IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LIONEL GUSTAFSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	**Civil Action**
	)	**No: 05-352**
ADRIAN JOHNS, et al.,	)	
	)	
Defendants.	)	

REPLY OF MOVANTS BARRON AND SANDERS
TO THE RESPONSES IN OPPOSITION TO INTERVENTION

Senators Barron and Sanders adopt herein the arguments set out in the Brief of House Speaker Seth Hammett. As Speaker Hammett points out, legislators have intervened or been original parties in voting rights cases all over the country and such is a regular practice. The validity of this practice is further evidenced by the discussion below which addresses each of the requirements of Rule 24 and the opposing parties' arguments against intervention.

I. Background of Alabama Legislative Redistricting

To understand the Movants' position in this litigation, it is important to

understand the legislative role in redistricting and the history of redistricting in Alabama. The Legislature's responsibility to design its own election districts is at the core of its legislative function. At least three provisions of the Alabama Constitution describe that responsibility.[1] Indeed, the responsibility to pass an annual budget and the decanal redistricting are the principal responsibilities of the Legislature. Successful redistricting without court intervention occurred for the first time with the passage of the statutes at issue in this case, Acts 2001-727 and 2001-729, on July 2, 2001.

As a historical matter, the Legislature remained unchanged from the adoption of the 1901 Constitution until the court in *Sims v Frink* 208 F.Supp 431 (MD Ala. 1962) approved a temporary plan. But *Reynolds v. Sims*, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964) found even that temporary measure inadequate. It was not until *Sims v. Amos*, 336 F.Supp. 924, 940 (M.D.Ala.1972) that a new redistricting plan was in place.

After the 1980 census the legislature ultimately passed three different redistricting plans before the court gave permanent approval. *Burton v. Hobbie*, 561 F.Supp 1029 (MD Ala. 1983)(3-judge court). After the 1990 census the legislature was unable to pass any redistricting plan. Litigation in the Circuit Court of

[1]Ala. Const. art. IX, §§ 198, 199 & 200.

Montgomery County led to a court-approved redistricting plan by consent decree. *Sinkfield. v. Camp*, CV-93-689-PR, slip op. (Ala.Cir.Ct. Aug. 13, 1993). There were numerous collateral attacks to this 1993 plan but all failed, ending in the U.S. Supreme Court in *Sinkfield v Kelly*, 531 U.S. 28, 121 S.Ct. 446 (2000).

The 2000 Census became available in March 2001, during the middle of the regular legislative session. Governor Siegelman called a Special Session that began on June 25, 2001 for the purpose of redistricting the legislature. The legislative leadership of the House and Senate agreed that they would no longer try to "nest" three House districts in each Senate district, as had been past practice, and that each chamber would design and pass its own plan with the other chamber agreeing to pass that plan. This agreement significantly simplified the redistricting process, and both Acts 2001-727 and 2001-729 were passed on July 2, using only five legislative days within eight calendar days.

Both Acts were precleared by the Department of Justice during the fall of 2001 with the support of then Attorney General Pryor as well as various Republican members of the legislature. Republicans challenged the Acts in federal court in Mobile in two separate actions but failed. Republican and other interests also commenced litigation in the Circuit Court of Montgomery County which failed.

II. Movants Barron and Sanders and their Positions in the Legislature

The position of President Pro Tempore ("President Pro Tem") of the Alabama Senate is established by Section 51 of the Alabama Constitution, and the person filling the position has always been elected by the Senate from the party having the most members in the Senate. As President Pro Tem of the Alabama Senate, Senator Barron is the leader of the Senate. In the 1998 Organizational Session the Senate adopted rules which significantly expanded the powers given to the President Pro Tem. Among the President Pro Tem's powers are the powers to appoint the majority leader and to make committee appointments, including naming the Chairperson and Vice Chairperson of Senate committees. When the President Pro Tem presides in the Senate, he rules on points of order and recognizes members seeking to speak. He also accepts and otherwise handles messages from the House.

Senator Sanders is an African-American legislator serving his sixth term representing Senate District 23 which includes a large area of the west central region of Alabama centered around Selma. Senate District 23 is sixty-two percent African American. The Selma area is in the heart of the "black belt" in Alabama. Central to Plaintiffs' case is their contention that the black belt counties are "underpopulated" and the districts therein should be redrawn.

III. Summary of Plaintiffs' and Defendants' Arguments

Both Plaintiffs and Defendants have filed briefs in opposition to the motions to

intervene of Barron and Sanders and of Hammett. It is important to acknowledge the difference between the objections raised by the Plaintiffs in this case and those raised by the Defendants. The Defendants, State Election Officials, agree that Senators Barron and Sanders should be able to intervene as a matter of right under Rule 24(a)(2), Fed. R. Civ. P. in their "individual capacities as voters and as the persons elected to hold their respective offices...". Doc 96 p.1. In conceding this point, Defendants necessarily also admit that the motion is timely, that the movants have interests in the transaction, the movant's interest may be impaired without intervention, and that the current parties inadequately represent the movants. *See* Rule 24(a)(2), F.R.Civ.P. Defendants take no position as to whether the Court should grant permissive intervention.

To the extent that the Defendants object at all, it is to Movants' intervention in their official capacities under Rule 24(a). Defendants contend that Movants have no legally protectable interest, as required by Rule 24(a), in their official capacities.

In contrast, Plaintiffs object to both permissive intervention and intervention as of right. In objecting to intervention as of right, while they concede that the motions are timely, they contend that the legislators here have no legally protectable interest and that the legislators are adequately represented by the Attorney General. Their opposition to permissive intervention is based, for all practical purposes, solely

on the argument that intervention will result in delay.

IV. Movants are entitled to intervention as of right.

A. Movants have a legally protectable interest in the subject matter of this litigation.

Movants Barron and Sanders will address the Defendants' objections first. In opposition to Movants' intervention in their official capacities, Defendants cite *LULAC v. Clements*, 888 F.2d 185, 188 (5th Cir. 1989) and quote in part from the following passage denying the right of judges to intervene to protect the design of their own electoral districts.

> As government officials, they have no legally protectible interest in redistricting. Because it is a legislative action, judges play no part in creating or revising the election scheme and, therefore, fail to meet the "real party in interest" test.

It is important to note that the *LULAC* Court defined "real party in interest":

> [A] "real party in interest" may be ascertained by determining whether that party *caused the injury* and, if so, whether it *has the power to comply with a remedial order* of the court.

LULAC at 187 (emphasis added).

Applying that test to this case, there can be no question but that the legislative leaders have a right to intervene in their official capacities. The Alabama Legislature passed the Acts about which the Plaintiffs complain (*i.e.*, causing the injury) and, if needed, has the power to provide a remedy, a power to which this Court should defer

and "make every effort not to pre-empt." *Wise v. Lipscomb*, 437 U.S. 535, 539, 98 S.Ct. 2493, 2497 (1978)).[2] As evidenced by *LULAC*, the very case the Defendants cite, the Legislature, and thus the Movants as its representatives, have a legally protectable interest in this action. Thus, the sole argument against intervention raised by the Defendants is easily disposed of by the very case they cite to support it.

Plaintiffs also take the position that the legislative leaders have no protectable interest because legislators "simply do not have a duty and therefore have no rights based on a duty." Doc. 99 p. 10. Plaintiffs cite *Chiles v. Thornburgh*, 865 F.2d 1197 (11th Cir. 1989) to support this general assertion. In *Chiles*, a senator filed suit to promote his own interest in seeing an act for which he voted, but which would have no direct impact on him as a legislator, properly implemented. (The Act in question in *Chiles* involved refugee detention facilities.) The Eleventh Circuit held that the senator had no standing, saying, in essence, that his interest in the implementation of the law was no different than that of the general public.

In the instant case, Movants seek to intervene not as solitary legislators but as representatives of the Legislature itself. They seek not to enforce statutes that the

[2]We agree with Hammett's position that the standard for intervention is best articulated by *Worlds v. Dept. of Health and Rehab. Serv.*, 929 F.2d 591, 594 (11th Cir.1991) (per curiam) ("[T]he ''interest'' test is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process."). In other words, interest should not be as narrowly construed, as Plaintiffs would have it be.

legislature passed but to defend the legislative process. The statutes at issue here are not measures with no direct impact on the legislature, but are the very statutes that will determine how the legislative bodies will be constituted. Finally, Movants seek to defend the Legislature's right to redistrict, were Plaintiffs to prevail, and to prevent, to the extent possible, intrusion into that process by the courts.

No such interests or rights were at stake in *Chiles*. Moreover, the senator in *Chiles*, could contribute nothing to the case that a member of the public could not. In this instance, the Movants can provide, and have a legally protected interest in providing, a full presentation of the diverse racial, political and other motives that were part of the political process which Plaintiffs now attack. In short, *Chiles* does not apply here. The many cases in which legislative leaders have been parties or intervenors in redistricting cases would not exist if the reasoning set out in *Chiles* were applicable in the redistricting context.[3]

---

[3]Nor can Plaintiffs assert that permitting intervention in this case would mean legislators could intervene as of right as defendants in any case in which a statute's constitutionality was challenged. Redistricting is, quite simply, different. The Legislature's responsibility to redistrict itself is fundamentally distinct from almost any other legislative action. Several sections of the Alabama Constitution direct the decanal redistricting as a requirement. *See* discussion *supra*. Moreover, as noted in the text, redistricting is about the periodic reorganizing of government, specifically, in this case, the legislative branch of government. In short, the legislature has a distinct and specific duty to design its own election structure. Equally important is the fact that the Legislature should have a right to participate in any litigation in which a remedy may be asked of it, particularly where the remedy is one which should not be preempted by the Courts. *See Wise, supra.*

Interspersed throughout Plaintiffs' brief in opposition to intervention is the accusation that the Movants seek to make this a "political" battle as opposed to a "constitutional" battle and that this somehow proves that the Movants have no protectable interest at stake. *See, e.g.*, Doc. 99 p.4. This accusation is illogical given that Plaintiffs' claims are clearly politically motivated and are part of the 2006 electoral plans of the Republican Party.[4] Indeed, the Plaintiffs' own allegations, make this case, in large part, a "political" battle, and Plaintiffs' own allegiances demonstrate the political nature and dimensions of the case. For example:

> 1. Each of the nineteen named plaintiffs is identified prominently by party affiliation, Republican, and little else. First Amended Complaint, Doc. 9, at ¶¶ 9-26.
>
> 2. Plaintiffs allege that "[t]he state legislative redistricting plans and the individual districts contained therein are the result of gross partisan gerrymanders against Republicans . . . In drawing the legislative districts, the Democratic-controlled Alabama legislature used classification by political party in an invidious manner . . ." Doc. 9 at ¶ 133.
>
> 3. The Plaintiffs further allege that "[d]ue to the partisan gerrymandering . . . there is an actual discriminatory effect on Republicans . . . such that they are denied the opportunity to effectively influence the political process." Doc. 9 at ¶ 137.

In short, there is no escaping the fact that, by Plaintiffs' own design, this a case about politics, namely Plaintiffs' efforts to undermine the political processes that resulted in the districting plans now under attack.

---

[4]See Attachment 1, collected news articles.

As noted in Speaker Hammett's brief, the legislative leaders seek intervention in this case to defend and protect the democratic, majoritarian process that led to the passage of Acts 2001-727 and 2001-729. The legislative process is, inherently and by definition, political. There is nothing untoward in the Movants' interest in protecting the integrity of that political process, particularly where, as here, that process has resulted in districting plans which have passed muster with the Department of Justice and the Courts for the first time in the State's history.[5]

In a procedural vein, Plaintiffs also contend that the legislative leaders who seek intervention here have no right to intervene because, had they been sued, they could have claimed immunity and been dismissed. Doc. 99 p. 11 (citing *Scott v. Taylor*, 405 F.3d 1251 (11th Cir. 2005)). *Scott* is distinguishable. The legislators in *Scott* pled legislative immunity and were dismissed based on that affirmative defense. They could just as easily have waived it. The mere existence of an affirmative defense has

---

[5]What is untoward are the repeated attempts by Republican activists to subvert that legitimate political process by bringing successive lawsuits attacking the results of that process. To that end, courts have held that they must have a "'wide latitude to establish procedures ... to limit the number of judicial proceedings....' [B]ecause of the potentially large number of plaintiffs with standing in public law cases, were they allowed to raise issues continually, public law claims 'would assume immortality.'" *Robertson v. Bartels*, 148 F.Supp.2d 443 (D.N.J. 2001) (quoting *Richards v. Jefferson Co.*, 517 U.S. 793, 803, 116 S.Ct. 1761, 1768, 135 L.Ed.2d 76 (1996) and *Los Angeles Branch NAACP v. Los Angeles Unified School Dist.*, 750 F.2d 731, 741 (9th Cir. 1984) respectively). This is a case which cries out for the limitation of judicial proceedings and the mortality of these public claims.

no bearing on voluntary intervention.

Plaintiffs next contend that one cannot prevail on a motion to intervene unless the movant is a "real party in interest." Doc. 99 p. 11. As noted in the discussion above, the *LULAC* court held that "[u]nder that test, a 'real party in interest' may be ascertained by determining whether that party caused the injury and, if so, whether it has the power to comply with a remedial order of the court." *LULAC* at 187. Here, as discussed above, the Movants meet both requirements.

Plaintiffs also argue that representation of African Americans does not create an interest in this litigation because race is not at issue. Doc. 99 pp. 9-11. However, it is Plaintiffs who claim that rural and inner city districts are "underpopulated" and Plaintiffs who seek new district lines. Black belt and urban areas in Alabama are often majority African American. Senator Sanders represents a district that is majority African American, and which, according to Plaintiffs, is "underpopulated" since it is in the black belt. Because Alabama is a covered jurisdiction under the Voting Rights Act with a long history of racial discrimination in voting, any redistricting efforts must take race into account. By focusing on those districts most likely to be majority black, the Plaintiffs' own claims and requests for relief have made race extremely relevant in this case. Race is also relevant to this lawsuit because, as this court recognized in *Montiel v. Davis*, 215 F.Supp.2d 1279, 1283 (S.D. Ala. 2002) (3-judge court), race

and political party affiliation are correlated.

B. Movants are not and will not be adequately represented by the existing Parties.

Plaintiffs repeatedly argue in their Brief that the Attorney General is adequately representing Movants' interests. Speaker Hammett's brief on this issue fully disposes of this argument. It is worth reiterating the point Hammett makes so well, *i.e.*, that the Attorney General, who himself does not argue that he or the Defendants adequately represent the Movants' interests, has all but conceded in his earlier pleadings that he does not and cannot.

It should also be noted, in addition to the arguments Speaker Hammett made in his brief, that the Movants not only have a motive and interests in vigorously defending the democratic, majoritarian process and in the Acts themselves (laws central to the Legislature's operation and composition) which makes the existing Defendants inadequate representatives. In addition, Movants have knowledge and expertise regarding redistricting, particularly these redistricting plans and the politics behind them, which the existing Defendants do not. Where a proposed intervenor has expertise that the existing defendants do not, the existing defendants cannot represent the intervenor adequately. See, e.g., South Dade Land Corp. v. Sullivan, 155 F.R.D. 694, 697 (S.D.Fla. 1994) (where one basis upon which environmental groups were permitted to intervene was that "the Proposed Intervenors' special expertise regarding

wildlife will permit them to represent that special interest in a manner the remaining Defendants could not adequately meet.").

V. Senators Barron and Sanders should be permitted to intervene pursuant to Fed.R.Civ.P. 24(b).

Plaintiffs' only real argument against permissive intervention is that intervention may delay the litigation.[6] Their accusations are not well-founded and are, rather, misplaced. It is Plaintiffs who waited to bring this lawsuit for four years after the districting plans were signed into law and four years after two other lawsuits were brought, both of which were litigated to completion long before this suit was filed. In short, Plaintiffs should be estopped from charging any party with delaying the outcome of this litigation given their own inexplicable delay.

The case for granting permissive intervention is strong. Indeed, the arguments set out in support of intervention as a matter of right certainly support permissive intervention. Many of the reasons for granting permissive intervention are set out in Speaker Hammett's brief. In addition to the arguments set out therein *Johnson v.*

---

[6]Rule 24(b)(2) requires that a permissive intervenor have a claim or defense or question of law or fact in common with the main action. Knowing that they could not deny the existence of questions of law and fact and defenses common to both the Defendants and the Movants, Plaintiffs simply say that "Movants do not demonstrate any common questions of law or fact relevant to this case *that have not already been raised*." Doc. 99 pp. 24-25 (emphasis added). That is not the test set out in the rule nor do Plaintiffs cite any case law suggesting that it should be the test.

Mortham, 915 F.Supp. 1529 (N.D.Fla. 1995) illustrates well why legislative leaders involved in drawing up challenged districting plans, particularly where they have been parties in similar litigation involving the same plans, should be granted Rule 24(b) intervention.

In *Mortham*, a three-judge Court held that the NAACP met permissive intervention requirements in a redistricting case. One of the bases for granting permissive intervention was that the NAACP had submitted one of the plans used by the Special Master in prior litigation to draw the districting plan being challenged in *Mortham*. The other basis for granting permissive intervention was that the organization had been involved in similar litigation around the country. The Court reasoned that the organization's prior involvement in drawing up the plan at issue and its experience in similar suits would aid the Court in the constitutional inquiry.

The case for permitting permissive intervention of the legislative leadership in this action is even stronger than that for permitting the NAACP to intervene in *Mortham*. In this case, the legislature did not just contribute to the challenged plans but drew and approved the plans. Legislative leaders from the House were defendant-intervenors in *Montiel v. Davis*, *supra*, and the same Senate leaders moving to intervene here were defendant-intervenors in *Rice v. English*, 835 So.2d 157 (Ala. 2002). These were cases in which the plans at issue in this lawsuit were challenged

based on some of the same arguments presented here. The experience of these legislative leaders in sister cases, like the NAACP's experience in *Mortham*, justifies permissive intervention in this action.

CONCLUSION

Movants Barron and Sanders' Motion to Intervene is due to be granted. The proposed Motion to Dismiss and the Brief in support of dismissal should then be calendered for consideration.

Respectfully submitted,

s/Robert D. Segall
Robert D. Segall (SEG003)
Shannon L. Holliday (HOL088)
COPELAND, FRANCO, SCREWS & GILL, P.A.
444 South Perry Street (36104)
P.O. Box 347
Montgomery, AL 36101-0347
Telephone: 334-834-1180
Fax: 334-834-3172
Email: holliday@copelandfranco.com

Larry T. Menefee
407 S. McDonough Street
Montgomery, AL 36104
Telephone: 334-265-6002
Fax: 334-832-9476
Bar No.: ASB-0745-F35L
Email: lmenfee@knology.net

Attorneys for Defendant Interventors Lowell Barron and Hank Sanders in their Official Senatorial Capacities

CERTIFICATE OF SERVICE

I certify that on this 19th day of August, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

- **Algert S. Agricola, Jr.**
  aagricola@slatenlaw.com smarlow@slatenlaw.com
- **James U. Blacksher**
  jblacksher@ns.sympatico.ca jubatty@bellsouth.net
- **Charles Brinsfield Campbell**
  ccampbell@ago.state.al.us condef@ago.state.al.us
- **Anne Ware Lewis**
  awl@sbllaw.net
- **Larry T. Menefee**
  lmenefee@knology.net
- **Mark Montiel**
  mgmontielpc@aol.com joimontiel@aol.com
- **John J. Park, Jr**
  jpark@ago.state.al.us condef@ago.state.al.us
- **Jeffrey M. Sewell**
  cockrellh@jccal.org
- **Edward Still, Jr**
  docket@votelaw.com votelaw@mindspring.com
- **Frank B. Strickland**
  FBS@sbllaw.net

s/Robert D. Segall
Of Counsel

Everything Alabama

The Birmingham News

Republicans working for majorities in 2006

Tuesday, April 19, 2005

TOM GORDON
News staff writer

Republican legislators are planning to raise more than $6 million to help win GOP majorities in the state House of Representatives and Senate.

"The more money we get, the better the guarantee of the takeover is," said Rep. Scott Beason, R-Gardendale, who heads the Republican Legislative Committee, a group formed by GOP legislators to help their party's candidates win election in 2006.

The state Senate has a comparable group, Republican Majority 2006, headed by Sen. Del Marsh, R-Anniston. Marsh said the Senate group hopes to raise $3 million to $4 million, and Beason said the House group is hoping for $3 million and coordinating its fund-raising with its Senate counterpart. Marsh said two fund-raisers are scheduled for June, the month when candidates can start raising money for the 2006 election cycle.

Democrats hold a 25-10 majority in the 35-member state Senate and a 62-41 edge in the 105-member House, which has two vacant seats. But they do not hold the governor's chair, and they hold only one of the state's 19 appellate court seats; their presidential candidate has not carried Alabama since 1976.

Republicans have talked about changing those legislative numbers in their favor before, but it hasn't happened. Now they are counting not only on the party, but also on the organized efforts of their incumbent legislators and a successful outcome to a yet-to-be-filed lawsuit aimed at overturning the state's legislative district lines.

"We're mounting our (takeover) effort based on the present districts, but ... that lawsuit would give us a 350-pound lineman and star tailback to win the game in 2006," Beason said.

Lawsuit planned:

The federal lawsuit, discussed for months, will argue that the current district setup, fashioned by Democrats, violates the principle of one person, one vote by stacking a limited number of districts with Republican voters in order to keep Democratic control in others. A lawsuit in Georgia successfully made that case in 2004 and led to a redrawing of legislative district lines and to a Republican takeover of the state General Assembly.

"I think it should have already been" filed, Beason said of the planned lawsuit. "I don't think it will be very much longer until it's filed."

"The plaintiff class is all ready," said Sen. Steve French, R-Mountain Brook. "The lawyer team is in place. Everything, I think, is ready for a filing."

Besides Mark Montiel of Montgomery, the two key attorneys involved in the Georgia case, Frank Strickland and Anne Lewis, will be part of the anticipated Alabama lawsuit.

"Whether or not the lawsuit has any success, we still feel that there are certain (districts) that are still swing districts," Marsh said. "We're gathering statistical information now to determine which ones they are and realistically, even as things are today, we think there are four to five Senate districts" winnable in 2006.

Having five additional Senate seats would probably enable Republicans to more effectively slow down legislation that they oppose. For instance, until the General Fund and Education budgets pass the Legislature and go to the governor, no bill can be considered in either the House or Senate unless three-fifths of those present vote to do so. Greater GOP strength would make it harder for Democrats to muster those numbers.

`Strictly business':

"We have to get numbers to push our agenda, to have a better voice, and that's what we're going to do," Marsh said. It's nothing personal. It's strictly business."

Beason said that in the House, the GOP should pick up three to four seats even if district lines remain the same.

On the Democratic side, party executive director Jim Spearman said he expects the Democrats to retain their legislative majorities in 2006 because voters "basically believe in Democratic ideas."

Spearman said voters are troubled by such things as President Bush's talk of changing Social Security, the ethical problems of U.S. House Majority Leader Tom Delay and, in the Alabama Legislature, GOP opposition to a bill that would require groups such as the Christian Coalition to reveal their sources of money when they use ads or fliers to try to influence an election.

Spearman also said Democrats still are smarting over a Republican Legislative Committee-sponsored flier that hit mailboxes late in the recent special election to fill southwest Alabama's House District 65 seat. The flier implied that the Democratic candidate, Gloria Dolbare, favored same-sex marriages. The Republican in that three-candidate race, Nick Williams, went on to win the election, but Democrats are vowing to regain the seat.

"We've got a great chance of keeping the House and Senate as we've always done," Spearman said.

E-mail: tgordon@bhamnews.com

Republicans to challenge district lines

Sunday, February 13, 2005
By BILL BARROW
Capital Bureau Mobile Register

MONTGOMERY -- Emboldened by a U.S. Supreme Court victory for their Georgia brethren, Alabama Republicans announced Saturday that they will soon file a federal lawsuit in Mobile challenging the district lines of the state Legislature.

Party Vice Chairman Jerry Lathan of Theodore explained the suit to members of the Alabama Republican Executive Committee as a key in the GOP's effort to win control of the Democratic-controlled Legislature in 2006.

The suit will assert that existing lines pack Republican voters into fewer districts, while creating sparsely populated districts that favor Democrats. The alleged pattern, Republicans argue, dilutes GOP voters' influence in the Legislature and violates the principle of "one man, one vote."

The legal action could also set the tone for the tenure of state Republican Chairwoman Twinkle Andress Cavanaugh, who was elected without opposition Saturday to succeed outgoing Chairman Marty Connors.

Cavanaugh is the first woman to lead a major political party in the state.

In her first address as party leader, Cavanaugh urged the Republican faithful to parlay recent GOP gains into bigger wins. "The importance of 2006 cannot be overstated," she said. "It's not going to be easy, but it's going to be done. ... We have the right message. We now must have the right delivery."

She continued: "Let me be clear about our goal: We will win all three branches of government in Alabama. ... And then Alabama will finally have a government that represents the heart of her people."

Cavanaugh and Lathan told the 300-plus Republicans gathered that the state party must improve fund raising, as well as candidate recruitment and training, communication within the party hierarchy and voter outreach.

Lathan said the party has identified about 20 out of 62 Democratic House members and about 10 out of 25 Democratic senators who could be vulnerable against a well-funded, viable Republican nominee. Many of those are in rural districts, where President Bush registered overwhelming victory margins over Democrat John Kerry in November.

The GOP scored a recent legislative victory in one of those areas -- House District 65 in Washington, Clarke and Choctaw counties -- when Rep. Nick Williams of Sims Chapel defeated Democrat Gloria Dolbare and write-in candidate Wayne Lathan last month.

The GOP now holds 41 seats in the House, with two vacancies that should fall to Republicans in pending special elections. That would leave the party 10 seats shy of the 53 needed for a majority in the 105-member body.

In the Senate, Republicans occupy 10 seats, eight seats short of the majority in the 35-member chamber. That gap could be closed if any of seven dissident Democrats who now caucus with the GOP decide to switch parties.

During his opening remarks Saturday, Connors introduced Williams as proof "we can win where we're not supposed to."

But Lathan said the impending lawsuit is a key first step to leveling the playing field.

"It makes no sense that 60 percent of the House of Representatives and nearly 70 percent of the Alabama Senate is occupied by Democrats in a state where 63 percent of the people voted for George Bush," he said.

The suit will be modeled after a similar effort in Georgia, where a federal court ordered district lines redrawn. The U.S. Supreme Court has upheld that ruling.

Lathan said the suit would be filed later this month, after more plaintiffs are recruited from the affected Republican districts. GOP attorney Mark Montiel of Montgomery will work with the Georgia attorneys who handled the case in their state, Lathan said.

Also among the next moves, Lathan said in an interview after the GOP gathering, is a meeting with Karl Rove, top political adviser to President Bush. Rove has consulted on Alabama campaigns before, most notably as the architect of Republicans' landmarks victories in several Supreme Court races in 1994. Rove also approved a direct-mail piece for the House District 65 race. The flier featured an endorsement of Williams by the president.

"If he did that for Nick," Lathan said of the president, "you can better believe he'll do a lot more of it in 2006."

Connors leaves office after four years, which culminated with Bush's crushing statewide victory over Kerry and a GOP sweep of the Alabama Supreme Court. Republicans now control 18 of the 19 state appellate judgeships; the governor's mansion; both of Alabama's U.S. Senate seats; five of the state's seven U.S. House seats; and three of the six statewide offices below governor. They also gained about 40 local offices in Alabama courthouses last November.

Connors has also presided over a period of party infighting. He led the state GOP committee in 2003 in a vote against Riley's billion-dollar tax proposal that voters eventually walloped at the ballot box. And he shepherded a divided party as Chief Justice Roy Moore was ousted from office after refusing a federal judge's order to remove his Ten Commandments monument from the state courthouse.

Perhaps in a nod to those events, Connors told his fellow Republicans on Saturday, "For those of you I may have crossed, I ask your forgiveness. For it was not malicious. For those of you we have helped, remember we were just doing our job."