

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ALABAMA
3 SOUTHERN DIVISION

4 ALABAMA STATE CONFERENCE *
5 OF THE NAACP, et al., *
6 Plaintiffs, * 2:21-cv-1531-AMM
7 vs. * November 19, 2024
8 WES ALLEN, in his official *
9 capacity as Alabama Secretary *
10 of State, et al., *
11 Defendant. *
12 *****
13

14 TRANSCRIPT OF BENCH TRIAL
15 VOLUME VI
16 BEFORE THE HONORABLE ANNA M. MANASCO
17 UNITED STATES DISTRICT JUDGE
18
19
20

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CHRISTINA K. DECKER, RMR, CRR
Federal Official Court Reporter
101 Holmes Avenue, NE
Huntsville, AL 35801

256-506-0085/ChristinaDecker.rmr.crr@aol.com

APPEARANCESFOR THE PLAINTIFFS:

Amanda N Allen
HOGAN LOVELLS US LLP
555 13th Street NW
Washington, DC 20004
202-637-2521
Amanda.n.allen@hoganlovells.com

Brittany Carter
NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC
40 Rector Street, 5th Floor
New York, NY 10006
646-761-0596
Bcarter@naacpldf.org

Colin Burke
NAACP Legal Defense and Educational Fund Inc
40 Rector Street
New York, NY 10006
646-531-3485
Cburke@naacpldf.org

Davin Rosborough
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, NY 10004
212-549-2613
Drosborough@aclu.org

Dayton Campbell-Harris
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
425-516-8400
Dcampbell-harris@aclu.org

Deuel Ross
NAACP LEGAL DEFENSE AND EDUCATIONAL FUND INC
700 14th Street NW
6th Floor
Washington, DC 20005
202-682-1300
Dross@naacpldf.org

CHRISTINA K. DECKER, RMR, CRR
Federal Official Court Reporter
101 Holmes Avenue, NE
Huntsville, AL 35801

256-506-0085/ChristinaDecker.rmr.crr@aol.com

1 Jack Genberg
2 SOUTHERN POVERTY LAW CENTER
3 P O Box 1287
4 Decatur, GA 30031
5 404-708-0554
6 Jack.genberg@splcenter.org

7 Jacob Van Leer
8 American Civil Liberties Union Foundation
9 915 15th St NW
10 Washington, DC 20005
11 603-277-0314
12 Jvanleer@aclu.org

13 James W Ettinger
14 HOGAN LOVELLS US LLP
15 1999 Avenue of the Stars
16 Suite 1400
17 Los Angeles, CA 90067
18 310-785-4608
19 Jay.ettinger@hoganlovells.com

20 Jess Unger
21 SOUTHERN POVERTY LAW CENTER
22 1101 17th Street NW
23 Suite 550
24 Washington, DC 20036
25 771-200-8943
Jess.unger@splcenter.org

Kathryn Carden Sadasivan
NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC
40 Rector Street, 5th Floor
New York, NY 10006
332-600-9546
Ksadasivan@naacpldf.org

Laurel Ann Hattix
ACLU of Alabama
ACLU of Alabama
P.O. Box 6179
Montgomery, AL 36106
703-342-9729
Lhattix@aclualabama.org

CHRISTINA K. DECKER, RMR, CRR
Federal Official Court Reporter
101 Holmes Avenue, NE
Huntsville, AL 35801

256-506-0085/ChristinaDecker.rmr.crr@aol.com

1 Michael Lovejoy Turrill
2 HOGAN LOVELLS US LLP
3 1999 Avenue of the Stars, Suite 1400
4 Los Angeles, CA 90067
5 310-785-4707
6 Michael.turrill@hoganlovells.com

7 Nicki Leili Lawsen
8 WIGGINS, CHILDS, PANTAZIS, FISHER & GOLDFARB, LLC
9 301 19th Street North
10 Birmingham, AL 35203
11 205-314-0535
12 Nlawson@wigginschilds.com

13 Shelita M Stewart
14 HOGAN LOVELLS US LLP
15 555 13th Street NW
16 Washinton, DC 20004
17 202-637-6960
18 Shelita.stewart@hoganlovells.com

19 Sidney Monroe Jackson
20 WIGGINS CHILDS PANTAZIS FISHER & GOLDFARB
21 301 19th Street North
22 Birmingham, AL 35203
23 205-314-0500
24 Sjackson@wigginschilds.com

25 FOR THE DEFENDANT:

Benjamin Matthew Seiss
ALABAMA OFFICE OF THE ATTORNEY GENERAL
P.O. Box 300152
501 Washington Ave (36104)
Montgomery, AL 36130
334-353-8917
Ben.seiss@alabamaag.gov

Brenton Merrill Smith
OFFICE OF THE ATTORNEY GENERAL OF ALABAMA
P.O. Box 300152
501 Washington Avenue
Montgomery, AL 36130
334-353-4336
Brenton.Smith@AlabamaAG.gov

CHRISTINA K. DECKER, RMR, CRR
Federal Official Court Reporter
101 Holmes Avenue, NE
Huntsville, AL 35801

256-506-0085/ChristinaDecker.rmr.crr@aol.com

1 James W Davis
2 OFFICE OF THE ATTORNEY GENERAL
3 501 Washington Avenue
4 P O Box 300152
5 Montgomery, AL 36130-0152
6 334-242-7300
7 Jim.davis@alabamaag.gov

8 Misty Shawn Fairbanks Messick
9 OFFICE OF THE ATTORNEY GENERAL
10 FOR THE STATE OF ALABAMA
11 501 Washington Avenue
12 P O Box 300152
13 Montgomery, AL 36130-0152
14 334-242-7300
15 Misty.Messick@AlabamaAG.gov

16 Michael P. Taunton
17 Riley Kate Lancaster
18 BALCH & BINGHAM LLP
19 1901 Sixth Avenue North, Suite 1500
20 Birmingham, Alabama 35203
21 (205) 251-8100

22 J. Dorman Walker
23 BALCH & BINGHAM LLP
24 445 Dexter Avenue, Suite 8000
25 Montgomery, Alabama 35203
(334) 269-3138

COURTROOM DEPUTY: Frankie N. Sherbert

COURT REPORTER: Christina K. Decker, RMR, CRR

CHRISTINA K. DECKER, RMR, CRR
Federal Official Court Reporter
101 Holmes Avenue, NE
Huntsville, AL 35801

256-506-0085/ChristinaDecker.rmr.crr@aol.com

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I N D E X

Christina K. Decker, RMR, CRR
Federal Official Court Reporter
101 Holmes Avenue, NE
Huntsville, Alabama 35801
256-506-0085/ChristinaDecker.rmr.crr@aol.com

1 excuse Dr. Landers?

2 MR. MINK: No, ma'am.

3 THE COURT: Okay. Dr. Landers, thank you for being
4 with us today. You're excused.

5 (Witness excused.)

6 THE COURT: All right. The Secretary's next witness?

7 MR. MINK: The defense calls Cedric Coley.

8 THE WITNESS: All right.

9 CEDRIC COLEY

10 having been first duly sworn by the Courtroom Deputy Clerk, was
11 examined and testified as follows:

12 THE COURTROOM DEPUTY CLERK: Please state and spell
13 your name for the record.

14 THE WITNESS: Cedric Coley, C-E-D-R-I-C, C-O-L-E-Y.

15 DIRECT EXAMINATION

16 BY MR. MINK:

17 Q Good afternoon, Mr. Coley.

18 A Good afternoon.

19 Q Could you tell the Court the city and state where you
20 live?

21 A Montgomery.

22 THE COURT: I don't think your microphone is on.

23 BY MR. MINK:

24 Q Could you please the state the city and state where do you
25 live?

1 A Montgomery, Alabama.

2 Q And how long have you lived in Montgomery?

3 A Ever since around 2 years of age.

4 Q Are you a native of Alabama?

5 A I was born in Las Vegas, Nevada.

6 Q At some point, you moved to Alabama?

7 A Yes. Yes. Around 2 years of age.

8 Q And you've lived in Alabama since then?

9 A Yes.

10 Q What year were you born?

11 A 1990.

12 Q So that makes you 34 today?

13 A Yes.

14 Q Have you lived in Alabama anywhere other than Montgomery?

15 A Yes.

16 Q Could you tell the Court where else you've lived in
17 Alabama?

18 A I've lived in Prattville, Alabama; Hoover, Alabama;
19 Millbrook, Alabama; Wetumpka, Alabama; Hope Hull, Alabama.

20 Q And so how long have you actually lived in Montgomery now?

21 A As an adult, since 2015.

22 Q Mr. Coley, could you state your race for the record?

23 A I identify myself as a black American.

24 Q Thank you.

25 Could you describe your educational background?

1 A Yes. I attended public schools in Montgomery, Alabama up
2 until Capital Heights. I believe that is junior high school.

3 I also attended public schools in Prattville, Alabama,
4 elementary schools mainly. I also attended Millbrook Middle
5 School. I graduated from Stanhope Elmore High School in 2008.
6 I attended two years at Jacksonville State University. I
7 attended one semester at Faulkner University.

8 Q So when you refer to Jacksonville State, that was college
9 you were attending?

10 A Yes.

11 Q And when did you attend there?

12 A From 2008 until 2010.

13 Q And what was your course of study there?

14 A Political science major, minor in military science.

15 Q And I believe you said you at some point began attending
16 Faulkner University?

17 A Yes.

18 Q And when was that?

19 A That was in the fall of 2010.

20 Q And did you have the same course of study there?

21 A No.

22 Q What were you studying at Faulkner.

23 A I studied theology, Biblical text.

24 Q And for those who may not know, Faulkner University is
25 located where?

1 A Montgomery, Alabama.

2 Q Did you graduate from Jacksonville State or Faulkner?

3 A No.

4 Q So could you describe your employment history from the
5 time that you left Faulkner?

6 A At the time I left Faulkner, mainly -- well, pretty much
7 all factory-type settings. To name a few, like Viscofan and
8 Hyundai.

9 Q Where do you currently work?

10 A I currently am in private security downtown Montgomery. I
11 am also a farmer; that is, it's a mixture of business and
12 hobby. But it is work. And I have done throughout the year
13 political consulting.

14 Q Are you currently involved in political consulting?

15 A Not at this time.

16 Q Are you registered to vote?

17 A Yes.

18 Q Do you remember when you first registered to vote?

19 A It was in the year of 2008.

20 Q Was that the first opportunity that you had to vote?

21 A Yes.

22 Q Did you have any difficulties registering to vote?

23 A No.

24 Q Have you voted in elections in Alabama since 2008?

25 A Yes.

1 Q Have you had any difficulties voting yourself?

2 A No.

3 Q The first time you voted, were you supporting a particular
4 political party or candidate?

5 A In 2008, I know I voted for Barack Obama who was candidate
6 for president. I do not recall if I voted straight ticket for
7 any party in 2008.

8 Q And why did you vote for President Obama?

9 A At the time, I thought his policies would be good for the
10 country. I thought he was the type of public figure that I
11 wanted to support. He had a good message of hope and change
12 that I liked. And I think that was enough to win me over.

13 Q Did your opinion change at some point?

14 A It did.

15 Q Could you tell us about that?

16 A After he was elected in 2009 and 2010, I remember huge
17 political debates about health care reform. And I did not
18 understand what I was hearing as far as some things were good,
19 some things were bad. I didn't understand that most of his
20 opposition I was hearing was racist or was anti-black.

21 So I did my own research, and I came to the conclusion
22 that his policies were contrary to my personal interests. And
23 I decided to not support him for the next presidential cycle.

24 Q Did you discuss your views with your family?

25 A I did.

1 Q And what was their reaction?

2 A Well, the older generations, they wanted to know why I
3 wouldn't just simply vote straight ticket Democrat. The middle
4 and younger generations like myself -- I was 18 in 2008, and I
5 was 22 in 2012 -- they understood that there were policies that
6 I could not agree with and that I did not think would be good
7 for my future.

8 Q Had your parents or grandparents been politically active?

9 A My parents were not. My grandfather did participate in
10 civil disobedience and civil mass protests in the late '60s,
11 mid-'60s.

12 Q Was that in Alabama?

13 A Yes.

14 Q Have you ever run for office?

15 A I have.

16 Q And when was the first time you ran for office?

17 A That was in 2014.

18 Q And what office did you run for?

19 A I ran for the Alabama House of Representatives, House
20 District 69.

21 Q Did you run under the banner of a particular political
22 party?

23 A Yes.

24 Q And what party was that?

25 A It was the Alabama Independence Party.

1 Q Do you know anything about the creation of the Alabama
2 Independence Party?

3 A I do.

4 Q Could you tell us about it?

5 A Myself and a friend at the time who stayed in the
6 Tuscaloosa area, we got together, put our minds together. I
7 expressed to him that I wanted to seek public office. I
8 thought that would be beneficial for someone my generation to
9 run for public office.

10 And we started on the path of running as an Independence
11 candidate. And we found out quickly that the state of
12 Alabama's laws, you've got a hill to climb if you don't run
13 under a major political party.

14 So we decided to partner with other friends from across
15 the state and create the Alabama Independence Party as a
16 flagship for candidates to run for public office and easier
17 ballot access.

18 Q Were you successful in that race?

19 A I was not.

20 Q Could you describe the reaction that you received from
21 voters when you were campaigning?

22 A Well, the person-to-person conversations, the vast
23 majority of them, we were in agreement, as far as policy
24 changes, as far as educational changes.

25 The conversations went to differences, but we came to

1 common ground. And a lot of that conversation was surrounding,
2 well, why won't you run as a Democrat or as a Republican? What
3 is this independence thing?

4 Q Did you receive different reactions from white voters
5 versus African-American voters?

6 A I actually did. I received the most hostile responses --
7 not many, but enough -- from Democrat-leaning voters, older
8 generation voters. They wanted to know why I did not seek
9 public office as a Democrat.

10 Q Now, you said Democrat voters or Democrat-leaning voters.
11 My question spoke specifically to the racial breakdown. Was
12 there a difference in the reaction you got based on your race
13 and the race of the voter?

14 A More hostile responses from black voters.

15 Q Along the same lines as you just described?

16 A Mostly, yes.

17 Q Was there something else?

18 A It seemed like the majority of the hostile responses, it
19 didn't necessarily come from individuals who I would see as --
20 it seemed like it came from more so individuals who are more
21 radical for the Democrat Party. White voters, it was, to my
22 experience, was pretty split either Independent or Republican.
23 And it was more so, oh, okay, I'll consider you.

24 Q During your candidacy, are you aware of any difficulties
25 that someone had voting for you?

1 A Yes.

2 Q Could you describe that?

3 A I was approached after the 2014 general election by
4 relatives and friends that I consider supporters of the
5 campaign. They mentioned, hey, I went in to vote for you at my
6 particular polling location and I was not -- I didn't see you
7 on the ballot, one; or two, I was told I had -- I couldn't vote
8 for you. I attempted to vote split ticket voting. And the
9 poll watchers --

10 MR. ROSS: Objection, Your Honor. This is hearsay.

11 MR. MINK: He is relating what he heard, but this was
12 also reported in the media. And given an opportunity, I will
13 be able to --

14 MR. ROSS: It's double hearsay then.

15 THE COURT: What's the purpose for which it's being
16 offered?

17 MR. MINK: To demonstrate the response that he got as
18 a candidate during his run for this office.

19 THE COURT: Is it being offered for the truth of any
20 assertion about not being on the ballot or not being able to
21 vote split ticket?

22 MR. MINK: Yes.

23 THE COURT: Then I think it is hearsay.

24 MR. MINK: I will move on.

25 BY MR. MINK:

1 Q Was that the last time you ran for an office?

2 A No.

3 Q When did you run next for an office?

4 A For city council in 2015.

5 Q City council of what city?

6 A Montgomery, Alabama.

7 Q Was that a nonpartisan or partisan race?

8 A It was a nonpartisan race.

9 Q Were you successful?

10 A No.

11 Q What was the reaction that you received from the voters
12 when you were running for that election?

13 A It was more so -- it's not your time. At the time, I was
14 25. And, again, most of the issues that we were discussing,
15 they agreed with the majority of them. We discussed
16 differences. But the majority of the responses was, I've got a
17 candidate that I was already considering that I've known for
18 years. I just don't think it's your time.

19 Q Have you run for office since then?

20 A Yes.

21 Q And when was that?

22 A That was this year, 2024.

23 Q Was that a partisan election or nonpartisan election?

24 A It was a partisan election.

25 Q And what office were you running for?

1 A I ran for Montgomery County Commission District 3.

2 Q And did you run under a particular party banner?

3 A Yes.

4 Q And what was that?

5 A It was for Republican nominee.

6 Q Were you in a primary?

7 A Yes.

8 Q Did you win the primary?

9 A No.

10 Q Do you know the name of the individual who did win the
11 primary?

12 A I do.

13 Q And what was his name? What is his name?

14 A His name is Justin Castanza.

15 Q Do you know if he was eventually elected to the county
16 commission?

17 A He was.

18 Q Do you have any opinion about the voter turnout for that
19 primary?

20 A The voter turnout was low. I believe, if I can recall
21 correctly, it was the lowest turnout for county commission race
22 in the city for the primary.

23 Q Do you have any opinion as to why Mr. Castanza may have
24 won over you in that election?

25 A I do. I have several.

1 Q Okay. Could you tell us what those are?

2 A One is when you running for public office, if you have a
3 bigger monetary war chest, it matters. I raised a little bit
4 north of \$12,000. Mr. Castanza had over \$35,000.

5 Mr. Castanza is the son of a business owner, Chappy's
6 Deli. The owner is his father. So there's name recognition
7 there.

8 And Mr. Castanza also is the president of a Catholic
9 school with a couple of locations in Montgomery County.

10 So I believe those factors played a role.

11 Also, the position holder at the time, she endorsed him
12 the last week of the election, so I think those factors
13 mattered.

14 Q And what is Mr. Castanza's race?

15 A White American.

16 Q In your opinion, did race play a part in that election?

17 A No.

18 Q So you mentioned that you were running as a Republican.
19 At what point, did you become involved with the Republican
20 Party?

21 A I started to campaign and help the Donald Trump for
22 president campaign in 2015, 2016. And I became more active,
23 involved in 2016 with the local Montgomery County Republican
24 Party.

25 Q What was the reaction of the Montgomery County Republican

1 Party to your interest in the Republican Party?

2 A It was -- it was a welcoming experience. They were
3 reaching out to me when I was running for Independence
4 candidate. They felt as though our values lined up, and I
5 should consider being a part of the Republican Party.

6 Several members of the Montgomery Republican executive
7 committee cultivated relationships with me. It wasn't just
8 simply political conversations. It was more so, how are you
9 doing today, Cedric? How's mom?

10 Q So you joined the party at some point?

11 A I became a member of the Montgomery County Republican
12 Executive Committee.

13 Q And how did you get a position on that committee?

14 A So you submit an application and you go through an
15 interview process. You go to -- the first meeting you
16 introduce yourself to the membership. The second meeting they
17 vote on your application to be a member, and I was successful.

18 Q What would you say the demographics are of the Montgomery
19 County Republican Party?

20 A I would say at least -- I would say at least around about
21 75 percent white American.

22 Q And the remainder -- remaining 25 percent minority?

23 A Yes.

24 Q Have you held any positions in the Montgomery County
25 Republican Party?

1 A Yes.

2 Q And what positions have you held?

3 A I was elected to member at-large for the Montgomery County
4 Republican Executive Committee. I was elected to the State
5 Executive Committee representing Montgomery County. I was
6 appointed to elections chair.

7 Q Who appointed you to elections chair?

8 A The chairman Connie Greer.

9 Q The chairman of what?

10 A Montgomery County Republican Party.

11 Q And you said you were elected to a member of the executive
12 committee?

13 A Yes.

14 Q And was that by a vote of the party -- of the Montgomery
15 County Republican Party or only the committee?

16 A So the position, a part of the Montgomery County
17 Republican executive committee is an elected position within
18 the county's Republican Party.

19 And at the time, there were few candidates for -- to fill
20 the positions. So the Montgomery County Republican executive
21 committee held a meeting among each other and voted me a
22 member.

23 Q Did you serve a term in that position?

24 A Yes.

25 Q And what was the term?

1 A The terms are two-year terms for member at-large;
2 four-year term for state executive committee.

3 Q So are you still serving the term as an elected member
4 at-large?

5 A No. I did not seek reelection.

6 Q When did that term end?

7 A It will expire in January.

8 Q Of 2025?

9 A Yes.

10 Q Have you been involved with the state Republican Party of
11 Alabama?

12 A Yes.

13 Q Could you describe your activities with the state
14 Republican Party?

15 A I was appointed to the Alabama Outreach Coalition task
16 force by chairman John Wahl in 2021. I was asked by the
17 Alabama Republican Party to represent the party in Georgia to
18 help elect Herschel Walker. I believe that was in 2022.

19 I also served as the Mo Brooks co-chair for Montgomery
20 County. I have also served as a field representative helping
21 to consult candidates for State Legislature in the State
22 Senate.

23 Q Okay. Let me ask you about -- you said you were appointed
24 by the chairman of the Alabama Republican Party John Wahl to be
25 to the central Alabama regional director?

1 A Yes.

2 Q And what do you do in that position?

3 A So the task force, the Alabama Outreach Coalition, the
4 task force, has regional directors. I was appointed the
5 central Alabama regional director. And our mission is to
6 facilitate partnerships and conversations between the local
7 county chapters, the four Republican auxiliary groups, and the
8 Alabama communities in general to figure out ways we can open
9 up the party, figure out ways we can communicate our party
10 values to the people of Alabama in general, and if need be,
11 assist with consulting and campaign canvassing or campaigning
12 for Republican candidates from across the state.

13 Q Are you familiar with the Alabama Minority GOP?

14 A Yes. I'm a member, yes.

15 Q And what is that group do?

16 A So the -- the Alabama Minority GOP is one of four
17 auxiliary group part of the Alabama Republican Party, and the
18 Alabama Minority GOP, membership is open to all Alabamians.
19 They specialize in being a launch pad for minority Alabamians,
20 minority Americans.

21 Q And what do you do in your role with them?

22 A Currently, I'm just a member of the minority GOP.

23 Q I think you mentioned this, but maybe I misunderstood.

24 You were appointed by the state chair of the Republican
25 Party to do what job?

1 A The Alabama Outreach Coalition is different from the
2 Alabama Minority GOP.

3 Q I understand.

4 Were you appointed by the state chair as elections
5 director for any position?

6 A Not elections director, but I was appointed by the
7 Montgomery County Chairman Connie Greer to be the elections
8 chair for Montgomery County this election cycle.

9 Q Is that a term position?

10 A It's at the pleasure of the chairman. It could be for a
11 campaign season, or it can be for the full term of the
12 chairman.

13 Q Are you still serving in that position?

14 A Yes.

15 Q I think you mentioned a moment ago that you had advised
16 Republican candidates; is that correct?

17 A Correct.

18 Q So could you tell us some of the names of the individuals
19 that you have advised?

20 A I can. Mr. Michael Nimmer, he ran for State Senate, State
21 Senate District 23; Mr. Mrs. Carla Mattox, she ran for House
22 District 69; Mr. Rick Rehm, he ran for House District 85.
23 There's another gentleman. I'm trying to recall his name. He
24 ran for a House district, as well.

25 Q Let's take each one of those.

1 Mr. Nimmer that you mentioned, do you know his race?

2 A White American.

3 Q Ms. Carla Mattox, her race?

4 A She's a white American.

5 Q I think you said Rick Rehm?

6 A Yes.

7 Q His race?

8 A White American.

9 Q And the other individual whose name you couldn't recall,
10 do you remember?

11 A He's a white American.

12 There was another candidate. We call her Tia, last name
13 Pierrot. She's a black American. She ran for a House
14 district.

15 Q And when you were advising these individuals on their
16 campaigns, were you being paid by anyone?

17 A Yes.

18 Q Who were you being paid by?

19 A By the Alabama Republican Party as an official field
20 representative on their behalf.

21 Q Did any of these candidates reject your help?

22 A No.

23 Q Did you find them all to be receptive to your help?

24 A Yes. They listened. You know, it's -- yes, they
25 listened. You give them advice, and they go out, and do it

1 their way. For example, an example, hey, go to a particular
2 neighborhood. We've got a campaign tool that you can utilize
3 to go to specific homes for Republican leaning or hard
4 four-by-fours, meaning these Republicans have voted in every
5 election the past four years. You want to target these
6 particular individuals in your primary or in the general
7 campaign to get out your vote.

8 They would go to the neighborhood and not necessarily use
9 the app and -- yeah.

10 Q And I may have just asked you this, but did any of them
11 reject your help?

12 A No.

13 Q Have you had any difficulties in fully participating in
14 the Republican Party in Alabama?

15 A No.

16 Q Would you describe the Alabama Republican Party as
17 welcoming to minorities?

18 A Yes.

19 MR. MINK: Judge, if I could have just a minute.

20 THE COURT: You may.

21 MR. MINK: I don't have any further questions at this
22 time. I will pass the witness.

23 THE COURT: All right.

24 Mr. Ross, we have been going for about an hour and
25 45 minutes. I don't know how long you have. Would you rather

1 take our break or go ahead and start?

2 MR. ROSS: We can take a break, Your Honor.

3 THE COURT: All right. Let's come back at 3:00.

4 (Recess.)

5 THE COURT: Please be seated. Mr. Ross? You may
6 proceed.

7 CROSS-EXAMINATION

8 BY MR. ROSS:

9 Q Hello, sir.

10 A Hey.

11 Q My name is Duell Ross. I represent the plaintiffs. I am
12 going to be asking you a series of yes-or-no questions.

13 Do you understand?

14 A Yes.

15 Q Are you ready to begin?

16 A Yes.

17 Q Thank you.

18 You live in Montgomery County, correct?

19 A Yes.

20 Q Your mother also lives in Montgomery County?

21 A No.

22 Q Where does she live?

23 A She's deceased.

24 Q She's deceased. I'm sorry.

25 Before she passed away, where did she live?

1 A Montgomery County.

2 Q You have two uncles and three aunts? How many uncles and
3 aunts do you have?

4 A So I have got three that I am aware of and three aunts.

5 Q Okay. Three aunts and three uncles; is that what you
6 said?

7 A Yes.

8 Q Okay. And your aunts and uncles have a lot of children,
9 right?

10 A Yes.

11 Q Okay. Your family all live in Montgomery or central
12 Alabama, right?

13 A No.

14 Q Where do they live?

15 A One of my uncles lives in Autauga County. One lives in
16 Nevada. An aunt that lives in Kansas.

17 Q Okay. So of your Alabama family, they mostly live in
18 Montgomery and central Alabama, right?

19 A Yes.

20 Q Okay. And you mentioned that your grandfather was a part
21 of the sit-ins during the Civil Rights movement?

22 A Yes.

23 Q You paid tithes to the Fresh Anointing House of Worship,
24 correct?

25 A Yes.

1 Q And you have attended church at the Fresh Anointing House
2 of Worship, correct?

3 A Yes.

4 Q And that's a predominantly black church, correct?

5 A Yes.

6 Q Over the last seven years, you have worked on several
7 political campaigns?

8 A Yes.

9 Q And that campaign work has involved at least three of your
10 own runs for office; is that right?

11 A Yes.

12 Q Let's talk about each of those elections.

13 So in 2024, you ran in the Republican primary for
14 Montgomery County District 3, correct?

15 A Yes.

16 Q Okay. And as you testified on direct, your opponent was
17 Justin Castanza, correct?

18 A Yes.

19 Q And Mr. Castanza is a white man, correct?

20 A Yes.

21 Q You did not receive any support from the Republican Party
22 in that primary, correct?

23 A I received some support.

24 Q No sitting commissioner endorsed you in that campaign,
25 right?

1 A Correct.

2 Q Prior to this election, Ms. Rhonda Walker was the sitting
3 commissioner for District 3, right?

4 A Yes.

5 Q She is a white Republican?

6 A Yes.

7 Q She endorsed Mr. Castanza in the primary?

8 A Yes.

9 Q You lost to Mr. Castanza in the primary, right?

10 A Yes.

11 Q You received around 19 percent of the vote, correct?

12 A Yes.

13 Q District 3 has one of the highest turnouts around
14 commission districts traditionally, correct?

15 A That, I'm not aware of.

16 Q Okay. You took a deposition recently, correct?

17 A Yes.

18 Q And that was in this case, or it was in the redistricting
19 case, correct, is your understanding?

20 A It was pertaining to three different cases.

21 Q Right. And that was the -- you testified truthfully in
22 that deposition, correct?

23 A Yes.

24 Q Okay.

25 MR. ROSS: John, can you please pull up deposition

1 page 38 line 9?

2 BY MR. ROSS:

3 Q The question was: Does it, referring to Commission
4 District 3, have higher turnout than other districts within the
5 county commission? And can you just read your answer starting
6 at line 11?

7 A I would say one of the highest.

8 Q You can take it down.

9 I'm sorry. Read the second line there, line 12.

10 Can you just read line 12, as well?

11 A Voter turnouts.

12 Q Okay. So -- all right. You can take it down.

13 District 3 is considered a safe Republican district,
14 correct?

15 A Yes.

16 Q District 3 is a majority white district, correct?

17 A Yes.

18 Q Mr. Castanza did not have an opponent in the general
19 election, correct?

20 A Correct.

21 Q And he won the race essentially by default because there
22 was no opponent in the general election, correct?

23 A Correct.

24 Q Okay. There are five county commissioners in Montgomery
25 County, correct?

1 A Yes.

2 Q Montgomery County is about 60 percent black; is that
3 right?

4 A I would say at least 60 percent, yes.

5 Q Okay. For your 2024 campaign, how much did your family
6 contribute to the campaign?

7 A At this time, I can't recall a specific amount. I know my
8 uncle contributed to the campaign.

9 Q But you don't know the number?

10 A Not at this time.

11 Q You mentioned earlier that the Montgomery County
12 Republican Party is about 75 percent white and 25 percent
13 minority; is that correct?

14 A Yes.

15 Q That was a county executive committee?

16 A Yes.

17 Q Okay. And what percentage of the county executive
18 committee is black?

19 A I would say around -- there's at least 30 of us, and I
20 know there's two active members that are black Americans.

21 Q So I'm bad at math. So that's less than 10 percent; is
22 that right? Sorry. The two that you mentioned, that's
23 including you, correct?

24 A Yes.

25 Q Okay. Okay. Let's discuss your second race. In 2015,

1 you ran for the Montgomery City Council District 4; is that
2 correct?

3 A Yes.

4 Q And the city council elections as you mentioned are
5 nonpartisan, correct?

6 A Yes.

7 Q Okay. And so you didn't run under any particular party
8 banner; is that correct?

9 A Correct.

10 Q Okay. Did you publicly associate with any party during
11 that race?

12 A During that race in that election?

13 Q Correct.

14 A No. It was nonpartisan.

15 Q Okay. So the answer is no, you did not publicly associate
16 with any party in the 2015 race?

17 A Not for city council, no.

18 Q You had three opponents in that race?

19 A For city council?

20 Q Yes, sir.

21 A No. It was seven of us altogether.

22 Q Okay. You lost that race, correct?

23 A Yes.

24 Q It was David Burkette who won the District 4 city council
25 race; is that correct?

1 A Yes.

2 Q And Mr. Burkette is African-American; is that right?

3 A Yes.

4 Q And the Montgomery County -- City Council District 4 was
5 majority black at the time that you ran; is that correct?

6 A Yes.

7 Q Thank you.

8 Your last race -- rather, your first race was the State
9 House District 69 in 2014; is that correct?

10 A Yes.

11 Q And as you testified on direct, you ran as a candidate for
12 the American Independence Party?

13 A No. The Alabama --

14 Q Excuse me.

15 A -- Independent Party.

16 Q Thank you. You ran in the general election against a
17 Democrat and a Republican, correct?

18 A Yes.

19 Q And you lost that election?

20 A Yes.

21 Q Was it Mr. Lawrence who won that race?

22 A Yes.

23 Q And Mr. Lawrence is black?

24 A Yes.

25 Q In 2014, House District 69 was majority black?

1 A Yes.

2 Q In 2014, you ran on a platform that included a number of
3 things, and I will list them out one by one. The first was
4 legalization and regulation of cannabis, correct?

5 A Yes.

6 Q The other was protecting American workers against
7 globalism?

8 A Correct.

9 Q And you were also for safe guarding against replacement
10 technology; is that correct?

11 A Correct.

12 Q At that time, you believe that this platform distinguished
13 you from Republican and Democratic candidates, correct?

14 A Correct.

15 Q Mr. Coley, you have never won an election; is that
16 correct?

17 A Mr. Coley, no.

18 Q Sorry.

19 A I haven't won a public election of the American people
20 outside of the Republican Party.

21 Q Okay. So let me ask one more time. You've never won a
22 general election to public office; is that correct?

23 A Correct.

24 Q In the last four to five years, you have become active in
25 the Alabama Republican Party, correct?

1 A Yes.

2 Q You became interested in the Republican Party after
3 Mr. Trump's -- excuse me -- during Mr. Trump's 2016 election,
4 right?

5 A Yes.

6 Q And you also became more active because of your
7 relationships with close friends; is that right?

8 A Yes.

9 Q As you testified on direct you are a member of the Alabama
10 Minority GOP, correct?

11 A Yes.

12 Q Okay. On average, about five to ten people show up at the
13 Alabama Minority GOP events; is that correct?

14 A At the Alabama Minority GOP events?

15 Q Yes.

16 A Five to ten? I would say no, but I haven't been to the
17 latest event, which was hosted in Mobile. I believe there was
18 more than that present.

19 Q Less than 20?

20 A More than 20.

21 Q Okay. Can we pull up his deposition, page 60, please.

22 Start at line 11, the whole line there.

23 So you see that there's a series of questions here
24 beginning at line 11 asking you if you are a member of the GOP
25 -- excuse me -- the Alabama Minority GOP -- and then there's a

1 question about whether you attend the meetings or how many
2 people attend the meetings, and you say it varies on line 20.

3 Then the question is asked: Can you give an approximation
4 of how many people attend the events. It varies between what
5 and what. Can you just read your answer from line 23 to 25,
6 please?

7 A Line 23. It was -- it can vary from five individuals to,
8 depending on the speaker, depending on the event of the
9 meeting, 5 to 20-plus members, an estimate.

10 Q Okay. Thank you.

11 And minority to you means non-white Americans, right?

12 A Correct.

13 Q In your experience, the Alabama Republican Party is
14 majority white, correct?

15 A Correct.

16 Q And it would not surprise you that the majority of white
17 voters in Alabama support the Republican Party, correct?

18 A Okay. Correct.

19 Q For your family, voting not necessarily a top priority,
20 correct?

21 A Correct.

22 Q Your family members tend to prioritize work or taking care
23 of their family rather than voting on election day, correct?

24 A Correct.

25 Q And in your experience, some black people do not vote

1 because their attitude is their vote will not have a
2 significant impact, correct?

3 A Correct.

4 Q Okay. You would support one day off from work to make it
5 easier for people to vote, correct?

6 A I would, yes.

7 Q And, again, you are a black American, correct?

8 A Correct.

9 Q And as a black American, you absolutely sometimes face
10 difficulties aligning yourself with the Republican Party on
11 particular issues, correct?

12 A I would say so, yes.

13 Q I will name some examples. You support criminal justice
14 reform because they're outdated penalties and laws that are on
15 the books that you think a majority of voters agree need to be
16 updated and erased, correct?

17 A Correct.

18 Q You believe that these outdated fines and penalties
19 adversely affect people in the criminal justice system,
20 correct?

21 A Say -- state that again.

22 Q You believe that these outdated fines and penalties
23 adversely affect people in the criminal justice system,
24 correct?

25 A Correct.

1 Q You believe that criminal justice reform should be more of
2 a priority on the national level for the Republican Party,
3 correct?

4 A Correct.

5 Q You also disagree with President Trump's handling of the
6 COVID-19 health crisis in 2020, correct?

7 A Correct.

8 Q You disagreed with the state government's handling of the
9 COVID health crisis, correct?

10 A Correct.

11 Q You also disagree with President Trump's handling of
12 China, correct?

13 A Correct.

14 Q You believe that he should be stronger with China with
15 regards to hacking and other grievances, correct?

16 A Correct.

17 Q You like history, right?

18 A Yes.

19 Q Okay. You support the removal of Confederate monuments
20 and flags from government property, correct?

21 A In the public domain being upkeep by the public tax
22 payers' funding.

23 Q Is that a yes?

24 A Yes.

25 Q Okay. So let me ask it one more time just to make sure

1 the record's clear.

2 So you support the removal of Confederate monuments and
3 flags from government property, correct?

4 A Correct.

5 Q Okay. And in 2015, you were a part of a group of
6 individuals that the Governor asked to retire the Confederate
7 flag on Capitol grounds, correct?

8 A Correct.

9 Q You believe that only the American flag should be known on
10 public property, correct?

11 A The American flag and the state and local municipalities
12 flags, yes.

13 Q Okay. Thank you.

14 Now, as someone who enjoys history, you are aware that
15 Governor George Wallace flew the Alabama flag beginning in 19
16 -- the Confederate flag beginning in 1963 over the state
17 Capitol, correct?

18 A Correct.

19 Q Okay. And Governor Wallace was a famous segregationist,
20 correct?

21 A Correct.

22 Q And Governor Wallace was a Democrat, correct?

23 A Correct.

24 Q And the flag stayed on the Capitol grounds from roughly
25 1963 until 2015, correct?

1 A Can you clarify the location of the particular flags
2 you're speaking of?

3 Q The Confederate flag stayed on the Alabama Capitol grounds
4 from roughly 1963 until 2015, correct?

5 A I believe at the memorial that I'm thinking you're
6 referring to, those flags stayed there longer than that. I
7 believe that monument was dedicated at the end of the 18 -- the
8 1800s, so from the 1800s until 2015.

9 Q You're aware that the Confederate flag flew on the top of
10 the Alabama State Capitol during that time that I just
11 described?

12 A Yes. But two different locations. One was on top of the
13 Capitol, but the monument flags that I asked the Governor to
14 remove, they predate what Governor George Wallace was doing in
15 the '60s.

16 Q Okay. But the Confederate flag flew on the state Capitol
17 grounds until 2015, correct, whether it was on top of the
18 Capitol or at the memorial beside the Capitol?

19 A Yes.

20 Q Thank you.

21 You're not fully familiar with the Section 2 of the Voting
22 Rights Act, correct?

23 A No.

24 Q And you don't know how your testimony would be relevant to
25 a case involving Section 2 of the Voting Rights Act, correct?

1 A The specifics of that, I don't -- I don't know.

2 Q Thank you.

3 You did not attend any public hearings related to
4 redistricting in 2021, correct?

5 A I don't recall, no.

6 Q No, did you not attend any public hearings related to
7 redistricting in 2021?

8 A No, I don't recall.

9 Q Okay. Can you please pull up his deposition, page 108,
10 line 13?

11 The question was asked: Did you attend any public
12 hearings on redistricting during the this redistricting cycle?
13 Could you please read your answer on line 15?

14 A I almost did, but, no. I had a schedule conflict.

15 Q Thank you. You are not familiar with the term "racial
16 polarization," correct?

17 A I have heard it before. I haven't looked up the
18 definition of it.

19 Q You have helped black Republicans run for the State House
20 in Macon County, correct?

21 A One in particular, yes.

22 Q You also helped a black Republican run for the State
23 Senate in 2022 in Montgomery, correct?

24 A Yes.

25 Q Okay. You also helped a black Republican run for the

1 State Legislature -- you have helped other -- excuse me --
2 black Republicans run for the State Legislature, including
3 Representative Kenneth Paschal, correct?

4 A Yes.

5 Q And Representative Paschal was elected from Shelby County,
6 correct?

7 A Yes.

8 Q Okay. You tried to help a black Republican in Dallas
9 County who wanted to run for the State Legislature, correct?

10 A Yes.

11 Q Except for Representative Paschal, the other black
12 Republicans who you have assisted in running for the State
13 Senate or State House have all failed to win a seat in the
14 Legislature, correct?

15 A Yes.

16 Q To your knowledge, no black Republican has ever won a
17 statewide office in Alabama, correct?

18 A Yes.

19 Q You do not know what relief the plaintiffs are seeking in
20 this case, correct?

21 A We haven't discussed it specifically, as far as their end
22 goal, but I would imagine it would be to allow the State
23 Legislature to redraw district lines pertaining to their
24 information and their research.

25 Q Okay. You believe that the Republican Party is inviting

1 to everyone, correct?

2 A Yes.

3 Q And you believe that race relations are good in Alabama,
4 correct?

5 A It has improved, yes.

6 Q And your beliefs are based on your own experiences,
7 correct?

8 A Yes.

9 Q And your beliefs are based on your own judgment, correct?

10 A Yes.

11 Q And your own research?

12 A Yes.

13 Q Okay. Okay. I'd like to talk about a few of those things
14 related to your judgments.

15 You have publicly expressed your belief that COVID-19 was
16 a "plandemic," correct?

17 A I have used that termination -- terminology, yes.

18 Q And you believe that COVID-19 was a "plandemic," correct?

19 A I have used that terminology, yes.

20 Q Let me ask one more time.

21 MR. MINK: Objection. He has already answered the
22 question twice.

23 THE COURT: It's been asked but not answered.

24 BY MR. ROSS:

25 Q You believe that COVID-19 was a "plandemic," correct?

1 A Correct.

2 Q And you believe that COVID-19 was a bioweapon, correct?

3 A Based on the research, yes.

4 Q Based on your research, correct?

5 A Based on the research by federal agencies, yes.

6 Q Okay. You believe it's a fact that China created COVID-19
7 as a bioweapon, correct?

8 A Based on U.S. government research, yes.

9 Q You are an America First conservative, right?

10 A Yes.

11 Q Not all Republicans identify as America First
12 conservatives, correct?

13 A Correct.

14 Q Okay. So as an American First conservative, you believe
15 that there's a globalist network of international cartels that
16 are deliberately destroying our nation, correct?

17 A Yes.

18 Q And these cartels are working through education?

19 A One avenue, yes.

20 Q And the economy?

21 A Yes.

22 Q And the judicial and intelligence systems, correct?

23 A I would say sections of the judicial system and some
24 sections of intelligence agencies.

25 Q Are a part of this globalist cartel, correct?

1 A Yes.

2 Q You also consider yourself a member of the Stop the Steal
3 movement?

4 A I attended a rally in Atlanta, Georgia, yes.

5 Q For Stop the Steal in 2020?

6 A Yes.

7 Q You believe that the will of the people was not honored
8 with respect to the 2020 presidential election, correct?

9 A Yes.

10 Q You believe that President Trump won the 2020 presidential
11 election, correct?

12 A I do.

13 Q Okay. You believe that Congress should have slowed down
14 the 2020 electoral college count to investigate what you
15 believe are irregularities with respect to that election,
16 correct?

17 A Place a moratorium on certifying the 2020 election.

18 Q And you are a finger pop away from attending the
19 January 6th, 2021, event in Washington, D.C., correct?

20 A Yes.

21 Q The only reason why you didn't attend the January 6th,
22 2021, event is because you could not book a hotel, correct?

23 A Correct.

24 Q Thank you.

25 You do not believe that Republican politicians use racial

1 appeals to attract or discourage certain voters, correct?

2 A I don't think so.

3 Q Okay. And, again, as a Republican, you ran this year,
4 correct?

5 A Correct.

6 Q You also campaigned for Republican candidates in Alabama
7 this year?

8 A Correct.

9 Q And this year's presidential race was between a white
10 Republican and a black Democrat, correct?

11 A Yes.

12 Q Okay. You were the GOP elections chair for Montgomery
13 County this year, correct?

14 A Correct.

15 Q You have an Instagram account?

16 A I do.

17 Q And you post under the Instagram name Cedric Coley?

18 A Correct.

19 Q And that's spelled just your name, C-E-D-R-I-C, C-O-L-E-Y,
20 correct?

21 A Correct.

22 Q You sometimes post public images on your Instagram to
23 encourage people to vote Republican, correct?

24 A Correct.

25 Q Who is Curtis Allen?

1 A Curtis Allen?

2 Q If you don't know him, that's fine.

3 A At this moment, that name doesn't ring a bell.

4 Q Okay. I'd like to show you an image demonstrative.

5 You posted this image on your Instagram page on

6 August 22nd, 2024, correct?

7 A Correct.

8 Q Beside the image, you wrote the caption, The choice this
9 November 5th could not be clearer. Vote red. Hash tag gas and
10 groceries; hash tag jobs not mobs; hash tag America first U.S.

11 Did I read that correctly?

12 A It's a grammatical error. The U.S. should be an American
13 flag.

14 Q Okay.

15 A But, yes, everything else is the same.

16 Q Okay. Looking at the posted image, on the right it shows
17 a dark gray hand over a blue background; is that correct?

18 A Correct.

19 Q What does it say on the gray hand with the blue
20 background?

21 A It's the image of a Democratic Donkey.

22 Q What does the text say on the blue side?

23 A Not mobs. Do you want me to continue?

24 Q Yes, please.

25 A Walk away from violence, walk away from hypocrisy, walk

1 away from globalist Democrats.

2 Q And you associate the Democrat Party with violence,
3 hypocrisy, and globalism in this -- this image does at least?

4 A In this image, yes.

5 Q Okay. What gesture is the dark gray hand making?

6 A It's a fist.

7 Q Do you know if that particular hand gesture is associated
8 with any particular phrases or symbols?

9 A I have seen it -- well, this particular graphic in
10 different colors.

11 Q The fist, not the graphic?

12 A The fist graphic associated with communism, associated
13 with riots, associated with rising up, uprisings.

14 Q You also -- isn't it associated with the phrase "black
15 power?"

16 A Yes.

17 Q Okay. On the left, it also shows a white hand over a red
18 background; is that correct?

19 A Correct.

20 Q And can you just tell me is that the emblem of the
21 Republican Party, the elephant on the -- that white hand?

22 A It is.

23 Q What symbol is the white hand making?

24 A It looks like it's making the symbol of okay.

25 Q Okay. And is that what that gesture means to you?

1 A This particular, it does mean that, and it also goes back
2 to the FBI categorizing this particular hand gesture as white
3 supremacist.

4 Q Okay. Thank you.

5 And sorry. Can you just read for me the rest of the text
6 there? Is it -- I will read it for you. So it also says on
7 the red side: Jobs, vote for civility, vote for prosperity,
8 vote for unity, vote for patriotism, vote Republican.

9 Correct?

10 A Correct.

11 MR. ROSS: No further questions, Your Honor.

12 THE COURT: You may proceed.

13 REDIRECT EXAMINATION

14 BY MR. MINK:

15 Q Mr. Coley, do you agree with the Republican Party on all
16 issues?

17 A Not all issues, no.

18 Q In your county commission race, Montgomery County, do you
19 have any reason to think that your race was an obstacle to your
20 election?

21 A No, it wasn't.

22 Q As you campaigned for -- in District 3, did you experience
23 any hostility from voters on account of your race?

24 A No.

25 Q Despite your disagreement with the Republican Party on

1 some issues, do you nonetheless believe the Republican Party is
2 a better home for you politically?

3 A I do.

4 Q You testified that some black individuals, including your
5 family, may not prioritize voting because they believe their
6 vote doesn't matter. Is that what you said?

7 A Correct.

8 Q Do you think that their vote doesn't matter because
9 they're black?

10 A No.

11 Q Or because they're only one vote in a million?

12 MR. ROSS: Objection. I don't -- may be calling for
13 hearsay. I'm not sure he's asking why they don't vote or why
14 he thinks they don't vote.

15 MR. MINK: I asked why he thinks that.

16 THE COURT: You may answer.

17 THE WITNESS: And I have had conversations with them,
18 and they've told me based on the 2020 election --

19 MR. ROSS: Objection. He's testifying to why -- what
20 they told him.

21 THE COURT: For what purpose is the evidence being
22 offered?

23 MR. MINK: Well, I'm asking him to explain why he
24 thinks -- what he thinks about the reasons people don't vote.

25 THE COURT: Well, that question's different than what

1 people have told him.

2 MR. MINK: Right. And I wasn't asking what they had
3 told him as much as what his perception was.

4 THE COURT: All right. Let's try a new question.

5 MR. MINK: I will.

6 BY MR. MINK:

7 Q Do you think that people who don't vote because they may
8 not prioritize voting do so because they're only one vote out
9 of many million?

10 A That's some of the reason, yes.

11 Q In your roles in the Republican Party, both at the state
12 level and the local level in Montgomery County, have you
13 reached out to minorities for the Republican Party?

14 A Yes.

15 Q Have you ever made any intention or effort to push
16 minorities away from the Republican Party?

17 A To push minorities away from the Republican Party?

18 Q Yes.

19 A No.

20 Q In any context, have you ever intended to advocate for
21 white supremacy?

22 A No.

23 MR. MINK: That's all the questions I have.

24 THE COURT: Mr. Ross, do you have any recross?

25 MR. ROSS: No, Your Honor. Thank you.

1 THE COURT: All right. Is there any reason I may not
2 excuse Mr. Coley?

3 MR. MINK: No, ma'am.

4 THE COURT: All right. Mr. Coley, thank you for being
5 with us today. You're excused.

6 (Witness excused.)

7 BILL MCCOLLUM

8 having been first duly sworn by the Courtroom Deputy Clerk, was
9 examined and testified as follows:

10 THE COURTROOM DEPUTY CLERK: Please state and spell
11 your name for the record.

12 THE WITNESS: Bill McCollum, B-I-L-L; McCollum,
13 M-C-C-O-L-L-U-M.

14 DIRECT EXAMINATION

15 BY MS. MESSICK:

16 Q Good afternoon, Mr. McCollum.

17 A Afternoon.

18 Q What county and state do you live in?

19 A Fayette County, Alabama.

20 Q What is the racial makeup of Fayette County?

21 A Probably 13 percent black.

22 Q Do you have a sense of whether Fayette County is more
23 Democratic or Republican?

24 A It's more Republican at this time.

25 Q Has it always been that way?

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Christina K Decker

11-19-2024

Christina K. Decker, RMR, CRR

Date

Federal Official Court Reporter

ACCR#: 255