

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

COMMON CAUSE, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.:
) 1:16-CV-1026-WO-JEP
ROBERT A. RUCHO, in his official)
capacity as Chairman of the)
North Carolina Senate)
Redistricting Committee for the)
2016 Extra Session and Co-Chairman)
of the Joint Select Committee on)
Congressional Redistricting,)
et al.,)
)
Defendants.)
)
League of Women Voters of North)
Carolina, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.:
) 1:16-CV-1164
ROBERT A. RUCHO, in his official)
capacity as Chairman of the North)
Carolina Senate Redistricting)
Committee for the 2016 Extra)
Session and Co-Chairman of the)
2016 Joint Select Committee on)
Congressional Redistricting,)
et al.,)
)
Defendants.)

DEPOSITION OF ERSILA M. PHELPS

4:00 P.M.

FRIDAY, APRIL 7, 2017

SOUTHERN COALITION FOR SOCIAL JUSTICE
1415 HIGHWAY 54, SUITE 101
DURHAM, NORTH CAROLINA 27707
By: Sophie Brock, BA, RMR, CRR

1 answered.

2 Q. Okay. Did you talk to anyone besides your
3 attorneys before you came in here today --

4 A. No.

5 Q. -- about the lawsuit? Okay.

6 A. Came straight from work.

7 Q. Ms. Phelps, are you married, by any chance?

8 A. No.

9 Q. Where do you live at, currently?

10 A. Wilson, North Carolina.

11 Q. And what's the address there in Wilson?

12 A. 3602 Old Dam Drive, Apartment 5C.

13 Q. And how long have you lived there at that
14 apartment?

15 A. Almost 12 years.

16 Q. Okay. I just wanted to make sure you'd been
17 there for a while.

18 Where did you go to high school, Ms. Phelps?

19 A. Beddingfield.

20 Q. Beddingfield?

21 A. Mm-hmm.

22 Q. And where is Beddingfield High School located?

23 A. It's in Wilson, North Carolina.

24 Q. It's in Wilson. Okay. What year did you
25 graduate from down there?

1 we'll look at the top portion, the response there at the
2 very top.

3 A. Mm-hmm.

4 Q. And in your answer, there's a lot of different
5 information, but I just want to talk about one sentence
6 in it to start with.

7 You said that you agreed to join this lawsuit
8 because you felt you had been harmed; and you felt that
9 you'd been harmed by the fact that the 2016
10 congressional redistricting plan that the state
11 legislature passed had diluted the strength of your vote
12 because you were a Democrat.

13 Do you see where I'm reading that?

14 A. Yes.

15 Q. Can you explain to me what you mean by that.

16 A. My own personal experience, once I found out
17 what this was about, was when I recalled previously
18 going to the polls -- not 2016, but the time before
19 that -- it was a totally different place and it was
20 a totally different environment.

21 Like, it wasn't even some of my neighbors that
22 used to go. That's why I was confused, even when I got
23 there, because it wasn't the same bunch of people that
24 I'm used to voting with. So I immediately just knew
25 that it was -- I knew something was wrong. I knew

1 something was -- was not the way that it had been before
2 then.

3 And then when I realized what this was
4 actually about, I had realized that that's what
5 harmed -- or not really harmed, but had a negative
6 effect on my voting experience as a Democrat.

7 Q. Okay. And I just want to talk about some of
8 the things you just said, because you provided a lot of
9 information just then.

10 So what I'm hearing from you is that, I guess,
11 after the redistricting -- maybe before the districting
12 plan, you went to one place to vote with a certain group
13 of people, maybe your neighbors that you were used to
14 voting with?

15 A. Mm-hmm.

16 Q. And then is it correct to say that after the
17 redistricting plan, you had to go somewhere else, and
18 maybe it was with different people, and it wasn't your
19 neighbors? Is that what you're saying?

20 A. Mm-hmm.

21 Q. Okay. Were some of your neighbors still there?
22 Or was it a completely different set of people?

23 A. I mean, some of them were still there, but
24 I still -- I didn't realize it had even changed, or what
25 had changed, until -- it was, like, I read this, and

1 because we get to talking.

2 Okay. So you live around a lot of Democrats
3 and so you feel like you should be represented by a
4 Democrat. I understand that part.

5 Do you know, maybe -- but you don't know for
6 sure the breakdown of how many Democrats or how many
7 Republicans live in your actual district?

8 A. Like, you mean everybody in my neighborhood?

9 Q. Not just in your neighborhood. But, for
10 instance, you answered in your discovery request that
11 you live in the Second Congressional District; is that
12 correct?

13 A. That's right, yes.

14 Q. Okay. Do you know what the breakdown of
15 registered Republican voters and registered Democrat
16 voters are in your district?

17 A. Ten to three.

18 Q. You think there's only ten -- I'm sorry,
19 I think I may -- I probably asked the question in a
20 confusing way. Do you --

21 A. Do you mean, like, as far as, like, 50/50, if
22 it's, like, 100?

23 Q. Sure. I didn't know if you knew what the vote
24 totals were in your district of how many registered
25 Democrat voters lived in your district and how many

1 in your opinion?

2 A. No.

3 Q. Okay. Now, do you feel that the representative
4 that you have right now is unresponsive to you as a
5 constituent?

6 A. Elmers?

7 Q. Elmers was your representative. I think now
8 your representative is George Holding -- Congressman
9 Holding. Do you have a problem with him being your
10 representative?

11 A. I don't feel like it even has changed from one
12 to the next, because he's still a Republican.

13 Q. Okay. And so your problem with them is the
14 fact that they're Republican and not Democrat? Is that
15 an accurate statement?

16 A. No, it's not accurate.

17 Q. Well, then, tell me what is your problem --
18 what problem have you had with Congressman Holding being
19 your representative?

20 A. I mean, just in general, just -- it's still
21 the -- it's still the same as what I've been saying all
22 along. I don't feel like it was equally yoked. I don't
23 feel like the Democrats had a chance, basically --
24 a fair chance.

25 Q. What would the Democrats have needed to have

1 congressional races on the ballot, did you always vote a
2 full slate? Or did you just vote for President and not
3 vote for all the other candidates? Or in these
4 elections, did you vote for congressional
5 representatives?

6 A. You mean individually?

7 Q. Sure. Did you vote for your congressman for
8 your district in these elections?

9 A. Yes.

10 Q. Okay. I guess I shouldn't say "congressman";
11 it could be congresswoman, too, and I apologize for
12 that.

13 A. That's okay.

14 MR. ERWIN: I think that was all the
15 questions I had.

16 MR. BERNIER: I don't have any questions.

17 CROSS-EXAMINATION BY COUNSEL FOR THE PLAINTIFFS
18 BY MS. EARLS:

19 Q. I just have a couple of questions.

20 You were asked about Representative Holding,
21 and I want to ask you just about the 2016 election, so
22 just this most recent election cycle.

23 Did Congressman Holding, to your knowledge,
24 campaign in your neighborhood?

25 A. No.

1 Q. Did he go door-to-door and come knocking on
2 your door asking for your vote?

3 A. No.

4 Q. Did you get any campaign material in the mail
5 from Congressman Holding?

6 A. No.

7 Q. Did anyone from his campaign or his office call
8 you and ask you to vote for him?

9 A. No.

10 Q. Then you were also asked about whether people
11 might vote for a candidate because they're related, or
12 that candidate is their relative. Have any of your
13 relatives ever run for Congress?

14 A. No.

15 Q. And do you know anyone whose relative has run
16 for Congress?

17 A. No.

18 MS. EARLS: I have no further questions.

19 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANTS

20 BY MR. ERWIN:

21 Q. I've got a couple of follow-up questions.

22 Do you live at your apartment by yourself?

23 A. Yes.

24 Q. Okay. Are you always at home?

25 A. No. I work.