

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MISSISSIPPI STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE; DR.
ANDREA WESLEY; DR. JOSEPH WESLEY;
ROBERT EVANS; GARY FREDERICKS; PAMELA
HAMNER; BARBARA FINN; OTHO BARNES;
SHIRLINDA ROBERTSON; SANDRA SMITH;
DEBORAH HULITT; RODESTA TUMBLIN; DR.
KIA JONES; MARCELEAN ARRINGTON;
VICTORIA ROBERTSON,

Plaintiffs,

vs.

STATE BOARD OF ELECTION COMMISSIONERS;
TATE REEVES, *in his official capacity as Governor of
Mississippi*; LYNN FITCH, *in her official capacity as
Attorney General of Mississippi*; MICHAEL WATSON,
*in his official capacity as Secretary of State of
Mississippi,*

Defendants,

AND

MISSISSIPPI REPUBLICAN EXECUTIVE
COMMITTEE,

Intervenor-Defendant.

**CIVIL ACTION NO.
3:22-cv-734-DPJ-HSO-LHS**

**PLAINTIFFS' REPLY TO SUBPOENA RECIPIENTS' RESPONSE TO
PLAINTIFFS' MOTION TO COMPEL**

INTRODUCTION

In 2017, this Court held that legislators must produce a privilege log identifying documents they claimed were protected by legislative privilege. *Jackson Municipal Airport Authority v.*

Bryant, No. 3:16-cv-246-CWR-FKB, 2017 WL 6520967, at *9 (S.D. Miss. Dec. 19, 2017) (hereinafter “JMAA”). There, this Court analyzed a nearly identical issue, rejected the legislators’ reliance on *In re Hubbard*, and found that the subpoena recipients were required to produce a privilege log under Rule 26(b)(5)(A)(ii) of the Federal Rules of Civil Procedure (“Rules”)¹ and Local Uniform Civil Rule 26(e). *Id.*

The law has not changed since this Court analyzed the privilege log issue in 2017. Nor has it changed since the Fifth Circuit affirmed this Court’s analysis earlier this year. And the only new authority the Subpoena Recipients cite, *La Union Del Pueblo Entero v. Abbott*, 68 F.4th 228 (5th Cir. May 17, 2023), does not hold that a privilege log may be dispensed with where the legislative privilege is asserted. *La Union* did not overturn any precedent, did not comment on (let alone impugn) the Fifth Circuit’s unanimous affirmance of this Court’s analysis in *JMAA* just *one week prior*, and did not speak *at all* to the issue presented here: whether the recipient of a subpoena who asserts a claim of privilege may flatly decline to do what the Federal Rules (and, in even more emphatic terms, the Local Rules of this District) expressly require. This issue was not before the Fifth Circuit in *La Union* because unlike here, the legislators in that case *actually provided a privilege log*.

La Union does not excuse the Subpoena Recipients from their obligations under the Federal and Local Rules. Rather, it highlights their non-compliance. Legislators are not above the law that ordinary citizens must follow. A privilege log is required here.

¹ Whether this issue is considered under Rule 26(b)(5)(A)(ii) or Rule 45(e)(2)(A) is immaterial, as the relevant language of the two rules is virtually identical.

ARGUMENT

I. The Subpoena Recipients Have Not Satisfied Their Obligations Under the Federal or Local Rules

The Subpoena Recipients assert that they “have satisfied Rule 45(e)(2) by ‘expressly ma[king] the claim’ and ‘describ[ing] the nature of the withheld documents and communications’ by providing the descriptions of those documents” Subpoena Recipients’ Sept. 9, 2023 Response in Opposition to Plaintiffs’ Motion to Compel at 10 (ECF No. 86) (“Opp.”). The Subpoena Recipients are referring to and relying on a single sentence in their August 11, 2023, meet and confer letter asserting that the withheld documents “broadly include” seven categories of information that are “entirely legislative in nature.” See Ex. C to Plaintiffs’ Sept. 22, 2023 Motion to Compel (ECF No. 80-3).

That is not remotely close to what the Federal and Local Rules require. A party withholding documents must provide information that “will enable the other parties to assess the claim.” Fed. R. Civ. P. 26(b)(2)(A)(ii) and 45(e)(2)(A). The Local Rules elaborate on what, specifically, a log must provide:

A party withholding information claimed privileged or otherwise protected must submit a privilege log that contains at least the following information: name of the document, electronically stored information, or tangible thing; description of the document, electronically stored information, or tangible thing, which description must include each requisite element of the privilege or protection asserted; date; author(s); recipient(s); and nature of the privilege. To withhold materials without such notices subjects the withholding party to sanctions under FED.R.CIV.P. 37 and may be viewed as a waiver of the privilege or protection.

L.U. Civ. R. 26(e). Withheld documents must be described individually, and *each* description must contain the required information. *Id.*; see also *E.E.O.C. v. HWCC-Tunica, Inc.*, No. 2:07-cv-171-B-A, 2008 WL 4533906 at *2 (N.D. Miss. Oct. 6, 2008) (“It makes no difference if there are four documents or four thousand – *each individual document* that has an attached privilege

must meet these minimum requirements” (emphasis added).) The Subpoena Recipients cannot satisfy their obligation with categorical descriptions. *See Employers Mut. Cas. Co. v. Maison Heidelberg, P.A.*, No. 3:10-cv-616-TSL-MTP, 2011 WL 1496253, at *1-3 (S.D. Miss. Apr. 20, 2011) (“claims of categorical privilege as to an unspecified number of documents” are not sufficient; log must “provide the requisite elements [of L.U. Civ. R. 26(e)], which serve to properly identify *each document* withheld so that [the opposing party] might have sufficient information to develop its arguments as to the merits of the claimed privilege” (emphasis added).)

The Subpoena Recipients suggest that if they were required to provide a log, it would “simply repeat what has been set forth previously, perhaps a couple thousand times.” *Opp.* at 10. That would not be adequate for the reasons stated above. Should the Court determine that the Subpoena Recipients must produce a privilege log, Plaintiffs respectfully request that such order specify that the descriptions of the documents must be individualized, as would be necessary to evaluate the assertions of privilege and as L.U. Civ. R. 26(e) requires.

II. Contrary to Subpoena Recipients’ Mischaracterization, the Subpoenas Seek Non-Privileged Documents

Pointing to *La Union*’s unsurprising affirmation that the legislative privilege protects documents that show a legislator’s subjective intent in the development of legislation, the Subpoena Recipients argue that a privilege log would be futile because Plaintiffs’ discovery requests seek documents related to “motive and nothing more.” *Opp.* at 8. Not so. As stated in Plaintiffs’ Opening Brief, Plaintiffs are seeking, in part, “facts or information . . . that were made available to lawmakers at the time of their decisions.” Plaintiffs’ Memo of Law in Support of Motion to Compel at 7-8 (ECF No. 81) (“Pltf.s’ Opening Brief”), *citing Hall v. Louisiana*, Case No. 12-cv-657-BAJ-RLB, 2014 WL 1652791 (M.D. La. Apr. 23, 2014). A “motive” is a subjective reason for taking some action, but facts are objective. A fact does not take on a mantle

of privilege when it is shared between an attorney and client (an “absolute” privilege); a fact should not be afforded *more* protection under a *qualified* privilege merely because it is known to a legislator. *Cf. Upjohn Co. v. United States*, 449 U.S. 383, 395-396 (1981) (“[T]he protection of the privilege extends only to communications, and not to facts. A fact is one thing and a communication concerning that fact is an entirely different thing” (internal citation omitted).) The data, reports and other facts that the Subpoena Recipients considered when planning the redrawn districts at issue are relevant to the underlying claims of the case and do not themselves reveal the subjective intent behind the Subpoena Recipients’ actions.

Plaintiffs’ concern that the Subpoena Recipients are withholding (and refusing even to describe) responsive, factual, and non-privileged information is not theoretical. During the floor debate in the State Senate on March 29, 2022, the Chair of the Redistricting Committee stated on the record that a study of racially polarized voting in Mississippi had been commissioned, purportedly “to make sure that we were in compliance with all the criteria” of Section 2 of the Voting Rights Act. Ex. A, March 29, 2022, Mississippi Senate Hearing Tr. at 30:20-22. The Chair refused to provide a copy of it to his fellow senators until *after* the vote was held.² Based on how it is described by the Redistricting Committee Chairperson, this study is directly responsive to the Plaintiffs’ subpoenas and very relevant to the adjudication of Plaintiffs’ claims, and does not in

² “SENATOR MCDANIEL: He just told you they conducted a study trying to demonstrate or document the racially polarized voting patterns of these 15 majority-minority districts. Now he seems to be indicating he doesn't have the study. I'm just trying to get a copy of it.

[COMMITTEE CHAIRMAN] SENATOR KIRBY: Do not have it with us, but we certainly do have it, he says.

SENATOR MCDANIEL: When can I see it?

SENATOR KIRBY: I don't know that. Hold on, I'll have to ask. I have no idea.

SENATOR MCDANIEL: It's a big deal. It's a big issue. I think this body is entitled to see that right now.

SENATOR KIRBY: I'm told *after the process is over, you'll be welcome to see it.*

SENATOR MCDANIEL: *You mean after we vote –*

SENATOR KIRBY: *That's right.*

...

SENATOR MCDANIEL: ... [W]e need to see that data. We need to see that data.

SENATOR KIRBY: *As soon as the process is over, Senator, you're welcome to it.*” *Id.* at 31:13-33:24 (emphasis added).

itself reveal any legislator's motivations concerning the passage of legislation. Regardless of any ultimate ruling on whether that or any other particular document is protected by the legislative privilege, the point for present purposes is that Plaintiffs would not even be aware that this obviously relevant study *exists* but for the fact that it happened to come up at a hearing.³ The Federal Rules require more.

III. Records Are Not Protected Just Because They Are Within the Scope of Legislative Activity

Without a proper privilege log, Plaintiffs are unable to determine whether the Subpoena Recipients are withholding documents that are not within the scope of the privilege in the first instance. That is precisely why individualized descriptions on a privilege log are required under the Federal and Local Rules.

To the extent the withheld documents fall within the scope of the legislative privilege, *La Union* demonstrates that further analysis is required to determine (1) whether the privilege was waived, and (2) whether there are “extraordinary instances” in which the legislative privilege must yield. *La Union*, 68 F.4th at 236-38. It is impossible for the parties or the Court to undertake this analysis without even knowing what the documents are. Nor is it the case that this analysis must come out in the Subpoena Recipients' favor as to every document they are withholding. In holding that waiver occurs when documents are disclosed “publicly,” for example, *La Union* reasons that “the privilege log shows that the legislators did not send privileged documents to third parties *outside* the legislative process; instead they brought third parties *into* the process. That

³ Even if this study is somehow privileged, the Subpoena Recipients cannot, in an official hearing, cite it as evidence that the maps pass muster under the Voting Rights Act but then hide behind an assertion of privilege when asked to present the proof. Fairness dictates that privilege is waived when a party attempts to use it as both sword and shield. *Cf. In re Itron, Inc.*, 883 F.3d 553, 559 (5th Cir. 2018) (citing “numerous cases across jurisdictions finding waiver when a client asserts reliance on an attorney's advice as an element of a claim or defense” (internal citations omitted).)

decision did not waive the privilege.” *Id.* at 237 (emphasis in original). Information shared with third parties who are not necessary to “propos[e], formulat[e] [or] pass[] legislation” would be shared “outside the legislative process” and would not further any interest protected by the privilege. *Id.* Here, withheld documents may have been shared with such parties “outside the legislative process” without necessarily being accessible to Plaintiffs. *Id.* at 236. But neither Plaintiffs nor the Court can know whether that occurred without a privilege log.⁴

IV. Plaintiffs’ Proposal that the Court or a Special Master Conduct an *In Camera* Review is Reasonable and Appropriate as an Alternative

Plaintiffs proposed that the Court or a special master review the Subpoena Recipients’ documents *in camera* as an alternative to ordering the production of a privilege log. The Subpoena Recipients object to this approach, arguing that it “imposes as much or more of a burden on these non-party citizen legislators and their staff and aides, than would be required by a log.” *Opp.* at 15. That makes no sense. Logging the responsive documents requires that they be collected and then described in the manner dictated by L.U. Civ. R. 26(e). Providing them for *in camera* review requires only the first of those steps. And to suggest that the “citizen legislators” would be doing any of this work themselves – as opposed to the experienced outside legal counsel they have retained – beggars belief.

The Subpoena Recipients’ remaining argument is that such review would be burdensome for the Court or, if reviewed by a special master, it would be “expensive.”⁵ What that burden or expense might look like is anyone’s guess, because the Subpoena Recipients have not stated the number of documents they are withholding or provided any other information that would give the

⁴ The Subpoena Recipients also argue that *La Union* instructs district courts within the Fifth Circuit not to consider the *Rodriguez* factors. *Opp.* at 11-12. Whatever may have been argued in the parties’ briefs, *Rodriguez* is not mentioned once in the *La Union* opinion.

⁵ The Subpoena Recipients concede that “[r]eview by a special master would be timely.” *Opp.* at 15.

Court some basis to evaluate those objections. It does not even appear that they have made any effort to identify the supposedly “thousands” of documents at issue. But whatever burden or expense an *in camera* review might entail, those factors must be balanced against the injustice that would occur if this important litigation were decided without the evidence that Plaintiffs are entitled to. The Court has already recognized the import of this case in its ruling that the matter proceed to trial expeditiously. Vague and unsupported “burden” or “expense” objections do not deserve greater weight than the adjudication of claims that implicate all Mississippians’ basic right to fair representation in government and an equally open political process.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant their Motion and compel the Subpoena Recipients to produce a privilege log consistent with Federal and Local Rules or, in the alternative, submit their withheld documents for review *in camera* or for review by a special master.

This the 4th day of October, 2023.

/s/Joshua Tom
Joshua Tom, MSB 105392
jtom@aclu-ms.org
ACLU OF MISSISSIPPI
101 South Congress Street
Jackson, MS 39201
(601) 354-3408

Robert B. McDuff, MSB 2532
rbm@mcdufflaw.com
MISSISSIPPI CENTER FOR JUSTICE
767 North Congress Street
Jackson, MS 39202
(601) 969-0802

Carroll Rhodes, MSB 5314
Law Offices of Carroll Rhodes
crhodes6@bellsouth.net
PO Box 588
Hazlehurst, MS 39083
(601) 894-1464

John P. Lavelle, Jr.
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: +1.202.739.3000
Facsimile: +1.202.739.3001
john.lavelle@morganlewis.com

Drew C. Jordan
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave. NW
Washington, DC 20004-2541
Telephone: +1.713.890.5000
Facsimile: +1.713.890.5001
drew.jordan@morganlewis.com

Ari J. Savitzky
asavitzky@aclu.org
Kelsey Miller
kmiller1@aclu.org
Ming Cheung
mcheung@aclu.org
Casey Smith
csmith@aclu.org
ACLU FOUNDATION
125 Broad Street, 18th Floor
New York, New York 10004
(212) 549-2500

Patricia Yan
pyan@aclu.org
ACLU FOUNDATION
915 15th Street NW
Washington, DC 20005
(202) 457-0800

Ezra D. Rosenberg
erosenberg@lawyerscommittee.org
Jennifer Nwachukwu
jnwachukwu@lawyerscommittee.org
David Rollins-Boyd
drollins-boyd@lawyerscommittee.org
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1500 K Street NW Suite 900
Washington, DC 20005
(202) 662-8600

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Joshua Tom, do certify that on this day I caused to be served a true and correct copy of the foregoing by electronic mail to all counsel of record.

This the 4th day of October, 2023.

/s/Joshua Tom
Joshua Tom

EXHIBIT A

**032922 Senate
April 20, 2022**

All depositions & exhibits are available for downloading at
www.brookscourtreporting.com
Please call or e-mail depo@brookscourtreporting.com if you need a
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TRANSCRIPT OF VIDEO PROCEEDINGS

Mississippi Senate
March 29, 2022

TRANSCRIBED BY:

GINGER H. BROOKS, CCR #1165
CRR, RPR, CRC, CCR, CLR, RSA

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1 (Announcements.)

2 MR. PRESIDENT: Okay, we'll go to the
3 calendar, Senator Kirby.

4 SENATOR KIRBY: Thank you,
5 Mr. President. I'd like to pass and retain
6 Items 1 through 36. And as they retain their
7 place on the calendar. And I want to take up
8 Item 37 and ask the title be read.

9 MR. PRESIDENT: Items 1 through 36
10 retain their place upon the calendar. Item
11 37, Mr. Clerk, please read your title.

12 MR. CLERK: Joint Resolution Number 202,
13 Mississippi Senate Reapportionment.

14 SENATOR KIRBY: Make a usual motion,
15 Mr. President.

16 MR. PRESIDENT: The senator makes a
17 usual motion. All in favor signify by saying
18 "aye." Opposed? "No." The "ayes" have it.

19 Please proceed, Senator Kirby.

20 SENATOR KIRBY: Thank you,
21 Mr. President.

22 Ladies and gentlemen of the Senate, I'm
23 honored to stand before you today to talk
24 about the reapportionment. And the first
25 thing I want to do is thank each and every

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1 one of you for working with me on this. It's
2 not an easy chore, as you know.

3 But I want to start out by just giving a
4 general overview and then to let you know of
5 some things that happened and why the map
6 ended up like it was.

7 So all of you know the statewide
8 population decreased by 6,018 people. There
9 are 52 Senate districts of the state, and
10 based on our 2020 population, the ideal size
11 for a Senate district is 56,948.

12 Now, there were significant shifts in
13 the population throughout the state, and one
14 of the more significant shifts was the fact
15 that 65 or, really, over 65,000 people in the
16 Delta area either moved to another part of
17 the state or left the state. And I would
18 hope that most of them just moved to other
19 parts of the state.

20 Southwest Mississippi also lost a lot of
21 population, as did the city of Jackson and
22 the Hinds County area. And then you had --
23 in addition to that, you had the DeSoto,
24 Rankin, Madison area and the coastal counties
25 had significant gains in population. They

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1 grew way more than people had thought.

2 Because of these population changes,
3 there had to be shifts in the Senate
4 boundaries, extend the district boundaries.

5 And in one of those areas, a district had to
6 be moved to another area of the state. With
7 this overview in mind, let's go back and
8 outline how we got to this point.

9 And the first thing we did, I want to
10 talk to you about is public hearings and
11 initial work.

12 In the fall of '21, we held nine
13 hearings, nine public hearings all across the
14 state, and then let the members comment, as
15 well as all the people attending the hearing
16 give us their ideas on what the State should
17 do.

18 We received the population data from the
19 census later after we had had a few meetings.
20 They were late getting it to us, and, of
21 course, all that was related to COVID. But
22 we got it a little bit late. We actually got
23 it in September of '21 before we got to
24 census data.

25 So we'd had a few meetings, and then

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1 right in the middle of those nine meetings,
2 we get the census data, but I guess
3 unexpected to us was the fact that all these
4 hearings, they really didn't want to talk
5 about congressional districts and they
6 really -- most of them -- and they did not
7 want to talk about Senate or House districts.
8 They wanted to talk about their supervisor
9 districts, and they wanted to talk about
10 their aldermen. And so Representative
11 Beckett did a really good job, I thought, of
12 explaining why we were there and what our
13 responsibilities were.

14 Well, anyway, after the hearings, we
15 started receiving all this other data, and
16 our staff put together -- or began the
17 process of loading the data onto our systems
18 and fitting everything up so we can begin
19 looking at the changes in population
20 throughout the state. After we'd finished
21 the congressional, we started on the other.
22 And, of course, it was very important that we
23 do the congressional first.

24 The first order of business for the
25 standard committee was the development plan.

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1 Plan for redrawing the congressional
2 districts, which we did. And that plan was
3 presented in January or early part of
4 January, as you know, and the Legislature
5 adopted a plan on, I think, it was January
6 the 12th. It was signed by the governor on
7 January 25th. The congressional plan had to
8 be adopted first, like I say, for the main
9 reason of qualified deadline of March 1 for
10 congressional elections for this year.

11 After -- after doing that plan, the
12 congressional plan, then the standing
13 committee turned its attention to the
14 development of the House and Senate plans.

15 And so, here we go. We had -- we also
16 had criteria that we had to go by. The
17 standard committee adopted criteria to follow
18 the redrawing of both the House and the
19 Senate district. The criteria was we stay
20 within the plus or minus 5 percent deviation
21 from the ideal size in each district to
22 comply with the one person, one vote
23 requirement of the Constitution. And the
24 other things, districts had to be contiguous,
25 and we had to comply with all the state and

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1 federal laws including Section 2 of the
2 Voting Rights Act and all state laws and the
3 State Constitution. We have done that. Our
4 plan complies with all the state and federal
5 and constitutional criteria.

6 Next we, of course, in the criteria, we
7 said one person, one vote. As I said, we had
8 a 5 percent deviation up or down either way.
9 And we've done that.

10 When drawing the Senate districts, the
11 Supreme Court has held that the district
12 population should be as equal as practical.
13 The Court has interpreted this to mean that a
14 single legislature -- that a single state
15 legislator has some leeway of 5 percent up or
16 down. In our plan, the Hinds deviation size
17 over the ideal size was for 4.95. And I
18 think the lowest deviation is the ideal size
19 of minus 4.98.

20 So you can see all of them meet
21 constitutional and state requirements that
22 resulted in a maximum overall deviation of 10
23 percent. Now, the law requires that it be
24 less than 10, and we are.

25 Due to the population changes, we had to

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1 collapse the district in southwest
2 Mississippi, District 36, move to Smith and
3 Rankin County area, which saw significant
4 changes in population with population growth.
5 The results in pairing incumbents,
6 unfortunately, the only one I think the House
7 has four pairs, we have one. And, by the
8 way, that's not uncommon. We pretty much
9 have one every 10 years. That's not anything
10 new. People move.

11 But anyways, Senator Sojourner and
12 Senator Butler both were paired -- they were
13 paired against each other. In doing this, we
14 maintain both Districts 37 and 38
15 majority-minority districts to ensure
16 compliance with the Section 2 Voting Rights
17 Act which we have to comply with.

18 Next, we had on the criteria -- I think
19 we had to make sure that we had contiguous
20 districts or precincts and districts. So we
21 did all that. We have done that with your
22 help and with good committee work and with
23 the help of peer, and, of course, a lot of
24 people, especially peer helped us with our
25 maps. Matter of fact, they helped everyone

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1 that wanted to go over there with their maps.
2 They were very easy to work with and very,
3 very nice to each and every one as far as I
4 know.

5 The next thing we had to do is -- or the
6 third thing was to comply with the Section 2
7 of the Voting Rights Act. We've done that.
8 You know, majority districts in the 2012
9 plan, there were 15 minority districts and
10 under our plan, there's 15 minority
11 districts, so it's the same. In all minority
12 districts -- and some people argue that
13 point, but that is exactly what it is.

14 In all our minority districts, the
15 minority voting strength is sufficient to
16 afford the minority citizens an opportunity
17 to elect the candidate of their choice. And
18 that is very important in what we do. And
19 for the State Senate, we're in compliance
20 with Section 2 of that with this map and this
21 bill.

22 State law, in traditional redistricting
23 principle, state law calls for us to try and
24 draw compact districts to cross country and
25 precinct lines the least number of times

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1 that's possible. We've done that. We've
2 done our absolute best to follow these
3 principles in our plan.

4 Compactness is a big issue. Compactness
5 is a real big issue as far as getting a map
6 approved. The proposed plan maintains
7 compact districts in comparison to the
8 existing districts. We had to use the
9 existing districts quite a bit.

10 By the way, I will -- while I'm telling
11 you, there was one senator whose district did
12 not change, and that was Senator Parks. Her
13 district remained the same. Everyone else
14 had to change because of the population
15 shifts.

16 Next county and precinct splits. The
17 proposed plan keeps close to the same number
18 of whole counties as the last. It's 39
19 versus 43. And as close as the same
20 number -- it's also very close to the same
21 number of split precincts. So we tried not
22 to. There's all kind of things that you have
23 to go by, and that was one of them.

24 There's also traditional redistricting
25 principles, which factor in, and all of you

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1 need to know, and with one of those things
2 being respect to the incumbents. And we did
3 do everything we could to show total respect
4 for all incumbents, and we tried to respect
5 everyone as best we could.

6 An important consideration in developing
7 the proposed plan was maintaining the
8 political performance in each district. I
9 think we've done that. The proposed plan
10 maintains consistent Republican and
11 Democratic performance throughout the state.

12 So I guess I've said all that to say all
13 this. The proposed plan meets the
14 redistricting criteria adopted by the
15 committee. It complies with the one person,
16 one vote requirement of the Constitution and
17 all the districts are contiguous. It
18 complies with Section 2 of the Voting Rights
19 Act and adheres as closely as possible to the
20 neutral redistricting principles in state
21 law.

22 I think it's a really good plan. I
23 think it's something that will if -- and it
24 will -- I'm sure will end up in court. They
25 always do. I feel like we probably will

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1 again. And, friends, let me tell you. I was
2 here -- when I came in the first year, I was
3 running for office immediately. We had two
4 years back-to-back elections because a map
5 was thrown together very quickly, and because
6 of that fact, we had to have back-to-back
7 elections.

8 Now. If you think running for office is
9 hard, try doing it two years in a row. It's
10 not very much fun. Matter of fact, I've
11 wondered several times if I should even do it
12 again. I put my heart, like all of you do,
13 into the first time that I did, and thanks to
14 the people, I was reelected.

15 I wanted to make sure, I wanted to try
16 to protect all of you all I could and so did
17 the committee. And with a lot of help from
18 all of you, we put together, I think, a
19 really good map. You do not, you do not, I
20 promise you unless you're just a lot
21 different from most, you do not want to run
22 two years in a row.

23 So, Mr. President, I guess that's
24 probably about all I can say. I've got --
25 I'll be happy -- I understand there may be

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1 some amendments. So I'm yielding for
2 amendments or questions.

3 MR. PRESIDENT: First, is Senator
4 Simmons. For what purpose, sir?

5 SENATOR SIMMONS: Thank you,
6 Mr. President. At the appropriate time, I
7 have an amendment at the desk.

8 MR. PRESIDENT: Thank you.

9 It's at the desk already, Senator
10 Simmons?

11 SENATOR SIMMONS: Yes, Mr. President.

12 MR. PRESIDENT: Thank you. Thank you,
13 Senator Simmons. We'll get to the
14 amendments.

15 Senator McDaniel, for what purpose, sir?

16 SENATOR MCDANIEL: Series of questions,
17 Mr. President.

18 MR. PRESIDENT: Questions for you,
19 Senator Kirby. Will you yield?

20 SENATOR KIRBY: I yield.

21 MR. PRESIDENT: Senator McDaniel is
22 recognized.

23 SENATOR MCDANIEL: Thank you,
24 Mr. President. Senator Kirby, Mr. Chairman,
25 I appreciate you yielding.

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1 And I, likewise, appreciate the work
2 you've conducted on this now. And I very
3 much enjoyed struggling with you for an
4 awfully long time, so I appreciate it. But I
5 have some questions, and it's going to take a
6 few minutes. And I think you're the only one
7 I can ask because it's my understanding that
8 you drew these maps, right?

9 SENATOR KIRBY: Well, me and all of you
10 and the committee.

11 SENATOR McDANIEL: Well, I want to get
12 to that in a second because it was my
13 impression, reading things in the press and
14 reading comments, that it was our -- what I
15 was told was that you were solely responsible
16 for the maps.

17 SENATOR KIRBY: Well, I --

18 SENATOR McDANIEL: That's not correct?

19 SENATOR KIRBY: I was not solely
20 responsible by any means, and I'll be glad to
21 tell you why I say that.

22 First off, I'm not solely responsible
23 because we have a committee that I involved
24 quite a bit.

25 Second thing is we sent this after the

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1 maps were finished about three weeks ago, I
2 would say. We sent the maps over to a law
3 firm that hired experts, the same ones has
4 done it for the last several times. And
5 after the firm looks over it, then the
6 experts looked over it to make sure that we
7 were in compliance in every way.

8 So yeah, I can't say -- I can't take the
9 credit and I can't take all the blame because
10 there were --

11 SENATOR MCDANIEL: Yes, sir.

12 SENATOR KIRBY: Every senator, Senator,
13 every senator was talked to and shown a map,
14 and we asked them for their wish list of what
15 they wanted and what they did not want. And
16 knowing that we had the 65,000 people that we
17 had to do -- over 65,000 that we had to do
18 something with in the Delta, plus we knew
19 that some other areas had really grown, and
20 we knew that the city of Jackson, as an
21 example, had lost so many people, we knew
22 that there was going to have to be a shift.
23 And as I said earlier, that's not anything
24 new, as you know. You've been here, I think,
25 through a portion of a reinforcement.

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1 And it's just really difficult to try to
2 do the best you can for everyone to make
3 everyone happy. There's absolutely no way,
4 but I promise you that the committee and I
5 with the help of peer and others, you know,
6 we did all we could to make it fair -- fair,
7 but something that would stand up in court.

8 SENATOR MCDANIEL: Yes, sir, here's the
9 thing. The full committee -- it's my
10 understanding, and you tell me if I'm wrong,
11 but it's my understanding the full committee
12 did not see the completed map until just two
13 days ago. Is that an accurate answer or no?

14 SENATOR KIRBY: That's not an accurate
15 answer.

16 SENATOR MCDANIEL: Okay, so you're
17 telling me the committee -- so you're telling
18 me the committee, the 10 members of the
19 committee or however many members, that they
20 had an ongoing active role in drafting the
21 final map, they saw it the whole time, helped
22 you draft it?

23 SENATOR KIRBY: No.

24 SENATOR MCDANIEL: Okay. Then --

25 SENATOR KIRBY: I've been doing this for

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1 a year -- almost a year, and there is no way
2 that I was going to ask them to come up here
3 in the summer.

4 SENATOR McDANIEL: Right.

5 SENATOR KIRBY: There was no way when
6 we're not in session. But we did have nine
7 hearings. We got all of them's opinion. We
8 got everyone's opinion in this chamber as to
9 what they wanted and what they thought would
10 be fair.

11 SENATOR McDANIEL: Yes, sir.

12 SENATOR KIRBY: As far as the committee,
13 I would have them over one at a time several
14 times. I had them over, like, two or three
15 days ago, maybe three days ago. I can't
16 remember now. It's all run together.

17 And to be honest with you, no, I didn't
18 have them all at once because I was afraid
19 that someone would say that the subcommittee,
20 which I don't think would have been against
21 the law, but didn't have an open hearing and
22 didn't do all these things. So I had them
23 over two or three at a time. One time, it
24 was four at a time. I was trying to go
25 strictly by the law to make sure there wasn't

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1 any problems.

2 And then, they all knew, every one of
3 them knew when we went into the meeting
4 exactly what the map was. There wasn't a
5 single member that did not know what was on
6 that map.

7 SENATOR MCDANIEL: Yes, sir. So just so
8 I'm clear, if committee members told me that
9 they only saw the final map two days ago,
10 then they told me something that was
11 mistaken. They have misled me. Is that what
12 you're suggesting?

13 SENATOR KIRBY: I'm not saying anyone
14 misled you, by any means. I'm just -- I
15 can't think of any time -- every time any of
16 them asked -- well, no, every time anyone in
17 this chamber asked me to look at a map, I
18 showed it to them.

19 There were -- there were members that
20 asked me about their precincts and theirs,
21 but I didn't tell them everything because I
22 didn't think they had any business knowing
23 until the proper time. I wanted the
24 committee to look at it first. All committee
25 members have seen it. I asked each and every

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1 one of them did they have a problem and would
2 they support the map.

3 SENATOR McDANIEL: Okay.

4 SENATOR KIRBY: And so, no, I didn't
5 have them all at once. I had them over a few
6 at a time. Whether it was two or three days.
7 ago, I can't remember that. I mean, at
8 different times. Some of them before two or
9 three days ago, and some, possibly a couple
10 of them, two or three days ago.

11 SENATOR McDANIEL: Yes, sir.

12 SENATOR KIRBY: But then, I was asking
13 them, are you happy with this, and every one
14 of them said yes.

15 SENATOR McDANIEL: Well, I get that.
16 I'm just trying to understand the
17 discrepancies I seem to be hearing from the
18 chamber. I'm hearing from quite a few of my
19 colleagues they did not see the completed map
20 until two days ago, and you're saying now
21 that is not the case. And if that's the
22 answer, we'll move on to the next questions.
23 But that is not what I've been told. That's
24 not what I've been told.

25 SENATOR KIRBY: Okay. Well, each and

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1 every one had the opportunity any time they
2 wanted to to see it.

3 SENATOR McDANIEL: Yes, sir.

4 I'm curious. A few more questions. Did
5 the lieutenant governor have any input in
6 drawing these maps?

7 SENATOR KIRBY: No.

8 SENATOR McDANIEL: None whatsoever?

9 SENATOR KIRBY: The lieutenant governor
10 actually came over when we first got started
11 to see the process. He came over, and we
12 showed him -- at that time, we were on the
13 small screen, and thanks to Senator O'Brien,
14 who suggested we put it on a large screen.
15 He came over then in the very beginning
16 before we actually started doing any of the
17 work. He came over again later, maybe in
18 January, first of February, I can't remember.
19 And, at that time, he just wanted to know how
20 we were coming. He did not suggest any
21 changes to anything at that time. And then,
22 he came after we finished. Well, not really.
23 We were almost finished. I changed
24 something. He did not.

25 He didn't -- to my knowledge, didn't

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1 suggest any changes to this map. And to
2 blame the lieutenant governor of this is
3 totally wrong.

4 SENATOR McDANIEL: Okay.

5 SENATOR KIRBY: He did not -- if you're
6 trying to do that, you're out of line because
7 he did not. And I don't know who told you
8 that, but they lied to you.

9 SENATOR McDANIEL: Well, maybe I am, but
10 it's my understanding that his staff and the
11 lieutenant governor did have some influence
12 on the map, and you seem to have conceded
13 that just a moment ago when you said he did
14 not make any suggestions at that time. Then
15 you backtracked and told me, "Well,
16 nevermind, he didn't make any." So you're
17 telling me -- and I just want to be clear.
18 If the answer is he didn't --

19 SENATOR KIRBY: No.

20 SENATOR McDANIEL: -- I'm okay with
21 that. But did he not have any influence on
22 this map whatsoever?

23 SENATOR KIRBY: No.

24 SENATOR McDANIEL: Okay.

25 SENATOR KIRBY: And you asked me about

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1 staff and I'll --

2 SENATOR McDANIEL: Okay. That's fine.

3 If that's your answer, I'm fine with that.

4 SENATOR KIRBY: Let me tell you the
5 answer to that is we had several senators
6 that went to our Chief of Staff, most all,
7 and recommended some changes. And he told me
8 those changes that they had recommended, and
9 most of them they had already told me anyway.

10 SENATOR McDANIEL: Okay. Well, I guess
11 it's fair to say, then, that the buck stops
12 with you and the committee. Is that fair?

13 SENATOR KIRBY: Well, no, the buck stops
14 with the district courts.

15 SENATOR McDANIEL: When it comes to
16 redistricting. Okay.

17 SENATOR KIRBY: And especially it will
18 stop with the courts if anyone files suit,
19 and I expect that. It always has to happen,
20 and I think it will again.

21 SENATOR McDANIEL: Well, then, if that's
22 the case, I do have some questions about the
23 map. How many --

24 SENATOR KIRBY: We put it right there
25 beside you so you can see.

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1 SENATOR McDANIEL: Yes, sir, I know.

2 I'm familiar. I'm familiar.

3 (Laughter.)

4 SENATOR McDANIEL: How many
5 majority-minority districts does this map
6 contain?

7 SENATOR KIRBY: Well, we had 15 and we
8 still have 15. In the 2012 plan, we had 15
9 and we still have 15. But that's minority,
10 but that's not necessarily all the
11 Republicans. We have a couple -- I know of
12 one district in particular that has a
13 Democrat that the minority is the minority.
14 I mean, the minority -- I'm sorry, the
15 majority, has more votes than the minority in
16 a Democratic district.

17 SENATOR McDANIEL: I'm sorry. I was
18 having a hard time hearing you at the end. I
19 apologize.

20 SENATOR KIRBY: Okay. We have one
21 particular district in Northeast Mississippi,
22 where there are -- where the percentage of
23 minority for this Democrat is in the
24 minority. In other words, there are more
25 people that aren't minority in that district

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1 than there are majority. But he's a
2 Democrat.

3 SENATOR McDANIEL: Right. Well, let's
4 just -- let me just -- so we understand it
5 from the standpoint of the Voting Rights Act.
6 Presently, today we have in this map 15
7 majority-minority districts; is that correct?

8 SENATOR KIRBY: That's correct.

9 SENATOR McDANIEL: Okay. Ten years ago,
10 when we went through this process, just prior
11 to going through that process, we only had 13
12 majority-minority districts, correct?

13 SENATOR KIRBY: I'm not sure about that.
14 I can tell you that in the last few years, we
15 picked up three more Republican districts.

16 SENATOR McDANIEL: No, I'm not talking
17 about Republican districts. I'm talking
18 about just majority-minority districts. We
19 had 13 prior to the 2010 redrawing.

20 SENATOR KIRBY: I'm not sure about that.
21 I can ask.

22 SENATOR McDANIEL: Okay. I understand.
23 That's okay.

24 SENATOR KIRBY: But all I know is in
25 2012, we had 15, today we have 15 on this

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1 map.

2 SENATOR McDANIEL: Right. The point is,
3 is that if we did increase by two on one of
4 our last justice precleared maps, if justice
5 said at one point that 13 majority-minority
6 districts were sufficient, then why wouldn't
7 14 be sufficient with this map?

8 SENATOR KIRBY: Well, you know, what --
9 you're talking about in population or are you
10 talking about election?

11 SENATOR McDANIEL: No, sir. Just
12 basically the number of majority-minority
13 districts on the Senate side.

14 SENATOR KIRBY: And all I've been
15 told -- and I'll be glad to ask, but we had
16 15 in 2012 and we have 15 today.

17 SENATOR McDANIEL: All right. Why must
18 we have 15 majority-minority districts?

19 SENATOR KIRBY: I've been told that once
20 a minority district, it has to continue to be
21 a minority district.

22 SENATOR McDANIEL: Are there no
23 exceptions to that?

24 SENATOR KIRBY: Not to my knowledge.

25 SENATOR McDANIEL: So in each of those

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1 districts, and I just want to be clear about
2 this --

3 SENATOR KIRBY: I mean, well, there is
4 an exception. It can change.

5 SENATOR McDANIEL: Right.

6 SENATOR KIRBY: A Republican can win it.

7 SENATOR McDANIEL: There are 15, and in
8 each of those districts, then, we set --
9 we -- I'm sure we had to have set some sort
10 of racial target, correct?

11 SENATOR KIRBY: You mean as far as
12 number or percentage? What are you talking
13 about?

14 SENATOR McDANIEL: Yes, sir. In each of
15 those 15 majority-minority districts, the
16 state of Mississippi, it appears to be
17 setting a racial target in those districts.

18 Is that accurate?

19 SENATOR KIRBY: Well, we have some that
20 have very low BVAPs, if that's what you're
21 asking, yes.

22 SENATOR McDANIEL: So we
23 intentionally -- we had a racial target to
24 increase that BVAP number to a certain
25 number, correct?

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1 SENATOR KIRBY: We had to get it so that
2 it was a minority district. That's correct.

3 SENATOR McDANIEL: Right. But what's
4 the target number?

5 SENATOR KIRBY: I don't -- well, that's
6 hard to say, but I can tell you that we've
7 got -- okay, I'm just told there were no
8 targets.

9 SENATOR McDANIEL: I'm sorry?

10 SENATOR KIRBY: There are no targets.
11 When we were putting this map together, it
12 had to be more than 50 percent.

13 SENATOR McDANIEL: All right.

14 SENATOR KIRBY: And that's what we did.
15 We've got one minority district that's 54.

16 SENATOR McDANIEL: Okay. I know you're
17 getting whispered at. I know that can be
18 confusing.

19 SENATOR KIRBY: Well, now, it's the
20 truth.

21 SENATOR McDANIEL: I'm not trying to
22 confuse you. It's a simple question. There
23 are 15 majority-minority districts.

24 SENATOR KIRBY: Yes. There are.

25 SENATOR McDANIEL: And it's my

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1 understanding we set in those districts some
2 form of racial target.

3 SENATOR KIRBY: 50 percent.

4 SENATOR McDANIEL: Okay. So the racial
5 target in each of those districts is 50
6 percent, correct?

7 SENATOR KIRBY: That's what we looked
8 at, yes.

9 SENATOR McDANIEL: Okay.

10 SENATOR KIRBY: It had to continue to be
11 a minority district.

12 SENATOR McDANIEL: But why 50 percent in
13 each of those 15 districts?

14 SENATOR KIRBY: Because we -- the
15 federal government -- I'll ask.

16 Okay. The attorney tells me there was
17 no target. We had to comply with Section 2.
18 And that's all we're trying to do. There was
19 no target, but we tried if it was a minority
20 district to make sure they had above 50
21 percent.

22 SENATOR McDANIEL: So a minute ago,
23 there was a target of 50 plus one. The
24 attorney gets up and now there's not a target
25 of 50 plus one. Is that the answer?

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1 SENATOR KIRBY: Well, we were -- what he
2 was telling me is we didn't -- when we first
3 started putting this map together, that we
4 looked at -- well, when we first started
5 looking, we looked at the Delta area because
6 they lost -- all the river counties pretty
7 much lost population. And we were trying to
8 maintain those districts.

9 SENATOR McDANIEL: Fifty plus one was
10 your answer earlier. That was your target
11 answer, 50 plus one.

12 SENATOR KIRBY: That was my personal.

13 SENATOR McDANIEL: Okay.

14 SENATOR KIRBY: That's not --

15 SENATOR McDANIEL: Well, you're the one
16 that helped draft the map.

17 SENATOR KIRBY: I did have --

18 SENATOR McDANIEL: Fifty plus one is the
19 target answer.

20 SENATOR KIRBY: And I'm very proud
21 of that.

22 SENATOR McDANIEL: So just --

23 SENATOR KIRBY: And I think every
24 minority as well as all but a handful of the
25 majority.

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1 SENATOR McDANIEL: Just so I'm clear,
2 those 15 districts were sorted.

3 Senator Kirby, just so I'm clear, those
4 15 districts were sorted on the basis of
5 race, were they not?

6 SENATOR KIRBY: Once a minority
7 district, we tried to maintain it as a
8 minority district.

9 SENATOR McDANIEL: So they were sorted
10 based on race, correct?

11 SENATOR KIRBY: Once a minority
12 district, we tried to keep them as a minority
13 district.

14 SENATOR McDANIEL: I'm going to take
15 that as a yes, Senator Kirby, and I
16 appreciate that.

17 Did you run a statistical analysis on
18 any of those districts to determine the
19 degree of racially polarized voting?

20 SENATOR KIRBY: Yes, there was analysis
21 by our experts, yes, to make sure that we
22 were in compliance with all the criteria.

23 SENATOR McDANIEL: So there was analysis
24 ran by your experts as to those 15
25 majority-minority districts, and that

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1 analysis took into consideration the degree
2 of racially polarized voting.

3 SENATOR KIRBY: The experts looked at
4 the map and studied it -- not expert, but
5 experts -- to make sure we were in
6 compliance, yes.

7 SENATOR McDANIEL: Can we see it? The
8 attorney is right behind you. I'm sure he
9 has it at some point. I'd like to see that
10 if possible.

11 SENATOR KIRBY: I'm not sure what you're
12 asking for.

13 SENATOR McDANIEL: He just told you they
14 conducted a study trying to demonstrate or
15 document the racially polarized voting
16 patterns of these 15 majority-minority
17 districts. Now he seems to be indicating he
18 doesn't have the study. I'm just trying to
19 get a copy of it.

20 SENATOR KIRBY: Do not have it with us,
21 but we certainly do have it, he says.

22 SENATOR McDANIEL: When can I see it?

23 SENATOR KIRBY: I don't know that. Hold
24 on, I'll have to ask. I have no idea.

25 SENATOR McDANIEL: It's a big deal.

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1 It's a big issue. I think this body is
2 entitled to see that right now.

3 SENATOR KIRBY: I'm told after the
4 process is over, you'll be welcome to see it.

5 SENATOR MCDANIEL: You mean after we
6 vote --

7 SENATOR KIRBY: That's right.

8 SENATOR MCDANIEL: -- and after it's set
9 in stone, then we get to see the data that
10 can be conclusive --

11 SENATOR KIRBY: Well, we've got the --
12 we've got all that.

13 SENATOR MCDANIEL: No, sir, you do not.

14 SENATOR KIRBY: You're not going to see
15 it. Now you're asking about what the
16 expert --

17 SENATOR MCDANIEL: I just want to see
18 the data.

19 SENATOR KIRBY: I didn't talk to the
20 experts. I don't even know who the experts
21 are. I just know that they -- that the law
22 firm hired experts that do maps all over the
23 country. And they're very reputable and
24 they're supposedly what I'm told done a good
25 job. And did a good job. And, obviously,

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1 they thought that we did because there wasn't
2 really any recommendations. They thought
3 that our map was so well done that it would
4 stand up in court.

5 SENATOR McDANIEL: I'm going to have to
6 assume that study doesn't exist.

7 SENATOR KIRBY: Well, it definitely
8 does.

9 SENATOR McDANIEL: Okay.

10 SENATOR KIRBY: I don't think our
11 attorneys and peer would lie to me.

12 SENATOR McDANIEL: I think the
13 attorneys --

14 SENATOR KIRBY: I don't think they would
15 lie to you either. I don't think they would
16 lie to anyone.

17 SENATOR McDANIEL: I'm not saying people
18 are lying, but lawyers have different ways of
19 answering questions, as you know, and I'm
20 suggesting he knows exactly what I'm talking
21 about. And we need to see that data. We
22 need to see that data.

23 SENATOR KIRBY: As soon as the process
24 is over, Senator, you're welcome to it.

25 SENATOR McDANIEL: A few more questions,

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1 which, by the way, I understand that. But
2 once we vote (inaudible), it's not going to
3 be very beneficial to this body.

4 SENATOR KIRBY: Okay.

5 SENATOR McDANIEL: As to population
6 trends in the state, I'm curious. The
7 African-American population in Mississippi,
8 has the population increased or decreased
9 over the last 10 years?

10 SENATOR KIRBY: You know, I didn't add
11 it all up, but I know it has increased. I
12 just don't know the percentage.

13 SENATOR McDANIEL: Any idea where those
14 primary decreases occurred?

15 SENATOR KIRBY: Where they -- I mean, as
16 far as -- you're talking about births or
17 moving or what are you talking about?

18 SENATOR McDANIEL: I'm just talking
19 about the population as a whole. If we're
20 talking about the minority population in this
21 state, specifically African-Americans,
22 whether it has decreased the last 10 years or
23 increased over the last 10 years.

24 SENATOR KIRBY: I'm told it pretty much
25 stayed the same. Senator, the reason I

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1 didn't know the answer to that is because I
2 wasn't looking at the whole state when I
3 first did it. I was looking at each area,
4 making sure that we're complying with Section
5 2, voting rights.

6 SENATOR McDANIEL: Right. But the
7 attorney's answer is that the minority
8 population stayed about --

9 SENATOR KIRBY: Stayed about the same.

10 SENATOR McDANIEL: Stayed the same.

11 SENATOR KIRBY: And that makes sense
12 because we had 15 in 2012 in districts and we
13 have 15 today.

14 SENATOR McDANIEL: All right. Let's
15 talk specifically for a few minutes about
16 District 37. Your position was earlier when
17 explaining the bill that District 37 had to
18 be collapsed.

19 SENATOR KIRBY: Had no choice.

20 SENATOR McDANIEL: Right.

21 SENATOR KIRBY: The best of my
22 knowledge, and the best with talking to
23 members as well as the committee, they all
24 agreed when I talked to them about it.

25 SENATOR McDANIEL: So the position of

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1 the committee, your position was that
2 District 37 had to be collapsed.

3 Let me ask you specifically though, not
4 just the conversations with the committee
5 members. Why? Why did it have to be
6 collapsed?

7 SENATOR KIRBY: As I -- you heard the
8 opening statements, and I told you that all
9 of the river counties lost population. So
10 when you lose -- when you lose population in
11 the Delta, over 65,000 people, you gain -- on
12 the other side of the state, you gained in,
13 like, Oxford, in Lafayette County. And you
14 gain in other counties. And then you had a
15 few that lost. When you -- and Jackson had
16 lost so much population they had to move --
17 some moved south, even some had to go up into
18 Madison County a little to maintain those
19 districts.

20 And so when you did that funnel, it
21 actually went to Southwest Mississippi. I
22 mean, Rankin County area or the Jackson metro
23 area grew so much. To maintain, to make --
24 to maintain the majority-minority in those 15
25 districts, that's the only way we could do

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1 it. And I wasn't happy about that. On my
2 first time there I said I wish that no one
3 would have to run against each other.

4 Senator, when I was telling you earlier
5 about when I came here that year, we had
6 three good senators that sit back in the back
7 that ran against each other. We had -- I
8 think it was a total of eight pairings, all
9 ended up being defeated before it was over
10 because we let the judges or the courts draw
11 the maps instead of ourselves. And I told
12 them, that's what I want to make sure of. I
13 want to make sure that if we can -- that we
14 don't have a lot of senators running against
15 each other. I want to make sure that it's
16 fair and meets all the guidelines and I think
17 we've done that. But when you did the
18 funnel, it went to the southwest part of the
19 state.

20 SENATOR McDANIEL: So based on the
21 answer I just heard, you're suggesting that
22 it would be impossible to retain the present
23 configuration of District 37?

24 SENATOR KIRBY: Oh, I'm sure -- no, I
25 didn't say that. I didn't say that at all.

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1 SENATOR McDANIEL: So it would be
2 possible to retain it.

3 SENATOR KIRBY: Well, you could. Now,
4 you may lose your district when we do or he
5 may lose his or someone else. But I'm not
6 saying that.

7 SENATOR McDANIEL: I'm curious then --

8 SENATOR KIRBY: But the way it numbered
9 and the way the flow was of the population
10 shifts, we didn't have any choice.

11 SENATOR McDANIEL: And I'm curious about
12 that because you mentioned earlier that this
13 was not a pleasant experience, that you did
14 not like this, and you mentioned that it
15 would be difficult. But if I were able to
16 show you a map here in a few minutes that
17 retained these members and their BVAPs and
18 retained all --

19 SENATOR KIRBY: For all senators --

20 SENATOR McDANIEL: And did -- yes.

21 SENATOR KIRBY: For all senators?

22 SENATOR McDANIEL: Yes. Throughout
23 District 37, would you --

24 SENATOR KIRBY: Well, can I ask you a
25 question?

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1 SENATOR McDANIEL: Would you --

2 SENATOR KIRBY: How long did it take you
3 to draw that map? Can I ask that?

4 SENATOR McDANIEL: Yeah, you can. I
5 don't mind answering that. I took the data
6 that was there and we drew a map.

7 SENATOR KIRBY: The data from the old?

8 SENATOR McDANIEL: No, sir. We decided
9 to go with everything that you did.

10 SENATOR KIRBY: Then you've only had it
11 two days, then.

12 SENATOR McDANIEL: We drew a map --

13 SENATOR KIRBY: You've only had it two
14 days because it's only been two days ago.

15 SENATOR McDANIEL: I'm going to show you
16 the map later. The point is we were able to
17 secure District 37, maintain the BVAPs of
18 every Republican in the state. I maintained
19 consistency of all the districts in the
20 state.

21 SENATOR KIRBY: I'm telling you
22 according to everyone that I worked with and
23 the experts, there is no way that you can
24 draw a map like you're talking about in two
25 days and some of these people not be running

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1 against each other. There is no way.

2 SENATOR McDANIEL: Well, here's the
3 thing. We already have people in here
4 running against each other. What if I
5 suggest --

6 SENATOR KIRBY: We have one.

7 SENATOR McDANIEL: Right. And what if I
8 told you --

9 SENATOR KIRBY: So you don't want that
10 one. You want somebody else running against
11 him.

12 SENATOR McDANIEL: Well, just so we're
13 clear, no, sir. No, sir. Hey, we'll talk
14 about that.

15 The question is this, if I can show you
16 that map at some point during the course of
17 this debate --

18 SENATOR KIRBY: I would vote against it.

19 SENATOR McDANIEL: Okay. I thought so.

20 SENATOR KIRBY: I will vote against it
21 because of the fact that it hasn't been
22 cleared. It hasn't been through the expert.
23 And I don't think you know more than the
24 experts that do it all --

25 SENATOR McDANIEL: Maybe not. Maybe

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1 not. Maybe not. I don't want to be trading
2 resués, but I've been down this path a few
3 times. We'll talk about that later as well.

4 Now, speaking as to District 37, I'm
5 curious. The -- your experts, do they do an
6 analysis --

7 SENATOR KIRBY: Yes.

8 SENATOR McDANIEL: -- of -- no, no, of
9 racial voting patterns in the territory that
10 now comprises District 37?

11 SENATOR KIRBY: Yes.

12 SENATOR McDANIEL: Okay. Do they --
13 tell me what they found as far as the
14 characteristics of racially polarized voting.
15 What were the findings?

16 SENATOR KIRBY: I haven't seen that.
17 I'm just knowing what they told me. I told
18 you I haven't seen it nor has anyone else.
19 He says we had a high degree of polarized
20 racial voting.

21 SENATOR McDANIEL: What percentage?

22 SENATOR KIRBY: Very high.

23 SENATOR McDANIEL: Okay. So the present
24 configuration of District 37 has never, ever,
25 as I understand it, been in an election

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1 because it's a brand new district. So I
2 guess your experts would have had to drill
3 down to local elections and municipalities
4 and cities and counties to determine this
5 lack of -- or this racial polarization. So I
6 really need to see that data on 37, if
7 possible.

8 SENATOR KIRBY: Well, I don't have it
9 with me, but I can assure you that what they
10 have recommended and what the committee has
11 recommended is a very good map that meets all
12 guidelines.

13 SENATOR McDANIEL: District 37 now has a
14 black voting age population of 61 percent.
15 Before --

16 SENATOR KIRBY: Can I interrupt you
17 there and say that's true? Of course, that
18 district you're talking about 36 or 37, in
19 the last 44 years was a Democratic district.
20 It's one of the weakest Republican-held
21 districts that we have at this time, as you
22 know.

23 SENATOR McDANIEL: Senator Kirby, if
24 that's the case, then there will not be any
25 data of racially polarized voting power.

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1 SENATOR KIRBY: No, that's based on past
2 elections. I'm not talking about the future.
3 You're twisting things and you're not --

4 SENATOR MCDANIEL: No, sir.

5 SENATOR KIRBY: -- getting anywhere.

6 SENATOR MCDANIEL: The data is based on
7 past election. So that's why I asked you had
8 there been any studies on racially polarized
9 voting in this district.

10 SENATOR KIRBY: Yes, yes.

11 SENATOR MCDANIEL: Yes. And he claims
12 yes, and it's really, really bad.

13 SENATOR KIRBY: Yes.

14 SENATOR MCDANIEL: But you can't see it.
15 And then you claim the African-American
16 candidates have had great success in this
17 district for the last 37 years.

18 So help me understand how the
19 racially --

20 SENATOR KIRBY: I didn't say the last 37
21 years.

22 SENATOR MCDANIEL: Okay. The last
23 several decades, whatever you said, they've
24 been very successful.

25 SENATOR KIRBY: I didn't say that

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1 either.

2 SENATOR McDANIEL: Okay. You tell me
3 what you said.

4 SENATOR KIRBY: What I said was that
5 district has been one of the weakest --

6 SENATOR McDANIEL: For Republicans.

7 SENATOR KIRBY: -- as far as for the
8 Republicans.

9 SENATOR McDANIEL: And one of the
10 strongest for Democrats.

11 SENATOR KIRBY: You're talking about the
12 district that we moved to Rankin County and
13 Smith County?

14 SENATOR McDANIEL: No, sir, we're
15 talking about the relative strength of the
16 Democrats --

17 SENATOR KIRBY: I want to make sure
18 we're talking about the same thing.

19 SENATOR McDANIEL: The relative strength
20 of the Democrats in newly created District
21 37, which has a BVAP of 61 percent, right?

22 SENATOR KIRBY: I'd have to look at see.
23 I've got it. If you want me to show it to
24 you, I'll be glad to.

25 SENATOR McDANIEL: Before the maps were

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1 drawn, District 37 had a BVAP of 37 percent.

2 SENATOR KIRBY: I'm sorry. Go ahead.

3 What was your question?

4 SENATOR McDANIEL: Okay. What --

5 SENATOR KIRBY: What do you want?

6 SENATOR McDANIEL: Okay. All right.

7 We'll go back. District 37 presently has a

8 BVAP of 61 percent.

9 SENATOR KIRBY: Yeah.

10 SENATOR McDANIEL: Before the --

11 SENATOR KIRBY: I think that maybe

12 dropped to 60.01 or 60.1.

13 SENATOR McDANIEL: It's over 60.

14 SENATOR KIRBY: It's 60.

15 SENATOR McDANIEL: Okay. We'll say 60.

16 That's fine. It has a BVAP of 60 percent.

17 Prior to it being erased or redrawn or

18 whatever, it had to be a BVAP of 37 percent,

19 correct?

20 SENATOR KIRBY: Hold on. I may have

21 that. District 37, which was Jefferson,

22 Copenhaver, Claiborne -- you're talking about new

23 numbers, old numbers?

24 SENATOR McDANIEL: Yes, sir. Yes, sir.

25 Just comparing the two, where it was.

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1 SENATOR KIRBY: I think that was --
2 we're looking at a --

3 SENATOR McDANIEL: This is going to take
4 a long time. I want to ask the lawyer.

5 SENATOR KIRBY: Okay, I'm sorry. I
6 didn't have those numbers with me.

7 SENATOR McDANIEL: That's fine. That's
8 fine.

9 SENATOR KIRBY: 36 in a benchmark, the
10 old plan. 36 was 62.88 and 37 was 37.6.

11 SENATOR McDANIEL: Yes, sir. So just so
12 I'm clear. 37 percent prior to this map, and
13 this map increases the BVAP to 60 percent?

14 SENATOR KIRBY: 60 percent. Yeah, it
15 does and what -- is that what you're asking
16 me?

17 SENATOR McDANIEL: I'm getting there.
18 I'm getting there. But you can go ahead.

19 SENATOR KIRBY: Well, I'll be glad to
20 tell you.

21 When you look at the areas around and
22 what happened and all the others that came
23 down, we had no choice as I told you before.
24 Where are you going to put those people? We
25 had to do it.

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1 SENATOR McDANIEL: And now you've got --

2 SENATOR KIRBY: We had no choice.

3 SENATOR McDANIEL: That had absolutely
4 no choice?

5 SENATOR KIRBY: Not that I could find.

6 SENATOR McDANIEL: Okay. All right.
7 And that choice would be under the criteria
8 that you have to have a black voting age
9 district or a majority-minority district
10 there, correct?

11 SENATOR KIRBY: That district -- not
12 number, but the district had to have a
13 majority-minority district.

14 SENATOR McDANIEL: Yes, sir.

15 SENATOR KIRBY: It had to maintain the
16 15 that we had. We're not just -- when you
17 look at this, you need to look at more than
18 one district or two districts or 10
19 districts.

20 SENATOR McDANIEL: Yes, sir.

21 SENATOR KIRBY: You need to look at the
22 whole state.

23 SENATOR McDANIEL: Yes, sir.

24 SENATOR KIRBY: And make sure that
25 you're complying with all the laws.

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1 SENATOR McDANIEL: But I just want to be
2 clear as to District 37, once again, we had a
3 racial target as to District 37, and the
4 target was it had to have a BVAP in excess of
5 50 percent. That's correct, right?

6 SENATOR KIRBY: That's --

7 SENATOR McDANIEL: Oh, my goodness.

8 SENATOR KIRBY: And I've been told this
9 several times. There was absolutely no
10 target, and then we only had to comply with
11 Section 2 of the Voting Rights Act. And
12 that's what we were trying to do.

13 SENATOR McDANIEL: So just so I
14 understand the lawyer's testimony, there's no
15 target whatsoever, but we still have to have
16 50 plus one to be a --

17 SENATOR KIRBY: But there's no --
18 (Simultaneous crosstalk.)

19 SENATOR KIRBY: I would think you would
20 have to --

21 SENATOR McDANIEL: There is a target.
22 The target is 50 plus one, correct?

23 SENATOR KIRBY: There's no target is
24 what I'm told by the attorneys.

25 SENATOR McDANIEL: Okay. Well, if

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1 there's no target, then I don't guess it
2 would be a problem if we reduced that
3 district's BVAP down to, say, 46, would it?

4 SENATOR KIRBY: To maintain the 15, yes.

5 SENATOR McDANIEL: Why do you think that
6 you have to have a 50 plus one district to
7 have a majority-minority under the VRA? In
8 other words, as long --

9 SENATOR KIRBY: I don't know where you
10 went to school.

11 SENATOR McDANIEL: No, I can tell you --

12 SENATOR KIRBY: Less than 50 --

13 SENATOR McDANIEL: I'll read it to you.

14 In fairness, I always appreciate those
15 comments in here, and it doesn't bother me.
16 I did go to school, and I know this area very
17 well. And I can tell you right now I'm
18 looking at a copy of the Voting Rights Act.
19 And I'm also looking at a Supreme Court
20 decision from just four days ago where the
21 court once again is making it clear that
22 racial gerrymandering, that racial
23 gerrymandering is unconstitutional. And
24 that's precisely what this body is attempting
25 to do with District 37. So, yes, I've been

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1 to school, which explains why your lawyer
2 keeps popping up here every five seconds.

3 SENATOR KIRBY: Well, first off, we did
4 no racial gerrymandering, and then what the
5 attorney just told me, we have complied, and
6 you have to comply with Section 2, and we did
7 that.

8 SENATOR McDANIEL: I will read Section 2
9 to this body in just a few minutes if that's
10 your position, and we will see whether or not
11 common sense applies and whether or not your
12 lawyer's advice is accurate. So, yeah, I've
13 been to school.

14 SENATOR KIRBY: No, I didn't say have
15 you been to school.

16 SENATOR McDANIEL: Yes, sir, I
17 understand. I understand.

18 SENATOR KIRBY: I said I don't know
19 where you went to school, but where I went to
20 school --

21 SENATOR McDANIEL: I understand.

22 SENATOR KIRBY: -- above 50 is the
23 majority --

24 SENATOR McDANIEL: I understand.

25 SENATOR KIRBY: -- and below 50 is

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1 minority.

2 SENATOR McDANIEL: The bottom line here
3 just like the other 15 majority-minority
4 districts, District 37 was sorted on the
5 basis of race. Isn't that right, Senator
6 Kirby?

7 SENATOR KIRBY: Repeat your question.

8 SENATOR McDANIEL: Just like the other
9 15 districts that are majority-minority
10 districts, District 37 was sorted on the
11 basis of race. Isn't that correct, Senator
12 Kirby?

13 SENATOR KIRBY: No.

14 SENATOR McDANIEL: All right, I get it.
15 So we have to have 15 districts of 50 plus
16 one, but 50 plus one isn't the target.

17 SENATOR KIRBY: We don't have a target.

18 SENATOR McDANIEL: The bottom line here
19 as to every one of these districts' race was
20 the predominant factor in drawing the 15
21 majority-minority districts, wasn't it?
22 Wouldn't it have to be?

23 SENATOR KIRBY: No.

24 SENATOR McDANIEL: You want to just go
25 ahead and plead the Fifth?

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1 SENATOR KIRBY: I can do that.

2 SENATOR McDANIEL: Maybe Tommy could
3 come up here and testify?

4 SENATOR KIRBY: No, but you're welcome
5 to talk to him later.

6 SENATOR McDANIEL: I get it. It's okay.

7 SENATOR KIRBY: That's why we have an
8 attorney to make sure that we're doing things
9 properly.

10 SENATOR McDANIEL: Yes, sir, I
11 understand. I understand.

12 Listen, I don't blame you for a second.
13 I understand. I really do. You're a good
14 man and I understand.

15 You said earlier that these maps always
16 end up in court, right?

17 SENATOR KIRBY: Seems like every time
18 since I've been here.

19 SENATOR McDANIEL: Yes, sir. And I
20 think you're right about that. And that's
21 probably why the attorneys back there, this
22 map is probably going to end up in court one
23 way or the other, correct?

24 SENATOR KIRBY: Probably one way or the
25 other. They usually do.

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1 SENATOR McDANIEL: Okay. One more quick
2 question and then we'll move to the
3 amendments because this could go on forever,
4 and I don't want to -- I know we're both
5 getting tired, and I'm sorry.

6 SENATOR KIRBY: You're welcome to speak
7 on it.

8 SENATOR McDANIEL: Yes, sir. Yes, sir,
9 I will.

10 You mentioned compactness being a really
11 big issue.

12 SENATOR KIRBY: It is.

13 SENATOR McDANIEL: In fact, compactness
14 is one of the issues that the Voting Rights
15 Act looks at to determine whether or not a
16 district is permissible.

17 Senator Kirby, if you don't mind, the
18 issue of compactness, I'm looking at District
19 37.

20 SENATOR KIRBY: Yeah.

21 SENATOR McDANIEL: You would agree with
22 me that's the least compact district on the
23 entire map, isn't it?

24 SENATOR KIRBY: No. No.

25 SENATOR McDANIEL: From a geographical

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1 standpoint, just based on the eye test, it
2 looks like 37 is the biggest district on the
3 map.

4 Is that not the case?

5 SENATOR KIRBY: No.

6 SENATOR MCDANIEL: Okay. Maybe we can
7 take a better look at that later, but it
8 looks like it is to me.

9 SENATOR KIRBY: It may be second or
10 third or fourth.

11 SENATOR MCDANIEL: Okay. I'll rest
12 my -- I'll reserve questions for the
13 amendments and debate at the proper time. I
14 appreciate your patience with me, Senator
15 Kirby.

16 SENATOR KIRBY: Thank you.

17 MR. PRESIDENT: Thank you, Senator
18 McDaniel.

19 Senator Wiggins, for what purpose, sir?

20 SENATOR WIGGINS: A few questions.

21 MR. PRESIDENT: Senator Kirby, will you
22 yield for questions?

23 SENATOR KIRBY: I yield.

24 MR. PRESIDENT: Senator Wiggins, you are
25 recognized.

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1 SENATOR WIGGINS: Thank you, Mr.
2 President, Chairman Kirby.

3 With respect to my friend, Senator
4 McDaniel, I just wanted to ask a couple of
5 questions on the process.

6 SENATOR KIRBY: Yes, sir.

7 SENATOR WIGGINS: So the joint committee
8 was appointed when, last year?

9 SENATOR KIRBY: Yeah. I can't remember
10 the exact month. June, maybe.

11 SENATOR WIGGINS: And there were -- and
12 there were hearings all across the state,
13 were there not?

14 SENATOR KIRBY: We had nine hearings all
15 across the state from the north to the south?

16 SENATOR WIGGINS: Okay. And those
17 hearings were open to anybody, correct?

18 SENATOR KIRBY: That's correct. And we
19 had them on the internet for people to see as
20 well, those that couldn't make it.

21 SENATOR WIGGINS: Which if I'm not
22 mistaken, it's probably the first time that's
23 ever been done.

24 SENATOR KIRBY: It is.

25 SENATOR WIGGINS: And at those hearings,

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1 anybody could sign up, correct, to speak to
2 the committee?

3 SENATOR KIRBY: Anyone that wanted to
4 speak was welcome to speak. And, we told
5 them at that time, anyone that wants to make
6 any recommendations, do any maps, do anything
7 they want to do, we gave them the number to
8 call and to talk to you and where to submit
9 any information they may have that would
10 help.

11 SENATOR WIGGINS: And was it not
12 explained that any member of the public in
13 the state of Mississippi could make an
14 appointment with the peer staff to go over
15 and develop maps?

16 SENATOR KIRBY: That's correct.

17 SENATOR WIGGINS: So if you're Joe Blow
18 from District 52 -- which by the way, is my
19 district.

20 SENATOR KIRBY: It's a good one.

21 SENATOR WIGGINS: You could come up, you
22 can make an appointment, sit down with the
23 staff --

24 SENATOR KIRBY: Yes.

25 SENATOR WIGGINS: -- draw your own

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1 map --

2 SENATOR KIRBY: Yes.

3 SENATOR WIGGINS: -- provide the
4 information that you want for that to be
5 considered; is that right?

6 SENATOR KIRBY: That's correct. Or any
7 of your constituents, as far as that goes.

8 SENATOR WIGGINS: Okay.

9 SENATOR KIRBY: Yes.

10 SENATOR WIGGINS: And those meetings
11 were held in -- and I'm just going off of
12 memory -- Gulfport, Hattiesburg, DeSoto
13 County, Southwest Mississippi, correct?

14 SENATOR KIRBY: They were. You left
15 Hattiesburg out and some others, but that's
16 true. All over the state.

17 SENATOR WIGGINS: So those meetings were
18 held across the state. And then at the end
19 of last year, the redistricting committee
20 met, I think in December.

21 SENATOR KIRBY: That's correct.

22 SENATOR WIGGINS: Where that was open to
23 the public as well, correct?

24 SENATOR KIRBY: It was. And also on TV,
25 if you want to watch it over the internet.

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1 SENATOR WIGGINS: And also any member of
2 the legislature, correct?

3 SENATOR KIRBY: That's correct.

4 SENATOR WIGGINS: Okay. And that
5 committee actually is formed by, if I'm not
6 mistaken, two members from the congressional
7 districts. So there's representation
8 throughout the state; is that correct?

9 SENATOR KIRBY: That's correct.

10 SENATOR WIGGINS: Both on the House and
11 the Senate?

12 SENATOR KIRBY: That's correct.

13 SENATOR WIGGINS: Okay. And so, then,
14 any member starting in January could go and
15 meet with the peer staff to go over any map
16 that they felt was important.

17 SENATOR KIRBY: Yes, sir.

18 SENATOR WIGGINS: And that was four
19 months ago.

20 SENATOR KIRBY: Yes, sir.

21 SENATOR WIGGINS: Now, when you're
22 drawing the maps, and I didn't hear this in
23 any of the questions, in addition to the
24 majority-minority, there's other things such
25 as communities of interest, is that correct,

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1 that you had to look at?

2 SENATOR KIRBY: That's right.

3 SENATOR WIGGINS: Can you please explain
4 what that means?

5 SENATOR KIRBY: Well, choice of a
6 candidate. We tried to draw districts so
7 that the people in that area would have the
8 choice of candidate and still comply with the
9 Voting Rights Act.

10 SENATOR WIGGINS: But also you had
11 communities of interest that you had to look
12 at, and also you had to -- there's boundaries
13 that you had to recognize; is that right?

14 SENATOR KIRBY: That's right.

15 SENATOR WIGGINS: Okay. And those are
16 all actually dictated by law by precedents
17 that -- years in the making, correct?

18 SENATOR KIRBY: That's correct.

19 SENATOR WIGGINS: Okay. And correct me
20 if I'm wrong, but I don't envy you and the
21 peer staff, but when you move one district,
22 is it safe to say it affects everything else?

23 SENATOR KIRBY: Well, not everything
24 else, but it affects a lot.

25 SENATOR WIGGINS: A lot.

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1 SENATOR KIRBY: You can move one
2 district in DeSoto County and it can go to
3 Biloxi. I mean, it's possible. When you
4 start moving districts, then you -- you have
5 problems.

6 SENATOR WIGGINS: So it's not just you
7 can pick and choose. It's like if you move
8 one, you have to address the other things
9 surrounding it and so forth.

10 SENATOR KIRBY: All of those and all
11 those that surround them, and so forth and so
12 on.

13 SENATOR WIGGINS: So let's talk about
14 the populations.

15 So the numbers represent that actually
16 in, let's just say the Delta area, that Delta
17 area lost close to 18 percent of the
18 population, correct?

19 SENATOR KIRBY: They lost over 65,000
20 people.

21 SENATOR WIGGINS: 65,000 people. Okay.

22 And then -- and I'll take my area, the
23 Coast, increased population, the bottom three
24 counties, by around 20 percent; is that
25 correct?

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1 SENATOR KIRBY: That's right.

2 SENATOR WIGGINS: And then the DeSoto
3 County area also grew; is that right?

4 SENATOR KIRBY: That's correct.

5 SENATOR WIGGINS: And I seem to recall
6 10 years ago that DeSoto County actually
7 gained a Senate seat because of the
8 population increase.

9 SENATOR KIRBY: Absolutely, Senator. If
10 you'll look at the map right now, you see
11 District 1 and District 19, District 2
12 because of that.

13 SENATOR WIGGINS: And so 10 years ago,
14 the same, I guess, calculations had to be
15 made.

16 SENATOR KIRBY: That's right.

17 SENATOR WIGGINS: And there were
18 districts that had to be moved.

19 SENATOR KIRBY: That's correct.

20 SENATOR WIGGINS: And that's all a
21 function of the population shifts in the
22 state of Mississippi; is that right?

23 SENATOR KIRBY: That's right. And that
24 happens every 10 years, not just 10 years
25 ago. But I think if you go back in history,

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1 you'll see it every time.

2 SENATOR WIGGINS: And, again, my friend,
3 Senator McDaniel, talked a lot about
4 majority-minority districts. If we weren't
5 following the law of that, what would be the
6 ramifications?

7 SENATOR KIRBY: Well, as I said earlier,
8 what'll happen, you can go to court, the
9 courts rule in their favor, and we'll --
10 courts will draw a map if you could be --
11 well, I don't know if it should be run
12 against your deskmate because that's me --
13 but you might be running against the guy
14 behind you or in front of you or wherever.
15 Yeah, you do not want to run two years in a
16 row. You do not want the courts drawing a
17 map.

18 SENATOR WIGGINS: So we put it in the
19 hands of an unelected judiciary appointed by
20 presidents of the United States?

21 SENATOR KIRBY: Yes.

22 SENATOR WIGGINS: And, in fact, as I
23 think Senator Bryan who's been a -- familiar
24 with redistricting for a long time, pointed
25 out that the maps that form the basis going

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1 back years was actually done by the courts;
2 is that right?

3 SENATOR KIRBY: That's correct.

4 SENATOR WIGGINS: So we've dealt with
5 being in front of the courts for years.

6 SENATOR KIRBY: That's correct.

7 SENATOR WIGGINS: And is it not better
8 for the legislature to draw our own things?

9 SENATOR KIRBY: No doubt about it. No
10 doubt about it. And that's why we've made
11 every effort to make sure that what we have
12 will stand up in court. And we're told that
13 it will.

14 SENATOR WIGGINS: And we've already seen
15 a couple -- and I think there's actually
16 more -- of states across the country, their
17 redistricting has gone to the Supreme Court
18 and in one way or another, it's been
19 rejected. Have you seen that?

20 SENATOR KIRBY: I heard of a statement.
21 I didn't know it was a couple.

22 SENATOR WIGGINS: Okay. So have you
23 heard any from the -- let me -- let me ask it
24 this way: From what the map that you have,
25 based on the experts and the data and the

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1 people that you've worked with and the peer
2 committee has worked with, are you satisfied
3 that this map will sustain -- will survive
4 legal scrutiny?

5 SENATOR KIRBY: I am told that it will
6 by the experts, by the attorneys, by a peer
7 committee, by everyone that should know. The
8 map experts say this is a good map that
9 should uphold.

10 SENATOR WIGGINS: And the -- I'm sorry,
11 I lost my train of thought. If it should go
12 to court, then I guess the point I was making
13 was it would be upheld, this map, because of
14 everything that's been put into it.

15 SENATOR KIRBY: I'm told that it will.
16 It will. It will be.

17 SENATOR WIGGINS: Okay.

18 SENATOR KIRBY: I feel sure it will be.
19 We made every effort to make sure it would
20 be. Every effort.

21 SENATOR WIGGINS: Okay.

22 SENATOR KIRBY: And that's why we had
23 the experts. If we were not, we wanted to
24 know. Whatever we needed to change to have
25 this a solid plan, we wanted to make sure

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1 that it was.

2 SENATOR WIGGINS: And just -- my last
3 question is on the committee that has adopted
4 this and spent pretty much a year on this,
5 you had Democrats, you had Republicans, and
6 you had peer committees. And you had all
7 this -- and you had the House and the Senate
8 members.

9 SENATOR KIRBY: Yes.

10 SENATOR WIGGINS: Okay.

11 SENATOR KIRBY: Yes.

12 SENATOR WIGGINS: Speaking of the House,
13 we're talking about a district in the Senate
14 here that I guess two members are going
15 against each other. But, in fact, there's
16 two in the House plan that are not yet before
17 us, but in the House plan, they've been
18 collapsed as well; is that right?

19 SENATOR KIRBY: Yes, I think there are
20 eight that are running against each other
21 that are paired in the House.

22 SENATOR WIGGINS: Okay. And, in fact,
23 on the House plan, because of the population
24 shifts -- in fact, Harrison County gained a
25 new seat, right?

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1 SENATOR KIRBY: I was told it did. I
2 haven't seen -- I really haven't studied
3 their map.

4 SENATOR WIGGINS: And I know we're not
5 on that, but I'm making the comparison
6 because --

7 SENATOR KIRBY: Oh, yeah.

8 SENATOR WIGGINS: -- it was pointed out
9 in committee yesterday that I think Chairman
10 Beckett said you -- they had to move a House
11 district to compensate down on the Coast in
12 Harrison County.

13 SENATOR KIRBY: That's right.

14 SENATOR WIGGINS: So the same thing had
15 to be done, and you had to account for those
16 things?

17 SENATOR KIRBY: That's right.

18 SENATOR WIGGINS: Okay. Well,
19 Mr. Chairman, I appreciate the work that you
20 put into this and the peer committee and
21 everybody else that participated in this.
22 Thank you.

23 SENATOR KIRBY: Thank you.

24 MR. PRESIDENT: Senator Wiggins.
25 Senator Sojourner, for what purpose, ma'am?

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1 SENATOR SOJOURNER: Just a couple of
2 questions.

3 MR. PRESIDENT: Senator, will you yield
4 for questions?

5 SENATOR KIRBY: I yield.

6 MR. PRESIDENT: Senator Sojourner,
7 you're recognized.

8 SENATOR SOJOURNER: Thank you,
9 Mr. President. Thank you, Chairman Kirby.
10 And I promise to keep this much shorter.

11 I just want to -- a couple of things. I
12 remember I met with you and Mr. Booth a few
13 weeks back when you, you know, allowed us to
14 come over and look at the current district
15 that we previously ran under.

16 SENATOR KIRBY: That's right.

17 SENATOR SOJOURNER: What the changes
18 were and if we had any suggestions.

19 SENATOR KIRBY: Correct.

20 SENATOR SOJOURNER: At that time, in the
21 district I currently ran under, y'all showed
22 me that I moved from 34 percent BVAP to 37.6
23 percent BVAP.

24 SENATOR KIRBY: Well, that was -- what
25 we showed you, we hadn't changed the map.

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1 SENATOR SOJOURNER: That's what I'm --

2 SENATOR KIRBY: We were just looking at
3 your --

4 SENATOR SOJOURNER: That's right.

5 SENATOR KIRBY: -- existing district.

6 SENATOR SOJOURNER: That's right. In
7 the existing district --

8 SENATOR KIRBY: And asked you for your
9 wish list at that time.

10 SENATOR SOJOURNER: That's right.

11 SENATOR KIRBY: And what could we do.

12 SENATOR SOJOURNER: Yeah. The point I'm
13 trying to make here is that in the current
14 district I ran in, not your new proposed
15 district, that the BVAP went from 34 to 37.6
16 in those boundaries.

17 SENATOR KIRBY: That's what I
18 understand.

19 SENATOR SOJOURNER: And also it's
20 important to know that those numbers were
21 within the population deviation that is
22 required.

23 SENATOR KIRBY: That's right.

24 SENATOR SOJOURNER: Okay. And my
25 comment was, "Well, if that's the case, then

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1 I would like to not change."

2 SENATOR KIRBY: And I understand that.

3 SENATOR SOJOURNER: However --

4 SENATOR KIRBY: And we had probably 10,
5 15, no more than that that said the same
6 thing. "My district is perfect. I don't
7 need to change my district. Just leave it
8 like it is."

9 SENATOR SOJOURNER: But do you remember
10 me also stating to you and Mr. Booth, that I
11 understood that some population changes to my
12 north and south may require me to change
13 marginally? I wanted to do it without moving
14 my numbers greatly. Do you remember that?

15 SENATOR KIRBY: I do not, but that's
16 because I've talked to 52 Senators, and I've
17 talked to some of them as many as five times
18 over there.

19 SENATOR SOJOURNER: I understand.

20 SENATOR KIRBY: So I can't remember
21 everything everyone said.

22 SENATOR SOJOURNER: And that's why I
23 wanted to clarify it before you today.

24 Just a couple of other quick things.

25 You stated previously that District 37

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1 for a while has been one of the weakest
2 Republican-held districts in the state.

3 SENATOR KIRBY: Based on the elections.

4 SENATOR SOJOURNER: Not based on --

5 SENATOR KIRBY: Based on elections
6 they've had 36, 37 out of the last 44 years.

7 SENATOR SOJOURNER: So let's talk about
8 that. What do you think statistically makes
9 a weak Republican district?

10 SENATOR KIRBY: Well, I would think that
11 the -- make a weak one would be -- being in a
12 majority-minority district would make it
13 weaker. Also, having a candidate that people
14 don't like, I guess, would make it weak. I
15 don't know. There's lots of reasons that a
16 district could be weak.

17 SENATOR SOJOURNER: Because it is true,
18 we do have districts in the state where
19 Republicans win at 40 percent. We have
20 several of those.

21 SENATOR KIRBY: Yes.

22 SENATOR SOJOURNER: There are members in
23 this chamber at 40 percent plus BVAP and win
24 as Republicans.

25 So statistically, it is not one of the

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1 weakest Republican.

2 SENATOR KIRBY: Well, I don't know what
3 that says other than 37 of the last 44 years
4 that one --

5 SENATOR SOJOURNER: Would you say with
6 me, though, that the previous Democrat that
7 held the seat was in office for nearly 40
8 years, and I think we all will agree was a
9 holdover from the old Democrat train of
10 thought? We'll leave that there.

11 SENATOR KIRBY: Yeah, you don't want me
12 commenting on that one.

13 SENATOR SOJOURNER: No, I --

14 SENATOR KIRBY: You don't want to say
15 that.

16 SENATOR SOJOURNER: He was an
17 institution in himself.

18 SENATOR KIRBY: You don't want me to
19 give you the answer to that.

20 SENATOR SOJOURNER: I will -- he was an
21 institution in himself. I am strictly
22 speaking to the statistical data that 37 is
23 not one of the weakest Republican districts
24 in the state.

25 I'll move on. I've got two more

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1 questions.

2 You stated a moment ago that the Delta
3 had lost 65,000 people in population.

4 SENATOR KIRBY: I think it's over 65.

5 SENATOR SOJOURNER: So that is a little
6 greater than a Senate district.

7 SENATOR KIRBY: Yes.

8 SENATOR SOJOURNER: So one would think
9 if there was a need to collapse a district in
10 the state, then it would probably occur in
11 the area of the state where we lost 65,000
12 people. Why was that not considered?

13 SENATOR KIRBY: I thought that's what we
14 did.

15 SENATOR SOJOURNER: District 37 is not
16 in the Delta.

17 SENATOR KIRBY: I'm sorry. It's a river
18 county.

19 SENATOR SOJOURNER: Well, there's a
20 difference in the Delta and the river
21 counties. And the Delta lost 65.

22 SENATOR KIRBY: I can't remember. I
23 don't have the numbers here. But have you --
24 well, okay. Go ahead.

25 SENATOR SOJOURNER: So the Delta lost

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1 65,000.

2 SENATOR KIRBY: That's right.

3 SENATOR SOJOURNER: But it was not
4 considered to collapse the district in the
5 Delta.

6 SENATOR KIRBY: Again, we were going by
7 Section 2 Voting Rights Act and the numbers
8 and we had to retain the 15. And if you'll
9 notice, most of those are.

10 SENATOR SOJOURNER: Would you agree with
11 me that sitting in this particular seat might
12 could be a curse a lot of times?

13 SENATOR KIRBY: Maybe.

14 SENATOR SOJOURNER: However, for today's
15 debate, it has allowed me to participate in
16 the hearing range of a lot of conversations.

17 Legal counsel -- Senator Kirby, I'm
18 asking you if this is correct. Legal counsel
19 repeatedly at times today has come to you and
20 said there was no target, that we only looked
21 at race to comply with Section 2.

22 Is that the advice that you received
23 multiple times today from counsel?

24 SENATOR KIRBY: He told me -- he said
25 there -- absolutely, there was no target, but

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1 we have to comply with Section 2 of the
2 Voting Rights Act and give the people their
3 choice of candidates.

4 SENATOR SOJOURNER: And that you had to
5 look at race to comply was the advice that
6 counsel has given.

7 SENATOR KIRBY: I think that would be
8 important.

9 SENATOR SOJOURNER: The right -- I'm
10 just asking, that's what counsel has said --

11 SENATOR KIRBY: Okay.

12 SENATOR SOJOURNER: -- several times to
13 you today.

14 My last question. Senator Wiggins
15 mentioned the House plan. It is true that
16 they did collapse a district that involves a
17 Republican. Do you know why that was done?

18 SENATOR KIRBY: I did not draw the --

19 SENATOR SOJOURNER: It was done because
20 that Republican told the Speaker he was not
21 running for office again.

22 I'll leave my further questions for a
23 later time. Thank you for your time.

24 SENATOR KIRBY: Thank you.

25 If no further questions, ready for

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1 amendments.

2 MR. PRESIDENT: One moment, please,
3 Senator. I think we have two.

4 Senator McDaniel, you're recognized for
5 what purpose, sir?

6 SENATOR MCDANIEL: Couple of follow-ups,
7 Mr. President.

8 MR. PRESIDENT: Will you yield, Senator?

9 SENATOR KIRBY: Yes, sir.

10 SENATOR MCDANIEL: Thank you,
11 Mr. President.

12 MR. PRESIDENT: Senator McDaniel is
13 recognized.

14 SENATOR MCDANIEL: Mr. Chairman, Senator
15 Wiggins earlier was discussing the
16 possibility that litigation could be
17 forthcoming, but we already established that
18 litigation is more than likely going to
19 happen in any event, correct?

20 SENATOR KIRBY: Well, I think the point
21 was that we're probably going to have
22 litigation and his question was, do we have a
23 plan that will hold up in court and so the
24 courts don't have to draw the map. And I
25 agreed with him on that, that we do have.

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1 SENATOR McDANIEL: Ten years ago, they
2 told us we had a plan that would hold up in
3 court and that didn't work out too well, did
4 it?

5 SENATOR KIRBY: Well, 10 years ago, I'm
6 not sure about 10 years ago. Twenty years
7 ago.

8 Okay. Since I wasn't involved in that,
9 I needed to ask. And the answer to that is
10 10 years ago, it did hold up in court, our
11 plan.

12 SENATOR McDANIEL: Right. But --

13 SENATOR KIRBY: Ultimately, it did.

14 SENATOR McDANIEL: The litigation
15 stands.

16 SENATOR KIRBY: Yeah.

17 SENATOR McDANIEL: When Senator Clark's
18 District 22 was challenged, those changes
19 were made as the result of litigation,
20 correct?

21 SENATOR KIRBY: That's correct.

22 SENATOR McDANIEL: So just a point.
23 Legal counsel told us then it was going to be
24 okay, too, but it still wasn't. And that
25 goes to show the ebb and the flow of this

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1 area of law.

2 SENATOR KIRBY: Yeah.

3 SENATOR McDANIEL: Now, to my next
4 point, we don't have to go through the
5 preclearance requirement ever again. And the
6 reason for that is the Supreme Court has
7 invalidated that part of the Voting Rights
8 Act. So we don't have to worry about justice
9 vetting our map, do we? That's correct,
10 isn't it?

11 SENATOR KIRBY: I'm not sure about that.

12 SENATOR McDANIEL: I will represent to
13 you that it is correct. So the concerns of
14 somehow this map is going to find its way in
15 a long battle that could somehow impact every
16 single district is very, very unlikely
17 because the Justice Department is no longer
18 requiring a pre-clearance issue.

19 And just lastly --

20 SENATOR KIRBY: I think we have a very
21 solid plan that will hold up in court.

22 SENATOR McDANIEL: Yes, sir. I think
23 there's going to be quite a few amendments
24 that might actually improve that plan in
25 court, and I plan to offer them here in just

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1 a bit. Thank you.

2 SENATOR KIRBY: Thank you.

3 MR. PRESIDENT: Okay, thank you, Senator
4 McDaniel.

5 Senator Parker, for what purpose, sir?

6 SENATOR PARKER: Just a few questions.

7 MR. PRESIDENT: Senator Kirby, will you
8 yield for questions?

9 SENATOR KIRBY: Yes, sir.

10 MR. PRESIDENT: Senator Parker is
11 recognized.

12 SENATOR PARKER: Thank you, Mr.
13 President and thank you, Mr. Chairman on
14 this. I appreciate your help.

15 And last time I was not here when we
16 took this vote. But I just want to kind of
17 share kind of -- just kind of my personal
18 observation. I had the opportunity to serve
19 with you on the redistricting committee on
20 this.

21 SENATOR KIRBY: And I appreciate your
22 help.

23 SENATOR PARKER: And after we got the
24 map a few days ago in a printout form, I hung
25 it up on the wall in my office, and I've had

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1 a few people come in, just to give an idea of
2 what the process is like. And they've come
3 in and they've looked at the map. And what
4 I've found is that everyone, when they come
5 in and look at the map, their eyes
6 immediately go to their area. So when I look
7 at the map, my eyes go to DeSoto County.
8 When someone from the Coast looks at it,
9 their eyes go there. So I think it's a
10 natural kind of thing.

11 So as you go through this process, it's
12 very difficult because it's easy to
13 understand your area, but you have to be
14 looking at the map as a whole.

15 SENATOR KIRBY: That's correct.

16 SENATOR PARKER: When I first ran for
17 office, I ran in a special election. There
18 was some redistricting that had been done,
19 but had not been applied yet. And so -- are
20 you aware that when I first ran for office,
21 the population of the district that I was
22 running to serve was over 100,000 people at
23 that time? Would that surprise you?

24 SENATOR KIRBY: Not in DeSoto County,
25 no, sir. It's one of the fastest growing

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1 counties, if not the fastest, in the state.

2 SENATOR PARKER: And so shortly after I
3 was elected, the map that a previous body had
4 voted on went into effect. And a good
5 portion of my district was changed and a new
6 district was added up in DeSoto County.

7 SENATOR KIRBY: That's correct.

8 SENATOR PARKER: And so as a result of
9 that, at the next election, DeSoto County
10 added, basically, a third senator that
11 touched that district. That was one of my
12 colleagues, Senator Blackwell.

13 And so as we've gone through the process
14 this time, DeSoto County has again grown, and
15 from the maps I've seen here, it looks like
16 this time there will now be four Senators
17 that touched DeSoto County.

18 And so my point on this is that the
19 reason we go through the process of
20 redistricting is that as population shifts
21 occur throughout the state, the reason to
22 redistrict is driven by the fact that in the
23 Senate we have 52 senators, and our goal is
24 to try to have each one of us 52 senators
25 represent the same number of people.

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1 Wouldn't that be a correct --

2 SENATOR KIRBY: As close as possible.

3 It has to be as close as possible.

4 SENATOR PARKER: And, to that point, if
5 you have DeSoto adding a number of people or
6 the Coast or Rankin County adding, you have
7 to find a way to navigate that; is that
8 correct?

9 SENATOR KIRBY: That's a true statement.

10 SENATOR PARKER: And so as you look at
11 just the district map in the northern part,
12 which is, again, the part I understand, and
13 you look and you see in your new proposed
14 map, you know, where number one is and number
15 two is and number three is, those numbers,
16 there's a 19 up there in that area.

17 SENATOR KIRBY: Yes, sir.

18 SENATOR PARKER: So my understanding of
19 that is at some point in time for a 19 to pop
20 up in the area where all the ones, twos, and
21 threes are, the 19 had to have come from
22 somewhere. Is that a correct --

23 SENATOR KIRBY: That came from -- that
24 was Senator Tim Johnson, a Republican. And
25 if you'll notice, Senator, while you're

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1 looking at the maps, all the way down, you --
2 I mean, the one north of me, I'm 30. The one
3 north of me just touching mine is 20. The
4 one right above him is 25. So over the
5 years, they've done that. And that's because
6 of population shifts. That's population --

7 SENATOR PARKER: And to your point on
8 that, when we get to the very kind of most
9 southern, southeastern kind of tip over
10 there, that's where the 51s and 52s are. I
11 can't see from here, but I think --

12 SENATOR KIRBY: Yes.

13 SENATOR PARKER: And the only reason I
14 bring this up is to just share that with
15 people, because I've gotten a number of
16 e-mails from people who have asked me why do
17 we do redistricting? Why are we doing this?
18 Do we have to do this? And I just wanted to
19 bring that to the attention of the body here.

20 And so in my role in serving on this
21 committee, I want to share with the body that
22 before the ability to go over to peer was
23 available, I started at home to do some work
24 and look at numbers and look at things like
25 that and come up with some ideas. And then as

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1 that ability became apparent, I was able
2 to -- over to peer many, many times on my
3 own. I met with the staff over there. I
4 worked to prepare different maps, and I tried
5 to look at different areas of the state. And
6 I had the opportunity, too, to go over with
7 you and do the same. And I found it most
8 difficult on my part to do areas of the state
9 that I don't represent.

10 And so, from the makeup of the committee
11 standpoint, I'm very happy that the
12 lieutenant governor put people geographically
13 from across the state on the committee.
14 Because what I found was that some of the
15 things that anecdotally I might think the
16 Coast might want, you know, someone from the
17 Coast who understands that area and
18 understood a little bit more.

19 And so, again, my questions are just to
20 kind of bring more attention to the process
21 of this. And I just want to share that I
22 appreciate your time and effort on this, and
23 that there were a number of meetings, there
24 were a number of things that we worked with
25 individually, collectively to try to move

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1 this forward. Yeah, and this process is not a
2 personal process.

3 And I do want to mention one last thing
4 here. Just -- this is a personal comment,
5 but there was a mention earlier that a
6 previous senator had been a holdover from a
7 different time. And that holdover was my
8 deskmate for four years. And sat over here,
9 was not in the same party with me, and to
10 hear that word for a member of this body is
11 very disheartening to me, but I appreciate
12 your work.

13 SENATOR KIRBY: Well, thank you. And,
14 Senator, you reminded me of something. None
15 of us have a district. The districts belong
16 to the people, and that's exactly what you're
17 saying.

18 MR. PRESIDENT: Thank you, Senator
19 Parker.

20 Senator Chism, for what purpose, ma'am?

21 SENATOR CHISM: Friendly question,
22 Mr. President.

23 MR. PRESIDENT: Will you yield for a
24 question, Senator Kirby?

25 SENATOR KIRBY: Yes, I yield.

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1 SENATOR CHISM: Thank you. It's a very
2 friendly question. Just a couple questions
3 that I have. I've never been through this
4 process.

5 Once you had this map finished, then it
6 was sent to the lawyers; is that correct?

7 SENATOR KIRBY: Yes.

8 SENATOR CHISM: Can you tell me what
9 date it was sent to the lawyers?

10 SENATOR KIRBY: I don't know the date,
11 but it was at least three weeks ago?

12 SENATOR CHISM: If it was three weeks
13 ago -- I would really like to have the date,
14 because if it was three weeks ago, we're
15 looking at March somewhere around the 8th.
16 Is this correct?

17 SENATOR KIRBY: Probably. I probably
18 could go back on my calendar and see. But I
19 was say it was at least three weeks ago.

20 SENATOR CHISM: Okay. I really would
21 like to have a date. But once it's sent to
22 the lawyers, then this map has not been
23 changed, has it? It's just like it was when
24 it was sent to the lawyers.

25 SENATOR KIRBY: No, I actually changed

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1 one precinct in a minority district.

2 SENATOR CHISM: And could you tell me
3 which precinct that was?

4 SENATOR KIRBY: I can't think of the
5 name of it. The district number was 21. It
6 was Senator Blackmon's district. I needed
7 to -- what happened was when they printed the
8 map, they made a mistake, so we corrected it.

9 SENATOR CHISM: So it was District 21?

10 SENATOR KIRBY: Yeah.

11 SENATOR CHISM: And that was the only
12 one.

13 I really would like for the lawyers or
14 whoever to tell me when -- when this map was
15 sent over there before I carry on with the
16 rest of my questioning.

17 SENATOR KIRBY: Do you know the date?

18 SENATOR CHISM: Surely they have that.

19 SENATOR KIRBY: He'd have to look up the
20 date. He doesn't have the date with him, but
21 he said I was approximately correct.

22 SENATOR CHISM: So we're going to say
23 approximately March the 8th?

24 SENATOR KIRBY: Approximately, yes.

25 SENATOR CHISM: Okay.

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1 SENATOR KIRBY: I can't give you the
2 exact date. When we thought it was ready,
3 then we released it to them.

4 SENATOR CHISM: Okay. I went over and
5 met with you over there and let you know
6 where I would like for my district to be,
7 which I'm very happy with my district that
8 you have given to me.

9 SENATOR KIRBY: Thank you.

10 SENATOR CHISM: If I had my druthers, I
11 would probably -- well, I know for sure, I
12 would keep the constituents I had because
13 they're close to me.

14 SENATOR KIRBY: Sure.

15 SENATOR CHISM: A lot of them are
16 family.

17 SENATOR KIRBY: I feel the same way.

18 SENATOR CHISM: But I understand. I
19 understand, and I'm happy with my district,
20 and I appreciate all your hard work.

21 SENATOR KIRBY: Well, thank you. And I
22 feel the same way you do about my district.
23 I've gained some and lost some that I really
24 didn't want to. But, like I say, every
25 district --

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1 SENATOR CHISM: Absolutely.

2 SENATOR KIRBY: -- except Rita Parks',
3 Senator Parks' did not change.

4 SENATOR CHISM: But I would like to say
5 this. I just want this said for the record.
6 This map was sent over, and there's a lot of
7 circulation going around that before we voted
8 on the 1509 bill that it was --

9 SENATOR KIRBY: I can answer that. It
10 was sent over there before that --

11 SENATOR CHISM: It was sent before that
12 date?

13 SENATOR KIRBY: It was sent before that
14 date.

15 SENATOR CHISM: That's what I'm looking
16 for.

17 SENATOR KIRBY: That, I can tell you.

18 SENATOR CHISM: Okay. That's what I'm
19 looking for.

20 SENATOR KIRBY: Because I kept hearing
21 that, too, and I'm telling (inaudible), we've
22 already sent the maps over. No.

23 SENATOR CHISM: Okay. The map was sent
24 over before we voted on 1509, the vaccine
25 bill.

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1 SENATOR KIRBY: That's it.
2 SENATOR CHISM: Thank you.
3 And you'll testify to that?
4 SENATOR KIRBY: Yes.
5 SENATOR CHISM: Thank you.
6 Okay. This is the point that I'm trying
7 to make, and it's a friendly point. I went
8 back over there on March the 10th, and that's
9 when I was shown my proposed map --
10 SENATOR KIRBY: Right.
11 SENATOR CHISM: -- that was going to be
12 shown here two days ago.
13 SENATOR KIRBY: Yeah. That's probably
14 true. Because we were -- you'd asked to see
15 it, number one, to show it to you, and that's
16 what we had already done.
17 SENATOR CHISM: That's right.
18 SENATOR KIRBY: And if you had a major
19 problem, then we wanted to know it.
20 SENATOR CHISM: That's right.
21 SENATOR KIRBY: Yes.
22 SENATOR CHISM: Okay. I have a picture
23 of my map that day.
24 SENATOR KIRBY: Good.
25 SENATOR CHISM: And on -- thank you.

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1 And on that picture, I still had Ingomar, but
2 I did not have districts in Marshall County.
3 And two days ago when I saw this map, now I
4 don't have Ingomar, but I have three boxes in
5 Holly Springs or in Marshall County that I
6 didn't have on the 10th. And I just want to
7 make a point that the map was changed after
8 March the 9th when we had the vote on the
9 1509 bill, the vaccine.

10 SENATOR KIRBY: Well, how many times did
11 you go over there, Senator?

12 SENATOR CHISM: How many times what?

13 SENATOR KIRBY: Did you go over to peer?

14 SENATOR CHISM: Two times.

15 SENATOR KIRBY: Are you sure that map
16 wasn't from the first time?

17 SENATOR CHISM: The first time I went
18 over was to tell you what I'd like to have.

19 The second time I went over was to show
20 me what my district was going to be, which
21 was -- I have a picture of it on my phone.
22 And I know that's good. So on my phone, the
23 picture I have does not correspond with that
24 picture.

25 SENATOR KIRBY: I don't have an

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1 explanation for that other than we worked on
2 that map several times, and you may have been
3 looking at one that wasn't the latest.

4 SENATOR CHISM: Well, I understand that.
5 I was just wanting to know if that map had
6 been changed after it went to the lawyers,
7 which was before --

8 SENATOR KIRBY: Your district did not
9 change.

10 SENATOR CHISM: -- March the 10th.

11 SENATOR KIRBY: Your district did not
12 change after that.

13 SENATOR CHISM: But it did, mine did.
14 And I have proof on my phone. I have a
15 picture on March the 10th --

16 SENATOR KIRBY: Well, it may, and you
17 may have proof of a map, but it probably --
18 like I say, we worked the map several times,
19 and what you were looking at maybe was not
20 the most current one we had.

21 SENATOR CHISM: Well, I guess I need to
22 go have eye surgery again or something. I
23 don't know. But it's different. It was
24 changed. And that's the only point I wanted
25 to make that it had been changed after the

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1 map went to the lawyers. Thank you.

2 SENATOR KIRBY: All right. We turned
3 those maps -- I can't even tell you how many
4 plans we had. So it may be that it wasn't
5 the latest of the plan at that time. I don't
6 know. But I know that that was sent to the
7 attorneys before that vote.

8 SENATOR CHISM: Thank you.

9 SENATOR KIRBY: Okay. Thank you.

10 MR. PRESIDENT: Thank you, Senator
11 Chism.

12 Senator Norwood, for what purpose, sir?

13 SENATOR NORWOOD: Thank you,
14 Mr. President. President, at the appropriate
15 time, I'd like an introduction out of order
16 at the appropriate time.

17 MR. PRESIDENT: That will be good so he
18 can catch his breath here.

19 Please proceed, Senator Norwood.

20 (Introduction.)

21 MR. PRESIDENT: All right. We have
22 Senator Sojourner. For what purpose, ma'am?

23 SENATOR SOJOURNER: Just one follow up.

24 MR. PRESIDENT: Okay. Please proceed,
25 and I'll get to you Senator Parker next.

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1 Thank you very much.

2 Senator Sojourner, you're recognized for
3 what purpose, ma'am?

4 SENATOR SOJOURNER: Thank you,
5 Mr. President. Thank you, Chairman Kirby.
6 Just one follow up.

7 I know you mentioned earlier that the
8 maps had gone to the lawyers and had, you
9 know, been cleared. You previously mentioned
10 that you would not support a map that had not
11 been cleared; is that correct? That had not
12 gone to the lawyers?

13 SENATOR KIRBY: That's right, yes.

14 SENATOR SOJOURNER: Okay. But according
15 to the line of questioning of Senator Chism,
16 it sounds like that it is very likely, or it
17 is likely that the map that went to the
18 lawyers has changed because of what's
19 presented on the floor was not the
20 previous -- so my question is, then this map
21 has not been cleared by your lawyers?

22 SENATOR KIRBY: This map has been
23 cleared.

24 SENATOR SOJOURNER: Even if a senator on
25 this floor has a picture of her district

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1 that --

2 SENATOR KIRBY: Well, as I told her, she
3 probably didn't have the most current map,
4 which was a mistake on our part. But it
5 didn't really -- I'm going to try to cut
6 y'all's questions a little short. The
7 lieutenant governor, nor me, nor anyone else,
8 none of us, changed anything because of that
9 vote.

10 SENATOR SOJOURNER: Oh, yes, sir. I'm
11 not concerned with that. Yes, sir. I do
12 think for legal, it's very, very important
13 that we do get the exact date that this map
14 was voted on.

15 SENATOR KIRBY: Why would that matter?
16 If it doesn't matter --

17 SENATOR SOJOURNER: Well, it would
18 matter if it's changed.

19 SENATOR KIRBY: Okay. Well --

20 SENATOR SOJOURNER: Thank you.

21 MR. PRESIDENT: Senator Parker, for what
22 purpose? Thank you, Senator. Senator
23 Parker?

24 SENATOR PARKER: Sorry, Mr. President, I
25 was trying to catch you for an introduction

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1 at the appropriate time.

2 MR. PRESIDENT: Please proceed.

3 (Introduction.)

4 MR. PRESIDENT: Okay. We're at Senator
5 McMahan.

6 SENATOR McMAHON: A question.

7 MR. PRESIDENT: Will you yield for a
8 question, Senator Kirby?

9 SENATOR KIRBY: Yes, sir.

10 MR. PRESIDENT: Senator McMahan, you're
11 recognized.

12 SENATOR McMAHON: Senator Kirby, thanks
13 for your work on this. I appreciate you and
14 the committee going all over the state for
15 almost a year getting public input.

16 I actually attended the public hearing
17 in Tupelo.

18 SENATOR KIRBY: You did?

19 SENATOR McMAHON: Yeah, I appreciate it.
20 Y'all took a lot of questions from
21 different -- from different groups and
22 individuals and I appreciate that.

23 For the record, you know, there's --
24 does Delbert Hosemann have a -- does the
25 lieutenant governor have a vote in this room?

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1 SENATOR KIRBY: No, sir.

2 SENATOR McMAHON: Except unless the
3 chambers have a tie.

4 SENATOR KIRBY: In case of a tie.

5 SENATOR McMAHON: Unless we're in a tie,
6 right?

7 SENATOR KIRBY: That's right.

8 SENATOR McMAHON: Does the lieutenant
9 governor have a vote on the committee?

10 SENATOR KIRBY: Does not.

11 SENATOR McMAHON: Were you in any way
12 coerced to change a map or do anything?

13 SENATOR KIRBY: No.

14 SENATOR McMAHON: Okay. There's a
15 notion that the lieutenant governor has taken
16 reciprocity or has been angry with people,
17 and that's the furthest thing from the truth,
18 wouldn't you agree?

19 SENATOR KIRBY: I agree. I agree.

20 SENATOR McMAHON: As a matter of fact,
21 the only thing that I have experienced with
22 him is after we took the vote that another
23 senator mentioned, he came over to my house
24 two days later and we cooked hamburgers.
25 And, to be quite honest with you, he took the

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1 bigger burger, so I don't even know if he
2 realized he got the larger burger. I wanted
3 that one myself.

4 But the lieutenant governor is a man of
5 integrity, and I just want to state for the
6 record in no way have you been coerced in any
7 way, have you?

8 SENATOR KIRBY: No.

9 SENATOR McMAHON: Okay. My district map
10 changed as well, and you took my
11 consideration, but I didn't get the map that
12 I wanted, I got the map that was convenient
13 for everyone else. Would you agree?

14 SENATOR KIRBY: I agree with that. Same
15 with me.

16 SENATOR McMAHON: Senator Kirby, I
17 really appreciate your work. I know this is
18 not easy, and it cannot be an easy process.
19 I'm glad I was not on that committee, but
20 thank you for your work, and I appreciate the
21 committee's work. And I appreciate y'all --
22 the transparency, and that you took an entire
23 year to go all over the state.

24 SENATOR KIRBY: Thank you.

25 SENATOR McMAHON: Thank you.

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1 MR. PRESIDENT: Okay, seeing no further
2 questions. Thank you, Senator McMahon.

3 Senator Simmons, you're recognized for
4 an amendment.

5 SENATOR SIMMONS: May I proceed,
6 Mr. President?

7 MR. PRESIDENT: Yes, please proceed,
8 Senator Simmons.

9 SENATOR SIMMONS: Thank you,
10 Mr. President. Thank you, Senator Kirby for
11 your work on this joint resolution.

12 This is a Senate alternative to the map
13 just presented by Senator Kirby. And it's
14 illustrated on your screens as well, also on
15 the side over here.

16 And what I will say about this map is
17 that we received input from several advocacy
18 groups and community groups that are
19 concerned that black Mississippians are
20 vastly underrepresented in the State Senate.
21 In fact, the map that is on your screen, and
22 also as I indicated that is actually
23 illustrated over here, is proof that there
24 can be an additional four majority-minority
25 districts in the State Senate. And I can

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1 tell you by talking to Senate Democrats, they
2 have even sacrificed their individual
3 interests to put forth a map that more
4 accurately reflects the state's population
5 and comply with the U.S. Constitution and the
6 Voting Rights Act. And so there are a lot of
7 Senate Democrats based upon the map that's
8 before you who do not even like their
9 individual districts.

10 A map that maintains the status quo
11 simply dilutes black voting strength in
12 Mississippi.

13 Mr. President, I yield the podium, and I
14 ask for adoption of the amendment.

15 MR. PRESIDENT: Senator Kirby, you're
16 recognized to respond.

17 SENATOR KIRBY: Thank you, Mr.
18 President, ladies and gentlemen of the
19 Senate, as you can see, this is not a map
20 that this state needs. I don't know what
21 kind of test it's been through or anything
22 else. So I am going to ask that you vote
23 against the amendment.

24 MR. PRESIDENT: Okay. We have an
25 amendment on the floor. All in favor signify

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1 by saying "Aye."

2 (Aye.)

3 MR. PRESIDENT: Opposed, "No."

4 (No.)

5 MR. PRESIDENT: The "Noes" have it.

6 Okay. We're on -- any other amendments,

7 Mr. Clerk?

8 MR. CLERK: We have four.

9 MR. PRESIDENT: One moment, please.

10 Okay. Are we on the screen, sir? Okay.

11 Senator McDaniel, you're recognized for

12 an amendment. Amendment Number 2.

13 SENATOR MCDANIEL: Thank you,

14 Mr. President. They are in the process of

15 displaying it as we speak. I guess while

16 that's occurring, I'd be asked to be

17 recognized to explain the amendment.

18 MR. PRESIDENT: Senator McDaniel, you're

19 recognized to explain the amendment.

20 SENATOR MCDANIEL: Thank you,

21 Mr. President.

22 What we see there is a possibility that

23 we were told could not exist. And what this

24 possibility does, it restores in part

25 District 37 and brings the BVAP down to 49 --

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1 or 46.9 percent. The other changes are
2 minimal. The only BVAP changes would involve
3 District 39, a three point increase in BVAP
4 to 31 percent. District 35 will stay the
5 same. And 41 would increase only by two
6 percentage points. Everything else remains
7 the same.

8 Here's the distinction. Senator
9 Sojourner would share the district with
10 Senator Kelvin Butler with a BVAP that's not
11 sorted by race and gives each candidate a
12 chance to be successful. That's precisely
13 what the Voting Rights Act demands, is a
14 chance to be successful.

15 That's, basically, what the amendment
16 does.

17 I'm open for questions, Mr. President,
18 whenever someone has one.

19 MR. PRESIDENT: Any questions for
20 Senator McDaniel on the amendment? Any
21 questions. One moment, please.

22 Senator Simmons, for what purpose, sir?

23 SENATOR SIMMONS: One question,
24 Mr. President.

25 MR. PRESIDENT: Will you yield, Senator

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1 McDaniel?

2 SENATOR MCDANIEL: Yes, Mr. President.

3 MR. PRESIDENT: Senator Simmons, you're
4 recognized.

5 SENATOR SIMMONS: Thank you,
6 Mr. President.

7 Senator, could you explain what happened
8 in the Delta with your map?

9 SENATOR MCDANIEL: Yes, sir. There's
10 not going to be substantial changes at all,
11 if any, up there. Basically, what happens,
12 it takes 37, and 37, that is Sojourner and
13 Senator Kelvin Butler, are now unified in 37
14 with a BVAP that at least gives both parties
15 a fighting chance. In other words, it's not
16 sorted heavily on race. It still puts her at
17 over 46 percent, but it makes the district
18 fair for the purposes of the Voting Rights
19 Act.

20 SENATOR SIMMONS: But there are less
21 districts in the Delta on your map, wouldn't
22 you agree?

23 SENATOR MCDANIEL: No. There's no
24 changes. No changes in the Delta.

25 SENATOR SIMMONS: I just looked at the

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1 map.

2 SENATOR McDANIEL: Let's take a look at
3 it.

4 SENATOR SIMMONS: Okay.

5 SENATOR McDANIEL: Unless there's a
6 mistake, I'm serious, the only thing that
7 changed was that part down there next to 37.

8 SENATOR SIMMONS: Thank you.

9 SENATOR McDANIEL: And you're going to
10 see her morph into Kelvin Butler, and they'll
11 share that district at a 46.8 percent BVAP.

12 SENATOR SIMMONS: Thank you.

13 MR. PRESIDENT: Thank you, Senator
14 Simmons.

15 Senator Chism, for what purpose, ma'am?

16 SENATOR CHISM: Thank you,
17 Mr. President. I would like to speak on the
18 amendment at the proper time.

19 MR. PRESIDENT: One moment, please.
20 Other questions from Senator McMahan. For
21 what purpose, sir?

22 SENATOR McMAHON: Just a couple of
23 questions.

24 MR. PRESIDENT: Senator, will you yield
25 for a couple of questions?

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1 SENATOR McDANIEL: Yes, sir.

2 MR. PRESIDENT: Senator McMahan is
3 recognized.

4 SENATOR McMAHON: Senator McDaniel, I
5 went over and looked at the map. I hadn't
6 seen this map -- who drew this map?

7 SENATOR McDANIEL: It was drawn as an
8 amendment. I helped draw it.

9 SENATOR McMAHON: You helped draw it?

10 SENATOR McDANIEL: Yes, sir.

11 SENATOR McMAHON: Has this map -- did
12 you have public hearings and go around the
13 state and discuss it?

14 SENATOR McDANIEL: No, sir.
15 Unfortunately, we didn't have time, and
16 here's why. I wasn't allowed to see the
17 whole map until just a couple of days ago.
18 It would have been impossible to create
19 amendments on a map that I could not see. So
20 that would have been impossible, practically
21 speaking.

22 SENATOR McMAHON: Has your map gone
23 through the attorneys that this body hired to
24 review the maps so that there would be -- so
25 that we would have some good legal standing

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1 on a map?

2 SENATOR McDANIEL: No, sir, but it has
3 been reviewed by attorneys. And there are
4 different law firms that do different type
5 work, naturally. It could be at some point
6 adversarial. So naturally, these attorneys
7 would not have been the ones to --

8 SENATOR McMAHON: If I were to vote on
9 this map, would I not, in fact, be voting on
10 a map that was drawn in secret behind closed
11 doors that there has been no public vetting?

12 SENATOR McDANIEL: No, sir. We had no
13 chance to do anything other than what we've
14 done because of the secrecy in this chamber.

15 Let me be real clear. We asked to see
16 the whole map, begged to see the whole map.
17 We weren't allowed to see the whole map.

18 And so what you're suggesting is that we
19 could have made changes to a map that we had
20 never, ever seen before. That is not a
21 possibility.

22 In fact, the first time my eyes were
23 laid on this map was the day the committee
24 started just a couple of days ago. So there
25 was no time for any of that.

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1 SENATOR McMAHON: Yeah. I understand.
2 I just was trying to -- I mean, I appreciate
3 what you're trying to do here, but the fact
4 that there's been no public hearing and y'all
5 didn't have any public input or public --
6 there was no time for y'all to go around the
7 state. You're a chairman. You could have
8 had a hearing on this or even issued
9 subpoenas, correct?

10 SENATOR McDANIEL: Well, let me answer
11 your question real quick, and then I'll
12 answer that.

13 SENATOR McMAHON: Sure. Yes, sir.

14 SENATOR McDANIEL: Every other aspect of
15 the map is what was vetted. So you're
16 literally talking about that one relatively
17 small fraction in 37. Every other part was
18 the part vetted by the law firm, by the
19 public, by everyone else. That all remains
20 unchanged.

21 SENATOR McMAHON: Okay. So there's two
22 districts that were drawn without public --
23 you know, without going through the public
24 process.

25 SENATOR McDANIEL: No, sir. No, sir.

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1 What happened, 37 as configured presently was
2 just slightly moved.

3 SENATOR McMAHON: Okay.

4 SENATOR McDANIEL: I'll give you an
5 example. Right now, if you'll look on the
6 big map, you'll see 37 is really suffering
7 from the issue of compactness. It's a really
8 big district now because they're literally
9 stretching across the state trying to keep
10 majority-minority status for the district,
11 which is not permissible, but we'll get to
12 that later.

13 What this does, it brings the map back
14 to a more compact nature and draws Senator
15 Sojourner into Senator Butler's district.

16 There was a reason for that. There was
17 a reason for that. By drawing it south
18 instead of north, there was no ripple effect,
19 and that was what we were trying to avoid.
20 We didn't want the rest of the body being
21 hurt, so she drew it south toward the end of
22 the border where there would be almost no
23 ripple effect.

24 SENATOR McMAHON: I didn't know who the
25 two senators were.

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1 SENATOR McDANIEL: Yeah.

2 SENATOR McMAHON: So it's Senator
3 Sojourner and Senator Butler?

4 SENATOR McDANIEL: Kelvin Butler.

5 SENATOR McMAHON: Kelvin Butler?

6 SENATOR McDANIEL: Yes, sir. In 37
7 presently, they have her running against
8 Albert Butler.

9 SENATOR McMAHON: Okay. Oh, in this
10 one.

11 SENATOR McDANIEL: No, in the proposed
12 one. Remember, in the proposed map, the big
13 one up here --

14 SENATOR McMAHON: Okay.

15 SENATOR McDANIEL: -- they presently
16 have her running against Albert Butler, okay,
17 in a BVAP of 61 percent, which is unwinnable
18 because of the racial target that was set in
19 the district.

20 In this one you see such a small morph
21 where now she and Kelvin Butler share the
22 district, and they will contend against one
23 another for reelection in a BVAP that is fair
24 for both parties.

25 SENATOR McMAHON: So Senator Sojourner

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1 is currently the senator of District 36; is
2 that correct?

3 SENATOR McDANIEL: No, sir.

4 SENATOR McMAHON: 37.

5 SENATOR McDANIEL: 37, yes.

6 SENATOR McMAHON: 37 is the one that
7 might be moving, but not in this map.

8 SENATOR McDANIEL: No, in the map -- the
9 amendment. The amendment. It's not that
10 it's, like, changing roughly. It's morphing
11 slightly to the south. Does that make sense?

12 SENATOR McMAHON: How many Republicans
13 have ever been elected from District 37
14 currently?

15 SENATOR McDANIEL: Republicans in 37?
16 Only one.

17 SENATOR McMAHON: Only one ever, since
18 Reconstruction?

19 SENATOR McDANIEL: That's my
20 understanding. Mr. Dearing had it for an
21 awfully long time. He might recall.

22 SENATOR McMAHON: Yes.

23 SENATOR McDANIEL: And so, yeah, since
24 Reconstruction, Senator Sojourner is the only
25 Republican that's held that seat.

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1 SENATOR McMAHON: So Senator Sojourner
2 won an election against a Democrat in that
3 district, and then that senator came back and
4 defeated her, which she contested that
5 election in 2016. I was here, and we had to
6 put it to this body. So she contested it
7 then.

8 SENATOR McDANIEL: That's right.

9 SENATOR McMAHON: And then she came back
10 and won that district --

11 SENATOR McDANIEL: That's right.

12 SENATOR McMAHON: -- after that four
13 years.

14 SENATOR McDANIEL: That's right.

15 SENATOR McMAHON: And that's the
16 district we're trying to maintain?

17 SENATOR McDANIEL: Maintain, yes, but
18 also make it fair for VRA purposes.

19 What happens here, okay, under the new
20 law as it's evolving, if you create a
21 district that does more than give equal
22 opportunity -- in other words, a district
23 that's so one-sided as to guarantee the
24 result, you run afoul of the equal protection
25 clause of the Constitution, and that's what

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1 District 37 is doing as it morphs all the way
2 up toward Hinds County.

3 What this one does, it comes farther
4 down, puts Senator Sojourner and Senator
5 Kelvin Butler in a district. It puts the
6 BVAP in a range where they both can be
7 competitive at over 46 percent. This is an
8 equitable plan. It's an equitable map under
9 constitutional standards and under just
10 fairness standards.

11 And that's all we're asking is for a
12 fair chance to retain --

13 SENATOR McMAHON: Who printed the map?
14 Who printed it?

15 SENATOR McDANIEL: I suppose the
16 individuals over there at the map were. Ted
17 Booth and those guys.

18 SENATOR McMAHON: And so you asked them
19 to put this map together, and they gladly put
20 it together so you could present it?

21 SENATOR McDANIEL: Yes, sir. I think
22 that's accurate.

23 SENATOR McMAHON: Thank you. Thank you,
24 Senator. Thank you for answering my
25 questions.

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1 SENATOR McDANIEL: I appreciate it.

2 MR. PRESIDENT: Thank you, Senator.

3 Senator Sparks, for what purpose, sir?

4 SENATOR SPARKS: Question.

5 MR. PRESIDENT: Will you yield for a
6 question, Senator McDaniel?

7 SENATOR McDANIEL: Of course.

8 MR. PRESIDENT: Senator Sparks, you're
9 recognized.

10 SENATOR SPARKS: Thank you,

11 Mr. President. Thank you, Mr. Chairman.

12 I'm sort of like Zacchaeus. I needed a
13 tree to crawl up in and see over everybody.

14 (Laughter.)

15 SENATOR SPARKS: So I hadn't really had
16 a chance to look at the map, but I'm looking
17 at what's up on the screen, and it says that
18 this is your amendment, the McDaniel
19 amendment.

20 SENATOR McDANIEL: Yes, sir.

21 SENATOR SPARKS: Is that the proper map
22 before the body?

23 SENATOR McDANIEL: We believe it is.

24 There could be a discrepancy with what's
25 being displayed, but this is Amendment 1.

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1 SENATOR SPARKS: Well, I mean, you're
2 putting a draft up there, and I don't know
3 how many amendments you got in your pocket.

4 SENATOR McDANIEL: Right.

5 SENATOR SPARKS: I don't know how good
6 your vision is, but from here I can read
7 that's not the McDaniel amendment.

8 SENATOR McDANIEL: No, no. It's not,
9 but it's --

10 SENATOR SPARKS: Well, what does that
11 say?

12 SENATOR McDANIEL: Sojourner amendment.

13 SENATOR SPARKS: Okay. So where is
14 the -- no. Where is the McDaniel amendment
15 map?

16 SENATOR McDANIEL: Right there.

17 SENATOR SPARKS: No, sir, it's not.
18 What does it say?

19 SENATOR McDANIEL: That's my amendment.

20 SENATOR SPARKS: That's your amendment,
21 I agree with you.

22 SENATOR McDANIEL: Right.

23 SENATOR SPARKS: Where's your map that
24 goes with that amendment?

25 SENATOR McDANIEL: They named it that

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1 for purposes of qualifying --

2 SENATOR SPARKS: Well, who named it?

3 SENATOR McDANIEL: Ted Booth and those
4 individuals.

5 SENATOR SPARKS: Well, let's not bring
6 lawyers into it. You didn't want their
7 comment earlier.

8 SENATOR McDANIEL: What lawyers? Here's
9 what happened. Here's what happened. Let me
10 answer.

11 SENATOR SPARKS: All right.

12 SENATOR McDANIEL: When we went over
13 there, the idea was they have to have a name
14 for design purposes. That's not my district,
15 so they couldn't call it McDaniel Proposed
16 District. So for design purposes, that's
17 the -- that's the map. That's the amendment.
18 They coincide.

19 SENATOR SPARKS: Well, I'm asking a
20 legitimate question because you've got the
21 McDaniel amendment. This says Sojourner
22 amendment. I don't know how many amendments
23 that are prepared today.

24 SENATOR McDANIEL: Right.

25 SENATOR SPARKS: I just want to make

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1 sure you're up there talking about a man, and
2 you're not inadvertently referring to your
3 map.

4 SENATOR MCDANIEL: No, let me explain it
5 again.

6 SENATOR SPARKS: Okay.

7 SENATOR MCDANIEL: For purposes of
8 drafting, they had to have a name for the
9 district that was being changed. So the
10 district being changed here primarily was her
11 amendment, the Sojourner map. That was for
12 purposes of drafting. For purposes of the
13 amendment, you'll see my name is up there,
14 but they do coincide. It is the same.

15 SENATOR SPARKS: I'm just making sure
16 we're looking at the same map. Before I go
17 to my questions, I had to make sure we're
18 looking at the right map.

19 SENATOR MCDANIEL: Now, I will say this:
20 If there's a discrepancy in what you're
21 seeing via the language in here, that's just
22 an error that we're making now with the wrong
23 amendment being placed here as opposed to
24 there. But we can fix that pretty simply.

25 SENATOR SPARKS: Okay. Now, I

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1 understood you to say that -- maybe you
2 didn't say this, but several people have
3 said, "I didn't see the whole map."

4 Is that one of your contentions that we
5 need this plan because you weren't able to
6 see the whole map?

7 SENATOR MCDANIEL: Not necessarily. I
8 think that based on seeing the whole map and
9 the way it went down, that's one concern.
10 But it's not the contention for this. This
11 is a whole different argument.

12 SENATOR SPARKS: Okay. But you do agree
13 with me there's been a lot of people say, "I
14 didn't get to see the whole map"?

15 SENATOR MCDANIEL: There's been quite a
16 few, I think, yes.

17 SENATOR SPARKS: All right. Now, I'll
18 submit to you --

19 SENATOR MCDANIEL: But that's not my
20 primary concern here.

21 SENATOR SPARKS: Okay.

22 SENATOR MCDANIEL: My concern here is
23 about the district.

24 SENATOR SPARKS: Well, I'll submit to
25 you that I did go over, per request, to look

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1 at my district. I looked at it, I made
2 suggestions, or I made my -- I guess you
3 would say your wish, or you just say what I'd
4 like my district to be. And it's not the
5 plan that's before us. But I didn't ask to
6 see the Delta.

7 SENATOR MCDANIEL: Right.

8 SENATOR SPARKS: I didn't ask to see the
9 Coast.

10 SENATOR MCDANIEL: Right.

11 SENATOR SPARKS: Now, I might have been
12 interested in the districts that join me, but
13 I got no business getting in Coast business
14 about how they draw their lines down there.

15 SENATOR MCDANIEL: No, I get that.

16 The reason it was important if you see
17 the whole map, it was impossible to make
18 adjustments without seeing it because of the
19 ripple effect. So before we were shown the
20 map, they literally could not draw because
21 they had no starting point upon which to base
22 it.

23 In other words, they could have shown
24 Senator Sojourner her individual map, but
25 once those adjustments are made, you could

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1 have a ripple. And until we see the whole
2 map and how that ripple affects it, it made
3 it impossible to draft the amendment.

4 SENATOR SPARKS: Okay. And so the
5 primary purpose of this map is to retain the
6 district in which -- there's three districts
7 in that geographic area currently, three
8 Senate districts.

9 SENATOR MCDANIEL: That's fair. That's
10 fair.

11 SENATOR SPARKS: And you're trying to
12 maintain three Senate districts in that
13 geographic area.

14 SENATOR MCDANIEL: Well, it's more like
15 this. It's not so much maintain as to give
16 her a fighting chance, to give the Senator a
17 fighting chance.

18 SENATOR SPARKS: I understand a fighting
19 chance, but the question is there are
20 currently three senate districts in that
21 geographic region.

22 SENATOR MCDANIEL: Actually, two based
23 on the present proposal, right?

24 SENATOR SPARKS: No, no, I'm talking
25 about as we sit here today.

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1 SENATOR McDANIEL: As we sit here. As
2 we sit here.

3 SENATOR SPARKS: There are three
4 senators that represent that geographic
5 region.

6 SENATOR McDANIEL: Prior to us voting,
7 yes.

8 SENATOR SPARKS: All right. The plan
9 that was presented to this body that you're
10 attempting to amend leaves two seats for
11 those three people.

12 SENATOR McDANIEL: That's right.

13 SENATOR SPARKS: All right. Your plan
14 leaves three seats for those three people.

15 SENATOR McDANIEL: That's right.

16 SENATOR SPARKS: All right.

17 SENATOR McDANIEL: No, no. Wait. No.
18 Not three seats, two seats. Same thing.

19 Remember, instead of drafting the map
20 where she's in Albert Butler's district,
21 which is the one to the north, she goes down
22 to Kelvin Butler's district to the south. So
23 that standpoint doesn't change the number of
24 districts. It just gives a chance --

25 SENATOR SPARKS: So where is your new

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1 district?

2 SENATOR McDANIEL: Oh, it's the same
3 thing. It's Rankin County. Nothing changed
4 about that.

5 SENATOR SPARKS: All right. I'm just
6 making sure.

7 SENATOR McDANIEL: None of that changed.
8 That's still in Rankin County.

9 SENATOR SPARKS: No, I believe you said
10 you've had no opportunity to show this map.
11 You were asked a question, I think --

12 SENATOR McDANIEL: To show this map?

13 SENATOR SPARKS: Yes, sir.

14 SENATOR McDANIEL: Yes, sir, that's
15 correct.

16 SENATOR SPARKS: You're standing here in
17 this body today saying with a straight face,
18 you've had no chance to show this map?

19 SENATOR McDANIEL: That map was drafted
20 yesterday. All the amendments we have were
21 drafted yesterday.

22 SENATOR SPARKS: Have you ever heard of
23 Facebook?

24 SENATOR McDANIEL: I'm afraid so.

25 SENATOR SPARKS: Okay. E-mail?

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1 SENATOR McDANIEL: Here's the thing.
2 SENATOR SPARKS: When was this map
3 drafted?
4 SENATOR McDANIEL: Yesterday.
5 SENATOR SPARKS: Like, what time?
6 SENATOR McDANIEL: It was late.
7 SENATOR SPARKS: Sir?
8 SENATOR McDANIEL: It was late. It's
9 hard to say exactly what time. What, 9:00?
10 Okay. Gotcha. Throughout the day each of
11 the amendments were probably completed at
12 about -- in the evening. I don't know what
13 time exactly.
14 SENATOR SPARKS: Well, you could have
15 posted it last night.
16 SENATOR McDANIEL: Well, I could have.
17 SENATOR SPARKS: You could have done a
18 video.
19 SENATOR McDANIEL: Sure.
20 SENATOR SPARKS: You could have told
21 everybody in Tishomingo County why this map
22 is important.
23 SENATOR McDANIEL: Absolutely.
24 SENATOR SPARKS: Because I've gotten
25 about 800, 900 e-mails telling us what's

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1 coming.

2 SENATOR McDANIEL: Right.

3 SENATOR SPARKS: So it's a little
4 disingenuous when you say, "I just haven't
5 had time to show you."

6 Today's the first chance we've had a
7 chance to see it, but yet I've heard about it
8 for several days.

9 SENATOR McDANIEL: Right. Well --

10 SENATOR SPARKS: And, by the way -- no,
11 let me finish.

12 SENATOR McDANIEL: Okay.

13 SENATOR SPARKS: And, by the way, I'm
14 not hearing from real people because I try to
15 answer those in those e-mails. And when I
16 click on it, it says, "No reply." And it's
17 funny, one of those guys lives across the
18 street from me.

19 SENATOR McDANIEL: Right.

20 SENATOR SPARKS: He can literally walk
21 across the street and say, "Hey, Daniel, I'm
22 worried about this Senate District 37."

23 SENATOR McDANIEL: I get it.

24 SENATOR SPARKS: He hadn't heard about
25 it, either.

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1 SENATOR McDANIEL: Back to your first
2 question. Can I answer that first one?

3 SENATOR SPARKS: Sure.

4 SENATOR McDANIEL: Address it first?
5 Remember, the question is, why wasn't it made
6 whole or made public last night late.

7 SENATOR SPARKS: Well, no, you just
8 said, "I've had no opportunity to show this
9 map." I want to be clear.

10 SENATOR McDANIEL: But remember, you're
11 seeing a map that everybody has already seen
12 99 percent of which. Remember, that slight
13 change at the bottom southwest corner did not
14 impact the rest of the map. That's all it
15 was. So the point is, everybody's already
16 seen their districts. Everybody seems to be
17 relatively satisfied in some respects.
18 That's the only little tweak that occurred,
19 and you're seeing it now. And it changes
20 almost nothing except the BVAP of the
21 district and affects almost no one in the
22 state with a ripple effect. So you can see
23 it just, essentially, there and be completely
24 up to speed.

25 SENATOR SPARKS: Well, I made the

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1 statement that I went and looked at the map
2 to draw my district, and I didn't ask to see
3 regions of the state that were so far away
4 from me. I didn't ask. But, today, now, you
5 want me to look at it. You're asking me to
6 vote on it. So you just said you didn't need
7 to show me the map because it really doesn't
8 affect my district, but now you (inaudible).

9 SENATOR MCDANIEL: Bear in mind, you've
10 already seen all of that map with just the
11 small exception of those few precincts that
12 were changed in Southwest Mississippi.
13 Everything else is retained as is with the
14 current proposed plan. There are no changes.
15 That's it.

16 SENATOR SPARKS: I just want to make
17 sure that we understand that -- for instance,
18 I'm a member of the Republican Party elected
19 to this district. I am the first Republican
20 that's elected in my -- my district is a
21 Democratic district.

22 SENATOR MCDANIEL: Right.

23 SENATOR SPARKS: You know, J.P. Wilemon
24 had 16 years before me. John White before
25 him. One interruption in there and a special

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1 when Senator White retired. Mr. Walden
2 served for a short period of time.

3 So, you know, I'm in a Democratic
4 district. What did you do for me? How are
5 you -- how are you preserving my ability to
6 get reelected? Do you know how I preserve my
7 ability to get --

8 SENATOR MCDANIEL: Hold on.

9 SENATOR SPARKS: Go ahead. Tell me how
10 you're going to help me get reelected.

11 SENATOR MCDANIEL: Here it is. Here's
12 the way. It's not about helping people get
13 elected all the time. And I'll explain why.

14 SENATOR SPARKS: Not all the time. When
15 is it?

16 SENATOR MCDANIEL: No, listen. I'm
17 going to -- let me explain. We'll get to it.
18 I'll answer all your questions. Just let me
19 finish my train of thought here.

20 What you have here in getting that BVAP
21 over 60 percent eliminates the possibility of
22 election for a Republican. That's what the
23 data shows, which is why I asked the
24 questions earlier about polarized voting in
25 those areas.

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1 What you're seeing here is a target set
2 to effectively eliminate a Republican senator
3 via the BVAP mechanism. That is the
4 majority-minority mechanism. If that's the
5 case, that's a violation of the Equal
6 Protection Clause.

7 In your particular area, I don't know
8 what your BVAP is. But it's not so high as
9 to guarantee your defeat, which is why you've
10 been able to maintain some degree of success
11 as a Republican. But, as you know, the
12 higher that BVAP gets, the less likely you're
13 going to be elected. That's why I focused
14 solely on 37 because that's where the abuse
15 was. You went from 37 percent BVAP to 61,
16 roughly, percent BVAP. That was the abused
17 area. I didn't see your area or others as
18 abused in that fashion.

19 SENATOR SPARKS: I'll be honest, the
20 first time somebody asked me what BVAP was, I
21 didn't know what they meant. What I'm asking
22 you is, you're talking about Republican,
23 Democrat. I don't see anywhere on my ballot
24 it says "BVAP." It says "R" and "D."

25 SENATOR McDANIEL: I know. I know.

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1 SENATOR SPARKS: So you can lose a race
2 in a historically Democrat district that may
3 have a high or low BVAP, but my question is
4 as it relates to Senate District 5, have you
5 done anything to ensure I come back as a
6 Republican, because that seems to be your
7 concern? I know you're not trying to elect a
8 white person or a black person. You're
9 trying to elect Republicans is the purpose of
10 your plan, I assume.

11 SENATOR McDANIEL: It's Republicans in
12 part, but it's just a fair district. In
13 other words, BVAP titled up to 60 percent
14 makes it inherently unfair. I don't think --
15 I'm pretty certain your BVAP doesn't go up to
16 60 percent, neither does mine or the
17 Republicans in this room. And so they are,
18 if you find yourself in one of those
19 districts, inherently behind. You have been
20 targeted, and you are going to lose that
21 race. That's what the data shows, which is
22 why I looked at 37 and not the other
23 Republican districts.

24 SENATOR SPARKS: All right.

25 SENATOR McDANIEL: I didn't make changes

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1 to mine either because the BVAP in mine was
2 basically where it was, and it wasn't over a
3 certain percentage as to guarantee my
4 elimination.

5 SENATOR SPARKS: But we're talking about
6 BVAP, but we're talking about Republicans
7 because Senate District 5 is a flip seat.

8 SENATOR McDANIEL: Right.

9 SENATOR SPARKS: I'm a Republican. I
10 was preceded by a Democrat. There is a
11 district on the Coast that is a flip seat.

12 SENATOR McDANIEL: Right.

13 SENATOR SPARKS: So did we do anything
14 to ensure that?

15 SENATOR McDANIEL: What --

16 SENATOR SPARKS: Let me finish.

17 SENATOR McDANIEL: Okay.

18 SENATOR SPARKS: Senator Suber is a flip
19 seat.

20 SENATOR McDANIEL: Right.

21 SENATOR SPARKS: Senator Whaley is a
22 flip seat.

23 SENATOR McDANIEL: Right.

24 SENATOR SPARKS: I can go through about
25 five or six.

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1 SENATOR McDANIEL: Sure.

2 SENATOR SPARKS: So if you're talking --
3 and I want to make sure what we're talking
4 about because this is my first trip through
5 this road. But if we're in a position where
6 your position is we need to make fair
7 districts for Republicans, I'm curious of the
8 five people in here who are in recently
9 flipped districts.

10 SENATOR McDANIEL: Right.

11 SENATOR SPARKS: Which the 37 is also a
12 recently flipped district, so that's number
13 six.

14 SENATOR McDANIEL: It is. I agree.

15 SENATOR SPARKS: You have brought a plan
16 to the table to try to protect 37 for the
17 Republican Party. You have been instrumental
18 in a media campaign saying some people are
19 trying to make districts not competitive for
20 Republicans, and I'm giving you a chance to
21 push back on that because you could have
22 protected me or Ben Suber or Mike Thompson or
23 Neal Whaley, and I don't hear any of that.
24 And potentially, your movements may impact
25 them. But that's where my problem is.

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1 SENATOR McDANIEL: They don't. The
2 movements don't impact at all.

3 Again, going back to the issue of why
4 the correction is needed. Once you get that
5 BVAP over 60 percent, the data shows there's
6 no way for the Republican candidate to win.
7 That's the only district in the state
8 affected like that, which makes it important
9 that's why the changes are being made.

10 In fact, to not make this change, we'll
11 openly -- perhaps open this up to a
12 constitutional challenge. And the reason for
13 that is, you've got to be about so high as to
14 not allow minority participation but to
15 guarantee minority success. That's the
16 distinction. And that's the only district
17 where that occurred, which explains why I had
18 concerns and, likewise, explains why I have
19 the amendment as to that district.

20 SENATOR SPARKS: Okay. And so to go
21 back to what you've said, you, basically,
22 shifted Sandra Sojourner into Kelvin Butler's
23 district instead of Albert Butler's district.

24 SENATOR McDANIEL: That's right.

25 SENATOR SPARKS: And you got your BVAP.

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1 And you have a new district in Rankin County,
2 which I would submit to you is probably a
3 Republican district.

4 SENATOR MCDANIEL: Everything else is
5 there.

6 SENATOR SPARKS: Okay.

7 SENATOR MCDANIEL: Right.

8 SENATOR SPARKS: So how are you not
9 going from 36 Republican districts to 37?
10 How are you not eliminating a Democratic
11 district?

12 You're going from 16 to 15 because
13 you're changing a district that currently is
14 represented by a Democrat.

15 SENATOR MCDANIEL: Well, here's the
16 thing.

17 SENATOR SPARKS: Because you took a
18 Republican seat --

19 SENATOR MCDANIEL: No, but hold on.

20 SENATOR SPARKS: -- and put it in Rankin
21 County.

22 SENATOR MCDANIEL: But you're not
23 guaranteeing the Democrat or the Republican
24 success by raising that BVAP to 46. You're
25 giving each party a fighting chance to

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1 prevail. It's not a guaranteed flip. It
2 just gives a fighting chance to the flip.
3 Anything over 60 guarantees the loss.

4 SENATOR SPARKS: But the narrative over
5 the last few days has been that there are
6 forces that be that are weakening Republican
7 districts to make them more competitive for
8 Democrats, and I'm not seeing that on our
9 map.

10 SENATOR MCDANIEL: That's what happens
11 in 37.

12 SENATOR SPARKS: I'm not seeing it on
13 the first map.

14 SENATOR MCDANIEL: No, no. That's
15 exactly what happens in 37. You take a
16 Republican who once had a 37 percent BVAP and
17 merge that Republican now into a district
18 that has 61 percent BVAP. That Republican
19 cannot compete in that district. It is by
20 virtue of that an elimination of a Republican
21 seat, which is why I raised the alarm.

22 SENATOR SPARKS: Which is -- I see what
23 you're saying there, but you're discounting
24 the shift of population that requires either
25 Rankin County or DeSoto County, who are the

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1 growing areas, end up -- you drew a new
2 Senate seat in Rankin County because you
3 recognize the population shift.

4 SENATOR MCDANIEL: No, I didn't.

5 SENATOR SPARKS: Do you not?

6 SENATOR MCDANIEL: What I did, I took
7 the old map because I recognized this line of
8 questions was going to be coming. I took the
9 old map exactly as it was.

10 SENATOR SPARKS: When you say "old map,"
11 I'm sorry, are you talking about --

12 SENATOR MCDANIEL: The one that -- the
13 big one right here.

14 SENATOR SPARKS: The map that was --
15 okay.

16 SENATOR MCDANIEL: The one that --

17 SENATOR SPARKS: Thank you.

18 SENATOR MCDANIEL: So I took that whole
19 map recognizing these questions were coming.
20 I was concerned. I didn't want to hurt
21 through a ripple effect unnecessarily. The
22 idea was to go as far south as we could and
23 not have that ripple effect break out and
24 hurt other people. That's exactly what we
25 did.

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1 So to your point, we didn't change
2 anything else about the proposed map before
3 the body. It's all still there. We didn't
4 want to mess with that. We were just trying
5 to make sure there was a fair election in
6 District 37.

7 SENATOR SPARKS: Okay. But you do agree
8 that you took the map that has been presented
9 by the committee who spent the year going
10 around the state, doing all this, it was
11 voted, put together, and it's now before the
12 body, did put a new district in Rankin
13 County, which is traditionally a Republican
14 stronghold.

15 SENATOR McDANIEL: It's still there,
16 yeah.

17 SENATOR SPARKS: Okay.

18 SENATOR McDANIEL: Right.

19 SENATOR SPARKS: So that's my point is
20 that I'm not an expert in election law by any
21 stretch of the imagination. But I'm dealing
22 with the reality of the transmission of
23 communications that are going into Senate
24 District 5 about Senate District 37, getting
25 my folks stirred up, wanting them to write a

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1 letter supporting this, and my question to
2 you is -- and you have not answered to any
3 way, form, or fashion. You've assured more
4 of a chance for me to return in reelection
5 for the first time since Reconstruction as a
6 Republican for Senate District 5. So I don't
7 know why Tishomingo County Republican Club
8 won't write a letter of support.

9 SENATOR MCDANIEL: Well, I can answer
10 that, I think. I think. The Republican
11 Party in this state has fought for
12 generations to gain a majority in the
13 Legislature. I've been a part of that fight
14 since I was 13 years old. I'm very, very
15 serious about that fight. We are adversaries
16 to our friends on the Democratic aisle. It
17 doesn't make them bad people, but we're
18 fighting for ideas and we're fighting for the
19 future of the state.

20 I have fought my tail off for the
21 Republican Party. I've done everything in my
22 power to make sure we hold seats in the
23 chamber.

24 And when I see a fellow Republican,
25 whether it's Senator Sojourner or whoever

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1 else directly targeted by a BVAP that
2 guarantees their defeat, I do take offense at
3 that, serious offense at that, because we
4 work too hard to build these majorities, too
5 hard to pass the legislation we're trying to
6 pass to allow it to be taken away by a
7 redistricting plan that, yes, targets a
8 Republican senator. I just think that's
9 unacceptable.

10 So I think -- look, I think there are
11 Republicans like that in the state. No
12 matter where you are -- and the way I see it,
13 an attack on any one of us like this -- which
14 this isn't just a redraw where she may or may
15 not prevail, this is an elimination. An
16 attack on one of us in my mind, is an attack
17 on all of us. That's just the way I see it.

18 SENATOR SPARKS: And I appreciate your
19 willingness to defend. That's what we do
20 professionally when we're not legislatures,
21 we defend people.

22 SENATOR McDANIEL: That's right.

23 SENATOR SPARKS: But in all fairness, to
24 say we are changing the number of Republican
25 districts in this state if we adopt the first

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1 plan that's presented is simply untrue.

2 There will still be 36 and 16.

3 Unfortunately -- and I might be standing
4 there making this same argument if it was my
5 district. And, by the way, I want to be very
6 clear. When I've asked you what you need to
7 do for me to ensure reelection, the proper
8 answer is nothing. You know who that's
9 responsible --

10 SENATOR McDANIEL: That's yours.

11 SENATOR SPARKS: That's on me.

12 SENATOR McDANIEL: That's right.

13 SENATOR SPARKS: And I'm not asking for
14 somebody to come in here and do something. I
15 show up every day.

16 SENATOR McDANIEL: That's right.

17 SENATOR SPARKS: I sit right over there.
18 I sit right here. I watch Alcorn State get
19 celebrated. I watch a World War II veteran
20 be celebrated. And one of the things he said
21 today, and I wish you were here to hear it.

22 SENATOR McDANIEL: I was.

23 SENATOR SPARKS: He said --

24 SENATOR McDANIEL: I heard it.

25 SENATOR SPARKS: You heard it?

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1 SENATOR McDANIEL: I heard every bit of
2 it. I sure did. And I thought what was
3 amazing about him was his willingness to
4 sacrifice for his friend. His friend was
5 laying there dying.

6 SENATOR SPARKS: I'm proud you heard
7 that.

8 SENATOR McDANIEL: I thought it was
9 pretty credible as well that when he was
10 possibly about to escape that, they told him
11 that if you did escape, 10 of your colleagues
12 would be killed or executed. And he said, "I
13 couldn't go then." That's the kind of
14 selflessness and sacrifice that I did hear
15 about this morning. And it's the type of
16 sacrifice and selflessness that I hope our
17 party would display today as to other members
18 who are about to have their careers
19 eliminated.

20 So, yeah, I heard every word of it.

21 SENATOR SPARKS: Well, you know, you
22 heard it through a speaker. I saw it come
23 out of his mouth. It's like saying I
24 listened to an Elvis CD or I saw him in
25 person.

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1 SENATOR McDANIEL: I get it.

2 SENATOR SPARKS: It was real. It was
3 palpable. It was impressive. And I'm going
4 to tell you something else he said.

5 SENATOR McDANIEL: Go ahead.

6 SENATOR SPARKS: He said about the
7 enemy, "I knew they were lying, but it
8 sounded so good, I wanted it to be true."

9 SENATOR McDANIEL: I remember that.

10 SENATOR SPARKS: That's what I'm
11 hearing.

12 SENATOR McDANIEL: I remember that.

13 SENATOR SPARKS: When I see information
14 in our districts that stir up our people on
15 erroneous information, we've got a problem,
16 because people want it to be true, but it may
17 not be.

18 SENATOR McDANIEL: Here's the thing. If
19 you are attempting to eliminate a Republican
20 seat by virtue of 61 percent BVAP, give that
21 Republican no chance whatsoever at successful
22 election. You are eliminating a Republican
23 from this chamber. We should be picking up
24 two seats, not just balancing it out with the
25 supermajority that we've got here. That's

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1 the (inaudible) of it. So I don't know how
2 else to see it.

3 SENATOR SPARKS: And I think to be fair,
4 in the district as it stood for the past
5 several years, it has been a Democratic
6 district by representation.

7 SENATOR McDANIEL: Which one, 37?

8 SENATOR SPARKS: 37.

9 SENATOR McDANIEL: Yeah.

10 SENATOR SPARKS: It's been a Democratic
11 district by representation. A razor thin
12 margin in both 12 and 16 --

13 SENATOR McDANIEL: Yes, sir. Can I
14 answer that real quick?

15 SENATOR SPARKS: Sure.

16 SENATOR McDANIEL: That's why I think
17 it's so imperative to find a way to reduce
18 the BVAP, and here's why. The suggestion is
19 that Democrats can compete. That community
20 of interest is already there. That's the
21 argument that the courts are going to hear.
22 There's no reason to increase the BVAP to
23 60-plus percent unless it is just a political
24 assassination.

25 So when you hear about Democratic

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1 strength in that territory, the argument is,
2 yes, this community of interest. Yes, they
3 can compete. And they can do very well even
4 at numbers less than 46, which is why the 46
5 number is going to pass constitutional
6 muster. This is a better plan
7 constitutionally than the one before the body
8 because it gives each candidate a fighting
9 chance in a traditionally held Democratic
10 district.

11 If you go the other route, you
12 assassinate the Republican via a 61 percent
13 BVAP, using race to do that. Government
14 can't use race in that fashion. It's
15 impermissible under the Voting Rights Act and
16 under the 14th Amendment to the Constitution.
17 So that's a problem. And that's what we're
18 trying to correct.

19 To pass this amendment, it just simply
20 reduces that BVAP to a fair area where both
21 parties can compete. That's the type of
22 colorblind society that Thomas has been
23 working for, and the Supreme Court over the
24 last several years. And it gives each party
25 a chance, which is what the Voting Rights Act

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1 demands. It doesn't say "guaranteed
2 victory." It says an equal chance to
3 participate in the election. That's exactly
4 what the amendment does. It strengthens it.

5 SENATOR SPARKS: Thank you for taking my
6 questions.

7 SENATOR McDANIEL: You're welcome.

8 MR. PRESIDENT: Senator McMann, you're
9 recognized.

10 SENATOR McMAHON: Introduction out of
11 order.

12 MR. PRESIDENT: Please proceed.

13 (Introductions.)

14 MR. PRESIDENT: Senator Polk, for what
15 purpose, sir?

16 SENATOR POLK: Question, Mr. President.

17 MR. PRESIDENT: Will you yield, Senator
18 McDaniel?

19 SENATOR McDANIEL: Yes, sir.

20 MR. PRESIDENT: Senator Polk is
21 recognized for a question.

22 SENATOR POLK: Thank you, Mr. President.
23 Thank you, Senator.

24 SENATOR McDANIEL: You're welcome.

25 SENATOR POLK: I want to go back for

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1 some clarification.

2 You said your map was printed about 9:00
3 last night.

4 SENATOR MCDANIEL: That's when I
5 received it. I'm not sure when it was
6 actually printed. I have no idea when they
7 printed it.

8 SENATOR POLK: Okay.

9 SENATOR MCDANIEL: That's when we were
10 able to collect them all. And this morning I
11 actually have another one that just arrived.

12 SENATOR POLK: Okay. So that map is
13 a -- is an illustration of your amendment.

14 SENATOR MCDANIEL: That's what it's
15 supposed to be, yes.

16 SENATOR POLK: When was your amendment
17 written?

18 SENATOR MCDANIEL: Practically the same
19 time. What happens if you go over to the map
20 room and you're able to sit there and begin
21 to kind of pound through these numbers, the
22 amendment then -- I guess it's just
23 translated over to (inaudible), and he writes
24 the amendment, but I can't answer your
25 question as to those details.

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1 SENATOR POLK: So would a good answer be
2 from you that it was probably around 9:00
3 that would -- at the time that your amendment
4 was finalized?

5 SENATOR McDANIEL: I have no idea. All
6 I can tell you is we went over there with a
7 computer, we went through --

8 SENATOR POLK: Was it last night?

9 SENATOR McDANIEL: It was all day
10 yesterday off and on, yes. And so what
11 happened --

12 SENATOR POLK: When it ended, was it
13 last night?

14 SENATOR McDANIEL: I can't answer what
15 time they printed it. I have no idea.

16 SENATOR POLK: I tell you what to do.
17 Give me the latest time that you could
18 possibly give me that it was finished.

19 SENATOR McDANIEL: I have no idea
20 because what I did, I gave them what I wanted
21 to see. And then I let the computer guys
22 work. I left. I let them work as best they
23 could. When they actually finished putting
24 all that stuff together, I have no idea. I
25 can't answer the question.

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1 SENATOR POLK: Okay. So when did you
2 leave them?

3 SENATOR McDANIEL: I was over there off
4 and on most of the day. I can't answer that.
5 Maybe in the afternoon. I don't know.

6 SENATOR POLK: Late afternoon?

7 SENATOR McDANIEL: I don't know. It was
8 getting dark.

9 SENATOR POLK: Here's where I'm headed.

10 SENATOR McDANIEL: Yeah.

11 SENATOR POLK: You earlier during
12 Senator McMahan's questioning said that you
13 had lawyers view -- look at your amendment.

14 SENATOR McDANIEL: Right.

15 SENATOR POLK: So if they -- you didn't
16 finish until, let's say, 5:00 last night.

17 SENATOR McDANIEL: Right.

18 SENATOR POLK: That was a pretty quick
19 review they had to do.

20 SENATOR McDANIEL: Right.

21 SENATOR POLK: How many lawyers did you
22 have review it?

23 SENATOR McDANIEL: Two.

24 SENATOR POLK: And who were they?

25 SENATOR McDANIEL: My law firm. Me,

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1 yeah, and one other in north Mississippi.

2 SENATOR POLK: Okay. Two lawyers?

3 SENATOR McDANIEL: A total of three, but
4 two in my firm.

5 SENATOR POLK: Okay. Give me their
6 names, please.

7 SENATOR McDANIEL: Me and Brett
8 Robinson.

9 SENATOR POLK: Say again.

10 SENATOR McDANIEL: Me and Brett
11 Robinson.

12 SENATOR POLK: You just said there were
13 three.

14 SENATOR McDANIEL: Pat Krueger (sic).

15 SENATOR POLK: Okay.

16 SENATOR McDANIEL: She's an attorney in
17 north Mississippi. She took a look at it,
18 and she's been sending me information pretty
19 much all day on her perception, her opinion.

20 SENATOR POLK: Okay. And they are
21 experts in --

22 SENATOR McDANIEL: As much as any lawyer
23 is.

24 SENATOR POLK: Well --

25 SENATOR McDANIEL: Well, let me tell

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1 you --

2 SENATOR POLK: -- let me ask you this.

3 SENATOR McDANIEL: Hold on one second.

4 SENATOR POLK: Does she have -- I'm
5 going to ask --

6 SENATOR McDANIEL: Hold on.

7 SENATOR POLK: I'm still asking the same
8 question, sir.

9 SENATOR McDANIEL: You said, "Are they
10 experts?"

11 SENATOR POLK: Is she as good of an
12 expert as our experts that have been hired by
13 the contract?

14 SENATOR McDANIEL: There's absolutely no
15 way to answer that. Lawyers have different
16 specialties.

17 I can tell you from my perspective only.
18 I have exercised and I have worked in this
19 arena. I helped redraw the last maps we did.
20 As a federal law clerk, I was able to review
21 maps constantly that were coming through for
22 screenings. And I worked with our Fifth
23 Circuit quite a bit on that as well.

24 So, I mean, I've got extensive
25 experience in it, and I'm sure they have some

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1 as well. But I can't answer as to who has
2 more or who has less.

3 SENATOR POLK: Well, I'm a layman, and
4 I'm standing here having to depend on you to
5 tell me why I should vote for your map.

6 SENATOR MCDANIEL: Yes, sir.

7 SENATOR POLK: And it's very important
8 to me as to who you have employed or through
9 friendship had to review maps.

10 SENATOR MCDANIEL: Yes, sir.

11 SENATOR POLK: And I need to compare
12 their experience in this as opposed to peer
13 and the contract lawyers that have had years
14 of experience and have proven that they can
15 draw maps that the state of Mississippi
16 doesn't end up in trouble with the federal
17 courts.

18 SENATOR MCDANIEL: Well, but to your
19 point right there, the last time we went
20 through this process, there was a lawsuit.
21 And despite the fact we were told it was rock
22 solid and it would not be challenged, Senator
23 Clark's district was, essentially, reversed.
24 So they weren't right.

25 The point is lawyers aren't perfect. We

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1 do the best job we can under tough
2 circumstances. Courts can change.
3 Appointments to those judges can change over
4 time. But the knowledge as to how to get
5 from point A to point B in litigation, most
6 of us share that.

7 So it's not as though this is a
8 perfectly specialized area like patent law.
9 This is an area one can research. It's
10 federal law. And we all had federal
11 jurisdiction in law school, and we've all
12 gone through federal civil procedures, and
13 we've all probably tried cases in federal
14 court. So this is not inherently complex.
15 The law is very clear in this arena. And
16 it's evolving every day getting better.

17 SENATOR POLK: So you're telling me, so
18 I'll understand, that you had three lawyers
19 look at your amendment after 5:00 yesterday,
20 and they're confident that we will not get in
21 any trouble with this map and your amendment?

22 SENATOR McDANIEL: They're as confident
23 as the lawyers were 10 years ago that said we
24 would. That's all lawyers can offer you is
25 an educated opinion on what they believe is

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1 going to happen. There's no way to predict
2 what the court is going to do, nor is there
3 another way to understand how the panel is
4 going to be selected once you go up.

5 I will tell you this, too --

6 SENATOR POLK: You're giving me way too
7 long of answers to my questions.

8 SENATOR McDANIEL: No. No, sir.

9 SENATOR POLK: We can move this along.

10 SENATOR McDANIEL: This does matter.
11 You've asked, and I have a right to answer.

12 If you have a court or a jurisdiction
13 where a federal judge that could perhaps see
14 this map was appointed by a Democrat, then
15 naturally -- Barack Obama, Bill Clinton,
16 whomever -- naturally, their orientation and
17 view of the law is going to be different than
18 a Republican judge that's been appointed.

19 So what occurs, naturally, there will be
20 steps. You may go to the district court
21 level and have some problems there. But on
22 appeal with the Fifth Circuit is mostly
23 Republican-appointed lawyers, you may have
24 some success there.

25 You're asking for a guarantee. Lawyers

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1 can't give you a guarantee.

2 SENATOR POLK: Yes or no, three lawyers
3 reviewed this after 5:00 p.m. yesterday?

4 SENATOR McDANIEL: Yes.

5 SENATOR POLK: Thank you.

6 MR. PRESIDENT: Thank you, Senators.

7 Senator Blount, for what purpose do you
8 seek recognition, sir?

9 Senator Blount passes.

10 Senator England, for what purpose do you
11 seek recognition, sir?

12 SENATOR ENGLAND: I have a few
13 questions, Mr. President.

14 MR. PRESIDENT: Senator McDaniel, will
15 you yield for questions?

16 SENATOR McDANIEL: Yes, of course.

17 MR. PRESIDENT: Senator England, you're
18 recognized.

19 SENATOR ENGLAND: Thank you, Senator
20 McDaniel, and I appreciate you taking my
21 questions. I know we're getting deep into
22 the lunchtime hour now, and I found a diet
23 for me in Jackson is just to engage in debate
24 and not go eat lunch. So I appreciate you
25 taking my questions and giving me this good

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1 opportunity to miss a lunch today.

2 I don't like to talk partisan politics
3 in the chamber.

4 SENATOR McDANIEL: Right.

5 SENATOR ENGLAND: You know, we're
6 elected Republicans and Democrats, and -- but
7 we've talked about it a lot today. You know,
8 these type of topics just bring that into the
9 discussion. You'd agree?

10 SENATOR McDANIEL: Yeah, it's
11 uncomfortable, but it happens.

12 SENATOR ENGLAND: Right. It happens.
13 But since we're here and since we're talking
14 about partisan politics, I just wanted to
15 mention to you why it is that I'm a
16 Republican. I'm going to ask do you agree.
17 I think you do. We're both of the Republican
18 Party. And before I do, I'd say that I'm a
19 Republican because I agree with the platform.
20 I don't agree with the platform because I
21 wanted to run for an election and be a
22 Republican. Is that the same thing as --

23 SENATOR McDANIEL: I think that's fair.

24 SENATOR ENGLAND: Okay. And our
25 platform -- and I know I may leave some

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1 things out, but I know that we're for small
2 government. We're for low taxes. You know,
3 we love our small businesses and our
4 businesses in general in Mississippi. We
5 want it -- the government to get out of the
6 way. We don't want our government picking
7 winners and losers in the state. We want
8 people to stand and believe in capitalism.

9 Did I state our party platform in a very
10 general sense?

11 SENATOR McDANIEL: Yeah, that's fair. I
12 mean, that's a fair assessment. There are,
13 obviously, some differences between
14 Republicans, you know, from the Mitt Romneys
15 of the world all the way to the Ted Cruzes of
16 the world. But, yeah, that's a fair
17 generalization.

18 SENATOR ENGLAND: That's right.

19 Well, there was a time when Republican
20 politics in the state were pretty much
21 nonexistent. Would you agree with me there?

22 SENATOR McDANIEL: They once told me
23 they could put them in a phone booth when
24 they met. I don't know if that's true. That
25 was before my time. But, yeah, it was a

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1 while back.

2 SENATOR ENGLAND: And I love history,
3 and having the World War II veteran today,
4 man, I was in tears over here listening to
5 it. I just love history all over the place.

6 But our state history, there was a long
7 time where if you weren't running as a
8 Democrat, you weren't going to get elected in
9 this state is my understanding.

10 Is that your understanding?

11 SENATOR McDANIEL: Partially, yes. I
12 mean, particularly in the '60s and '70s.
13 Yeah, you saw that especially in local races
14 with sheriffs and judges -- well, not judges,
15 but supervisors. So, yeah, absolutely. That
16 was the case for a long time.

17 SENATOR ENGLAND: Okay. Now, as we sit
18 in here, we do sit in a Republican
19 supermajority here in this body; is that
20 right?

21 SENATOR McDANIEL: Yes, our party --

22 SENATOR ENGLAND: Has apparently made
23 great strides from those times where you
24 couldn't run as a Republican and get elected.

25 Would you agree?

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1 SENATOR McDANIEL: From a numerical
2 standpoint, it has, yes.

3 SENATOR ENGLAND: Okay. And from what I
4 can tell, and what I hope to be true, and
5 what I believe to be true, is that we have
6 seen great strides among our party in this
7 and in the body across the hall over there
8 across the building. Those strides have
9 taken place because we've talked about our
10 platform so much that we've made people see,
11 that, look, I think that's smart government
12 the Republican Party has there. I'm going to
13 vote for the Republican candidate that's
14 going to stand for that platform.

15 Is that how you understand how we got
16 here today?

17 SENATOR McDANIEL: Well, in part, yes;
18 in part, no. It would just depend on the
19 candidate and how they were campaigning.

20 You mentioned that you are a Republican
21 because of the platform, not to just use it
22 to get elected. And there are some -- you
23 know how it is, some will use the platform to
24 get elected, but then, perhaps, don't share
25 those values.

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1 SENATOR ENGLAND: Yeah, I understand
2 that. Now, look, whether I agree with that
3 or not, I'm a Republican because of the
4 platform we have. I support the platform.

5 SENATOR McDANIEL: That's right.

6 SENATOR ENGLAND: Now, I heard a while
7 ago you said that if you have a BVAP, which
8 is, again, black voting age population, if
9 you have it above 60 percent in a certain
10 district, that you're -- I believe you said
11 it's a political assassination. Is that --

12 SENATOR McDANIEL: Yeah, the data shows
13 it's just almost impossible in a state like
14 ours to overcome that disparity.

15 SENATOR ENGLAND: Okay.

16 SENATOR McDANIEL: The data shows that
17 as you reduce it down close to low 50s, and
18 then in the 40s, that both parties have a
19 more fair chance.

20 Now, there will always be an exception
21 or two somewhere, I suppose. But that's what
22 the data seems to indicate, that it pretty
23 much puts an end to the GOP candidate.

24 SENATOR ENGLAND: Well, Senator
25 McDaniel, I'll tell you currently I represent

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1 District 51. And District 51 has the great
2 city of Moss Point in my district. It's a
3 majority-minority city. It may be the only
4 one on the Coast. I'm not sure.

5 But like my friend, Senator Sparks over
6 here, I had not really paid attention or even
7 knew what BVAP meant until we got into this
8 redistricting process. And I don't think I
9 got many votes out of Moss Point. But my
10 goal when I saw those numbers was, how do I
11 go -- how do I try to get votes out of Moss
12 Point, Republican votes?

13 SENATOR McDANIEL: Yeah.

14 SENATOR ENGLAND: And the only way I saw
15 to do that, Senator McDaniel, was to come up
16 here and stand on the platform that I know
17 works for good government. Take votes based
18 on that platform and go back and tell folks
19 at home, "Look, our state is doing better
20 because of this platform and these votes that
21 I'm taking."

22 SENATOR McDANIEL: Right.

23 SENATOR ENGLAND: Do you think that's
24 maybe a good way to help the Republican Party
25 in Mississippi?

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1 SENATOR McDANIEL: It's a good start for
2 sure.

3 SENATOR ENGLAND: Okay. Well, the
4 reason I say that is based on -- you know, I
5 had a dinner -- and I don't know if you had a
6 chance to have one of these dinners, but
7 Senator Sparks and I went to dinner with
8 Senator Albert Butler, Senator Sampson
9 Jackson, who was here with us last year, and
10 Senator John Horhn. We had a great dinner
11 last year at Char where we sat around the
12 table and we talked about challenges in our
13 state, and we talked about goals in our
14 state, where we want to see our kids have a
15 better state one day, or our grandkids and
16 how we want to get there.

17 And I'll tell you what I found, Senator
18 McDaniel. We all had the same goal.

19 SENATOR McDANIEL: Yeah.

20 SENATOR ENGLAND: We just have a
21 different ideology and a different
22 philosophical way of maybe getting there.

23 SENATOR McDANIEL: That's right. I
24 agree with that.

25 SENATOR ENGLAND: Okay. Well, that

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1 dinner was very important to me, because it
2 set me out on a challenge that if I want us
3 to help reach those goals -- and I believe my
4 philosophy and my ideological platform of
5 getting there is the best way to do it --
6 I've got to talk to my fellow Democrats to
7 get to that point, right?

8 SENATOR MCDANIEL: Yeah, that makes
9 sense.

10 SENATOR ENGLAND: Okay. And, look, I
11 know I may be rambling, but we're getting
12 into partisan a bunch more. I love Senator
13 Blackmon here. She gets loud sometimes,
14 that's great.

15 But the point I'm trying to make is,
16 Senator McDaniel, you're a great orator. I
17 enjoy every time you stand up and ask
18 questions. I enjoy it whenever you talk from
19 the well. And one of my favorite things that
20 you've said when you were speaking of your
21 late father, you would say, "When I wake up
22 in the morning" -- your father told you,
23 "When you wake up in the morning and you hear
24 the sound of battle, run to that battle,"
25 right?

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1 SENATOR McDANIEL: Yes.

2 SENATOR ENGLAND: Well, I would say that
3 the Republican Party may be making a mistake
4 pretending that BVAP is our enemy.

5 SENATOR McDANIEL: Yeah.

6 SENATOR ENGLAND: It's a challenge, no
7 doubt. But why don't we wake up and run to
8 that challenge and look at BVAP as something
9 we could work with? Do you think we could
10 maybe do that?

11 SENATOR McDANIEL: Yeah, I can answer
12 that. I think that, naturally, I wish the
13 state wasn't as polarized as it is sometimes
14 and has been in the past.

15 I think another core Republican
16 principle, and I think people sometimes
17 forget about this is that you reject
18 collectivism. And collectivism is a
19 dangerous component. It can be a centralized
20 government. It can be a centralized
21 corporate authority. But, more importantly,
22 people tend to separate themselves among race
23 and gender and things of that nature when the
24 most valuable thing we have are just
25 individuals.

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1 And I've always tried to conduct myself,
2 tried to recognize and appreciate the dignity
3 of each individual, as opposed to the
4 collectiveness lens that we tend to see
5 ourselves through.

6 Unfortunately, because of the nature of
7 politics in this state and the past, a lot of
8 people still see it through those
9 collectiveness lens, through those lens of
10 race or gender or whatever the case may be.

11 And we should -- everything that we can
12 do as Republicans reach out and try to
13 convince people that it's the individual that
14 matters most.

15 But in many respects you're arguing
16 against history and against social and
17 cultural norms, and it creates complexities.
18 And, I agree, it should not be our enemy. I
19 would love to see the day where people all
20 over this state appreciated those values you
21 discussed, but it just so happens from the
22 Justice Department standpoint, from the
23 Voting Rights Act standpoint -- remember, I
24 didn't create the term "BVAP," they did. The
25 feds did that. That was their way to try to

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1 determine what was going to be permissible in
2 states and not permissible in states. And
3 they did that based on the data.

4 So when we're talking about BVAP being
5 an enemy, we don't want it to be, but the
6 data shows that it certainly can be in
7 general elections.

8 And so as we work as people to begin to
9 put away those old ways and focus on
10 individualism and focus on the dignity of
11 individuals, you may see that changed one
12 day. But, unfortunately, we're still in an
13 era where that's not happening just yet.

14 SENATOR ENGLAND: So it's definitely we
15 have a lot of things that need to be looked
16 at in this map. We've got BVAP, we've got
17 split -- you know, split precincts that we
18 look at. We try to prevent that. We look at
19 communities.

20 There's a lot of things to look at and
21 that comes down from the feds, it comes down
22 from our own rulings and our own precedents.

23 There's a lot to look at; is that right?

24 SENATOR McDANIEL: It can be. The key
25 there, you do your best to use those

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1 guidelines.

2 SENATOR ENGLAND: Okay.

3 SENATOR McDANIEL: But when it becomes
4 constitutionally problematic is when the
5 guidelines focus on race. It's one thing for
6 the Voting Rights Act to try to recognize
7 people's opportunity. It's quite another for
8 Republican or Democratic legislatures to pass
9 Voting Rights Act amendments under that
10 pretext that then discriminates by virtue of
11 the passage. And both parties have been
12 guilty of that.

13 What this amendment does, it eliminates
14 that component. We're not allowing race to
15 be used to, basically, predict the outcome of
16 a race. We're trying to get it down to a
17 level where both sides have a fighting
18 chance.

19 SENATOR ENGLAND: Well, let me say one
20 thing that I think -- and this is a point --
21 I hate to ask these, you know, "would you
22 agree" questions, but I'm going to do it
23 here.

24 You know, I didn't see -- I didn't see
25 any committee meetings dealing with this map.

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1 And I didn't get to deal with -- I didn't --
2 the first time I saw this map was this
3 morning. But I did see Senator Dean Kirby
4 and the committee here and the committee from
5 the House had many, many meetings where they
6 debated things just like what you're
7 mentioning right here.

8 SENATOR MCDANIEL: That's right.

9 SENATOR ENGLAND: And they've come up
10 with a product with all of those things in
11 mind.

12 SENATOR MCDANIEL: That's right.

13 SENATOR ENGLAND: And I appreciate the
14 work they've done. I think that they're
15 smarter than me when it comes to this kind of
16 thing.

17 But I think we're focusing on the wrong
18 things. I don't like the impression that I'm
19 getting in here that we're trying to draw
20 certain districts to be better for one party
21 or the other. I don't like that. I think
22 that that's not what we need to be focusing
23 on.

24 I think that if our platform is the
25 right winner, and if our ideology works, and

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1 if our political beliefs work, that's what we
2 need to stand on, and that's what we need to
3 work towards.

4 Would you agree with that?

5 SENATOR MCDANIEL: I understand your
6 position.

7 SENATOR ENGLAND: Do you agree with
8 that?

9 SENATOR MCDANIEL: Well, yes and no,
10 because there's a slight caveat.

11 Yes, the short answer is in a perfect
12 world where we weren't divided like we are --

13 SENATOR ENGLAND: Well, we don't have a
14 perfect world. We understand that. We're
15 not going to have a perfect map, obviously,
16 either.

17 SENATOR MCDANIEL: But remember, we
18 start with a premise established in large
19 part by federal legislation here because of
20 our imperfect world. So now we have to act
21 under that legislation, recognizing the
22 imperfections, which is what we have here,
23 which is why BVAP is so important.

24 Should it be? No.

25 In a better world, would it be? No.

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1 SENATOR ENGLAND: Well, let's make it a
2 better world, right? Let's go forward and
3 make it a better world. If it's not
4 currently, let's do what we can without doing
5 it with blinds on a map. Let's go make it a
6 better world and accept the challenges that
7 we have before us as a party, right?

8 SENATOR McDANIEL: And if that's the
9 case -- and I agree with you. If that's the
10 case, then why do we need a single
11 majority-minority district in the state? Why
12 should it be required?

13 SENATOR ENGLAND: Well, look.
14 Apparently, the lawyers will tell you that,
15 you know, we have requirements we have to
16 look at.

17 SENATOR McDANIEL: Yeah.

18 SENATOR ENGLAND: And, look, I don't
19 want to take any districts away. I don't
20 want any communities to be left out of any
21 feeling they have on this. But there's no
22 law that prevents a Republican from going and
23 running in those districts either and trying
24 to convince the people that, look, this is
25 where we need to be. We can hold town halls,

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1 we can hold Facebook videos that are focused
2 in those areas and talk about what works.

3 But I think what we're doing right now
4 is a disservice to all of us in here by
5 making this such a contentious point that's
6 not even based on ideology or policy.

7 SENATOR McDANIEL: It's a contentious
8 point because the Justice Department is
9 demanding it be. It's trying to take those
10 actions.

11 Think of it this way, to your point, if
12 your point is taken to its logical extreme,
13 which I hope one day it is, then naturally
14 the result should be no mandated
15 majority-minority districts. They shouldn't
16 exist because you're using race as a target
17 in those districts and you're forming them.

18 The question is why are we --

19 SENATOR ENGLAND: Does your map do that?

20 SENATOR McDANIEL: No, no. That's just
21 it. The map does nothing different than
22 what --

23 SENATOR ENGLAND: So your map --

24 SENATOR McDANIEL: Hold on.

25 SENATOR ENGLAND: I'm sorry. So I got

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1 you one district.

2 SENATOR McDANIEL: Hold on. Hold on.

3 SENATOR ENGLAND: You said you did that
4 on one district. Did it do it in all the
5 other ones?

6 SENATOR McDANIEL: No. Hold on for a
7 second. Hold on. You didn't let me finish.

8 Here's the thing. Remember, the
9 question is, if we are moving toward that
10 better world, then, naturally, I would hope
11 the Justice Department, I would hope the feds
12 would see that. Naturally, I think they
13 would understand that mandating
14 majority-minority districts will be
15 unnecessary.

16 And in the world you described, it would
17 be unnecessary. But that's not the world we
18 have. We have federal courts and the Voting
19 Rights Act trying to somehow balance what
20 they consider to be inequalities or
21 inequities in the system.

22 SENATOR ENGLAND: So why the focus on
23 this one district?

24 SENATOR McDANIEL: Because when you go
25 over 61, it's no longer about providing

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1 fairness. It's about providing a guaranteed
2 victory. And that's the distinction the
3 courts have made.

4 SENATOR ENGLAND: Are there other
5 districts with greater than 61?

6 SENATOR MCDANIEL: Other districts in
7 this map?

8 SENATOR ENGLAND: Yes.

9 SENATOR MCDANIEL: Yes.

10 SENATOR ENGLAND: Well, what did you do
11 with those?

12 SENATOR MCDANIEL: That's just it. They
13 don't comprise a target which is a Republican
14 senator. That's why this district matters.

15 Here's another reason. Here's another
16 reason.

17 SENATOR ENGLAND: Well, that district
18 had a Democrat senator before 2019, correct?

19 SENATOR MCDANIEL: Every time we make a
20 change -- you asked why we didn't take them.
21 Every time we make a change, you have this
22 massive ripple effect, and we're still under
23 the guidance of the Voting Rights Act.

24 So remember, if you start repealing back
25 every single majority-minority district,

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1 there would be a violation. But if you bring
2 back one, right, into a more fair standards
3 and you compare it to where we were 10 years
4 ago, where we picked up two, essentially,
5 we're back to the number 14, which would be
6 perfectly fair to all parties involved under
7 the VRA.

8 SENATOR ENGLAND: So we don't have a
9 perfect world. We don't have a perfect map.
10 We don't have a perfect state. But what
11 you're trying to create here is one perfect
12 district; is that right?

13 SENATOR MCDANIEL: It's not a perfect
14 district. It's a district that is
15 competitive on both sides. It satisfies both
16 sides of the equation.

17 If you bring the BVAP to the district
18 too low, it is tilted toward the Republican.
19 If you put it up there in the high 40s,
20 there's a balance there, and both sides have
21 a fighting chance to win. With the same
22 ideas you've expressed, they can now go
23 across, they can talk, and they can win the
24 day based on those closer numbers.

25 SENATOR ENGLAND: Well, I don't think

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1 you would disagree with this. I'm not
2 worried about being an underdog at any point
3 in time. I don't think you are either.

4 SENATOR MCDANIEL: That's right.

5 SENATOR ENGLAND: So, you know, if
6 there's a challenge let's take some advice
7 from a great man that once said, you know,
8 "Rise and run towards a challenge," and let's
9 do it that way. We're not going to draw
10 perfect battles on everything. Let's look at
11 what we've got, and let's go with it.

12 I'm happy with what our attorneys and
13 what Senator Kirby and his committee has come
14 up with, and I plan to support theirs today.
15 I appreciate what you've done.

16 But another question I would ask you
17 before I sit down is, you know, will you help
18 me bring our message to areas where maybe
19 it's not being heard or being as accepted as
20 it is for whatever reason so that maybe we
21 don't have to worry about that anymore? We
22 can just talk about philosophy and ideology.

23 SENATOR MCDANIEL: Anywhere, anytime.

24 SENATOR ENGLAND: Okay. Thank you, sir.

25 SENATOR MCDANIEL: Anywhere, anytime.

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1 MR. PRESIDENT: Okay. Senator Whaley.

2 SENATOR WHALEY: Question, please.

3 MR. PRESIDENT: Yes, you're recognized,
4 Senator. For what purpose, sir?

5 SENATOR WHALEY: For a question, please.

6 MR. PRESIDENT: Please proceed.

7 SENATOR WHALEY: Thank you,
8 Mr. President.

9 Senator, you know, I heard your
10 statement about the amendment and when it was
11 drawn up, and you had been conferring with
12 several attorneys, and I heard you mention a
13 name that resounds with me and it may not
14 resound with many other people besides
15 myself, you, Senator Sojourner, Senator
16 Sparks.

17 We all know Ms. Pat Krueger very well.
18 She happens to be a constituent of mine.

19 SENATOR McDANIEL: Right.

20 SENATOR WHALEY: And you said that y'all
21 had been conferring about this.

22 SENATOR McDANIEL: She's been texting
23 all morning.

24 SENATOR WHALEY: And yesterday as well.
25 You stated yesterday.

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1 SENATOR McDANIEL: All morning she's
2 been texting. The question was how many have
3 reviewed it, and that was this morning.
4 There's been three total.

5 SENATOR WHALEY: You just began to
6 review today?

7 SENATOR McDANIEL: No, she's been
8 texting this morning. I can show you the
9 text.

10 SENATOR WHALEY: You know, we have a
11 point here. You know, Ms. Pat, she's a woman
12 that you can put a lot of pronouns about.
13 She's a very intelligent lady. She's a very
14 vocal lady.

15 SENATOR McDANIEL: Yeah.

16 SENATOR WHALEY: But I've never known
17 her to be dishonest. And she and I, we've
18 been talking as well.

19 SENATOR McDANIEL: Yeah.

20 SENATOR WHALEY: And I have not heard
21 anything from her about this issue.

22 SENATOR McDANIEL: I can show you the
23 text.

24 SENATOR WHALEY: And she and I -- well,
25 you should have showed it to me before. And

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1 that's the thing --

2 SENATOR McDANIEL: But you didn't ask
3 until then. But I can show you the text.

4 SENATOR WHALEY: You know, she's --
5 Senator, that comes back to a previous made
6 point as well about going into people's
7 district with this amendment. You've had
8 this amendment, and previous times in the
9 past, you've put out an amendment that was
10 important on Facebook so that everybody in
11 the world could see.

12 SENATOR McDANIEL: Yeah.

13 SENATOR WHALEY: You've taken time to go
14 back and put out to your followers, and which
15 a lot of them are my followers, and we've all
16 been sent these e-mail chains that we
17 absolutely cannot answer. And I try to
18 answer my e-mails. I try to answer my phone
19 call. I try to answer my text messages.

20 SENATOR McDANIEL: Right.

21 SENATOR WHALEY: And I understand that
22 you answer every single one of those, and I'm
23 not quite sure how you do it. I guess you
24 don't never sleep or you've got somebody on
25 the payroll because I can't do it.

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1 And I think that the phrase earlier was
2 disingenuous information, and I'm just going
3 to say it's dishonest information. Because
4 I'm not a fancy lawyer. I don't have a
5 thesaurus full of pronouns to describe words.
6 So I'm just going to call it like it is
7 because that's where I come from, small town
8 Mississippi.

9 SENATOR MCDANIEL: Right.

10 SENATOR WHALEY: And I think that what
11 you've done here is dishonest.

12 SENATOR MCDANIEL: Okay.

13 SENATOR WHALEY: And if you wanted us to
14 follow this amendment and work with us on
15 this amendment, you should have been honest
16 with us. You should have worked with us
17 instead of springing it on us at the last
18 minute.

19 SENATOR MCDANIEL: Listen, I get that,
20 and I'll answer the question. I understand
21 all these items are tense, and they're going
22 to be tense from time to time. I'm a
23 conservative. I told you that. I'm going to
24 fight for the things I believe in, and I
25 trust you will as well. We could not make

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1 amendments to the map at all until we
2 actually saw the whole map. The reason is
3 there was no place to even start. And this
4 was one of several that we made.

5 But remember, the reason it was delayed
6 even a little bit was because of that. Until
7 we saw the map, there was no way to even
8 begin the amendment process. And that was
9 because of the secrecy for whatever reason
10 that was existing.

11 So the point was, I would have loved to
12 have done this a week ago or two weeks ago.
13 It was just practically logistically
14 impossible to do.

15 But now, to your other points -- and I
16 don't know how to really say this. I'm not
17 trying to hurt you or Ms. Pat or anybody
18 else. I'm going to fight for the same things
19 I've been fighting for for 15 years. And you
20 can go back on Facebook or whatever for 15
21 years. I haven't changed my message. This
22 is the same issues I believe strongly about.
23 I don't anticipate I'll ever change the way I
24 see these issues. I'm not trying to hurt
25 anybody, I'm just trying to fight for what I

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1 believe in.

2 SENATOR WHALEY: Let me make this other
3 question.

4 SENATOR McDANIEL: Yeah.

5 SENATOR WHALEY: If you have a group of
6 constituents that come to you, say, "Will you
7 support Senator So-and-so's amendment," how
8 do you answer that?

9 SENATOR McDANIEL: It would depend.

10 SENATOR WHALEY: No, no, no. It
11 wouldn't depend.

12 SENATOR McDANIEL: It does depend.

13 SENATOR WHALEY: It depends on the point
14 of whether you have seen the amendment or
15 not. If you have not seen the amendment, how
16 would you answer it?

17 SENATOR McDANIEL: That's why it
18 depends. That was not part of your first
19 question.

20 If I've not seen the amendment,
21 naturally, I would say I'd have to see the
22 amendment first.

23 SENATOR WHALEY: Wonderful point.

24 SENATOR McDANIEL: Yeah.

25 SENATOR WHALEY: So why do you

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1 continually put these messages out to support
2 your amendments when we haven't seen the damn
3 amendments?

4 SENATOR MCDANIEL: Because the message I
5 put out was absolutely accurate. There was
6 nothing inaccurate about the message at all.

7 We know unequivocally that a Republican
8 senator is having her BVAP raised to 61
9 percent. We know the data demonstrates that
10 will end her career. That's exactly what I
11 said, and what I've been saying, and it was
12 honest. It's right there in black and white
13 and the colors up there.

14 SENATOR WHALEY: And we honestly
15 don't -- at the point of time when you
16 started this, we didn't know if anybody
17 else's district was affected, correct?

18 SENATOR MCDANIEL: Are we --

19 SENATOR WHALEY: Your district could be
20 gone. My district could have been gone. We
21 didn't know, right?

22 SENATOR MCDANIEL: Let's talk about that
23 for a second.

24 SENATOR WHALEY: No, let's --

25 SENATOR MCDANIEL: No, no. I'm going to

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1 answer your question. I'm going to answer
2 your question.

3 You might recall that there were quite a
4 few senators in here that were concerned
5 about their districts.

6 SENATOR WHALEY: I believe the message
7 was that three female Republican senators had
8 been drawn out; is that correct?

9 SENATOR MCDANIEL: Not from my mouth.
10 That was my message.

11 SENATOR WHALEY: No. I'm talking about
12 the message that was put forward to us when
13 we were bombarded with the e-mails.

14 SENATOR MCDANIEL: Not three. Three
15 female senators? I didn't say that.

16 My position has always been something
17 seems odd. The transparency is not here.
18 There's an awful lot of secrecy.

19 We got wind, because as you know, there
20 aren't many secrets in this Capitol. We got
21 wind of the true elimination of one. And you
22 can see it right there as we speak. The
23 district is gone. That's just -- that's the
24 truth of the matter. It's gone. Everything
25 I said was accurate. Every word.

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1 SENATOR WHALEY: You know, I'm going to
2 have to disagree with you, and I'm going to
3 have to go back and listen to it.

4 SENATOR MCDANIEL: Good.

5 SENATOR WHALEY: I came into this body,
6 and I respected you. I'm a little
7 disappointed, I'll say that. But I really
8 wish that in the future you consider holding
9 your messages about amendments until you
10 actually let people in the body see them.

11 SENATOR MCDANIEL: My message was
12 accurate. I tell you something else. The
13 idea --

14 MR. PRESIDENT: Thank you, Senator.

15 SENATOR MCDANIEL: I'll finish answering
16 the question, unless it wasn't a question.

17 Senator, I appreciate your position, and
18 I respect you as well. But I came here to
19 fight for conservatives, and I'm going to do
20 it the rest of my life. And I know you did
21 as well. I'm not saying otherwise. But
22 these are the things I believe. And I'm not
23 trying to hurt anybody. I'm just doing the
24 best I can to fight for what I believe in.
25 That's all.

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1 SENATOR WHALEY: I've never questioned
2 fighting for conservatives. I fully support
3 that as well. I'm just saying that I want to
4 fight the damn lies.

5 SENATOR MCDANIEL: It's not a lie. It's
6 right -- it's right there on the map. Her
7 district is eliminated. And that's what I
8 said was going to happen. Her district is
9 eliminated. Whether it's a lie or not, the
10 people can clearly see that District 37 as
11 configured, the one she ran in, is gone.
12 That's not a lie. That's the truth.

13 MR. PRESIDENT: Thank you. Senator
14 Jordan, for what purpose do you seek
15 recognition, sir?

16 SENATOR JORDAN: I have a question,
17 Mr. President.

18 MR. PRESIDENT: Please proceed.

19 Senator McDaniel, will you yield for a
20 question?

21 SENATOR MCDANIEL: Yes, sir.

22 MR. PRESIDENT: Senator Jordan, you're
23 recognized.

24 SENATOR JORDAN: Thank you very much,
25 Mr. President.

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1 Senator McDaniel, you and I disagree
2 many times. But I hope you'll agree with me
3 now. We all are Mississippians, and all of
4 us ought to be fighting for to make our state
5 better in all ways. It has great potential.

6 SENATOR MCDANIEL: Yes, sir.

7 SENATOR JORDAN: If you were stuck on an
8 elevator out there, wouldn't make any
9 difference whether it was a Democrat or
10 Republican got the doggone thing open so you
11 could get out, would it? You could wait
12 until a Republican comes from across town to
13 get you out of there and said, "Democrats, we
14 don't want you to help. I want to stay in
15 this elevator." What would be your --

16 SENATOR MCDANIEL: There's no individual
17 regardless of party that I wouldn't try to
18 help in that instance.

19 SENATOR JORDAN: Yeah. I love everybody
20 in here, Democrats or Republicans, doesn't
21 matter to me. I'm a Mississippian. And when
22 I taught public school, I integrated the
23 classes. It didn't matter who came to that
24 class because I'm interested in teaching a
25 subject matter.

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1 We ought to be interested in moving our
2 state forward regardless of Republican or a
3 Democrat because Mississippi comes first.

4 Won't you agree with that?

5 SENATOR McDANIEL: Yeah.

6 SENATOR JORDAN: We're getting bogged
7 down in your paralysis of analysis.

8 Wouldn't you agree with that?

9 SENATOR McDANIEL: No. Well, there's
10 two questions.

11 As to the first one, I agree that
12 Mississippi should come first. I absolutely
13 do. But remember, political parties have
14 vastly different ideas as to how to get us to
15 first.

16 SENATOR JORDAN: Well, you said 61
17 percent. I'm a conservative. I wear these
18 suspenders because I don't trust a belt
19 anymore. That's conservative. But you can't
20 stand there and say that with 61 percent what
21 a person can't win. You can argue that. I'm
22 not a lawyer, but you don't know.

23 SENATOR McDANIEL: It's just what the
24 data shows. There's no way to --

25 SENATOR JORDAN: And data can be wrong.

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1 SENATOR McDANIEL: Yes, sir. There's no
2 way to predict everything with perfection.

3 SENATOR JORDAN: There you go.

4 SENATOR McDANIEL: But the data does
5 demonstrate that.

6 SENATOR JORDAN: You have just answered
7 it. There's no way to predict everything. I
8 think your prediction could be wrong. Thank
9 you.

10 SENATOR McDANIEL: Under the data, it's
11 probably not, but anything's possible. I
12 mean, anything in the world could happen, but
13 the data demonstrates --

14 SENATOR JORDAN: No, I'm personally
15 talking about priorities. That's our state.
16 Let's move our state forward.

17 SENATOR McDANIEL: Yes, sir.

18 SENATOR JORDAN: You can't do it when
19 you're polarizing the system.

20 SENATOR McDANIEL: The system was
21 polarized well before I got here.

22 SENATOR JORDAN: It doesn't mean that
23 you should continue to polarize it.

24 SENATOR McDANIEL: I'm just fighting for
25 the things I believe in. That's all.

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1 SENATOR JORDAN: Well, you may -- it may
2 be as wrong as two left shoes, but be able to
3 realize that we all are Mississippi. We all
4 love this state. This state belongs to all
5 of us.

6 If we went to war tomorrow, all of us of
7 age would have to go regardless of race,
8 creed or color. So we don't have time to be
9 debating party issues. Let's do justice and
10 love mercy, walk humbly with our God. That's
11 what we need to do and move our state
12 forward.

13 Thank you, Mr. President. Thank you.

14 MR. PRESIDENT: Thank you, Senators.
15 Thank you, Senator McDaniel.

16 Senator Blackmon, for what purpose,
17 ma'am?

18 SENATOR BLACKMON: Are there any people
19 after me for questions?

20 MR. PRESIDENT: Yes, ma'am. Yes, ma'am.

21 SENATOR BLACKMON: I'd like to make a
22 motion, if I'm recognized.

23 MR. PRESIDENT: You're recognized,
24 ma'am.

25 SENATOR BLACKMON: I move the previous

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1 question and all pending matters.

2 MR. PRESIDENT: One moment, please.

3 Okay, Senators, I think we were right
4 the first time.

5 We have a motion on the previous
6 question. All in favor signify by saying
7 "Aye."

8 (Aye.)

9 MR. PRESIDENT: All opposed, "No."

10 (No.)

11 MR. PRESIDENT: The "Ayes" have it.

12 We have five minutes, Senator McDaniel.
13 I think you're first, sir.

14 SENATOR MCDANIEL: As far as opposing?

15 MR. PRESIDENT: Yes, sir. It's five
16 minutes on your amendment.

17 SENATOR MCDANIEL: I think -- Kathy, do
18 you want to speak?

19 MR. PRESIDENT: Right. The previous
20 question, I think took precedent. One
21 moment.

22 Senator, you can yield some of your five
23 minutes if you'd like.

24 Senator Chism, are you going to speak on
25 the amendment? We're going to start the --

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1 we're going to start the clock.

2 SENATOR McDANIEL: I will yield part of
3 my five minutes to Senator Chism.

4 MR. PRESIDENT: Please proceed, Senator
5 Chism.

6 SENATOR CHISM: Thank you, Mr. President.
7 Thank you, Senator McDaniel. I'll be very
8 quick.

9 I want everybody in here to know when I
10 went to my camper last night, I spent a lot
11 of time praying. I called my prayer warriors
12 back in my district, and I did my best to jot
13 down some things to say to you. Please
14 listen.

15 First of all, Mr. Kirby, thank you for
16 everything that you have done. I know you've
17 worked hard. I can't imagine what all you
18 went through during the past year.

19 But, first, let me say that I'm pleased
20 with my district. I said that before. There
21 are parts of it that I would like to keep. I
22 didn't get to keep them. I'm trying to be
23 generous with the ones around me and work
24 with the ones around me.

25 But as a Republican, I am concerned

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1 about the districts that had a significant
2 increase of BVAP. As Republicans, we should
3 all be concerned, and we should unite to save
4 every Republican district in this state.

5 As all of you know, District 37 has had
6 a BVAP of about 36 or 37 percent, and now it
7 will have a BVAP of more than 60 percent.
8 That makes a Republican pro-life district
9 vulnerable to becoming a pro-choice Democrat
10 district. As a Republican, this is very
11 troubling to me, and I pray it is also
12 troubling -- a troubling concern to every
13 Republican senator in this chamber.

14 It is time we lay aside our personal
15 interest, our personal feelings. It is time
16 we stand as Republicans for Republican
17 principles and as Republicans for each other.
18 Republicans, we need to unit together.

19 I reached out to my prayer warriors last
20 night, as I told you a while ago, and we
21 spent many hours praying and God gave me the
22 answer I was looking for. He said, "Child, I
23 sent you to Jackson to stand for what's
24 right. I sent you as a Republican." And I'm
25 here to stand for the Republicans, and I pray

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1 that y'all will stand with me and try to
2 preserve our Republican district. Thank you.

3 MR. PRESIDENT: Thank you, Senator
4 Chism.

5 Senator McDaniel, you're recognized to
6 speak on the motion.

7 SENATOR MCDANIEL: It's my understanding
8 I only have a couple of minutes because of
9 time constraints, but I want to be clear
10 about my perception of what this means to the
11 body.

12 Yes, in my mind, this is a political
13 assassination of a Republican. There's a
14 dozen -- no, a thousand ways to draw these
15 maps. Those lines can twist and turn a
16 million different ways in a million different
17 directions. They did not have to twist and
18 turn to put a Republican incumbent senator in
19 a district where race was the predominant
20 consideration. They did not have to twist
21 and turn where race is going to be used to
22 eliminate a person.

23 We want to move past those days, not
24 embrace those days. This is a violation of
25 the equal protection clause of the United

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1 States Constitution. It's a violation of
2 just common sense.

3 And to say that somehow this isn't going
4 to harm someone? Tell it to Senator
5 Sojourner. Her district, her political
6 career, it's on the line. All the amendment
7 does was bring the BVAP down to a place where
8 she can compete. That's all it does. It
9 makes the map more fair, not less fair. It
10 gives us a better chance to be seen as a
11 better state that doesn't let race make these
12 types of determinations. Just give her a
13 fighting chance, because to do otherwise, you
14 are eliminating one of your own. Why not
15 give them both a fighting chance? They're
16 both good people.

17 And to Jeremy England's points earlier,
18 yes, we have a right to talk to each other,
19 to work with each other, and, hopefully,
20 change hearts and minds. But you can't do it
21 when the BVAP is so out of whack where a
22 person has been targeted by race and race
23 being the predominant consideration.

24 It's not good for Mississippi. It's not
25 good these districts be mandated. We have to

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1 move past it. And all this amendment does is
2 give us one step in the right direction.
3 That's all it does.

4 I ask you to support the amendment.

5 MR. PRESIDENT: Thank you, Senator
6 McDaniel.

7 Senator Kirby, you're recognized.

8 SENATOR KIRBY: Thank you, Mr.
9 President. I know everyone is hungry and
10 irritable right now, but, first off, I'm
11 going to ask you to vote against the
12 amendment. And the reason we need to vote
13 against the amendment is every one of you had
14 time to look at your map. Every one of
15 you -- we have been -- I mean, almost
16 everyone says, "I'm satisfied with my map,"
17 and the committee, of course, the overall
18 map.

19 All I need to say is we've been very
20 transparent. This is a last-minute deal.
21 Everyone is confused. I ask that you vote
22 against the amendment.

23 MR. PRESIDENT: Okay. Senator, do we
24 have a motion? The motion is the adoption of
25 the amendment. We need six. We have one --

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1 please stand if you're going to be counted.
2 One, two, three, four, five. Do you have
3 five, sir?
4 Okay. We do not have division.
5 All in favor signify by saying "Aye."
6 (Aye.)
7 MR. PRESIDENT: Opposed, "No."
8 (No.)
9 MR. PRESIDENT: The "Noes" have it.
10 Thank you.
11 Senator, we're on the final passage,
12 sir.
13 Senator Kirby, you're on final passage,
14 sir.
15 SENATOR KIRBY: Closing with another --
16 MR. PRESIDENT: No, it's final passage.
17 SENATOR KIRBY: Okay. Ladies and
18 gentlemen, I know you're hungry as I said.
19 You've heard all sides. You know what you
20 got.
21 MR. PRESIDENT: Senator, this is just a
22 motion here. It's just a motion now,
23 Senator. It's time to vote, so it's just a
24 motion.
25 SENATOR KIRBY: I ask we use the morning

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1 roll call for final passage.

2 MR. PRESIDENT: The Senator has
3 requested utilization of the morning roll
4 call. Anyone object to the procedure?
5 (Inaudible) is voting no. Object to the
6 procedure.

7 All right. Mr. Clerk, please call the
8 roll.

9 (Roll called.)

10 (Announcements.)

11 MR. PRESIDENT: Mr. Clerk, have you got
12 the vote, please, sir?

13 By a vote of 45 yeas, 7 nays, the Bill
14 passes. Thank you, Senator Kirby.

15 (End of video.)

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1 CERTIFICATE OF COURT REPORTER

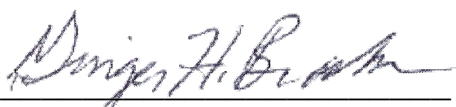
2 I, Ginger H. Brooks, Court Reporter and
3 Notary Public, in and for the State of
4 Mississippi, hereby certify that the foregoing
5 contains a true and correct transcript of the
6 video provided to me and reduced to typewritten
7 form under my supervision.

8 I further certify that, to the best of
9 my knowledge, I am not in the employ of or related
10 to any party in this matter and have no interest,
11 monetary or otherwise, in the final outcome of
12 this matter.

13 Witness my signature and seal this the
14 14th day of June, 2022.

15

16


GINGER H. BROOKS, #1165
CRR, RPR, CCR

17

My Commission Expires:
18 September 18, 2025

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