

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

21 Proceedings recorded by OFFICIAL COURT REPORTER, Qualified  
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I N D E X

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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?

1 A No, ma'am.

2 Q What did it used to be like?

3 A Probably 99 percent Democrat.

4 Q Sir, what year were you born?

5 A 1949.

6 Q And for the record, can you tell me your race, please?

7 A I'm black.

8 Q Could you briefly tell me about your work background?

9 A I have a law enforcement background. I started in the  
10 United States Navy as base policeman, sort of like military  
11 police. And after discharge from the Navy, I joined the  
12 Fayette Police Department, Fayette, Alabama for approximately  
13 four years.

14 And after that, I joined the Frisco railroad as a special  
15 agent investigator for the railroad. It's now become part of  
16 the Burlington Northern Santa Fe Railroad.

17 Q And did you work at all or volunteer after that?

18 A After retirement, I moved back to Fayette, Alabama, and I  
19 volunteered with the Fayette County Sheriff Department,  
20 somewhere around 1998, '99, somewhere in there.

21 Q And do you do any kind of work now?

22 A I just help my wife one day a week in her barbecue  
23 business.

24 Q Since after high school, do you have any kind of  
25 formalized education?



1 A Yes, ma'am. I've graduated three different law  
2 enforcement academies in Jefferson State College in Birmingham,  
3 associates's degree, law enforcement.

4 Q You said an associate's degree in law enforcement from  
5 Jefferson State community -- or Jefferson State College?

6 A Yes, ma'am.

7 Q And then what about police academies?

8 A I graduated -- let's see -- four different police  
9 academies.

10 Q Okay. You've recently ran for office, didn't you?

11 A Yes, ma'am.

12 Q And what office did you run for?

13 A Fayette County Board of Education District 6.

14 Q What was the result?

15 A Well, I was defeated. I won 48 percent of the votes.

16 Q So it was pretty close?

17 A Pretty close.

18 Q Did you run with any political party?

19 A Yes, ma'am. I ran under the Republican banner.

20 Q Why are you a Republican?

21 A Ma'am?

22 Q Why are you a Republican?

23 A Well, I used to be a Democrat back in the olden days, back  
24 in the '70s, but I switched parties many years ago to the  
25 Republican Party. I didn't like a lot of the policies here in

1 Alabama Democratic Party, so I just switched to Republican  
2 Party.

3 Q Well, what kind of policies drove you away from the  
4 Democratic Party or to the Republican Party?

5 A Well, the premarked ballots they issue a few days before  
6 the election guiding blacks how to vote rather than letting  
7 them think for themselves. I felt like I could think for  
8 myself.

9 Q Who is they?

10 A Alabama Democratic Conference puts out the premarked  
11 ballots out of Montgomery.

12 Q Are there any specific issues that you agree with the  
13 Republican Party on like social issues or money issues or  
14 anything like that?

15 A Oh, yes, ma'am. I like the conservative values. I like  
16 to keep more of my tax dollars in my pocket and things of that  
17 nature. And just not like a lot of the policies of the  
18 Democratic Party of today.

19 Q How have Republicans responded to your interest in the  
20 party?

21 A Well, they've supported my campaigns every time, you know,  
22 I've ran. And I'm the current vice chairman of the Republican  
23 Party nominated and elected by the party members, so I would  
24 think they accepted me well.

25 Q How long have you been vice chairman -- you're saying for

1 the Fayette County Republican Party?

2 A Yes, ma'am.

3 Q How long have you held that role?

4 A 15 years or more.

5 Q Have you ever had an interest in being the chairman of the  
6 Fayette County Republican Party?

7 A I've never had an interest in it. I served as interim  
8 chairman. We had a resignation one time. And I served a short  
9 period of time until we elected a new chairman.

10 Q So have you ever been denied the role of chairman?

11 A No, ma'am. I've been encouraged to run for it. I just  
12 don't have the time to deal with it.

13 Q When did you first get involved with the Republican Party  
14 in Fayette County?

15 A Back in 1998 after retirement, I moved back to Fayette  
16 County, Alabama, and I got involved with the Republican Party  
17 at that time.

18 Q What was the Republican Party in Fayette County like at  
19 that time?

20 A Oh, there was about eight or nine of us that met. Wasn't  
21 too many of us, but we still met.

22 Q Who is Bob Hamner?

23 A Bob Hamner was a good friend of mine who, you know, I had  
24 known prior to leaving Fayette in '75. In returning back, we  
25 just renewed our old friendship. And he was a Republican. He

1 served on the state executive committee, and we had breakfast  
2 together almost every morning, and he was a staunch Republican.  
3 And he would always talk about the party. I guess he sort of  
4 influenced me in some aspect.

5 Q You said there were only about ten people in the  
6 Republican Party in Fayette County when you joined around 1998.

7 Do you recall the race of the other members?

8 A They was all white.

9 Q Have you held or do you hold any offices with the State  
10 Republican Party?

11 A Yes, ma'am. I've been a member of the State Executive  
12 Committee for better than 15 years.

13 Q And what is the State Executive Committee?

14 A Well, we meet twice a year and, you know, they write  
15 resolutions and submit them to the state -- legislation stuff  
16 to get -- influence to get them passed I would imagine. That's  
17 what I understand about it.

18 Q Is at the governing body for the state?

19 A It's the governing body for the Republican Party.

20 Q Is District 6 for the Fayette County Board of Education,  
21 is that the same district lines as for District 6 of the  
22 Fayette County Commission?

23 A Yes, ma'am.

24 Q Leading up to the 2024 elections, who was the incumbent in  
25 District 6?

1 A In which election? Board of Education?

2 Q This summer, yes. This summer. Who was holding that,  
3 office, board of education?

4 A Gentleman named John Stowe was the board of education  
5 person for District 6.

6 Q What race is he?

7 A He's black.

8 Q And what political party?

9 A Democrat.

10 Q And did he run for reelection this year?

11 A No, ma'am.

12 Q Was there a Democrat candidate in the general election  
13 this year?

14 A Yes, ma'am. Black female name's Portia Stowe.

15 Q And is Ms. Stowe also a Democrat?

16 A Yes, ma'am.

17 Q Are there any other -- well, do you know if Portia Stowe  
18 has taken office yet?

19 A No, ma'am. I don't know if she's taken office yet. I  
20 know it's sometime in November.

21 Q Okay. Take yourself back to November 1, just before the  
22 election.

23 A Yes, ma'am.

24 Q John Stowe was the incumbent in District 6. Were there  
25 any other black officials elected to the Fayette County Board

1 of Education?

2 A Prior to November 1?

3 Q Yes.

4 A Commissioner John Underwood was county commission at that  
5 time.

6 Q Right. Of the Fayette County Board of Education, any  
7 black members other than John Stowe?

8 A Yes, ma'am. Two years ago, we elected a young man named  
9 Tierre Agnew District 3 Fayette County Board of Education.

10 Q And did Mr. Agnew get elected as a Democrat or Republican?

11 A He got elected as a Republican.

12 Q And do you know what the racial makeup of his district is?

13 A Right at 98 percent white.

14 Q Can you think of any other African-American elected  
15 officials in Fayette County who were elected from districts or  
16 areas that are majority white?

17 A Yes, ma'am. We had a city councilman whose nonpartisan  
18 election. She won district councilman seat with probably  
19 80 percent white.

20 Q And do you remember her name?

21 A Virettia Whiteside.

22 Q Did you have any volunteer help with your election this  
23 year?

24 A Yes, ma'am.

25 Q Who volunteered to help you?

1 A A lot of the party members had a staff of about 40, 50,  
2 got out and helped campaign and boots on the ground so to  
3 speak.

4 Q And that's 40 or 50 Republicans?

5 A Yes, ma'am.

6 Q Could you approximate their racial makeup --

7 A It was all --

8 Q -- of that group?

9 A It was all white.

10 Q Did you receive any support from the Fayette County  
11 Republican Party in your campaign this year?

12 A Yes, ma'am. They done some newspaper ads. They done two  
13 newspaper ads for me.

14 Q Can you describe them at all?

15 A Well, they done single ads to encourage the citizens of  
16 Fayette to vote Republican, vote for Bill McCollum, he is the  
17 best man for the job, things of that nature.

18 Q Did any of those newspaper ads include a photo of you?

19 A Yes, ma'am.

20 Q Did you receive any support from the state Republican  
21 Party in this election this year?

22 A Yes, ma'am.

23 Q And what was that?

24 A I received some contributions. They done two or three  
25 mail outs for me prior to the election, photos, and nice things

1 to say about me and encouraging people in the district to  
2 support and vote for me.

3 Q Was this year the first year you ever ran for office?

4 A No, ma'am.

5 Q When is the first time you ran for office?

6 A First time I ran for office was in 1974.

7 Q And what office did you run for?

8 A I ran for the Sheriff of Fayette County.

9 Q What kind of -- you mentioned you have some law  
10 enforcement experience. What kind of law enforcement  
11 experience did you have at the time that you ran for sheriff in  
12 1974?

13 A Oh, I had -- I guess six or seven years in law  
14 enforcement. I had my military -- law enforcement, and I had  
15 been on the Fayette Police Department better than four years at  
16 the time.

17 Q When you were hired to the Fayette Police Department, were  
18 there other black police officers?

19 A No, ma'am.

20 Q Who hired you?

21 A Gentleman named Guthrie Smith. He was the mayor for the  
22 city of Fayette at that time in 1970.

23 Q How were you received by the police chief?

24 A Well, it wasn't all embracing by the police chief, but the  
25 mayor pretty well backed me. I did have some issues out of the



1 police chief.

2 Q How about your fellow officers?

3 A Ma'am?

4 Q How were you received by your fellow officers?

5 A Well, in the beginning, the group of us about ten officers  
6 at that time, and I was the only black officer. And, of  
7 course, the other officers said they wasn't going to work with  
8 me. It was all new to them. And said they'd quit before  
9 they'd work with a black and things of that nature.

10 Q Did any of them actually quit?

11 A No, ma'am. My understanding the mayor called them all in  
12 his office and told him that they couldn't work with Bill  
13 McCollum put their badges on the desk.

14 Q When you ran for sheriff of Fayette County in 1974, what  
15 party did you run with?

16 A I ran as a Democrat.

17 Q And you testified earlier today that you used to be a  
18 Democrat in the 1970s?

19 A Yes, ma'am.

20 Q Did you consider yourself a Democrat in 1974?

21 A At that time, yes, ma'am. But I had to, to be able to run  
22 for sheriff of Fayette County. I hadn't much of an option. I  
23 wanted to run as a Republican, but the, you know, the county  
24 chairman said he wouldn't advise that because he felt like I  
25 wouldn't -- I wouldn't scratch the surface at all.

1 Q Was Fayette County still heavily Democratic at that point?

2 A Yes, ma'am. 100 percent basically.

3 Q Do you remember if you had a primary in 1974?

4 A Yes, ma'am.

5 Q And how did you do?

6 A Well, that's -- I think there was eight of us, and I came  
7 in third out of eight.

8 Q Did you have any problems trying to run for that office?

9 A Yes, ma'am.

10 Q Can you tell us about that, please?

11 A Well, the day that I went to qualify, you know, back in  
12 those days, you went to the Fayette County courthouse where the  
13 probate judge handled everything. And the county administrator  
14 would sign you up. And, of course, I went on to qualify and  
15 told him what I wanted to do.

16 And he said that he didn't know if he could do that or  
17 not, if he could register me to run for sheriff. And he said,  
18 just wait right here, I need to go talk with the probate judge.  
19 So they left me sitting out there in the hall for about  
20 three hours and done whatever they supposed to do, whoever they  
21 called.

22 You know, I could see them down the hall on the rotary  
23 phone, you know, for about two or three hours. And apparently  
24 somebody told him to let him qualify, so he came back and said,  
25 they said let you qualify.

1 Q Do you know if any African-American had ever qualified in  
2 Fayette County before you did?

3 A No, ma'am. I was the first one ever ran for public office  
4 in Fayette County.

5 Q And you ran for office this year. Have you run for office  
6 at other times?

7 A Yes, ma'am.

8 Q Between 1974 and 2024?

9 A Yes, ma'am.

10 Q Did you ever have a similar experience with qualification,  
11 any of the other times you have run?

12 A No, ma'am.

13 Q Was it after you ran for sheriff that you went to work for  
14 the railroad?

15 A Yes, ma'am.

16 Q And can you tell me briefly about that?

17 A Well, I went to the work for the old Frisco railroad in  
18 1975, which is now as merged. It became Burlington Northern  
19 Santa Fe railroad at the time.

20 Q And what did you do for the railroad?

21 A I was special agent for the railroad, the old fashioned  
22 railroad detective they called them 100 years ago.

23 Q And how long did you work for the railroad approximately?

24 A About 25 years.

25 Q And did you retire from there?

1 A Yes, ma'am.

2 Q And did you live anywhere else while you were working for  
3 the railroad?

4 A Yes, ma'am. They transferred to Memphis 17 years, and  
5 transferred me over to Amory, Mississippi for two years, and  
6 back '84 to '86, and then they transferred me back to Memphis  
7 for several years. Then they sent me down to Fort Worth,  
8 Texas, my last seven years of work experience.

9 Q When you retired from the railroad, where did you live?

10 A When I retired from the railroad?

11 Q Uh-huh.

12 A I lived in Fort Worth, Texas.

13 Q Okay. When did you come back to Alabama?

14 A I moved back in 1998.

15 Q Did anything noteworthy happen when you -- well, where in  
16 Alabama did you return to?

17 A I moved back to Fayette County, Alabama.

18 Q Okay. Did anything noteworthy happen when you came back  
19 to Fayette County?

20 A Well, I built a home prior to retirement, and I moved back  
21 here in 1998, and four or five days after I moved in, the  
22 florist truck showed up and a nice bouquet of flowers and had a  
23 note on it that said, Welcome home, Bill McCollum. Mayor  
24 Guthrie Smith.

25 So sort of put a smile on my face since he's the one hired

1 me as a police officer in 1974, so...

2 Q What race was Mayor Smith?

3 A Ma'am?

4 Q What race was Mayor Smith?

5 A White. He's a white male.

6 Q Have you ever -- have you ever run against a white  
7 Republican in a primary?

8 A Yes, ma'am. I ran for sheriff in 2002 as a Republican.  
9 And I had an opponent in the Republican primary.

10 Q And who was that?

11 A His name was John Swindle, Officer John Swindle. He was a  
12 police officer.

13 Q And he was a white Republican?

14 A Yes, ma'am.

15 Q And what was the outcome of that primary?

16 A I won that primary by 60-something percent -- 68 percent.

17 Q Do you remember what happened in the general election?

18 A I was defeated by an officer gentleman named Hubert  
19 Norris, N-O-R-R-I-S. He was the former sheriff that got locked  
20 up for RICO racketeering years prior to that.

21 Q Do you remember Mr. Swindle or Mr. Norris making an issue  
22 of your race in that election?

23 A No, ma'am.

24 Q And is Mr. Norris also white?

25 A Yes, ma'am.

1 Q Do you remember any other times that you have run a race  
2 against a white Republican -- Republican primary with a white  
3 opponent?

4 A Yes, ma'am. I ran for sheriff again I believe in 2014.

5 Q And who was your white Republican opponent?

6 A His name was Jerry Melay (phonetic). He was a deputy at  
7 the time.

8 Q And do you remember who won that election?

9 A He defeated me in the primary.

10 Q Did he make your race an issue in that election?

11 A No, ma'am.

12 Q Are you registered to vote in Alabama?

13 A Yes, ma'am.

14 Q Do you recall ever having any problems registering to vote  
15 in Alabama?

16 A No, ma'am.

17 Q Do you recall ever having any problems updating your voter  
18 registration in Alabama?

19 A No, ma'am.

20 Q And do you recall ever having any problems actually voting  
21 in Alabama?

22 A No, ma'am.

23 Q Are you aware of any problems with the November 5 election  
24 we just had in Fayette County?

25 A No, ma'am.

1 Q Generally speaking, how would you compare race relations  
2 in Fayette County now to 1974?

3 A Well, we've made a lot of moral growth in Fayette County.  
4 Like I say, we elected a board member Tierre Agnew, which is a  
5 district of 98 percent white or greater. Got no problem in  
6 there. And I ran a couple of times in the Republican Party,  
7 and the party accepted me. You know, we've made a lot of moral  
8 growth in Fayette County.

9 Q Thank you very much. I will pass the witness.

10 THE COURT: Thank you. You may proceed.

11 MS. CARTER: Thank you.

12 CROSS-EXAMINATION

13 BY MS. CARTER:

14 Q Thank you. Hi. My name is Brittany Carter. I represent  
15 the plaintiffs.

16 A Yes, ma'am.

17 Q I am going to ask you some yes-or-no questions.

18 A Yes, ma'am.

19 Q Please answer them as truthfully and directly as possible.  
20 You can hear me okay?

21 A Yes, ma'am.

22 Q Thank you, sir.

23 Fayette County has a population of approximately 18,000,  
24 correct?

25 A Yes, ma'am.

1 Q And you ran for the District 6 seat on the board of  
2 education in Fayette County this year, correct?

3 A Yes, ma'am.

4 Q You ran as a Republican?

5 A Yes, ma'am.

6 Q Approximately, 1,000 people voted in that District 6  
7 election, correct?

8 A Yes. Roughly.

9 Q And did you win your election?

10 A No, ma'am.

11 Q And you previously ran for District 6 county commissioner,  
12 correct?

13 A Yes, ma'am.

14 Q You didn't win that race either, right, Mr. McCollum?

15 A No, ma'am, I didn't.

16 Q Did another black candidate win?

17 A Yes, ma'am, the incumbent.

18 Q Black candidates typically win in Fayette County's  
19 Commission 6th District, right?

20 A Yes, ma'am.

21 Q No black candidate has won in any other Fayette County  
22 Commission district, correct?

23 A In any other county other than District 6, yes, ma'am.

24 Q Thank you, sir.

25 Most of the white voters in District 6 appear to vote



1 Republican, right?

2 A At this time, yes.

3 Q And most of the black voters in District 6 vote for  
4 Democrats, right?

5 A Not in this last election, they didn't.

6 Q You also ran for sheriff of Fayette County in 2002,  
7 correct?

8 A Yes, ma'am.

9 Q You ran as a Republican in that election, correct?

10 A Yes, ma'am.

11 Q And you lost to a white Democrat in that election,  
12 correct?

13 A In the general election.

14 Q Yes, sir.

15 You lost to a white Democrat in the general election,  
16 correct?

17 A Yes, ma'am.

18 Q You also ran for sheriff of Fayette County in 1974 in the  
19 Democrat primary, correct?

20 A Yes, ma'am.

21 Q And you lost in the 1974 primary for sheriff to a white  
22 Democrat, correct?

23 A Yes, ma'am.

24 Q And so, Mr. McCollum, you have never won an election,  
25 correct?

1 A That's right.

2 Q In 1974, the white Democrat who you lost to in the primary  
3 for sheriff was Hubert Norris, correct?

4 A Yes, ma'am.

5 Q And Mr. Norris was also the white democrat who you lost to  
6 in the 2002 general election for sheriff, correct?

7 A Yes, ma'am.

8 Q And in 2002, Mr. Norris won despite being previously  
9 having been convicted of taking bribes from bootleggers and  
10 spending time in federal prison, correct?

11 A Yes, ma'am.

12 Q In 1974, Fayette County was majority white, correct?

13 A Yes, ma'am.

14 Q In the 1970s, Fayette County was majority Democrat, right?

15 A Yes, ma'am.

16 Q And in 2002, Fayette County was majority white, correct?

17 A Yes, ma'am.

18 Q It was about 85 percent white in 2002, correct?

19 A Yes, ma'am.

20 Q Was the county also majority Democrat in the early 2000s?

21 A Yes, ma'am.

22 Q And today, black people make up 13 percent of Fayette  
23 County, right?

24 A At the present time, yes, ma'am.

25 Q And today, Fayette County remains about 85 percent white,

1 correct?

2 A Yes, ma'am.

3 Q And today, Fayette County is also majority Republican,  
4 right?

5 A Yes, ma'am.

6 Q The current sheriff of Fayette County is a white  
7 Republican, right?

8 A Yes, ma'am.

9 Q Now, you faced racial discrimination in running for  
10 sheriff in 1974, right?

11 A Yes, ma'am.

12 Q And that's the story you recounted earlier about the  
13 probate judge making you wait outside for two to three hours,  
14 correct?

15 A Yes, ma'am.

16 Q And only after you waited for hours did he come back to  
17 say that you were qualified to run for sheriff, right?

18 A Running as city administrator to convey that message.

19 Q So after you waited for two to three hours, the probate  
20 judge sent his administrator to then tell you that you were  
21 qualified to run for sheriff, correct?

22 A Yes, ma'am.

23 Q You were the first black candidate to run for political  
24 office in Fayette County, correct?

25 A Yes, ma'am.

1 Q And you testified earlier that prior to running for  
2 sheriff, you served as a police officer in Fayette County in  
3 1970s?

4 A Yes, ma'am.

5 Q 1970s.

6 And once in 1974, you were asked to leave a restaurant  
7 across the street from the police station, right?

8 A Yes, ma'am.

9 Q At that time, you were working as a police officer and in  
10 uniform with your partner, correct?

11 A Yes, ma'am.

12 Q The restaurant asked you to leave because it did not serve  
13 black people, right?

14 A Yes, ma'am.

15 Q In the 1970s, Fayette County politicians would use race in  
16 their campaigns, right?

17 A I don't understand what you're trying to say.

18 Q In the 1970s, in your experience running for political  
19 office, did you experience Fayette County politicians using  
20 racialized appeals and comments in their campaigns?

21 A No, ma'am.

22 Q Okay. Can you go to the deposition transcript, page 50?  
23 So, Mr. McCollum, you testified in a deposition earlier  
24 this year, correct?

25 A Yes, ma'am.

1 Q And you were under oath in that deposition?

2 A Yes, ma'am.

3 Q And you testified truthfully in that deposition?

4 A Ma'am?

5 Q You testified truthfully in that deposition?

6 A Yes, ma'am.

7 Q Yes, sir.

8 Okay. So page 50, so line 17. Start at line 17.

9 MS. MESSICK: Objection, Your Honor. This is improper  
10 impeachment. The question that Ms. Carter asked is different  
11 from the question in the deposition.

12 MS. CARTER: The question in the deposition is: Have  
13 you ever seen candidates, black or white, use race in their  
14 campaign. So it is literally the exact same question he asked  
15 me to rephrase, and so I did that to help him.

16 MS. MESSICK: I thought it was limited to the county.  
17 If the question was in fact today general, then I withdraw the  
18 objection. But I thought she asked him about his elections.

19 THE COURT: I will allow it.

20 MS. MESSICK: The deposition is not his elections.

21 THE COURT: You may answer.

22 BY MS. CARTER:

23 Q Okay, Mr. McCollum. So -- so the question here says:

24 Have you ever seen candidates, black or white, any party, use  
25 race in their campaigns as a -- as a -- making an issue in the

1 campaign?

2 And then can you read your answer?

3 A I can't say I can.

4 Q And so then it continues: So even when you first ran for  
5 office. And then can you read your answer?

6 A I don't know of any politician that used any racial  
7 epithets even in 1974 in that campaign.

8 Q Okay. So on this page when you answer, Oh, back then,  
9 yes, are you saying that you now disagree with that statement?

10 A I don't understand -- oh. Back then. What's the next?  
11 What was I saying, oh, back then for?

12 Q We can move on.

13 MS. CARTER: Thanks, John.

14 BY MS. CARTER:

15 Q So, Mr. McCollum, would you agree that in the 1970s race  
16 and segregation were the football to kick in political  
17 campaigns?

18 A Yes, ma'am.

19 Q After your brother integrated the high school in Fayette  
20 County, he was chased around, correct?

21 A Yes, ma'am. Yes, ma'am.

22 Q Around what year was that?

23 A I believe around '67, '66, somewhere along in there.

24 Q District 6 became a majority-minority district as a result  
25 of court order in 1988, right?

1 A As far as I know. '88.

2 Q Before that court order, no black person had ever been  
3 elected to the Fayette County Commission, right?

4 A That's right.

5 Q And before that court order, black people could not be  
6 elected to any offices in the county, right?

7 A There hadn't been any elected.

8 Q That court order also changed the method of electing  
9 members of the county commission, board of education, and  
10 Fayette city council from at-large elections to district-based  
11 elections, right?

12 A Yes, ma'am.

13 Q After the court order, black people started winning  
14 elections to the commission, school board, and city council,  
15 right?

16 A Yes, ma'am.

17 Q And in the case of the county commission and school board,  
18 that court order increased the number of seats to six, so that  
19 a majority-black district could be drawn, right?

20 A Yes, ma'am.

21 Q Ever since that court order, black people have been  
22 elected to that majority district on the commission and the  
23 school board, correct?

24 A Yes, ma'am.

25 Q You agree that black voters ought to have an equal

1 opportunity to elect their candidates, right?

2 A Yes, ma'am.

3 Q Beside allowing you to be a member of the party, and since  
4 being in control, you have not seen the Republican Party  
5 support policies that help non-white voters, right?

6 A You're asking me have I seen any policy that help  
7 non-white voters?

8 Q Yes, sir. Supported by the Republican Party.

9 A Yes, ma'am. Republican Party got my wife appointed to the  
10 board of registrars by Ms. Shaw. I forget what office she hold  
11 down at Montgomery at that time. Samantha Shaw appointed my  
12 wife to the board of registrars through Republican Party, so,  
13 yes. They helped.

14 Q So I will ask my question then, Mr. McCollum. Besides  
15 allowing you or your wife to be members of the Republican  
16 Party, you have not seen the Republican Party support policies  
17 that have helped non-white voters, correct?

18 A Well, there's been some other black in the party other  
19 than me and my wife.

20 Q So I will ask my question again: Other than appointing  
21 black people to positions, have you seen the Republican Party  
22 support policies to help non-white voters?

23 A Have I seen their policies?

24 Q Yes. That's my question.

25 A What policies are you talking about?



1 Q So, again, you testified in a deposition earlier this  
2 year, correct, Mr. McCollum?

3 A Yes, ma'am.

4 Q And you testified truthfully in that deposition?

5 A Yes, ma'am.

6 MS. MESSICK: Your Honor, again, it's improper  
7 impeachment.

8 THE COURT: I think you have got to get an answer  
9 before you can show him the deposition on this.

10 MS. CARTER: You think I have to get an answer?

11 THE COURT: Well, to the question whether he has seen  
12 the Republican Party support policies that favor non-white  
13 voters.

14 MS. CARTER: Okay.

15 BY MS. CARTER:

16 Q So I will ask you the question again, Mr. McCollum.

17 A Yes, ma'am.

18 Q Have you seen the Republican Party support policies that  
19 help non-white voters other than giving positions to you and  
20 your wife and other individual black people that you know?

21 A Yeah. We had one other gentleman over at Lamar County. I  
22 know the Republican Party was responsible for getting him  
23 appointed to the forestry commission, if that's what you are  
24 asking.

25 Q I'll move on.

1 A He was a black gentleman.

2 Q Yes, sir. The current probate judge is white, correct?

3 A Yes, ma'am.

4 Q Actually, Mr. McCollum, I have one more question about the  
5 policies.

6 There are no particular issues that attracted you to the  
7 Republican Party outside of you getting -- being able to have  
8 positions in the party, correct?

9 A What are you asking me again?

10 Q I will move on.

11 The current circuit judge is white, correct?

12 A Yes, ma'am.

13 Q The current district judge is white, correct?

14 A Yes, ma'am.

15 Q The current -- your current representative in the State  
16 House is white, correct?

17 A Yes, ma'am.

18 Q Your current state senator is white, correct?

19 A Yes, ma'am.

20 Q The probate judge and circuit judge -- the probate judge,  
21 circuit judge, and district judge are all elected at-large by  
22 the whole county, right?

23 A Yes, ma'am.

24 Q And your state senator and state representative are both  
25 elected from majority white districts, right?

1 A Those positions you just called, at-large positions in  
2 that district.

3 Q Your state senator and state representative are both  
4 elected from the -- are at-large county positions, right?

5 A Yes, ma'am.

6 Q Black voters tend to support different candidates from  
7 white voters in Fayette County, right?

8 A They -- rephrase that again.

9 Q Black voters tend to support different candidates from  
10 white voters in Fayette County, right?

11 MS. MESSICK: Objection. Asked and answered.

12 THE COURT: It's not been answered.

13 MS. MESSICK: Okay.

14 THE WITNESS: Some of them do. Some of them support  
15 black and white candidates.

16 BY MS. CARTER:

17 Q I will ask it again: On a regular -- on a routine basis,  
18 black voters tend to typically support different candidates  
19 from white voters in a -- well, in Fayette County, right?

20 A Well, not exclusively.

21 Q Right. My question was whether black voters tend to  
22 support different candidates from white voters.

23 A Black voters tend to support, you know, black candidates  
24 if that's what you are asking me.

25 Q Thank you.

1 MS. CARTER: May I have a moment to confer?

2 THE COURT: You may.

3 MS. CARTER: Nothing further from our side. I'll  
4 pass.

5 THE COURT: Thank you. Ms. Messick?

6 MS. MESSICK: Thank you, Your Honor. Just briefly.

7 REDIRECT EXAMINATION

8 BY MS. MESSICK:

9 Q Mr. McCollum, you mentioned that it was the administrator  
10 at the probate judge's office who was sent to tell you that you  
11 would be allowed to qualify?

12 A Yes, ma'am.

13 Q Who is it that you dealt with that entire day?

14 A The gentleman's name?

15 Q No. His position.

16 A His position? He was the administrator for the probate  
17 judge.

18 Q Okay. Did you ever talk to the probate judge that day if  
19 you recall?

20 A No, ma'am. Because everybody went to the administrator to  
21 qualify.

22 Q And Ms. Carter asked you about a restaurant that you were  
23 refused service in, in 1974, when you were a Fayette police  
24 officer.

25 What happened to the restaurant after you were refused

1 service?

2 A Well, someone contacted the FBI, Justice Department, and  
3 they sent representative out to investigate it. And they did.  
4 And the management staff was subpoenaed to federal court here  
5 in Birmingham. And they agreed to post a sign outside their  
6 establishment saying that they will serve any and all races,  
7 regardless. And that --

8 Q Thank you.

9 A -- opened the doors for blacks to eat there.

10 Q Have you seen policies from the Democrats that you think  
11 benefit the black community?

12 A Have I seen policies that benefit the black community from  
13 the Democrat Party?

14 Q Yes.

15 A I've seen some that have went against the black community.

16 Q You were asked about Democratic policies at your  
17 deposition. Do you remember talking about policies before Guy  
18 Hunt?

19 A Yes. Prior to Guy Hunt, Democrats controlled Alabama for  
20 over 100 years. Guy Hunt was the first Republican elected as  
21 governor within 100 years' span.

22 Q And did the Democrats do things to help black voters in  
23 those years when they were in charge?

24 A I'm sure they probably done some things, but I can't  
25 recall anything. You mean on a state level or federal level,

1 or what are you asking me?

2 Q I understood your testimony at your deposition to be  
3 talking about state level.

4 A State level. I don't recall of anything right now.

5 Q All right. Thank you very much for your time today.

6 A Yes, ma'am.

7 THE COURT: Is there any reason I may not excuse  
8 Mr. McCollum?

9 MS. MESSICK: No, Your Honor.

10 MS. CARTER: Nothing from the plaintiffs.

11 THE COURT: Mr. McCollum, thank you for being with us  
12 today. You're excused.

13 (Witness excused.)

14 THE COURT: Was that the Secretary's final witness of  
15 the day?

16 MR. DAVIS: It's the final one we had scheduled today.  
17 Dr. Bonneau is here. He's prepared to start today or prepared  
18 to start in the morning. And I will let the Court know,  
19 following Dr. Bonneau, we have two additional fact witnesses,  
20 and that will complete the defendant's case.

21 THE COURT: All right. Following Dr. Bonneau, you  
22 have got two additional fact witnesses.

23 MR. DAVIS: Susan Copeland and Patty Payne. Both of  
24 whom I think will be on the shorter end. In other words, I do  
25 not -- although we're happy to follow the Court's lead, I do

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