the benchmark and proposed plans into the Civil Rights Division's geographic information system. Then, using the most recent decennial census data, population data are calculated for each of the districts in the benchmark and proposed plans.

Division staff then analyzes the proposed plan to determine whether it will reduce minority voting strength when compared to the benchmark plan, considering all of the relevant, available information. Although comparison of the census population of districts in the benchmark and proposed plans is the important starting point of any retrogression analysis, our review and analysis will be greatly facilitated by inclusion of additional demographic and election data in the submission. See 28 CFR 51.28(a). For example, census population data may not reflect significant differences in group voting behavior.¹ Therefore, election history and voting patterns within the jurisdiction, voter registration and turnout information, and other similar information are very important to an assessment of the actual effect of a redistricting plan. This information is used to compare minority voting strength in the benchmark plan as a whole with minority voting strength in the proposed plan as a whole.

The Section 5 Procedures identify a number of factors that are considered in deciding whether or not a redistricting plan has a retrogressive purpose or effect. These factors include whether minority voting strength is reduced by the proposed redistricting; whether minority concentrations are fragmented among different districts; whether minorities are overconcentrated in one or more districts; whether available alternative plans satisfying the jurisdiction's legitimate governmental

interests were considered; whether the proposed plan departs from objective redistricting criteria set by the submitting jurisdiction, ignores other relevant factors such as compactness and contiguity, or displays a configuration that inexplicably disregards available natural or artificial boundaries; and, whether the plan is inconsistent with the jurisdiction's stated redistricting standards. See 28 CFR 51.59; see also 28 CFR 51.56–51.58.

A proposed plan is retrogressive under the Section 5 "effect" prong if its net effect would be to reduce minority voters' "effective exercise of the electoral franchise" when compared to the benchmark plan. See *Beer v. United States*, 425 U.S. 130, 141 (1976). The effective exercise of the electoral franchise usually is assessed in redistricting submissions in terms of the opportunity for minority voters to elect candidates of their choice. The presence of racially polarized voting is an important factor considered by the Department of Justice in assessing minority voting strength. A proposed redistricting plan ordinarily will occasion an objection by the Department of Justice if the plan reduces minority voting strength relative to the benchmark plan and a fairly-drawn alternative plan could ameliorate or prevent that retrogression.

Alternatives to Retrogressive Plans

If a retrogressive redistricting plan is submitted, the jurisdiction seeking preclearance of such a plan bears the burden of demonstrating that a less-retrogressive plan cannot reasonably be drawn. In analyzing this issue, the Department takes into account constitutional principles as discussed below, the residential segregation and distribution of the minority population within the jurisdiction, demographic changes since the previous redistricting, the physical geography of the jurisdiction, the jurisdiction's historical redistricting practices, political boundaries such as cities and counties, and state redistricting requirements.

In considering whether less-retrogressive alternative plans are available, the Department of Justice looks to plans that were actually considered or drawn by the submitting jurisdiction, as well as alternative plans presented or made known to the submitting jurisdiction by interested citizens or others. In addition, the Department may develop illustrative alternative plans for use in its analysis, taking into consideration the jurisdiction's redistricting principles. If it is determined that a reasonable alternative plan exists that is non-

retrogressive or less retrogressive than the submitted plan, the Department will interpose an objection.

Preventing retrogression under Section 5 does not require jurisdictions to violate the one-person one-vote principle. See 52 FR 488 (Jan. 6, 1987). Similarly, preventing retrogression under Section 5 does not require jurisdictions to violate *Shaw v. Reno* and related cases.

The one-person one-vote issue arises most commonly where substantial demographic changes have occurred in some, but not all, parts of a jurisdiction. Generally, a plan for congressional redistricting that would require a greater overall population deviation than the submitted plan is not considered a reasonable alternative by the Department. For state legislative and local redistricting, a plan that would require overall population deviations greater than 10 percent is not considered a reasonable alternative.

In assessing whether a less retrogressive alternative plan can reasonably be drawn, the geographic compactness of a jurisdiction's minority population will be a factor in the Department's analysis. This analysis will include a review of the submitting jurisdiction's historical redistricting practices and district configurations to determine whether the alternative plan would (a) abandon those practices and (b) require highly unusual features to link together widely separated minority concentrations.

At the same time, compliance with Section 5 of the Voting Rights Act may require the jurisdiction to depart from strict adherence to certain of its redistricting criteria. For example, criteria which require the jurisdiction to make the least change to existing district boundaries, follow county, city, or precinct boundaries, protect incumbents, preserve partisan balance, or in some cases, require a certain level of compactness of district boundaries may need to give way to some degree to avoid retrogression. In evaluating alternative plans, the Department of Justice relies upon plans that make the least departure from a jurisdiction's stated redistricting criteria needed to prevent retrogression.

Prohibited Purpose

In those instances in which a plan is found to have a retrogressive effect, as well as in those cases in which a proposed plan is alleged to have a retrogressive effect but a functional analysis does not yield clear conclusions about the plan's effect, the Department of Justice will closely examine the process by which the plan

¹ For example, within a particular jurisdiction there may be large differences between the rates of turnout among minority populations in different areas. Thus, a redistricting plan may result in a significant, objectionable reduction of effective minority voting strength if it changes district boundaries to substitute poorly-participating minority populations (for example, migrant worker housing or institutional populations) for active minority voters, even though the minority percentages for the benchmark and proposed plans are similar when measured by Census population data.

was adopted to ascertain whether the plan was intended to reduce minority voting strength. This examination may include consideration of whether there is a purpose to retrogress in the future even though there is no retrogression at the time of the submission. If the jurisdiction has not provided sufficient evidence to demonstrate that the plan was not intended to reduce minority voting strength, either now or in the future, the proposed redistricting plan is subject to a Section 5 objection.

The 2000 Census

The most current population data are used to measure both the benchmark plan and the proposed redistricting plan. See 28 CFR 51.54(b)(2) (Department of Justice considers "the conditions existing at the time of the submission."); *City of Rome v. United States*, 446 U.S. 156, 186 (1980) ("most current available population data" to be used for measuring effect of annexations); *Reno v. Bossier Parish School Board*, 120 S. Ct. at 874 ("In § 5 preclearance proceedings * * * the baseline is the status quo that is proposed to be changed: If the change

'abridges the right to vote' relative to the status quo, preclearance is denied * * *").

For redistricting after the 2000 Census, the Department of Justice will, consistent with past practice, evaluate redistricting submissions using the 2000 Census population data released by the Bureau of the Census for redistricting pursuant to Public Law 94-171, 13 U.S.C. 141(c). Thus, our analysis of the effect of proposed redistricting plans includes a review and assessment of the Public Law 94-171 population data, even if those data are not included in the submission or were not used by the jurisdiction in drawing the plan. The failure to use the Public Law 94-171 population data in redistricting does not, by itself, constitute a reason for denial of preclearance. However, unless other population data can be shown to be more accurate and reliable than the Public Law 94-171 data, the Department of Justice will consider the Public Law 94-171 data to measure the total population and voting age population within a jurisdiction for purposes of its Section 5 analysis.

The 2000 Census Public Law 94-171 data for the first time will include counts of persons who have identified themselves as members of more than one racial category. This decision reflects the October 30, 1997 decision by the Office of Management and Budget [OMB] to incorporate multiple-race reporting into the federal statistical system. See 62 FR 58782-58790. On March 9, 2000, OMB issued Bulletin No. 00-02 addressing "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Enforcement." Part II of that Bulletin describes how such responses will be allocated for use in civil rights monitoring and enforcement.

For voting rights enforcement purposes, the Department of Justice will be guided by Part II of the Bulletin in its use of Census data. The following is an example, based on the data from the 1998 Dress Rehearsal Census in Columbia, South Carolina, of how such data will be allocated by the Department when analyzing redistricting submissions.

Total population	662,140
Non-Hispanic	649,413 (98.1%)
White	374,291 (56.5%)
Black or African American	262,384 (39.6%)
Asian	6,161 (0.9%)
American Indian/Alaska Native	2,995 (0.5%)
Native Hawaiian or Other Pacific Islander	375 (0.0%)
Some other race	882 (0.1%)
Other Multiple-Race (where more than one minority race is listed)	2,330 (0.4%)
Hispanic	12,727 (1.9%)

Pursuant to Part II of OMB Bulletin 00-02, any multiple-race response that included white and one of the five other race categories was allocated to the minority race listed in the response. Thus, the numbers above for Black/African American, Asian, American Indian/Alaska Native, Native Hawaiian or Other Pacific Islander and Some other race reflect the total of the single race responses and the multiple-race responses in which the minority race and white race were listed. For example, for the Black/African American category, there were 261,142 single race responses and 1,242 multiple-race responses in which the races listed were White and Black/African American. This adds up to the total calculated above of 262,384.

The Other Multiple-Race category is comprised of all multiple-race responses where there is more than one minority race listed. The number above (2,330) reflects the total number of responses of

forty two such categories in the Columbia data where at least one response was indicated. In our analysis, we will examine this multiple-race data and if it appears that any one of these categories has significant numbers of responses (for example, if the Black/African American and American Indian/Alaska Native category, alone, indicates a significant number of responses), those responses will be allocated alternatively to each of the component single-race categories for analysis, as indicated in Part II of the OMB Bulletin. It is important to note that current research indicates that multiple-race responses are expected to be small. This is especially true with respect to multiple-race categories with two or more minority races. For example, in the Columbia data, the largest such groups are only 0.1 percent (American Indian/Alaska Native and Black/African/American; and Asian and Black/African American). In light of

this, the impact of such multiple-race responses on the Department of Justice's analysis of census data pursuant to its responsibilities under the Voting Rights Act is expected to be minimal.

As in the past, the Department will analyze Hispanic voters as a separate group for purposes of enforcement of the Voting Rights Act. If there are significant numbers of responses which report Hispanics and one or more minority races (for example, Hispanics who list their race as Black/African-American), those responses will be allocated alternatively to the Hispanic category and the minority race category.

Dated: January 11, 2001.

Bill Lann Lee,

Assistant Attorney General, Civil Rights Division.

[FR Doc. 01-1488 Filed 1-17-01; 8:45 am]

BILLING CODE 4410-13-P

2001

**JOINT
REDISTRICTING
COMMITTEES**

MINUTES

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING
2001-2002 SESSION**

The Joint House and Senate Committees on **CONGRESSIONAL AND LEGISLATIVE REDISTRICTING** will hold a **Public Hearing**

Day & Date: May 3, May 4, May 5, 2001
May 10, May 11, May 12, 2001

Time: See Attached Schedule

Location: See Attached Schedule

The views of interested parties will be heard concerning

LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

Representative Ed McMahan
Representative Thomas Wright
Representative Larry Justus
Representative Ron Sutton
Co-Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at
3:00 p.m. on April 25, 2001.

- ☐ Principal Clerk
- ☐ Reading Clerk - House Chamber
- ☐ Press Room

Sharon Cram and Vanda Wilson-Wormack (Committee Assistants)
Carolyn Justus and Juanita Coley (Committee Assistants)

Sites for Redistricting Public Hearings

April 25, 2001

Rooms are being scheduled from 1.5 hours before meeting time to 1 hour after meeting time for leeway (*except for Asheville area which must end at 7 pm due to room constraint*). Meeting time is estimated at 3 hours.

<u>Site</u>	<u>Date</u>	<u>Time</u>	<u>Place</u>	<u>Capacity</u>
Durham	May 3 Thurs.	7:00 pm	NC School of Science & Math (Durham) (main)	100
			Vance-Granville Community College (Henderson)	30
			Edgecombe Community College (Tarboro)	21
Greensboro	May 4 Friday	7:00 pm	UNC-Greensboro (Greensboro) (main)	35, overflow to 100 in adjacent rm.
			Winston-Salem State (Winston-Salem)	23
			Guilford Tech (High Point)	30
Charlotte	May 5 Sat.	9:30 am	Central Piedmont Comm. College (Charlotte) (main)	70 (in 2 adjacent rooms)
			A.L. Brown High School (Kannapolis)	50
			Catawba Valley Comm. College (Hickory)	30, overflow to adjacent rm. up to 100
Asheville	May 5 Sat.	3:30 pm	UNC-Asheville (Asheville) (main)	24, overflow to large hall
			Appalachian State University (Boone)	30
			Western Carolina University (Cullowhee)	35

Fayetteville/ Lumberton	May 10 Thurs.	7:00 pm	Cumberland County Health Department (Fayetteville) (main)	49
			Coastal Carolina Community College (Jacksonville)	25
			UNC-Pembroke (Pembroke)	30
Wilmington	May 11 Friday	7:00 pm	Cape Fear College (Wilmington) (main)	200
			Topsail High School (Hampstead)	20-25
			Pender High School Cyber Campus (Burgaw)	20-25
			Brunswick Comm. College (Supply)	20-25
Greenville	May 12 Sat.	9:30 am	Pitt Community College (Greenville) (main)	150
			Eastern NC School for the Deaf (Wilson)	15-25
			Beaufort Comm. College (Washington)	30
Edenton	May 12 Sat.	4:00 p.m.	Holmes High School (Edenton) (main)	30
			College of the Albemarle (Elizabeth City)	20-30
			College of the Albemarle (Manteo)	60
			Halifax Comm. College (Weldon)	32

Kristen Crosson, Research Division (919) 733-2578

STATE OF NORTH CAROLINA
PUBLIC HEARING ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATORS: Sen. Brad Miller, Co-chair Senate
Redistricting Committee

Rep. Thomas Wright, Co-chair
Congressional Redistricting
Committee

COPY

TRANSCRIPT
OF
PUBLIC HEARING

At Durham, North Carolina
May 3, 2001 - 7:00 p.m.

Reported by:
Amy L. Poythress, CVR

Teleconference Sites:
Vance-Granville Community College, Henderson, North Carolina
and
Edgecombe Community College, Tarboro, North Carolina

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1 I, Amy L. Poythress, being a Certified
2 Verbatim Reporter and a Notary Public in and for
3 the state of North Carolina, was appointed
4 commissioner by consent to take the Public
5 Hearing on Redistricting Based on the 2000
6 Census, held on the 3rd day of May, 2001,
7 beginning at 7:00 p.m., at the North Carolina
8 School of Science and Math, located in Durham,
9 North Carolina.

10 - - - - -

11 SEN. MILLER: Welcome to this Public
12 Hearing on Redistricting for the Year 2000 --
13 or which is based on the 2000 Census. This
14 hearing is a Joint Hearing of the Senate
15 Redistricting Committee -- I'm Brad Miller, I
16 am a co-chair of that committee -- and of
17 the House Legislative Redistricting Committee
18 and the Senate -- Congressional Redistricting
19 Committee.

20 Representative Thomas Wright is also
21 here and he is a co-chair of the House
22 Redistricting Committee. Senator Frank
23 Ballance is here; he is a co-chair of the
24 Senate Redistricting Committee.

1 Representative Wright is on the House
2 Congressional Redistricting Committee.

3 Representative Leslie Cox, are you a
4 member or a co-chair? A member of the
5 Congressional House Committee. We also have
6 Senator Jeanne Lucas here.

7 Tonight we are here, of course, and
8 there are two remote sites, satellite sites,
9 at the Vance-Granville Community College and
10 the Edgecombe Community College, and I
11 understand Representative John Hall --

12 **UNIDENTIFIED SPEAKER:** There he is.

13 **SEN. MILLER:** -- Representative Hall is
14 at that location. I had understood that
15 Representative Crawford, Jim Crawford, was
16 going to try to be there as well. Is he
17 there? Representative Hall? He's not there.
18 And it's not shown on the screen, but also
19 there is a teleconference location at
20 Edgecombe Community College.

21 I want to acknowledge or thank the
22 Durham School of Science and Math. I thank
23 Dr. Carshaw, the dean -- is here. Carol
24 Stern is also here.

1 Senator Paul Miller just walked in; I'd
2 like to acknowledge him, as well.

3 And thank them for help, as well as the
4 Vance-Granville Community College and the
5 Edgecombe Community College, and also the
6 North Carolina Information Highway for making
7 this teleconference set-up possible. It is
8 our effort to try to make these hearings as
9 widely available to the public as we can as
10 we proceed with the redistricting this year.

11 I also want to acknowledge the many
12 staff people who are here and the stunning
13 amount of work that was brought in for the
14 logistics of these meetings. We have with us
15 Carol Moses somewhere -- outside. Jane Gray
16 who is counsel to the Speaker of the House.
17 Bill Gilkeson from our legislative staff.
18 Jerry Cohen is here somewhere, there. Karen
19 Cochrane-Brown from our staff is there. Al
20 Andrews from our staff is somewhere, perhaps
21 also outside.

22 At the other locations I believe we
23 also have staff. Ken Levinbrook from our
24 legislative staff is at the Henderson

1 location; and Homer Mills, counsel to the
2 President pro tem is at the Tarboro location.

3 Oh, yes I'm sorry, and Vanda
4 Wilson-Womack is also here from our staff,
5 and she'll be playing an important role
6 tonight. We've asked -- it's not a
7 requirement but we would prefer if possible
8 that you present -- when you testify, when
9 you speak -- that you present your comments
10 in writing as well, and we would that you
11 give them to Ms. Wilson-Womack. And also
12 she'll be the time-keeper tonight. We're
13 asking that everyone try to keep their
14 remarks to five minutes, and she will be the
15 one enforcing that. She'll hold up a yellow
16 card when you have one minute left, or she'll
17 hold up the red card when your time is up.
18 Complete your sentence and let somebody else
19 have their turn at that point.

20 We are going to leave it open to submit
21 other suggestions in writing for some
22 reasonable period of time, at least until
23 June 1. So if you are unable to make your
24 presentation tonight, or to make it as fully

1 as you like, you may get us your thoughts in
2 writing.

3 Also I wanted to recognize our sergeant
4 of arms staff who is here tonight. Bill
5 Freeman and George Robinson are here. Mr.
6 Robinson is the one who has his hand on the
7 microphone that each of you who speaks will
8 be using. Charles Williams is at the
9 Henderson site, and Dusty Rhodes is at the
10 Tarboro site.

11 As I think all of you know, every ten
12 years the Legislature has to draw new
13 districts for Congress and for the
14 Legislature. It is a requirement that grew
15 out of the federal Constitution in 1789, and
16 also our Supreme Court decisions have
17 required that there would be equal population
18 or equal ability to influence government
19 through your vote -- the one person, one
20 vote requirement. So since the 1960's when
21 those decisions were made, we have had to
22 draw legislative districts of roughly equal
23 size, and we are required to draw
24 congressional districts of very nearly

1 perfectly equal size.

2 We are holding these hearings around
3 the state. This is the first but we'll have
4 hearings tomorrow night in Greensboro, and
5 after that in Charlotte, Asheville,
6 Fayetteville, Wilmington, Greenville and
7 Edenton. And in addition, we're having
8 teleconference centers for each of those for
9 a total of 17 different teleconference sites.

10 We take redistricting very seriously.
11 It directly affects a fundamental right that
12 you have in democracy, and that is your vote.

13 There are several points that you -- of
14 course, you can say whatever you want to
15 tonight. Whatever you've come to say,
16 you're welcome to say within your five
17 minutes. But there are several points that
18 you could make, or things you could tell us
19 about your own area, your own community,
20 that would be helpful to you.

21 You might help us identify what you
22 regard as the communities of interest in
23 your area -- whether historical, cultural,
24 ethnic, and economic ties that make the

1 people in one area of the state, your area
2 of the state, think of themselves as a
3 community.

4 You could also talk about important
5 geographical or political subdivisions that
6 you think may need to be taken into account,
7 and how it should be taken into account,
8 that may help define the community. And you
9 can, again, talk to us about anything you
10 think you would like to bring to our
11 attention.

12 We are holding these hearings all over
13 the state so that people of all regions and
14 all backgrounds can appear.

15 I do want to recognize the late Senator
16 Allen Wellons. Representative [inaudible] is
17 also here who I did not see come in.

18 I think you all saw the sign-up sheets
19 in the back, or the sheet to register if you
20 wish to be heard. We plan to call upon
21 people roughly in the order that they signed
22 up. And also at the other locations, I
23 think there is also a sign-up sheet there and
24 they will fax them to us, the list from those

1 locations, from Henderson and from Tarboro --
2 the sign-up sheets there.

3 I will try to bounce back and forth, so
4 that no one at any one site has to sit and
5 listen to everybody from another site before
6 they have a chance to be heard. And I will
7 try to give as much advance notice to the
8 technical folks who are here as possible, so
9 they can be ready on the technical side to
10 do that. I'll tell you who is going to
11 speak, and who will be next in line, and if
12 you are on deck -- if you are the next
13 speaker after the speaker who is speaking,
14 please try to be ready to begin right away
15 so we can all be home at a reasonable hour.
16 I don't have that long a drive, but some of
17 the other members here have quite a long way
18 to drive.

19 We are not really here to address
20 questions that you may have for us. This is
21 your opportunity to tell us what you think.
22 And with that, and I'd like to begin with
23 the first person to sign up. Would Mr.
24 Bernard Holliday, Mr. Holliday?

1 **MR. HOLLIDAY:** Right here. Yes, sir.

2 **SEN. MILLER:** If you could come here,
3 take the microphone from Mr. Robinson,
4 address the committee. If you have anything
5 in writing, give it to Ms. Wilson-Womack.
6 And on deck will be Stewart Joslin, and after
7 that Andrew Finlayson.

8 **MR. HOLLIDAY:** Good evening members of
9 the North Carolina State Legislature. Ladies
10 and gentlemen. The North Carolina State
11 Legislature, in accordance with the U.S.
12 Constitution State Laws, must now prepare a
13 series of maps related to redistricting
14 congressional districts and North Carolina
15 State legislative districts, House and
16 Senate. Historical records related to how
17 this state dealt with the voting rights from
18 1775 through the 20th century varied from
19 landowners' rights to flagrant racial
20 discrimination against Native Americans and
21 African-Americans, et cetera. I shall deal
22 with the 21st century political agenda
23 reflected in the U.S. Census 2000.

24 The U.S. Supreme Court has affirmed in

1 various cases that the practice of political
2 gerrymandering is lawful. The recent case,
3 Easley vs. Cromartie, where the vote was
4 5-4, to maintain the 12th Congressional
5 District as outlined by the North Carolina
6 Legislature as of 1998.

7 Since North Carolina has grown in
8 population over the last ten years to rank
9 11th in the nation, a net gain of one
10 congressional seat for a total of 13 is now
11 the format. The North Carolina Legislature,
12 legislators, are required to develop models
13 that can meet the Equal Protection clause
14 under the Fourth Amendment Clause (sic), of
15 the U.S. Constitution and the Justice
16 Department.

17 Some assumptions in our state related to
18 redistricting for the Congress and the State
19 offices. Since we are primarily a two-party
20 state, Democrats and Republicans, let us
21 always give special consideration to
22 guaranteeing that the balance is maintained
23 at all costs. This way we can assure
24 incumbents of re-election and keep the old

1 patterns in place forever. The new census
2 data upsets this logic, because now more
3 citizens have emerged in large numbers with
4 different political views. There is such an
5 affiliation as Independent. North Carolina
6 must do better than what the Civil Rights
7 Voting Act of 1965 cited in identifying some
8 40 counties in the state that demonstrated a
9 series of racial discriminatory patterns for
10 decades against ethnic minorities.

11 Therefore, I urge the North Carolina
12 legislators to consider the U.S. Census data
13 carefully, and redraw congressional district
14 lines and local lines not in an arbitrary
15 manner to appease special interest groups or
16 to elect just incumbents.

17 Number one, some North Carolina
18 legislative districts need to be reviewed
19 using a different set of standards. I refer
20 to, i.e., State House District 22nd and 78th,
21 and the senate districts. In these
22 districts, counties were carved up into
23 districts that establish firm dividing lines,
24 diluting the strength of minorities, assuring

1 some counties of no real contest in
2 primaries or during elections.

3 Two. Due weight must be given to
4 districts where the population has grown
5 between 150 to 300 percent over ten years.
6 One option would be to draft district lines
7 that promotes homogeneous communities rather
8 than fragmented neighborhoods.

9 Three, pairing some districts based on
10 local towns', villages' and cities' boundary
11 lines without diluting the voting power of
12 ethnic minorities must be kept in focus in
13 drawing new congressional and state
14 boundaries. North Carolina is becoming a
15 diversified state, with many ethnic streams.
16 It is no longer possible to hide this data.
17 Therefore the legislators should proceed to
18 frame a plan that is inclusive. While racial
19 identity is always a factor, like political
20 party affiliation, however we must proceed to
21 work in ways to use this diversity in
22 creating ways to assure that all voters are
23 protected fully.

24 I shall cite briefly in the interest of

1 time, North Carolina population, U.S. Census,
2 is 8,049,313. You will note with interest,
3 since I'm from Granville County, population
4 is 49,498, percent growth of 26.5 percent;
5 Hispanic growth 44.0 percent;
6 African-American, 34.9 percent of the
7 population.

8 May I conclude, now is the time to do
9 more than duplicate the 1990's district
10 lines. Why not seize the moment, and write
11 new district lines which guarantees fairness
12 in elections, protect voters, brings
13 integrity to the tabulating process, and
14 avoids the Florida ballot fiasco of 2000. To
15 achieve such a goal is possible, and the
16 creator will bless the participants and
17 citizens of the new world order where
18 justice and peace prevails among the
19 multi-colored races. Thank you.

20 **SEN. MILLER:** Thank you Mr. Holliday.
21 Mr Holliday lists his organization as
22 "citizen" on the sign-up sheet. If you are
23 speaking for an organization rather than just
24 for yourself, if you could also say that in

1 your opening.

2 Next is Mr. Stewart Joslin, who also
3 lists himself as a citizen.

4 MR. JOSLIN: Good evening. Thanks an
5 awful lot for being here to hear us. I
6 appreciate the opportunity to speak to you.
7 My name is Stewart Joslin. I live in the
8 absolute farthest northwest corner of Wake
9 County possible, and I'm in Russell Capps's
10 district, District 96.

11 My little community called Harrington
12 Grove is about to be annexed into Raleigh,
13 yet my senatorial district is 13, Sen.
14 Gulley's district. So I am at -- is he here?
15 How are you doing, sir?

16 SEN. GULLEY: Good to see you.

17 MR. JOSLIN: Second time I've seen him
18 in my life. This is not off my time, this is
19 not off my time.

20 This is really important, because at one
21 time -- and it's representative of why I'm
22 standing here tonight, District 13 -- at one
23 time that may have been a fairly
24 representative district for the populations

1 and the needs and the interests of the
2 people that live in that district.

3 Today, however, it includes a very
4 large city, a bedroom community to the city,
5 and agricultural areas and farms. It no
6 longer really represents communities of
7 interest, and that's what really concerns me.

8 Now I'm about to be annexed into
9 Raleigh. And I'm not too worried about that
10 or too upset about it. But the problem is
11 that there is similarity in the communities
12 around us out there in northwest Wake
13 County, and I would ask this august committee
14 to not take -- to follow the federal
15 guidelines, and not take extraordinary steps
16 to separate pockets of communities that have
17 similar needs or geography or interests.

18 Our representation should not be
19 limited by arbitrary and ancient boundaries
20 of government. Representation should
21 actually reflect the changing face of the
22 state, of the population of the state, and
23 the movement of the population in the state.
24 And that's why I ask you to please reflect

1 the similarity of the communities, the needs
2 and the interests of those communities, as
3 you redistrict.

4 And I'm about to go into Raleigh, and
5 I'm closer to Durham, and I'm similar to the
6 communities around me in District 92 which is
7 basically a bedroom community to Raleigh.
8 And I would wish that you would consider that
9 as you are making your redistricting
10 recommendations. Thank you.

11 **SEN. MILLER:** Next is Mr. Andrew ,
12 Finlayson, Chairman of Wake County Republican
13 Party.

14 **MR. FINLAYSON:** Thank you very much for
15 affording me the opportunity to speak before
16 you. I'm speaking not as the Chairman of
17 the Wake County Republican Party, but as a
18 citizen of the 92nd House District, which is
19 represented by Russell Capps. The previous
20 speaker is also a citizen of that district,
21 and I would like to share some of his views
22 and present some of mine.

23 The district as a whole, the 92nd
24 District, tends to have a very strong

1 commonality to it. It is suburban in nature
2 in the southern portion, and rural in the
3 northern. It's made up almost entirely of
4 subdivisions which have been rather recently
5 built and also small farms. Most of the
6 people or a lot of the people are commuters
7 that go to Research Triangle Park and to
8 Raleigh. The small farmers, of course, are
9 involved in normal agricultural production
10 that's found in this part of North Carolina.

11 It's a very diverse population. I know
12 the subdivision where I live is extremely
13 diverse, not only in terms of racial
14 make-up, but also in ethnic make-up, and in
15 whether or not that person is a native of
16 North Carolina or is a recent immigrant to
17 North Carolina.

18 To give you some example of what I'm
19 talking about, my next-door neighbor to my
20 right is an African-American Baptist minister
21 who moved here from eastern North Carolina.
22 Directly across the street from me is an
23 Indian family that came from Central America
24 who moved here from New York. And directly

1 behind me is a family who moved here from
2 Israel to work in Research Triangle Park.
3 So it's an extremely diverse subdivision.

4 It tends to vote Republican. In fact,
5 in the last general election, 20 of the 21
6 precincts voted Republican in that election,
7 and in terms of the presidential election,
8 56 percent voted for President Bush, 43
9 percent for Vice President Gore.

10 The bottom line for us is we do not
11 wish to see House District 92 split. We
12 would like to see it retain its common
13 characteristics both in terms of geography
14 and economic and racial make-up. If there is
15 some adjustment that has to be made due to
16 increase in population, we would recommend
17 that that expansion take place in the
18 western part of the county, or actually the
19 eastern part of Durham County. There are
20 several precincts there that share this
21 commonality with us. Thank you very much.

22 **SEN. MILLER:** Thank you Mr. Finlayson.
23 We do want generally to stick to the order
24 in which people have signed up, but we are

1 granting one special dispensation tonight,
2 and that's to Mr. Asa Spaulding, who I think
3 had to be somewhere else at 7:30 and wanted
4 to speak for just a minute or two. After
5 that, if we could go to Edgecombe County, it
6 appears that only one person has signed up
7 in Edgecombe County to speak, and I believe
8 that's Curmilus Dancy? And we can go to
9 that site then, so if Mr. Dancy doesn't want
10 to hang around and hear everybody from
11 Durham speak, he can go on home and all our
12 staff in Durham -- in Tarboro can also go on
13 home or wherever they are going.

14 Mr. Spaulding.

15 **MR. SPAULDING:** I don't think I'm that
16 tall,
17 but -- thank you, Mr. Chairman, for giving
18 me a special dispensation. I did have
19 another commitment but I did want to be
20 here. I'm so delighted that all of you
21 representatives and senators -- I see Senator
22 Lucas sitting here, and Senator [inaudible]
23 sitting in the back. But with the
24 horrendous schedules that you have, it's

1 surprising that so many of you would be here
2 tonight, and I want to say on behalf of all
3 of us sitting here that we are delighted
4 that you would take your time out to be with
5 us this evening.

6 What you are facing, this decision, I
7 can think of no other decisions, including
8 the matter of the lottery and the budget,
9 that is more important than what will take
10 place with respect to the determination of
11 the boundaries of the various districts.

12 Now the State Constitution speaks very
13 specifically about what is supposed to take
14 place. I'm not going to quote it. I have a
15 document here which states, and I can read
16 in part, "That each representative shall
17 represent as nearly as may be an equal
18 number of inhabitants." I mention that to
19 say that I think that it's important this
20 time around that the Senate and the House
21 take a hard look at how we are going to draw
22 these boundaries, and I stand before you
23 here on behalf of many people of different
24 stripe: black, white, including Hispanic -- I

1 met with Hispanic leaders yesterday --
2 Democrats, Republicans and Independents -- to
3 urge you to draft and approve single-member
4 districts.

5 [APPLAUSE]

6 **SEN. MILLER:** Next we will go to
7 Edgecombe County, where we have Mr. Dancy,
8 or Ms. Dancy. Mr. Dancy, can you hear me?

9 **MR. DANCY:** I'm a little deaf. I am
10 here but I thought it going to be set up in
11 a different pattern. I was hoping I would
12 hear from the people up on the podium to
13 find out some information about what was
14 going on in my county. So at this time I
15 don't have any questions. I guess I could
16 just send them in later, but at this time I
17 don't have any questions. I wanted to hear
18 from some of the people on the podium.
19 Thank you.

20 **SEN. MILLER:** All right. Thank you.
21 Mr. Dancy, and you can continue to listen
22 into these hearings, or you can tap your
23 representative on the shoulder and talk to
24 him.

1 I do want to acknowledge -- we have been
2 acknowledging the members of the General
3 Assembly as they have come in. Senator
4 Gulley has arrived, making Senator Wellons
5 look punctual.

6 Next here in Durham we have William
7 Towne, followed by Martha Jenkins, followed
8 by Doug Biddy. William Towne should be here,
9 and Martha Jenkins is on deck.

10 **MR. TOWNE:** Good evening. I am William
11 Towne. I live in Orange County and I wish
12 to speak tonight on the same subject that
13 Asa Spaulding just spoke on.

14 I don't think there's a person here in
15 this room that would countenance [phonetic]
16 for one minute living in a district that has
17 two members of the United States Congress
18 serving him. And I see no reason why we
19 should continue this particular mode of
20 operation here in our state. In our State
21 Legislature, both the House and the Senate
22 have multiple-member districts. In Orange
23 County we are represented by two people in
24 the 24th District in the House, and by two

1 people in the 16th District of the Senate.
2 It does not do us any good to have this type
3 of representation because it means that our
4 districts are duplicated.

5 Now, my feeling is that -- your host
6 began this evening talking about one person,
7 one vote. But in truth, in multiple-member
8 districts one person has two votes; votes for
9 two people in the House of Representatives
10 or three in the cases of several districts.
11 This is not one person, one vote.

12 And so I urge you, as you consider your
13 work in laying out the districts of the State
14 Legislature, that you seriously consider
15 giving the people back their ability to have
16 one person, one vote in our representative
17 government. Thank you.

18 **SEN. MILLER:** Thank you. Martha
19 Jenkins is next. On deck is Doug Biddy.

20 **MS. JENKINS:** Thank you. Thank you for
21 having this hearing. First, I'm from Chapel
22 Hill.

23 What I would like to speak to is the
24 fact that we have districts set up currently

1 that have very diverse interests in the same
2 district. And we have areas that are
3 technically disenfranchised because of that,
4 and let me give you an example.

5 Northern Orange County and southern
6 Orange County are very different. They're
7 almost diametrically opposed. You've got
8 rural conservatives in northern Orange
9 County; you've got urban liberals in southern
10 Orange County. As it so happens, southern
11 Orange outnumbers northern Orange. Chatham
12 County has a very similar situation. And the
13 way it is currently set up in the 24th House
14 District, again the two-member district that
15 Mr. Towne mentioned, we have those two parts
16 of Orange County represented actually by
17 Chapel Hill liberals.

18 Now, the people in northern Orange
19 County have talked about seceding from the
20 rest of the county, because not only do they
21 not feel that they are represented in
22 Raleigh either by the House or the Senate,
23 but our county commissioners are all voted on
24 at-large. And there is no member of the

1 House or the Senate from Orange County
2 willing to go to the State Legislature and
3 propose legislation, local legislation, where
4 we can have district representation of our
5 county commissioners.

6 So, to me, that seems basically unfair
7 and the way it's set up now it won't ever
8 change because the current county
9 commissioners turn down any major growth in
10 the rest of the county, and it will always
11 outnumber northern Orange County if they
12 won't allow northern Orange to grow any. So
13 that's kind of a self-fulfilling prophesy.

14 And the exact same thing is really true
15 in our senate district, again a two-member
16 district. Randolph County, Moore County,
17 Chatham and Orange and a couple of precincts
18 in Lee are our senate district. I would
19 like to challenge anyone in this room to tell
20 me what Moore County and Randolph County
21 have in common with Orange County and
22 Chatham County. Not very much, and it would
23 make a lot more sense for Moore and Randolph
24 to be one district -- one senate district --

1 and for Chatham-Orange to be another.

2 So that's the point that I wanted to
3 make. I don't think -- you mentioned
4 earlier a commonality of interests, and that
5 does not exist in either our house or our
6 senate districts. Thank you.

7 **SEN. MILLER:** Thank you. Next, Doug
8 Bidby, and then if we could go to the
9 Vance-Granville site. Three speakers signed
10 up for there: Larry Healy, Don Casner, and
11 Opie Frazier. We can go and hear from each
12 of them in Granville after hearing from Mr.
13 Bidby.

14 **MR. BIDDY:** First of all, I'd like to
15 thank each of you for giving us this
16 opportunity to have some kind of small input
17 in probably one of the most important things
18 that will face the individual freedoms of
19 individuals throughout our state. And I was
20 born here almost 70 years ago, and I've
21 taken a special interest in government since,
22 I think, the ninth grade when I took civics
23 here in North Carolina. And I found it to
24 be very interesting and feeling that it

1 touched the people to a much greater extent
2 than what most of our population. And I
3 think that's even strengthened by our group
4 here tonight. We should have them
5 overflowing in the halls.

6 I'd like to reinforce some of the
7 things that have been said, and I have not
8 been in collusion with any of these folks.
9 But I strongly support single-member
10 districts for many of the reasons that's been
11 expressed tonight. There are so many people
12 feel like if we have to contact three or
13 four people to maybe reach one, and then
14 when you reach them -- these persons being
15 our elected officials -- that they don't
16 really feel like they represent us. And I
17 think the only way that we're going to
18 achieve that, that personal contact with our
19 representatives and our senators, is by
20 having these member districts that one
21 person, one vote, one responsibility.

22 And I've given much of my life -- as
23 some of you know I've served on boards and
24 commissions with some of you sitting up front

1 tonight -- and I take this very seriously.
2 And I hope that you will take it very
3 seriously. Because, folks, North Carolina
4 won't be any better for our children and my
5 six grandchildren than what we make it. And
6 you folks are in the driver's seat. These
7 folks out here, we need you. You're going
8 to be there creating those boundaries.
9 There's something magic, who am I to tell you
10 how magic that invisible line is around your
11 district? You can almost smell it when you
12 walk across the block from that one district
13 into another. I can't explain why, even if
14 I am a professional engineer and spent a
15 career in aerospace, I can't explain that
16 phenomenon, and I hope somebody can to me.
17 But it's there and it's very real in our
18 political divisions.

19 And these people deserve, we deserve,
20 we all pay taxes, we all give essential
21 support to the government, so I'm trying to
22 appeal to you to look very carefully at these
23 district lines and those folks that live
24 together and think together and feel together

1 and go to church together and go to school
2 together -- let's give them the same kind of
3 representation in our state government. And
4 I'm retired from the state government so I
5 know what it's like to work over there.
6 Thank you very much for your time.

7 SEN. MILLER: You're welcome. We
8 appreciate it.

9 REP. WELLONS: Well, I just want to
10 tell that speaker how hard he worked on the
11 Personnel Commission and we appreciate the
12 hard work that you did.

13 SEN. MILLER: If we could go now to the
14 Vance-Granville site. Larry Healy, is he
15 prepared to speak? Can we get that on the
16 screen?

17 UNIDENTIFIED SPEAKER: He says he has
18 no sound.

19 SEN. MILLER: Are we ready to go to the
20 Vance-Granville site?

21 UNIDENTIFIED SPEAKER: They just have
22 to start talking.

23 SEN. MILLER: They have to start
24 talking?

1 UNIDENTIFIED SPEAKER: Yes.

2 SEN. MILLER: If Mr. Healy could come
3 to the microphone, or someone in
4 Vance-Granville that could come down. I
5 know, I want Vance-Granville.

6 MR. HEALY: This is Larry Healy in
7 Vance-Granville.

8 SEN. MILLER: All right, Mr. Healy.

9 MR. HEALY: I'm here tonight thinking
10 mostly of the congressional delegation of
11 since Washington runs the State
12 redistricting. In fact, I think
13 redistricting is something which we shouldn't
14 even be talking about now, because we have a
15 13th seat. We ought to talk about the
16 district.

17 Redistricting is done by politicians
18 and they have reasons to redistrict. We now
19 have a -- let me [inaudible] up my little
20 paper here. It's a North Carolina Compact,
21 as in compactness, 2001. Today we're
22 meeting to construct the best way to fair
23 representative government for North Carolina.

24 The propositions are simple, though.

1 One person, one vote. And where is clear.
2 We have growing populations in our 13th
3 Congressional District by a result of the
4 recent census showing over eight million.

5 The map is easy. Just divide the
6 population by 13, the state of Utah
7 notwithstanding. And you can subdivide that
8 plot. The principle is the same. Computer
9 technology today, utilizing the above
10 results, 625,000 per district -- or 675,000
11 per district, begging your pardon -- for 13
12 or 12th. We have computers today that can
13 install those districts within the time frame
14 of this meeting. But it doesn't need to be
15 handled by committees or be handled
16 necessarily by party.

17 Since our goal is one person, one vote,
18 you need know nothing more than where the
19 people are to draw those districts
20 accordingly. So I think we have an
21 opportunity with the North Carolina Compact
22 as in compactness 2001 to need many in
23 eliminating the discrepancies and problems in
24 District 12 as have been provided in the 1990

1 census, which I think were drawn four times
2 and most recently in this [inaudible]. But
3 for meeting like requirements in [inaudible].

4 So today we need to do it by where the
5 people are. Not by gender, not by race, not
6 by language, but just where the voters are,
7 and make those districts representative.
8 Politicians, in particular congressional
9 representatives today, look for protection in
10 redistricting when they redraw. [Inaudible]
11 a 625,000-member group, when a computer can
12 very easily identify each and every district.
13 We could have equal representation of all.
14 This last census turned up, I think, dozens
15 of ethnic -- self-described ethnicities.
16 That in itself should tell you that that
17 matter should be eliminated, because we are
18 not going to be able to describe black
19 Hispanics, white Hispanics, black Native
20 Americans, white Native Americans. The
21 mixtures are so complex that we just need to
22 become all North Carolinians in America.

23 If we were to go the other way, I have
24 a theory of disruption, too. I'm an

1 Israelite technically, but a North Carolina
2 resident. [Inaudible] if we want to make a
3 distinction [inaudible] that a green-eyed
4 person [inaudible] have representation
5 [inaudible] be represented by a brown-eyed
6 person or a blue-eyed person. But I think
7 you see the ridiculousness of it. And
8 compactness [inaudible].

9 Thanks very much.

10 **SEN. MILLER:** Thank you Mr. Healy. Mr.
11 Healy, can you hear me? Mr. Healy? Mr.
12 Healy, just a quick question. The previous
13 two speakers offered the opinion that because
14 of the diversity within their counties, they
15 felt that they were underrepresented and
16 thought we should disregard county lines to
17 group people by commonalities of interest, I
18 think was the phrase that they used. Is
19 your argument that we should disregard both
20 commonalities of interest and any kind of
21 political subdivisions and have districts
22 draw mechanically by a computer?

23 **MR. HEALY:** I think a computer would
24 draw a fair and balanced and more fair

1 represented precinct.

2 **SEN. MILLER:** All right. The next
3 speaker is Don Casner, also at
4 Vance-Granville.

5 **MR. CASNER:** I'm John Casner and
6 formerly a resident of Durham County, now I
7 live in Graham County, and I want to say
8 that I do recognize the difficulty that the
9 legislators tonight have in doing the
10 redistricting. And I commend them for their
11 very hard work.

12 And I would like to say that Graham
13 County is by and large a rural, small town,
14 and village-oriented. Currently our senate
15 district -- we're represented by two
16 [inaudible] in Durham, what was his name?
17 [Inaudible] I think it would be much better
18 represented by someone who is a more rural,
19 small-town oriented representative. We don't
20 have that opportunity.

21 I would like to say that we also have
22 the leading -- if I'm not mistaken, our
23 representative in the House of
24 Representatives by Burr, Etheridge and

1 Clayton. Three different representatives for
2 three sections of the county as they've got
3 it divided up. I would like to agree with
4 Mr. Spaulding and the gentleman from Orange
5 County, and Mr. Doug Biddy that
6 single-member districts are something that I
7 would really love to see happen and this is a
8 chance for that to happen. I believe that,
9 as Mr. Biddy stated, we the people who live
10 together, work together, go to church
11 together, go to school together are best
12 represented by somebody from their community.
13 I would like to see one county get the
14 impact, if at all possible, this time around.
15 Thank you for your attention.

16 **SEN. MILLER:** Thank you, Mr. Casner.
17 It did look like Caesar on my -- the note
18 that I was given. I apologize for getting
19 your name wrong. Next I have Opie Frazier
20 from Vance-Granville.

21 **MR. FRAZIER:** My name is Opie Frazier
22 and I am a resident of Vance County. And I
23 did not come prepared to speak tonight, but
24 I appreciate this opportunity. I decided to

1 voice an opinion after I got here.

2 This redistricting is something that I
3 have been concerned about for a long, long
4 time, and have looked forward to the Year
5 2000 Census to see what would happen, and so
6 forth. And I have seen that in our
7 metropolitan areas, people have amassed and
8 that's going to have a tendency to
9 concentrate representation in both our
10 General Assembly and also in our House in
11 Washington, in those areas in unbalanced
12 numbers. I think we will find our rural
13 districts that Vance is a part of becoming
14 much larger than they are at the present
15 time.

16 But my main concern is this. In Vance
17 County at the present time and we are
18 represented by [inaudible] owners. And we
19 are represented by two senators on the state
20 level. Our senators represent single-member
21 districts, and I appreciate that and approve
22 of that.

23 Hence we have one single-member
24 district in the House of Representatives

1 representing Vance County. And we have one
2 district with two members representing Vance
3 County, and that two-member district
4 stretches from Person County to Halifax --
5 five counties across the northern border of
6 Virginia. So I feel like the geographical
7 area is too large. People in Halifax County
8 are represented by people in Oxford and
9 Roxboro. And it's just too large a district
10 [inaudible] in my opinion.

11 And I agree with Mr. Spaulding in that
12 we should have single-member districts. And
13 I hope that the members of the General
14 Assembly, in their wisdom, attempts to make
15 this division, that they will do so on the
16 single-member basis.

17 I do realize that there are many
18 considerations that have to be taken into
19 consideration, and I, for one, would like
20 for everyone to feel represented, regardless
21 of what race are or what ethnic background
22 that they might have. And I think that
23 those things do have to be considered by our
24 people. And we talk about politics and

1 [inaudible] in one way or another.

2 But everyone has to be represented.
3 And if we could eliminate prejudices, we
4 wouldn't have to worry about representation
5 [inaudible], I think -- our prejudicial
6 feelings and so forth that caused us to be
7 that way. But my main purpose in speaking
8 is I would like to see single districts in
9 our representation. Thank you so much for
10 listening to me.

11 **SEN. MILLER:** Thank you, Mr. Frazier.

12 The rules of the House and Senate both
13 would have certain decorum requirements, one
14 of which is that all gentlemen, members of
15 those bodies, wear coats and ties. I would
16 like to suspend that rule to the end that
17 all of us could take off our coats and so
18 that Senator Gulley will not be required to
19 go home and change.

20 The next speakers will be Jonathan
21 Jordan, Gilbert E. Parker, III, and David
22 Burton. Mr. Jordan is speaking. Mr. Parker
23 is on deck.

24 **MR. JORDAN:** Good evening all of the

1 representatives. Is this on?

2 **UNIDENTIFIED SPEAKER:** Yes.

3 **MR. JORDAN:** And ladies and gentlemen.
4 My name is Jonathan Jordan. I'm a resident
5 of North Raleigh in the Lynn Road area. I
6 live in one of the largest townhouse
7 communities in the area. It's called Bent
8 Creek. I'm very involved in our
9 neighborhood and have had many different
10 conversations with my neighbors about our
11 common interests.

12 As far as politics and redistricting,
13 we are ably represented by Russell Capps in
14 the State House, who also represents other
15 areas of North Raleigh. We have common
16 interests as a suburban area of North
17 Raleigh, where most of our residents leave
18 during the day to go to work. In fact
19 someone once called our area a "briefcase
20 community," because people take their
21 briefcases and leave during the day.

22 We like having one representative
23 because we are one community of interests.
24 So please don't split our community and

1 please don't split other communities, like
2 southeast Raleigh, which also has common
3 interests among themselves.

4 But as an aside, our State Senate
5 District 36 includes North Raleigh and Cary,
6 which have different interests and are
7 different areas and I don't know why they're
8 grouped together. We should -- Wake County
9 has experienced rapid growth and probably
10 deserves two more state house districts. We
11 should keep single-member districts, because
12 they give citizens one point of focus when
13 we have concerns. But we need a careful and
14 thorough process to determine communities of
15 interest such as my neighborhood.

16 I would personally like to see an
17 independent redistricting commission take a
18 look at drawing the lines, but I doubt that
19 will happen. Politics just seems to be too
20 powerful.

21 To quickly summarize, I would hope that
22 you will keep the principle of communities of
23 common interests in mind as you do the
24 redistricting. Keep like areas together and

1 give us new districts where there has been
2 growth. Wake County, because of its growth,
3 deserves two new seats. But also keep other
4 like areas together, such as southeast
5 Raleigh, Cary, Durham, et cetera. Thank you.

6 **SEN. MILLER:** Thank you, Mr. Jordan.
7 Mr. Jordan used the phrase "deserves two
8 seats." Actually seats are not allocated on
9 the basis of merit. It is strictly based
10 upon population. Mr. Parker is next, Mr.
11 Burton is on deck.

12 **MR. PARKER:** Thank you all very much
13 for coming and having us be here with you
14 tonight. I am here representing Wake County
15 and northern Wake County, Bentley Community,
16 primarily. My name is Gilbert Parker, and I
17 believe I'm primarily asked to come here and
18 speak to you candidly about why you should
19 preserve the integrity of this process as
20 being legislators.

21 You all know the numbers, you know the
22 maps, you have different people that work
23 for you that present this to you, and you
24 know the demographics involved, so I feel it

1 is my job to come and reassert and reaffirm
2 the charge that the Constitution of North
3 Carolina gave to you to draw and redraw
4 districts from which you are elected. And
5 when the doors are closed and the maps are
6 brought out and the staff people come in and
7 you all are there, we are not there. So we
8 are charging you to remember the integrity
9 of this process, and to make certain that you
10 uphold the Constitution of North Carolina and
11 use fairness and to use commonality of
12 interests and other things that make good
13 common sense in redrawing these districts.

14 Having said that, I want to urge you to
15 do that and I am charging you to do that and
16 we will hold you accountable to do that.

17 I believe in three basic things in
18 looking at the maps and the different
19 demographics that have come in North Carolina
20 for the last ten years after the census have
21 brought us new members. Primarily Wake
22 County deserves at least two new districts
23 because of the growth and the demographics
24 and the numbers that you all are fairly

1 familiar with, should be familiar with.

2 My district -- I'm represented by Rick
3 Eddins and Senator John Carrington -- is a
4 well-drawn district, and I believe its
5 integrity should remain intact and that that
6 district should also remain intact. Also I
7 believe that Durham County could use another
8 district, another minority district perhaps,
9 where minority community in that county could
10 be further represented in the House of
11 Representatives.

12 But as I said earlier, I believe that
13 it is my responsibility to look you in the
14 eye, to look you in the face and say, when
15 we are not there, it is your job and the
16 people of North Carolina have entrusted you
17 with preserving the fairness and integrity of
18 the process of drawing and redrawing
19 districts from which you are elected, which
20 is a great responsibility. Thank you
21 very much.

22 **SEN. MILLER:** Thank you, Mr. Parker.
23 Mr. Burton is next. On deck is T. E.
24 Austin, followed by Barbara Howe. Again we

1 would prefer -- obviously we haven't been
2 requiring it and I don't think much of
3 anybody had it -- but if you have written
4 remarks, if you could give them to Ms.
5 Wilson-Womack it would be helpful to us.
6 Thank you.

7 MR. BURTON: Hello. I'm Dave Burton.
8 I live in Cary, and I want to thank you all
9 for hosting this hearing.

10 I have good news for you. In Cary you
11 don't need to make a choice between
12 preserving municipal boundaries or preserving
13 communities of interest, because Cary's
14 pretty much all the same. It's endless
15 suburbs and because of that and because the
16 municipal boundaries also give us a common
17 interest.

18 I hope you won't carve off pieces of
19 Cary and append them onto the folks of
20 Orange and Durham or whatever, because we
21 really don't have much in common with them.

22 I want to say also that I agree with, I
23 guess, all of the previous speakers who have
24 mentioned it, that multi-member districts are

1 a bad thing. Small districts allow a person
2 to really represent the citizens in a much
3 more personal fashion. When I call my state
4 representative, he returns my phone calls. I
5 have never had a phone conversation with my
6 state senator, and I don't expect to ever
7 have a conversation with my state
8 representative over the phone, and no way I
9 -- I can't call up Jesse Helms in person,
10 either. The bigger the district, the bigger
11 it is geographically, the further away the
12 person lives from the person representing him
13 on average, and the more people that
14 representative is trying to represent, so the
15 more difficult it is to establish
16 relationships.

17 I think multi-member districts also are
18 bad because they make campaigns expensive,
19 needlessly so. When you have twice as many
20 people to campaign, you need twice as much
21 money to do it. I just hope you won't go
22 there. I believe in no multi-member
23 districts at all.

24 What I'd really like to do is to take

1 the politics out of the process. There
2 really is an inherent conflict of interest in
3 having politicians draw political districts.
4 Especially their own political districts, but
5 really any political districts. Inevitably
6 those districts will be drawn with a
7 particular outcome in mind. Even if the
8 resulting districts don't look like a
9 salamander, like [inaudible], the process
10 disenfranchises folks by creating safe seats
11 and safe seats -- artificially safe seats.
12 The politician is not really accountable to
13 voters. They don't really have to care what
14 voters think, because they know they're going
15 to get reelected.

16 This year the Democrats have a majority
17 in both chambers and so what I expect to
18 happen is that the Democrats will draw up
19 lots of safe Democrat seats. The way trends
20 are going in terms of registration in North
21 Carolina, in ten years it will probably be
22 the Republicans doing it to the Democrats.
23 Either process is bad. Either way the voters
24 get disenfranchised, and they get an

1 unreasonably large number of representatives
2 that don't have to feel what they think.

3 There is a better way, and the way is
4 to create a process that takes the politics
5 out of redistricting. The most important
6 step is to identify and quantify a set of
7 criteria for measuring the quality of the
8 districting plan. And what you do is you
9 apply an algorithm to that that mechanically
10 draws the districts, like one of the earlier
11 speakers said. You can get computers to do
12 it. Or we can do it by allowing citizens to
13 submit plans and the plan that scores the
14 best gets picked without political input.
15 And the way you do that is you do a
16 mathematical formula that measures the things
17 that you know about in redistricting plans.
18 You know that irregular districts are bad.
19 You know that elongated districts are bad.
20 You know that districts that are highly
21 different in voting strength are bad.

22 Some mentioned one man, one vote. It's
23 worth noting that one man is not necessarily
24 a voter, and voting strength is separate from

1 population. I really think you should try to
2 balance voting strength as well.

3 In summary, I think you could write this
4 process into the State Constitution. I've
5 given you a more detailed flavor of how you
6 would do that. You also could have it
7 supervised by an independent districting
8 commission, which I think would be a great
9 idea.

10 Thank you very much.

11 **SEN. MILLER:** Would you pass a
12 microphone down to Rep. Wib Gulley?

13 **UNIDENTIFIED SPEAKER:** I think you've
14 actually been the only member here who has
15 been singled out for elimination from the
16 General Assembly.

17 **SEN. GULLEY:** I didn't feel so
18 attacked, but I just wanted to comment on a
19 couple factual comments -- I guess
20 corrections really -- of what you've said.
21 One is that in the house redistricting
22 process our House Redistricting Committee is
23 equal, 50-50. While we have a slight
24 Democratic majority by bringing the speaker

1 blocks made with all the membership, half the
2 chairs are Republican, half the chairs are
3 Democrat, both for congressional
4 redistricting and for legislative
5 redistricting. Representative Wright is
6 chair as congressional. The Democratic side,
7 HE has a Republican counterpart, and the
8 same thing is true at the legislative level.
9 So that is one. You're right about the
10 overall House, but there is a special
11 agreement with respect to redistricting so
12 that it is a 50-50 process.

13 The other is just on a point that you
14 made about the cost of running a
15 multi-member district versus a single-member
16 district. This same point was made by my
17 friend, Representative Art Pope, on the House
18 floor several months ago. And in debate we
19 ascertained when I asked him about it that
20 he spent \$250,000 or more in his
21 single-member district, and I am in a
22 three-member district, House District 23, and
23 I spent \$25,000 in my race. So it may be
24 counter-intuitive to you, but House District

1 23 is a multi-member district, and I spent
2 \$25,000. Mr. Pope is in a single-member
3 district and he spent at least \$250,000. So
4 it isn't going to always fall out the way
5 that you stated, sir.

6 **MR. BURTON:** I would respond that 23 is
7 a very non-competitive district, and Mr.
8 Pope's district is a highly competitive
9 district. That might have something to do
10 with the amount of money that was spent.

11 But thank you very much for responding
12 to my comments.

13 **SEN. MILLER:** Next is Mr. Austin. P.E.
14 Austin is listed as 4th District for the
15 Democratic Party, followed by Barbara Howe,
16 whose organization is listed as Chair of the
17 Libertarian Party of North Carolina. Tom
18 Howe is also listed with the Libertarian
19 Party of North Carolina. Mr. Austin.

20 **MR. AUSTIN:** Good evening. I'd like to
21 welcome you to my hometown of Durham. Thank
22 you for coming out tonight.

23 I'm a resident of the county of Durham,
24 the city of Durham, and a native of North

1 Carolina. I wish to speak in favor of the
2 multi-member district that represents Durham.
3 Despite increasing diversity, reinforced by
4 the last census, the district residents share
5 common life experiences. We work and shop
6 in the same places. Many of us like the
7 multi-member districts that include Durham,
8 and feel that they provide opportunities for
9 spatially dispersed minorities. In fact,
10 they have elected a strong and respected
11 delegation. I urge you to keep the
12 multi-member districts that represent Durham.

13 I would also like to speak in support
14 of a Research Triangle congressional
15 district. Most of us here tonight live in
16 the Triangle region and many district
17 residents work in Research Triangle Park.
18 The Park is home to one of the nation's
19 strongest economic engines with many of the
20 most innovative companies. A Research
21 Triangle district would continue to represent
22 our common interests on a national level.
23 Thank you.

24 **SEN. MILLER:** Thank you, Mr. Austin.

1 Barbara Howe, followed by Tom Howe.

2 MS. HOWE: I am Barbara Howe. I am
3 currently the Chairman of the Libertarian
4 Party. I came today to speak on behalf of
5 the apathetic voter, and perhaps on behalf
6 of some of the people who have expressed
7 opinions before me. Fully one-third of all
8 General Assembly seats have gone unopposed in
9 November elections in the last decade. And
10 even when there is opposition, the incumbent
11 is reelected a huge majority of the time.
12 It is no wonder that people don't think that
13 their vote matters. The incumbents protect
14 themselves. So now it's time to draw
15 districts again, and the lines will be put in
16 by the very people with the strongest motive
17 to protect their turf.

18 There is a solution to this stifling
19 democracy. It's been called about before.
20 In fact, it was called on by Mr. Jordan
21 (sic) just prior to me. Have an
22 independent, unbiased commission draw the
23 lines.

24 Now, we all know that unbiased is hard

1 to come by. Who could be unbiased about
2 this? Well, I've come to make you an offer.
3 The answer is the Libertarian Party of North
4 Carolina.

5 Yes, we are a political party, but for
6 this purpose we can be unbiased. Consider
7 that we have no one in the General Assembly
8 to protect, and with only 8,000 registered
9 Libertarian voters we could not possibly draw
10 a district to favor our party over the 100
11 counties. Yet we do have the resources and
12 knowledge of the political process. We can
13 assemble a redistricting plan. Indeed, one
14 member of the Libertarian Party who was a
15 candidate in the former 12th Congressional
16 District -- Mike Smith of Forsyth
17 County-Davidson County I believe it was --
18 has already designed such a plan for the 13
19 congressional districts. He has done this
20 without regard to race, incumbency, party
21 affiliation, and he's only had to split three
22 counties in the process. I think that's
23 pretty remarkable.

24 Add to this the Libertarian Party's

1 reputation for honesty and integrity and you
2 have a ready-made independent commission.
3 Let the Libertarian Party create the
4 redistricting plan. You have nothing to lose
5 but your apathy.

6 Thank you very much.

7 SEN. MILLER: Thank you, Ms. Howe, for
8 your modest proposal. One question,
9 actually, if you could return to the
10 microphone just briefly. And Mr. Howe, you
11 can go ahead and be up there. I think you
12 and other speakers tonight have spoken both
13 of the virtues of having districts that
14 represent commonalities of interest,
15 communities of interest as the phrase is used
16 in the cases. That that's more important
17 than "subdivision boundaries," and that
18 involve homogeneous districts of people with
19 similar circumstances -- people that go to
20 church together I think someone said. But
21 we've also heard some virtue in not having
22 safe seats for one party or the other.
23 Would you not think that the more
24 homogeneous a district is, the safer it would

1 be for one party or another?

2 MS. HOWE: I believe you might have
3 misunderstood me. I don't think I've said
4 anything about commonalities or safe or
5 homogeneous districts. Districts should be
6 drawn strictly without regard to race, creed,
7 political affiliation, homogeneity of the
8 district. They should be strictly drawn by
9 population and geographic regions, trying to
10 keep counties together as is required in our
11 North Carolina State Constitution. And that
12 would reflect a fair and unbiased opinion.

13 SEN. MILLER: All right. Thank you,
14 ma'am. Mr. Howe. Tom Howe. Seth Neyhart
15 is on deck, followed by Leigh Woodall.

16 MR. HOWE: Thank you, sir. I'm Tom
17 Howe and I'm speaking in favor of an
18 independent commission to plan the
19 redistricting. Everybody knows the game is
20 rigged and has been throughout living memory.
21 Powerful people used their power to keep
22 their power. We might as well still have
23 King George.

24 I support the Libertarian Party's

1 proposal to be this independent commission.
2 If they can do it, then people will trust the
3 dice haven't been loaded. I don't want to
4 see any safe district where there is no
5 challenge to the incumbent. Challenge is
6 good for everybody, makes everybody better,
7 and most especially for our politicians.

8 The Republicans and Democrats have
9 proved one thing through many cycles of this
10 redistricting, and it's that they can't be
11 trusted to do this fairly. The referee
12 should not be chosen from the major players
13 in the contest. If the Libertarians ever
14 get big, then they shouldn't do it either.
15 But for now they're the best, most
16 independent force around. Let the
17 Libertarians do it. Why not?

18 **SEN. MILLER:** Next, Mr. Neyhart, and
19 Leigh Woodall is on deck. And after that I
20 think we may try to go back to the Tarboro
21 site, where I think a speaker would like to
22 be heard. Mr. Neyhart.

23 **MR. NEYHART:** Good evening and thank
24 you, Mr. Chairman. My name is Seth Neyhart

1 and I am appearing before the committee
2 members tonight as the Executive Director of
3 the Americans for the Defense of
4 Constitutional Rights. I am also an
5 attorney at the law offices of Roth, Pepper
6 and Everett here in Durham, and I have
7 worked extensively with Judge Robinson
8 Everett on Hunt vs. Cromartie redistricting
9 litigation.

10 I have come here tonight because I and
11 many others, some of whom have already
12 spoken tonight, believe there's a fundamental
13 problem with the way that our state goes
14 about the business of redistricting. We
15 think it's a serious problem because it
16 challenges the legitimacy of our
17 constitutional republican form of government
18 and eats away at our citizens' faith in the
19 democratic process.

20 The whole point of having a republic is
21 for the citizens or the people to choose
22 their elected officials. But under the
23 present way of doing things in redistricting,
24 to put it bluntly, you the politicians are

1 choosing the voters. When it comes to
2 redrawing the lines that you and your
3 political friends and enemies are elected
4 under, you have a fundamental conflict of
5 interest between your self-interests and the
6 interests of people in the state. And, in
7 our opinion anyway, in the past when the
8 legislators have been faced with this
9 conflict of interest, it isn't the interests
10 of the politicians that get sacrificed; it's
11 the interests of the people.

12 Rather than drawing geographically
13 compact districts that respect real
14 communities of interests and generally follow
15 boundaries of towns and counties, in the
16 last ten years we've seen an explosion of
17 bizarre looking districts which have sliced
18 through counties, towns, even precincts, in
19 order to get the desired result. This
20 politician, he gets all the black voters.
21 That politician, he gets all the white
22 voters. This guy gets all the Democrats,
23 that guy gets all the Republicans.
24 Incumbents of both parties laugh all the way

1 to the Capitol, because they have just
2 rigged the electoral process to keep
3 themselves safe from any challenge.

4 But it's the voters and the political
5 process that ends up paying the price.
6 Citizens are segregated, costly lawsuits
7 spring up, voters get even more confused
8 about who represents them as the winds of
9 litigation pulls them back and forth. And
10 the political rhetoric gets more divisive,
11 more racially polarized, and unfortunately
12 the racial divisions get broader and deeper.

13 When I was working with Judge Everett
14 one of the things I did was talk with a
15 number of county election officials that are
16 in the counties that are split by the
17 present 12th District. They told me that as
18 a result of all this confusion, the people
19 ended up just figuring that if they needed
20 any constituent services from their
21 congressman, they might as well just go to
22 the congressman who's the member of their
23 own race. The bottom-line understanding they
24 had was that one congressman in their county

1 was just there to represent the white
2 voters, and the other congressman was just
3 there to represent the black voters.

4 It is our position that this is wrong;
5 constitutionally, politically, most
6 importantly morally wrong. And unfortunately
7 all the indications we have so far is that
8 the members of the General Assembly are
9 about to repeat the evils of the last ten
10 years.

11 Now, at the risk of being ignored like
12 the voice crying in the wilderness, I'm here
13 on their behalf to plead with you. Don't
14 repeat the mistakes of the past. Don't treat
15 the citizens of the state of North Carolina
16 as if they were your collective personal
17 property, to be bargained for, fought over
18 and exchanged like political chattel. Don't
19 divide and polarize the state even more on
20 racial and political lines. Don't keep
21 pushing the envelope of racial districting
22 just to see how much racism you can get away
23 with and plunge the state into another
24 decade of confusion and litigation.

1 The people of North Carolina don't
2 deserve this kind of treatment. They don't
3 deserve to be segregated by race and party,
4 and used as pawns in power games. They
5 should be choosing you. You shouldn't be
6 choosing them.

7 Thank you.

8 **SEN. MILLER:** One question, Mr. Neyhart.
9 Earlier speakers tonight, Mr. Towne and Ms.
10 Jenkins, argued essentially that the county
11 lines were arbitrary and we should disregard
12 local subdivisions in redistricting and take
13 into account communities of interest. I
14 understand your arguments are now that we
15 should disregard communities of interest and
16 try to follow county lines and political
17 subdivision lines.

18 **MR. NEYHART:** I don't think it's
19 necessarily a zero sum game. I believe that
20 you can call anything a community of interest
21 if you want to. I think that the political
22 boundaries are a good benchmark -- are a
23 good safe breaking point that will keep you
24 from getting too bizarre. I mean, if you

1 look at the North Carolina house plan map, a
2 lot of political subdivisions have been
3 violated and that's what you see.

4 SEN. MILLER: Thank you, Mr. Neyhart.
5 Representative Luebke?

6 REP. LUEBKE: I'm assuming since you
7 said you worked with Judge Everett and
8 worked with him on the Cromartie case that
9 you also worked on Shaw v. Hunt?

10 MR. NEYHART: That is not correct, sir.

11 REP. LUEBKE: But you're familiar with
12 it?

13 MR. NEYHART: I am very familiar with
14 it.

15 REP. LUEBKE: I was struck by the County
16 Commissioner Healy at the Vance-Granville
17 Community College who talked about the
18 importance of compactness. And it struck
19 me, and I just wanted to ask you, is it not
20 true that Shaw v. Hunt does not allow the
21 dangling districts that were created in 1992,
22 and that in fact as a result the earlier
23 Supreme Court decision, the districts that
24 dangled, and let's use the original 12th

1 District as the example, cannot be that way,
2 and nor can some house districts. Isn't that
3 true, and so by Supreme Court decision
4 really, we have to draw the districts more
5 compactly.

6 MR. NEYHART: I would submit to you
7 that there has been a number of cases and
8 the law has frankly shifted in the 1990's.
9 And you should take into account the very
10 real possibility that it will continue to
11 shift one way or the other.

12 One thing that I think is a fair
13 statement of the law right now is that your
14 premise is not, in fact, correct. That if
15 you wanted to go back and draw the 1992 plan
16 and say we're just doing this for political
17 reasons, race has nothing to do with it, I
18 would think that unfortunately that the state
19 of the law right now you'd be able to get
20 away with that. Whether that's true two to
21 five years from now is anyone's guess.

22 REP. LUEBKE: Thank you.

23 SEN. MILLER: All right. I think we
24 can go to the Tarboro site now. We had a

1 speaker earlier who wished to be heard in
2 Tarboro. He's changed his mind.

3 UNIDENTIFIED SPEAKER: I have one
4 comment.

5 SEN. MILLER: Yes, sir?

6 UNIDENTIFIED SPEAKER: I will ask the
7 gentlemen if the same type of public
8 hearings will be held after the lines have
9 been drawn.

10 SEN. MILLER: There will be public
11 hearings after plans, after there are
12 proposed plans.

13 Next we will have here in Durham -- I
14 think the rest of our speakers will be in
15 Durham. We're down to three. Gabrielle
16 Zabala -- is that the correct pronunciation?
17 Followed by Paul Brewer-Jensen, followed by
18 Victoria Peterson.

19 UNIDENTIFIED SPEAKER: Leigh Woodall.

20 SEN. MILLER: Who? I'm sorry, you're
21 right, Mr. Woodall, yes sir, excuse me.

22 MR. WOODALL: Good evening ladies and
23 gentlemen. My name is Leigh Woodall. I'm
24 chairman of the Person County Republican

1 Party and former County Commissioner. Thank
2 you for allowing me the opportunity to speak
3 this evening for this very important issue.

4 First let me comment on the
5 congressional district situation in Person
6 County. But before I get into this I would
7 like to acknowledge my state senator sitting
8 here, Senator Jeanne Lucas and Senator Wib
9 Gulley was here but I don't see him right
10 now. In 1997 when the new congressional
11 district lines were drawn in Person County,
12 Person County was split for the first time
13 in its history into two congressional
14 districts. One with nine precincts was
15 placed in the 1st Congressional District, and
16 five precincts were placed in the 4th
17 Congressional District. Prior to that time,
18 Person County was entirely in the 5th
19 Congressional District. It is of the highest
20 importance to all citizens of Person County
21 regardless of political party affiliation
22 that we be reunited into one single
23 congressional district. When the average
24 state congressional district is comprised of

1 approximately 640,000 people, it defies logic
2 to split a county with a population of
3 35,000 into two different districts.

4 I will gladly meet with any of you or
5 your staff to suggest and evaluate various
6 alternatives that I believe can solve this
7 problem. I believe it is vitally important
8 to recognize county geographical boundaries
9 in the establishment of new district lines.
10 The General Assembly was not reluctant three
11 years ago to jump across county boundaries
12 and use county precinct lines as a border
13 between congressional districts. I can't
14 tell you how much confusion this practice has
15 created among citizens within the same county.

16 Now, let me address the issue of state
17 and senate house districts. The practice of
18 setting up districts with two or three seats
19 covering [inaudible] as its westernmost
20 county are combined with parts of five other
21 counties. You heard me right. Parts of
22 five other counties combine with Person
23 County in its entirety to make up the 22nd.
24 We have two representatives in the 22nd,

1 Gordon Allen and Jim Crawford. Would it not
2 make more sense and be less confusing to the
3 electorate to divide the 22nd into two
4 separate districts with one representative
5 per district? This approach has the
6 potential to minimize the number of split
7 counties. The computer programming
8 constraint of minimizing split counties can
9 easily be added to your computer model.

10 Now let's talk about the senate
11 district in Person County. We have two
12 senate districts. Four of our southwestern
13 precincts are represented by Senator Hugh
14 Webster in the 21st, and the other ten
15 precincts are represented jointly by Senators
16 Gulley and Lucas in the 13th. Durham
17 County's much higher population, much larger
18 population, makes it nigh impossible for
19 Person County voters to have any impact on
20 the final outcome of these two senate seats
21 in the 13th. Person County citizens would
22 prefer to be part of a senate district
23 comprised of four similar counties. A
24 possibility would be to group Caswell County,

1 Person County, Granville and Franklin
2 together. These counties are all in the
3 Region K Counsel of Government. Another
4 alternative would be to group Granville,
5 Franklin, Person and part of northern Durham.

6 I recognize the challenge that your
7 committee has to put together a final plan
8 that will be fair to all North Carolinians.
9 Please try to do your best. Thank you very
10 much.

11 **SEN. MILLER:** Thank you. The last three
12 speakers again are Gabrielle Zabala, Paul
13 Brewer-Jensen and Victoria Peterson. I do
14 want to recognize that Representatives Fox
15 and Crawford are now at the Vance-Granville
16 site and Representative Joe Tolson is now at
17 the Edgecombe site and Representative Tolson,
18 we did earlier suspend the decorum rule
19 about gentlemen wearing jacket and tie, so
20 you're okay.

21 Ms. Zabala.

22 **MS. ZABALA:** Good evening. I would
23 like to thank very much the North Carolina
24 legislators for taking their time to listen

1 to our concerns and also for the people that
2 have taken their time to come tonight. I
3 know it's very hectic [phonetic] and I see
4 some people that I already notice, Senator
5 Lucas and Representative Wright.

6 It is a pleasure to come here. My name
7 is Gabrielle Zabala and I am born in Ecuador,
8 I live in Cary and I am an American citizen.
9 I came tonight as a citizen. I do work in
10 the Office of Minority Health, but I left
11 the Office of Minority Health tonight over
12 there and I came as a citizen. And I came
13 to make sure that steps are being taken to
14 improve the Hispanic-Latino population in the
15 redistricting process. I must remind you
16 that the Latino population has grown
17 immensely in the last six to eight years,
18 from one percent to five percent according
19 to the last census, and not only that
20 380,000 people live in North Carolina, most
21 of them paying taxes and working for the
22 development of North Carolina in counties
23 like Durham, Wake, Chatham, Mecklenburg, and
24 also many others that I cannot mention.

1 Because of the large population, we have a
2 Governor's Office of Latino Affairs and also
3 now we have a brand new Special Assistant for
4 the Latino First, for Mike Basnight
5 [inaudible].

6 As you can see, we have been very
7 involved also in the politics here in North
8 Carolina. We ask you that your plan is
9 inclusive of all ethnic minorities: black,
10 Hispanics, American Indians, Asians, and
11 other large populations. A plan that would
12 consider and reflect the changing face of
13 North Carolina and with one individual to
14 represent each district. Contrary to the
15 other speakers, I trust that you will take
16 the steps to ensure that minorities are
17 included in this process. Thank you.

18 **SEN. MILLER:** Thank you. We will have
19 one other speaker after the last two Durham
20 speakers at the Tarboro site wherever
21 Roosevelt Higgs will recognize. The next is
22 Paul Brewer-Jensen.

23 **MR. BREWER-JENSEN:** I would like to
24 voice my support for Libertarian Party's

1 proposal. I think that it would work
2 beautifully if the state would use some form
3 of proportional representative and that would
4 go a long way toward ensuring fairer
5 representation, I believe. And that's all I
6 want to say.

7 **SEN. MILLER:** Thank you. Victoria
8 Peterson.

9 **MS. PETERSON:** Yes, I'm Victoria
10 Peterson and I would also like to share with
11 you that I am a Republican, I am an activist
12 in this community, and I have been a
13 Republican and been at this for quite a few
14 years now. I would like to share with you a
15 concern that I have been crying about since
16 1990. When I ran for office here in Durham
17 as a Republican, I did very, very well.
18 Many Republicans voted for me, as well as
19 persons of color, African-Americans. But
20 what happened, I didn't have enough so I did
21 not win the House seat. Those persons who
22 were in office in the House at that time
23 went back over to Raleigh and redrew the
24 Durham 23rd District and actually cut out the

1 precincts that I did very, very well in, and
2 turned the 23rd District actually into two --
3 added two separate districts, which is the 92
4 District that our Mr. Capps is, and the 63rd
5 District, which goes into Raleigh. What I'm
6 asking, that those precincts come back to
7 Durham. They belong in Durham, they're
8 ours. I don't want to be selfish, but I
9 also have a right to run for office as a
10 conservative, and other conservatives in this
11 county also have the right. God bless my
12 Democrat brothers, black and white, but I
13 think Democrats should be willing to share
14 power.

15 And I've been in this county for a long
16 time. I am originally from New Jersey. I
17 came to North Carolina because of North
18 Carolina Central University, and I've been
19 living here in North Carolina. But there's
20 something that I've seen in this state and in
21 this county that really bothers me and
22 disturbs me. We speak about sharing of
23 power, and I don't want to bring up race,
24 but I have to on Representative Luebke and

1 the other white gentlemen here on the
2 stadium (sic).

3 I'm very concerned that when you look
4 at over the years we always seem to always
5 have majority of white Democrats in power in
6 the House. I would like to see some of that
7 change. We're in the millennium, a new
8 beginning in this state, in this country. I
9 would like to see white Democrats start
10 being willing to share the power in this
11 county, and plus in this state.

12 Now we have a few African-American
13 Democrats who are over in Raleigh, but really
14 that's not a lot to make a big difference.
15 What has happened to the women in this state?
16 We don't hold -- very few seats of women.
17 But of the majority of the state population,
18 we outnumber you fellows, do you know that?
19 We outnumber you but we have no power. We
20 have no power. And I want to tell you
21 something. I want women, Republicans and
22 minority conservatives to have some of that
23 power and to have some of that money that
24 you folks have been enjoying for the last 60

1 years in this state.

2 Also, I know there are folks who have
3 been talking about turning Durham into a
4 single-member district. I'm a little
5 concerned about that. I would like to see
6 the 23rd District go back to being at-large,
7 including all of our precincts. And then
8 allow us, the voters, to decide who we want
9 to represent us, either all Democrats or all
10 Republicans. But Durham has never had a
11 Republican in the House to represent her.
12 So, God bless Senator Lucas. There are
13 times when I have my problems, I can sneak
14 over there in her office and try to get her
15 to understand conservative issues. And she's
16 tried to, she has opened her door to me even
17 though she knows I'm a Republican. I've
18 gone to other Republicans in this state but
19 they're not here in my district. I don't
20 have anybody that I can go to. And there
21 are other Republicans that live in Durham.
22 We don't have anybody. Should not we also
23 have representation just like Democrats, just
24 like white Democrats, just like black

1 Democrats? You folks have all three of those
2 House districts. Won't you be willing to
3 share? Didn't we learn that when we first
4 started kindergarten? One of the first
5 things in kindergarten we learned was to
6 share. Will you please share with us? Thank
7 you.

8 **SEN. MILLER:** Thank you. There are a
9 lot of things we can take into consideration
10 when redistricting. We can take ethnicity
11 into account, we can take partisanship into
12 account, we can take urban and rural
13 differences into account. It will be very
14 difficult to take gender into account. Men
15 and women tend to live in the same
16 households. Not invariably, but largely.

17 We have one more speaker here, Jessica
18 Wagstaff, and then I'll go to Reverend Higgs.
19 Jessica Wagstaff is a student here at the
20 North Carolina School of Science and Math.
21 Ms. Wagstaff.

22 **MS. WAGSTAFF:** Good evening. My name
23 is Jessica and I'm from Durham. I go to
24 school here and I lived here before I went

1 to school here.

2 I didn't really know much about this
3 before I came here, so I'm not really going
4 to talk about it factually because I don't
5 really know any facts. But listening to lots
6 of people say stuff I just form my opinions,
7 and even though I'm not old enough to vote
8 or anything I felt that I had the right to
9 express them.

10 First of all, I thought the community of
11 interest thing wasn't really important
12 because if you're trying to form the same
13 community of interests, it's like you're
14 paying too much attention to what each
15 person thinks and really what we're hoping is
16 that we can just represent the whole. And
17 if there are more of one community in a
18 certain area, then they're going to represent
19 the whole and they're going to pick somebody
20 that represents them. But I think it's
21 almost a waste of time to try and fit a
22 community so that you have people that like
23 flowers over here and the people that like
24 circles over here. And it's really

1 simplistic.

2 So I think the numbers, having them just
3 specifically by numbers of everything, I
4 think keeping counties together is a good
5 thing because you already have a lot of
6 stuff set up by the county and it would just
7 make it more difficult to split up counties.

8 I also feel like single-member
9 districts aren't necessarily the best way to
10 go. I know a lot of you guys disagree with
11 me on that. Because I think in some
12 districts -- I know they're still really big
13 even when they're single districts because
14 there are 13 through the whole state. But
15 maybe if you have two members in an even
16 larger district, maybe the two members that
17 the people of that whole district feel best
18 represent them live next door to each other.
19 And if that's what the people of that
20 district think, then I think they have the
21 right to vote for two people that live next
22 door to each other. And maybe they'll pick
23 people that would be in two different
24 congressional districts if you drew them

1 separately and they have the right to do
2 that also. But if you draw them in the
3 single districts, then they can only pick
4 people within their nearby geographical area
5 and I don't think that's necessarily best
6 representing the state. Because maybe the
7 representatives shouldn't be completely
8 spread out.

9 And that's all I have to say.

10 **SEN. MILLER:** Thank you Ms. Wagstaff.
11 And our last speaker will be again at the
12 Tarboro site, Reverend Roosevelt Higgs.
13 Reverend Higgs? I think you'll need to speak
14 --

15 **REV. HIGGS:** Good afternoon.

16 [Inaudible] But I would like to express the
17 fact that I'm kind of considering maybe
18 being a candidate for one of those
19 congressional seats. And to the [inaudible],
20 if you can. I would like to ask you all to
21 try to keep Edgecombe County in one district
22 if you possibly can. Being a potential
23 candidate, then it might be beneficial to
24 me. [Inaudible].

1 Thank you.

2 SEN. MILLER: Thank you, Reverend
3 Hicks. That ends the speakers who signed up
4 to speak or who registered to speak tonight.
5 Again, this is the first of our hearings. We
6 will have other hearings around the state. I
7 believe the schedule has been fairly widely
8 published.

9 In addition, the North Carolina General
10 Assembly's website, www.ncleg.net, has a
11 section on redistricting you can get to by
12 going to www.ncleg.net/Redistricting, or just
13 going to www.ncleg.net and clicking on the
14 icon for representation, I think it is. And
15 it provides a variety of information:
16 population and demographics of the state,
17 voting, it shows current district maps.

18 And you can send comments to us through
19 the website and can also send comments to us
20 by mail. And our address is 16 West Jones
21 Street in Raleigh. That's like, Santa
22 Claus, North Pole. I don't know the zip
23 code off the top of my head. I'm sure it is
24 on the website.

1 We also have computers that are publicly
2 available. If you wish to come in and show
3 how much better you can do it than we would,
4 you can come down and have at it. I don't
5 know who you need to call. Who do they need
6 to call and schedule a time?

7 **MR. GILKESON:** Dan Frye with -- I can't
8 remember the phone number but the website
9 would have it.

10 **SEN. MILLER:** The phone number of the
11 General Assembly Generally is 733-4111. If
12 you call that number and ask for Dan Frye.
13 You can call and set a time; you can come
14 and draw districts; you can draw districts
15 that respect county lines; you can draw
16 districts that will be competitive; you can
17 draw districts that will respect communities
18 of interest. And if you could do it all --
19 accomplish all those goals, you will be a
20 better person than I am. The number that I
21 have been given is 733-6834 for Dan Frye. I
22 think that is it. Yes, ma'am?

23 **MS. WARE:** Is there a fax number that
24 we can fax the written version of our

1 comments tonight?

2 **SEN. MILLER:** I'm sure there is.

3 **SEN. BALLANCE:** 856-9686.

4 **SEN. MILLER:** Okay. You could sent it
5 to Senator Ballance who knows his own fax
6 number which is 856-9686. Thank you very
7 much for attending. I'm sorry, is there more
8 information?

9 **MR. GILKESON:** We have the
10 redistricting guides available and we also
11 have lists of the addresses of members --
12 lists of members of the General Assembly by
13 county and also the members are marked
14 whether they're on the Redistricting
15 Committees or not.

16 **SEN. MILLER:** I believe that we have
17 these here. We have many copies of this.
18 This is compiled by our staff and reviews the
19 law on redistricting and provides a lot of
20 the demographic information and population
21 statistics, and would be helpful to you as
22 you follow this process.

23 Is there anything else I need to
24 mention? Thank you very much for attending.

1

[PUBLIC HEARING ADJOURNED AT 8:35 P.M.]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

C E R T I F I C A T E

I, Amy L. Poythress, notary public/court reporter, do hereby certify that the above-named meeting was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the statements of the presenters.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of June, 2001.

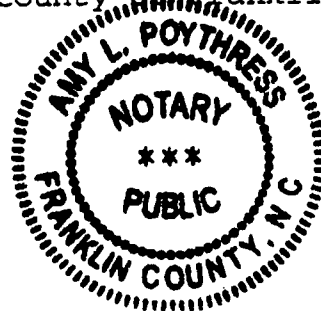
Amy L. Poythress
Notary Public

State of North Carolina

County of Franklin

My commission expires:

January 2, 2006



SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
✓ 1.	BERNARD Holliday	Citizen
✓ 2.	STEWART Jescins	Citizen
✓ 3.	ANDREW R. FINLAYSON	CHAIRMAN WAKE CO. REPUBLICAN PARTY
✓ 4.	William S. Toure	Citizen
✓ 5.	Martha Jenkins	Citizen
✓ 6.	Steve Birney	Citizen
✓ 7.	Jonathan C. Jordan	Citizen
✓ 8.	Gilbert E Parker III	Citizen
✓ 9.	David A. Burton	Citizen (any)

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
✓ 10.	T.E. Austin	4 th District Democratic Party
✓ 11.	Barbara Howe	Chair, Libertarian Party of NC
✓ 12.	Tom Howe	LPNC
✓ 13.	Seth Meyhant	Americans for the Defense of ^{of Conscience} Rights
✓ 14.	Laigh Woodall	Parson Co Republican Party
15.		
16.		
17.		
18.		

Barbara

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
✓ 19.	Isabella Zabala	Latino Advocate -
✓ 20.	PAUL BREWER-JENSEN	
21.		
22.		
23.		
24.		
25.		
26.		
27.		

perhaps

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
28.		
29.	<i>Victoria Peterson</i>	
30.		
31.		
32.		
33.		
34.		
35.		
36.		

Durham

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
55.	Jessica Wagstaff	student - NCSSM
56.		
57.		
58.		
59.		
60.		
61.		
62.		
63.		

Q1P W. Henderso

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
46.		
47.	Larry Henry	
48.	Don CASNER	
49.	Opie FRAZIER	
50.		
51.		
52.		
53.		
54.		

TAKES GOLD
5/3/01

919-286-2581

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	Wmiller, Danny II	Edgar Co. Sheriff's Party 1st Vice Chair
2.	Dr. Russell Jones	Edgar Co. Citizens Development Council
3.		
4.		
5.		
6.		
7.		
8.		
9.		

STATE OF NORTH CAROLINA
PUBLIC HEARING ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATORS: Rep. Jim Gulley, Co-chair,
House Redistricting Committee

Rep. William P. Cunningham,
Vice-chair, House Redistricting
Committee

COPY

TRANSCRIPT
OF
PUBLIC HEARING

At Greensboro, North Carolina
May 4, 2001 - 7:00 p.m.

Reported by:
Amy L. Poythress, CVR

Teleconference Sites:
Winston-Salem State University, Winston-Salem, North Carolina
and
Guilford Tech., High Point, North Carolina

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1 I, Amy L. Poythress, being a Certified
2 Verbatim Reporter and a Notary Public in and for
3 the state of North Carolina, was appointed
4 commissioner by consent to take the Public
5 Hearing on Redistricting Based on the 2000
6 Census, held on the 4th day of May, 2001,
7 beginning at 7:00 p.m., at the University of
8 North Carolina - Greensboro, located in
9 Greensboro, North Carolina.

10 - - - - -

11 REP. GULLEY: I want to welcome you to
12 the General Assembly Redistricting Hearings.
13 I want to thank the city of Greensboro and
14 UNC-Greensboro for hosting the public
15 hearings. I'm Jim Gulley from Mecklenburg
16 County. I'm one of the regional co-chairs
17 for the House of Representatives
18 Redistricting District Committee.

19 Sitting beside me is Representative
20 Cunningham from Mecklenburg. He is
21 Vice-Chair of the House of Representatives
22 Redistricting Committee.

23 And I would like to introduce some
24 folks from the General Assembly. You can

1 stand or hold up your hand. Senator Brad
2 Miller, Arlie Culp, Beverly Earle, Jerry
3 Dockham, Maggie Jeffus.

4 There are also two auxiliary sites, one
5 at Winston-Salem State and I understand that
6 Larry Womble is at one of them. Can we hear
7 him? Oh, there he is, okay I see him.

8 **REP. WOMBLE:** Yes, thank you.

9 **REP. GULLEY:** And at the other
10 auxiliary site is at Guilford Tech in High
11 Point. Is Mary Jarrell there? I don't
12 believe she's made it yet.

13 **UNIDENTIFIED SPEAKER:** Mary Jarrell is
14 not here.

15 **REP. GULLEY:** Okay. Do we have any
16 local officials here? I guess not.

17 **MR. OVERBY:** Willis Overby, a
18 Commissioner of Stokes County.

19 **REP. GULLEY:** The redistricting event
20 occurs every ten years. The General
21 Assembly has the task of redrawing the
22 districts for the State House, the State
23 Senate, and the U.S. House of
24 Representatives. These new district boundary

1 lines will determine who will represent you
2 in the General Assembly and the U.S.
3 Congress. Because of the importance of this
4 process, we want your input. We're here to
5 listen. I listen better when I'm not
6 talking, but we must have some ground rules.

7 Pete, do you want to start with the
8 ground rules?

9 REP. CUNNINGHAM: Thank you and good
10 evening.

11 UNIDENTIFIED SPEAKER: We've got
12 Representative Gulley in here, and
13 Representative Aldridge.

14 REP. CUNNINGHAM: Representative
15 Aldridge has just come in. I was wondering
16 why everybody got so quiet and now I know.
17 Glad to have you, Representative Aldridge.

18 REP. ALDRIDGE: Thank you.

19 REP. CUNNINGHAM: As already stated,
20 I'm Pete Cunningham and I will just talk
21 briefly about the ground rules that we hope
22 that we will be able to follow this evening.
23 First, let's make sure that everyone that's
24 here has registered. If you registered out

1 front, just sign in, that's basically all
2 that consists of. And the other thing is if
3 you plan to speak, please sign in as you
4 have to sign a second time as a speaker. So
5 I think it's the green sheet or the yellow
6 sheet that just for the regular registration,
7 and then to sign in on the white sheet if
8 you plan to be a speaker. Right now I'm
9 told that we have seven speakers for this
10 evening's event.

11 As Jim already pointed out, every ten
12 years we go through the redistricting
13 process. That's mandated. And what is
14 really involved here and when all this will
15 commence is that with the requirements in
16 mind, that we as a General Assembly must
17 draw these lines and that will affect the
18 2002 election. And all of this has to be --
19 we need to have all these completed and
20 approved under the Voting Rights Act by
21 January 2002. That's when all the candidates
22 start to file for reelection or those who are
23 filing to become elected.

24 It takes several weeks to do these

1 plans, so we hope that you will bear with us
2 because tonight, we're not here so much as
3 to answer questions. We're not even at that
4 point yet that we could do a very admirable
5 job in telling you what will happen. We
6 don't know what will happen yet. And that's
7 why we're here.

8 We are given information from across
9 the state so that we can come up with a
10 plan. And all this, as I said, has to be
11 done for the three different institutions:
12 the House of Representatives, the Senate, and
13 also the Congressional.

14 Once we get all this information
15 together and debated in the House and the
16 Senate or in the General Assembly, I should
17 say, then we intend to hold a second hearing
18 which would probably take place in Raleigh.
19 So that would be the time that we could
20 answer more questions and we can -- but
21 right now the important thing is to get your
22 input, what you think is important to you in
23 order to have your plans heard. It may not
24 be accepted, but at least you've had the

1 chance to express your position on it.

2 I will just mention this briefly. The
3 staff has prepared a booklet that they will
4 tell you about later that you can pick up on
5 your way out. But tonight is your night to
6 do all the talking. I'm going to stop at
7 this point. If there's another thing Jim
8 needs to bring out or if someone else has
9 other legislative -- more data or anything,
10 we'll do that at this time. If not, then
11 we'll go ahead and get this show on the road.

12 We're here for about two hours, and we
13 hope to give everyone the opportunity to
14 speak on whatever issues as related to the
15 town meeting that we have some interest in.

16 REP. ALDRIDGE: Mr. Chairman.

17 REP. CUNNINGHAM: Yes, sir.

18 REP. ALDRIDGE: I assume you're going
19 to have the time limitation on the
20 statements and speakers.

21 REP. CUNNINGHAM: Thank you.

22 REP. GULLEY: That's what I was
23 thinking next.

24 REP. ALDRIDGE: Pardon me, sir, pardon

1 me.

2 REP. CUNNINGHAM: Jim will go over
3 these. I was getting ready to go as soon he
4 hit me.

5 REP. ALDRIDGE: Representative Jarrell
6 is now at the High Point location.

7 REP. GULLEY: Okay. Representative
8 Jarrell?

9 REP. CUNNINGHAM: Good evening,
10 Representative Jarrell. Can you hear me?
11 Hello?

12 UNIDENTIFIED SPEAKER: I don't believe
13 she can hear you.

14 UNIDENTIFIED SPEAKER: Somebody can
15 hear.

16 REP. JARRELL: Hi, Pete.

17 REP. GULLEY: Hello, how are you doing
18 Mary?

19 UNIDENTIFIED SPEAKER: All right.
20 We're all hooked up then.

21 REP. JARRELL: Just fine. How about
22 you?

23 REP. GULLEY: If you want to speak up,
24 you need to sign the speaker sheet. That's

1 the white one outside. You will have up to
2 five minutes to do your presentation. We do
3 have a timer. Where is the timer?

4 SERGEANT AT ARMS: Right here.

5 REP. GULLEY: Okay. He'll be holding
6 up a yellow card when you get to four
7 minutes, and when you get to
8 four-and-one-half minutes, it's a red card,
9 and you need to start winding down seriously
10 at that point. Registration will continue
11 for speakers until closing time, and the
12 speakers will be called in order of
13 registration. But we'll rotate around with
14 the -- we'll do two or three here and then
15 two or three at the satellite sites. If a
16 speaker is not present when called, he or she
17 will be skipped at that time. If time
18 permits, we will come back before closing.

19 So I guess we're ready to call the first
20 speaker, Pete.

21 REP. CUNNINGHAM: Okay. The first name
22 I have on the list is Mr. Tom Coley.

23 MR. COLEY: Yeah. I understand that as
24 you go through the redistricting that it is a

1 problem with the court system in getting
2 everything to balance. But one of the
3 things that I've seen over the last two
4 times out of the census in the 1980's and
5 1990's is the separation of communities, such
6 as Davidson County used to be assigned with
7 Winston-Salem. Which, of course,
8 Winston-Salem was their -- basically where
9 they worked and shopped. And of course over
10 here we had Rockingham County that worked
11 with Guilford County. And that has been
12 separated. These people still work and shop
13 running between these two counties.

14 And the way I've always felt like a
15 representative, if they're in your community,
16 say if you have a disaster or a lay-off or
17 whatever, they're part of that problem.
18 They really feel that problem and they can
19 react.

20 But as you do the redistricting, I
21 think it would be wise and it would be
22 helpful for us in the community to try to
23 get in a consolidated type districts as much
24 as possible, to give it more of a

1 community-type arrangement.

2 But that's about the only thing that I
3 was really interested in. Understand that as
4 you do this, it's important that you don't
5 want a big turnover or a turnover in your
6 incumbents in there just because of
7 redistricting. It's just something that I
8 feel like you should keep in mind. Thank
9 you.

10 REP. CUNNINGHAM: Thank you, sir. And
11 a senator came in.

12 REP. GULLEY: Senator Martin. I wanted
13 to recognize you.

14 SEN. MARTIN: Thank you very much.

15 REP. CUNNINGHAM: Senator Bill Martin
16 is from Greensboro and it's a pleasure to
17 have him. Representative Culp?
18 Representative Arlie Culp.

19 REP. CULP: Yes, thank you,
20 Representative Cunningham and Representative
21 Gulley. I appreciate being able to put my
22 two cents' worth in this community meeting.
23 This is my second trip through the
24 redistricting and I hope we can divide the

1 state up into 120 legislative districts. And
2 you know it would cut down on the size of
3 the district and be other amenities along
4 with that.

5 I hope we can follow our county lines
6 as much as possible. I have my druthers in
7 my own district but if I don't get that, I
8 will accept whatever they give me. That's
9 all I got to say.

10 REP. GULLEY: Thank you.

11 REP. CUNNINGHAM: Thank you
12 Representative Culp. Also joining us is
13 Representative Alma Adams, and glad to have
14 you. Thank you for coming.

15 Okay, now the next speaker is Ms.
16 Dorothy Humey? Hurley?

17 MS. HURLEY: The name is Hurley. I'm
18 Dorothy Hurley and I am from Greensboro from
19 the Sedgefield Community. I certainly want
20 to thank you for giving us the opportunity
21 and for listening to us tonight. I have
22 some notes here, and unaccustomed as I am to
23 public speaking, I would like to refer to my
24 notes because I don't want my eyetooth to

1 cover up what I have to say, because I
2 really feel deeply about our community and
3 our representatives and what they mean to us.

4 First of all, there are two main themes
5 that I have heard about in the redistricting
6 process, and one is that we should follow
7 county lines in drawing those districts. And
8 the second one of great interest to me is
9 that we should have respect for the
10 communities or the interest of the community
11 itself.

12 These two concepts are not mutually
13 exclusive. There are other things that come
14 into play, of course. But in legislative
15 redistricting I understand that the State
16 Constitution requires respect for the county
17 boundaries, and in many, many cases, respect
18 for county lines equates with the clearly
19 identified communities of interest. And that
20 interest is based on common history, common
21 economics, common culture and various other
22 factors. But those are the main ones, of
23 course.

24 I feel that it's a mistake to approach

1 redistricting from the standpoint of choice
2 between respect for county lines on one hand
3 and respect for communities of interest on
4 the other, when counties must be divided to
5 meet equal population and one person, one
6 vote requirements. Communities of interest
7 within the county should be preserved and
8 not split apart.

9 I'm a resident of the currently drawn
10 12th Congressional District, and now that the
11 Supreme Court has approved this district on
12 the basis of commonality of political
13 interest, it is more clear than ever that
14 some residents of the 12th District,
15 including my community, the community of
16 Sedgefield -- we feel that we have been
17 intentionally split off from our natural and
18 our traditional groups that we've been with
19 for years and years and years. We have been
20 submerged into a minority-majority district,
21 in fact. And if you choose to maintain a
22 highly urbanized, predominantly Democratic
23 district, recognizing the community of
24 interests of African-American voters, then

1 rural and suburban neighborhoods, which have
2 little in common, in reality, racially or
3 politically, within the majority of the 12th
4 District residents, we should not be
5 engrafted onto that district just to waste
6 the votes of that precinct that vote or
7 maybe lean Republican.

8 There's no justification that I can
9 see, legally or politically, to fracture my
10 rural Guilford County neighborhood and the
11 place that me and my neighbors live in a
12 district with a member of Congress who lives
13 100 miles away from where we live, Charlotte.

14 I cannot feel truly represented by any
15 member of Congress from Mecklenburg County.
16 There's too much distance between Mecklenburg
17 and Guilford geographically.

18 So tonight, I do truly respect your
19 views and opinions and I know that you're
20 listening to all of us, but I ask you to
21 respect my neighborhood to the same extent
22 as shown for inner city minority
23 neighborhoods. And having made the decision
24 to respect communities of interest, I also

1 ask that you take the time to identify them
2 accurately and to respect all of them
3 equally. Thank you so much.

4 REP. GULLEY: Thank you. Ma'am, would
5 you mind letting Vanda have the copy of the
6 text that you have, if you don't mind. It's
7 just a better way for us to collect
8 information.

9 MS. HURLEY: I brought one along.

10 REP. GULLEY: Okay. Thank you very
11 much.

12 MS. HURLEY: You're welcome, and thank
13 you.

14 REP. GULLEY: And anybody else, that
15 when you're finished with your text, if you
16 would pass it down to Vanda, we'd appreciate
17 it.

18 REP. CUNNINGHAM: And we'd like to get
19 copies of all of the comments wherever
20 possible. Please, just turn those into us
21 so we have them. Thank you ma'am.

22 MS. HURLEY: Thank you.

23 REP. CUNNINGHAM: Valerie Reston?

24 MS. RECHTIN: Rechtin.

1 REP. CUNNINGHAM: Rechtin.

2 MS. RECHTIN: Thank you. Good evening.

3 My name is Valerie Rechtin and I reside at
4 1512 Double Oaks Road in the Westridge
5 Valley subdivision here in Greensboro. I am
6 currently in the 6th Congressional District
7 represented by Howard Coble. I am
8 represented by Bob Shaw in the State Senate
9 and by Joanne Bowie in the State House.

10 I currently enjoy the benefits of
11 community-based, excellent representation
12 both at the State and Congressional levels.
13 I have ease of access to both State and
14 Congressional legislators.

15 My concern for the redistricting effort
16 is that districts reflect the particular
17 demographic profile of the majority of its
18 citizens. This model facilitates the concept
19 of a representative democracy whereby a
20 legislator has more in common with his or her
21 constituents. When dramatically different
22 ethnic, ideological and socioeconomic groups
23 are districted together, representation at
24 the state and the national level is

1 demonstrably less responsive to the needs of
2 its citizens.

3 In summary, redistricting should be
4 based on physical geography as well as
5 cultural geography. Districts should be
6 drawn with a community emphasis, reflecting a
7 synergic model in the sense of physical
8 location and a more socially homogeneous
9 population. Thank you very much.

10 **REP. GULLEY:** Thank you.

11 **REP. CUNNINGHAM:** Our next speaker is
12 Mr. Bob Hunter.

13 **MR. HUNTER:** Yes, sir. My name is Bob
14 Hunter. I'm an attorney and I specialize in
15 election law matters and redistricting. I'm
16 not here tonight to advocate for any
17 particular client or to talk to the
18 legislators here to talk about redistricting
19 law, but really to give some general comments
20 as I did ten years ago when a different
21 committee came to Greensboro to talk about
22 the redistricting of 1990.

23 I think the state has been through a
24 very difficult 10-year period with regard to

1 the litigation over redistricting and I hope
2 that the legislators here will take the
3 opportunity that they are afforded in this
4 legislative session to do the best job they
5 can of creating a litigation-proof
6 redistricting plan, the outlines of which I'm
7 not going to go into at this time. But I
8 think there are a few principles that when
9 you approach redistricting you should keep in
10 mind. This is just my personal observation
11 about being a resident of Fisher Park in
12 Guilford County.

13 As you may know, or those of you who
14 know me, I'm a Republican. I am currently
15 represented by Senator Martin and
16 Representative Adams, who the last time I
17 checked were not Republicans. And despite
18 their erroneous views on many issues, I think
19 it's a positive benefit to be represented by
20 them. I know Ms. Adams recently introduced
21 a bill to have competition in taxicabs to the
22 airport, which I fully support. I was
23 delighted to see that she has continued to
24 change her views toward mine.

1 Having said that, I think that there
2 was a fellow at the legislature a couple
3 weeks ago who was talking about the benefits
4 of having Democrats and Republicans -- having
5 groups not excluding another group from
6 representation -- having representatives of
7 communities of interest. This is a principle
8 I have fought for for 20 years, beginning
9 with being one of the counsel in the Gingles
10 litigation.

11 I know that any attempt, I think,
12 to -- certainly in Guilford County and in
13 other counties like Charlotte and Winston and
14 our urban communities
15 -- to diminish or keep out the strength or
16 make more competitive the strength of certain
17 minority districts that were fought for and
18 litigated and have been the subject of great
19 anguish in this state for 20 years, any
20 attempt to minimize those or reduce those I
21 think is a wrong-headed approach.

22 First of all, I think it puts in
23 jeopardy the principle of having Republicans
24 and Democrats represented in the legislature

1 or in the Congress. And secondly, I think
2 there's a problem with it in that it will
3 increase racial polarized voting by making
4 appeals to race a factor in North Carolina
5 politics again. I think this would be a
6 disastrous thing, given what I perceive to be
7 the progress we have made in race relations
8 in North Carolina certainly in elections over
9 the past several years.

10 I urge the members of the General
11 Assembly not to give into the temptation to
12 try to weaken these districts, because in
13 weakening the districts and making them
14 stronger I fear that it will just reignite
15 racially polarized voting, which I think is
16 an evil that needs to be removed.

17 Ten years ago I introduced a map which
18 showed a southeastern congressional district
19 that went from Charlotte to Wilmington. This
20 year sometime in the hearings, I think there
21 will be some more maps introduced about
22 southeastern North Carolina. It is possible
23 to draw a compact, contiguous, geographically
24 compact congressional district composed by

1 and large of the counties of Anson,
2 Richmond, Polk, Scotland, Robeson and
3 Cumberland, which would -- and part of
4 Harnett or part of Bladen or part of other
5 areas of that section of our state -- that
6 would have a non-Hispanic white minority. I
7 think that those are all counties under the
8 Voting Rights Act. Last time in the past
9 decade, the legislature was indicated that
10 they should draw a district in that area. I
11 hope that this area will not be continued to
12 be fractured.

13 My time is up, and you'll be hearing
14 from me in the future on other matters for
15 my clients. Those are my personal
16 observations. Thank you.

17 **REP. CUNNINGHAM:** Thank you, counselor.

18 **REP. ALDRIDGE:** Mr. Chairman?

19 **REP. CUNNINGHAM:** Yes, sir?

20 **REP. ALDRIDGE:** I think Mr. Hunter
21 should thank all the legislators -- those of
22 us who had to listen to the incessant debate
23 about the taxi service to the Piedmont Triad
24 International Airport for two days. And

1 then we voted for the bill.

2 **REP. CUNNINGHAM:** Thank you,
3 Representative Aldridge, and thank you,
4 counselor. We are going to switch now to
5 one of the auxiliaries, and which one do you
6 want to go with first? I'll let you handle
7 that.

8 **REP. GULLEY:** Let's go with Guilford
9 Tech in High Point. Mary Jarrell. Can you
10 hear me Mary?

11 **REP. JARRELL:** I'm here.

12 **REP. GULLEY:** I understand you've got
13 two folks over there that want to speak.

14 **REP. JARRELL:** Yes, we have two people
15 here and of course my purpose in being here
16 is simply to listen, so I'm anxious to hear
17 from them.

18 **REP. GULLEY:** If you could get those
19 folks to state their case, whatever.

20 **REP. CUNNINGHAM:** Dwight Story?

21 **MR. STORY:** Yes. Can you hear me?

22 **REP. GULLEY:** Yes, sir.

23 **MR. STORY:** Now there are several
24 reasons why High Point should have their own

1 House and senatorial representative district,
2 and I'm going to just mention three or four
3 of those reasons, and I will comment on them
4 briefly.

5 To provide a spokesperson for a more
6 compact specific geographical area. Those
7 representing us now provide service to High
8 Point, but it's difficult to have clout, and
9 I use that term loosely for High Point, when
10 they also represent more precincts in other
11 geographical areas. An example, District 89,
12 which is my friend Representative Mary
13 Jarrell represents here, has about nine
14 precincts in High Point and about twenty-some
15 in Greensboro. And she could serve to speak
16 more for High Point I think if she only had
17 those, Mary.

18 The same is true for House 27, which
19 Mr. John Blust represents from the Guilford
20 College area all the way around to the
21 Randolph County line. And part of House 28
22 which Ms. Boyd-McIntyre represents. Other
23 house seats that cut into our county are
24 House 38 and 30, which Mr. Culp and Mr.

1 Brubaker represent, and 84, Mr. Mike Decker.

2 The senatorial districts are chopped up
3 as badly as the House, maybe even worse.
4 Our small area here in High Point shares with
5 a larger geographical area for Senate 32,
6 Senator Hagan, and 19, which is Senator Bob
7 Shaw.

8 The district that is really ridiculous
9 is Senate District 12, stretching from the
10 Tennessee line to a little corner of the
11 Stokesdale area of Guilford County. I don't
12 know how Virginia Foxx ever gets down to
13 Stokesdale to represent those folks.

14 Another example is with our
15 representative we would have a local person
16 speaking for High Point issues and concerns.
17 A good example for this, along with many
18 others, is Highway 311. When I moved here in
19 1956 this road was to be built -- in fact it
20 started on in 1952 supposedly -- providing
21 for a road from Winston-Salem and a bypass
22 for High Point. It's now 2001 and it's still
23 not completed.

24 There are many High Point residents who

1 think a more sensible map can be drawn for
2 representation for High Point. And some
3 folks have said, "Well, it can't be done
4 because we don't have the members over
5 here." Well, an example would be High Point,
6 part of Jamestown, or Jamestown and part of
7 the South Deep River would provide a good
8 senatorial district as well as two seats in
9 the House of Representatives.

10 Our friend that teaches in North Dakota
11 and for the past few years we get together
12 occasionally in Washington and he says in his
13 civics classes the Congressional District 12
14 that they use to really look at that -- the
15 children in high school -- and think that is
16 the most ridiculous congressional district
17 drawn line that can be done. So I would
18 hope that our folks would look at that very,
19 very carefully, even though the Supreme Court
20 did approve it the other day.

21 Thank you for the opportunity to say a
22 few words.

23 **REP. GULLEY:** Thank you, sir. While we
24 are at High Point, why don't we go ahead and

1 get Mr. David, it looks like G-o-u-g-e,
2 Gouge?

3 MR. GOUGE: Gouge, yes, sir.

4 REP. GULLEY: You're on, sir.

5 MR. GOUGE: Thank you very much. My
6 name is David Gouge and I'm a student at High
7 Point University, and I've lived in this area
8 most of my life. And I really appreciate
9 you having this opportunity for us to speak.
10 Thank you, sir.

11 REP. GULLEY: Go right ahead. You're
12 doing good.

13 MR. GOUGE: Thank you very much. First
14 of all, I don't claim to have the knowledge
15 of districting and House and senatorial
16 districts that my friend Dwight Story just
17 got done showing you, and as well as other
18 ladies and gentlemen there in Greensboro.
19 But I would like to say that a couple of
20 points were brought up that I really want to
21 hit on. And that would be a representative
22 and demographic model as well as race
23 relations as far as polarized voting is
24 concerned.

1 I think that any kind of districting
2 that is done here in North Carolina needs to
3 be done with that in mind, with communities
4 that are in them -- with those communities
5 in mind, rather. One great example that Mr.
6 Story just brought up was District 12. I'm
7 sitting here looking at it. There's a map
8 here on the wall. I think obviously that
9 district was not drawn up with any kind of
10 rural and community representative,
11 demographic model that was just talked about.
12 I think that's a great example of some
13 inconsistency that definitely belongs as far
14 as it goes -- as far as it concerns the
15 state senatorial and House seats.

16 I think that when these districts are
17 drawn up, that when communities are thought
18 about, that those communities of High Point
19 and Jamestown, South Deep River -- those
20 communities that are fractured by districts
21 which do not necessarily represent those
22 areas -- I feel like those kind of politics
23 just don't belong here in North Carolina.
24 And I really would ask you to consider those

1 communities.

2 And any kind of district like that,
3 District 12 right there, any kind of
4 gerrymandered district which seeks to
5 fracture communities like that just does not
6 belong. Because if you have one like that,
7 it messes up the whole state. And it
8 doesn't just apply to the whole state, it
9 goes down. It goes down into communities,
10 it goes down right here to High Point, North
11 Carolina, to Jamestown, South Deep River,
12 those communities.

13 And I would ask that you keep that in
14 mind when you're redistricting. And I
15 appreciate your time, and I thank you for
16 your patience. Thank you very much.

17 **REP. GULLEY:** Thank you.

18 **REP. CUNNINGHAM:** Thank you for your
19 comments, sir. Okay, we're back into
20 Greensboro, and our next speaker is Mr. Ben
21 A-e-n-s-b-a-c-h-e-r. Aensbacher?

22 **MR. AENSBACHER:** Aensbacher.

23 **REP. CUNNINGHAM:** Close, I hope.

24 **MR. AENSBACHER:** Can you hear me?

1 REP. CUNNINGHAM: Yes, sir.

2 MR. AENSBACHER: I welcome this
3 opportunity to speak on this topic. I've
4 been concerned and wondered how I could be
5 heard, and this is a good opportunity.

6 I live in Burlington, and I'm here
7 specifically to ask that Burlington be
8 returned to the 6th District. I think in
9 1990 or 1992 this was an aberration that
10 Burlington was moved to the 5th District,
11 which is Winston-Salem. Historically, we've
12 always been in the 6th District which is
13 Greensboro. We had Richardson Pryor for our
14 congressman, and we had Howard Coble for our
15 congressman. Now we have Richard Burr, who
16 is further away.

17 Burlington is part of Greensboro. The
18 people in Burlington, a great many of them
19 read the Greensboro newspaper. Nobody reads
20 the Winston-Salem newspaper. So we really
21 are a part of the greater Greensboro area
22 and I think that's important for a number of
23 reasons.

24 For one thing we should bear in mind

1 that in addition to electing a congressional
2 representative, this is also the structure
3 for political parties, which means that the
4 Democratic and the Republican parties get
5 together at that level to make decisions,
6 picking candidates for conventions and other
7 things. And it makes a lot more sense, it
8 seems to me, for us to be included in the
9 Greensboro group in doing those things than
10 to be included with Winston-Salem and farther
11 west.

12 I think with also as part of the 6th
13 District in Greensboro, we get to know our
14 representative better. I think we saw much
15 more of Howard Coble than we see of Richard
16 Burr. I'd say I think Howard Coble knows
17 the district better than Richard Burr does.
18 He probably would be recognized by a larger
19 percentage of the residents of Burlington
20 than Richard Burr is. And I think that's
21 because we're way at the tail end of the
22 district we're in now, where we were a
23 central part of District 6.

24 And personally, I would like to have

1 Howard Coble back. Thank you.

2 REP. CUNNINGHAM: Thank you.

3 REP. GULLEY: Thank you, sir. The next
4 speaker is Mr. -- I'm going to try this --
5 it may be Overby?

6 MR. OVERBY: Yes, it is Overby, yes.
7 I'm Willis Overby, County Commissioner,
8 Stokes County. First of all, let me thank
9 you for providing for all of us an
10 opportunity to voice our concerns about
11 redistricting.

12 My concern has pretty much been echoed
13 already by a number of people. When we
14 speak of single-member districts, Stokes
15 County is lumped in with five other counties.
16 Our representatives and senators, a couple of
17 them are over 100 miles away from our county.
18 This constitutes a problem in communication.

19 I think the whole statute when it comes
20 to districting, the theory probably involves
21 that representatives should represent the
22 people. It should hear the people and have
23 access to the people, and the people have
24 access to our legislators. Once you get

1 beyond the county borders and you get into
2 different communities and different
3 interests, it is rather difficult for a
4 representative or senator to use maybe a
5 shotgun approach and try to please everyone.

6 I don't have the intellect sufficient
7 to advise you on exactly how to do this, but
8 I guess what I'm saying is that the closer
9 that we could bring the people who are
10 representing us to the areas and communities
11 that they're representing, we'd certainly
12 have a better responsive government.

13 Again, I'll say if your representation
14 is over 100 miles away from you, and living
15 in another community with other interests,
16 it's kind of difficult for us to get the
17 concerns expressed to these people and get
18 their ear. And it isn't the fact that they
19 are not responsive, it's just the fact that
20 distance and county lines have made it that
21 way.

22 So I conclude by saying as much as you
23 could do toward getting single-member
24 districts, it would indeed help Stokes

1 County. I appreciate again your time and
2 your concern and providing each of us an
3 opportunity to have input.

4 REP. GULLEY: Thanks for your input.

5 REP. CUNNINGHAM: Thank you. We have
6 two senators, Jesse Helms and Jonathan
7 Edwards. Both of them live in Raleigh, is
8 that correct?

9 UNIDENTIFIED SPEAKER: Yes.

10 REP. CUNNINGHAM: Okay. I just wanted
11 to be sure. Mr. Roy Moore.

12 MR. MOORE: I'm sorry, I didn't know
13 about this meeting until this morning and I
14 read it in the paper. I wonder if it was
15 designed that I wasn't supposed to hear
16 about it, but I'm glad I saw it in the
17 paper, and I decided that I wanted to come.

18 I live in Greensboro and I have been
19 highly interested in this process for some
20 problem. And I have been trying to do all
21 that I can to develop a system that would be
22 meaningful to everybody.

23 I live in District 12. In fact, I was
24 the first chairman of District 12. And from

1 the tabulations of voting in 1992 and 1996,
2 you know I've really received more white
3 votes than black votes. That may or may not
4 be significant. It may be the fact that he
5 might -- I saw his name on a list of people
6 that might be interested in the Senate race,
7 so from that it might be significant, very
8 significant.

9 But with the redistricting I have been
10 in touch with the Information Center, the
11 Legislative Information Center. And I have
12 almost concluded that we need a system that
13 forgets politics and be concerned only with
14 population.

15 I think that from what I'm beginning to
16 see -- and I've been working with Jay at the
17 Information Center -- that this state really
18 needs to be sectioned off into three
19 sections, East, Central, and a West. We'll
20 find that there is a commonality of
21 lifestyles, problems in each section -- the
22 east section and the western section and the
23 central section. And hence, I think that we
24 should be dictated by that geography and by

1 that commonality of lifestyle culturally.

2 If we can think about this, I feel that
3 if we could draw the lines from east to
4 west, starting at the county right above
5 Person County -- between Person County and
6 the county east of it, and come down to
7 include Robeson County, it would bring in
8 all racial groups. And my thesis is not
9 basically racial. It's populational. And if
10 we start our line from Stokes County down to
11 Union County, not splitting counties, we'll
12 find that the population is almost equal from
13 the east to the west.

14 And if we could give each section of
15 North Carolina an opportunity to vote for --
16 the top four vote-getters would be elected
17 in each section. And depending on where the
18 13th District is, and what we can see, maybe
19 Wake County would be the 13th District. That
20 would be equal.

21 I'm not doing this from a racial
22 standpoint, but we can see where three women
23 would go to Congress -- I mean could go --
24 three blacks, and six white males. And I

1 think that would be the best representation
2 that we could come up with. Thank you.

3 REP. CUNNINGHAM: Thank you. Our next
4 speaker is Mr. Carlos Solis.

5 MR. SOLIS: Good evening.

6 REP. CUNNINGHAM: Good evening, sir.

7 MR. SOLIS: My name is Carlos Solis,
8 and I'm a long-time resident, 10 years in
9 the North Carolina area, Greensboro, living
10 at Adams Farm. I am also a publisher. I
11 have a bilingual -- I'm not promoting, I'm
12 just saying I'm a publisher.

13 I have 10,000 readers in this area and
14 given the demographic change that you have
15 seen with the census figures, I don't have
16 to take you to the restaurants and the
17 hotels and show you there's a lot of
18 Hispanics in the area.

19 And so my concern was just to maybe ask
20 that you consider -- the big question, have
21 you taken any steps into considering the
22 Hispanic pockets where they live in assessing
23 future needs. Because the growth is not
24 stopping, you know. It can go to the

1 border. There's companies bringing them in.
2 Also the changes there, and I just see that
3 before we even have problems such as in
4 California -- the energy crisis,
5 over-populated, or in Florida -- and that we
6 must learn from other cities that have been
7 successful in redistricting their cities and
8 they are diverse and they are very well into
9 an economic wealth that is beyond our cities
10 just now waking up to something big.

11 And I feel blessed and privileged to be
12 here among a very diverse and culturally --
13 you know, society where -- I've only been
14 here for ten years, so you probably know
15 more than I do. But I feel like we should
16 pay attention to our Hispanic community, our
17 new neighbors, that they are working hard,
18 they need better housing, better communities,
19 more educational opportunities, and et
20 cetera. There's bunches of other items that
21 might be on their list, but we're just now
22 starting to hear from them, so.

23 I appreciate your time if you take into
24 consideration when you redistrict that you

1 have in place ways to assess their needs and
2 therefore include them in your redistricting.

3 REP. CUNNINGHAM: That is being taken
4 into consideration and I would suggest and
5 invite you to leave your remarks. If you
6 want to write something and get it to the
7 staff we'd be happy to include that in our
8 report also. Thank you, sir. Mr. Nate
9 Davitci?

10 MR. DAVITCI: Yes. I'd like to put in
11 a request for public availability of the data
12 on which you will base your decision.

13 REP. CUNNINGHAM: I'm sorry, I couldn't
14 hear you sir.

15 MR. DAVITCI: The public availability
16 of the data on which you will base your
17 decision on redistricting, because this
18 information is very difficult to collect.
19 And you have already collected it with
20 obviously allocated tax monies, and it should
21 be made available to the public.

22 I already sent an e-mail to the person
23 that was outlined in the web site two weeks
24 ago, and I haven't heard a response back

1 yet. Especially the information that works
2 with different counties and the election
3 precincts in each county. That information
4 is very difficult. Population information
5 can be gotten from the Bureau of the Census,
6 but the precinct information is impossible to
7 get from anywhere. So if you can respond to
8 that.

9 REP. CUNNINGHAM: Let me ask Chairman
10 -- he's one of the --

11 REP. MILLER: I don't want to
12 interrupt, but I think the information you're
13 talking about is available at the General
14 Assembly's website.

15 UNIDENTIFIED SPEAKER: It is.

16 SEN. MILLER: In addition there are
17 public -- there are computers that have
18 everything that the legislature will
19 available to it, to us that will be available
20 to the public.

21 MR. DAVITCI: I'm talking about a
22 downloadable, machine-readable.

23 SEN. MILLER: I think that is available
24 from our website.

1 **MR. DAVITCI:** Is it? Okay. I haven't
2 seen it unless it's been made in the last
3 two weeks. Anyway I could check that.

4 **REP. CUNNINGHAM:** And along that same
5 line, staff will be passing out some
6 handbooks and they do have, I think,
7 information that you just spoke about, where
8 you can get more additional information on
9 the website, and also facts of whatever
10 communication you need.

11 **UNIDENTIFIED SPEAKER:** He hasn't
12 finished.

13 **REP. GULLEY:** You haven't finished.

14 **MR. DAVITCI:** No, I have not.

15 **REP. GULLEY:** Go ahead, you've got time
16 left.

17 **REP. CUNNINGHAM:** Oh, I'm sorry, I
18 thought you

19 -- okay. You've got time left, go ahead.

20 **MR. DAVITCI:** The other item is to give
21 it very serious thought to -- when the
22 problems come up regarding the proportion of
23 the minorities and the fair representation,
24 to give very serious thought to combining

1 several districts into, especially for
2 legislative as well as congressional
3 districts, to combine them into a
4 multi-representative district. And I just
5 wanted to add that. Thank you.

6 **REP. GULLEY:** Thank you.

7 **REP. CUNNINGHAM:** Again, I know I'm
8 repeating myself, but it's very important
9 that many of you are making some comments
10 that all of us -- and I'm talking about the
11 members throughout the entire General
12 Assembly would be interested in hearing your
13 comments. If you don't have anything that is
14 written tonight, please get the address and
15 mail it in or e-mail it or get it into us so
16 that that can be included in our report. We
17 have one other speaker, Karen Savage. Right
18 on time then.

19 **MS. SAVAGE:** I'm sorry I was tardy
20 getting in here but I was anxious to attend
21 the meeting. And I'm not sure what other
22 comments may have been made, but I do hope
23 that when the redistricting committee makes
24 their decisions on the congressional seats,

1 that they will be sure to include the 12th
2 District still coming into Greensboro.

3 We feel that the last ten years with
4 Mel Watt being in limbo and yet always being
5 returned to Greensboro when the opportunity
6 has been there, that it will be in the best
7 interest of the electorate who has
8 consistently brought him back to this area
9 that he be returned here with this new
10 redistricting process.

11 So we hope that you will consider that
12 in making your decisions.

13 **REP. CUNNINGHAM:** Thank you, ma'am.
14 Winston-Salem. Larry, do you have any
15 speakers there? Representative Womble?

16 **REP. WOMBLE:** Yes. How are you doing?

17 **REP. CUNNINGHAM:** Fine, sir. You're on.

18 **REP. WOMBLE:** I want to first of all
19 thank the two co-chairs there, Representative
20 Gulley and also you and the other members of
21 the General Assembly who are around this
22 entire region considering this very important
23 subject and this very important point here.

24 I am like Representative Mary Jarrell.

1 I'm just mostly listening and hearing and
2 observing, but I have a couple of things I'd
3 like to pass on to the committee and to
4 those who are in the viewing area as to some
5 things that have been passed on to me from
6 various constituents and various people.

7 One is the concern about overlapping and
8 duplication of boundaries and areas. The
9 other one that has been passed on to me, and
10 ironically enough this one was in a
11 barbershop not too long ago, that they
12 wanted to try to make sure that the districts
13 are kept compact and as concise as possibly
14 can, and to give priorities to the -- high
15 priorities to the legislators who are in
16 those areas at the present time.

17 Another concern, Representative
18 Cunningham and the listening audience, is
19 that try to use boundaries that are natural
20 boundaries and clearly defined boundaries,
21 rather than some of the boundaries that
22 split up a street or a community or a
23 neighborhood or a block.

24 And lastly, we must realize the

1 Carolina I believe we can have more compact
2 districts, where we don't need someone
3 representing four or five counties over,
4 using the people instead of trees idea. And
5 I wish we can bury that phrase from now on
6 with the growth that we have in this state,
7 and being more compact in our districts.

8 Thank you very much.

9 **REP. GULLEY:** Thank you.

10 **REP. CUNNINGHAM:** Thank you, sir, and I
11 think that will happen because we have had a
12 tremendous amount of growth. I think that
13 we only had one county that lost population
14 from what I'm told. But we've had some
15 growth and there will be some additions --

16 Yes, sir?

17 **REP. ALDRIDGE:** If I may I'm curious to
18 know why the gentleman said that he would
19 like to see more multi-member districts,
20 which would mean that you have to run in a
21 larger area, which means that you have to
22 spend more money to appeal to the voters.
23 And at a time when most folks are calling
24 for single-member districts, which would be

1 more manageable and less expensive to run in.

2 REP. GULLEY: Representative, we're
3 getting a little bit outside the boundaries.

4 REP. ALDRIDGE: Okay. I just thought
5 maybe he could expand on that. I was
6 curious to know.

7 REP. CUNNINGHAM: That might take us
8 further than we want to go tonight. Any
9 other speakers that we -- we won't debate
10 that tonight. I understand that
11 Representative Oldham -- Pete Oldham has
12 joined us in Winston-Salem. Hi, Pete, glad
13 to have you. Thank you, sir.

14 REP. OLDHAM: Hello, Pete, how are you
15 doing? How are both of you?

16 REP. CUNNINGHAM: We are doing fine.

17 REP. GULLEY: We're doing fine.

18 REP. OLDHAM: That's great.

19 REP. CUNNINGHAM: Are there any other
20 speakers or any members of the committee
21 want to make any remarks? Anything else for
22 the good of the -- ?

23 UNIDENTIFIED SPEAKER: I guess close it
24 down and telling them about the booklet and

1 stuff.

2 REP. GULLEY: The legislative staff has
3 prepared a booklet that Representative
4 Cunningham has been talking about tonight.
5 This is it. It goes much more in detail:
6 legal, technology and history of how the
7 redistricting has gone in the past. They
8 also have a list of the members of the North
9 Carolina General Assembly and ways to reach
10 them, and the Redistricting Committee people
11 are marked. That will be there outside.

12 REP. CULP: You don't suppose the next
13 meeting would meet here, would it?

14 REP. CUNNINGHAM: After we hold all of
15 these, they say Raleigh, but I think very
16 possibly it will be throughout the state as
17 we're doing it now. No final decision has
18 been made on that in Raleigh, but I think
19 that would be the thing to do. I would
20 certainly recommend that, that we have it.

21 SEN. MOORE: I would just like to ask a
22 question. It's not for you to answer, but
23 for the record, what are the possibilities of
24 non-elected legislators being on the

1 Redistricting Committee?

2 REP. ALDRIDGE: Impossible.

3 REP. CUNNINGHAM: Non-elected
4 legislators being on the Redistricting
5 Committee?

6 SEN. MOORE: Well, constitutions can be
7 changed, and you know. For the good of the
8 people. Constitution permitting.

9 REP. CUNNINGHAM: That's a little out
10 of our -- REP. ALDRIDGE: The
11 State Constitution says that the
12 legislative --

13 REP. CUNNINGHAM: That it shall be
14 drawn by legislators. That's it. Thank you
15 all for coming and I hope you have a good
16 night and a safe trip home.

17 [PUBLIC HEARING ADJOURNED AT 7:57 P.M.]

STATE OF NORTH CAROLINA

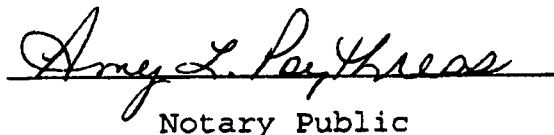
COUNTY OF WAKE

C E R T I F I C A T E

I, Amy L. Poythress, notary public/court reporter, do hereby certify that the above-named meeting was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the statements of the presenters.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of June, 2001.

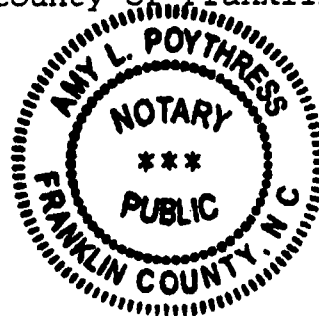

Notary Public

State of North Carolina

County of Franklin

My commission expires:

January 2, 2006



SPEAKER SHEET

Green St. 5/4/21

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

Name (please print)	Organization (if applicable)
1. ✓ Tom Cdey	Greensboro Citizen
2. Rep. Arlie Culpe	State Legislator
3.	
4. ✓ Anthony W. Stoney	Greensboro, N.C. Citizen
5. ✓ Valerie Bechtel	Gboro Citizen
6. ✓ ^{ASST} J. St. Brubaker	GSD
7. ✓ Ben Ansbacher	Barlington Citizen
8. ~~Commissioner~~ Willis Oraby	Co. Commissioner Stakes Co.
9. ✓ Roy Moore	

✓ 10. Carlos Solis / Karen Savage
 Nick Divita / Mark Cookley

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

gshane 5/4/01

names added to the list
Main

	Name (please print)	Organization (if applicable)
10.	✓ Roy J. Moore	Ex. Sen. De no cruts
11.	✓ Carlos Solis	Hispanos Unidos Media Corp.
12.	✓ ~~the~~ Nick Diviti	None
13.	✓ Karen Savage	✓
14.	Mark Cackley	
15.		
16.		
17.		
18.		

Winston-Salem
SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	LARRY MORRIS	State Rep. - 6th District
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

High Point

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.		
2.	Daright Story	High Point Republican Party
3.		
4.		
5.		
6.		
7.		
8.		
9.		

High Point

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
10.		
11.	David B. George	High Point University
12.		
13.		
14.		
15.		
16.		
17.		
18.		

STATE OF NORTH CAROLINA
PUBLIC HEARING ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATORS: Rep. Ed McMahan
Congressional Redistricting
Committee

Rep. Beverly M. Earle
Legislative Redistricting
Committee

COPY

TRANSCRIPT
OF
PUBLIC HEARING

At Charlotte, North Carolina
May 5, 2001 - 9:30 a.m.

Reported by:
Amy L. Poythress, CVR

Teleconference Sites:
A.L. Brown High School, Kannapolis, North Carolina
and
Catawba Valley Community College, Hickory, North Carolina

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1 I, Amy L. Poythress, being a Certified
2 Verbatim Reporter and a Notary Public in and for
3 the state of North Carolina, was appointed
4 commissioner by consent to take the Public
5 Hearing on Redistricting Based on the 2000
6 Census, held on the 5th day of May, 2001,
7 beginning at 9:30 a.m. at the Central Piedmont
8 Community College, located in Charlotte, North
9 Carolina.

10 - - - - -

11 REP. MCMAHAN: Good morning. I am
12 Representative Ed McMahan from here in
13 Charlotte/Mecklenburg, and welcome to our
14 public hearing. It's very nice to have you
15 here at Central Piedmont.

16 I also want to welcome -- looks like
17 they are shaking hands and greeting people
18 -- I want to welcome the other two remote
19 sites that we have. There are people at
20 A.L. Brown High School over in Kannapolis,
21 and then also of course we have a connection
22 up to Catawba Valley Community College up in
23 Hickory.

24 So we want to welcome everyone to our

1 public hearing.

2 As far as this facility is concerned,
3 we do have some refreshments out in the hall.
4 The restrooms are out just down to the left.
5 So, again, just please help yourself to the
6 refreshments, if you would like.

7 And we want to thank Central Piedmont
8 for serving as the host this morning, and we
9 appreciate very much your kindness in having
10 the room available as well as the
11 refreshments.

12 I want to first introduce the elected
13 officials and the fellow legislators that are
14 part of this process that are here this
15 morning to really hear from you and hear what
16 you have to say about this process of
17 redistricting.

18 First off, the co-chair this morning
19 and fellow colleague and representative from
20 Charlotte/Mecklenburg is Representative
21 Beverly Earle, here. We also have from
22 Charlotte/Mecklenburg -- I will introduce in
23 order of Charlotte first -- Representative
24 Connie Wilson, back in the back, who has just

1 walked in. And we have Representative Pete
2 Cunningham that is here, and Representative
3 Jim Gulley. So these are, of course, our
4 Charlotte House members and very nice to
5 have everyone here this morning.

6 And then Senator Steve Metcalf from
7 Asheville, who is here. Representative
8 Metcalf actually serves as the co-chair on
9 the Senate side for both congressional and
10 legislative. On the House side, we have it
11 divided into two committees -- one
12 Congressional and one Legislative. On the
13 Senate, they are doing it all as one
14 committee, and Senator Metcalf is one of two
15 chairs that is serving in the Senate.

16 I notice over on the other site, I
17 notice that Representative Linda Johnson and
18 Representative Gene McCombs, I believe, are
19 present. I guess that's at A.L. Brown High
20 School.

21 Linda, can you wave? Do you hear me?
22 I see Linda is sitting there in the front,
23 but I don't know if they can actually --
24 yeah, Linda and Gene and Fletcher Hartsell, I

1 think is also present. Senator Hartsell,
2 over at the Kannapolis site.

3 And I do notice that City Councilman
4 Patrick Cannon has arrived and serves on the
5 City Council here in Charlotte.

6 I think I can now hear Linda and Gene.
7 Can you hear me? Well, evidently they are
8 talking and enjoying themselves and not
9 listening.

10 Do we have any other elected officials
11 that are present that have not been
12 introduced?

13 I wanted to again just basically give
14 you a brief summary of what this is all
15 about. And then I will turn it over to my
16 co-chair, Representative Earle, who will
17 actually conduct the meeting.

18 Every ten years, of course, there is a
19 census done in the United States that
20 basically determines the population of each
21 state as best it can be done. And in view
22 of the fact that a census is done every two
23 (sic) years, we the Legislature of North
24 Carolina, we are given the responsibility to

1 actually go in, based on the new census data,
2 and redraw the district lines to -- for the
3 purpose of having equal representation, each
4 person having their vote count.

5 Basically we divide up the districts
6 based on the population and that does, of
7 course, respond to the census data. That is
8 the for the State House of Representatives,
9 for the State Senate and also for the
10 national House of Representatives.

11 So those three bodies is how we
12 actually do the maps to determine the
13 districts for those three bodies.

14 This job, of course, is being done this
15 year in view of the new census data that we
16 have just received. We are going around the
17 state holding public hearings. And this is
18 one of eight public hearings that we will
19 have.

20 I notice Senator Clodfelter just walked
21 into the Charlotte site.

22 Senator Clodfelter, you might raise
23 your hand. Good to have you here this
24 morning.

1 We have eight host sites that we are
2 having these public hearings, this weekend
3 and next weekend. And those consist of
4 Durham, Greensboro, Charlotte -- Durham and
5 Greensboro have happened the last two days;
6 Charlotte this morning; Asheville this
7 afternoon. And then next weekend we will be
8 doing on Thursday, Fayetteville; Friday,
9 Wilmington; Greenville on Saturday and
10 Edenton on Saturday.

11 And then, of course, in addition, we
12 are hooked up to 17 other sites as we are at
13 A.L. Brown this morning and at Catawba Valley
14 Community College.

15 As I said earlier, of course, I just
16 cannot emphasize the importance -- we think
17 in the General Assembly this is probably the
18 most important thing we will do this year is,
19 of course, handling the redistricting process.

20 How the legislative and congressional
21 districts are drawn determines who represents
22 you in the General Assembly and the United
23 States Congress.

24 And, of course, we do take this very,

1 very seriously and we do want your input.
2 And that's the reason we are going around
3 and wanting to hear from you as to how you
4 feel about this and what you feel is
5 important to your community. And that's why
6 we are here today.

7 We are not here to give you any
8 speeches. We are really here, again, to hear
9 from you and we understand that any of you
10 may have questions about the redistricting
11 process. And we will do our best to answer
12 those today, but we really want the meeting
13 to be about you telling us what's important
14 in your community on redistricting. What are
15 the important things in your mind that we
16 should consider in the General Assembly in
17 this process.

18 The census data, of course, does show
19 that some of the counties have grown by up
20 to 50 percent. Some of the counties have
21 actually lost population. So that's the
22 reason why we do need to redraw the lines.
23 And the uneven distribution of people mean
24 district lines will have to be reshaped.

1 With these requirements in mind, we,
2 the General Assembly, are beginning to draw
3 the district lines and this needs to be done
4 before the 2002 election. So we need to
5 have it completed by January 2002.

6 We all in the General Assembly
7 certainly hope to have it done well before
8 then. In fact, we hope to wrap it up about
9 the middle of July. And I do want you to
10 know that after we draw the maps based on
11 the public hearings and the input we have
12 from you and what goes on in the General
13 Assembly, after we draw the maps, we will
14 have another public hearing or two probably
15 in the Triangle area to where you will be
16 invited to see the maps and also give your
17 input on those prior to us taking any final
18 action.

19 So, again, we are here to listen to you.
20 Welcome. We are so glad you are here.
21 Thank you for your interest. At this time I
22 will turn it over to Representative Beverly
23 Earle to conduct the meeting. Thank you.

24 **REP. EARLE:** Good morning. It's really

1 a pleasure to be here and to conduct these
2 public hearings so the public will have an
3 opportunity to give us input as we go along
4 this process. And as my colleague had said,
5 we are sort of in the beginning stages.
6 We've gotten a lot of information and we are
7 in the beginning stages of putting this
8 together. And we certainly welcome the
9 opportunity to get input.

10 So now it's time to hear from you, the
11 public, our constituents. And so I am going
12 to give you a few of the ground rules.

13 We've got two sheets, a yellow
14 registration sheet, and that's for everybody;
15 and then we've got a white sheet for folks
16 to sign up if they want to do a presentation.

17 So we will be taking sign-ups all
18 during the public hearing so people will have
19 an opportunity, if they come late, to be
20 heard.

21 You will have five minutes to speak.
22 There will be -- we've got a timer to make
23 sure, to help you stay within your time
24 period. Tell me about the color again.

1 UNIDENTIFIED SPEAKER: Yellow will be
2 four minutes; red will be at about four-forty
3 or four-fifty.

4 REP. EARLE: And when you see the red
5 card, that's what you need to keep in mind,
6 it is time for you to wind it up. And we
7 are going to pretty much stay on track. So
8 just keep that in mind. And we don't want
9 to offend anybody, but we want everybody to
10 have the opportunity to be heard.

11 And if you have your comments written,
12 we would certainly love to have them. And
13 if you don't have them with you and would
14 like to get them into us, because that would
15 help us because all of this information is
16 public information and will have to be turned
17 over to the proper officials. So if you
18 have it, we would love to get it from you
19 today. If not, then you can certainly get
20 it to us at a later time.

21 And we are going to take -- we are
22 going to go back and forth from here to the
23 other two sites. And we have decided to
24 take Hickory, take it in alphabetical order

1 and take Hickory first. But right now I
2 don't think we've got anybody signed up for
3 Hickory, so after we have here -- a couple
4 of folk from here, we will go to the
5 Kannapolis site and hear some folk there, and
6 we will kind of rotate back and forth.

7 And this is basically for your input
8 and not for ours, and it's not a question
9 and answer period. So we hope you
10 understand the ground rules. And you can
11 speak from your seat or you can speak from
12 the podium in the back, whichever you feel
13 comfortable with. Folk in this room, folk
14 from the overflow room down the hall will
15 have to come in here to give their
16 presentation.

17 So, with that, we are going to move on.
18 And the first person to speak will be Jane
19 Burts.

20 **MS. BURTS:** Good morning. I am Jane
21 Burts. I am now retired, which is why I am
22 here in my shorts. I don't have to get
23 dressed up anymore.

24 But, I am here because I think we want

1 to say how important I think it is for the
2 U.S. Congressional District 12 to stay just
3 as it is. I have spent the last 15 years
4 both individually and professionally working
5 with non-partisan voter registration,
6 education, turnout, and I have seen this
7 district be really important as a way of
8 pulling people out to vote, getting them
9 interested. I think the connection between
10 Charlotte, Salisbury, Greensboro,
11 Winston-Salem needs to stay just like it is.

12 I think it's tremendously important and
13 I just encourage you to keep those votes all
14 where they are and let that (inaudible)
15 keeping going like it is.

16 REP. EARLE: Thank you.

17 [APPLAUSE]

18 REP. EARLE: Could you hold your
19 applause till the end? Wayne Johnson.

20 MR. JOHNSON: I basically just wanted to
21 see -- talk about equal representation. In
22 drawing the districts, make sure they are --
23 I understand how it works. But at least the
24 part -- the different parties have equal

1 representation in the district for -- don't
2 have a one district 70 percent one party and
3 20 percent another party, which doesn't give
4 the other party an opportunity to compete.
5 So I basically would like to see the
6 districts more competitive. Say, I know you
7 can't get 50/50, but 35/45 or something like
8 that. Make them more competitive so they
9 give the two parties a chance. Because I
10 know you've got independents and then you
11 are going to have ticket splitters, but at
12 least make it more competitive, one side
13 being top heavy over the other side. That's
14 really important to give proper
15 representation to the citizens.

16 **REP. EARLE:** Thank you. The next
17 person will be Robert L. Davis.

18 **MR. DAVIS:** Honorable members of the
19 North Carolina General Assembly, I am Robert
20 L. Bob Davis, Jr., community activist and now
21 serving as second vice-chair of the
22 Mecklenburg County Democratic Party.

23 Thank you for this opportunity to
24 provide comments on the important issue of

1 legislative and congressional redistricting.
2 In my comments this morning I will address
3 the question of what criteria the General
4 Assembly should follow when drawing new
5 districting plans for the North Carolina
6 House and Senate, and for Congressional
7 representatives.

8 As you may know, I have been involved
9 in and concerned about voting rights and
10 redistricting issues for many years.
11 Fairness in political representation is a
12 fundamental right that must be respected. I
13 have seen the times when that right was
14 sacrificed to the detriment of our community
15 and I have seen the benefits that result
16 when it is honored.

17 Here in Mecklenburg County, the
18 redistricting process for the school board
19 and county commission districts is already
20 underway. The Charlotte/Mecklenburg School
21 Board has by resolution adopted a set of
22 redistricting criteria that are a useful
23 place to start. In particular, these
24 criteria include the legal principles and the

1 traditional redistricting principles that
2 best serve voters' interests.

3 The important legal principles are ones
4 you are certainly familiar with. The one
5 person, one vote standard complies with the
6 Voting Rights Act of 1965 as amended and the
7 constitutional requirements that race not be
8 the predominant factor except where justified
9 by a compelling state interest.

10 In addition to these minimal legal
11 requirements, there are several guiding
12 principles that should be applied to
13 statewide redistricting.

14 Number one, the Legislature should
15 attempt to recognize communities of interest
16 and document what commonalities of interest
17 are present in any proposed redistricting
18 plan.

19 As the school board explained, and I
20 quote, "The Board will draw district
21 boundaries in such a fashion as to allow such
22 communities of interests to combine their
23 votes for the purpose of electing
24 representatives of their choice or at least

1 influencing candidates. Communities of
2 interest may be defined in terms of
3 municipal boundaries, traditional
4 neighborhoods, people who tend to vote in
5 the same fashion or any number of other
6 ways."

7 This standard is an important one and
8 should be applied to legislative and
9 congressional districts as well.

10 Number two, the Legislature should follow
11 tradition by making only minimal changes in
12 existing boundaries. Fewer changes mean less
13 confusion for voters and election officials
14 alike.

15 Number three, to the extent possible,
16 incumbents should be kept in different
17 districts.

18 And, number four, district boundaries
19 should be contiguous.

20 On occasion these guiding principles
21 may be in conflict and the evaluation of how
22 best to balance these competing interests is
23 part of what makes the redistricting task so
24 difficult. However, the more careful you

1 are to document all of the competing
2 interests that are taken into account in
3 drawing districts, the more confidence voters
4 will have that the redistricting process is
5 serving their needs and strengthening
6 democracy in this state.

7 Fairness to all communities in the
8 state is possible and an important goal for
9 you to pursue. Thank you for your
10 considerations.

11 REP. EARLE: Thank you. Georgia Lewis.

12 MS. LEWIS: Your Honors, thank you for
13 giving me this opportunity. My name is
14 Georgia Huckus Lewis. I am a Hispanic and I
15 have lived in Charlotte for 45 years.

16 Never in that time have I had the
17 opportunity to vote for a Latina or a Latino
18 in the local, state or national elections.
19 Redistricting will have an effect on all of
20 us. And it's urgent that your
21 configurations of the districts reflect the
22 changes in the 2000 Census.

23 We, as Hispanics, have greatly
24 increased the population of North Carolina

1 and that helped give us the extra 13th
2 District in the U.S. Congress. We want to
3 keep the districts as they are, but we want
4 to have the 13th district down here.

5 We expect to be fairly represented in
6 the present North Carolina General Assembly
7 or our U.S. Congress persons from North
8 Carolina represent us in the proportion to
9 our population.

10 In fact, except for maybe one person at
11 the state level, we are not included at all.

12 The essence of our democracy dictates
13 that our governing bodies reflect the
14 population of our country. Hispanics are not
15 reflected in North Carolina by any stretch
16 of the imagination.

17 This is our government in action. I
18 urge you in your wisdom and knowledge as
19 leaders in our state to, one, give us the
20 new district in our populous Metrolina area;
21 and, two, structure the district to give us a
22 fair chance to elect a representative that
23 looks like us and shares our cultures and
24 concerns.

1 And my questions to you, that I would
2 submit to you to be considered would be what
3 factors will you consider in the
4 reconfiguration of the districts to fairly
5 include Latino representation in our
6 legislatures. And secondly, how will you
7 help Hispanics have an equitable chance to
8 elect someone who looks like us, shares our
9 interests and gives us a voice, even if it
10 does have an accent.

11 Thank you for your attention and for
12 your fair consideration of our needs.

13 REP. EARLE: Thank you. We are going
14 to switch now to Kannapolis and take a few
15 -- a couple of people from Kannapolis to
16 present. First we are going to call on Tom
17 Daoust.

18 MR. DAOUST: That's correct.

19 REP. EARLE: All right.

20 MR. DAOUST: Can you hear me okay?

21 REP. EARLE: Yes.

22 MR. DAOUST: This is Tom Daoust in
23 Kannapolis, North Carolina. I am from
24 Concord; I am not a Latino; I am not an

1 African-American. I am an American. And
2 one of my biggest concerns about the
3 redistricting process is we try our best to
4 keep communities together.

5 There have been so many labels -- and
6 we saw a lot of it in the last presidential
7 election -- that are thrown around in an
8 attempt to divide us. They're an attempt to
9 highlight our differences. This country is
10 America and I really believe that in the
11 spirit of that we should keep communities
12 contiguous in the redistricting process; we
13 should focus more on how we are alike, not
14 how we are different; and we should think
15 more about bringing people together, not
16 dividing us by our individual labels.

17 I could call myself a French-Canadian.
18 That's my descent. But I am proud to say
19 that I am an American and I am part of a big
20 American community. I am also part of the
21 Concord community. I am part of the
22 Cabarrus County community.

23 I think probably the best test of
24 whether or not a new district is a community

1 and will help to bring people together is
2 whether you can describe it in some kind of
3 community terms. Do you have to say, "Well,
4 it's part of this area down by the river,
5 and it's a couple of farms over on the
6 western part of the county, and it includes
7 this city and that town," and describe it as
8 probably something that might describe the
9 12th District.

10 What we need to do is to bring people
11 together and create communities out of these
12 districts. We have communities. We have
13 people that feel like they are part of their
14 community, and we should try to make these
15 new districts reflect that community spirit.
16 That's something that's sadly missing in many
17 parts of our state right now mainly because
18 of actions on part of some to try to find
19 the unique interest of this group or that
20 group.

21 This is a very unique experience for
22 Charlotte and the entire world. And I think
23 it's truly unique, special. I happen to
24 believe it's the best country on earth. But

1 I think in the interest of bringing people
2 together, bringing communities together, the
3 redistricting process should have an
4 overriding theme of dropping the labels,
5 bringing together communities and making us
6 feel more like we belong with each other.

7 That's all I have to say.

8 REP. EARLE: Thank you.

9 REP. MCMAHAN: Beverly, while we are
10 connected over there, can I just make an
11 introduction of the elected officials over
12 there? I did it earlier, but I don't think
13 you all were watching.

14 Representative Gene McCombs, would you
15 raise your hand? There he is.
16 Representative Linda Johnson? And I think
17 we've got Fletcher Hartsell, Senator Fletcher
18 Hartsell, and then I thought there was
19 somebody at the other end. Is there someone
20 else there? That's it. Anybody else?

21 And I wanted to make an announcement,
22 too, that I forgot to say is that
23 Representative Martha Alexander from
24 Charlotte very much wanted to be here today,

1 but she had a death in her family and was
2 called to Florida yesterday. So she wanted
3 to make sure that you knew that she would be
4 here otherwise. Thank you.

5 REP. EARLE: Thank you. Moving on, the
6 next presenter will be Richard Moore.

7 MR. MOORE: First of all, I'd like to
8 thank all our representatives that took time
9 from their busy schedules to be with us
10 today, both here in Kannapolis and then
11 Charlotte and Hickory.

12 I live in Mount Pleasant, which is in
13 the northeast corner of Cabarrus County. And
14 Representative Barbee is our representative.
15 Representative Barbee is from Stanly County,
16 the Albemarle area. For years I have been
17 having to vote for Representative Barbee and
18 he's done an excellent job for us, but I
19 don't know him.

20 My biggest concern with the
21 redistricting plan is, that I would hope you
22 would give consideration to keeping the new
23 districts within county boundaries whenever
24 possible. Like what I had heard mentioned

1 before, communities of interest. It's great
2 to have a representative you know. Someone
3 that you can easily go up and talk to,
4 address your concerns with without having to
5 drive 30 miles to get to them or without
6 having to say, "Well, I am in the other
7 county over there."

8 I'd love for my area to get back into
9 Cabarrus County politically as well as
10 geographically.

11 The second concern I have is I wish
12 that we could get back to single-member
13 districts, back to the idea of one person,
14 one vote. Again, more of a sense of
15 community with emphasis on communities,
16 whether that community be social or economic
17 or political. A better sense of community
18 in the true sense of the word, not a group
19 of homes, but a feeling of being related in
20 some spirit and some kind of capacity as far
21 as how you feel, the identities that you
22 share.

23 That's really all of my concerns. The
24 single-member districting and keeping within

1 county boundaries whenever possible. Thank
2 you.

3 REP. EARLE: Thank you. We are going
4 to come back to Charlotte. And we will come
5 back to visit you shortly. Right now we are
6 going to hear from Teresa Villamarie.

7 MS. VILLAMARIE: I am relatively new in
8 this community. I have been here since 1985.
9 I come originally from Latin America. But I
10 am proud to say I am an American citizen
11 now. I am here mostly to learn the whole
12 process because as part of my job, I am an
13 advocate for the Hispanic community here in
14 Charlotte, and although I try to keep up
15 with how this whole government works, I still
16 don't think that I know enough yet to
17 attempt to do a great move on my part;
18 however, it is important for me personally,
19 for myself as a new citizen, but also as a
20 representative of a large community that has
21 come into our area, to learn as much as
22 possible and see how this works, to be able
23 to transfer this to the population that so
24 far is not able to communicate one to one

1 with the rest of the community yet.

2 So that's pretty much what I wanted to
3 say. Thank you. And I apologize.

4 **REP. EARLE:** That's quite all right.
5 The next speaker will be Debbie Ware.

6 **MS. WARE:** I, too, want to think you
7 for giving us an opportunity to voice
8 concerns and appreciation to our legislators
9 for the way you govern and for your time.

10 I'd like to come at this from a
11 candidate's point of view. I have run for
12 the House, and obviously there is a concern
13 for the cost of a campaign. So I would
14 certainly like to see the districts remain in
15 a county because if you have a
16 multiple-candidate county, it makes your
17 campaign very expensive. You have a broad
18 spectrum of people that you have to try to
19 communicate with. And, of course, though I
20 would rather it not be, campaigns are about
21 money, too.

22 And it really eliminates a lot of
23 people from being involved in an elected
24 office campaign when the districts are so

1 large and cover a number of counties. And
2 because of that, that eliminates people from
3 a broad spectrum of points of view, which I
4 think is needed in the legislature. So I
5 would like to see the districts remain within
6 one single county and that those county
7 representatives be one county -- I mean one
8 candidate per district instead of multiples.

9 The only other thing that I would say
10 about crossing over county lines would be
11 sometimes, obviously, it's not possible, but
12 whenever it's possible I think that crossing
13 a county line should be certainly a
14 heightened interest because of the difference
15 of community and difference of relationship
16 to each other in the county.

17 So people -- we need to make sure that
18 people feel represented by a person that has
19 the interest of their community uppermost on
20 their mind when they hit Raleigh. And I'd
21 just like to see that happen when you start
22 drawing those maps.

23 And, again, I just want to tell you
24 thank you for this opportunity to speak to

1 you about it.

2 **REP. EARLE:** Thank you. The next
3 speaker will be Mary Kay Olsamer.

4 **MS. OLSAMER:** I also want to thank you
5 for allowing us to speak today. I am a
6 citizen and a taxpayer and an eight-year
7 resident of the south Charlotte District 69.
8 Representative Gulley is my representative
9 and I am also a resident of Senator Ruchos'
10 Senate District 35. And also I might add I
11 am chairman of the Mecklenburg Republican
12 Party.

13 So I am here mainly to listen and to
14 learn, but I do just want to tell you I
15 support many of the other speakers who ask
16 for compact districts or contiguous districts
17 as much as possible within our county lines,
18 although where I live, right off of Route
19 51, I am almost on the border of Union
20 County and Mecklenburg County. So in a case
21 like that, maybe my community of interest
22 would extend into Union County. But we
23 would like to see single-member districts as
24 much -- as compact as possible in our

1 communities and also I think it's very
2 important that we avoid splitting up minority
3 communities for communities of interest with
4 an economic or racial majority because this
5 can oftentimes promote racially polarized
6 voting. And what happens is you have one
7 community fighting with the other within the
8 district and instead of talking about the
9 issues that we want to talk about, they are
10 talking more about race. And we have made a
11 lot of progress in Mecklenburg County on
12 race and I think it would be very troubling
13 to see our redistricting process create more.

14 So thank you very much.

15 **REP. EARLE:** Thank you. Next we will
16 have John Cotham.

17 **MR. COTHAM:** Thank you for allowing me
18 to speak. My name is John Cotham. I am the
19 chairman of the Mecklenburg County Democratic
20 Party and I am also the co-chairman of the
21 Voting Rights Task Force of the Mecklenburg
22 Voter Coalition.

23 I believe it's critical that every
24 citizen has an opportunity for fair

1 representation at the local, the state and
2 national level. At the local level,
3 democrats here are working hard to draw
4 district lines to give everyone a voice that
5 is heard.

6 At the national level, it is vital that
7 our 12th Congressional District remains in
8 tact, continuing to include Charlotte,
9 Greensboro, Winston-Salem and all current
10 areas so that minorities feel their votes
11 count and that someone represents them
12 effectively in Congress.

13 Our representative form of government
14 can only function properly if all the
15 interests of all the people are served.

16 As Americans, we are a diverse bunch.
17 It is that diversity which makes us the
18 greatest country on earth, and we should
19 celebrate that diversity.

20 One of the ways we do this is to
21 assimilate all Americans into the mainstream
22 of our political culture and into our
23 government. Keeping the 12th Congressional
24 District as it is is an important part of

1 this assimilation process. Thank you.

2 **REP. EARLE:** Thank you. Let's go back
3 to Kannapolis. And we are going to hear
4 from Mary Ann Black.

5 **MS. BLACK:** Yes. I am Mary Ann Black.
6 I am from the lower part of Cabarrus County,
7 a little town called Midland. We come here
8 with pride. And I am also retired,
9 supposedly. I am a professional volunteer,
10 which means I have so much for my community
11 and very much politically minded and I am
12 proud to say that I am the mother of
13 Cabarrus County's Republican Party, my son.

14 My view reflects somewhat my neighbor
15 to my left, my neighbor to my right. And
16 they are my neighbors because we are in the
17 same district. But my concern, I guess one
18 of them, is representation I think should be
19 as equal as possible and I think we should
20 consider lines because -- county lines
21 because when you cross county lines then we
22 do divide communities. And when you are
23 planning, whether it's political or any other
24 meetings to encourage attendance, I think it

1 should be within community lines, and it's
2 also easier to have basically one
3 representative you can -- it's easier for
4 people to remember who their representative
5 is if they don't have four or five or six.
6 That's why I feel that if we can keep them
7 within county lines and community lines, that
8 would be very good. Thank you.

9 **REP. EARLE:** Thank you. The next
10 speaker will be Richard Voss.

11 **MR. VOSS:** Yes. I happen to be a
12 Republican and my big concern is, of all that
13 I have already spoke about here, is that
14 these districts will make a lot of sense. We
15 need to be able to visit our neighbors and
16 talk about our concerns with the people that
17 represent us. And if we've got a guy that's
18 representing us that lives four or five
19 counties away, that's just kind of difficult
20 to do.

21 And that's basically what I am
22 concerned and come here to talk about that
23 this morning. That's all I've got to say.
24 Thank you.

1 **REP. EARLE:** Thank you. We are back in
2 Charlotte. We have completed all of our
3 speakers for Kannapolis that we've got signed
4 up.

5 Now we are going to hear from Dave
6 Ranier. I can't really --

7 **MR. RAMIREZ:** Danillo Ramirez. My name
8 is Dan Ramirez and I am the chairman of the
9 Republican National Hispanic Assembly of
10 North Carolina. And we represent the
11 republican Hispanics of the state. It is a
12 young organization. Anyways, I am really
13 thankful to be here. And the only thing I
14 have to say, it really has been said already
15 before. And I guess one thing that us
16 Hispanics, we are really united, democrats
17 and republicans, on this issue. It is the
18 issue of the communities of interest. In
19 other words, that we would like to have the
20 districts as they are and to be as contiguous
21 as possible. And maybe in some cases go
22 beyond boundaries of the counties, we
23 wouldn't like that. But if it is within a
24 community of interest that we are speaking

1 of, which is either by racial equity or
2 cultural, economic background. I think that
3 we need to be represented. And, of course,
4 from the point of view of the Hispanics, that
5 is a very important issue to all of us,
6 regardless of party affiliation. And I thank
7 you again for allowing me to say this.

8 REP. EARLE: Thank you. Next we have
9 Tom Chumley.

10 MR. CHUMLEY: Yes. Thank you very
11 much. My name is Tom Chumley. I am with
12 the Mecklenburg County Democratic Party.
13 Just a couple of quick concerns. I hope
14 that we can keep the 12th District similar in
15 configuration to the way it is right now.
16 There are about 30 precincts in Mecklenburg
17 County that are very high performing
18 Democratic precincts that were in Mel Watts'
19 district before that we could add back in
20 there.

21 I also think that we ought to break up
22 some of these multi-member districts in the
23 Senate and probably in the House. And
24 another concern would be on a statewide

1 level to maintain -- at least maintain the
2 same number of seats that will elect minority
3 members to the Legislature that we have right
4 now. We have more information now about
5 voter performance than we used to in those
6 seats, so we can do a better job than we did
7 in 1992 on that.

8 And my last message will be for the
9 Democrats up there. If the word Virginia
10 doesn't mean anything to you as far as
11 redistricting, you ought to look it up.
12 Republicans had about a two-seat advantage in
13 the Virginia Senate, about a five- or
14 six-seat advantage in the Virginia House.
15 And they do have a Republican governor in
16 Virginia. They have drawn seats to put
17 Democrats together, and all these seats --
18 they've done a nice job gerrymandering here.
19 Now, that's the spoils of war. I don't
20 blame anybody for doing that in Virginia.
21 But in North Carolina, remember, Democrats
22 have a 62/58 (sic) advantage in the state
23 House, and, I'll say this, if Harold Brubaker
24 was Speaker, we wouldn't have even

1 redistricting up here. Just keep that in
2 mind.

3 **REP. EARLE:** Thank you. Next speaker
4 will be Eric Douglas.

5 **MR. DOUGLAS:** Madam Majority Whip,
6 representatives of the North Carolina General
7 Assembly, I thank you. This is an honor here
8 to be able to speak before you. And those
9 people who are new to this country, this is
10 definitely a democracy in process, giving the
11 citizens and opportunity to speak.

12 We have heard affectionately from
13 people who label themselves as Hispanics,
14 Republicans, Democrats, as Americans. Well,
15 I am black. And that's an issue that I like
16 to speak about. The 12th Congressional
17 District is configurated right now -- because
18 I moved in the area just for this main
19 reason, that someone is still in office like
20 me. Someone who can vote the way I would
21 like for them to vote. I feel as an
22 African-American living in the 12th
23 Congressional District the way it's
24 configurated now that my needs, my wants,

1 the people that live with me and people I
2 associate with are being represented.

3 Even on the state level, with the
4 Majority Whip where I sit, and I live in her
5 district, that I am very proud of. Because
6 she looks like me and I feel that she feels
7 like I feel also when she is voting.

8 So I hope you seriously take that into
9 consideration. Thank you.

10 REP. EARLE: We have completed our list
11 here in Charlotte and the one in Kannapolis.
12 Is there anyone that wants to speak that has
13 not had an opportunity to sign up?

14 MR. DOUGLAS: Madam Majority Whip, if I
15 could --

16 REP. EARLE: No.

17 MR. DOUGLAS: I hope you can vote also,
18 when the House votes, that my electoral vote
19 counts also for the presidential election.

20 REP. EARLE: I'd like to know if any of
21 the legislators here would like to have an
22 opportunity to say anything, even though this
23 is not supposed to be -- this is supposed to
24 be a listening session, but if there is

1 anybody that has an overwhelming desire to
2 say something, we want to give you that
3 opportunity.

4 If not, I will turn it back to my
5 co-chair.

6 REP. MCMAHAN: Thank you very much. I
7 want to thank everybody for being here. I
8 want to thank the people that participated
9 over at A.L. Brown in Kannapolis. The right
10 to vote is a very sacred right for us here
11 in our country, and I know we all feel so
12 very, very much in that way or we wouldn't
13 be here this morning to express our opinion.
14 And I really want you to know that we are
15 concerned. This is a very, very serious job
16 that we are doing in the Legislature and we
17 want to do it in a fair way. And that's why
18 we are here this morning; to listen to you
19 and, again, thank you for being here. I
20 appreciate it.

21 If you will just follow up and send up
22 any written information. Be very happy to
23 receive it. And it certainly will be
24 reviewed. I can give you an email address

1 and this is an email box in Raleigh that is
2 strictly for the redistricting process. And
3 it's actually -- the email address is
4 publiccomment@ncleg.net. So that's the email
5 address -- publiccomment@ncleg.net.

6 And then the regular mailing address,
7 if you want to send something to us by mail,
8 that address would go to the Redistricting
9 Committee, 545 Legislative Office Building,
10 3000 (sic) North Salisbury Street, Raleigh,
11 27603. 545 Legislative Office Building, 300
12 North Salisbury Street, Raleigh, 27603.

13 And those of us that are members of the
14 committee and involved in the process will
15 certainly review your comments and let you
16 know that we have done that and certainly
17 respond back.

18 Yes.

19 **REP. EARLE:** We've got a handout.

20 **REP. MCMAHAN:** Oh, I'm sorry. Yes.

21 And the staff -- and I really want to thank
22 our staff so very much for being here, our
23 legislative staff that's here, and our
24 Sergeant of Arms members. I appreciate your

1 support very, very much. They are traveling
2 around the state to help us. They have put
3 together an information packet and as you
4 leave you are welcome to have it. It
5 probably even has these addresses in it and
6 it gives you a real good summary of what
7 this is all about.

8 And I hope you will pick up one and
9 read it. And please -- Debbie?

10 MS. WARE: I was just wondering if at
11 this point in time, and I understand that you
12 are relatively new in the process at this
13 point, but do you have a feel for what your
14 time line is going to be?

15 REP. MCMAHAN: Debbie, we, again, hope
16 to do this during our normal legislative
17 session that we are in. And that, of
18 course, typically runs until about the first
19 to the middle of July. Of course, it has,
20 in the past, it's sometimes extended beyond
21 that. But we are very hopeful that we will
22 wrap it up by the middle of July. Some
23 people have made a comment or it's been
24 mentioned that maybe we would come back in

1 some kind of special session later in the
2 year. But I can assure those of us that are
3 involved in it, we want to do it and do it
4 now and that's why we are putting the public
5 hearings at this point in time and really
6 intend to focus on it for the next month to
7 two and get it done.

8 I just want to again thank everyone
9 over at Kannapolis. I appreciate you all
10 participating. We appreciate your comments.
11 Thank you again and good day.

12 [PUBLIC HEARING ADJOURNED AT 10:20 A.M.]

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

Name (please print)	Organization (if applicable)
1. ✓ Jane Buers	Retired Director of Charlotte Organizing Project
2. ~~[REDACTED]~~	~~[REDACTED]~~
3. ✓ WAHNE JOHNSON	GITTER
4. ✓ Robert D. Davis	Black Caucus - Meck.
5. ✓ Georgia Jackson Dennis	African American Women's Coalition
6. ✓ TERESA Williamson	African American Leadership Council
7. ✓ [REDACTED]	African American Leadership Council
8. ✓ Mary Kay Warner	Mecklenburg Republican Party
9. ✓ JOHN CATHAM	CHAIR MECKLENBURG COUNTY Democratic Party, co chair voting

RIGHTS TASK FORCE

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

Charlotte

	Name (please print)	Organization (if applicable)
10.	✓ Dan Kaurer	FDU - of NC.
11.	✓ Dan Chumbley	Democratic Party NC
12.	✓ Eric Manglar	
13.		
14.		
15.		
16.		
17.		
18.		

Kannapolis
SPEAKER SHEET

Please fill out this sheet **ONLY** if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	TOM DAUST	
2.	Richard Moore Mt. Pleasant	
3.	Marvin Blake Midland, N.C.	
4.	Richard VOSS CONCORD NC	
5.		
6.		
7.		
8.		
9.		

STATE OF NORTH CAROLINA
COUNTY OF WAKE

C E R T I F I C A T E

I, Amy L. Poythress, notary public/court reporter, do hereby certify that the above-named meeting was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the statements of the presenters.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of June, 2001.

Amy L. Poythress

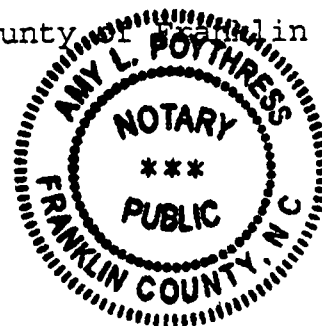
Notary Public

State of North Carolina

County of Franklin

My commission expires:

January 2, 2006



STATE OF NORTH CAROLINA
PUBLIC HEARING ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATORS: Rep. Larry T. Justus
Legislative Redistricting Committee

Senator Steve Metcalf
Senate Redistricting
Committee

COPY

TRANSCRIPT
OF
PUBLIC HEARING

At Asheville, North Carolina
May 5, 2001 - 3:30 p.m.

Reported by:
Amy L. Poythress, CVR

Teleconference Sites:
Appalachian State University, Boone, North Carolina
and
Western Carolina University, Cullowhee, North Carolina

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1 I, Amy L. Poythress, being a Certified
2 Verbatim Reporter and a Notary Public in and for
3 the state of North Carolina, was appointed
4 commissioner by consent to take the Public
5 Hearing on Redistricting Based on the 2000
6 Census, held on the 5th day of May, 2001,
7 beginning at 3:30 a.m. at the University of North
8 Carolina - Asheville, located in Asheville, North
9 Carolina.

10 - - - - -

11 REP. JUSTUS: Good afternoon. I am
12 calling this meeting of the House
13 Redistricting, Senate Redistricting, Senate
14 Redistricting and Congressional Redistricting
15 Committees together at 15:30 -- that's 3:30
16 to you civilians -- this afternoon, the 5th
17 of May.

18 Like to thank you all for coming. You
19 know what we are here about and there is a
20 few housekeeping details that we have to
21 cover before we get into any other matter.

22 I am Larry Justus. I am one of the
23 senior members, one of the seniors chairs of
24 the redistricting committee, the House

1 Redistricting Committee. There are two of
2 us. My counterpart is Representative Ronnie
3 Sutton.

4 I hope you noticed when you came in
5 that we have some mounted maps outside which
6 tell you what the existing current districts
7 are now both in the Legislative districts and
8 in the Senate districts and in the
9 Congressional districts.

10 When we get all through with this
11 process, that will all change. And you
12 people will have been an integral part of
13 that process.

14 At this time I am going to turn the
15 welcoming ceremonies over to our
16 Representative and our regional chair here in
17 western North Carolina, Wilma Sherrill, to do
18 a few introductions, and then she will turn
19 the chair back to me and I will finish my
20 duties.

21 Wilma, the microphone is yours.

22 **REP. SHERRILL:** Thank you, Larry. Good
23 afternoon. Welcome to the 51st House
24 District. And I want to pause one moment

1 and thank UNC-Asheville, the finest liberal
2 arts school in all of this nation for hosting
3 our event.

4 And we have several of the members of
5 their administration. I think Wayne McDevitt
6 is hiding in the back. Tom Byers is here
7 someplace. And Pam Livingston has been
8 running around taking care of us. So I want
9 to thank them.

10 With us today, I want to introduce our
11 elected officials. Senator Bob Carpenter
12 from the 42nd Senate district is here. Just
13 raise your hand so everyone will know who you
14 are. Representative Trudy Wallen from the
15 68th House district. Representative Mark
16 Crawford, my colleague, 51st House district.
17 Representative Ed McMahan, from the 55th
18 District, which I say Charlotte, he says
19 Mecklenburg. And Representative Marge
20 Carpenter, who is the 52nd House district,
21 right over the hill. And, of course, you
22 will meet Senator Steve Metcalf in a moment.
23 And to each of you, welcome.

24 We have some local elected officials

1 here. I believe we have the mayor of
2 Hickory, Bill McDonald. And we have Lewis
3 Hamrick, who is the Rutherford County
4 commissioner. Thank you for attending.

5 Thank you, Larry.

6 REP. JUSTUS: Wilma, you just dropped
7 off all of a sudden there and caught me
8 almost unaware, but I will pick up on this
9 now. I want to introduce you to the Senate
10 chair, the vice-chair of the Redistricting
11 Committee, Senator Metcalf, who is sitting
12 here to my right, and tell you that our
13 House Congressional chair is here,
14 Representative McMahan. And we have a
15 number of chairs, four regional chairs across
16 the state from each party, a total of eight,
17 plus three chairs in the Senate, a main
18 chair and two vice-chairs, I think it is,
19 Senator Metcalf. So we are covering this
20 pretty well.

21 And, Wilma, I think I would like to add
22 that I'd like to thank Tom Byers and Pam
23 Livingston for being here today and offering
24 us services from UNC-A, and out in our

1 satellite areas, I don't know who is out
2 there, but I do know that Senator Robinson
3 is supposed to be at Western Carolina. Are
4 you there, Senator?

5 I'll just assume he's there. And
6 Virginia Foxx out in Appalachian, at
7 Appalachian State University. Ken Moore is
8 also with us that came in late. I think
9 that covers most of our elected officials
10 that are here today.

11 There are a few things that you ought
12 to know about the redistricting process. As
13 you know, every ten years we are required to
14 redistrict by the Constitution. That's
15 something that is not always a pleasant thing
16 for us in the Legislature to do, but it
17 gives you, the citizens, the opportunity to
18 have a great deal of input on how you want
19 the districts drawn so as to better represent
20 the people in your area.

21 It's one of the most important tasks of
22 the General Assembly. And because of that
23 importance, we want all the input we can get
24 from the citizens of this state. That's why

1 we are traveling around the state and we
2 have eight different sites that we have gone
3 to or are going to in this process. And
4 after that we will have some more public
5 hearings in Raleigh to try to wrap up the
6 finality of whatever we come up with and
7 whatever you come up with that you have been
8 able to tell us what you want included.

9 Our purpose here today is not to give
10 you any speeches. We want to hear from you.
11 And because of that, we are unable to answer
12 many questions about anything other than
13 procedural processes. We want to hear from
14 you primarily and we feel that we would
15 merely befuddle the issue if we tried to
16 answer any questions.

17 The population in this state has grown
18 very unevenly. In many areas it's grown
19 even 50 percent from county to county. In
20 other areas, we've had very slight growth.
21 In one county, we've lost population. Here
22 in the west where we are today, we've grown
23 but we have grown less than the state
24 average, which means that geographically our

1 districts are going to have to move east as
2 well as the eastern area of the state is
3 going to have to move west.

4 It will take several weeks for us to
5 complete this process. At that time, that's
6 when we will have those hearings in Raleigh
7 that I previously referred to. So bear with
8 us. Give us as much help as possible. And
9 I hope that you will come to Raleigh then to
10 see what the result is of your input and of
11 our efforts.

12 Now, we have a web page in the General
13 Assembly which will help you keep up with
14 what's going on at any given time. That web
15 page is on the Internet. I am going to
16 repeat it one time, and you will be given
17 this in writing at the end of the meeting.
18 It's www.ncleg.net/redistricting. If you
19 didn't get that written down, don't worry
20 about it because it will be handed out at the
21 end of the meeting anyway.

22 Now it's time that we get down to what
23 we came here for, and you know, of course,
24 that we have those satellite locations at

1 Boone, at Appalachian State University; and
2 at Western Carolina at Cullowhee. So they
3 are listening in with us. And what we
4 expect to do is to take the first three
5 speakers that signed up here and let them
6 make their presentation, and then we will
7 take three from Boone, and we will take three
8 from Western Carolina in the order that you
9 signed up.

10 And with that said, I am going to turn
11 the meeting over to for the presenters to
12 Senator Metcalf, our Senate chair today, and
13 he will carry on from here. Senator Metcalf.

14 **SEN. METCALF:** Thank you very much,
15 Representative Justus. And let me join my
16 colleagues in thanking you for being here
17 today and to thank the University of North
18 Carolina at Asheville and Appalachian State
19 University and Western Carolina University
20 for hosting us today.

21 And the reason we are kind of in cramped
22 quarters today is because we did, indeed,
23 want to teleconference these proceedings
24 throughout the western part of the state. I

1 was at a meeting this morning, with
2 Representative McMahan -- and welcome home,
3 Ed -- Ed McMahan was raised in Asheville. I
4 hate that we lost him, but it's good to see
5 you back home.

6 So that's why we are in this room. If
7 there are folks in the overflow room, what I
8 will be doing, I will read three names, and
9 if you are in that overflow room and you
10 hear your name come up and you want to come
11 into here, then that would be good. Just so
12 you can be prepared and have some warning.

13 We will see how this works. We are new
14 to this. And in terms of the
15 teleconferencing and just indulge me just for
16 a moment and let me see if we can hear from
17 the other folks.

18 Senator Foxx, can you hear me? I speak
19 up. Why do I do that? Start yelling? I
20 can't yell all the way to Boone.

21 Senator Foxx, can you hear me in Boone?

22 **SEN. FOXX:** Yes. Senator Moore and Mr.
23 Christian Greve and Charlene Moore and I are
24 all here in the room and we can hear you

1 fine and we see you fine.

2 SEN. METCALF: Very good. Let's go to
3 Cullowhee. Senator Robinson, are you there?

4 [NO RESPONSE]

5 SEN. METCALF: That's two times. Is
6 anyone in Cullowhee? Well, for right now we
7 will pick up Cullowhee presently, I hope.

8 By way of ground rules -- first of all,
9 let me also bring you greetings from Senator
10 Brad Miller and Senator Frank Ballance, my
11 co-chairs on the Senate side. Brad was in
12 Durham last night and Greensboro yesterday,
13 and Senator Ballance will be in the eastern
14 part of the state as we go through these
15 proceedings.

16 But I bring you their greetings and
17 glad you are here today.

18 Each presenter will have five minutes.
19 We have a Sergeant of Arms or someone here
20 -- this gentleman over here will be holding
21 up -- what's the procedure? When you get
22 the yellow -- yellow is three minutes and red
23 is about four and a half minutes?

24 SERGEANT OF ARMS: Red is when you are

1 supposed to stop.

2 **SEN. METCALF:** That would make sense.

3 So bring your comments to a conclusion at
4 that time. Let me check my notes to make
5 sure I have not -- I think I am in order
6 here in terms of all the ground rules and
7 everything we are supposed to present. So
8 if we could get started. You are to speak
9 from your seat, would be fine.

10 The first three speakers will be Bill
11 McDonald, who is the mayor of Hickory; Joshua
12 Wilke from Haywood County; and Paul Fogleman,
13 also from Hickory.

14 Mayor McDonald, you will be first.

15 **MAYOR MCDONALD:** Thank you, Senator
16 Metcalf and Representative Sherrill and
17 Representative Justus, distinguished members
18 of the General Assembly. Thank you very
19 much for allowing us an opportunity to appear
20 with you here today to share with you some
21 of our thoughts from Hickory and Catawba
22 County.

23 The City of Hickory is the center of
24 the fourth largest MSA in the state of North

1 Carolina, and is the commercial and financial
2 center of his MSA. It's our belief that
3 those governed are best served by
4 representation of people who are close by.
5 We believe in a single-member legislative
6 districts that are the ones that best serve
7 our folks. The legislator is close to his or
8 her constituents and is able to more
9 effectively interact with the people, as well
10 as campaign more effectively and less
11 expensively.

12 In 2000, the United States Census
13 certifies that Catawba has a population of
14 141,685 people. The North Carolina House of
15 Representative districts, as we all know,
16 ideally would contain 67,078 people.
17 Therefore, Catawba County qualifies for two
18 single-member districts. And we respectfully
19 request that Catawba County encompass these
20 two single-member House districts with the
21 geographic division on an east/west dividing
22 line to as much the extent as possible that
23 all municipal boundaries are inclusive.

24 At present the City of Hickory is

1 represented by the 45th, 46th and 91st
2 districts. Therefore it's sometimes
3 difficult for us to get to our
4 representatives.

5 We are going to have this type wording
6 adopted by all of the municipal governmental
7 bodies in the county as well as the county
8 commissioners as well as our chamber of
9 commerce. And we respectfully submit this to
10 you for consideration, that we can go to two
11 single-member House districts.

12 **SEN. METCALF:** Thank you, Mr. Mayor.
13 Our next speaker here in Asheville is Joshua
14 Wilke, from Haywood County. Mr. Wilke.

15 **MR. WILKE:** Thank you very much, ladies
16 and gentleman of the General Assembly. I
17 speak to you to day as a concerned taxpayer,
18 voter and citizen in North Carolina. Ten
19 years ago the General Assembly redrew their
20 legislative districts with many senators and
21 representatives mindful only of their job
22 security.

23 I am quite certain that you are all
24 familiar with the term gerrymandering.

1 Gerrymandering, simply put, is a clandestine
2 way of defrauding the public of
3 representative government.

4 Take, for example, the 29th Senatorial
5 district. This district is scattered about
6 six mountain counties, sculptured in such a
7 manner that there are no, quote, Republican
8 precincts therein. The Republican precincts,
9 instead, lie in the 42nd district. It goes
10 without saying that today, ten years later,
11 a Democrat occupies the 29th district, while
12 a Republican claims the 42nd.

13 When districts are drawn in this biased
14 manner, the unseating of an incumbent, no
15 matter how ineffective he or she may be, by
16 a member of the opposite party is virtually
17 impossible.

18 The right to vote for and elect quality
19 candidates is a key principle of our system of
20 government; and that right no General
21 Assembly should deny by drawing skewed
22 districts. The only responsible, forthright
23 thing to do, of course, is to draw
24 responsible forthright districts.

1 Compact, single-member districts
2 (inaudible) the best interest of the citizens
3 of our great State. I call upon you, the
4 General Assembly of North Carolina, to be
5 faithful in this area of your constituents
6 when you formulate your plan for
7 redistricting this year. Be mindful not of
8 your job security, but of the best interest
9 of the taxpayers of North Carolina.

10 Article II, Sections three and five of
11 the North Carolina Constitution clearly lays
12 upon the General Assembly the responsibility
13 of redrawing legislative districts after each
14 population count. We are given the power as
15 citizens to challenge the outcome in court if
16 discriminatory results are realized. But I
17 sincerely hope that this challenge is not
18 necessary this year.

19 I challenge you today, instead, to draw
20 responsible, compact districts so that the
21 people are well served. Thank you for you
22 time.

23 SEN. METCALF: Thank you, Mr. Wilke.
24 We will call one more from Asheville, and

1 just to -- by way of alerting Appalachian.
2 We will hear after that Christine Greve and
3 Senator Ken Moore would be after our next
4 speaker here.

5 Our next speaker in Asheville is Paul
6 Fogleman from Hickory.

7 MR. FOGLEMAN: Yes. Thank you, Senator
8 Metcalf and Chairman Justus and Chairman
9 Sherrill and honorable members of the
10 Legislature. I am Paul Fogleman and I am
11 the lobbyist for the City of Hickory and
12 Catawba County. And both of these
13 legislative groups or these local government
14 groups certainly support the concept as
15 outlined to you by Mayor McDonald. But I
16 would also maybe like to maybe rather than
17 repeat the points that he made also suggest
18 to you that we think that the Senate
19 district, Senate district 26 does ideally
20 meet our needs and would probably want to
21 address that.

22 And for Representative McMahan, when we
23 are looking at the 10th Congressional
24 district, the only thing that I would remind

1 you is that an ideal world for us would be
2 to keep the Hickory metropolitan area as
3 close and intact as we could. That includes
4 the four counties of Alexander, Burke,
5 Caldwell and Catawba. And those four
6 counties have a population of around 320,000
7 people. And there is a community of interest
8 there. That is also Region E for the
9 Western Piedmont Council of Governments.

10 So if we are looking at any kind of
11 shifting in the legislative lines, that
12 Region E that is a community of interest
13 there, and I would just maybe like to point
14 that out, but I know the kind of job that
15 you have ahead of you here and we just
16 appreciate the hard work that you are doing
17 and we appreciate the opportunity to be able
18 to come here today and just let our feelings
19 be known. Thank you.

20 **SEN. METCALF:** Before we go to Boone,
21 just two very quick things. Let me point
22 out -- you will probably note that a lot of
23 us are not taking notes. And it's not that
24 we don't think what we are saying is

1 extremely important to us. This young lady
2 is getting every word that is being said and
3 will provide us transcripts of today's
4 meeting and all of our meetings. Just to
5 point that out.

6 Before we go to Boone, let me announce
7 the next three that we will be taking when we
8 come back to Asheville. It will be Lewis
9 Hamrick, county commissioner from Rutherford
10 County; Dr. Joe Morgan; and Candler Willis.
11 Before we do that, let's go to Boone and
12 Christian Greve I think is next. If I
13 mispronounced your name, I apologize.

14 MR. GREVE: My name is Christian Greve.
15 I am an ASU student and concerned voter.
16 Ladies and gentleman, thank you for the
17 opportunity to speak.

18 I am concerned about the redistricting
19 of North Carolina for several reasons. The
20 first of these is that redistricting could
21 conflict with the North Carolina
22 Constitution. It says that each senator
23 should represent as nearly as may be an
24 equal number of inhabitants, and each

1 representative shall represent as nearly as
2 may be an equal number of inhabitants.

3 The language "as nearly as may be" may
4 be a stricter standard than the federal
5 standard of ten percent deviation.
6 Therefore, districts should be drawn as close
7 to equal as possible.

8 The North Carolina Constitution also
9 states that no county shall be divided in the
10 formation of a senate district, in Article
11 II, Section three.

12 The North Carolina Constitution also
13 states that each senate district and each
14 representative district shall at all times
15 consist of contiguous territory, in Article
16 II, Sections three and five.

17 It can be argued that by contiguity the
18 authors of the Constitution are not only
19 referring physical contiguity, but also
20 community contiguity. Therefore, communities
21 should not be divided.

22 Redistricting could also violate
23 federal law. Section five of the Voting
24 Rights Act 42 United States Constitution

1 states that we should not split racial
2 communities nor dilute racial communities.

3 Communities of interest are not only
4 based on race. Economic, social and
5 political communities exist throughout the
6 state that deserve representation. We need
7 to have a thought process that properly
8 identifies these communities of interest.

9 Finally, single-member districts
10 (inaudible) feasible. It can be argued that
11 multi-member districts violate the sacred
12 concepts of one man, one vote and equal
13 representation.

14 I ask you consider all these points
15 when making your decision. I trust that you
16 will all do the right thing. Thank you for
17 your time.

18 **SEN. METCALF:** Thank you, Mr. Greve.
19 The next speaker is Senator Ken Moore, also
20 in Boone.

21 **SEN. MOORE:** Senator Metcalf, I hope
22 you are doing fine this afternoon. Thank you
23 very much.

24 **SEN. METCALF:** Very well.

1 SEN. MOORE: I promised a constituent
2 of mine from southern Caldwell County that I
3 would speak up if someone from Boone or the
4 City of Hickory didn't speak first. And you
5 have been ably represented by everybody,
6 individuals from Hickory and the young man
7 here in Boone, and therefore I am going to
8 pass. Thank you, Senator.

9 SEN. METCALF: Thank you, Senator.
10 Good seeing you. Let me just check in on
11 Cullowhee to see if we have had any showing
12 there. I see one gentleman in the back.
13 Senator Robinson, you're there.

14 REP. JUSTUS: He didn't pick you up.

15 SEN. METCALF: Senator Robinson?

16 SEN. ROBINSON: Hi, Steve.

17 SEN. METCALF: Hey, Senator, how are
18 you? Do you have folks there that will want
19 to be speaking?

20 SEN. ROBINSON: Steve, there is no one
21 here except me.

22 SEN. METCALF: Okay. Well, dan, you
23 are doing a good job. We will return should
24 folks come in.

1 Let's come back to Asheville and our
2 next three speakers are Lewis Hamrick, Dr.
3 Joe Morgan and Candler Willis. Mr. Hamrick,
4 Commissioner Hamrick.

5 **COM. HAMRICK:** Good afternoon, Senator.
6 And thanks all around for the opportunity of
7 addressing this body.

8 Rutherford County has always, at least
9 in my political life, been divided and
10 fragmented as to representation. We have
11 been used to foster the political aspirations
12 of representatives outside of the county,
13 primarily Cleveland County.

14 Granted, we have had for the most part
15 good representation, but not of our own
16 people.

17 The people of Rutherford County are a
18 proud group. Our culture, social and
19 political interests are common and for the
20 most part fiercely independent. This comes
21 from the isolated rural foothill nature of
22 Rutherford County. Probably our economic
23 interest has played the greater role in
24 binding us together.

1 Over the past 50 years textiles and
2 agriculture have been the mainstay of our
3 economy. However, with the advent of NAFTA,
4 textiles have been going to Mexico and
5 offshore.

6 We, out of necessity, are fast becoming
7 diversified. While struggling through this,
8 I see our people coming together on many
9 issues.

10 Our interests during this period is
11 uniquely that of Rutherford County. And
12 representation outside the county is not
13 going to recognize this. We don't want this
14 process of change and healing to be disrupted
15 by outside political activity. Rutherford
16 County has traditionally been Democrat by
17 something like a two-to-one margin.

18 We have seen in recent years a change
19 to a near one-to-one ratio, which I think
20 has been helpful for our people and progress.

21 Race doesn't seem to be a major problem
22 in the county. Sure, we have our share of
23 bigotry. But the various racial and ethnic
24 groups are dispersed throughout the county.

1 The latest census shows that we have a
2 population of 62,800, which indicates a
3 number sufficient to support a single-member
4 district.

5 On Monday at our regularly-scheduled
6 commissioner meeting, I will introduce the
7 following resolution: "Whereas, it has come
8 to the attention of the Board of
9 Commissioners of Rutherford County that the
10 North Carolina General Assembly is now
11 engaged in redrawing the North Carolina
12 Senatorial and House of Representatives
13 district in accordance with the results of
14 the federal Census for the year 2000.

15 "And, whereas, the said Census shows
16 that Rutherford County now has sufficient
17 population to constitute said county as a
18 one-member district for the purpose of
19 electing members of the North Carolina House
20 of Representatives.

21 "And, whereas, it is the opinion of
22 this Board that it is in the best interest of
23 Rutherford County to be a one-member district
24 for the purpose of electing members of the

1 North Carolina House of Representatives.

2 "And, whereas, this Board is opposed to
3 any redistricting plan that would result in
4 the removal of any of the voting precincts
5 of Rutherford County for the purpose of
6 creating a House of Representatives district
7 that does not include Rutherford County;

8 "And, whereas, this Board requests that
9 the senator now representing the Senatorial
10 district that includes Rutherford County and
11 the members of the House of Representatives
12 now representing the House district that
13 includes Rutherford County exercise their
14 best efforts to see that Rutherford County is
15 made a one-member district in any
16 redistricting plan that may be adopted by the
17 General Assembly for the election of members
18 of the North Carolina House of
19 Representatives;

20 "Now, therefore, be it resolved, one,
21 that Walter Dalton and Representatives Andrew
22 Dedmon, Debbie Clary and John Weatherly be,
23 and they are hereby requested, to exercise
24 their best efforts to see that Rutherford

1 County is made a one-member district in the
2 final redistricting plan adopted by the
3 General Assembly of North Carolina for the
4 election of members to the North Carolina
5 House of Representatives;

6 "Two, that Senator Walter Dalton and
7 Representatives Andrew Dedmon, Debbie Clearly
8 and John Weatherly be, and they are hereby
9 requested, to oppose any redistricting plan
10 that would result in the removal of any of
11 the voting precincts of Rutherford County for
12 the purpose of creating a House of
13 Representatives district that does not
14 include Rutherford County;

15 "Three, that copies of this Resolution
16 be sent to the governing bodies of the towns
17 of (inaudible), (inaudible), Forest City,
18 Lake Lure, Ruth, Rutherfordton and Spindel,
19 to the Rutherford County Chamber of Commerce,
20 the Daily Courier, to the chairpersons of the
21 Democratic and Republican parties of
22 Rutherford County, Senator Walter Dalton and
23 Representative Andrew Dedmon, Debbie Clary
24 and John Weatherly, and to all civic clubs in

1 Rutherford County."

2 This will be introduced on Monday.

3 We have -- we urge you strongly
4 consider the need and wishes of the people of
5 Rutherford County to become a single-member
6 district. Thank you very much for your
7 attention.

8 SEN. METCALF: Thank you, Commissioner.
9 Just -- let me -- I failed to indicate in my
10 remarks earlier, introductory remarks, should
11 you have written copies -- and, Mr. Greve,
12 also you in Boone, should you have written
13 copies of your statements today, or anything
14 else that you would like to add to the
15 public record, just be sure that -- we would
16 welcome that and encourage that and the
17 staff will be happy to take those remarks.
18 Thank you.

19 Representative Sherrill, you had one
20 other introduction?

21 REP. SHERRILL: I did. Thank you,
22 Senator. Joining us is Barbara Fields, who
23 is an elected city council person from the
24 City of Asheville. Welcome, Barbara. We are

1 glad to have you.

2 I think we are going to hear from here
3 later, hopefully.

4 **SEN. METCALF:** Let me just, again, the
5 next three speakers so you can have some
6 sense as to when you are coming up. Dr. Joe
7 Morgan, Candler Willis and Ben Holloway. Dr.
8 Morgan.

9 **DR. MORGAN:** Thank you, Senator Metcalf
10 and Ms. Sherrill and my longtime friend Mr.
11 Justus. We go back a long time.

12 I have been testifying, speaking,
13 writing, et cetera, on this subject for 40
14 years. The worst gerrymandering ever done
15 in North Carolina was done several years
16 after I first testified in Raleigh before
17 the State Senate. In 1961, the North
18 Carolina Legislature, in its infinite wisdom,
19 decided that Congressman Jonas might be
20 expendable. However, that was a big mistake.

21 They not only changed his district from
22 Mitchell County all the way down beyond
23 Anson, all the way down to the east, but
24 they put in it also another congressman, a

1 very fine man, Congressman Paul Kitchem.
2 That was 1962. He not only won -- Mr. Jonas
3 not only won, but he defeated a fine man,
4 Congressman Kitchem.

5 That, to me, shows the evils of
6 gerrymandering.

7 Now, I first testified before the
8 Legislature in 1967, at which time over the
9 years I have gained more respect from
10 Representative Lyston Ramsey was there, Bruce
11 Riggs was there and Congressman Taylor was
12 there as a very young state representative.
13 He had just gotten out of law school, 25
14 years old.

15 But the thrust of it was to talk to
16 them about redistricting. I told them all
17 the ins and outs and all these different
18 things about it, and there was a woman there
19 from Winston-Salem, she was a state senator.
20 And after I explained that the opposition
21 party would put the others -- the one that
22 opposed him in the little district over by
23 itself, and hoped they put them all in
24 together so they'd just elect one, but

1 surrounding that they might elect four or
2 five, this lady, whose husband is a doctor at
3 Bowman-Gray -- she hadn't been in North
4 Carolina too long -- she said, "Oh, those
5 evil devils." She said, "They should never
6 do that, should be fair."

7 So the thrust of my talk today, brief
8 talk, is about fairness in legislative
9 redistricting.

10 Now, I worked with Legislative
11 redistricting in 1961, 1971, 1981. In 1991 I
12 testified in the courthouse and I have
13 information about that in my information I
14 will give you.

15 And I remember Mr. Ramsey was also at
16 that one. Well, at that time I testified
17 before the Senate and House and in the
18 House, after I got through, Mr. Ramsey came
19 up to me. He was well then. He's not too
20 well now. I hope he gets better. But,
21 anyway, he said, "Joe, I liked your
22 historical background and your synopsis of
23 what's going on." And said, "I agree with
24 you."

1 I said, "Let's separate big Buncombe
2 from little Transylvania because as long as
3 Big Buncombe is having it's way, little
4 Transylvania never will elect anybody."

5 But they separated, sure enough. I
6 thought Lyston might be just pulling my leg,
7 but he actually helped them carry it through.
8 So now we have Ms. Orleandos representative
9 from Transylvania County.

10 So don't ever say that one vote doesn't
11 matter. When I was a presidential
12 electorate, my one little vote was the only
13 extra vote that President Bush got. no
14 wonder they called me several days before to
15 be sure that I got to Raleigh.

16 Now, I have a written statement here,
17 and then I have information going back about
18 20 years.

19 The state Legislature will soon begin
20 redistricting legislative and congressional
21 districts according to the 2000 Census,
22 (inaudible) census data. Fairness and equity
23 in redistricting are desirable objectives.

24 Districts should be as geographically

1 compact as possible and devoid of merely
2 party and racial consideration.

3 Single-member legislative districts, state
4 legislative districts are a natural extension
5 of the quote, one man, one vote concept.

6 You know that case came up from west
7 Tennessee about 25 years ago, and then there
8 was one that came up from Georgia and the
9 state senators started with Senator James B.
10 Westberry. I never will forget it.

11 Now, single-member districts serve the
12 public better in terms of accountability,
13 closeness to the voters, which has already
14 been alluded to, and better constituent
15 service.

16 In large multi-member legislative
17 districts, such as the 52nd House district,
18 which includes Madison and Haywood, Jackson,
19 Swain and Graham, communication, travel and
20 campaigning by the candidates become
21 burdensome, expensive and discourages
22 opposition by less affluent office seekers.

23 I have known this years. This district
24 should, therefore, be divided into two

1 districts for the best interests of both
2 voters and candidates. So I did a little
3 research today and that district, according
4 to the new (inaudible) census has a toll of
5 -- let's see now, it has a total here --
6 I've got it -- 127,750. That means it would
7 need about six more thousand.

8 I have two suggestions. The Roger West
9 district has gained a little and I don't know
10 whether it would be in the Cashiers
11 precinct, however, the rest of it would be
12 62,000, those three counties -- Clay, Macon
13 and Cherokee -- would be 62,884. So, you
14 see, you can shave off a little there and
15 get two or three more thousand from that
16 Cashiers area. So we might just add those
17 two that other far end district, you see.

18 Now, Buncombe, ideally, has 201,000.
19 That would be good for three, but one or two
20 precincts in the south should stay with those.

21 Now, the Senate and House Redistricting
22 Committees must avoid the temptation -- and
23 this is very true, it was very true in the
24 1960s. Now, you may say, "Why was I

1 testifying in 1967? It should have been
2 done in 1961."

3 They, at that time, they had courts --
4 they sort of challenged the courts and the
5 courts ruling out the U.S. District Court and
6 then they had 40 counties in eastern North
7 Carolina where they had to go over the
8 Voting Rights Act. If not, the Justice
9 Department would look over their shoulder and
10 search on them. So, you see, they were
11 fiddling around all the way from 1961 to 1967
12 and they hadn't yet settled it.

13 **SEN. METCALF:** Dr. Morgan, don't let me
14 -- I really hate to interrupt. The time was
15 up a couple of minutes ago. But, please, I
16 want to be as lenient as I can, just to be
17 sensitive to it.

18 **DR. MORGAN:** Okay. The Senate and the
19 House Redistricting Committees must avoid the
20 temptation of protecting incumbents only as
21 this is rather provincial and self-interest,
22 an approach that is hardly fair play.

23 The public interest rather than
24 partnership is paramount in redistricting.

1 Thanks a whole lot.

2 SEN. METCALF: Thank you, Dr. Morgan.
3 Our next three speakers will be Candler
4 Willis, Ben Holloway and Allen Tarleton. Mr.
5 Willis. That's a name I'm familiar with.

6 MR. WILLIS: I am Candler Willis, Green
7 River precinct, Henderson County, North
8 Carolina.

9 Following the request of our hearing
10 chairman and also supremely confident that
11 any narrow parochial interest will be
12 adequately represented, I will confine myself
13 to input from the people of western North
14 Carolina as they have summarized.

15 I am known to be active in politics and
16 people frequently inquire about things that
17 are going on. They ask what is this
18 redistricting? I tell them it has to be done
19 every ten years to account for population
20 shifts. And they say, well, why is it such
21 a big deal?

22 And I say it's real simple. People in
23 politics have discovered that they can gain
24 an unnatural advantage over their opponents

1 by creating the shaping districts and coming
2 up with districts which may look like lacy
3 curtains, snowflakes, classicly salamanders,
4 spiders or even horrid red things. And when
5 I explain it, they say, well, that ain't
6 right. And they are entirely correct. It
7 is not right.

8 And then say, well, seems like anybody,
9 fair-minded person with a calculator, a map
10 and two or three days could sit down and
11 come up with decent, fair districts. And I
12 say, yes, they could.

13 And further, I also coach Boy Scouts
14 from time to time in their citizenship merit
15 badges. And there again I have to explain
16 the process of gerrymandering. And they tell
17 me that's not right and say, why would
18 people do that? And I answer, well, we are
19 all God made us and many of us makes worse,
20 and that's the way people sometimes do.

21 Well, what I would like to suggest is a
22 remedy to this. And first is what I have
23 been hearing all day. Geographically
24 compact, single-member districts.

1 Secondly, insofar as practicable, I
2 would like to see county lines respected and
3 not divide counties unless it's required,
4 like when you have a county like (inaudible)
5 and Caswell in one district and (inaudible)
6 contained therein.

7 If there is a conflict including the
8 concept of compact, single-member districts
9 and respecting county lines, then I would
10 want it resolved in terms of compact
11 single-member districts.

12 So having said that, we'd appreciate
13 your help and if you all can give us
14 something I don't apologize to my Boy Scouts
15 for, I'd greatly appreciate it. Thank you.

16 **SEN. METCALF:** Thank you, Mr. Willis.
17 The next three speakers will be Ben Holloway,
18 Allan Tarleton and Barbara Field. Mr.
19 Holloway.

20 **MR. HOLLOWAY:** Good morning. My name
21 is Ben Holloway and I am here on behalf of
22 Kevin Rollins, Chairman of the Buncombe
23 County Libertarian Party.

24 Districts should be based on geographic

1 concerns only. Our North Carolina
2 Constitution mandates that counties not be
3 split when drawing districts. Republicans
4 and democrats have proved that they are
5 simply two branches of the same party when
6 they collude to protect each other's
7 incumbents.

8 Party affiliation and incumbent
9 protection is driving forces of any new
10 redistricting plan is far more obscene than
11 using race as a predominant factor.

12 The ruling party approach to
13 redistricting has cost fully one-third of all
14 General Assembly seats to go unopposed in
15 November elections in the last decade. How
16 can we say we have free elections when there
17 is only one government approved candidate on
18 our ballot?

19 Competitive elections will bring people
20 back to the voting booths. Incumbency
21 protection is the number one cause of rising
22 voter disinterest, the feeling that our vote
23 won't make a difference.

24 And finally, do you really want players

1 from both teams to be the referees of this
2 game? Thank you.

3 SEN. METCALF: Thank you, Mr. Holloway.
4 Let me -- a person has come in representing
5 Congressman Taylor's office. Martha
6 Peterson. Martha, are you here?

7 REP. SHERRILL: She's in the other room.

8 SEN. METCALF: Okay. Glad to have you
9 here in the overflow room. Representative
10 Nesbitt has just come in. The next three
11 speakers will be Allan Tarleton, Barbara
12 Field, Edna Compost. Mr. Tarleton.

13 MR. TARLETON: Thank you, Senator
14 Metcalf. I am Allen Tarleton and I am --
15 let me apologize for showing up in a T-shirt
16 and shorts this morning -- or afternoon.
17 It's only serendipity that got me here. I
18 was mowing the grass and it started raining,
19 so I came downtown to my office and checked
20 my email and saw Senator Carter's message
21 that said there was going to be a meeting
22 here. That was about 3:10. So I called the
23 university and said where is this meeting
24 going to be. She said it was going to be in

1 some hall that I didn't know the name of, so
2 I finally found my way here.

3 It's not out of any disrespect, but
4 it's out of really interest on this issue
5 that I felt like I could show up looking
6 like I had been mowing the grass.

7 I live in Biltmore Forest, which is one
8 of those one or two precincts in the south
9 part of Buncombe County that's part of
10 Transylvania County. I love Transylvania
11 County a lot, but I'd rather be a part of
12 Buncombe County when it comes to electing my
13 House member.

14 I am a former chair and fairly active
15 member of my precinct. And every time we
16 have a meeting, we always adopt a resolution
17 that says, well, let's see if we can get our
18 legislators to make us a part of Buncombe
19 County. That's really all I have to say here.

20 I think at one point we were part of
21 the county and I guess at the last
22 redistricting we became a part of
23 Transylvania as well as a part of Henderson.

24 And we just love Buncombe County and

1 want to return there. That's it. Thank you.

2 SEN. METCALF: Thank you, Mr. Tarleton.

3 We have two speakers unless the staff has

4 others that have signed up. And if you

5 would like to sign up, please let us know.

6 Barbara Field is our next speaker. Barbara.

7 MS. FIELD: I wasn't sure I was going

8 to speak because when you are out there and

9 you've never been to one of these before,

10 you don't know what you are walking into.

11 I do have a couple of things to say. I

12 guess to reiterate what the previous speaker

13 just said, I would like to see us put

14 Buncombe County back together. I believe

15 Buncombe County has enough population and

16 registered voters to be divided into three

17 districts.

18 But the main reason I was here to speak

19 was to ask you not to divide the City of

20 Asheville into three districts. The City of

21 Asheville has about 68, 69,000 people in it,

22 and we had some very, very different issues

23 and some very different problems than the

24 rest of the county. We are very urban. The

1 rest of the county is quite rural. And if
2 it is at all possible, I would like to see
3 it, if we are going to split it, to split it
4 into two and not to three districts.

5 Right now, having been on City Council
6 for ten years, I can tell you that serving
7 the whole City of Asheville rather than being
8 divided into districts has served us well in
9 terms of having everyone be careful to
10 represent every part of the City of Asheville
11 well. I think that's very important.

12 The other thing I would like to just
13 mention as I have -- having run for the
14 North Carolina House twice, I will tell you
15 that single-member districts are going to be
16 cheaper to run in. I think that it will be
17 a whole lot easier to reach the members of
18 the community that you are going to have to
19 communicate with, and I think it makes a lot
20 more sense to have to deal with 45 to 55,000
21 voters rather than having to deal with
22 125,000 voters.

23 So I'd like to just mention that. I am
24 probably shooting myself in the foot here

1 because I know if we divide Asheville into
2 three districts and if I run, it might be
3 easier for me to win. But I just would like
4 to make a plea to keep the City of Asheville
5 a little bit together.

6 **SEN. METCALF:** Thank you, council woman
7 Field. I may have spoke too early. My
8 colleagues reminded me that we do have our
9 satellite sites. Let's do one more speaker
10 here and then we will return to our satellite
11 sites to see if folks have come in and want
12 to speak.

13 Our next speaker here is Edna Compost.

14 **MS. COMPOST:** [COURT REPORTER'S NOTE:
15 SPEAKER GIVES HER PRESENTATION IN SPANISH AND
16 THEN SELF-TRANSLATES INTO ENGLISH]

17 I will do my own translating.

18 **SEN. METCALF:** Please.

19 **MS. COMPOST:** I hope that won't count
20 against my five minutes, either. But good
21 afternoon. My name is Edna Compost and I am
22 the co-chair of the Hispanic Democrats of
23 North Carolina. And thank you for this
24 opportunity to present my opinion.

1 [PRESENTS IN SPANISH]

2 I have come to you today not because I
3 represent all the Latinos in North Carolina,
4 but because I am one of those that live here.

5 [PRESENTS IN SPANISH]

6 I am coming to you today to ask you to
7 consider that with my experience of having
8 helped in redistricting in 1981 and 1991, I
9 ask you to recognize that before this year
10 there were very few groups in North Carolina
11 helping Latinos participate in the democratic
12 process.

13 [PRESENTS IN SPANISH]

14 I am asking you to please consider one
15 person, one vote as you do your redistricting
16 and consider all the Latinos that live in
17 North Carolina. Faith Action in Greensboro
18 says that there were close to 419 million --
19 I'm sorry, 419,000.

20 [PRESENTS IN SPANISH]

21 I would also like for you to consider
22 creating a district here in North Carolina
23 where Latinos can increase our participation.

24 [PRESENTS IN SPANISH]

1 There are currently four districts in
2 North Carolina where the Latino population is
3 more than ten percent.

4 [PRESENTS IN SPANISH]

5 I would like to thank you for your
6 attention this afternoon and to let you know
7 that when you need us, Latinos are ready to
8 participate. And I would also like to ask
9 you to -- or actually wish you a happy Sinco
10 d'Mayo.

11 [PRESENTS IN SPANISH]

12 **MS. COMPOST:** Thank you.

13 **SEN. METCALF:** Thank you, Ms. Compost.
14 Let me, if I may --

15 **REP. SHERRILL:** Chairman Metcalf, I'd
16 like to ask the lady where the districts are
17 that -- the four districts in North Carolina.

18 **MS. COMPOST:** According to the Bureau
19 of the Census, the four counties that
20 currently have more than ten percent Latinos
21 are Duplin County at 15.14 percent; Jones
22 County -- let's see if I am on the right
23 line. Sorry. Lee County with 11.65
24 percent; Montgomery County with 10.43

1 percent; and Sampson County with 10.77
2 percent.

3 SEN. METCALF: If we could, let's
4 return back to our satellite sites and first
5 go to Boone and see if there's anyone there,
6 have we received any other faxes from -- no
7 one there.

8 Senator Robinson, are you in Cullowhee?
9 Have you had anyone to come in? Senator
10 Robinson?

11 SEN. ROBINSON: [NO RESPONSE]

12 SEN. METCALF: Senator Robinson, can
13 you hear me? This is Steve in Asheville. In
14 an oven in Asheville. Okay, thank you.
15 Thank you so much. That concludes our
16 speakers.

17 Everyone that has signed up, I would
18 just say thank you so very, very much for
19 being here. Yeah, we are going to go back
20 to Representative Justus in a moment, but
21 thank you so much. I know we have all
22 learned a lot. I think those of us who
23 represent Bumcombe County have learned --
24 if we have not learned anything about

1 redistricting, which we have a great deal, we
2 have learned that we need a bigger
3 teleconferencing center in Buncombe County.
4 We will try to work on that. This is the
5 largest size we could find in the county.
6 But thank you so very, very much for being
7 here. And it's been -- thanks to our staff
8 and our sergeant at arms and to everyone.
9 Representative Justus.

10 **REP. JUSTUS:** Thank you, Senator
11 Metcalf. I just wanted to thank those who
12 came today for your participation and I
13 regret that there's not more young people
14 here. Perhaps that will improve in the
15 future.

16 We feel like when we get to Raleigh
17 with the final meetings that the crowds will
18 be very large, at least they were in 1991
19 and I am sure they will be this time.

20 A few thanks to some very important
21 people who helped us here today. Our staff,
22 for example, who came up from Raleigh
23 composed of Karen Cochran-Brown from our
24 legislative staff. She is outside, I'm sure.

1 And Esther Manheimer, who is a native of
2 Asheville and we are quite proud to have her
3 in Raleigh. Our sergeant of arms who are
4 Dusty Rhodes over here and Ernie Sherrill,
5 and our very fine court reporter, Amy
6 Poythress, who has continued to do this for
7 us.

8 I might explain that we have to keep
9 very explicit, accurate records, even the
10 coughs, sneezes, commas and so forth because
11 the Justice Department is very interested in
12 what this committee does. So that is why she
13 is here.

14 My wife, Carolyn Justus, who is serving
15 as our legislative assistant today. And
16 thanks to Virginia Foxx and Senator Robinson
17 in the satellite areas. And I hope that I
18 haven't missed anybody.

19 One other crew that we need to talk
20 about a little is the technical crew. And,
21 believe it or not, the young man who heads
22 it is John (inaudible). Is that the one
23 that owns the --

24 REP. SHERRILL: No.

1 REP. JUSTUS: Didn't think it was.

2 REP. SHERRILL: If it was, we'd had
3 free pizzas.

4 REP. JUSTUS: That's right. And I met
5 Misty and the other young lady, but I don't
6 have the list here, but I want to thank them
7 very much, and also to UNC-A, Tom Byers, Pam
8 Livingston and I think we recognized our
9 former Secretary of the Department of
10 Environmental Health and Natural Resources,
11 and Wayne McDevitt who was here earlier.

12 Is there anybody that we have missed
13 that should have been recognized?

14 REP. SHERRILL: Sure. Senator
15 Carpenter's wife.

16 REP. JUSTUS: The other legislative
17 assistant, Helen, Senator Carpenter's wife.

18 Do any of the members who are here
19 today, would you like to say a word or two?

20 REP. SHERRILL: Gosh, don't ask the
21 legislators if they want to speak. We will
22 be here all day.

23 REP. JUSTUS: If not -- anything else,
24 Carolyn? A very important booklet. As you

8 Again, I want to thank you for all of
9 you coming, your very astute and kind
10 remarks. And with that, unless you have
11 something else, Senator Metcalf,
12 Representative Sherrill, I suppose we stand
13 adjourned.

14 [PUBLIC HEARING ADJOURNED AT 4:40 P.M.]

STATE OF NORTH CAROLINA

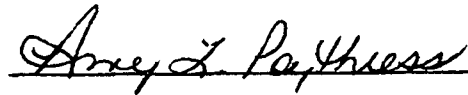
COUNTY OF WAKE

C E R T I F I C A T E

I, Amy L. Poythress, notary public/court reporter, do hereby certify that the above-named meeting was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the statements of the presenters.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of June, 2001.



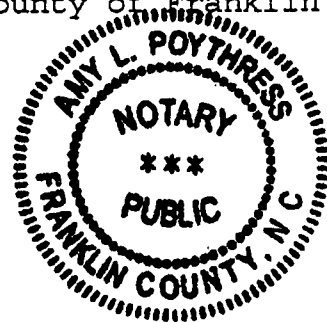
Notary Public

State of North Carolina

County of Franklin

My commission expires:

January 2, 2006



SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	✓ B, 11 Mrs Donald	Mayor, City of Hickory
2.	✓ Joshua Wilkey	Haywood County GOP
3.	✓ Paul Feglen	Hickory
4.	✓ Steven Ashworth	County Comm. Northward
5.	✓ Dr. Joe S. Morgan	Provisional Elector Citizen, Lucas. Madison County KY
6.	✓ CANDLER WILKIS	CITIZEN
7.	✓ BEN Holcloway	Libertarian Party
8.	✓ Allan Tarleton	citizen
9.		

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
10.	☒ Barbara Field	Ashville City Council
11.	☒ Edna Campbell	Hispanic Democrats of NC.
12.		
13.		
14.		
15.		
16.		
17.		
18.		

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SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
19.	Christian Greve	AGU
20.	KEN MOORE	N.C. SCHAFER
21.		
22.		
23.		
24.		
25.		
26.		
27.		

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING
2001-2002 SESSION**

The Joint House and Senate Committees on **CONGRESSIONAL AND LEGISLATIVE REDISTRICTING** will hold a **Public Hearing**

Day & Date: May 3, May 4, May 5, 2001
May 10, May 11, May 12, 2001

Time: See Attached Schedule

Location: See Attached Schedule

The views of interested parties will be heard concerning

LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

Representative Ed McMahan
Representative Thomas Wright
Representative Larry Justus
Representative Ron Sutton
Co-Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at
3:00 p.m. on April 25, 2001.

- ☐ Principal Clerk
- ☐ Reading Clerk - House Chamber
- ☐ Press Room

Sharon Cram and Vanda Wilson-Wormack (Committee Assistants)
Carolyn Justus and Juanita Coley (Committee Assistants)

Sites for Redistricting Public Hearings

April 25, 2001

Rooms are being scheduled from 1.5 hours before meeting time to 1 hour after meeting time for leeway (*except for Asheville area which must end at 7 pm due to room constraint*). Meeting time is estimated at 3 hours.

<u>Site</u>	<u>Date</u>	<u>Time</u>	<u>Place</u>	<u>Capacity</u>
Durham	May 3 Thurs.	7:00 pm	NC School of Science & Math (Durham) (main)	100
			Vance-Granville Community College (Henderson)	30
			Edgecombe Community College (Tarboro)	21
Greensboro	May 4 Friday	7:00 pm	UNC-Greensboro (Greensboro) (main)	35, overflow to 100 in adjacent rm.
			Winston-Salem State (Winston-Salem)	23
			Guilford Tech (High Point)	30
Charlotte	May 5 Sat.	9:30 am	Central Piedmont Comm. College (Charlotte) (main)	70 (in 2 adjacent rooms)
			A.L. Brown High School (Kannapolis)	50
			Catawba Valley Comm. College (Hickory)	30, overflow to adjacent rm. up to 100
Asheville	May 5 Sat.	3:30 pm	UNC-Asheville (Asheville) (main)	24, overflow to large hall
			Appalachian State University (Boone)	30
			Western Carolina University (Cullowhee)	35

Fayetteville/ Lumberton	May 10 Thurs.	7:00 pm	Cumberland County Health Department (Fayetteville) (main)	49
			Coastal Carolina Community College (Jacksonville)	25
			UNC-Pembroke (Pembroke)	30
Wilmington	May 11 Friday	7:00 pm	Cape Fear College (Wilmington) (main)	200
			Topsail High School (Hampstead)	20-25
			Pender High School Cyber Campus (Burgaw)	20-25
			Brunswick Comm. College (Supply)	20-25
Greenville	May 12 Sat.	9:30 am	Pitt Community College (Greenville) (main)	150
			Eastern NC School for the Deaf (Wilson)	15-25
			Beaufort Comm. College (Washington)	30
Edenton	May 12 Sat.	4:00 p.m.	Holmes High School (Edenton) (main)	30
			College of the Albemarle (Elizabeth City)	20-30
			College of the Albemarle (Manteo)	60
			Halifax Comm. College (Weldon)	32

Kristen Crosson, Research Division (919) 733-2578

STATE OF NORTH CAROLINA
PUBLIC HEARINGS ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATOR:

Rep. Ronnie Sutton, Senior Co-chair
House Legislative Redistricting
Committee

COPY

TRANSCRIPT
OF
PUBLIC HEARING

At Fayetteville, North Carolina
May 10, 2001 - 7:00 p.m.

Reported by:
Brenda J. Thissen

Teleconference Sites:
Coastal Carolina Community College, Jacksonville, NC
University of North Carolina-Pembroke, Pembroke, NC

**Capital
Reporting**

General Court Reporting

Post Office Box 19418
Raleigh, NC 27619
(919) 787-7775

1 I, Brenda J. Thissen, being a Verbatim
2 Reporter and a Notary Public in and for the state
3 of North Carolina, was appointed commissioner by
4 consent to take the Public Hearing on
5 Redistricting Based on the 2000 Census, held on
6 the 10th day of May, 2001, beginning at 7:00
7 p.m., at the Cumberland County Health Department,
8 located in Fayetteville, North Carolina.

9 -----
10 MR. WRIGHT: Okay, let me have
11 everybody's attention, and we'll get
12 everything going. We'd like to welcome you
13 here to the Cumberland County Health
14 Department here in Fayetteville. My name is
15 Gene Wright. I'm the training and
16 information director.

17 And we just wanted to give you a couple
18 of pointers. The system is voice-activated,
19 so that means you're going to have to allow
20 about two or three seconds when you ask the
21 question to hear a response back. If you go
22 very quickly, you will jump on top of
23 somebody else, so just remember that it is
24 voice-activated, and I think we'll be in

1 pretty good shape.

2 We want to start right at 7:00, and
3 it's 7:00 now, so if you do have a question,
4 you'll be notified at the appropriate time by
5 calling on the particular site. We'll call
6 on the Coastal Carolina Community College
7 site, and then we will call on the University
8 of North Carolina-Pembroke site.

9 So let me go ahead and turn it over to
10 our representative and legislative chair, Ron
11 Sutton.

12 **REP. SUTTON:** Thank you very much. I'd
13 like to welcome everyone to the Cumberland
14 County Health Department building and, more
15 appropriately, the E. Newton Smith Public
16 Health Center. This is one of eight public
17 hearings that's being conducted around the
18 state of North Carolina, and to conclude this
19 weekend.

20 And as he previously told you, we're
21 doing a simultaneous broadcast between here
22 and the University of North Carolina in
23 Pembroke, and Coastal Carolina Community
24 College in Jacksonville. So folks at the

1 Pembroke site and Jacksonville site will also
2 have an opportunity to address the group and
3 make their remarks known.

4 We have several officials with us. I'm
5 Representative Ron Sutton, and I am the
6 senior co-chair of the North Carolina House
7 Legislative District Redistricting Committee.
8 We have two co-chairs. I'm the one, and I
9 chose to work the eastern part, and my
10 cohort worked the western part of the state
11 last weekend, so he's probably getting a
12 good rest about this time.

13 We have several other members that are
14 associated with us, some of them on the
15 committees themselves, others in regional
16 chair positions, and some others just members
17 of the General Assembly, that are here and
18 also interested in redistricting. And before
19 I get into the overall announcements, I will
20 recognize some of those folks. And if
21 you're here, just let the members know that
22 you're here.

23 First is Senator Brad Miller. Senator
24 Brad Miller. He has some -- I won't go into

1 detail, but he has some ties to Cumberland
2 County, I understand. And they're here
3 tonight, and he also represents a lot of
4 Wake County.

5 Representative Martha Alexander from
6 Mecklenburg County. She and I went to the
7 legislature together back in 1993, at the
8 same time.

9 Representative Wayne Goodwin from
10 Richmond County. Representative Ed McMahan
11 from Mecklenburg County, and Representative
12 Tom Wright from New Hanover County.

13 Also, Representative Marvin Lucas,
14 locally here from Cumberland County, and all
15 of you should know him. Representative Bill
16 Hurley from Cumberland County.

17 And at this time, those are the members
18 of the General Assembly that are present
19 with us.

20 I'm going to make some few remarks, and
21 then we will hear what you folks have to say,
22 to kind of set the stage for why we're here.

23 Every ten years, as a result of the
24 census, the General Assembly has to draw the

1 lines for the legislature, House and Senate,
2 and the Congressional lines for all of the
3 Congressmen in Washington. Obviously, we
4 don't have to draw the senatorial lines in
5 Washington, because they represent the entire
6 state.

7 But that's why we're here, is because
8 of that task that the General Assembly has
9 to draw those lines. Now it's not a matter
10 of whether we want to draw them or whether
11 we take pleasure in drawing them, or whether
12 we don't want to draw them. It's not an
13 option. We have to do it every ten years
14 following the census.

15 Now as I said earlier, we have eight
16 public hearings around the state, and this is
17 one of the main sites. And our purpose is
18 to get your input. We're not here to tell
19 you a bunch of things; we're here to find
20 out what your concerns are, because it is --
21 as a result of the redrawing of the lines,
22 will depend on who represents you in
23 Congress, who will represent you in the North
24 Carolina Senate, and who will represent you

1 in the North Carolina House.

2 Now we're, as I say, here to listen to
3 you primarily tonight, not to give you our
4 perspective, but to listen. We're not going
5 to be giving you speeches. We're going to
6 want to hear from you what you have to say
7 about redistricting, whether you're in favor
8 of it, you like it, your perspective on what
9 should happen to your county or to your
10 precinct or to your state, as the case is
11 here.

12 We're interested in finding that out,
13 what criteria you think we ought to use.
14 We're not here to tell you what criteria we
15 plan to use, because we haven't formulated
16 all of that yet. We're here to hear what
17 you have to say.

18 And as a result of that, we certainly
19 don't want to get into answering questions
20 about what we're going to do, because it
21 would be very premature to do that. We have
22 not formulated for ourselves on the various
23 committees exactly how we're going to do
24 things. So anything that I might say to you.

1 or any other member might say to you would
2 be purely speculative. And if we give you a
3 response and then something different
4 happens, you come back and say, "Aw, just
5 like a politician, you lied to me." So we
6 don't want to do that. We don't want to
7 tell you what we're going to do, because we
8 have not decided yet exactly how we're going
9 to do things.

10 And I will say that I recognize a good
11 friend of mind, Representative Mary
12 McAllister from Cumberland County here, who
13 recently joined us. Thank you, Mary. Glad
14 to see you here.

15 Now, some of the -- as a little
16 background on this, the state has had
17 significant growth. You know that, because
18 I don't think I'm going to tell you something
19 you don't know. We picked up another
20 Congressional seat, so we have 13
21 Congressional members as of the first of
22 January of next year. So that means we've
23 had a significant increase in growth.

24 Some counties grew significantly. Other

9

1 counties had minimal growth. In fact, one
2 county had a negative growth. They lost
3 population. So it's our job to sort all of
4 this out and keeping the principle of one
5 man, one vote, so that every person's vote
6 counts wherever they live in the state of
7 North Carolina.

8 And our purpose in doing this, as I
9 said, is because they require us to do it by
10 law. We have to do the redistricting, and
11 it has to pass the General Assembly, just
12 like any other bill. It's voted on in both
13 chambers. All three maps will be voted on in
14 all two chambers, just like any other bill.
15 The only difference is, the Governor does not
16 have the veto power over redistricting that
17 he has over most other bills.

18 Now we're going to put these plans
19 together and start seriously working on them
20 after the public hearings. I can't tell you
21 when they're going to be finished, but I can
22 tell you that, once they're finished, they
23 have to be submitted to the US Justice
24 Department for pre-election clearance. That

1 is a requirement, because we have 40 counties
2 in this state that is still under the Voting
3 Rights Act. And when you do that, any plan
4 associated with them has to be submitted to
5 Washington for pre-clearance. That can take
6 a long time or a short time. We have no
7 control over that.

8 But the one thing that we have to keep
9 in mind is, we need to have these approved
10 by Washington in order for the folks to
11 start filing for office in early January. So
12 we're going to have -- we're going to have
13 to do that.

14 We will -- at the end of the program,
15 we will give you a Web site that will tell
16 you exactly how you can go on the Internet
17 and get more information. We will also have
18 some booklets available for you outside that
19 will give you just about as much information
20 as we have about redistricting.

21 And without any other delays, I'm just
22 going to give you a few ground rules. If
23 you have signed up to speak tonight, when I
24 get the list brought to me about who's going

1 to speak, I will call on you in the order
2 that you signed up. The early bird gets the
3 worm. You will come -- please come forward
4 here, make your presentation, limit your
5 comments to five minutes.

6 Please limit them to five minutes. I
7 don't want to be seen having to force
8 someone to stop, give the impression that I
9 am against what that person has to say. I'm
10 not, but we will have to stop you after five
11 minutes.

12 Remember, we have hook-up with two
13 other sites. Those folks will be able to
14 speak as well. We at some time will switch
15 to them. They will have an opportunity for a
16 portion of their group to speak. Then we'll
17 switch to the other site. They will have an
18 opportunity to speak. Then we will come back
19 here and finish our group up, and then go
20 around the cycle once again.

21 When you come forward to speak, we are
22 having notes taken of this verbatim. The
23 court reporter is taking down everything you
24 say. Please say your words clearly and spell

1 your name. If your name is anything other
2 than Jones and Smith, please spell it, so she
3 will have an exact record of what you are
4 saying.

5 Now we have speakers in Jacksonville
6 that we will be going to in a short period
7 of time, but first, we're going to have
8 several of the people here speak, to get the
9 show rolling along a little bit.

10 And remember, we're interested in
11 finding out what you have to say. The ball
12 game is yours. You can say anything you
13 want. We just want to know what your input
14 is. And if there's any questions on the
15 procedures?

16 One final thing. The gentleman to my
17 left here with the cards, at the four-minute
18 mark, he will hold up a yellow card. Please
19 don't ignore him and pretend you don't see
20 it. He will hold up the card. That means
21 you've got one minute. Then he will hold up
22 the red card. You have ten seconds.

23 At the end of the ten seconds, I will
24 be forced to step in and stop you, and it

1 makes me look bad because, unfortunately, I
2 may be concurring with what you're saying,
3 but I still have to step in and stop you.
4 So don't force me to do that. Go ahead and
5 follow the gentleman with the signs. He'll
6 wave it at you, if necessary. You'll know.
7 And then at that point, stop.

8 Any other questions?

9 If not, our first speaker this evening
10 -- and remember, you will come here and
11 speak, and if you want to address the
12 television camera -- it's the one in the
13 back. You'll be looking at that camera.
14 You don't have to turn around for any other
15 camera. You will be covered with the camera.
16 You'll get your five minutes in the
17 spotlight. If you stay in this position, you
18 will be covered with a microphone and a
19 camera.

20 So the first speaker -- the first
21 presenter tonight is Clinton Harris. And
22 please, tell us also if you're representing a
23 group or political organization or anything
24 like that. Just tell us. We don't care,

1 but we just would like to know who you are.
2 If you're just an average citizen, we want
3 to know that as well. And just spell your
4 last name for us, please.

5 **MR. HARRIS:** My name is Clinton Harris.
6 Clinton as is the President of the United
7 States formerly, and Harris, H-a-r-r-i-s. I
8 am a member and coordinator of the
9 Fayetteville/Cumberland County Citizens'
10 Association. I have a prepared statement
11 that I will present to you, but I would like
12 to do an overview that is more important.

13 Ten years ago, we looked at
14 redistricting, and we saw very clearly, on
15 both sides of the aisle, that two districts
16 could be drawn. For some reason, anger took
17 place in Raleigh, and only one was drawn.
18 Thus, we ended up with lawsuit after
19 lawsuit, and something that could have been
20 done right the first time. We had to end up
21 doing it right the third time, and I thought
22 that was very unfortunate.

23 In my county here of Cumberland, we had
24 the same situation. We had the 24th and the

1 71st, I think it is, House seat. The census
2 number would have been closer if Cross Creek
3 9 were switched with Eastover. And all the
4 other data that you were looking for would
5 have been closer. But in Raleigh, this was
6 not done.

7 We're going to have, basically, the
8 same problem this time, because the two
9 senators don't have enough representatives in
10 this county. As a matter of fact, they are
11 19,009 short, so they would have to obtain
12 or someone from outside, would have to
13 obtain part of Cumberland County just to
14 have two Senate seats, and I am hoping that
15 the economic situation will be looked at this
16 time in these two seats, instead of not
17 looking at it the last time, where we had a
18 poor Senate seat and a wealthy Senate seat.

19 We have the same problem with the
20 House. Our population in Cumberland County
21 is 302,967. We are short 32,425. We're
22 going to have to find those people in
23 another county, or another county is going to
24 have to take up one of our seats, or

1 something like that. I hope the economic
2 conditions play an important part in how you
3 select a district.

4 Black and Native Americans are not the
5 only people that have been red-lined in
6 America. America, for its own reason,
7 decides to red-line people, deny opportunity.
8 And I am just asking that the General
9 Assembly permit these opportunities to take
10 place, permit inclusion of all our citizens,
11 economically especially, because if we don't
12 change the economic condition in North
13 Carolina, and especially in this area, you're
14 going to have night fights and day killings.
15 And I'm saying it as a truthful thing,
16 because what we're looking at is a situation
17 where wealth has said, "You can't do
18 nothing. You ain't about nothing."

19 We got the biggest argument in
20 Cumberland County going you ever want to see
21 about the budget. When it's all over,
22 somebody going to pay. And I'm saying to
23 you, let's get together and make North
24 Carolina a better place to live for all of us.

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Thank you.

REP. SUTTON: Thank you very much.

Before I call the next speaker, if you have prepared remarks or documents -- maps, charts or just any prepared remarks you would like to leave with us, please make sure that we get those. My legislative assistant, Juanita, in the back, standing there with her hand up, will be happy to take those and see that they get into the record. And everything we collect has to go to Washington as part of a submission to the Justice Department.

I also noticed that my good friend, Alex Warner, Representative Alex Warner, has joined us in the back of the room. He's from here in Cumberland County as well.

Our next presenter is Representative Wayne Goodwin.

REP. GOODWIN: Thank you, Mr. Chairman, ladies and gentlemen.

Today I rise to talk about two different proposed maps. One is Congressional, and one deals with the state House of

1 Representatives. Today I rise first to
2 propose a Congressional redistricting map for
3 North Carolina, based upon 13 districts,
4 certainly including the probable scenario
5 that we'll continue with the 13 districts in
6 winning the cases involving Utah.

7 The proposed map that I have today, and
8 I'll submit these remarks to Representative
9 Sutton's assistant, focus on a number of
10 factors. Compactness. Compactness is a
11 factor important to any district that we draw
12 for Congressional districts. The map that is
13 proposed splits as few counties as possible,
14 but also maintains much of the existing
15 districts that have passed constitutional
16 muster, most particularly, the 1st and 12th.

17 Also of consideration are communities,
18 especially in the 8th district, which
19 includes part of Cumberland County and many
20 counties that are involved with this region.
21 Presently, the 8th district stretches all the
22 way from the suburbs of the Charlotte metro
23 area of Cabarrus and Union Counties, all the
24 way to the rural Robeson County. Given that

1 the 8th is overpopulated for purposes of
2 redistricting, I believe that this year gives
3 legislatures a greater opportunity to focus
4 more intently on communities of interest in
5 the 8th, focusing on socioeconomic, economic
6 development needs, geography, political party
7 registration, contiguous and interrelated
8 economics and history.

9 Another factor of these maps touch upon
10 our political affiliation, which is an
11 obvious factor in redistricting, given that
12 the process itself is the most political
13 process we probably go through. The
14 proposed map preserves the partisan balance
15 of the existing Congressional districts and
16 creates an open district in the Sandhills
17 region of North Carolina.

18 Another factor this map focuses upon is
19 balance of the delegation. North Carolina
20 has not been a one-party state for years.
21 Presently, there is a seven-five split,
22 Republican to Democrat, in the Tarheel
23 delegation. With the addition of the 13th
24 district, a seven-six split in either

1 direction better mirrors the state and not
2 an eight-five split or anything different
3 than that. Several of the districts in the
4 proposed map are competitive because of
5 rising numbers of unaffiliated voters.

6 A final factor is that of no harm to
7 incumbents. That's a factor that voters,
8 legislators and courts appreciate. This map
9 assumes that each incumbent member of
10 Congress chooses to run again and crafts a
11 district for each substantially similar to
12 what each one has presently, with one
13 exception, and that goes back to the 8th
14 district.

15 What it does is, in light of the
16 overpopulation of the 8th district, it takes
17 the western portion of the 8th district --
18 all of Cabarrus and part of Union, the
19 eastern portion of the 9th district, which is
20 part of Mecklenburg, and portions of the 6th
21 district running alongside the 12th -- so
22 that Congressman Robin Hayes, a Republican,
23 has a separate Republican district. For
24 purposes of this presentation, I'll call it

1 the 13th.

2 Presently, Hayes serves a Democratic
3 district heavy in Democratic registration.
4 This map thus creates an 8th district open
5 seat in the region, using most of the
6 current 8th, a few extra precincts in
7 Robeson and Cumberland Counties, which are
8 already in the 8th, and adding Democratic
9 precincts from southern Moore and all of Lee
10 County.

11 The data that I have in the proposed
12 map and the remarks attached here show that
13 this map is reasonable and fair. If the
14 committee that we have looking at our map
15 does not agree with the map in its entirety,
16 I would respectfully request that legislators
17 do look at the current 8th for substantial
18 revision. And I spoke with a number of
19 folks about this and have not heard a
20 negative word about the map.

21 Final comments are about a state House
22 district, which is the 32nd district, which
23 includes Richmond, Montgomery and Scotland
24 Counties. It is short by 11,000 people and

22

1 population. Taking into account the plus or
2 minus five percent margin of error that
3 we're allowed for legislative redistricting,
4 this district must gain at least 3,354
5 resident.

6 By the attached map that is with these
7 remarks, the most appropriate location to go
8 would be the three southern precincts in
9 Moore County, which are Pine Bluff, West
10 Aberdeen and East Aberdeen, which brings the
11 32nd district well within the margin at -2.81
12 percent, and would certainly pass muster by
13 the Department of Justice and the courts.

14 For a number of reasons, this is the
15 best option. It maintains an existing
16 district, keeps from splitting Richmond
17 County, which for time and memorial has been
18 all up in one district. It includes
19 communities of interest. It takes into
20 consideration that the 33rd House district in
21 Moore County must shrink, and also that the
22 16th House district to the east must also
23 shrink.

24 This proposed district is geographically

1 compact, and as you know, compactness is a
2 much sought after quality. And the final
3 comment is that it does no harm to any
4 incumbents in the region, a
5 constitutionally-valid factor. And if this
6 map, as proposed, is not approved by our
7 committee, then I would certainly request on
8 behalf of Richmond County, that we have a
9 district which maintains one member of the
10 House from all of Richmond so that Richmond
11 will always have someone from its population
12 speaking for it in one voice in the General
13 Assembly.

14 Thank you, Mr. Chairman and members.

15 **REP. SUTTON:** Thank you very much,
16 Representative Goodwin. As you can tell from
17 the way he spoke, he's not only a
18 politician, he's a lawyer.

19 Our next presenter is Albert Hammill.
20 Mr. Hammill?

21 **MR. HAMMILL:** Yes, I am Albert Hammill,
22 H-a-m-m-i-l-l. I am chairman of the Moore
23 County Young Republicans, but I'm here
24 tonight as a citizen. It's something to

1 remember that we are all citizens and that we
2 are all equal under the law. And we should
3 remember that, and one group should not have
4 any more standing than any other group.

5 With that being said, we are still
6 going to have to draw district lines, so we
7 need to keep counties intact as much as
8 possible. It is important that we keep that
9 sense of community, and since county lines
10 are there, that sense of community is there,
11 so we can keep it.

12 Single-member districts are also very
13 important. I am in the 16th Senate district,
14 where we have two senators. It would be
15 better to have one senator, which gives you
16 one person, one vote.

17 So it is important to try to keep
18 counties as intact as possible, and
19 single-member districts.

20 Thank you.

21 **REP. SUTTON:** Thank you, Mr. Hammill.
22 Our next presenter here in Fayetteville is
23 Vickie Hargrove -- and I cannot make out the
24 last name.

1 MS. HARGROVE-MEHTA: Mehta.

2 REP. SUTTON: Mehta?

3 MS. HARGROVE-MEHTA: Mehta.

4 REP. SUTTON: Vickie Hargrove-Mehta.

5 You'll certainly need to spell that.

6 MS. HARGROVE-MEHTA: Hargrove-Mehta,
7 hyphenated. I'm a newlywed and a new name.
8 And some of you can remember me as Hargrove,
9 because I ran for Senate in the 16th district
10 this past year.

11 So I can speak with some authority in
12 terms of single-member districts. That's
13 what I'm here advocating tonight as a
14 candidate that drove from the very tip of
15 Orange County down to the tip of southern
16 Moore County. That was a lot of territory
17 to cover. And if we're truly going to
18 represent our constituency, we have to get
19 out there and be among them.

20 The General Assembly has the
21 opportunity this year to serve as statesmen
22 and women and not the politician that has
23 become such a dirty word of late.

24 And that's how we do it. We are with

1 our constituency in the field, representing
2 and hearing what they say. So once again, I
3 advocate single-member districts, that we
4 make ourselves available to our people, and
5 that also we give them representation that
6 reflects the people, whether it be
7 economically, racially, socially, the matter
8 of representing our constituency, being a
9 reflection of who they are.

10 We do have that opportunity. We can do
11 that if, given the choices we have before
12 us, we make them good ones and we will listen
13 to the people. I would daresay, among us
14 tonight, how many are not political junkies
15 and that are regular citizens out there that
16 are going to go back into the community and
17 look at the people and tell them what we've
18 discussed tonight and hear what they have to
19 say.

20 When I was out in the field, not very
21 many people were in divided counties, for
22 example, Lee County and Randolph County, knew
23 that they were represented in one area by
24 one representative in a different district,

1 and another from another district. So whole
2 counties is another area that I advocate as
3 well.

4 I thank you for your time. I don't
5 know if I spelled that last name. It's
6 M-e-h-t-a, Hargrove-Mehta.

7 Thank you.

8 **REP. SUTTON:** Thank you very much. Our
9 next presenter is Elizabeth Kelly.

10 **MS. KELLY:** I would like to pass.

11 **REP. SUTTON:** Okay. Ms. Kelly passes.

12 Our next presenter then is Brian Irving

13 **MR. IRVING:** That's Brian with an "i"
14 and Irving with an "i."

15 My name is Brian Irving. I live here in
16 Fayetteville, Cumberland County, and I'm
17 chair of the Cumberland County Libertarian
18 Party.

19 I'm here tonight to repeat an offer
20 that was first made by our state chair,
21 Barbara Howe, that the Libertarian Party is
22 ready, willing and able to redistrict North
23 Carolina. We agree with the sentiment that
24 an independent, unbiased group is best able

1 to accomplish this purpose.

2 Our only purpose in drawing up
3 districts will be to ensure that everyone is
4 afforded equal opportunity and protection
5 under the law, by ensuring that the
6 principle of one person, one vote is followed.

7 Admittedly, we Libertarians are
8 political, but we still can be unbiased.
9 While we are proud of our 36 percent growth
10 in membership in the last years, we still
11 have less than 8,000 members, registered
12 Libertarians, in the state, so it would be
13 impossible for us to protect a Libertarian
14 seat in Congress or the General Assembly, at
15 least at that point, and even if we wanted
16 to.

17 The point is, we don't want to. We
18 don't want to protect any one seat, not are
19 we interested in simply gaining political
20 power for its own purpose. We believe that
21 Congressional and General Assembly districts
22 should be drawn solely on the criteria of
23 geographic compactness and population. They
24 should not be based on party, race or

1 incumbency.

2 Geographic compactness would mean
3 respecting county boundaries as much as
4 possible, and the Libertarian Party can
5 submit such a plan on these criteria. No
6 other criteria should be used in
7 redistricting.

8 We believe the current term
9 "communities of interest" is simply another
10 word for gerrymandering. Libertarians
11 believe that drawing district lines to
12 protect the incumbent of any office -- the
13 incumbency of any office holder is an
14 abomination in the democratic government that
15 is even more of a perversion of democracy
16 than drawing a district based on race.

17 Republican and Democratic parties have
18 shown by their past performances that they
19 are more interested in preserving their
20 political power and guaranteeing retention of
21 their office holders than they are in
22 bringing about a truly representative
23 government, and I think one of our speakers
24 just confirmed that.

1 This ruling party approach to
2 redistricting, the collusion to protect each
3 other's incumbency, is the main cause of
4 voter apathy. It's why fully a third of the
5 General Assembly seats in the last few
6 elections have been basically unchallenged.

7 How can we say that we have free
8 elections when there's only one
9 government-approved candidate on the ballots?
10 That kind of election -- free elections was
11 done in the former Soviet Union, and we all
12 know how that turned out.

13 We Libertarians would like to speak for
14 the apathetic voter. We want to bring
15 competition back to the electoral process.
16 Competitive races will bring voters back to
17 the voting booth.

18 In closing, I'd like to use this
19 analogy. Having Republicans and Democrats
20 handle the redistricting is like having Duke
21 and UNC students referee a basketball game
22 between the Blue Devils and the Tarheels.

23 Thank you and good evening.

24 **REP. SUTTON:** Thank you, Mr. Irving.

1 Let's take one more speaker here and
2 then switch to Coastal Carolina, if that is
3 possible. And our next speaker and last
4 speaker in this cycle here before we switch
5 to Coastal Carolina will be Buddy Blue, Jr.

6 **MR. BLUE:** Thank you, Representative
7 Sutton. I'm Buddy Blue. It's just like the
8 color, B-l-u-e, and I live in Raeford, and
9 I'm here to speak about the House district.
10 We talk about community interest. We're a
11 county of 33,000, and we're parts of three
12 representative districts and two Senate
13 districts. I'm just going to speak about the
14 representative district.

15 The current 16th, 85th and the 87th
16 districts were created out of the old 16th
17 district. And how that came about was, in
18 1990, Adolph Dial was elected to the General
19 Assembly in the 16th district. Mr. Dial is
20 a Native American and was the first Native
21 American to represent the district in several
22 years.

23 He didn't want that to happen again.
24 He didn't want to be the last one, so he

1 proposed creating a safe Native American
2 district. And his proposal was to divide
3 Robeson in two, with a district on the east
4 side and the west side of I-95, with the
5 western district being safely Native American.

6 And Representative Danny DeVaughan, who
7 was also in the 16th, would have Hoke and
8 Scotland Counties, the other two counties in
9 the district. Well, Representative Sidney
10 Lots, who is black, and House Speaker Dan
11 Blue, who is black, said that won't fly. If
12 you have a safe Native American district, a
13 safe white district, you're going to have a
14 safe black district. And so with some artful
15 gerrymandering, they accomplished this and
16 created the new 16th and the 85th and the
17 87th.

18 Now the courts have said you can't do
19 this. The only reason for creating these
20 districts was race, and you've got to have
21 something else. The court ruling on the
22 12th district, the 12th district was the
23 same, because they said it's also partisan.

24 Well, that's true. You can't elect a

1 Democrat in central North Carolina unless you
2 gerrymander the district like the 12th
3 district. And the court said that's all
4 right, you can do that, but you can't do it
5 on race alone, and that's the only
6 consideration that was given to the creation
7 of these districts.

8 We'd like to see single-member
9 districts, but we'd like to see them compact
10 and not drawn along racial lines.

11 That's it, and thank you.

12 One more thing: the last time it was
13 done, it was not contested in the court. I
14 assure you, if it's done again, it will be
15 contested in the court.

16 **REP. SUTTON:** Thank you very much, Mr.
17 Blue.

18 At this time, we would like to switch to
19 Jacksonville, Coastal Carolina, for their
20 first speaker, and also for their
21 introductory remarks.

22 Is there someone at Coastal Carolina
23 going to make introductory remarks? If not,
24 I will call on the first speaker, Mr. Ernest

1 Wright.

2 MR. WRIGHT: First of all, good
3 evening. I want to say on behalf of the
4 Chamber of Commerce -- Jacksonville/Onslow
5 County Chamber of Commerce, I'm about to
6 make this speech.

7 My name is spelled E-r-n-e-s-t. Please
8 don't put the "a" in. And W-r-i-g-h-t.

9 On behalf of the Chamber, we support
10 the efforts to draw the district lines with
11 significant geographic boundaries. That is,
12 roads, waterways, precinct boundaries, county
13 and municipal boundaries, and indicated not
14 to use politics -- that is, what party you're
15 in, what race you are or, you know, for that
16 matter, what national origin you are. And
17 that is so true, and the Supreme Court has
18 dealt with that issue in 1986 and said that
19 you can't draw lines that way, or else it
20 would be a lawyer's heaven.

21 So we recognize at the Chamber the
22 complexity of redistricting and its relation
23 to the Voting Rights Act. However, we must
24 realize that Onslow County as well as

1 Cumberland County are one of the 40 counties
2 that have been targeted by Section 2 of the
3 Voting Rights Act. So regardless of what
4 you may think, there has been history of
5 minimizing the minority vote. So it's
6 something that must be dealt with.

7 I think the solution for that is that
8 all groups, no matter what color you are or
9 what economic status you are, we must have
10 diversity and inclusion. Onslow County was
11 not the recipient of that in 1991. As I sit
12 here tonight, Onslow County has eight
13 representatives. It's also like we were an
14 afterthought, and we were split up eight ways.

15 And I don't take anything away from our
16 representatives. I think they're doing a
17 fine job. But we're represented in House
18 districts 4, 10, 12, 8, Senate districts 5 --
19 4, 5, and 7. Our representatives, as I
20 stated before, are doing a great job.
21 However, Onslow County needs and respectfully
22 requests two House district representatives
23 and one Senate district representative.

24 We believe that this can be done by

50
1 drawing the lines geographically within the
2 county. Since Senator Andy Guy left, it
3 appeared that we have really lost out on
4 having any power in the Senate.

5 So we're asking for concise geographic
6 districts, and that will also help the votes
7 and prevent apathy. There are voters here
8 in Onslow County with these eight districts
9 that don't even know where to vote. So it
10 doesn't matter whether you're black or white,
11 if you don't know where to vote, that's
12 pitiful.

13 All I'm asking is, let's get rid of
14 this apathy and stop creating confusion for
15 our representatives who are trying to stay
16 in touch with us. Let's go ahead and have
17 two representatives to represent Onslow
18 County in the House, and one representative
19 to represent us in the Senate.

20 Thank you very much, and God bless.

21 **REP. SUTTON:** Thank you very much, Mr.
22 Wright.

23 Also in Jacksonville is John Flynn.

24 **MR. FLYNN:** Thank you, Mr. Chairman.

1 My name is John Flynn, F-l-y-n-n. I'm from
2 North Topsail Beach, and I'm a member of that
3 Board of Alderman.

4 The present Senate and House district
5 boundaries in and around North Topsail Beach,
6 and certainly Onslow County are basically
7 ill-drawn, confusing and lack a common
8 purpose. The paramount requirement that
9 should be satisfied by redistricting is to
10 satisfy the individual citizen's need for
11 recognizable geographic boundaries.

12 An additional need is for
13 representation to be provided by the least
14 possible number of actual senators or
15 representatives. Individual citizens should
16 not have to refer to a detailed map or to an
17 infinite list of elected officials to
18 determine who is providing their actual
19 representation.

20 We all understand that political
21 considerations drive redistricting. However,
22 in constance with the need for recognizable
23 physical boundaries is a requirement that
24 notice be given to the inclusion of like

1 areas within district determination. North
2 Carolina's 320 miles of coastline reflects 20
3 counties and about the same number of
4 coastal towns.

5 It is obvious that these could not be
6 consolidated into a single political entity.
7 However, any redistricting plan should pay
8 particular attention to the truly unique and
9 differing environmental and geographic forces
10 that impact the coastal communities and
11 attempt to maintain some sameness, if you
12 will, for these particular coastal
13 communities.

14 In a perfect world, the citizens of
15 North Topsail Beach, all 832 of us, as well
16 as the broader population base of Onslow
17 County, would have representatives who live
18 within the district areas, who are already
19 familiar with topics that impact us
20 significantly, such as beach nourishment,
21 hazard mitigation, unfortunately, and the
22 coastal environment, and the value of sand
23 as the leading commodity that we possess.

24 The creation of precisely-defined

1 single- member districts drawn within an area
2 that recognizes geographical boundaries, as
3 well as cultural associations, is a necessity
4 until we have that perfect world.

5 Thank you, Mr. Chairman.

6 **REP. SUTTON:** Thank you very much, Mr.
7 Flynn.

8 Our next presenter is Louis Sewell,
9 also from the Jacksonville area.

10 **MR. SEWELL:** Thank you, Representative
11 Sutton. My name is Louis Sewell,
12 S-e-w-e-l-l. I'm an Onslow County native all
13 my life, retired educator, retired business
14 person and presently serve on the State
15 Board of Transportation.

16 Onslow County presently, as you've
17 already heard from Ernie Wright, has five
18 House districts and three Senate. Onslow
19 County -- I represent the Chamber of
20 Commerce -- has submitted a position paper,
21 including a map that would give Onslow
22 County one senatorial district and two House
23 districts. In the past, those two districts
24 have been one for the Democrats and one for

1 the Republicans.

2 In Onslow County today, there are
3 150,000 people. This population places
4 Onslow County in the top ten most populous
5 counties in our state. I suspect Onslow
6 County is in the top ten, possibly the only
7 county in the top ten, that does not have a
8 senator living within our county.

9 We are aware that Onslow County has a
10 low voter turnout. We think that five House
11 districts and three Senate districts is part
12 of the reason. Many of our 150,000 people,
13 which we are proud of, are retired military
14 personnel. I can tell you that the eight
15 districts, many of them new to North Carolina
16 regulations, does not speak well for having a
17 good turnout.

18 We sincerely ask the committee in the
19 House, the committee in the Senate, for your
20 help resolving our problems.

21 Thank you.

22 **REP. SUTTON:** Thank you very much, Mr.
23 Sewell.

24 Our next presenter, also from Coastal

1 Carolina Community College, John Warlick.

2 John Warlick.

3 MR. WARLICK: Thank you, Representative
4 Sutton. My name is John Warlick,
5 W-a-r-l-i-c-k. I am here on behalf of the
6 Redistricting Subcommittee of the
7 Governmental Affairs Committee of the Chamber
8 of Commerce.

9 And I want to say a lot of what you've
10 already heard tonight, I think, not only
11 what you've heard tonight, but from reading
12 the papers. And what you've heard since the
13 first public hearings in Durham and Orange
14 County, is that we encourage you to adopt
15 concise single-member districts, where the
16 representatives can be more familiar with
17 their constituents and more responsive to
18 their constituents.

19 As Mr. Sewell just said, Onslow County
20 is one of the top ten counties in the state
21 in population. We're also the proud home of
22 the world's largest Marine Corps base. A
23 large part of our population has no idea,
24 under the present plan, who represents them,

1 where the district lines are or where they
2 vote.

3 Before the last redistricting in 1990,
4 Onslow County had two representatives which
5 were shared with Carteret County, and one
6 senator who represented the county. It
7 almost looks like, when you look at the
8 present map, that when the map was drawn, it
9 ended with Onslow County, and other districts
10 were filled in. As a result, we ended up
11 with eight representatives, as you've heard
12 repeatedly tonight, only one of whom has a
13 majority of their voters in Onslow County.

14 We ask you -- and we know this is a
15 difficult task you have, but we ask you, as
16 you have heard both in Cumberland and here
17 tonight, to draw the districts so that the
18 areas are more concise, they're more
19 identifiable, and so that they represent the
20 population of the county. As has been said,
21 the numbers support two representatives and
22 one senator in Onslow County, and we would
23 ask that, when you draw the districts, we
24 would be allowed to have the majority of the

1 voters in at least those districts.

2 Thank you.

3 **REP. SUTTON:** Thank you very much, Mr.
4 Warlick.

5 I understand you have seven folks
6 scheduled to speak at Coastal Carolina, and
7 we'll go ahead -- since there's only seven of
8 them, we will take all seven of them before
9 we break.

10 The next speaker is Sheila Pierce.
11 Sheila Pierce.

12 **MS. PIERCE:** Yes, sir. Sheila Piece,
13 P-i-e-r-c-e. And I am a small business owner
14 in Onslow County and am also a member of the
15 Governmental Affairs Committee of the Chamber
16 of Commerce.

17 And in our support of more concise
18 districts for Onslow County, it's because our
19 citizens do not have a clear understanding
20 of who their representatives are. They're
21 confused about what districts they live in,
22 and based on a survey that I recently
23 performed, I found that most of our
24 citizens, those who otherwise feel they are

1 quite knowledgeable about community affairs,
 2 do not know who they actually can vote for
 3 until they arrive at the polls and look at
 4 their ballot.

5 Even if they did know the
 6 representatives by name and by face, they
 7 wouldn't have an opportunity to probably run
 8 into them on the weekend when they're in
 9 their home territory, because we only have
 10 one of our eight representatives who live in
 11 Onslow County. Therefore, I feel that many
 12 of our voters have become disillusioned with
 13 the process and are discouraged from voting.

14 I believe involvement brings
 15 commitment, and we want to bring the
 16 citizens of Onslow County back into the
 17 government process.

18 Thank you.

19 **REP. SUTTON:** Thank you, Ms. Pierce.

20 The next presenter is Delma Collins.
 21 Mr. Collins.

22 **MR. COLLINS:** Good evening,
 23 Representative Sutton, and let me thank you
 24 for this opportunity to speak to this issue

1 tonight.

2 At issue here is one of fundamental
3 fairness. Please remember, Onslow County is
4 not a small county. As has already been
5 stated, it is one of the larger counties in
6 North Carolina, one of the ten largest
7 counties. We in Onslow County -- by the
8 way, I'm sorry. My name is spelled D-e-l-m-a
9 C-o-l-l-i-n-s. I am the chair of the Onslow
10 County Board of Commissioners.

11 We in the county government employ over
12 1,400 people in our local government alone.
13 We're not a small county. And that is one
14 of the points I want to try to drive home
15 tonight.

16 Support representation for Onslow County
17 reflective of its size and on a par with
18 other municipal areas which have similar
19 challenges and opportunities. Business and
20 industry in Onslow County continue to grow
21 at a phenomenal pace. This is evidenced in
22 new construction, new business, traffic
23 counts, and successes in economic development.

24 As one of the ten largest communities

40

1 in this state, we're recognized as a
2 metropolitan statistical area. Our community
3 and its rapid growth brings with it unique
4 and special challenges. Meandering districts
5 allow very little voice in state government.
6 We should be represented with more concise
7 districts.

8 Thank you for this opportunity again.

9 **REP. SUTTON:** Thank you, Mr. Collins.

10 Our last presenter that has signed up,
11 to my knowledge, in that area, is Ms. Lena
12 Ritter. If you folks have additional folks
13 that have signed up and I don't have them,
14 you need to contact us so we will know about
15 that. Otherwise, the last presenter is Ms.
16 Lena Ritter.

17 **MS. RITTER:** Thank you. My name is
18 Lena Ritter, R-i-t-t-e-r.

19 My voice will be different from the
20 former speakers. I live at 383 Tar Landing
21 Road, Holly Ridge, North Carolina. I am in
22 the 4th Senate district and the 12th House
23 district of the North Carolina General
24 Assembly. I have 30 acres of land that I

1 inherited. Fifteen acres are in one side of
2 the road in the 12th House, and 4th Senate
3 district, and 15 acres across the road in the
4 10th House district, and it's anyone's guess
5 what senatorial district it's in.

6 My experience with the current elected
7 officials for the 4th Senate and 12th House
8 is no representation unless you own beach
9 property, live on the beach or in New
10 Hanover or Sampson Counties. I have called
11 and e-mailed both and have been totally
12 ignored. The 12th district representative
13 did return my call after the mayor of one of
14 the beach towns reminded him. The 4th
15 district senator has never responded.

16 The 4th district is stacked towards New
17 Hanover County. It runs from Fort Macon to
18 Fort Fisher. The 12th House, the
19 representative who represents the 12th
20 district, has two small precincts in Onslow
21 County and folks living in Verona. We
22 cannot elect him, and some of his voters in
23 Sampson County own property on North Topsail
24 Beach in Onslow County.

1 I have no money to give to a campaign.
2 My mailbox gets lots of brochures from both
3 party headquarters before election. After
4 election day is over, I don't exist. We need
5 a senator from Onslow County and more
6 representatives like Robert Grady, from
7 Onslow and responding to the people.

8 Thank you.

9 **REP. SUTTON:** Thank you very much, Ms.
10 Ritter. And I have been informed that that
11 is the last of the presenters from
12 Jacksonville, and at this time, we will
13 switch to the University of North Carolina
14 at Pembroke.

15 Can you hear me in Pembroke?

16 Can you hear me in Pembroke?

17 **UNIDENTIFIED SPEAKER:** Yeah, we can
18 hear you.

19 **REP. SUTTON:** If you can hear me in
20 Pembroke, if someone would speak up and
21 acknowledge, please.

22 **UNIDENTIFIED SPEAKER:** Yeah, we hear
23 you.

24 **REP. SUTTON:** Fine. Fine. I

understand that, at the present time, there are no members of the General Assembly present. Is that correct?

UNIDENTIFIED SPEAKER: No.

REP. SUTTON: Okay. And I understand we have only one speaker signed up to speak. Is that correct?

If that be the case, we will have that speaker momentarily, but first I would like to acknowledge -- I understand -- I've been handed a list that said that Dr. EB Turner is present, as is Rosemarie Lowry Townsend. If so, we're glad to welcome them. And at this time, our first speaker, according to information passed to me, is former representative Frances Cummings.

Ms. Cummings, can you hear me?

MS. CUMMINGS: I can hear you.

REP. SUTTON: Fine. We can hear you. If you will speak, your time is beginning. Make your presentation.

MS. CUMMINGS: Thank you, Representative Sutton and other members of the Redistricting Committee. My former

1 colleagues, good evening. I'm Frances
2 McArthur Cummings, and that's Frances spelled
3 with an "e-s." Cummings, C-u-m-m-i-n-g-s.
4 Lumberton, Robeson County, and I'm at the
5 UNC-P site.

6 I want to thank you for the opportunity
7 to hear from the Legislative Redistricting
8 Committee, and to offer some observations
9 and/or considerations for your thought
10 process in redrawing boundaries for seats at
11 the state and national political levels.

12 From my point of view, the critical
13 issue in redistricting is ensuring that all
14 citizens, regardless of their income,
15 economic interests, education, church
16 membership and/or race have an opportunity to
17 participate and elect candidates of their
18 choice. We must assure that all citizens
19 have that chance to elect candidates of
20 their choice so that they will not opt out of
21 the individual act of voting, nor the
22 process of civic participation.

23 My desire is that the foundation of your
24 redistricting will be for an inclusive

1 democracy. I encourage you to allow your
2 focus of drawing districts to be based on
3 documented communities of interest. This
4 will offer an opportunity to build bridges
5 across racial and ethnic lines. The
6 creation of fair districting plans is
7 essential to democracy, and it is important
8 that there is fair representation and not a
9 retreat from justice in the voting rights law.

10 I need not remind you that we celebrate
11 the 36th anniversary of the Voting Rights
12 Act, and as we mark this process, I ask that
13 you enforce the Voting Rights Act, especially
14 with emphasis on continuing the single-member
15 district, which provides minority and
16 constituencies an equal chance to elect their
17 preferred candidate, and also assure that
18 minorities have a full and equal political
19 voice. I feel confident that you will permit
20 Sections 2 and 5 of the Voting Rights Act to
21 sustain the constitutionality of our district.

22 I cannot overly stress the values of the
23 minority representation and minority
24 opportunity districts. And I would simply

52

1 remind all of us, and especially, I think it
2 was Mr. Louis from Hoke County, who said
3 that it is still legal to draw
4 majority/minority districts as long as race
5 is not the most significant factor, but is
6 one of many factors considered in drawing
7 the district.

8 We cannot accept redistricting plans
9 that deny minority voters and equal
10 opportunity to elect candidates of their
11 choice, and I thank you for your time and
12 attention.

13 **REP. SUTTON:** Thank you, former
14 Representative Frances Cummings.

15 I have been told that my colleagues,
16 Representative Donald Bonner and
17 Representative Doug Young, are now in the
18 Pembroke site, and we welcome them. I know
19 they were obviously taking care of state's
20 business or they would have been on time.

21 Since that is the last speaker in the
22 Pembroke office that we have signed up --
23 and I've never known Robeson County to be so
24 quiet in my life. I get more adverse

1 letters to the editor than that.

2 At this point, we will now return back
3 to Cumberland County, our present site, and
4 pick up where we left off, with our number
5 eight speaker. And forgive me if I don't
6 have this name correct. Is it Maria Constas?

7 MS. CONSTAS: Constas.

8 REP. SUTTON: Well again, I think
9 you'll need to spell that one for us.

10 MS. CONSTAS: My last name is C-o-n-s-t
11 -- as in "Tom" -- a-s, and the first name is
12 Maria.

13 Good evening.. My name is Maria
14 Velasquez-Constas. It's hyphenated, too.
15 And I am a member of the Hispanic community
16 in Cumberland County.

17 The courts hold that when
18 redistricting, we must respect communities
19 defined by actual shared interests, including
20 social, political and economic interests. We
21 Hispanic are a community of interest in North
22 Carolina. We have experienced a very fast
23 growth in the past ten years, as shown by
24 the census 2000 figures.

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We would like to know what steps have you taken to ensure that the Hispanic community is included in the process. We also request that minority voting not be diluted. It will be in the interests of minority concerns that two-member districts remain in place in Cumberland County.

I would like to also say that this is the idea of all the members of the Hispanic community in this area.

Thank you very much.

REP. SUTTON: Thank you very much.

The next presenter is -- again, help me. Is it Liliana?

MS. WENDORFF: Liliana.

REP. SUTTON: Liliana Wendorff. Ms. Wendorff, please.

MS. WENDORFF: Buenos noches, good evening. My name is Liliana Wendorff, W-e-n-d-o-r-f-f. I'm a Spanish instructor at Fayetteville Technical Community College and also a board member of the Hispanic Latino Center of Fayetteville.

I represent one of more than 419,000

1 Latinos who live in North Carolina. I am
2 here to ask you to consider the following
3 four issues. Number one, that districts be
4 drawn which would promote Latino voter
5 participation and Latinos as candidates,
6 including but not limited to the four
7 counties where Latinos constitute more than
8 ten percent of the population.

9 Number two, non-citizens are protected
10 under the Constitution and have the right to
11 political representation. Therefore, they
12 should be included in the redistricting
13 process.

14 Number three, strengthen the position
15 of racial minorities with respect to the
16 effective exercise of their voting rights --
17 one person, one vote.

18 And finally, overcome the lack of
19 responsiveness by cities, counties and the
20 state about the needs of the minority
21 communities, including my own, which is the
22 Latino community.

23 Thank you very much.

24 **REP. SUTTON:** Thank you very much.

1 We're not having to spend much time on the
2 stopwatch tonight.

3 Our next presenter is Doc -- is that
4 Scheffler?

5 **MR. SCHEFFLER:** Scheffler.

6 **REP. SUTTON:** Doc Scheffler.

7 **MR. SCHEFFLER:** My name is Doc
8 Scheffler, S-c-h-e-f-f-l-e-r. I'm a local
9 businessman. In my spare time, I'm the
10 chairman of the Cumberland County Republican
11 Party. But I come more as a businessman and
12 a citizen and a resident than anything else
13 tonight.

14 I want to thank those of you here
15 tonight that aren't elected officials. It's
16 trite to say town hall meetings and this is
17 how America is supposed to work, but it
18 really is. And those of you who aren't
19 elected officials, you have nothing at stake
20 here except that America works better for
21 Americans. And I think that's neat. We
22 need more people like that.

23 Every ten years, we have an historic
24 opportunity in our state, in the House and

1 the Senate, to do something different, to
2 really make a difference, and once and for
3 all decide that one man, one vote means
4 something. We all talk about -- we all say
5 single members because we want this, this,
6 this, this, this and this. It's more
7 efficient for the candidates. They don't
8 have to travel so far, better representation
9 for the people and everything else.

10 Well, I say, number one, I don't care
11 how far a candidate has to go. I don't care
12 how far an elected official has to travel to
13 represent me once he gets elected. It's not
14 about the candidates; it's not about elected
15 officials. It's about us, and it's about
16 effective leadership and representation.

17 We talk about single-member districts.
18 We have House 18 in this county, where we all
19 learned last fall in Florida what over- and
20 undervotes were. Except for us politicians,
21 we never knew what that was before.

22 But an undervote means that you didn't
23 pick anyone, okay. House 18 has two seats.
24 The top voter, I believe, got about 22,000.

1 The second person got 20,000. Twenty-nine
2 thousand people didn't vote for any of the
3 above. And we want to talk about two-member
4 districts can represent the people? I don't
5 think so.

6 It's not one man, one vote when 29,000
7 people chose none of the above. We need
8 single-member districts. We need them for
9 effective representation by the people. You
10 know, that's really why we're here tonight.

11 I'm glad the elected officials -- I
12 don't want them to think -- I'm glad the
13 elected officials did come here tonight,
14 though, because it is important that you hear
15 what your constituents have to say. And as
16 you listen to everybody speak tonight, we're
17 all saying, "Please do this for us. Please
18 do that for us." These town home meetings,
19 folks, are only part of the process, because
20 ultimately, there's a second part, and it's
21 called the ballot box.

22 We come here and we say, "Please do
23 this for us. Please do that." But
24 ultimately, if they don't, folks, every two

1 years, we've got the chance to replace them
2 with someone that might. And we've got to
3 -- while we expend the energy here at
4 meetings like this, we've got to remember,
5 the government goes to those who show up at
6 the ballot box, and we can't forget that this
7 is only part of the equation.

8 We've got to come out. We need
9 effective representation. We have an
10 opportunity here that we only have every ten
11 years, to really once and for all do
12 something for effective representation for
13 every person, race, color, creed in North
14 Carolina. We need single-member districts,
15 and as much as possible, they need to be
16 tied to county and city lines.

17 Thank you.

18 **REP. SUTTON:** Thank you, Mr. Scheffler.

19 I would also like to announce that,
20 among the representatives in the local area,
21 Representative Mia Morris, who represents
22 part of Cumberland County, sends her regrets,
23 but she had to be out of town tonight and
24 could not attend.

1 The next presenter is Ethelyn Holden
2 Baker.

3 **MS. BAKER:** The name is Ethelyn.

4 **REP. SUTTON:** Ethelyn. I'm sorry.

5 **MS. BAKER:** E-t-h-e-l-y-n Holden,
6 H-o-l-d-e-n B-a-k-e-r. I am here to express
7 my concerns. I do not have a lot of
8 statistics because I feel that you have the
9 statistics and you have an opportunity to get
10 the information. But since we are voters --
11 I'm a voter. I've been voting since 1952,
12 and I am a taxpayer. I'm struggling to pay
13 my taxes. I'm too -- I'm not poor enough to
14 get a discount, so therefore, I have to pay
15 my taxes, as far as the limit that I'm
16 required to pay.

17 But I just want to give some concerns
18 concerning citizens that we have. I as a
19 voter live in Hope Mills. I vote at Stony
20 Point precinct, which you know is
21 predominately white. And since our
22 population is changing as far as race and
23 ethnic groups, that we have -- no longer say
24 "black, white." There are various persons

1 represented. And as far as a citizen, I
2 vote for the person not so much as the party.

3 But my concern is that, through the
4 years as a citizen of Cumberland County and
5 one who's moved and lived in other areas and
6 returned, I see some of the same faces still
7 in office from the Board of Education,
8 County Commissioners up to the state level.
9 And I would like to see districts drawn
10 wherein people are represented from other
11 areas, rather than the same persons.

12 Actually, the Board of Education is a
13 gateway to the County Commissioners. I would
14 like to see persons -- district lines drawn,
15 wherein we would be able to vote for the
16 person of our choice, rather than parties,
17 Cumberland County being predominately
18 Democratic. And we know that race itself
19 says it is. Race itself does have a role as
20 far as the election is concerned.

21 Another one of my concerns is, as far
22 as the people of Cumberland County, many of
23 them are not able to get out at this time of
24 the day, because many people work. In fact,

1 I came here from work, directly from work.
2 So when we have these hearings, if we could
3 have them, say, at a later time, 7:30, 8:00,
4 I think it would be a great help to people
5 who really are the ones who are going to put
6 the persons in office.

7 Thank you very much.

8 **REP. SUTTON:** Thank you very much, Ms.
9 Baker.

10 Out final person who is signed up to
11 speak tonight here in Cumberland County is
12 John P. Glynn. Mr. Glynn.

13 **MR. GLYNN:** Thank you, Representative
14 Sutton.

15 My name is John Glynn, G-l-y-n-n. I'm a
16 resident of Pinehurst, North Carolina, and
17 have been for 15 years.

18 I didn't intend to make any comments
19 tonight. I came here to learn and to
20 listen. But some of the comments made by
21 Representative Goodwin have changed my mind
22 in that respect.

23 There are two things that I'd like to
24 address. The first one is, Article II,

1 Section 3 of the North Carolina Constitution
2 provides that no county shall be divided in
3 the formation of the Senate district. Now
4 that's, as a practical matter, not possible
5 because of the requirement of equal
6 representation under the federal law.
7 However, it certainly suggests a preference
8 for keeping counties intact, which
9 Representative Goodwin put forth as an
10 important premise, because he said keep
11 Richmond County intact because it always has
12 been.

13 That's interesting. At the same time,
14 the district that he's drawn on his map takes
15 three districts from southern Moore County,
16 and he apparently isn't concerned about Moore
17 County being kept intact.

18 The question of diluting a community,
19 the area that I live in consists of three
20 villages which really are almost part of one
21 community, and it's Pinehurst, Southern Pines
22 and Aberdeen. The three of them are
23 essentially one community with three separate
24 governing bodies. And to break them up, I

1 think, is a bad mistake, and I would hope
2 that the legislature sees fit to do otherwise.

3 The other issue I'd like to point out
4 is that I live in Senate district number 16.
5 I've been there 15 years, and it's changed.
6 This would be the second time now it's going
7 to change.

8 We have two senators in our district.
9 Now where do they live? Well, they live 65
10 miles north of where most of the population
11 in Moore County lives, which is in south
12 Moore County. You see them occasionally,
13 read about them in the paper occasionally,
14 too.

15 But the district is spread, for obvious
16 reasons, up through a long section three
17 counties -- Chatham, Orange and Moore -- and
18 the result is that people in Moore County
19 simply have not had a representative in the
20 Senate and have not for a long time. And I
21 would hope again that the legislative process
22 provides that we become a one-district
23 county. I think we're entitled to it.

24 Thank you.

1 **REP. SUTTON:** Thank you very much, Mr.
2 Glynn.

3 Well, ladies and gentlemen, that
4 concludes all the speakers that have signed ,
5 up this evening. I remind you before you
6 leave, we have the booklets outside that
7 give you a wealth of information that is
8 available, basically, all of the information
9 that is available to us as we begin the
10 process.

11 And again, I remind you that anything
12 that we do at this point is purely
13 speculative and preliminary in the drawing of
14 lines. You may see folks running around the
15 General Assembly with an armload of maps,
16 but that doesn't mean anything, because we
17 have not gotten into the business of actually
18 drawing the lines yet, and we will be doing
19 that in the near future.

20 And once we do that, once we have a
21 bill that is voted on and ready to be voted
22 on, there will be additional public hearings,
23 and those will be in the Raleigh -- in
24 Raleigh at some site to be named in Raleigh.

1 And there will probably be one or two of
2 those. We're going to try to have one in an
3 evening or an afternoon and another maybe on
4 a Saturday, to give folks an opportunity to
5 be there.

6 I have just been informed that we have
7 someone in Pembroke that wants to speak. I
8 didn't think Robeson County could be that
9 quiet that long. And if that person in
10 Pembroke that wants to speak would step
11 forward and make themselves known and
12 identify themselves, please, and we will go
13 forward.

14 **MR. JONES:** Thank you, Representative
15 Sutton. My name is Tom Jones. I'm
16 representing the Robeson County Black Caucus.

17 My concern is that -- we understand
18 that you do have an armload of maps, but we
19 also have some concerns about the
20 African-American district that have been --
21 that was drawn in 1990.

22 As you're well aware, both the County
23 Commissioners, the Board of Education, and
24 certainly the district that represents the

1 majority of African-Americans in Robeson
2 County, Hoke and Scotland Counties is the
3 87th district, which is compared -- we look
4 at it from a percentage perspective. Our
5 percentages are much lower than those that
6 are of other -- are taken from other races.

7 And we would hope that you would give
8 every consideration possible to increase the
9 percentages so that it would reflect at
10 least the same as those other representatives
11 from this area and from all other areas that
12 affect Robeson County.

13 **REP. SUTTON:** Thank you very much.
14 Thank you very much, Mr. Jones. We
15 appreciate those remarks.

16 And that being the close of business
17 and we don't have any more speakers, then I
18 would -- we'll be shutting down here at
19 Coastal Carolina, as well as at UNC-Pembroke,
20 and we thank you for coming.

21 Thank you very much. The meeting is
22 adjourned.

23 [PUBLIC HEARING ADJOURNED AT 8:15
24 P.M.]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

C E R T I F I C A T E

I, Brenda J. Thissen, notary public/court reporter, do hereby certify that the above-named hearing was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of hearing.

I do further certify that the persons were present as stated in the caption.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

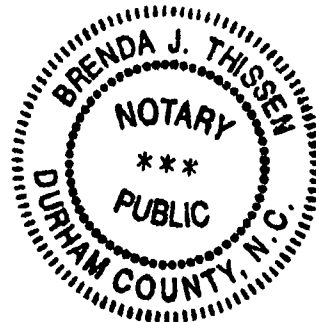
IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of June, 2001.

Brenda J. Thissen

Notary Public

My commission expires:

September 27, 2003



Sacks 11e

SPRING 1971

Please use only data which is clearly identifiable. Do not include any information which is

	Name (please print)	Organization (if applicable)
1.	ERNEST J. WRIGHT	CHAMBER OF COMMERCE (JAX-ONSLOW)
2.	JOHN J. FLYNN	N. TOPSAIL BEACHT
3.	John D. Warlick, Jr.	Chamber
4.	SHEILA PIERCE	CHAMBER of COMMERCE
5.	Frank W. Sewell	CC
6.	James G. Sewell	County Commissioner
7.	Lena R. Ritten	Citizens
8.		
9.		

Jacksonville

OFFICIAL STATEMENT

Please fill out this statement carefully and truthfully. All information should be accurate.

Name (please print)	Organization (if applicable)
1. ERNEST J. WRIGHT	CHAMBER OF COMMERCE (TAX-ONSLOW)
2. JOHN T. FLYNN	N. TOPSAIL BEACHT
3. John D. Waples, Jr. SHEILA PIERCE	Chamber CHAMBER of COMMERCE
5. Sewell Sewell	CC
6. Diana G. C... Lena R. Allen	County Commissioner Citizens
8.	
9.	

14 broke

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	FRANCES McArthur Cummings	N/A Organization
2.		Former NC House of Representatives
3.		
4.		
5.		
6.		
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9.		

Place
SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
19.	Thomas Jones	Rosson Black Caucus
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		

SPEAKER SHEET

May 10, 2001
Fayetteville

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	CLINTON HARRIS	7 C C C A
2.	Rep. Wayne Goodwin	N.C. General Assembly 3rd District
3.	Albert Hammill	Moore County Young Republicans
4.	Vickie Hargrove-Mehta	
5. Pass	Elizabeth H. Kelly	
6.	Brian Irving	Libertarian Party Cumberland.
7.	J. H. "Buddy" Blue Jr.	
8.	Maver Constanza	Latino / Hispanic Community
9.	Liliana Wendorff	FTCC + Hispanic Latino Center

SPEAKER SHEET

Fayetteville

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
10.	Doc Scheffler	
11.	Ethelyn Holden Baker	
12.		
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SPEAKER SHEET

Fayetteville

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
19.	John P. Glyn	
20.		
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STATE OF NORTH CAROLINA
PUBLIC HEARINGS ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATORS:

Rep. Thomas Wright, Co-Chair
Congressional Redistricting
Committee

COPY

Rep. Danny McComas, Vice Chair
House Legislative Redistricting
Committee

TRANSCRIPT

OF

PUBLIC HEARING

At Wilmington, North Carolina
May 11, 2001 - 7:05 p.m.

Reported by:
Brenda J. Thissen

Teleconference Sites:

Topsail High School, Hampstead, North Carolina

Pender High School, Burgaw, North Carolina

Brunswick Community College, Supply, North Carolina

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1 I, Brenda J. Thissen, being a Verbatim
2 Reporter and a Notary Public in and for the state
3 of North Carolina, was appointed commissioner by
4 consent to take the Public Hearing on
5 Redistricting Based on the 2000 Census, held on
6 the 11th day of May, 2001, beginning at 7:05
7 p.m., at Cape Fear Community College, located in
8 Wilmington, North Carolina.

9 -----
10 REP. WRIGHT: Good evening. I'm here
11 from New Hanover County representing the 98th
12 district -- Pender, Brunswick, Columbus and
13 New Hanover Counties, and I'm co-chair of
14 the House Congressional Redistricting
15 Committee.

16 I'd like to introduce members of the
17 legislature who are here with us.
18 Co-chairing with me this evening is
19 Representative Danny McComas, who is the vice
20 chair of the House Legislative Redistricting
21 Committee. Also with us tonight is Senator
22 Brad Miller, who is sitting here at my left
23 up front, who is the chairman of the Senate
24 Redistricting Committee. I'll explain that

1 in a minute.

2 And then my co-chair on Congressional
3 Redistricting from Mecklenburg County, Rep.
4 Ed McMahan is here as well. We're expecting
5 a few other legislators who may be joining,
6 either at this site or some other sites a
7 little later. As they come on line, I will
8 introduce them.

9 This evening, we would like to hear
10 from you, the public, about redistricting.
11 We have a wonderful opportunity every ten
12 years, the legislature has the opportunity to
13 reshape and redraw Congressional and
14 legislative districts. Well, in order to do
15 that and accomplish that, we're required to
16 receive public input. And that's why we're
17 here this evening, to hear from you as to
18 how you would like to see the maps drawn,
19 the districts shaped up, and anything else
20 that may be on your mind.

21 We will be talking with citizens this
22 evening by way of satellite hookup, if you
23 will, from the Hampstead location, the
24 Topsail location, and Brunswick Community

1 College locations.

2 Let me caution those of you who are
3 here at the Cape Fear Community College main
4 site, as you sit at these tables, the
5 microphones before you or around you are
6 live, so anything that you may say, do or
7 otherwise can and will probably be picked up.
8 The mikes are very sensitive, so even your
9 whispers will be picked up.

10 This evening, we will be videorecording
11 what's happening and what you're saying,
12 audiorecording that as well with the
13 sergeant-at-arms staff, and also, a court
14 reporter here, as required by law as well,
15 will be reporting what you saying.

16 If you have prepared remarks, please
17 leave those with our staff person or the
18 sergeant-at-arms, preferably those two, so
19 that it becomes a part of the record also.
20 As you come forward -- well, you don't need
21 to come forward, but as you speak or you're
22 called on to speak, we ask that you spell
23 your name for the record, to ensure that the
24 correct spelling is in the record for your

1 name.

2 We ask that you also limit your remarks
3 to five minutes, so that we can ensure that
4 everyone has an opportunity who desires to
5 speak will have that chance to speak.

6 Once again, the microphones are
7 voice-activated, so all you have to do is
8 speak, and it will record what you're saying,
9 will pick it up. And the same holds true
10 for the other sites as well.

11 I'd like to take this time now to
12 introduce our staff, who's here with you,
13 just for the record. Payne Huey with the
14 legislative staff, and Karen Cochrane-Brown
15 in the back of the room. They're both here
16 from the General Assembly, and our
17 sergeant-at-arms staff, George Robinson, and
18 who else is here? Yes, and Shannon is here,
19 also. Did I leave anyone out? Good.

20 We will now -- do I need to go through
21 the list for the record?

22 The location of the cameras, the main
23 camera fixed on the moderator is here at the
24 rear of the room. Every time I move, it

1 moves as well, and I'll try to remain in one
2 place, Representative McComas and I will.

3 And participants will also see the
4 speaker on the rear monitor, and when the
5 new site begins to speak, there will be a
6 few-second delay before the camera switches
7 over. Also, the Chair will need to identify,
8 which is me, the site that we want to
9 interact with. And as I understand, we will
10 be interacting more with the Topsail and the
11 Brunswick Community College sites this
12 evening.

13 The microphones will be muted unless
14 the site is participating, and when a site is
15 participating, everyone except the speaker
16 should remain as quiet as possible. Once
17 against, we need to hear from you, so
18 without any further delay, let me ask my
19 co-chair this evening if he has any remarks
20 for the record.

21 Representative McComas?

22 **REP. McCOMAS:** Thank you,
23 Representative Wright, and thank all of you
24 for being here this evening. Thank you,

1 Thomas, and thank all of you for being here
2 this evening. This is a very important
3 process. It's constitutionally driven. We
4 need to receive input from all of your
5 throughout the state.

6 We do need to clarify the fact that
7 we're not here to answer questions. We will
8 be giving the name of the staff person,
9 should you have any questions regarding
10 redistricting at a later time. I believe it
11 will be Ms. Erika Churchill with the North
12 Carolina General Assembly.

13 As Representative Wright stated before,
14 it's going to take a -- you know, we
15 appreciate your limiting your remarks to five
16 minutes. We do have three other satellite
17 locations, and it is important that we also
18 hear their views.

19 We also have with us Ms. Mary Ellen
20 Simmons, and I take it -- I gather you're
21 representing Congressman Mike McIntyre?
22 Thank you for coming, and we do regret the
23 congressman could not be here.

24 With that being said, I think we're

1 ready to start. Representative Wright, you
2 can use the collar.

3 REP. WRIGHT: The first person we'll
4 hear from this evening will be Ms. Susanne --

5 MS. SARTELLE: Sartelle.

6 REP. WRIGHT: -- Sartelle, from the
7 Jacksonville Chamber of Commerce.

8 Ms. Sartelle.

9 MS. SARTELLE: Is it your preference
10 that speakers remain seated?

11 REP. WRIGHT: Yes, ma'am.

12 MS. SARTELLE: Thank you very much.

13 I'm Susanne Sartelle, S-a-r-t-e-l-l-e, and I
14 am the president of the Chamber of Commerce
15 in Jacksonville. I'm here with a number of
16 other folks from Onslow County this evening,
17 and I appreciate the fact, Representative,
18 that you used the word "opportunity" right
19 off the bat, because we do believe it's a
20 great opportunity for us to come and speak
21 with you all this evening, and we appreciate
22 that opportunity.

23 I do want to make note that, at last
24 count, we had 20 folks here with our group

1 from Onslow County who are representing every
2 municipality as well as county government. A
3 few of them I'd like to point out, if I may,
4 please.

5 We have two representatives from the
6 town of North Topsail Beach, Marty Bostic,
7 the mayor, if you would acknowledge -- thank
8 you -- and Mr. Peter Hilliard, member of the
9 Board of Alderman. Also, Mr. Paul Edgerton,
10 the mayor of Swansboro, Mr. Marvin Trott,
11 who is the mayor of Richlands, and also Greg
12 Whitehead, who is the town manager.

13 The vice chairman of our Board of
14 Commissioners, Mr. Joe McLaughlin, who will
15 speak also, and Ron Lewis, our Onslow County
16 manager, as well as, I saw Mr. Larry
17 Fitzpatrick come in, who is a former Onslow
18 County commissioner and also a member of the
19 Global Transpark Commission Board, and a
20 number of other folks representing the
21 business community from Onslow County. So
22 we appreciate the opportunity to be here.

23 And we're here because the issue of
24 drawing new district lines is indeed of

1 interest, not only to everybody in North
2 Carolina, but particularly to Onslow County,
3 and I'm sure you're familiar with the map of
4 what our community looks like now, so you
5 can understand. We've been told that, ten
6 years ago when these public hearings were
7 held, that two people from Onslow County
8 showed up, so we worked to make that better
9 tonight with 20, and we did have 31 folks
10 last night in Jacksonville at the community
11 college there.

12 We want to talk to you about our
13 position paper that we've formulated, and I
14 believe copies have been shared with each of
15 you, to talk a little bit about this
16 complicated issue. First of all, we have
17 four points on our position paper, and the
18 first one I'd like to cover with you is the
19 confusion that we think has been created
20 from our meandering of district lines in
21 Onslow County.

22 As you know, we currently have eight
23 legislators who touch Onslow County, five
24 representatives, and three senators. And one

1 of the issues that this has created is a very
2 big lack of clear understanding by our
3 citizens of whose district they live in.

4 Not too long ago when we first started
5 -- well, several months ago, actually, when
6 we first started working on this issue, a
7 television reporter did a story and went and
8 stood outside K-Mart or some very popular
9 public store, and asked everyone who came
10 out if they knew who their representative
11 was. And she interviewed 25 people, and of
12 all those 25, no one knew who their
13 representative was.

14 So we believe that the confusion that's
15 created by having so many different districts
16 in Onslow County creates a serious problem
17 of voter apathy and not encouraging people
18 to get involved in the political process.
19 So we also have found that the voters become
20 disillusioned with the process and just don't
21 care, and we're trying to get more
22 broad-based citizen involvement.

23 Thank you for letting us be here
24 tonight. We have several other points that

1 we'd like to cover, as well, in our position
2 paper, and I'd like to call on the mayor of
3 Swansboro, Mr. Paul Edgerton, to share with
4 you another one of our points concerning the
5 size of our community and the representation
6 we'd like to have.

7 **REP. WRIGHT:** Mr. Edgerton?

8 **MR. EDGERTON:** Yeah, I'm Paul Edgerton,
9 mayor of the town of Swansboro,
10 E-d-g-e-r-t-o-n. We support representation
11 from Onslow County reflective of its size
12 and on a par with other large municipalities
13 which have similar challenges and
14 opportunities. Business and industry in
15 Onslow County continue to grow at a
16 phenomenal pace. This is evident in the new
17 construction, new business, traffic counts
18 and successes in economic development.

19 As one of the ten largest communities
20 in the state, we are recognized as a
21 metropolitan area. Our community size and
22 its rapid growth brings with it unique and
23 special challenges. Meandering districts
24 allow very little voice in state government.

1 We should be represented with a concise
2 district.

3 It is very challenging for our
4 municipalities to present a united front on
5 the state issues when we are located in so
6 many different districts.

7 Thank you very much, and I would like
8 to present Marvin Trott, mayor of the town
9 of Richlands.

10 **REP. WRIGHT:** Mr. Trott.

11 **MR. TROTT:** Yes, I'm Marvin Trott, last
12 name spelled T-r-o-t-t. We support the
13 creation of more concise, single-member
14 districts to allow for more responsiveness to
15 constituents' needs. When district lines
16 were drawn in 1991, Onslow County suffered
17 greatly in the process. The strength of
18 representation was weakened considerably when
19 three House of Representative districts
20 became five, and two Senatorial districts
21 were split into three.

22 Currently, there is only one
23 representative residing within Onslow County
24 boundaries, and absolutely no senators.

1 While it is not our goal to arrange district
2 lines to guarantee a large number of
3 representatives who reside within the county,
4 it is our desire that districts be drawn so
5 that a majority of constituents within a
6 given district reside in Onslow County. This
7 would provide the citizens of the county
8 with a stronger voice in the legislature to
9 address the ever-growing needs of our area.

10 And let me just give you an example of
11 what could happen. Let's say, for example,
12 we had legislation that we wanted presented,
13 say, the town of Richlands or the county.
14 Can you imagine how difficult it would be,
15 the logistics of dealing with eight different
16 representatives?

17 And many of our people don't even know
18 who represents them. That's really quite
19 complex. And having looked at the map
20 tonight, I was amazed. It's even worse than
21 I thought, but it's very confusing. And
22 certainly, we would like to have our turn at
23 having this matter corrected for the next
24 ten-year period, to say the least.

1 So a reduction in our House districts
2 within the county to two or three, and a
3 reduction of Senatorial districts within the
4 county to one would achieve the goal of
5 increasing the number of Onslow County
6 constituents within each district. And I
7 appeal to you to give us, our county,
8 serious consideration.

9 Thank you very much for allowing me to
10 be here tonight.

11 **REP. WRIGHT:** Thank you, Mr. Trott.
12 And I'll also point out that the town of
13 Richlands is recognized as having the perfect
14 drinking water, if you will.

15 **MR. TROTT:** Thank you very much.

16 **REP. WRIGHT:** Our next presenter is Joe
17 McLaughlin.

18 **MR. McLAUGHLIN:** Thank you very much.
19 Joe, J-o-e, McLaughlin, M-c-L-a-u-g-h-l-i-n.
20 Thank you for this opportunity.

21 As you can tell, we're kind of fired up
22 about this issue. We've got the mayors from
23 a number of our municipalities. We support
24 efforts to draw district lines with

1 significant geographic boundaries, that is,
2 roads, waterways, precinct boundaries. We
3 recognize the challenge that you face.
4 You've got to comply with the Voters' Rights
5 Act and the fact that any redrawing of lines
6 must include all 100 counties.

7 However, we feel very strongly that
8 these lines can be redrawn equitably so as
9 to minimize the impact on neighboring
10 districts while improving the representation
11 within the county. We believe it is critical
12 for district lines to be recognizable to the
13 voting public. Not only do current
14 boundaries split communities and
15 municipalities, but even voting precincts are
16 divided in some cases. This contributes to
17 voter apathy and creates confusion for
18 representatives trying to stay in touch.

19 In Onslow County, gentlemen, we have the
20 population for 2.2 House members. Your
21 committees have the pencils. Draw those two
22 anyway you like, but we would like two.
23 We've got the population for our own
24 senator. Indeed, we had our own senator up

1 until 1990, but now we have three, none of
2 whom really claim us as their own. Draw the
3 pencil any way you like, but give us all of
4 our county and a little bit of somebody else.

5 We are a county of great commonality of
6 interests. Most of Onslow County is
7 affiliated with the military -- active duty,
8 retired, or in businesses that are supported
9 by that. It makes great sense to keep us
10 together, and in fairness to our citizens
11 and to the Constitution of the United States
12 as well as North Carolina, we implore your
13 help in this matter.

14 I'll be followed by Mr. Marty Bostic,
15 the mayor of Topsail.

16 **REP. WRIGHT:** Our next presenter is
17 Marty Bostic.

18 **MR. BOSTIC:** Marty Bostic, B-o-s-t-i-c,
19 the mayor of North Topsail. Not Topsail,
20 North Topsail.

21 I'd like to back up everything that's
22 been said tonight from the Onslow County
23 delegation. I'm really pleased to be here
24 and have this opportunity. Two of the things

1 that come to mind the quickest about the
2 situation is confusion and fairness.

3 First of all, take your map, it's not
4 even accurate. It shows North Topsail Beach
5 being represented by Preston -- Jean Preston
6 and Ronnie Smith. They're not our
7 representatives; Nurham Warwick is. And just
8 how confusing things can get, that's
9 inaccurate.

10 We have some situations there in North
11 Topsail Beach where we feel that we are
12 always at the bottom of the totem pole, so
13 to speak. One example I'm going to use is
14 just a simple ability of a town to annex.
15 North Topsail Beach's power to annex were
16 taken away, and our representative -- it was
17 actually done by a representative that
18 doesn't represent North Topsail Beach at all,
19 doesn't even represent our neighbors, that if
20 we had wanted to annex, we would have
21 annexed. A representative of another part
22 of Onslow County.

23 Our representative is from two counties
24 away. We're just a little peak in there.

1 He's from Sampson County, and Onslow County
2 doesn't even touch Sampson County, other than
3 through this district.

4 In the fairness thing, we would like
5 the ability to have a major voice, even
6 though we don't have a great number of
7 registered voters in Topsail Beach. But we
8 would like for our votes to parallel our
9 neighbors, and be able to go along with them.

10 It is -- we do have a lot of county
11 issues that we work very well together with
12 the other municipalities of Onslow County and
13 the Onslow county commissioners and try to
14 solve the problems of the municipalities and
15 the counties. It is crucial that we have
16 the ability to go to our representatives, and
17 the lesser number that there is, the better
18 off we're going to be. And in every other
19 county, it's the same situation. I means,
20 it's designed as a county system. The
21 powers need to be there, to where we can
22 influence our votes.

23 Onslow County has a total of eight, you
24 know, and they're just crisscrossed,

1 spider-webbed across. And it really doesn't
2 make any sense, and it is not fair to Onslow
3 County. And I can tell you, it's not fair
4 to the other counties.

5 That's all I have to say. Thank you.

6 **REP. WRIGHT:** Thank you, Mr. Bostic.

7 Our next presenter is Yvonne Pagan.

8 **MS. PAGAN:** Good evening. My name is
9 Yvonne Pagan, P-a-g-a-n, and I'm here as an
10 advocate for the Hispanic community.

11 As many of you are probably aware,
12 Hispanics are the fastest-growing population
13 in the state. If you look at the 1990
14 census, there are about 79,000 Hispanics
15 counted. In the 2000 census showed over
16 300,000 Hispanics here. That doesn't include
17 individuals who may not have been counted,
18 for many reasons -- for obvious reasons. So
19 we have, we believe that there are probably
20 around half a million Hispanics in our state.

21 I'm a Wilmington/New Hanover County
22 resident, and I have been here for the past
23 -- for almost six years, and I'm really very
24 concerned about the changes that have been

1 taken and the need for representation of the
2 Hispanic interest, not only in our county but
3 statewide.

4 One of the concerns that I have is that
5 I would like to see steps taken to ensure
6 the inclusion of the Hispanic and Latino
7 community in the redistricting process, to
8 whatever degree that can take place, and
9 that's been echoed by other communities.

10 The other thing is that we want to
11 ensure that all groups are part of a fair
12 process and that they have the opportunity
13 to have representatives that are
14 knowledgeable of the population and sensitive
15 to their needs.

16 When we talk about the Hispanic
17 community, it's a very, very diverse
18 population -- different cultures, different
19 races that come from different countries and
20 so forth. They come here to this country.
21 They're a major force when we talk about the
22 economy, the economic impact that this
23 population has. And we have a large
24 population that is remaining in this state

1 that is voting and that can make a difference
2 in our community.

3 That's why we would like to ensure that
4 there is ample representation in the process
5 and that, as the lines are being drawn, that
6 that is taken into consideration, where they
7 live, the impact they have, and the voice
8 that they may have. So essentially, we're
9 seeking representation to ensure that someone
10 is there at the table when the decisions are
11 being made.

12 And there is Mr. Fernando Trulin, who
13 is also an advocate for the Hispanic
14 community statewide. We do belong to many
15 different organizations that represent the
16 Hispanic community, so we're echoing the
17 concerns that other Hispanics in other
18 Hispanic communities have echoed throughout
19 the process.

20 Thanks very much.

21 **REP. WRIGHT:** Thank you, Ms. Pagan.

22 Our next presenter is Carl Brown.

23 **MR. BROWN:** Thank you, Representative
24 Wright.

1 My name is Carl Brown, C-a-r-l
2 B-r-o-w-n, and I am a resident of New
3 Hanover County and currently employed by Cape
4 Fear Community College. On behalf of Cape
5 Fear Community College, I'd like to welcome
6 all of you who have taken the time to come
7 and visit our fine institution. And this
8 institution is fine because of the
9 representation that this county has in
10 Raleigh, and also because of the
11 contributions that our Congressman McIntyre
12 is making to us and our great state in
13 Washington.

14 I'd like to see the district remain
15 essentially the same, because we do have a
16 diverse representation in Raleigh, and I feel
17 very, very strongly that we can represent all
18 of the people with the representatives which
19 we have. And I'd like to say also that, if
20 we do consider redistricting in any way
21 throughout our great state, we should assure
22 that all of the citizens are represented,
23 because our state has the potential for
24 being even better than what it is, and we

1 need representation from all of the citizens
2 in the state, be they African-Americans,
3 Hispanics. And whatever other ethnic group
4 that we have, they must be represented.

5 So again, I want to reiterate that I
6 believe that the lines should remain as they
7 are.

8 REP. WRIGHT: Thank you, Mr. Brown.

9 Our next presenter is Andrew --

10 MR. KOEPPPEL: Koeppep.

11 REP. WRIGHT: -- Koeppep.

12 MR. KOEPPPEL: Thank you.

13 REP. WRIGHT: Thank you.

14 MR. KOEPPPEL: The first name is spelled

15 A-n-d-r-e-w, and the last name is spelled

16 K-o-e-p -- as in "Peter" twice -- e-l.

17 I've already given Brad and Ed copies
18 of my remarks but, Thomas, I'd like you to
19 take it, and if you wanted to share it with,
20 hopefully, everybody that might need one.

21 Although I wish to direct the bulk of
22 my remarks about Congressional districts,
23 before I begin that, I do have two major
24 matters that I want to bring to everybody's

1 attention.

2 The first of these is that I believe
3 very strongly, as the people from Onslow
4 County were nice enough to say, that
5 whenever any districts are drawn, be they for
6 the House of Representatives or the Senate
7 or for Congressional districts, that the
8 integrity of the county lines can be
9 respected insofar as possible, and I'm fully
10 aware they cannot be done 100 percent, but
11 if we start to strive in that direction, to
12 respect county lines, I think it's a very
13 important thing to do.

14 And secondly, I'd like to see -- at a
15 100 percent basis, I'd like to see every
16 Senatorial district represent just one
17 senator and every House district represent
18 just one House member.

19 We can't be blind to the fact that
20 political considerations have shaped some of
21 these districts in the past. But hopefully,
22 the day can come when we can have districts
23 where we have one person, one district,
24 because it not only makes it easier for the

1 residents of that district to identify the
2 individual who is responsible for their area,
3 but in my personal opinion, that's really not
4 consistent with the philosophy with which the
5 state constitution is created.

6 Now the major issue I wish to address is
7 relative to Congressional districts.

8 Historically, Wilmington has been part of a
9 district that includes Fayetteville. And the
10 reason for this is rather clear. In the
11 past, Wilmington did not have -- and the
12 surrounding area did not have sufficient
13 population so with -- when combined with
14 Fayetteville, the closest
15 geographically-large city, a district could
16 be shaped that would be consistent with the
17 needs that each Congressional district must
18 have relative to population.

19 We've had a great influx of population
20 in this area during the last few years, and
21 as a result of that, many people are now
22 living along the southeastern coast, many
23 more so than any time in our state's history.
24 And we now have the capability of forming a

1 southeastern district.

2 Why should we form a southeastern
3 district that borders the ocean? Primarily
4 because we have common environmental
5 concerns, common economic concerns, and I
6 might be so bold as to say even a common
7 history. These counties have been linked
8 with each other, and they should have one
9 voice in Washington so that their needs can
10 be best attended to.

11 I researched the results of the most
12 recent census, and we're going to have 13
13 Congressional districts in this state. And
14 if you divide 13 into the population of the
15 state, you will find that each district
16 should have about 619,000 people. If we
17 create a district that would include
18 Brunswick County, New Hanover County, Onslow
19 County, Pender County, Bladen, Carteret,
20 Columbus and Duplin, we will have 620,000
21 people.

22 Now I recognize that there are political
23 concerns, and because of the political
24 concerns, this may not be possible. I have

1 a ton of respect for Congressman Mike
2 McIntyre, but I even wrote him last week,
3 and I said to him, "Mike, if you'd like to
4 represent the district that I just outlined,
5 I would have no objection to it. I'd be
6 proud to say that you're my congressman."

7 But if he feels that he would rather
8 remain in a district based upon his home in
9 Lumberton, if counties such as Columbus
10 County and Duplin County were taken -- not
11 Duplin, I'm sorry -- Columbus and Bladen
12 County were removed from the district I
13 proposed, certainly, all or portions of
14 Craven and Jones County, which is also,
15 obviously, close to the coast, could be
16 added to the district, and thereby, the
17 desired population could be reached.

18 You can see that what I'm outlining
19 here is strictly non- -- is strictly
20 bipartisan, but it would follow county lines
21 insofar as possible and create a district
22 that would really help the people for the
23 foreseeable future. We only have -- as you
24 said Thomas, we only get a chance once every

1 ten years to do this, and if we fail to take
2 advantage of it now, at least ten years are
3 going to go by before a similar opportunity
4 may arise. So any consideration you can give
5 this would be greatly appreciated.

6 Thank you very much.

7 **REP. WRIGHT:** Thank you, Mr. Koepfel.

8 The next presenter -- and then we'll
9 break away to the other site after he
10 presents -- is Martin Beach.

11 **MR. BEACH:** Thank you, Representative
12 Wright.

13 Pender County, like Onslow County, is
14 represented by a number of highly-qualified,
15 highly-competent representatives. We have
16 three senators and three representatives. We
17 have none of those who live in Pender County.

18 We believe that, although our
19 population is not enough to support a
20 representative, we do believe that we should
21 be districted in a way so that we can at
22 least influence -- if we voted in a bloc as
23 a county, based on our districting, we could
24 not elect or unelect anyone.

1 To underline that, we've recently -- the
2 Commissioners passed a resolution trying to
3 get some local legislation. We have been
4 unable to get that local legislation because
5 representatives that represent us have been
6 unwilling -- unable to introduce a bill.
7 We're not talking about a controversial
8 issue; we're talking about an issue that's
9 one of the definitions that affects the
10 citizens of Pender County and not anyone
11 else in the state. Just the citizens of the
12 county.

13 We agree and endorse more-defined
14 boundaries. The integrity of the county
15 lines should be recognized as one of
16 fairness and one of representation of the
17 county. We think that the county
18 redistricting should be where the majority of
19 the county is in a single district and not in
20 six districts.

21 Thank you, sir.

22 **REP. WRIGHT:** Thank you, Mr. --

23 **MR. BEACH:** B-e-a-c-h.

24 **REP. WRIGHT:** Thank you, Mr. Beach.

1 We'll now switch over to Pender High
2 School, where we have only one presenter who
3 has signed up there. Gene Langley at Pender
4 High School desires to speak.

5 Mr. Langley?

6 MR. LANGLEY: Yes, sir.

7 REP. WRIGHT: You're on.

8 MR. LANGLEY: Yes, sir. Thank you this
9 afternoon for having us -- everyone be able
10 to come up and speak on this matter of great
11 importance.

12 The Pender County Republican Party -- I
13 am Gene Langley, L-a-n-g-l-e-y. I'm the
14 chairman of the Pender County Republican
15 Party.

16 We have placed a petition and will
17 place a resolution to the Redistricting
18 Committee that will state:

19 Whereas, that Pender County does not
20 now have a resident representative, either in
21 the state or the House of Representatives
22 for North Carolina.

23 Whereas, that Pender County is the
24 third largest county in the state of North

1 Carolina.

2 Whereas, that Pender County is the
3 fourth fastest-growing county in North
4 Carolina.

5 Whereas, that Pender County now has six
6 people representing the county and their
7 respective areas are small in the county and
8 have little to do with the main interest --
9 the main areas of representation.

10 Whereas, that Pender County needs full
11 representation from a resident
12 representative, whether it be Democrat or
13 Republican.

14 Therefore, be it resolved that the
15 Republican Party of Pender County supports
16 this resolution completely and with the
17 support of many Democrats who want local
18 representation.

19 And I have placed my signature to this
20 petition and resolution.

21 We believe part of that representation
22 should be as equal as possible by the North
23 Carolina Constitution Article II, Section 3,
24 "each senator shall represent as nearly as

1 may be an equal number of inhabitants." And
2 in the Constitution -- North Carolina State
3 Constitution Article II, Section 5, "each
4 representative shall represent as nearly as
5 may be an equal number of inhabitants." The
6 language "as nearly as may be," the
7 Constitution may be a stricter standard than
8 the federal standard of ten percent
9 deviation. Therefore, districts should be
10 drawn as close as to equal as possible.

11 Preferably, when feasible, single-member
12 districts -- it should be argued that
13 multi-member districts is in violation of the
14 concept of one man, one vote and equal
15 representation. Communities of interest are
16 not only based on race; they're based on
17 economic, social and political communities
18 that exist throughout the state, and they
19 deserve representation as well.

20 Thank you very much.

21 **REP. WRIGHT:** Thank you, Mr. Langley.

22 Since we're in Pender, now let's switch
23 over to Brunswick County and Brunswick
24 Community College.

1 Pender High School has finished
2 speaking. We're now going to Brunswick
3 Community College, and we'll hear from two
4 presenters there, Mr. FR Buddy Rudd and then
5 Allan Dameron.

6 Brunswick, you're on.

7 Buddy, you're on.

8 MR. RUDD: I'm Buddy Rudd, R-u-d-d. I
9 come to you tonight as chairman of the
10 Democratic Party in Brunswick County, with a
11 resolution concerning the 7th Congressional
12 district.

13 Resolution favoring continuing the 7th
14 Congressional district in its present form.

15 Whereas, Brunswick County has been a
16 part of southeastern North Carolina
17 Congressional district since 1789, and

18 Whereas, from schools to hospitals,
19 from roads to economic development, Brunswick
20 County faces the same challenges that other
21 counties in the 7th Congressional district.

22 Whereas, the counties that share so
23 much in common are best served collectively
24 with our neighbors and our congressman.

1 Whereas, with repeated weather
2 disasters the coast of North Carolina has
3 faced, the coast is better served by having
4 more than one Congressional voice provided in
5 Washington.

6 Whereas, the old saying goes, "If it
7 ain't broke, don't fix it."

8 Now, therefore, the Brunswick County
9 Democratic Party requests that the 7th
10 Congressional district remain intact to
11 continue its excellent service to the people
12 of southeastern North Carolina.

13 This day of May 11, 2001. Buddy Rudd.

14 Thank you, sir.

15 **REP. WRIGHT:** Thank you, Mr. Rudd.

16 And now Mr. Dameron.

17 Allan?

18 **MR. DAMERON:** Thank you, Mr. Wright.

19 Hello, and how are you tonight? Mr.
20 Wright is very, very well thought of here in
21 Brunswick County, and we'll take him anytime
22 New Hanover County wants to sent him down
23 here.

24 I also noticed in your audience the

1 lovely Susanne Sartelle, and Susanne, you're
2 welcome back to Brunswick County, too.

3 I have a prepared text. The lady that
4 spoke on possible diversity, I think right
5 now we're very concerned with the budget,
6 but during this decade, I think cultural
7 diversity is going to be a major issue. I'm
8 a realtor, and we're already trying our best
9 to address that issue, both from the
10 regulatory and from the industry, and I
11 would like to see the legislature work with
12 all the regulatory bodies to address this
13 problem.

14 My name is Allan Dameron,
15 D-a-m-e-r-o-n. I wish to express my concern
16 that Brunswick County may be considered as a
17 county that should be moved to another
18 Congressional district. Notwithstanding the
19 history of the 7th Congressional district and
20 Brunswick County, my concerns were correct.
21 My congressman, the Honorable Mike McIntyre,
22 has spent hundreds of hours in the past five
23 years studying the needs and concerns of this
24 county. He has answered the needs by

1 meeting with the people and following through
2 with his promises. I know of no one more
3 highly thought of in this area than the
4 congressman.

5 My late wife died of breast cancer.
6 Because of her death and others like it,
7 Congressman McIntyre chose to stand for women
8 and not the insurance industry when he spoke
9 for, introduced bills, and won support for
10 women fighting this awful illness. If for no
11 other reason, that places him on the level
12 few elected congressmen will ever achieve.
13 He has worked for our beaches, our tourism
14 industry, our farmers, our children, and most
15 important, for children not yet born.

16 In closing, I can only state that my
17 congressman has raised himself from
18 politician to statesman in only five years,
19 and I personally will fight very hard to keep
20 him as Brunswick County and my congressman.
21 Please allow us to remain in the 7th district.

22 Thank you, Mr. Wright.

23 **REP. WRIGHT:** Thank you, Allan. I look
24 forward to seeing you soon.

1 That completes the presenters at
2 Brunswick Community College. We will now
3 return here to Cape Fear Community College
4 and continue.

5 Our next presenter is Carolyn Justice.

6 Ms. Justice?

7 **MS. JUSTICE:** My name is Carolyn
8 Justice, J-u-s-t-i-c-e, as in "for all," and
9 I'm a Pender County Commissioner.

10 I take it I'm going to have to talk to
11 our county manager about speaking before he
12 writes his speech. He's just said everything
13 I wanted to say. But I think a different
14 slant on our situation. We're a population
15 of 41,000. I believe we're the fifth
16 largest county in North Carolina, and we are
17 -- we have been the fastest growing county
18 for several years. We are in tremendous
19 flux and have many difficult situations.

20 We have six representatives -- three
21 state senators, three state representatives
22 -- all fine men. As a matter of fact, I'd
23 like to use a few seconds of my five minutes
24 to say that Representative Wright can never

1 be thanked enough for what he did for our
2 county under Hurricane Floyd, and I wanted
3 to take the opportunity to tell you that.

4 Our problem is this, though. None of
5 these six people live in Pender County, and
6 they live in adjoining counties. Two of our
7 state representatives and two of our senators
8 do not live in counties that are coastal.
9 It is more difficult for them to understand
10 coastal issues. It is difficult for them to
11 understand our serious need for beach
12 renourishment and how important tourism is to
13 our county, because they don't live
14 necessarily in counties where those are big
15 issues.

16 The most difficult thing we face,
17 though, is when we go to Raleigh and attempt
18 to get a bill entered or an issue discussed,
19 they ask us, "Is your entire delegation on
20 board?" Well, our entire delegation are from
21 six different places, and it is difficult to
22 get them all aboard to introduce something.
23 It we have one or two holdouts in our
24 delegation, such as a state representative

1 who maybe doesn't live in a coastal county,
2 doesn't understand the importance of beach
3 renourishment, we've lost.

4 We know that we don't have enough
5 population to have our own state
6 representative or our own state senator. All
7 we're asking is, when you draw the lines, if
8 you could draw the lines so that enough
9 population could get in any one district,
10 then a resident of Pender County would have
11 a shot at it.

12 I cannot speak for the Democratic Party
13 or the Republican Party, but I can say this.
14 As a county commissioner, this is not a
15 political issue. It does not matter to me
16 if the person elected is a Democrat or a
17 Republican, just that they live in Pender
18 County and have a knowledge of our needs and
19 problems.

20 Thank you.

21 **REP. WRIGHT:** Thank you, Ms. Justice.
22 Our next presenter is Dwight Strickland.

23 **MR. STRICKLAND:** Representative Wright,
24 I'd like to say that it's a pleasure to be

1 here and a pleasure to have you here and
2 listen to our comments.

3 I would have to say that it is tough
4 being the third man on the pole from one
5 county, whenever you start off with Martin
6 Beach and then follow up with Ms. Justice.
7 Those two folks have pretty much taken all of
8 our words and comments.

9 But I would like to say that Pender
10 County is in a unique situation with 41,000
11 and six representatives, and we are unable
12 to have a voice in any election of any one
13 of those representatives, be it Senate or
14 even be it in the House. It's divided up in
15 a way that there's not a big enough chunk of
16 Pender County in any one of those districts
17 to really, really have a -- I call it a
18 sporting chance at electing any one of the
19 people that are in those seats.

20 And we would really appreciate that,
21 whenever the committee looks at that, to
22 take that into consideration and maybe
23 possibly -- we know we can't have a district
24 we don't -- I personally understand that

1 there's no way that each county can have a
2 House district. When you've got 120 House
3 members and you only have -- you have 100
4 counties, there's no way that everybody is
5 going to have a district. It's going to
6 have to -- it's going to be divided all into
7 different sections.

8 And we understand the thing with the
9 numbers and how you have to represent a
10 certain number of people and all that, but we
11 would really appreciate any consideration
12 that you could give, anything that you could
13 possibly do to help us.

14 And I would like to say in closing,
15 that I do appreciate everything that each
16 representative and each senator has done for
17 Pender County during the floor and in the
18 past and in the future, but I think that
19 now's the time that something really big can
20 happen for Pender County, and this is a once
21 in ten-year thing that can happen now. And
22 I'd just to say we would appreciate anything
23 that you would do for us on that.

24 And my name is Strickland, and that's

1 S-t-r-i-c-k-l-a-n-d.

2 REP. WRIGHT: Thank you, Mr. Strickland.

3 I should also point out that Mr.
4 Strickland is also the chairman of the Pender
5 County Board of Commissioners.

6 Thank you, Mr. Chairman.

7 Our next presenter is Henry McKoy,
8 former state senator Henry McKoy.

9 MR. McKoy: Thank you very much,
10 Representative Wright, Representative
11 McComas, McMahan, Senator Miller. It's a
12 real pleasure for me to have an opportunity
13 to be with you today.

14 I have something that I'd like to pass
15 onto you, or you might want to just put it
16 up so you can -- thank you.

17 The legislature will have an awesome
18 responsibility this year, in not only drawing
19 local district lines, but Congressional
20 lines. And I want to propose to you a
21 district. I believe it may be the 7th, but
22 I want to propose to you a district that
23 meets your criteria for communities of
24 interest, compact and contiguousness, and a

1 district that I believe has one of the
2 greatest chances in North Carolina long-term
3 for electing a minority candidate for
4 Congress.

5 The proposal here is not an indication
6 of a judgment about any individual
7 congressman that is serving, but the
8 decisions you will make will affect the state
9 for the next ten years.

10 Tonight, I want to show you a map of a
11 new minority district, which I think could be
12 appreciate for south central North Carolina.
13 The district includes Anson, Richmond,
14 Scotland, Hoke, Robeson, Bladen, Columbus,
15 and part of Cumberland Counties. This
16 district, as drawn, has a population of
17 approximately 619,634 people, which means
18 that the deviation is only 456 over the ideal.

19 I would also like to share with you,
20 this is where I spent the first 18 years of
21 my life and grew up in this district. My
22 father used to take me and his son -- when
23 we would gather tobacco in Hoke County, we
24 would take it to the markets in Robeson.

1 And if we couldn't get the deals we wanted
2 there, we would go over to Bladen and
3 sometimes Columbus.

4 Other things on the district -- in my
5 opinion, this district is geographically
6 compact and obviously contiguous. It allows
7 for representation of south central North
8 Carolina, which has many common
9 characteristics, to which I can testify,
10 having been born there. This is an area that
11 is predominantly rural and agricultural in
12 nature. There is not a major urban area,
13 with the exception of Cumberland. These are
14 basically small towns consisting of less than
15 10,000 people in the towns.

16 It has a rich history and strong family
17 ties. Throughout these counties, you have
18 the presence of the state's largest Indian
19 population, the Lumbee population, beginning
20 there in Robeson, with significant Lumbees
21 in Scotland, Hoke, Richmond and Anson. It is
22 a district where blacks and Indians are
23 beginning to move into positions of
24 leadership. Hoke County is now under the

1 control of a black Board of County
2 Commissioners, and they have elected a black
3 sheriff. Robeson County has elected an
4 Indian sheriff.

5 The district is also 48.2 percent
6 non-Hispanic white, which is to say that this
7 will become, if adopted, North Carolina's
8 third minority -- majority minority district:
9 34.64 percent of the population is
10 non-Hispanic black, 9.8 percent of it
11 American Indian, and 5.2 percent of it
12 Hispanic. As a former statewide candidate
13 for treasurer, I can see that the
14 representative of this district can truly
15 represent a majority -- a variety of
16 cultures which have common interests.

17 I would offer this to you. I believe
18 that you will -- by the way, these districts,
19 many of them, Lleandro was brought out of
20 Hoke County. Many of these districts fall at
21 the very bottom of your educational rung.
22 In my opinion and the opinion of a number of
23 others, one person representing these
24 counties that have a lot in common could

1 make them stronger and enhance and improve
2 their economic development potential, as well
3 as work with them on their common problems.

4 Mr. Chairman, I offer that to you for
5 your consideration, and I thank you for
6 providing us the opportunity tonight, and the
7 entire members of the delegation.

8 **REP. WRIGHT:** Thank you, Senator, and I
9 should also point out for the record that
10 former state Senator McKoy served the county
11 of Wake, of which he has resided -- resides
12 at, just for the record.

13 Thank you, Henry.

14 Our next presenter is Gary K. Shipman.

15 **MR. SHIPMAN:** Representative Wright,
16 good evening. My name is Gary Shipman,
17 S-h-i-p-m-a-n. I am chairman of the New
18 Hanover County Democratic Party, and I'm
19 pleased to be with you this evening.

20 I want to speak to two issues. First,
21 the issue pertaining the Congressional
22 districts, and second, issues pertaining to
23 the legislative districts in New Hanover
24 County. As it pertains to the Congressional

1 districts, I want to echo the comments made
2 by Mr. Rudd down in Brunswick, who stole my
3 thunder, because I was going to echo the
4 thought that, "If it ain't broke, don't fix
5 it."

6 New Hanover County has been part of
7 southeastern North Carolina's Congressional
8 district since the very first Congress met
9 the year that the United States Constitution
10 was adopted and ratified in 1789. New
11 Hanover County faces challenges and
12 opportunities similar to those other counties
13 in the 7th Congressional district and, in
14 fact, so much of what happens in New Hanover
15 County impacts the other areas in the 7th
16 Congressional district.

17 If you look at the map and you look at
18 what the hub of activity is in the counties
19 in the 7th Congressional district, as goes
20 New Hanover County, does go the other
21 counties in the 7th Congressional district.

22 New Hanover County has historically
23 shared the same legislative, judicial, and
24 Congressional representative as all of the

1 other counties -- virtually all of the other
2 counties in the 7th Congressional district.
3 In fact, New Hanover County has always
4 shared Congressional representation with
5 Brunswick County and what is today Columbus
6 County, and it has shared representation with
7 Robeson County for 192 years, with Bladen
8 County for 194 of the 212 years since 1789.
9 Again, if it ain't broke, don't fix it.

10 As we know, we have certainly been
11 blasted with hurricane activity in four of
12 the last five years, having battled
13 successfully, I would say, six hurricanes.
14 Congressman McIntyre has been instrumental in
15 providing relief to this part of North
16 Carolina, not only in New Hanover County,
17 but the other counties outside of New
18 Hanover County that were impacted by
19 hurricane activity.

20 He has worked to combine successfully
21 three projects for our port into one. And
22 as we all know, counties outside of New
23 Hanover County in the current 7th
24 Congressional district are provided economic

1 benefits with what happens in our ports.
2 Congressman McIntyre has protected
3 approximately 80,000 jobs that are directly
4 or indirectly associated with our Wilmington
5 port.

6 We've had enormous help from Washington
7 in rebuilding our beaches and salvaging our
8 schools and strengthening our law enforcement
9 and improving our health care and funding
10 our port with, in fact, help from our 7th
11 district Congress. New Hanover County has
12 benefitted from being in the 7th
13 Congressional district, and if it ain't
14 broke, don't fix it.

15 With respect to the legislative
16 districts, I want to simply echo some of the
17 other concerns expressed by individuals from
18 Onslow County. And that is, it would be
19 nice if it were a perfect world, to
20 eliminate some of the confusion that
21 currently exists about who represents whom in
22 any given area. We here in southeastern
23 North Carolina believe that we have problems
24 unique to this particular area. And

1 accordingly, we believe that lines can and
2 should be drawn so that our representatives
3 live and react to problems that we
4 experience on a daily basis.

5 We obviously have representatives from
6 New Hanover County who have done incredibly
7 great jobs for us, and we're not critical of
8 the jobs that any of our representatives
9 have done. We simply believe that,
10 especially given that New Hanover County has
11 experienced a 35 percent growth in the last
12 ten years, we believe that our lines, our
13 legislative lines, can be drawn so that our
14 representatives, in fact, live and react to
15 the problems that we experience on a daily
16 basis.

17 Thank you very much for the opportunity
18 to speak to you.

19 **REP. WRIGHT:** Thank you, Mr. Shipman.

20 Our next presenter is Fernando Trulin.

21 Mr. Trulin?

22 **MR. TRULIN:** My name is Fernando,
23 F-e-r-n-a-n-d-o, Trulin, T-r-u-l-i-n, and I'm
24 an advocate for the Hispanic Latino

1 community. I represent many, many heads and
2 many groups all over the state. I'd like to
3 thank Representative Wright and Senator
4 McComas for the great help they have done in
5 our communities and bringing us onto a board
6 in this effort of trying to get to be known.

7 In addition to what Ms. Yvonne Pagan
8 has said, I've got a couple of other things
9 that I would like you to take into
10 consideration. In 1980, nobody cared what
11 happened with the Hispanics because we didn't
12 make much numbers. In 1990, as you heard,
13 74,000. Ten years later, 350,000, close to
14 half a million, 350,000 on the books of the
15 census, but we do know there's about half a
16 million.

17 And then the question arises that, in
18 that period of time in ten years, we have
19 advanced 400 percent in the Latino community.
20 The question is, and I would like you to
21 think about this, in the year 2010, if we
22 have growth of 400 percent in ten years,
23 what is going to happen in 2020?

24 This also brings to the attention that

1 I would like you guys to put in very
2 closely, is that, there is many people who
3 said that, right now, many of them Hispanics
4 are not many voters. But I would like you
5 to understand, too, that between here and
6 ten years from now, the population that we
7 have now, right now, becoming US citizens,
8 are from ten to 15 years old, okay, that
9 second tier of Latinos.

10 So therefore, we have to take into
11 consideration -- I would like you to take
12 into consideration that the notice we have
13 up to right now of the Hispanic growth,
14 especially in the southeastern coast, the
15 areas where we have more need for development.

16 Also, we have to take for granted, too,
17 the this state is growing tremendously
18 economically and in the past has been said,
19 but the past governor, you know, the Latino
20 Hispanic group has played a big role into
21 this. But we say supply and demand, and we
22 have the supply. North Carolina has a
23 demand. So therefore, we're growing into all
24 the areas. We're growing professional, we

1 would know that we are pretty well into
2 agricultural. So between one tier and the
3 other one, we're growing.

4 So therefore, I'd like to also bring to
5 your attention that sometimes we need to
6 have -- we have a new concern of lack of
7 access to many community services, where also
8 the disparity in the service and provisions.
9 And we also advocate inclusion to all levels.
10 We have to -- I will ask you to put a little
11 bit more attention in the new numbers that
12 we're going to be looking into, because it's
13 going to play a great deal for all of us.
14 And of course, we believe in diversity.

15 Thank you very much.

16 **REP. WRIGHT:** Thank you, Mr. Trulin.

17 And our last presenter that I have here
18 before me on our speaker sheet is Larry
19 Fitzpatrick.

20 **MR. FITZPATRICK:** I appreciate you
21 coming to let us air our views on
22 redistricting. I am Larry Fitzpatrick,
23 former county commissioner for 14 years. I'm
24 also a commissioner of the Global Transpark

1 Economic Development Zone, which composes 13
2 counties in eastern North Carolina.

3 I want to say that I support the
4 position paper on the issues of redistricting
5 as related to Onslow County. We want out
6 citizens to have a clear understanding of
7 who their representatives are. Citizens are
8 confused about what district they live in and
9 who their representatives are. They've
10 become disillusioned with the process and are
11 discouraged from voting.

12 Also, the current districts
13 disenfranchise our military, and our
14 potential vote is diluted. And we have
15 Marine Corps base, Camp Lejeune and New
16 River Air Station within Onslow County.

17 To give you a couple of examples, which
18 you already know, we have five House
19 districts and three Senatorial districts in
20 Onslow County, and Onslow County being one
21 of the ten largest counties in the state of
22 North Carolina. So the citizens was done a
23 real disservice by the 1991 redistricting by
24 the state legislature.

1 We support representation for Onslow
2 County reflective of its citizens and on a
3 par with other large municipality areas which
4 have similar challenges and opportunities.
5 We support the creation of more concise
6 single-member districts to allow for more
7 responsive to constituents' needs.

8 It is our desire that the districts be
9 drawn so that a majority of the constituents
10 within a given district reside in Onslow
11 County. We support efforts to redraw
12 district lines with significant geographic
13 boundaries, i.e., roads and waterways,
14 precinct boundaries, county or other
15 municipal boundaries.

16 Now let me just give you one example of
17 how we have been split up in Onslow County.
18 A lady from a little town called Holly Ridge,
19 North Carolina, she owns 30 acres of land.
20 Fifteen acres are in the 12th House and 4th
21 Senatorial District, and across the road,
22 those 15 acres are in the 10th House
23 district. That's 15 acres. That gives you
24 an example.

1 And we're very much aware of one man,
2 one vote, but we need the legislative to draw
3 concisive (sic), contiguous lines as much as
4 possible. And how in the world can you take
5 eight legislative representatives -- let's
6 say on a local bill -- how are you going to
7 get those eight legislative representatives
8 together to support a local bill, when all
9 you have to do is have one to kill that bill?
10 And that one legislator may just have a small
11 portion, which those votes don't really
12 matter a whole lot to the individual.

13 So that's why it's important, and we
14 believe in Onslow County that those lines
15 can be drawn representing the majority of
16 the citizens of that county, and certainly
17 representatives for the citizens will know
18 that representative, which they do not know
19 at the present time. And when they go to a
20 precinct to vote, polling place, and even the
21 Board of Elections even gets confused, and
22 they have the wrong ballots at a polling
23 place.

24 And that happened the last election in

1 Onslow County, and that hasn't been the
2 first time. To give you an example, when
3 the Board of Elections can't even tell its
4 workers where the boundary lines are, that's
5 about as sad as you can get for North
6 Carolina.

7 And we want to thank you very much to
8 listening to our concern about redistricting.

9 **REP. WRIGHT:** Thank you, Mr.
10 Fitzpatrick.

11 And I believe that concludes, unless
12 there are any other presenters at the other
13 sites. Can we do a quick check at the other
14 sites to see if there's anyone else who
15 would like to present before this public
16 hearing?

17 Anyone at Topsail?

18 **UNIDENTIFIED SPEAKER:** No.

19 **REP. WRIGHT:** Anyone at Brunswick
20 Community College?

21 **UNIDENTIFIED SPEAKER:** No, sir.

22 **REP. WRIGHT:** And no one at Hampstead?

23 (No Response)

24 **REP. WRIGHT:** And for the record, any

1 other presenters here at Cape Fear Community
2 College?

3 If not, on behalf of the members of the
4 legislature and the Congressional and
5 Legislative Redistricting Committees, we'd
6 like to thank you all for your public input
7 and being present here with us. A very
8 special thank you to our staff, and
9 certainly to our reporter for being here.
10 Thank you all for a wonderful, wonderful job.

11 This is the sixth of eight, I think,
12 that we have scheduled. There are two more
13 scheduled tomorrow. Tomorrow morning, we
14 will be in Greenville at 9:30, I believe,
15 a.m., and then tomorrow afternoon in Edenton.
16 And that will conclude the public hearings.

17 We've had two weekends of this.
18 Started in Durham and went to the western
19 part of the state. This weekend, we're here
20 in the eastern part of the state.

21 Citizens, you will have an opportunity
22 for additional comments, if you desire. You
23 can send your comments to any member of the
24 Congressional of Legislative Redistricting

1 Committee or your elected official. You
2 still have that opportunity to do so. You
3 can send maps, if you will. You can also
4 draw your own districts and submit and
5 present those.

6 Public access is available and will be
7 available at the Legislative Building, for
8 you to come out there and plot out your own
9 plans, if you so desire, or you can do that
10 at home or wherever you desire to do so, and
11 submit them if you choose.

12 One last item that I have. As you exit
13 this evening, we have a redistricting booklet
14 for you, which has facts, figures and other
15 data in it. It also has the website
16 information on it. If you will take that --
17 take one of those. And we have one for each
18 one of you.

19 That concludes my remarks. I thank
20 you. Let me quickly yield to my co-chair to
21 see if he has anything to say.

22 Representative McComas?

23 **REP. McCOMAS:** Thank you,
24 Representative Wright. Thank all of you for

coming. We have a long ways to go, and we will endeavor to do everything we can to make sure that we have as fair and accurate representation as possible.

REP. WRIGHT: And with that, we are adjourned.

[PUBLIC HEARING ADJOURNED AT 8:10 P.M.]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

C E R T I F I C A T E

I, Brenda J. Thissen, notary public/court reporter, do hereby certify that the above-named hearing was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of hearing.

I do further certify that the persons were present as stated in the caption.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

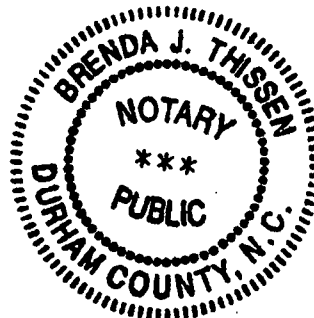
IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of June, 2001.

Brenda J. Thissen

Notary Public

My commission expires:

September 27, 2003



SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	Susanma Sartell	Jacksonville-Osborne Chamber of Commerce fees
2.	Joe McLaughlin	Osborne County Board of Commission
3.	Mayer Marvin Trott	Town of Richlands
4.	PAUL EDGERTON, Mayor	Town of Swansboro
5.	Marty Bostic, Mayor	Town of North Topsail Beach.
6.	Groome Pagan Carol D Brown	HDNC Wilmington
7.	ANDREW KOEPPPEL	
8.	Martin Beach	Pender County
9.		

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
10.	Carolyn Justice	Pender County Commissioner
11.	Dwight Strickland	Pender County Commissioner
12.	Henry McKoy	Citizen - Former State Senator
13.	Gary K. Shipman	NEW HANOVER DEM. PARTY
14.	Fernando Trevino	Latino/Hispanic Advocate
15.		
16.		
17.		
18.		

Wilmington

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
19.	CAROL FITZPATRICK	ONSLOW COUNTY
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		

Supply SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	~~ALLEN DAMERON~~ ~~270 BOWSWICK AVE~~ ~~HOLODEN BEACH NC 28462~~	
2.	SR Budget Budget 210 Country Club Dr. GREAT ISLAND NC 28465	
3.	Sue Inabner ~~34 Oak Island Dr. Oak Island~~	
4.	Allen Dameron 270 Bowswick Ave HOLDEN BEACH NC 28462	
5.		
6.		
7.		
8.		
9.		

STATE OF NORTH CAROLINA
PUBLIC HEARINGS ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATOR: Sen. Frank Ballance, Co-chair
Congressional Redistricting
Committee

COPY

TRANSCRIPT
OF
PUBLIC HEARING

At Greenville, North Carolina
May 12, 2001 - 9:35 a.m.

Reported by:
Brenda J. Thissen

Teleconference Sites:
Eastern North Carolina School for the Deaf, Wilson, NC
Beaufort Community College, Washington, NC

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1 I, Brenda J. Thissen, being a Verbatim
2 Reporter and a Notary Public in and for the state
3 of North Carolina, was appointed commissioner by
4 consent to take the Public Hearing on
5 Redistricting Based on the 2000 Census, held on
6 the 12th day of May, 2001, beginning at 9:35
7 a.m., at Pitt Community College, located in
8 Greenville, North Carolina.

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10 SEN. BALLANCE: I'm going to call
11 this public hearing to order.

12 Good morning, everyone. My name
13 is Frank Ballance. I serve in the
14 North Carolina Senate, and I represent
15 the 2nd Senatorial District, all or
16 part of seven counties in eastern and
17 northeastern North Carolina, right down
18 the Virginia border.

19 I'm very happy to be here this
20 morning with you to talk with you and
21 hear from you, rather, about
22 redistricting.

23 I'd like to at this time allow our
24 other legislative members who are here

1 with us to introduce themselves and
2 tell you where they're from. And then
3 we're going to switch over to Beaufort
4 Community College and have
5 Representative Zeno Edwards introduce
6 himself.

7 Representative Sutton?

8 **REP. SUTTON:** Good morning. I am
9 Representative Ron Sutton from the 85th
10 House District in Robeson County and
11 part of Hoke County. I serve in my
12 capacity here as senior co-chair of the
13 House Legislative Redistricting
14 Committee, that will be drawing the
15 House member districts for the state.

16 **REP. WARREN:** Good morning. I'm
17 Edith Warren, and I'm state
18 representative living in Farmville and
19 representative the 8th House District
20 that includes part of Pitt County, part
21 of Martin, part of Edgecombe, and most
22 of Greene.

23 **REP. McLAWHORN:** Good morning.
24 I'm Mirian McLawhorn, and you're in my

1 district here in Greenville at Pitt
2 Community College. It's House District
3 9. I represent also one precinct in
4 Greene County. And I welcome you to
5 this wonderful area and delighted to
6 have you. And I serve on the
7 Legislative Redistricting Committee,
8 which is involved with working with the
9 state House and Senate districts.

10 **REP. RUSSELL:** I'm Carolyn
11 Russell. I represent House District
12 77, which is parts of Wayne, Greene,
13 and Lenoir Counties, and I serve on the
14 Congressional Redistricting Committee.

15 **SEN. WARREN:** I'm Ed Warren, and I
16 represent probably the best Senate
17 district in North Carolina, except for
18 Senator Ballance. He said he wanted to
19 move down here. But Senator Ballance
20 is my leader in the Senate. He has a
21 leadership role there and does a superb
22 job for the North Carolina and its
23 Senate, and one of my legal advisors
24 there, which I need.

1 But anyway, just let me say about
2 Senate District 9, I have some of the
3 best legislators I work with in the
4 House in my district I represent, and
5 I'm so proud of the role they play in
6 helping me accomplish goals I'd like to
7 accomplish in this area in the east.

8 I have Kinston and Lenoir
9 Counties, which is a growth area with
10 Global Transpark, which I support
11 fully. Also, I have Beaufort County,
12 most of that county, I think about
13 36,000, and about 42,000 in Lenoir
14 County. Then I have Martin County,
15 about 10,000, and of course, about
16 80,000 or 90,000 in Pitt County.

17 All I want to say is that we have
18 a growth area here, one of the few in
19 this part of the state. It's so
20 exciting to serve and to represent this
21 area, because so many good things are
22 going on. And my chair of my County
23 Commissioners, David Hammond, can tell
24 you that we're excited here, because

1 Raleigh is not the only place that's
2 growing. We do have something here
3 besides Charlotte and Raleigh. We're
4 the next place on the map in this part
5 of the state.

6 And if you look at what we're
7 doing in medical school and look at
8 what the growth is here at our
9 hospital, and the many good things that
10 are taking place, if you want to live
11 here. And that's why Senator Ballance
12 is talking about moving.

13 But I tell you right now, we take
14 pride in this area, because we do have
15 the people that have the knowledge and
16 the background to make things happen
17 here, and I'm so happy to be a part of
18 it for many years. And I just look
19 forward to serving with you and helping
20 you again with redistricting.

21 I'm not sure how much the district
22 I represent would change, because our
23 growth numbers, I think, Senator
24 Ballance, is pretty close to what we

1 need. But anyway, we'll look at it.

2 Thanks for being here, and I hope
3 you enjoy Greenville and Pitt County
4 while you're here. If anything happens
5 to you, you get a ticket, just let us
6 know.

7 **SEN. BALLANCE:** At this time, we'd
8 like to go to Beaufort County and hear
9 from Representative Zeno Edwards.

10 **REP. EDWARDS:** I'm zeno Edwards.
11 I represent House District 2, which is
12 Beaufort and Harnett County, parts of
13 Pitt and parts of Craven.

14 **SEN. BALLANCE:** Thank you.

15 Also, we have with us, who is not
16 up front, Representative Alice
17 Underhill. If you'll stand and say
18 "hello."

19 Thank you very much.

20 We also want to just let us know,
21 we're not doing this alone. We have a
22 lot of help here. Brian Lay is --
23 raise your hand when we call your name
24 -- is the coordinator. Erika

1 Churchill, staff, Kim Rouse, Sharon
2 Cram. Brenda Thissen is our reporter,
3 taking down everything that happens
4 here today. Bill Freeman is our
5 sergeant-at-arms and also our
6 timekeeper. Where's Bill? And Martha
7 Parrish is also working as one of our
8 sergeant-at-arms. If I missed anybody,
9 we'll introduce them later.

10 Now, just briefly, I want to say
11 to you is what we are about, this year
12 in the General Assembly, why we are
13 here today. Each ten years following
14 our census, the Constitution directs
15 that we redraw Congressional and
16 legislative districts, that is, for the
17 House and the Senate. And as a part of
18 that process, we have had -- are having
19 -- we've had six public hearings. This
20 is the seventh one, this morning, and
21 there's one additional one that will be
22 at Chowan County at 4:00 this evening.

23 And so we want to hear from you,
24 the citizens of North Carolina, as to

1 your feelings about how we should
2 redraw these lines. We also -- as I
3 point out, we have today two additional
4 conference sites. One is at Beaufort
5 Community College in Washington, North
6 Carolina. You've heard from
7 Representative Edwards at that site.
8 We also have a satellite site at
9 Eastern North Carolina School for the
10 Deaf in Wilson, North Carolina, and we
11 will hear from them later on today.

12 This is one of the most important
13 events, that is, redrawing these lines,
14 that we can have in North Carolina and
15 in any other state, because the idea is
16 that we want to make sure that all of
17 our citizens have an opportunity to be
18 represented, both on the state level
19 and the General Assembly, and on the
20 national level in Congress. And the
21 rule is that these seats should be
22 drawn as near as possible to be equal
23 in population.

24 We want to also concern ourselves

1 with communities of interest as we draw
2 these lines, cultural and ethnic bonds
3 as we draw these lines, and we don't
4 like to split communities unless we
5 absolutely don't have any other option
6 in doing that. But we want to hear
7 from you on how we ought to do it.

8 Our purpose today is not to give
9 speeches, as I'm doing right now, but
10 rather, to hear from you. I'm sort of
11 laying the ground rules. We really
12 want to hear what you think about these
13 lines and how we should draw them and
14 where we should draw them.

15 We're not in a position today to
16 answer your questions, but we want to
17 simply hear from you. There will come
18 a time when we will have to present to
19 you plans that we have drawn after
20 we've had these public hearings. After
21 we've consulted with ourselves as a
22 committee, and after we've consulted
23 with our colleagues who are not on
24 these committees, we will draw proposed

1 plans. We will unveil them at a public
2 hearing probably in Raleigh, North
3 Carolina, and at that time, you'll have
4 another opportunity to come in and
5 comment on what we have put together
6 and what our proposal is.

7 It will take us several weeks to
8 do these plans, and so don't expect
9 them to be up next week, because we
10 have not yet drawn any plans. That
11 would be inappropriate for us to have
12 the plans already drawn before we hear
13 from you all.

14 We have also a website in Raleigh
15 that you can click in on:
16 www.nclegislative.net/redistricting.
17 We'll get that to you later on if you
18 want to make sure you write it down.

19 The one rule we have is that you
20 -- we're going to limit you to five
21 minutes per speaker. We will notify
22 you when we have -- when you have one
23 minute left, and then we'll call time
24 on you at five minutes. We'll ask you

1 to cooperate. If at the end we have
2 additional time, if you want to come
3 back and have some other remarks to
4 say, we'll do that.

5 We're going to start with our
6 speakers here in Greenville, and then
7 at some point, we're going to switch
8 over to Wilson, because we have two
9 speakers there, and one needs to leave
10 by 10:00.

11 So let's start right now. We'll
12 ask you to come to the mike. The first
13 speaker is Frank Warren. And we'll ask
14 you to introduce yourself and tell if
15 you're speaking for yourself or a
16 group, and then tell us what you want
17 us to hear. And then, after that,
18 Annette T. West. So if you'll move in
19 the area so you can be ready to come up
20 as soon as he gets through.

21 We just had walk in Mr. Gene
22 Rogers, who is a member of our
23 legislature from Martin County. Gene,
24 we welcome you to this even this

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morning.

MR. WARREN: Good morning,
Senator, and cousin Ed and cousin
Edith. My name is Frank Warren, and I
live in Snow Hill in Greene County.
And I'm a lifelong Democrat.

On March 7th at the precinct
meeting in Snow Hill, the following
resolution was approved and was read
later to the Greene County Democratic
Convention at the county courthouse on
April 24th -- 21st by the secretary of
the Snow Hill precinct.

The Greene County Democratic
Convention adopted this resolution
without any opposition. We believe
that each county in North Carolina
should have specific representation in
the North Carolina General Assembly,
and that this resolution, if carried
out, would restore to the smaller
counties that specific fair and
undiluted representation that the
people of these counties, I believe,

1 and we believe deserve. And this is
2 not to say anything negative about any
3 of the very good representatives that
4 are here that have represented us in
5 the past.

6 And here is the resolution. It's
7 entitled "A resolution regarding fair
8 representation for small counties."

9 Whereas, each of North Carolina's
10 100 counties deserves specific
11 individual representation in the
12 General Assembly of the state of North
13 Carolina, and

14 Whereas, Greene County and other
15 small counties in recent years have
16 lost their individual representation
17 due to redistricting decisions by the
18 courts and by legislative action, and

19 Whereas, the 2000 census requires
20 that legislative districts be redrawn
21 to reflect current population trends,
22 and

23 Whereas, this revision provides an
24 opportunity to restore to small

1 counties their individual legislative
2 representation, a basic democratic
3 privilege now denied to these counties
4 to the detriment of the people in these
5 particular small counties.

6 Now, therefore, be it resolved
7 that each of North Carolina's 100
8 counties be assigned one seat in the
9 North Carolina House of
10 Representatives, to be filled by the
11 vote of the people in that county only,
12 so that the undiluted interests of the
13 people in that county may be fairly
14 represented in the halls of the General
15 Assembly of North Carolina, and that
16 the remainder of the seats in the North
17 Carolina House of Representatives be
18 elected as they are now, from districts
19 which may or may not be within the
20 boundaries of a single county, thus
21 preserving the one person, one vote
22 mandate.

23 And ladies and gentlemen, that's
24 our resolution, and I hope you will

1 receive it and take it into serious
2 consideration and see what you might be
3 able to do to cause this to come about.

4 Thank you very much.

5 **SEN. BALLANCE:** Thank you, Mr.
6 Warren.

7 If you have prepared remarks, any
8 of the other speakers, please present
9 them to us, and we will preserve them
10 in the record.

11 **MR. WARREN:** I do.

12 **SEN. BALLANCE:** The next is --
13 and thank you for your presentation.
14 Next is Ms. West, and following Ms.
15 West, we will go to Wilson County to
16 hear from James M. Johnson, III, and
17 Howard Jones.

18 **MS. WEST:** Good morning.

19 **SEN. BALLANCE:** Good morning.

20 **MS. WEST:** I'm Annette West. I'm
21 a Lenoir County Commissioner. I
22 represent the 59,000-plus citizens in
23 Lenoir County. I've been a
24 commissioner for 13 years, and I'm

1 currently the chairman of our
2 Redistricting Committee, which has
3 consisted of representatives from the
4 area of Pink Hill, La Grange, the city
5 of Kinston, as well as the county
6 commissioners.

7 We have been discussing this issue
8 for some time, and we're very pleased
9 that you all have had the foresight to
10 do the grass roots effort and come. I
11 know it's taking time out of your busy
12 schedule and what little private life
13 you may have. But we do thank you.

14 The various elected bodies in
15 Lenoir County, we have all come
16 together, and we are very solid on this
17 issue. And we have passed a
18 resolution, of which I will give you a
19 copy.

20 But the highlights of the
21 resolution, that before 1991 and 1992,
22 we all did the redistricting, Lenoir
23 did have one vote and one
24 representative. After that time, we

1 were divided into three separate
2 districts. We have met and talked with
3 each of our representatives, and they
4 do understand that this is not anything
5 directed toward any one individual. We
6 have been represented well.

7 The problem really is very
8 frustrating, and if you all could solve
9 how you could be in two places at one
10 time, then we would not have this
11 problem. However, in trying to meet
12 with all of our representatives at one
13 time in a cohesive effort, in trying to
14 lobby, to do some planning, just the
15 process itself becomes very
16 labor-intensive and very complex.

17 As you know, it's always good to
18 hear from the horse's mouth the same
19 things at the same time. So it becomes
20 very, very difficult. And I know it's
21 very difficult to you all. Many times,
22 when we have, for instance, the
23 associations meetings in Raleigh and we
24 want to meet with our legislators and

1 we want to take them to dinner, so that
2 they don't have to spend so much time
3 coming back and forth, they can't be at
4 two places at one time.

5 So for this reason, we have
6 written this resolution, and the gist
7 is that Lenoir County is, when we
8 passed the resolution, was the 40th
9 largest. Now we're the 41st, after the
10 census. But we are the 41st largest
11 county in the state. At the same time,
12 of all the 120 representatives in the
13 House, not one lives in Lenoir County.

14 We are the largest county in the
15 state that is divided that has no
16 representative. And ladies and
17 gentlemen, I'm going to whine. That is
18 just not fair.

19 Therefore, we are requesting that,
20 in your redistricting process, that you
21 do keep this in mind, and that the
22 district in which Lenoir County would
23 reside, that a substantial and dominant
24 majority of voting constituents would

1 reside in Lenoir County.

2 I throw out to you a few
3 questions for you to consider in
4 dividing the county. Is that really
5 honoring the integrity of the county?
6 When you consider in our day, the
7 apathy toward government, the ill
8 feelings toward government. When
9 people are so divided, they are
10 disenfranchised, they feel disconnected.
11 I suspect that this has a lot to do
12 with the low voter turnout.

13 When you consider the east,
14 sometimes -- and I'm going to sound
15 paranoid -- wonder if the state of
16 Mecklenburg and the state of Raleigh
17 and Wake County do not have a hidden
18 agenda of dividing and conquering the
19 east, because of the way that we have
20 to be divided. When you look at how
21 hard you all have to fight in order to
22 get the funding to come to the east,
23 it's very, very difficult. I think
24 perhaps that process would be easier

1 and we could be more cohesive in the
2 east if, indeed, our counties were not
3 so divided.

4 I would like to also throw out to
5 you, when you think about it, where the
6 majority of the people that are on
7 Medicaid and Medicare, the east is
8 crying for the funding.

9 **SEN. BALLANCE:** One minute.

10 **MS. WEST:** The east has been
11 crying for relief in that funding. All
12 of the money seems to be going toward
13 roads and growth in the populated
14 counties. Think about changing that,
15 sending that growth and sending that
16 money for the roads down here. And
17 then perhaps the state would save some
18 money and they wouldn't have to spend
19 all that money on Medicaid.

20 So please remember us. Lenoir
21 County is 41 in the state. We have
22 nobody residing in our county to
23 represent us.

24 Again, I thank you for your time.

1 **SEN. BALLANCE:** Thank you,
2 Chairlady West. And if you have
3 prepared remarks, we'll accept those.

4 At this time, we would like to go
5 to Wilson, North Carolina, and hear
6 from Mr. James Johnson. And following
7 Mr. Johnson, Mr. Howard Jones.

8 **MR. JOHNSON:** Good morning,
9 Senator and Chairman Sutton and other
10 representatives. I'll claim the man
11 from Snow Hill as my cousin if he'll
12 claim me. And the lady from Lenoir,
13 amen. And my comments are going to be
14 more brief and more generic.

15 We haven't had an opportunity to
16 put our plan together as well as some
17 of your previous hearings that you've
18 had, and I'm just here to request some
19 things on behalf of us. But thank you
20 for giving up this beautiful Saturday
21 before Mother's Day, and some mothers
22 in the crowd will be happy when this
23 process is over.

24 But first and foremost, I want to

1 be very plain and simple in stating
2 that my comments are no reflection of
3 any poor leadership that we have. We
4 have pretty good representatives
5 representing us the best they can and
6 not living from here. I'm here today
7 to ask you to help balance the scales
8 from Wilson County.

9 It has been many years since
10 Wilson held a majority of any seat in
11 any district. Wilson is unique. We
12 need a representation to reflect our
13 diversiveness (sic), and only a Wilson
14 County resident may do this. Wilson
15 County needs your help.

16 It is my understanding that you
17 intend to make House seat of around
18 66,000 in population, 67,000 in
19 population. According to our census,
20 we're at 73,000 roughly now. That's
21 perfect for a seat. As it was stated
22 earlier, it would be nice to have one
23 of our own.

24 Wilson County has great people

1 willing to serve with pride and dignity
2 that want to help North Carolina grow,
3 as you are helping North Carolina grow.
4 But for us to be successful, we all
5 have to play a part in that. I only
6 ask that you give us what most counties
7 already have: a majority of a district
8 or a district.

9 If the people of Wilson County can
10 provide you with any help, be of any
11 part of this solution that you all are
12 looking for, we are ready and willing
13 to run up there and help you. And on
14 behalf of the mayor of the city of
15 Wilson, Bruce Rose -- I serve on the
16 council with him, and this is one of
17 the few times he has stated, "You run
18 with it, and I'll stand behind you 100
19 percent." He sends his regrets. He
20 has a family commitment and will not be
21 here today, but he, too, echoes this,
22 and so does the rest of the City
23 Council of Wilson.

24 Thank you for your time and all

1 that you do.

2 SEN. BALLANCE: Mr. Johnson? Mr.
3 Johnson, are you with me? Mr. Johnson?

4 MR. JOHNSON: Yes, sir.

5 SEN. BALLANCE: Well, you know,
6 you had a governor for about 40 years.
7 Does that make up for it? They've got
8 Toby Fitch over there.

9 MR. JOHNSON: Well, I understand
10 Mr. Fitch may have some eyes looking
11 elsewhere, so we need to protect past
12 Toby Fitch one day. Thank you.

13 SEN. BALLANCE: Thank you very
14 much.

15 Mr. Jones?

16 MR. JONES: Good morning and
17 thank you, Senator Ballance and to all
18 of you who have come out, as Mr.
19 Johnson just stated, on a Saturday
20 morning, to be with us and to talk
21 about the problems and solving -- the
22 solutions that probably all of us have
23 a concern about.

24 My concern basically is the same

1 as all of us here, is to have a more
2 balanced and a more stable government
3 in the city and the county of Wilson,
4 and most of all, the state of North
5 Carolina. I'm really inspired to hear
6 some comments to know that we're
7 talking about a city that has been cut
8 up into two representatives in our
9 city. We have two US representatives.

10 And I think -- as I see it, it's
11 the best of both worlds. We have two
12 representatives to represent Wilson
13 County. One advantage is the
14 committees that they sit on in
15 Washington. I'm talking about our US
16 representatives. I think one -- the
17 government runs somewhat like a
18 business. The more committees that you
19 have, then the better opportunity to
20 get something done.

21 No one knows where I live in
22 Wilson, whether I'm in Congresswoman
23 Clayton's or Bob Etheridge's --
24 Congressman Bob Etheridge's district.

1 But both of them are my
2 representatives. So I think we need to
3 look at that as we begin to redraw our
4 districts, in talking about one from
5 one and eliminating Wilson from having
6 two representatives. I think the
7 advantage of both of those guys -- just
8 think in terms of if we only had one US
9 senator in Washington. You know, where
10 would we go to and who would we talk
11 with?

12 So I think there's a good balance
13 there. And in Wilson, we're blessed.
14 And any other county that has two that
15 can go to Washington to see different
16 folks is great. I know that
17 Congresswoman Clayton, who is co-chairs
18 with the Bipartisan Party in
19 Washington, she co-chairs on the Rules
20 -- in cities throughout America. And
21 that is very important, and she has
22 been dedicated and spent her life
23 living out of Warren County. And that
24 was the lifestyle of it.

1 So I'm just very, very, very
2 thankful and hopeful that we will
3 maintain this two-party district the
4 way we have it now, keep it in Wilson
5 County. It increases your voter
6 registration. It increases people out
7 going to the polls, because I hear some
8 comments, saying that anybody should
9 know who your representative -- you
10 would get confused.

11 I agree, but on the other side,
12 it would inspire individuals to go out
13 and to vote, get people to come out to
14 vote and represent their rights. I
15 think it's good for the city. It's
16 good for the county. It's good for the
17 country.

18 So therefore, I am here to
19 endorse that concept. Thank you for
20 giving us the opportunity to spend this
21 couple of moments with you. And again,
22 I thank all of you for being with us.

23 **SEN. BALLANCE:** Mr. Jones, thank
24 you very much. While you're there,

1 illegal under Section 2 of the Voting
2 Rights Act. Even after Shaw v. Reno,
3 courts have continued to strike down
4 redistricting plans under Section 2
5 when plans fail to create adequate
6 majority minority districts.

7 For example, in Sanchez v.
8 Colorado, Colorado's legislative
9 redistricting plan was struck down in
10 1996 because it did not include a
11 majority Hispanic district. Tennessee's
12 legislative redistricting plan was
13 struck down in 1998 in rural west
14 Tennessee, African- American Council v.
15 Sandquist, because it did not include
16 sufficient majority black districts.

17 Population dynamics of Northampton
18 County and surrounding counties
19 indicates that there is a total
20 population of 184,819 individuals.
21 Fifty-five percent of those individuals
22 are white, 100,762, to be specific.
23 Forty-four percent, 81,280, are
24 African-American. One point two

1 percent, or 2,252, are Native American,
2 and 0.4 percent are Hispanic.

3 The 2000 census data shows an eight
4 percent increase in total population,
5 with a total of 199,993 people living
6 in the area. Fifty-one percent,
7 101,886, are white. Forty-five
8 percent, 90,519, are African-American.
9 One point three percent, 2,582, Native
10 Americans, and 2.1 percent, or 4,111,
11 are of Hispanic origin. These counties
12 again include Halifax, Hertford, Gates,
13 Nash, and Northampton, which comprise
14 the northernmost portion of this
15 district.

16 Going back to the first cases
17 that I cited, these and other judicial
18 decisions have rejected a variety of
19 arguments made by opponents of majority
20 minority districts, including the
21 argument that Shaw makes it unlawful
22 intentionally to draw a majority
23 minority district, and the argument
24 that a districting plan must achieve

1 ideal compactness in order to serve as
2 a valid Section 2 remedial district.
3 The lesson of these post-Shaw cases is
4 clear.

5 Section 2 of the Voting Rights
6 Act still makes it illegal to adopt a
7 redistricting plan that denies minority
8 voters an equal opportunity to elect
9 candidates of their choice. Therefore,
10 we request that the district remain the
11 same.

12 SEN. BALLANCE: Thank you, Mr.
13 Clark.

14 Juvencio Rocha-Peralta. And
15 you'll have to pronounce your name when
16 you get to the mike. And following him
17 will be Mr. Andy Foreman.

18 If you'll move over near where the
19 mike is. If you'll spell your last
20 name so the reporter can pick it up.

21 MR. ROCHA-PERALTA: Sure. Good
22 morning. Buenos dias.

23 SEN. BALLANCE: Good morning.

24 MR. ROCHA-PERALTA: Mi nombre es

1 Juvencio Rocha-Peralta. My name is
2 Juvencio Rocha-Peralta. I'm a resident
3 of Pitt County for 20 years. I'm
4 originally from Mexico. And I
5 represent here the Latin-American
6 Coalition of Eastern North Carolina.

7 And it's nice -- this is the first
8 time. I'm kind of new to play into the
9 job that you all do -- the job that you
10 all have been doing good, you know, in
11 the representation for the Hispanic
12 community in the state of North
13 Carolina. I know you say you're not
14 going to answer questions, but I'm just
15 going to throw these questions to you,
16 so you will plan with them. And when
17 you have the next hearing, you will
18 give us some answers.

19 As we know, the Hispanic/Latino
20 population in the state of North
21 Carolina is growing tremendous,
22 especially in eastern North Carolina.
23 In Pitt County -- we've got over 5,000
24 Hispanics here in this county. Duplin

1 County, which is about an hour from
2 here west, has the largest percentage
3 of Hispanic/Latinos.

4 What kind of strategy are you
5 going to take to represent for these
6 Hispanics, especially in the east? We
7 know a lot of the Hispanic/Latinos have
8 language barriers, cultural barriers.
9 What kind of steps are you going to
10 take to identify and include this new
11 community in North Carolina?

12 The census has shown us that the
13 percentage has grown, but I really
14 believe the percentage is higher than
15 what the census shows. The census also
16 says that, by 2010, Hispanic/Latinos
17 are going to be the largest minority
18 population in the nation. And I really
19 think that it's going to be before 2010
20 that this population is going to really
21 boom, not only in the nation but in the
22 state of North Carolina.

23 So what kind of steps are you
24 going to take to get those

1 Hispanic/Latinos involved in the job
2 that you, as representatives, do, and
3 how are you going to evaluate this
4 district so we can have a fair
5 representation? We already have some
6 Hispanic/Latino representatives at the
7 state level on a different -- we had
8 six. As I was saying, Governor Hunt
9 has really done a great job during his
10 term, opening these seats for these
11 people to represent us, but the
12 population is big.

13 And now these representatives
14 cannot do all the job. So I encourage
15 you to identify Hispanic/Latino leaders
16 that can help you represent these
17 Latinos across the state. And also to
18 help you, what kind of strategy are you
19 going to do so you can do the job and
20 we don't have to go back to some other
21 state so things can be done? We want
22 federal representation, and right now
23 we have the Mexican Council. We have a
24 great resource there. They can help

1 you and can help you identify
2 Hispanic/Latinos in the whole state of
3 North Carolina.

4 My other comment to you is, let's
5 make sure that the representation of
6 the Hispanics is very fair. You know,
7 the population has grown. Let's do a
8 better job compared to some other
9 states, the way they have represented
10 minorities.

11 Thank you.

12 **SEN. BALLANCE:** Thank you very
13 much.

14 Next, we have Mr. Foreman,
15 followed by Bill Cobey. And then we
16 will go to Beaufort County and listen
17 to their speakers.

18 **MR. FOREMAN:** Senator Ballance,
19 Representative Sutton, members of the
20 Committee, my name is Andy Foreman.
21 I'm chairman of the Pitt County
22 Democratic Party. And you can turn
23 your watch off. You won't need it.
24 Because as my members know, I'm short

1 and sweet and to the point.

2 I'm here today to speak on behalf
3 of the Pitt County Democratic Party,
4 and I support placing the entire county
5 of Pitt in the 1st Congressional
6 district. For many decades, we were
7 served in the 1st district in Pitt
8 County by able congressmen such as
9 Herbert Bottom and Walter B. Jones,
10 Sr., who died back in 1992.

11 We feel the citizens of Pitt
12 County would be better served by
13 placing the entire county in the 1st
14 Congressional district. However, if
15 Pitt County cannot be placed entirely
16 in the 1st Congressional district, I
17 ask you to keep it proportioned like it
18 is now. The Democratic Party supports
19 that the 1st district remain at least
20 partly in Pitt County. Congresswoman
21 Eva Clayton, as it is now, ably
22 represents the 1st district, and we
23 believe it would be a disservice to the
24 constituents of the 1st Congressional

1 district who live in Pitt County to
2 remove it.

3 I appreciate your consideration of
4 this matter. Thank you, sir.

5 **SEN. BALLANCE:** Thank you very
6 kindly.

7 Mr. Cobey. And then we'll be
8 coming to listen to Lee Foreman in
9 Beaufort County.

10 **MR. COBEY:** Senator Ballance,
11 honorable members of the General
12 Assembly present, I am Bill Cobey,
13 chairman of the North Carolina
14 Republican Party. And I want to thank
15 you for giving the citizens of North
16 Carolina the opportunity to give
17 initial input to the members of the
18 Redistricting Committees as they begin
19 the task of redrawing Congressional and
20 legislative districts required after
21 each decennial census.

22 With a five-minute time limit, I
23 will not have sufficient time to
24 discuss all the important redistricting

1 principles. However, the most
2 important principle in redistricting is
3 that the results of the process should
4 allow the people to elect
5 representatives that reflect both their
6 political philosophy and the diversity
7 of the state's population.

8 Steadily, over the past two
9 decades, the Republican Party has grown
10 to parity with the Democrats in many
11 areas. In federal elections for the
12 House of Representatives, the people of
13 this state have consistently shown a
14 preference for the philosophy of low
15 taxes and smaller government. In
16 addition, the litigation of the past
17 decade has shown the need to provide
18 the citizens of our state who have
19 historically been denied representation
20 with an opportunity to elect candidates
21 of their choice so that the minority
22 voices will not be absent from the
23 legislative halls.

24 On behalf of the Republican Party,

1 I'm submitting a starting point for the
2 discussions of our representation in
3 Congress. It's not a perfect plan, but
4 it's a starting point from which, I
5 hope, we can agree on a bipartisan
6 basis.

7 This plan has several advantages.
8 First, it preserves core districts and
9 representatives that have already
10 gained seniority in Congress,
11 including, I might mention,
12 Representative Mel Watt and
13 Representative Eva Clayton. Second, it
14 creates a new 13th district, which will
15 be politically competitive. Neither
16 party is given an advantage, and both
17 parties must work for the confidence of
18 the voters.

19 Finally, our initial proposal
20 provides a district which the
21 Department of Justice has long urged
22 the state to adopt in the southeastern
23 section of our state. It combines the
24 multi-racial communities which have

1 grown as a result of the immigration
2 during the past decade. This district,
3 unlike other minority majority
4 districts in the state, is compact. It
5 follows county lines. It creates a
6 non-Hispanic white minority, and we
7 believe its residents will be
8 politically cohesive.

9 The new district meets all the
10 important tests and criteria of fair
11 redistricting. Furthermore, I believe
12 the district will continue to elect its
13 present representative, Mr. McIntyre,
14 but when and if he should retire, it
15 would create an opportunity district
16 for the minority communities to elect a
17 candidate of their choice.

18 **SEN. BALLANCE:** One minute.

19 **MR. COBEY:** Naturally, I hope that
20 candidate will at the time be a
21 Republican.

22 I have a copy of that plan, which
23 is displayed up front for the
24 Committee, with a statistical analysis,

1 which I will turn in. And I hope that
2 this analysis will be informative.

3 Thank you very much. We
4 appreciate this opportunity.

5 **SEN. BALLANCE:** Thank you,
6 Chairman Cobey, and we certainly will
7 take your plan into consideration.

8 At this time, we want -- and
9 we're doing very well. We appreciate
10 everybody staying on time. And we're
11 going to go now to Beaufort Community
12 College and listen to Mr. Lee Foreman,
13 followed by Hood, whose last name I
14 can't read.

15 **MR. FOREMAN:** Good morning,
16 Senator Ballance.

17 **SEN. BALLANCE:** Good morning.

18 **MR. FOREMAN:** Good morning,
19 everyone. I'm Lee Foreman. I'm a
20 citizen of Beaufort County. I'm also
21 the chairman of the Beaufort County
22 Republican Party. We in Beaufort
23 County, as the Republican Party, do
24 support Chairman Bill Cobey's plan. It

1 is very fair and treats everyone on an
2 equal playing field.

3 Me as an individual as a minority
4 myself, being a Republican in Beaufort
5 County, feel that, for the good of the
6 county, we need to be in one district.
7 Being split creates problems, and you
8 tend to not turn out the voters that
9 you would if you had one candidate or
10 one party or one group that could
11 focus. We're not focused. We're so
12 diverse and divided, and if we had one
13 candidate as a -- was represented by
14 one candidate, we assume it would be a
15 stronger candidate.

16 There's a lot of points you could
17 go to. I mean, there's no doubt that
18 everybody has a different feeling. But
19 we're a small county. We're
20 economically distressed. We are -- we
21 don't get the representation because we
22 are such a small county. If we had a
23 House representative, if we had a
24 district of our own, we feel like we

1 would get a stronger voice. If we were
2 one of 100 versus pieces of 100, we
3 would be a must stronger force.

4 So for that reason, we do support
5 Chairman Cobey, and we do want to see
6 our county held in one district.

7 Thank you.

8 **SEN. BALLANCE:** Thank you very
9 much.

10 The next speaker is Beaufort County
11 Commissioner Hood Richardson. I
12 apologize for not being able to make
13 out your name. If you'll come forward.

14 **MR. RICHARDSON:** Excuse me.
15 Penmanship is not one of my strong
16 points.

17 My name is Hood Richardson. I'm a
18 Beaufort County Commissioner, and my
19 comments go along these lines. Efforts
20 to provide representation to super --
21 super-representations to various
22 groups, whether they're political or
23 racial, have hurt the whole population,
24 and they have hurt the majority. The

1 majority of the voters have suffered
2 because of these considerations, other
3 than the number of voters within a
4 district.

5 And that is the root of a lot of
6 our political problems. It has caused
7 factions within counties, split
8 counties. Oddly-shaped districts are a
9 problem. They disenfranchise voters to
10 the point that they do not want to
11 appear and vote. Split counties, to
12 some representatives, are somewhat like
13 stepchildren. They literally get no
14 representation.

15 Do not continue to destroy our
16 local heritage with the hodgepodge of
17 voting districts to serve political
18 minorities, regardless of who those
19 minorities are. Let the first goal be
20 to maintain our historical government
21 divisions, mainly county lines. Keep
22 us in county lines wherever possible.
23 I understand that there's going to be
24 -- have to be some chips taken off of

1 neighboring counties in order to make
2 the population thing work, but the core
3 of this needs to be our historical
4 county government.

5 The voters are becoming more
6 knowledgeable about all of the forms of
7 discrimination, and I'm predicting
8 that, as we go into the next ten years,
9 the voters are going to become a lot
10 more astute, and political leaders are
11 going to become a lot more astute at
12 how to handle these rigged districts
13 that are designed to favor a very few
14 people. And you are going to see a
15 political backlash that can go against
16 those who do think that they have a
17 majority.

18 A really good political leader, in
19 my opinion, can turn these districts
20 that are intended to favor a few, they
21 can turn those districts for their own
22 good. One of the things that's going
23 to be happening over the next ten
24 years, is we're going to see a breakup

1 in racial balance. Not all Democrats
2 -- not all blacks will be called
3 Democrats, is an example. Some of
4 those people are Republicans, and some
5 of them are chafing at the bit now.

6 Please consider numbers within
7 districts, and let's get away from the
8 special interests that we're trying to
9 foster with the system that we've had
10 for the last ten years.

11 Thank you very much.

12 **SEN. BALLANCE:** Thank you,
13 Commissioner.

14 Next Stan, Beaufort County
15 Commissioner. We'll blame this on the
16 fax machine, that we can't read these
17 names.

18 **MR. ETHERIDGE:** How are you
19 doing? I'm Stan Etheridge. I'm a
20 Beaufort County Commissioner. While I
21 am a Beaufort County Commissioner
22 today, I do not represent Beaufort
23 County. I represent myself and other
24 members of the electorate who feel the

1 same way I do.

2 I'd like to also thank
3 representatives that are still in
4 attendance, they being Representative
5 Sutton, Representative Warren,
6 Representative Russell, Representative
7 McLawhorn. Thank you for being here.
8 I'd also like to thank Senators
9 Ballance and Warren for being here
10 today.

11 Every ten years, the general
12 election for the General Assembly is
13 most important. Why, one might ask?
14 Because that is the time when we pick
15 elected officials who will go to
16 Raleigh to either represent the
17 collective interest and ideology of
18 their constituents, or themselves and
19 their party.

20 For the last 100 years in North
21 Carolina, it has been the Democratic
22 Party who has solely been in charge of
23 the constitutional mandate of
24 redistricting due to the increase or

1 decrease in population for
2 Congressional districts and the North
3 Carolina House and Senate districts.
4 The mess we have now, the Democrats,
5 wearing their "I am in charge" baseball
6 caps in Raleigh, are solely responsible
7 for it.

8 The gerrymandered 1st and 12th
9 Congressional districts are fine
10 examples of just how far the Democrats
11 will go to get their liberal foot
12 soldiers elected. These sprawling
13 districts take all or part of 20
14 counties each are not so much set up to
15 guarantee minority representation in
16 Washington, but also to provide
17 districts for other Democrats.

18 The Civil Rights Voting Act was
19 not passed to guarantee the election of
20 African-Americans in these two very
21 oddly-shaped districts, but to give all
22 minorities a reasonable chance to be
23 elected from these and other districts
24 as well. What we have are candidates

1 being elected because of the color of
2 their skin, not because of the content
3 of their character. This is not only a
4 bad basis for governing, I feel it is
5 unconstitutional.

6 State House and Senate districts,
7 long designed to be controlled by the
8 ruling Democratic Party, are no
9 different in quality. In the past, the
10 Democrats in the General Assembly have
11 reconfigured districts to provide safe
12 districts for incumbents, as well as
13 token minority districts, to keep their
14 foot soldiers in line. This is a sorry
15 excuse for the multi-county and
16 multi-member districts that we have now.

17 What is essential to keep the
18 faith of the voters are compact
19 Congressional districts, and the same
20 for House and Senate districts. Do not
21 split up counties solely for the sake
22 of putting as many African-Americans as
23 you can squeeze in some districts, and
24 as many Republicans as you can squeeze

1 in another district, so the Democratic
2 Party can have safe districts full of
3 yellow dog electorate who, quite
4 frankly, have not a clue as to the
5 problems they create because of their
6 outstanding lack of forethought and
7 wisdom.

8 With the many problems that we
9 have down in east in our multi-county
10 districts, we still have poor
11 representation or, sadly, no
12 representation at all. Just how many
13 tier one counties exist under these
14 gerrymandered botch of elected
15 Democrats in our east? Many.

16 Every ten years when we realign
17 voting districts, if Democrat
18 politicians continue to pick their
19 constituents rather than their elected
20 leaders, we will continue to have no
21 representation down east. And you
22 know, if this continues, one day the
23 electorate will collectively grow up and
24 throw the lot of you out.

1 Thank you very much. We only get
2 a chance to do this every ten years.
3 Please don't screw it up. Do the best
4 for the people out there that elected
5 you, and don't do it for yourself to
6 keep a safe district.

7 Thank you.

8 **SEN. BALLANCE:** Thank you,
9 Commissioner.

10 At this time, we'll hear from
11 Reverend David Moore -- he was kind
12 enough to print his name -- Beaufort
13 County.

14 **REV. MOORE:** Thank you, Senator
15 Ballance. I am Reverend David Moore
16 from Washington, North Carolina. I
17 wanted to have just a few comments
18 regarding the redistricting plan. And
19 no, this is not a political speech
20 based on my Democratic or Republican
21 views.

22 I want to talk about the issues.

23 **SEN. BALLANCE:** Excuse me,
24 Reverend Moore. I just -- excuse me

1 for interrupting you, Reverend Moore.
2 We're going to go to Wilson County
3 after you get through. Go right ahead.

4 REV. MOORE: Can I go?

5 SEN. BALLANCE: Go right ahead.
6 Continue.

7 REV. MOORE: All right. I want
8 to talk from a Congressional seat --
9 state House, the state district and
10 then the state House.

11 We are in Beaufort County and,
12 fortunately, we have the good pleasure
13 of having a split district. In other
14 words, we have representation from a
15 Democrat, Representative Eva Clayton,
16 and a Republican, Representative Walter
17 Jones.

18 I do not agree with my Republican
19 cohorts that that's bad. I think that
20 that's the best of both worlds. I'm
21 able to have conversations with both
22 representatives, and when I can do
23 that, if Representative Jones is
24 leaning one way, he might be able to

1 listen to me on the other side.

2 This, I think, is something that
3 is truly wonderful, and I really would
4 love for us to keep that type of
5 district together, because it gives us
6 -- especially in DC, it gives us a
7 chance to begin to look at our issues
8 and get them looking at it serious.

9 There is a Democratic and
10 Republican difference, and I'm wanting
11 you to look very close at this proposed
12 13th district. Now heretofore, and
13 even the Republicans in Beaufort
14 County, for example, decided that they
15 had never had a county commissioner.
16 Is it because minorities sue under
17 Section 2 and Section 5 of the Voting
18 Rights Act, that the reaction they got,
19 the Republican representation or the
20 county commissioners, that's how those
21 two previous speakers got their seats?
22 They will not tell you that, but it's
23 also an act of fairness.

24 And I think that's really what the

1 citizens of North Carolina are after.
2 It's fairness and right. What's best
3 for all of the people of North
4 Carolina? Section 5 and Section 2 of
5 the Voting Rights Act speak to the
6 disillusion and diluting of the voting
7 strength. We as minorities are very
8 critically aware of the fact that we
9 stand a chance to be redistricted out
10 of the little control that we have now.
11 And I would hope that you might begin
12 to look at the proposed trading that
13 I'm looking for for the citizens of
14 North Carolina, with these proposed
15 changes versus voting machines and
16 paper ballots.

17 Now the last thing I want to talk
18 about under the state House is the
19 possible lawsuits regarding the
20 equality of voting strength. Numbers
21 must be the deciding factor, regardless
22 of the census count. Hispanic voters
23 in Pitt County also tried to bring this
24 issue to bear, in that I'm sure that

1 that Hispanic number was grossly
2 undercounted. I'm sure the same thing
3 happens in the minorities which we
4 represent.

5 And in order for you to really
6 begin to put forth equal districts,
7 you've got to first look at what the
8 numbers are. Under the House seat, I'm
9 really hoping that you would be able to
10 look at the possibility of an increase
11 in minority districts -- that is,
12 districts that are 40 percent or
13 greater minority.

14 Now the reason why this is so
15 crucial is this: within the black
16 caucus of the state, our issues get
17 addressed. The Republican Party has
18 always been the one to say that they're
19 for equal treatment, but then they try
20 to court minorities whom they then
21 slighted. I don't understand this
22 mentality. It seems to me that the
23 most crucial aspect of the Constitution
24 of America is that we are given a

1 chance of one man, one vote, and let's
2 just let the numbers speak however way
3 they are. That's how we're going to
4 proceed.

5 The possible increase must also be
6 approved by the Justice Department.
7 Now it's important for us to realize
8 that we went to court time and time
9 again with the 1st and the 12th
10 district. With this 13th district, it
11 is possible for us -- and I haven't
12 viewed this Republican plan, although
13 I'm sure it won't be good for us. I
14 can tell you that up front. It is
15 possible for us to look at this
16 district, this 13th district, and put
17 together a plan that gives a little
18 more favor toward us, meaning
19 minorities.

20 Thank you so much for allowing me
21 the chance to speak, and I'll go give
22 my comments to the person, because I
23 really am a whole lot better. The
24 Republicans upset me up here, and I

1 needed --

2 **SEN. BALLANCE:** Thank you,
3 Reverend Moore. Chairman Cobey says
4 his plan is good for you.

5 At this time, we'd like to go
6 back to Wilson County and see if the
7 commissioner wants to speak.

8 Do we have our chairman of the
9 commissioners in Wilson County?

10 **MR. WEST:** Yes, we do, Senator
11 Ballance, and I thank you for the
12 opportunity to speak to you, and it's
13 good to be with you. The other night,
14 I'm sorry you had to leave so early,
15 but it is a pleasure to be with all of
16 the elected representatives from North
17 Carolina who are working on this
18 redistricting plan.

19 The only comment that I have is
20 that Wilson County wants
21 representation, and we recognize that
22 House member Toby Fitch, and as you
23 pointed out, Senator Ballance, our good
24 governor, Jim Hunt, has represented us

1 for several years.

2 But Wilson County is the minority
3 vote in every district that a House or
4 a Senate member represents. We would
5 like to be the majority vote in each of
6 those districts that we represent, or
7 at least one of those districts that we
8 represent. We hope that you will draw
9 the lines so that Wilson County will be
10 the majority vote in at least one of
11 the House or the Senate districts, so
12 that we can have representation, full
13 representation in the Senate or in the
14 House.

15 And I thank you for your time. I
16 thank you for letting me speak. I am
17 to the point and brief, and I don't
18 know if anybody else here wants to
19 speak, but thank you very much for
20 letting me do so.

21 **SEN. BALLANCE:** Thank you, Mr.
22 Chairman. You're doing a fine job.

23 Ladies and gentlemen, we are doing
24 very well. We have three additional

1 signed-up speakers. They're all here
2 in Greenville. If there's someone else
3 who wants to sign up at this time,
4 please go over and do so. But at this
5 point, we will move to Ed Congleton,
6 chairman of the Pitt County Republican
7 Party, following by David Lanier of
8 Greene County.

9 MR. CONGLETON: Mr. Chairman,
10 distinguished guests, and concerned
11 voters, before I begin my prepared
12 text, I'd like to question one thing.
13 This is a rhetorical question. I would
14 like to question the timing of this
15 meeting. This meeting has been
16 scheduled on one of the most important
17 days of ECU. It's graduation day.
18 Would it have not been so difficult to
19 place a phone call and inquire of
20 important events scheduled in Greenville
21 for today?

22 You, the panel of redistricting,
23 have a most important opportunity
24 facing you. For the first time in ten

1 years, you have the opportunity to
2 change what is wrong with voting in
3 North Carolina. And it is something
4 that I know that you do not enter
5 lightly.

6 I speak to you as a voter and as a
7 candidate in the last general election.
8 I ran for House district 6, which
9 represents portions of five counties:
10 Pitt, Martin, Bertie, Washington, and
11 Hertford. And it was interesting
12 during the introductions,
13 Representatives Warren, McLawhorn,
14 Russell, and also Senator Warren
15 commented that they all represent
16 portions of counties.

17 I can leave my house, drive four
18 miles and be out of this district,
19 until just before I arrive in Ahoskie.
20 And one of the questions I heard many,
21 many times while campaigning was, "Am I
22 in your district?" My comical answer
23 to them was, "It all depends on what
24 side of the road you're on."

1 Now the panel -- I have a copy of
2 the map from last year. And I propose
3 to you that, if we were to take this
4 map, frame it, and take it up to New
5 York City, you could sell this as art
6 work. There is no consistency to it.
7 There's no rhyme or reason to it, other
8 than just what some people decided.

9 One of the -- this -- and another
10 thing I said during my campaign was,
11 "These districts look like bugs
12 splattered on a windshield," and that's
13 about what they look like. Because,
14 after driving through this district, I
15 could have drawn these districts just
16 like my windshield looked. I mean,
17 there's no -- again, there's no rhyme
18 or reason to it.

19 This has led to voter apathy. No
20 one seems to know who represents them.
21 Again, Pitt County is represented by
22 five House members. No one seems to
23 know who is doing what to whom. Under
24 the North Carolina Constitution,

1 Article II, Section 5, it says, "Each
2 representative district shall at times
3 consist of continuous territory."

4 It could be argued that, by
5 "continuity," the office of the
6 Constitution were not only referring to
7 physical continuity, but also to
8 community. Communities should not be
9 divided. It is better to have a
10 single-member area than to have five
11 members represent Pitt County, as we do
12 now. Respect should also be given to
13 counties and communities. These foster
14 a sense of current district -- I'm
15 sorry -- this fosters a -- excuse me.

16 It almost seems that in our current
17 districts, there was an intent to split
18 counties and communities. This fosters
19 a sense of confusion among voters, and
20 hence, apathy. With apathy comes a low
21 voter turnout and, hence, an incumbent
22 has secured his or her future.

23 It can be argued that multi-member
24 districts violate the concept of one

1 man, one vote and equal representation.
2 Article II, Section 3 of the North
3 Carolina Constitution even suggests a
4 preference for keeping counties and
5 communities intact.

6 In closing, I ask you, the
7 members of this distinguished panel, to
8 give serious consideration to changing
9 the way things have been done for the
10 last ten years. Concentrate on making
11 these voting districts more one-member
12 districts. Make our communities and
13 counties whole again. By your actions,
14 you can increase voter apathy by
15 splitting more communities and
16 counties, or you can unite the people
17 and thereby create voter interest.

18 Thank you.

19 **SEN. BALLANCE:** Thank you, Mr.
20 Congleton.

21 I want to just point out to those
22 who may be watching that, in addition
23 to the representatives that you can see
24 sitting at this table, we still have

1 Representative Alexander Hill in the
2 audience, Representative Gene Rogers in
3 the audience, and Representative Thomas
4 Wright, who's also in the audience.
5 And I think Representative Zeno Edwards
6 is still in Beaufort County. So we're
7 glad to know that all of our
8 representatives are interested in what
9 you all have to say.

10 At this time, Mr. David Lanier,
11 followed by Syl Hughey. That's close.

12 MR. HUGHEY: Hughey.

13 SEN. BALLANCE: Hughey. Thank
14 you, sir.

15 MR. HUGHEY: You're welcome.

16 MR. LANIER: Good morning.

17 SEN. BALLANCE: Good morning.

18 MR. LANIER: I'd like to thank
19 you for giving me an opportunity to
20 speak. I didn't prepare a speech. I
21 came in and was told, "If you want to
22 speak, write your name down here." I
23 said, "I may be led by the spirit and I
24 wouldn't have a name down."

1 And so I'd like to say -- I'd
2 like to thank all of you all for giving
3 the opportunity to us to get in at this
4 point, the ground floor of the
5 decision-making. We being in a kinder
6 and a gentler nation, I would just like
7 to echo the fact of the people who have
8 come forward, asking that everybody be
9 considered -- minorities, Hispanic --
10 everybody be represented.

11 And I really don't have that much
12 to say because, as Mr. Warren pointed
13 out, some of the beauties of Pitt
14 County -- being from a low economic
15 county like Greene, the best I can say
16 economically about it, it's close to
17 Pitt County.

18 But I think for us to really
19 consider the whole eastern North
20 Carolina, we must do it cohesively. We
21 must make sure that everybody is on one
22 accord and working together. In order
23 to do that, we must continue to being a
24 kinder and gentler nation and make sure

1 that we consider everybody in its
2 decision-making.

3 Thank you very much.

4 **SEN. BALLANCE:** Thank you, Mr.
5 Commissioner.

6 And Mr. Hughey is our last
7 signed-up speaker.

8 **MR. HUGHEY:** Thank you, Mr.
9 Ballance. It's good to see you once
10 again.

11 **SEN. BALLANCE:** Thank you, sir.

12 **MR. HUGHEY:** Distinguished panel,
13 I was not the designated person to
14 speak. My name is Sylvester Hughey.
15 I'm representing the Pitt County NAACP.
16 President Mr. Gaston Monk is at a
17 graduation today and also tomorrow.
18 Vice President Walter Morehead was
19 supposed to be standing here. Whatever
20 came down, came down.

21 But I would just like to say
22 that, from my heart, that I would like
23 to see the representation of the two
24 persons, Clayton and Senator Edwards

1 here in Pitt County, remain as is.
2 It's carte blanche really having two
3 representatives. And we don't go that
4 far to get to each other. If you're in
5 Pitt County, as we know, it's been
6 stated here by this young man who just
7 left this podium, we need all we can
8 get.

9 And to the Hispanics, I echo their
10 sentiments. They need representation.
11 And these two that are here are doing
12 just that. And to the panel and to
13 those who are in charge of making these
14 decisions, I pray that you'll do that
15 which is fair and equitable to all that
16 are concerned.

17 Thank you once again.

18 **SEN. BALLANCE:** Thank you very
19 much, Mr. Hughey.

20 That is our last signed-up speaker.

21 I want to say that we certainly
22 will try to follow the law. We'll try
23 to follow the Constitution. The US
24 Supreme Court has given us some

1 guidelines, particularly in the
2 Congressional area, that we have to
3 follow. There are a lot of people who
4 want to be included in this process
5 known as Congress. There are a lot of
6 people who want to be included in this
7 process known as the North Carolina
8 General Assembly.

9 What we have to do is to try to
10 draw a plan, first of all, as the last
11 speaker said and as many of you said,
12 that's fair. And secondly, one that
13 will meet constitutional scrutiny of
14 our courts and, hopefully -- we'll make
15 a few people mad but, hopefully, we'll
16 make more glad than mad.

17 It is an untiring duty. One of
18 the problems we faced in these public
19 hearings that we don't like to stay in
20 Raleigh all year long. We'd like to
21 get out of Raleigh sometime in mid-July
22 this year. As you know, we have the
23 budget going on, and we have to do this
24 redistricting. So when we set up these

1 eight meetings, we knew we were running
2 into Mother's Day weekend. We have a
3 meeting at 4:00 this evening that's
4 going to really be tough, that is our
5 last public hearing.

6 But we appreciate very much each
7 of you coming to speak, and those who
8 did not speak, for coming to listen.

9 Do any of my other colleagues have
10 any other comments before we close?

11 Hearing none, we will just
12 announce that we have booklets on our
13 redistricting, as you exit, that are
14 available to you. And if you want to
15 make sure you have our website that you
16 can click on, that's Frankie Harvey.
17 That's your new computer person. It's
18 in the little booklet that you've got,
19 and you can look at that.

20 Thank you very much for coming.
21 We are now adjourned.

22 [PUBLIC HEARING ADJOURNED AT 10:39 A.M.]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

C E R T I F I C A T E

I, Brenda J. Thissen, notary public/court reporter, do hereby certify that the above-named hearing was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of hearing.

I do further certify that the persons were present as stated in the caption.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

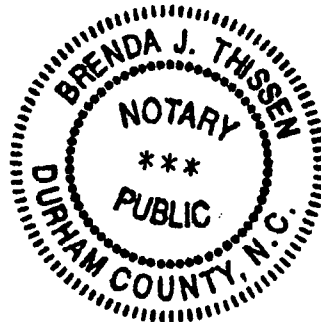
IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of June, 2001.

Brenda J. Thissen

Notary Public

My commission expires:

September 27, 2003



SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1. ✓	FRANK WARREN	DEMOCRATIC PARTY
2. ✓	ANNETTE T. WEST	LENOIR COUNTY
3. ✓	ANTHONY CLARK	NORTHAMPTON COUNTY
4. ✓	Juencio Rocha-Parallo, Jr	Eastern North Carolina Latino American Coalition
5. ✓	Andy Foreman	CHAIRMAN, Bitt Democratic Party
6. ✓	BILL COBEY	CHAIRMAN, NC REPUBLICAN PARTY
7. ✓	Ed Conington	Chairman, Pitt City Republican Party
8. ✓	David Jensen	Greene County
9.		

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
10.	Syl Hughey	Pitt City NAACP
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	JAMES M. JOHNSON, III	
2.	Howard Jones	
3.	DAVID L. WEST	WILSON COUNTY COMMISSIONERS
4.		
5.		
6.		
7.		
8.		
9.		

WASHINGTON, D.C. Speakers

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	Lee M. Foreman	Beaufort County Chairman, Republican Party
2.	Herb Phillips	Beaufort County Commission
3.	~~Lee M. Foreman~~	~~Beaufort County Commission~~
4.	Rev. David L. Moore	Beaufort County Commission
5.		
6.		
7.		
8.		
9.		

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STATE OF NORTH CAROLINA
PUBLIC HEARINGS ON REDISTRICTING
BASED ON THE 2000 CENSUS

MODERATORS: Sen. Frank Ballance, Co-chair
Congressional Redistricting
Committee

COPY

TRANSCRIPT
OF
PUBLIC HEARING

At Edenton, North Carolina
May 12, 2001 - 4:08 p.m.

Reported by:
Brenda J. Thissen

Teleconference Sites:
College of the Abermarle, Elizabeth City, North Carolina
College of the Abermarle, Manteo, North Carolina
Halifax Community College, Weldon, North Carolina

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1 I, Brenda J. Thissen, being a Verbatim
2 Reporter and a Notary Public in and for the state
3 of North Carolina, was appointed commissioner by
4 consent to take the Public Hearing on
5 Redistricting Based on the 2000 Census, held on
6 the 12th day of May, 2001, beginning at 4:08
7 p.m., at Holmes High School, located in Edenton,
8 North Carolina.

9 -----
10 SEN. BALLANCE: We're going to
11 begin this meeting. Good evening,
12 ladies and gentlemen. Thank you for
13 coming to this public hearing. My name
14 is Frank Ballance. I represent the 2nd
15 Senatorial district. I reside in
16 Warrenton, North Carolina, and
17 represent all or part of seven counties
18 in eastern and northeastern North
19 Carolina, beginning with Gates and my
20 home county of Bertie, and going west
21 from where we are today.

22 I'm very happy to be here with
23 all of you all, and look forward to
24 hearing from those who want to speak.

1 At this time, I'm going to yield
2 to my colleagues to have them introduce
3 themselves and say where they represent
4 from and anything else they'd like to
5 say. Then we're going to go to COA and
6 have some of our colleagues over there
7 introduce themselves.

8 **REP. WRIGHT:** I'm Thomas Wright,
9 representing the 98th district in the
10 state House, Pender, Brunswick,
11 Columbus and New Hanover Counties. I'm
12 from Wilmington. I'm the co-chairman
13 of the House Congressional
14 Redistricting Committee.

15 **SEN. BALLANCE:** Thank you,
16 Representative Wright.

17 Chairman?

18 **REP. CULPEPPER:** Thank you, Senator
19 Ballance. I'm Bill Culpepper, and I
20 live here in Edenton, and I represent
21 House district 86. House district 86
22 is composed of all of Chowan County,
23 Dare County, Tyrrell County, and those
24 are complete counties, all or most of

1 Perquimans county, and three out of six
2 precincts in Washington County. I'm
3 very pleased to be here.

4 **SEN. BALLANCE:** Thank you. We
5 have two of our very fine colleagues
6 who are at COA, one of our satellite
7 sites in Elizabeth City. And we're
8 going to ask that Representative Sutton
9 and Representative Owens, that they
10 would just introduce themselves.

11 **REP. OWENS:** I'm Bill Owens. I
12 live right here in Elizabeth City, in
13 the 1st House district. I represent
14 Currituck, Camden, Pasquotank, and part
15 of Perquimans County. And I'm casual
16 because we don't have any air
17 conditioning in the building. Saving
18 taxpayers' money.

19 **SEN. BALLANCE:** You're looking good
20 always. Thank you.

21 **REP. SUTTON:** Thank you, Mr.
22 Chairman. I'm Ron Sutton from down in
23 Robeson/Polk. I represent the 85th
24 House district and co-chair the

1 Legislative Redistricting Committee.

2 I'm glad to see my friend, Bill
3 Culpepper, looking so casual there.

4 **SEN. BALLANCE:** Well, you're a
5 long way from home. I was glad to see
6 you this morning and that you had a
7 nice drive over to Elizabeth City.

8 **REP. SUTTON:** And the attendance
9 we have here, Mr. Chairman, it seems
10 everybody is happy with the way the
11 lines are drawn and not too concerned
12 about them, and that's always good news.

13 **SEN. BALLANCE:** It means we're
14 doing a good job so far.

15 Well, ladies and gentlemen, I'm
16 just going to make a few remarks about
17 why we're here today. This, as you
18 know, we've just had -- our national
19 census has been completed, and our
20 population increased, and North
21 Carolina was blessed -- I suppose being
22 on this Committee, we might not say
23 that, but in general, we can say we're
24 blessed, because we picked up another

1 Congressional seat, the 13th.

2 But every ten years following the
3 census, it's the duty of the General
4 Assembly to redraw Congressional,
5 Senate and House lines, to the end that
6 we can ensure that there is even
7 representation of our citizens
8 throughout the state. Now part of that
9 process, we have what is known as
10 public hearings.

11 This is the last of our public
12 hearing sessions. We've had seven
13 others, beginning on Thursday a week
14 ago in Durham, North Carolina, and then
15 going west to Greensboro, to Charlotte,
16 and to Asheville. And then this
17 weekend, we were in Lumberton and
18 Fayetteville on Thursday night, I
19 believe, and on Friday, in Wilmington.
20 This morning, we were in Greenville,
21 and this evening, we're proud to be in
22 Chowan County in Edenton, North
23 Carolina, here at Holmes High School.

24 We've also had several satellite

1 sites, just as we have today. We have
2 three satellite sites today. And I'll
3 just abbreviate COA, Elizabeth City.
4 We just heard from our representative
5 there. We also have COA at Manteo, and
6 I understand Norma Mills is working
7 hard over there holding on. I don't
8 know if he can hear me, but we're glad
9 we're there. And then Halifax -- we
10 have a site at Halifax -- there's COA,
11 and we just had it on the screen. And
12 now we're at Halifax Community College
13 in Weldon, North Carolina.

14 Thank you all for coming and being
15 with us. We have a list of speakers.
16 It is a short list. We're not going to
17 have to call time today. But at this
18 point, we will hear from you, and you
19 can tell us what you think about our
20 efforts to redraw these lines. We are
21 interested in your comments and your
22 concerns. We know that you want to
23 have the best representative government
24 that you can have, and that is our goal

1 also.

2 We know that you are interested
3 in keeping communities of interest
4 together. We know that you have some
5 concerns that we may not be able to
6 address. People have told us not to
7 split their counties, and we will do
8 our best to address those concerns that
9 we've heard from.

10 But at this time -- let me say
11 one other thing. We're not in a
12 position today to answer questions. We
13 do have a procedure. What we're going
14 to do after these public hearings are
15 complete, we're going to go back, and
16 we have House and Senate Committees.
17 We work jointly. And then we're going
18 to draw a proposed map -- three
19 proposed maps. And after we have drawn
20 those proposed maps, we will have
21 another public hearing in Raleigh.

22 Now it may be difficult for some
23 of you to arrive, but we will also be
24 able to -- you'll also be able to

1 access our proposed maps on the
2 website, that we'll hand out a list of
3 those -- the address for that website
4 at the end of this meeting. But at
5 that time, we will be able to answer
6 any questions that will come forward as
7 to why we drew the districts the way we
8 have drawn them, and any other
9 questions that you may have.

10 But at this time, we simply want
11 to hear from you, as we've been hearing
12 from your colleagues across North
13 Carolina this past two weeks.

14 With that having been said, we
15 will go now to our sign-up sheets, and
16 we'll ask you to come to the podium on
17 my left. And there's a mike already
18 there. Introduce yourself and tell us
19 who you represent, and then go ahead
20 and address us.

21 Our first speaker is Mayor Fred
22 Yates from Perquimans County.

23 Yes, if you would, when you hear
24 your name. Please spell the last name.

1 We have a court reporter taking down
2 everything that's going to be said.
3 And if you have a written statement,
4 you may present that to us, also.

5 Mayor Yates?

6 MR. YATES: Good afternoon,
7 gentlemen. First of all, let me thank
8 you for coming to northeastern North
9 Carolina. So often, we are left out.
10 We have to drive to Greenville or Rocky
11 Mount or wherever. But this time,
12 you've seen fit to come to the -- I
13 call it God's Country -- and we thank
14 you for that.

15 My concern is, I live in Perquimans
16 County, and even though we have two good
17 representatives, Bill Owens and Bill
18 Culpepper, our county is split.
19 Representative Owens has got one
20 precinct in New Hope, and
21 Representative Culpepper has the rest.
22 Now, I'm not complaining about the
23 service that they're giving us. It's
24 just that we -- I think we need to

1 unify our county into one area.

2 The Senate, I don't have any
3 concerns, because we've got one of the
4 greatest senators that's in the Senate,
5 other than yourself, Senator Ballance.

6 **SEN. BALLANCE:** Thank you, sir.
7 You're a fine man.

8 **MR. YATES:** The Congressional
9 plan, I don't have anything against
10 Onslow County, nothing in the world. I
11 was in the Marine Corps down there for
12 quite a few years, in Jacksonville.

13 But if you look at Perquimans
14 County, at the tip of the map, and
15 swing all the way down to Onslow
16 County, I don't think we have nothing
17 in common, other than being good North
18 Carolinians. I would like to see the
19 1st Congressional district redrawn. Our
20 representative is Eva Clayton in that
21 district, and I would like to be
22 included in that district. And she has
23 given us good service. Walter Jones
24 has the 3rd district and, you know --

1 he has the 3rd district.

2 But I'm looking at that map and
3 I'm looking at gray going way down to
4 the bottom, and then tan all around us.
5 It looks like to me some way possible
6 it could be worked out where gray would
7 be gray and tan would be tan. And I
8 think we would have a good
9 representation of leadership in
10 Congress.

11 You told me to spell my last
12 name. Y-a-t-e-s. And I'm the mayor of
13 Winfall, North Carolina. I'm the
14 fourth vice president of the NAACP, the
15 State Conference of North Carolina, and
16 also the president of the Eastern North
17 Carolina Civic Group. And I thank you
18 very much. Again, thank you for coming.

19 **SEN. BALLANCE:** Mr. Mayor, I
20 believe, historically, you have in the
21 past voted for the congresswoman from
22 the 1st district, is that correct?

23 **MR. YATES:** Yes. We used to be
24 in the 1st district, and we were moved

1 from the 1st district in the last
2 redistricting. And they called it
3 unconstitutional, but it was proved
4 it's constitutional, like the 12th.
5 Spent a lot of money, lot of money, but
6 it turned out to be constitutional.
7 And I think you can draw those
8 districts where it would be fair to
9 everyone.

10 **SEN. BALLANCE:** Thank you.

11 **MR. YATES:** And you have to
12 excuse me. I've got to go.

13 **SEN. BALLANCE:** Thank you, sir.
14 We appreciate your coming over.

15 Our next speaker is Mr. Tim
16 Griffin.

17 Mr. Griffin, come forward.

18 While he's coming up, let me just
19 do another housekeeping and introduce
20 our staff and our support. Brian Lay,
21 our coordinator. He's been in and out.
22 Erika Churchill, our staff. She's been
23 in and out. Let's see. Brenda Thissen
24 is our reporter to my left here. We

1 have Mark Cohen and William, our
2 sergeant-at-arms staff. And we have
3 Kristen Crosson with our research
4 division, and Ken Goodwin is one of our
5 hosts. He's here from the high school
6 here in Chowan. And Nellie Hyatt is
7 another hostess from the high school.

8 Thank you all.

9 Yes, sir?

10 **MR. GRIFFIN:** Hi, I'm Tim
11 Griffin. I live in Roper over in
12 Washington County. Washington County
13 is a small county, as you know. We
14 don't have many people. But it's an
15 odd thing that our districts are all
16 cut up in our county. The North
17 Carolina House is represented in two
18 legislators. I live in part of
19 Representative Culpepper's district,
20 which puts us in with Dare County,
21 Tyrrell, and parts of Perquimans and
22 Chowan.

23 And that's nice, but I don't have
24 anything in common with the folks of

1 Dare County. They have a booming
2 economy. They have a need for more
3 workers, where in Washington County, we
4 have a need for more jobs. There's
5 just a vast difference of what they
6 need and what we need, and plus,
7 they're voting with their higher
8 populations and our smaller
9 populations, and their vote counts more
10 than ours. If Dare County wants
11 something, that's where it's going to
12 go, basically, because they have more
13 votes, more people, a larger percentage
14 of the district vote.

15 Our North Carolina Senate, again,
16 Washington County is split again. Part
17 of us are in Senator Basnight's
18 district. Part of us are in Senator
19 Bob Martin's district. We're split.
20 Every which way you turn, we're split.
21 In the US House, again, we're split.
22 Part of us are represented by Eva
23 Clayton. Some of us are represented by
24 Legislator Jones. Again, Washington

1 County gets split down the middle,
2 always diluting our vote, diluting our
3 unified voice together.

4 I'd like to see the 1st district be
5 changed back similar to what it was
6 before, where Washington County was in
7 it, where we were -- with counties that
8 we had more things in common with and
9 had a more unified voice.

10 Thank you.

11 **SEN. BALLANCE:** Thank you. Let
12 me ask you a question, Mr. Griffin. Do
13 you want to get rid of Mark Basnight or
14 Mr. Bob Martin? Don't answer that.

15 **MR. GRIFFIN:** Neither one of them.

16 **SEN. BALLANCE:** Thank you.

17 **MR. GRIFFIN:** Thank you.

18 **SEN. BALLANCE:** I understand your
19 concerns.

20 Next, Mr. Bruce Spivey.

21 **MR. SPIVEY:** My name is Bruce
22 Spivey. I'm a citizen of Martin
23 County. And much like Tim from
24 Washington County, I would like to say

1 that our county is only 25,000 people.
2 We have three House representatives
3 representing our county. Basically, we
4 are the minority constituent of each of
5 those representatives. Our county, as
6 is Washington, is the highest
7 unemployment in the entire state.

8 Legislatively, you know, with DFI,
9 the economic development programs that
10 have come to our region, they haven't
11 reached the forefront of the political
12 spectrum like New Corps did. The
13 tremendous impact on our whole region,
14 it's basically been overlooked. It
15 hasn't been pushed.

16 Our county needs to speak for
17 itself. We can't do that through three
18 representatives. I feel that our voice
19 hasn't been heard and that we aren't
20 being represented. I can't think there
21 aren't precincts in Wake County that
22 aren't larger than the total population
23 of our county.

24 As far as the US Senate -- I'm

1 sorry, the US Congress -- I think -- if
2 you look at districting, it really --
3 the people north of the Abermarle Sound
4 and the Roanoke River have more in
5 common with each other than we have
6 with them, and yet we've been thrust
7 with people as far as northwest of
8 Raleigh, and all the way almost to the
9 coast. We fit more in with Beaufort
10 County, Pitt County, and our
11 surrounding region, than we do with
12 people that would, you know, be in the
13 Piedmont.

14 In redistricting, I'd like to see
15 our county remain unified, as far as
16 the state House goes, as far as the
17 state Senate goes, and as far as our
18 Congressional district, which it is not.

19 Thank you for your time.

20 **SEN. BALLANCE:** Mr. Spivey, let
21 me ask you a question. I know you have
22 a -- unlike some of these guys, you
23 have a resident representative, Mr.
24 Rogers, is that correct?

1 MR. SPIVEY: Yes.

2 SEN. BALLANCE: Who else
3 represents you, John Hall?

4 MR. SPIVEY: Yes.

5 SEN. BALLANCE: And Ms. Warren?

6 MR. SPIVEY: Uh-huh (yes), right.

7 SEN. BALLANCE: Okay.

8 MR. SPIVEY: For us to do anything
9 legislatively, we have to somehow get
10 on all of their agendas and have them
11 speak for us in the House. I mean, as
12 it is now, they have the opportunity to
13 vote against one another. For Martin
14 County to move forward legislatively to
15 do something about 10 1/2 percent
16 unemployment, job losses -- we've lost
17 2,500 jobs in the last two years, and
18 we really need, I think, a unified
19 representative that's going to work for
20 the whole of our county.

21 SEN. BALLANCE: You don't think
22 three votes is better than one?

23 MR. SPIVEY: Not at this point,
24 no, sir. Thank you.

1 **SEN. BALLANCE:** Thank you very
2 much.

3 All right. Now we have another
4 speaker, I believe, that -- Mr. James
5 Sears, I believe, from Gates County.

6 Mr. Sears, come forward.

7 **MR. SEARS:** Good afternoon. My
8 name is James Sears. The last name is
9 like the store.

10 I didn't have all of my information
11 together, so I simply addressed it to
12 "To Whom it May Concern."

13 My name is James H. Sears. I'm a
14 lifelong resident of Gates County. At
15 present, all of Gates County is in the
16 1st Congressional district, North
17 Carolina's 2nd Senatorial district, and
18 the 5th North Carolina House district.
19 I'm represented by Congresswoman Eva
20 Clayton, Senator Frank Ballance and
21 Representative Howard Hunter.

22 I urge you in your deliberations
23 to keep Gates County wholly in one
24 district as it currently is. In

1 addition, I wish that Gates County
2 would remain in the districts noted
3 above.

4 In regard to this hearing, the
5 timing was unfortunate. Beyond this
6 being the day before Mother's Day, area
7 universities have graduation exercises.
8 Friends that I spoke to were not able
9 to change their plans and, thus, are
10 not able to be here to speak for
11 themselves. I don't know what kind of
12 constraints for those who scheduled the
13 event, but I do know of a few
14 individuals who would have been here
15 had the timing been different.

16 Thank you for your attention. I
17 would echo the words of Mayor Yates in
18 addition, by saying that we've been
19 served very well by Congresswoman
20 Clayton and by Senator Ballance --

21 **SEN. BALLANCE:** Thank you, sir.

22 **MR. SEARS:** -- and by
23 Representative Howard Hunter, and so we
24 would simply urge that you would

1 continue to keep us in that fashion.

2 Thank you kindly.

3 **SEN. BALLANCE:** Thank you.

4 That is the last of our signed-up
5 speakers. Some of you this morning,
6 when we were in Pitt County, we had one
7 commissioner say he didn't come to
8 speak, but he was touched while he was
9 sitting in the audience, and he did
10 come forward and make a statement at
11 the end. So if anyone who is present
12 today would like to come forward and
13 make a statement, the mike is open.
14 We'd welcome you to do so.

15 Also, if you don't -- if you're
16 not prepared to make a statement today
17 -- and we recognize that we're running
18 up against Mother's Day this weekend
19 and graduation, but we will be happy to
20 receive any written communication that
21 you have. The House and Senate
22 Committees will be happy to receive
23 that information.

24 Additionally, I should tell you

1 that we have computers in Raleigh at
2 the Legislative Building, that you can
3 come down and get on the computer and
4 draw your plan. Now it doesn't mean it
5 will be adopted, but I promise you it
6 will be considered.

7 And we offer that service to you.
8 It's free, and we also have someone
9 there to help you if you need help,
10 like I do. If you don't know what a
11 computer is supposed to do, we have
12 staff who can assist you. And we
13 welcome you to come down to Raleigh,
14 the seat of your government, paid by
15 for your taxes. And they're available
16 to you.

17 If there are no other speakers --
18 just a minute.

19 We'd like to announce at this time
20 that we have another one of our
21 colleagues, the Honorable Representative
22 John Hall, who is present with us in
23 Halifax -- at Halifax Community College.

24 Representative Hall, if you hear

1 my voice, we'd be happy to have you
2 introduce yourself and say how -- don't
3 say how great thou art.

4 REP. HALL: Thank you, Senator.

5 It is a pleasure for me to be
6 able to join you this afternoon. I ran
7 into a storm over here, so I was a
8 little late. But I represent parts of
9 Halifax, part of Edgecombe, part of
10 Martin and part of Nash Counties. And
11 we know that we're going to have to
12 extend those boundaries, so I'm looking
13 forward to this process and looking
14 forward to working with members of the
15 General Assembly to get the job done.

16 SEN. BALLANCE: Now, I'd like to
17 ask you, Representative Hall, are we
18 being carried live on WYAL 1280 radio
19 station? Do you know the owner of that
20 station?

21 REP. HALL: I do know the owner,
22 Senator, and at this time, he's not
23 there.

24 SEN. BALLANCE: Thank you very

1 much, Representative Hall.

2 We've been blessed. I've attended
3 three of these meetings, public
4 meetings, and our committee members
5 have done an outstanding job of being
6 present. This morning, we had probably
7 seven representatives and senators who
8 were in Greenville. This evening, we
9 have six of us, I believe, at the
10 various sites here this evening. So
11 we're interested in your comments, and
12 if you -- as I said earlier, if you
13 don't have them today, we'll be happy
14 to receive them.

15 We have some booklets, I believe,
16 that we can pass out at the end of this
17 process, that will give you more
18 information. Also, we'll give you our
19 website. And please pick one of these
20 up as you leave.

21 If there are no further questions
22 -- Norma Mills, are you still down at
23 COA, or have you closed up shop?

24 UNIDENTIFIED SPEAKER: She's

1 closed up shop.

2 SEN. BALLANCE: She's closed up
3 shop.

4 Thank you, satellites. We
5 appreciate all of the people coming out
6 here today. We can now get home and
7 get those last-minute Mother's Day
8 cards, and I think the flowers have not
9 sold out yet.

10 Thank you very much. We're
11 adjourned.

12 [PUBLIC HEARING ADJOURNED AT 4:30 P.M.]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

C E R T I F I C A T E

I, Brenda J. Thissen, notary public/court reporter, do hereby certify that the above-named hearing was taken and transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of hearing.

I do further certify that the persons were present as stated in the caption.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

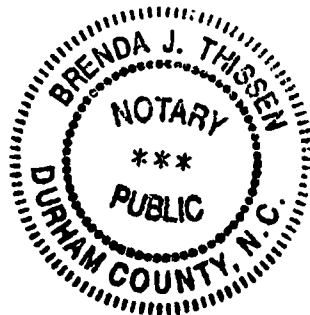
IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of June, 2001.

Brenda J. Thissen

Notary Public

My commission expires:

September 27, 2003



2020/12/01

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
1.	Fred Yates	NAAAP - ENCG
2.		
3.		<u>No speakers at</u>
4.		Wetton
5.		Elizabeth City
6.		Manteo
7.		
8.		
9.		

Edison

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
10.	Tim Griffin	
11.	Bruce Spivey	
12.		
13.		
14.		
15.		
16.		
17.		
18.		

SPEAKER SHEET

Please fill out this sheet ONLY if you want to speak. Please also fill out the Attendance Sheet.

	Name (please print)	Organization (if applicable)
19.	JAMES H. SEARLES	SELF
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		