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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE

3 NORTHERN DISTRICT OF ALABAMA

4
5 CIVIL ACTION NO.: 2:21-cv-001536-AMM

6
7 MARCUS CASTER, ET AL.,

8 Plaintiffs,

9 vs.

10 HON. WES ALLEN, IN HIS OFFICIAL

11 CAPACITY AS ALABAMA SECRETARY OF

12 STATE, ET AL.,

13 Defendants.

14
15 DEPOSITION OF COUNCILMAN C.J. SMALL

16
17 S T I P U L A T I O N S

18 IT IS STIPULATED AND AGREED by and between the
19 parties, through their respective counsel, that the
20 deposition of COUNCILMAN C.J. SMALL, may be taken before
21 Kathleen Cain, Commissioner, at the law offices of
22 Helmsing, Leach, Herlong, Newman & Rouse, 150 Government
23 Street, Suite 2000, Mobile, Alabama 36602, on the 5th day
24 of September 2024.

25 IT IS FURTHER STIPULATED AND AGREED that the

<p style="text-align: right;">Page 2</p> <p>1 signature to and the reading of the deposition by the</p> <p>2 witness is not waived.</p> <p>3 IT IS FURTHER STIPULATED AND AGREED that it</p> <p>4 shall not be necessary for any objections to be made by</p> <p>5 counsel to any questions except as to form or leading</p> <p>6 questions, and that counsel for the parties may make</p> <p>7 objections and assign grounds at the time of the trial,</p> <p>8 or at the time said deposition is offered in evidence, or</p> <p>9 prior thereto.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>11 notice of filing of the deposition by the Commissioner is</p> <p>12 waived.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ELIAS LAW GROUP, by Makeba Rutahindurwa, Esq.,</p> <p>4 1700 Seventh Avenue, Suite 2100, Seattle, Washington</p> <p>5 98101, appearing on behalf of the Plaintiffs.</p> <p>6</p> <p>7 OFFICE OF THE ATTORNEY GENERAL, by Charles A.</p> <p>8 McKay, Esq., and Dylan L. Mauldin, Esq., 501 Washington</p> <p>9 Avenue, Montgomery, Alabama 36130-0152, appearing on</p> <p>10 behalf of the Defendants, Hon. Wes Allen in his official</p> <p>11 capacity as Alabama Secretary of State.</p> <p>12</p> <p>13 BALCH & BINGHAM, by Dorman Walker, Esq., 445</p> <p>14 Dexter Avenue, Suite 8000, Montgomery, Alabama 36104,</p> <p>15 appearing via Zoom on behalf of the Defendants, the</p> <p>16 Redistricting Chairs.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 COUNCILMAN C.J. SMALL: PAGE</p> <p>4 BY MR. MCKAY 5</p> <p>5</p> <p>6 EXHIBIT INDEX</p> <p>7 EXHIBIT:</p> <p>8 EXHIBIT 1 BIOGRAPHY OF C.J. SMALL FROM CITY OF MOBILE 37</p> <p>9 WEBSITE</p> <p>10 EXHIBIT 2 MAP OF ALABAMA DIVIDED BY COUNTY 46</p> <p>11 EXHIBIT 3 2021 MAP 54</p> <p>12 EXHIBIT 4 2023 MAP 57</p> <p>13 EXHIBIT 5 PROPOSED REMEDIAL MAPS 76</p> <p>14 EXHIBIT 6 CITY OF MOBILE COUNCIL DISTRICTS 83</p> <p>15 EXHIBIT 7 CITY OF MOBILE COUNCIL DISTRICTS 83</p> <p>16 EXHIBIT 8 APPENDIX A - REMEDIAL PLAN THREE 91</p> <p>17 EXHIBIT 9 MAP - DEMONSTRATIVE AID 93</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 I, Kathleen Cain, RPR, a Court Reporter of</p> <p>2 Mobile, Alabama, and Notary Public for the State of</p> <p>3 Alabama at Large, acting as Commissioner, certify that on</p> <p>4 this date, as provided by the Federal Rules of Civil</p> <p>5 Procedure and the foregoing stipulation of counsel, there</p> <p>6 came before me at 150 Government Street, Suite 2000,</p> <p>7 Mobile, Alabama 36602, beginning at 9:08 a.m., COUNCILMAN</p> <p>8 C.J. SMALL, witness in the above cause, for oral</p> <p>9 examination, whereupon the following proceedings were</p> <p>10 had:</p> <p>11 COUNCILMAN C.J. SMALL,</p> <p>12 the witness, having been first duly sworn by the</p> <p>13 Court Reporter, was examined and testified as follows:</p> <p>14 THE COURT REPORTER: Do we have the usual</p> <p>15 stipulations?</p> <p>16 MR. MCKAY: Usual stipulations, yes.</p> <p>17 MS. RUTAHINDURWA: Yes, that's fine, but I just</p> <p>18 want to let the councilman know you have the right to</p> <p>19 read the transcript for any errors and sign, so I would</p> <p>20 urge you to use that right, if you want to.</p> <p>21 A. Okay.</p> <p>22 MS. RUTAHINDURWA: So usual stipulations but</p> <p>23 read and sign.</p> <p>24 EXAMINATION</p> <p>25 BY MR. MCKAY:</p>

<p style="text-align: right;">Page 6</p> <p>1 Q. Okay. Good morning, Councilman Small.</p> <p>2 A. Good morning.</p> <p>3 Q. My name is Charles McKay. I represent the</p> <p>4 Alabama Secretary of State, Wes Allen, in the</p> <p>5 congressional redistricting policy filed by the Caster</p> <p>6 Plaintiffs.</p> <p>7 Are you aware you've been disclosed as a</p> <p>8 potential fact witness by the Caster Plaintiffs?</p> <p>9 A. Yes.</p> <p>10 Q. I'll go over some very brief ground rules before</p> <p>11 we get started. This deposition is an opportunity for us</p> <p>12 to record your testimony. I will be asking you questions</p> <p>13 which you will be answering under oath. Your counsel may</p> <p>14 object from time to time. Counsel is making a record,</p> <p>15 but you are still required to answer the question unless</p> <p>16 directed otherwise. Does that make sense?</p> <p>17 A. Yes, sir.</p> <p>18 Q. There is a court reporter here, and she'll be</p> <p>19 creating a transcript of everything you have to say.</p> <p>20 Because we need her to create an accurate transcript,</p> <p>21 it's important that we do not speak over each other. I</p> <p>22 will wait to speak until you have finished answering the</p> <p>23 question. If you will wait to answer until I've finished</p> <p>24 my question, it will also help ensure you are answering</p> <p>25 the question I am asking. Does that make sense?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Could you please state your full name for the</p> <p>2 record,</p> <p>3 A. C'aracher Small, Jr.</p> <p>4 Q. And do you go by C.J. Small?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What year were you born?</p> <p>7 A. 1978.</p> <p>8 Q. Before this case, have you been involved in any</p> <p>9 litigation?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Was it in your personal capacity or professional</p> <p>12 capacity?</p> <p>13 A. Professional.</p> <p>14 Q. And what did that litigation involve?</p> <p>15 A. Lawsuits within the business.</p> <p>16 Q. And what business is that?</p> <p>17 A. Small's Mortuary.</p> <p>18 Q. Other than litigation within your business, have</p> <p>19 you been involved in any other litigation?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And what litigation was that?</p> <p>22 A. Dealing with the City of Mobile.</p> <p>23 Q. And what did that matter pertain to?</p> <p>24 A. Potential zoning.</p> <p>25 Q. And, if you could, what was the claim at issue</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes, sir.</p> <p>2 Q. Similarly, it is important that you answer</p> <p>3 questions yes or no, rather than non-verbal responses</p> <p>4 such as uh-huh, un-uh or shaking or nodding your head.</p> <p>5 Does that make sense?</p> <p>6 A. Yes, sir.</p> <p>7 Q. If you do not understand a question, and that</p> <p>8 very well may happen, please let me know, and I'll try to</p> <p>9 ask it again so we can stay on the same page. Will you</p> <p>10 do that for me?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And sometimes a witness gives an answer and then</p> <p>13 later in the deposition realizes that he forgot something</p> <p>14 or misspoke. If you need to add to or correct any of</p> <p>15 your testimony at any time during the deposition, please</p> <p>16 do so. Let me know.</p> <p>17 We will occasionally take breaks. If you need a</p> <p>18 break, let me know. If there's a question pending, I</p> <p>19 need you to answer the question before we take the break.</p> <p>20 Otherwise, let me know whenever you need a break. Can</p> <p>21 you do that?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is there any reason you cannot provide truthful</p> <p>24 and complete testimony here today?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">Page 9</p> <p>1 or the dispute at issue in that litigation?</p> <p>2 A. Some people purchased a piece of property and</p> <p>3 was trying to change it into a commercial in the middle</p> <p>4 of a neighborhood.</p> <p>5 Q. Were you deposed in either of those cases?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Which one?</p> <p>8 A. Both.</p> <p>9 Q. Both? And did you testify in court in either of</p> <p>10 those cases?</p> <p>11 A. No, sir.</p> <p>12 Q. Have you testified under oath in a different</p> <p>13 setting?</p> <p>14 A. No more than deposition. That's all.</p> <p>15 Q. How did you learn about this case?</p> <p>16 A. Through this young lady on the side of me, the</p> <p>17 attorney. Well, about the case -- about the whole</p> <p>18 lawsuit just in general or just this particular --</p> <p>19 Q. The entire lawsuit.</p> <p>20 A. The entire lawsuit? Just pretty much on the</p> <p>21 news and people talking about it within the community.</p> <p>22 Q. And when did you first see it on the news,</p> <p>23 roughly?</p> <p>24 A. Basically, after the legislators, I guess,</p> <p>25 redrew the new map, redistricting map, is when I</p>

<p style="text-align: right;">Page 10</p> <p>1 started hearing about it.</p> <p>2 Q. And who contacted you about being a witness in</p> <p>3 this case?</p> <p>4 A. The attorney on my right.</p> <p>5 Q. And when did she contact you?</p> <p>6 A. It's been probably a couple of months ago. I</p> <p>7 can't actually recall exactly when it was.</p> <p>8 Q. And does she represent you?</p> <p>9 A. No, sir.</p> <p>10 Q. Are you represented by counsel?</p> <p>11 A. Not for this case, no, sir.</p> <p>12 Q. What did you do to prepare for this deposition?</p> <p>13 A. Pretty much, last evening, I did glance at the</p> <p>14 map just a little bit to make sure I was knowledgeable</p> <p>15 what potentially could be asked of me today, if I could</p> <p>16 just have a general knowledge and refresh my memory off</p> <p>17 the top of my head.</p> <p>18 Q. And when you say you glanced at the map, what</p> <p>19 map are you referring to?</p> <p>20 A. I just went online and put up Congressional</p> <p>21 maps.</p> <p>22 Q. Do you remember if it was the map -- a map</p> <p>23 passed by the legislature?</p> <p>24 A. It was the current one.</p> <p>25 Q. And you're referring to the court-ordered</p>	<p style="text-align: right;">Page 12</p> <p>1 before this deposition about this deposition?</p> <p>2 A. Yes, sir. I had to tell a legislator that I was</p> <p>3 supposed to be meeting today at 10:30 I had to cancel</p> <p>4 because of this deposition, and, also, I had to let my</p> <p>5 staff know that I was being deposed today.</p> <p>6 Q. I'm sorry you had to cancel that meeting.</p> <p>7 A. That's okay.</p> <p>8 Q. What legislator was it?</p> <p>9 A. Representative Barbara Drummond.</p> <p>10 Q. I'm sorry. Can you say her name again?</p> <p>11 A. Barbara Drummond, Representative Barbara</p> <p>12 Drummond.</p> <p>13 Q. And what jurisdiction does she represent?</p> <p>14 A. House 103.</p> <p>15 Q. Did you review any documents in preparation for</p> <p>16 this deposition?</p> <p>17 A. No more than just looking online last evening at</p> <p>18 the current map.</p> <p>19 Q. Have you looked at any of the litigation</p> <p>20 documents, the complaint?</p> <p>21 A. No, sir.</p> <p>22 Q. And where do you live currently?</p> <p>23 A. 951 Marine Street, Mobile, Alabama 36605.</p> <p>24 Q. Is that address in Mobile City district three?</p> <p>25 A. Yes, it is.</p>
<p style="text-align: right;">Page 11</p> <p>1 Congressional map?</p> <p>2 A. Yes, the one the court drew up. Yes, sir.</p> <p>3 Q. Did you look at any other maps before this?</p> <p>4 A. It was briefly last evening.</p> <p>5 Q. Did you talk to anyone to prepare for this</p> <p>6 deposition?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Who did you talk to?</p> <p>9 A. The attorney to my right.</p> <p>10 Q. And how long did you talk to her?</p> <p>11 A. I believe we talked on yesterday, approximately</p> <p>12 30 minutes.</p> <p>13 Q. And what did you generally talk about?</p> <p>14 A. Some of the rundown for today, possibly some</p> <p>15 questions that may be asked.</p> <p>16 Q. And what were some of the questions that were</p> <p>17 brought to your attention that may be asked?</p> <p>18 A. Do I know about different counties, do I -- have</p> <p>19 I glanced at the map or looked at the map lately,</p> <p>20 potential, do I visit any of the counties, or have I been</p> <p>21 to any of the counties.</p> <p>22 Q. Were you asked your opinion of the court-ordered</p> <p>23 Congressional plan?</p> <p>24 A. I cannot recall at this time.</p> <p>25 Q. Did you talk to anyone other than the attorney</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Do you reside anywhere else?</p> <p>2 A. I have a second home.</p> <p>3 Q. And where is the second home?</p> <p>4 A. 3450 Dog River Road, Theodore, Alabama 36582.</p> <p>5 Q. Do you reside anywhere else other than those two</p> <p>6 places?</p> <p>7 A. No, sir.</p> <p>8 Q. How long have you lived on Marine Street?</p> <p>9 A. Approximately 14 -- 13, 14 years.</p> <p>10 Q. Where were you raised?</p> <p>11 A. In Mobile.</p> <p>12 Q. And what part of Mobile?</p> <p>13 A. In the Toulminville community.</p> <p>14 Q. Where is that community?</p> <p>15 A. It's in the north part of Mobile.</p> <p>16 Q. Is that in the north part of the City of Mobile?</p> <p>17 A. Yes.</p> <p>18 Q. Have you lived anywhere else in Alabama?</p> <p>19 A. Yes, sir, Montgomery, Alabama.</p> <p>20 Q. And when did you live there?</p> <p>21 A. '97.</p> <p>22 Q. Did you just spend one year in Montgomery?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Have you lived anywhere else other than</p> <p>25 Montgomery in Alabama?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. In Alabama, no, sir.</p> <p>2 Q. Have you ever lived outside of Alabama?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And where did you live outside of Alabama?</p> <p>5 A. Ellenwood, Georgia.</p> <p>6 Q. And where is that in Georgia?</p> <p>7 A. A suburb of Atlanta.</p> <p>8 Q. And when did you live there?</p> <p>9 A. That was around '99.</p> <p>10 Q. And, roughly, how long did you live there?</p> <p>11 A. Approximately 19 months.</p> <p>12 Q. Where did you go to high school?</p> <p>13 A. John S. Shaw High School, Mobile.</p> <p>14 Q. And is there still a high school by that name in</p> <p>15 Mobile?</p> <p>16 A. They changed it to a middle school.</p> <p>17 Q. Okay. And what's the middle school name?</p> <p>18 A. I believe it's called Clark-Shaw Magnet School.</p> <p>19 Q. Was John S. Shaw High School a magnet school</p> <p>20 when you went there?</p> <p>21 A. No, sir.</p> <p>22 Q. And where is that in Mobile?</p> <p>23 A. That's in the west side of -- in the City of</p> <p>24 Mobile.</p> <p>25 Q. Do you know what street it was on?</p>	<p style="text-align: right;">Page 16</p> <p>1 State Community College. Again, it was just one or two</p> <p>2 classes.</p> <p>3 Q. What were those classes?</p> <p>4 A. If I can recall, it was a computer class and, I</p> <p>5 think, a math class, I believe. I can't recall.</p> <p>6 Q. Did you graduate from Gupton-Jones College?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Did you graduate from Faulkner University in</p> <p>9 Montgomery?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Are you married?</p> <p>12 A. No, sir.</p> <p>13 Q. Have you been married?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you have any children?</p> <p>16 A. No, sir.</p> <p>17 Q. Are you currently a member of the Mobile City</p> <p>18 Council?</p> <p>19 A. Yes, sir.</p> <p>20 Q. How did you first join the city council?</p> <p>21 A. How did I first join the city council?</p> <p>22 Q. Yes.</p> <p>23 A. I was appointed to the city council in 2012.</p> <p>24 Q. Did you replace another city councilman who</p> <p>25 previously had that seat?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I believe it started with an A, Arlberg or</p> <p>2 something like that.</p> <p>3 Q. And where did you attend college?</p> <p>4 A. I attended college at Auburn University in</p> <p>5 Montgomery, Faulkner University in Montgomery, and, also,</p> <p>6 Gupton-Jones College in Decatur, Georgia.</p> <p>7 Q. And did you attend AUM in 1997?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And what did you study at AUM?</p> <p>10 A. It was education.</p> <p>11 Q. Did you graduate from AUM?</p> <p>12 A. No, sir.</p> <p>13 Q. Did you transfer anywhere?</p> <p>14 A. I attended AUM for one year, and I transferred</p> <p>15 to Gupton-Jones College in Decatur.</p> <p>16 Q. And what kind of college is Gupton-Jones</p> <p>17 College?</p> <p>18 A. Funeral service.</p> <p>19 Q. And you also mentioned Faulkner University in</p> <p>20 Montgomery. What degree did you get from Faulkner?</p> <p>21 A. A human resources degree.</p> <p>22 Q. Outside of AUM, Faulkner and Gupton-Jones</p> <p>23 College, have you attended any other institutions of</p> <p>24 higher learning?</p> <p>25 A. I attended -- took one or two classes at Bishop</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Yes, sir.</p> <p>2 Q. Who was that?</p> <p>3 A. Jermaine Burrell.</p> <p>4 Q. Did you know Councilman Burrell before you were</p> <p>5 appointed to replace him?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And how did you know him?</p> <p>8 A. He was a former monarch in the Mobile Area Mardi</p> <p>9 Gras Association, and I'm a former monarch, king.</p> <p>10 Q. Were you recommended by former Mayor Sam Jones</p> <p>11 to replace him?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And what is the mayor's role in appointing a</p> <p>14 vacant city council seat, if you can explain that for me?</p> <p>15 A. If it's less than a year from the election, the</p> <p>16 mayor appoints it, and the council has to approve it, the</p> <p>17 appointment.</p> <p>18 Q. And so you sat for an -- or you ran for an</p> <p>19 election within a year of your appointment?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Why did former Mayor Sam Jones recommend you?</p> <p>22 A. That's a question I never really asked him</p> <p>23 before. I don't know. I never asked him that question.</p> <p>24 Q. Could you describe your relationship with former</p> <p>25 Mayor Sam Jones?</p>

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<p>1 A. Real cordial.</p> <p>2 Q. And when you say "real cordial," are y'all</p> <p>3 friends?</p> <p>4 A. When I say "real cordial," when I see him, I</p> <p>5 speak to him. I don't pick up the phone and call him or</p> <p>6 anything like that unless it's about some city history</p> <p>7 that I would like to know, some knowledge. But as far as</p> <p>8 picking up the phone and saying, Hey, how are you doing,</p> <p>9 how was your day, no, sir.</p> <p>10 Q. And when you talk about business with former</p> <p>11 Mayor Sam Jones, what business are you generally</p> <p>12 discussing?</p> <p>13 A. Like city history, what happened in the past. I</p> <p>14 have called him, you know, in the past to get some</p> <p>15 suggestions on how things -- you know, his idea of how</p> <p>16 things should go, you know, something dealing with the</p> <p>17 City.</p> <p>18 Q. When you mentioned his idea of how things should</p> <p>19 go, are you referring to policies for the City of Mobile?</p> <p>20 A. Policies, procedures, just his suggestions, his</p> <p>21 ideas.</p> <p>22 Q. Do you generally agree with former Mayor Sam</p> <p>23 Jones' policies?</p> <p>24 A. No, sir.</p> <p>25 Q. Do you generally disagree with his policies?</p>	<p>1 A. Four years.</p> <p>2 Q. Did you run against anyone in your first city</p> <p>3 council election?</p> <p>4 A. Someone ran against me.</p> <p>5 Q. And who ran against you?</p> <p>6 A. I can't remember her name.</p> <p>7 Q. Do you remember her race?</p> <p>8 A. She was white.</p> <p>9 Q. And how did that campaign generally go?</p> <p>10 A. I won.</p> <p>11 Q. Was it a cordial campaign? Did you have a good</p> <p>12 relationship with her?</p> <p>13 A. I never met her.</p> <p>14 Q. Did you ever speak to her during the campaign?</p> <p>15 A. No, sir.</p> <p>16 Q. How much did you win by in that election?</p> <p>17 A. It was way over majority, at least 80, 90</p> <p>18 percent.</p> <p>19 Q. And you said 80 to 90 percent?</p> <p>20 A. Yeah, 80, 90 percent, yeah.</p> <p>21 Q. Do you know the racial demographics in your city</p> <p>22 council district?</p> <p>23 A. Yes. Currently, it's around 68 percent African-</p> <p>24 American.</p> <p>25 Q. And when you were running against your opponent</p>
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<p>1 A. Mostly, I would say I do agree with most of his</p> <p>2 policies, but not all.</p> <p>3 Q. What are some policies you agree with that Sam</p> <p>4 Jones holds?</p> <p>5 A. Like his recommendation, especially if it</p> <p>6 becomes a race situation, just to get his thoughts of how</p> <p>7 to handle -- you know, different ways of handling</p> <p>8 different situations, especially with his history of</p> <p>9 being part of the Mobile County Commission and then</p> <p>10 serving as the mayor of Mobile. I may reach out to him</p> <p>11 to get his suggestion on how to handle different</p> <p>12 situations, addressing different issues, you know, maybe</p> <p>13 from a race perspective.</p> <p>14 Q. And what is Mayor Sam Jones -- former Mayor Sam</p> <p>15 Jones' general race perspective that you agree with?</p> <p>16 A. Try to keep everything neutral as much as</p> <p>17 possible.</p> <p>18 Q. When you say "neutral," what do you mean?</p> <p>19 A. Not just play heavily on one side.</p> <p>20 Q. And when you say "one side," are you referring</p> <p>21 to one race?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Have you talked about this case with Sam Jones?</p> <p>24 A. No, sir.</p> <p>25 Q. How long are city council terms?</p>	<p>1 in your first city council election, what were the</p> <p>2 demographics generally in your city council district?</p> <p>3 A. What I probably just stated to you because the</p> <p>4 lines had just changed before I took office. Yeah, it</p> <p>5 just changed at that particular time. So the lines just</p> <p>6 turned around and just changed again about two years ago,</p> <p>7 but they really don't kick in until six months prior to</p> <p>8 the election, so the election of '25.</p> <p>9 Q. Okay. I understand. And so the racial</p> <p>10 demographics in your council district in the first</p> <p>11 election you ran in were roughly the same, so 68 percent?</p> <p>12 A. 68 percent, 72 percent, somewhere in there.</p> <p>13 Q. Do you know if there was racially polarized</p> <p>14 voting -- Strike that. Let me back up. Does the term</p> <p>15 "racially polarized voting" mean anything to you?</p> <p>16 A. I remember hearing the term, yes, sir.</p> <p>17 Q. Could you explain your general understanding of</p> <p>18 what that term means?</p> <p>19 A. I remember hearing the term, but just off the</p> <p>20 top of my head, "polarized" is versus what the majority</p> <p>21 of the voters are characterized as far as in if it's</p> <p>22 going to be a black or white, is what I'm just guessing</p> <p>23 off the top of my head.</p> <p>24 Q. And if -- And I know this is an estimate, but if</p> <p>25 68 percent -- 68 to 70 percent of your district is</p>

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<p>1 African-American and your best estimate is you received</p> <p>2 80 to 90 percent of the vote in the city council</p> <p>3 election, does that mean that there were some white</p> <p>4 voters that voted for you as well?</p> <p>5 A. Oh, yes, sir. I know there was.</p> <p>6 Q. Do you think your support from black voters and</p> <p>7 white voters was roughly equal?</p> <p>8 A. Repeat that question.</p> <p>9 Q. Do you think your support in that election from</p> <p>10 black voters and white voters was roughly equivalent?</p> <p>11 A. No, sir.</p> <p>12 Q. Do you think more black voters -- a higher</p> <p>13 proportion of black voters supported you in that</p> <p>14 election?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Were there any racial appeals in that campaign?</p> <p>17 A. No more than --</p> <p>18 MS. RUTAHINDURWA: Object to the form. You can</p> <p>19 answer.</p> <p>20 A. Basically, I remember someone sending me a</p> <p>21 Facebook post where someone white had submitted to my</p> <p>22 opponent that was running against me about she would have</p> <p>23 to get more involved with the African-American or black</p> <p>24 community because I run a black business and that's where</p> <p>25 my support is going to come from. I remember seeing that</p>	<p>1 talking about faired roughly the same as the opponent in</p> <p>2 your first election; is that right?</p> <p>3 A. I can't remember the actual percentage, but I</p> <p>4 know I had over the vast majority of the votes.</p> <p>5 Q. How many constituents did you interact with in</p> <p>6 that first campaign?</p> <p>7 A. That's a hard question because I have always</p> <p>8 interacted with constituents throughout the whole year,</p> <p>9 you know, the year before I first took a council seat.</p> <p>10 People think you can change things because you're new and</p> <p>11 can change things right there. So people was coming up</p> <p>12 to me and congratulating me and trying to figure out can</p> <p>13 I do something they've been asking the city to do for the</p> <p>14 past 30 years. So that question is kind of hard.</p> <p>15 Now, if your question is how many people did I</p> <p>16 go out and say, Vote for me, I can't remember. It's been</p> <p>17 12 years ago.</p> <p>18 Q. And did you interact with both white and black</p> <p>19 constituents?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Was there generally a warmer welcome from either</p> <p>22 race?</p> <p>23 A. Of course, blacks was much warmer.</p> <p>24 Q. And you say "of course." Why of course?</p> <p>25 A. Just thinking about that some of the -- and I</p>
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<p>1 post that someone sent to me. But other than that,</p> <p>2 that's all. I just basically don't remember anything</p> <p>3 said to me verbally as far as anything said to me.</p> <p>4 Q. To your knowledge, did your opponent try to get</p> <p>5 more involved with the black community?</p> <p>6 A. I didn't keep up with it.</p> <p>7 Q. And you already answered this. How long are the</p> <p>8 Mobile city council terms, again?</p> <p>9 A. Four years.</p> <p>10 Q. Four years? In the next election, did you have</p> <p>11 an opponent?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And do you remember your margin of victory in</p> <p>14 that election?</p> <p>15 A. It was 80 to 90 percent.</p> <p>16 Q. Roughly the same level of success?</p> <p>17 A. Yeah. It was still--</p> <p>18 Q. Okay. Do you remember the race of your opponent</p> <p>19 in that election?</p> <p>20 A. She was black.</p> <p>21 Q. And that black opponent -- your opponent in that</p> <p>22 election faired roughly the same as the white opponent in</p> <p>23 the first election, right?</p> <p>24 A. Repeat that question.</p> <p>25 Q. Your opponent in the more recent election we're</p>	<p>1 apologize for that, but, anyway, some of the -- of my</p> <p>2 white constituents, no matter, you know, if it was</p> <p>3 whoever, you know, the opposite race, they was going to</p> <p>4 vote for them. Unfortunately, I do have some people I</p> <p>5 represent that's like that.</p> <p>6 Q. And those white constituents, no matter your</p> <p>7 policies, they weren't going to support you in any of</p> <p>8 your elections?</p> <p>9 A. No. I have a couple that's like that, yes, sir.</p> <p>10 Q. And you say "a couple." Could you give a rough</p> <p>11 estimate of how many?</p> <p>12 A. From my knowledge, what I know, I can say that I</p> <p>13 probably know four right off the bat that really don't</p> <p>14 care, you know, for C.J. Small.</p> <p>15 Q. And they don't care for C.J. Small because of</p> <p>16 your race?</p> <p>17 A. I would say, yes.</p> <p>18 Q. And why would you say that?</p> <p>19 A. Because -- One, because of their demeanor and</p> <p>20 their actions of them -- you know, certain actions that</p> <p>21 they have taken in the past -- took in the past,</p> <p>22 conversations about when certain people had became</p> <p>23 president, certain things had happened, and I'd just</p> <p>24 rather just distance myself from those constituents as</p> <p>25 much as possible. I don't have too much dealings with</p>

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<p>1 them.</p> <p>2 Q. And the first thing you mentioned were the</p> <p>3 demeanor and actions. Taking that in two parts, what</p> <p>4 specific actions are you referring to?</p> <p>5 A. The way that they may look, the way they're</p> <p>6 standoffish, the way they speak toward me versus someone</p> <p>7 else that was standing in the same circle.</p> <p>8 Q. Anything else?</p> <p>9 A. I'm trying to just be candid. More their</p> <p>10 demeanor wasn't pleasant.</p> <p>11 Q. And who -- Strike that. You also mentioned</p> <p>12 actions taken in the past. What actions are those, other</p> <p>13 than the way they've looked and acted standoffish? What</p> <p>14 specific actions taken in the past indicate that they do</p> <p>15 not like you because of your race?</p> <p>16 MS. RUTAHINDURWA: Object to the form.</p> <p>17 A. One instance I could just -- that comes to mind</p> <p>18 is when Obama had just left the seat, and there was --</p> <p>19 Trump came in, and some Caucasian residents was having</p> <p>20 issues on their street. I went out to see exactly what</p> <p>21 they were talking about, and they stay on the bay part of</p> <p>22 Mobile, and they made comments as far as in, you know, we</p> <p>23 see a whole lot of ships are now travelling the bay. You</p> <p>24 know, it's all because of Trump, you know, that we're</p> <p>25 getting things done around here. And so when they made</p>	<p>1 Trump's policies as opposed to Barack Obama's policies?</p> <p>2 A. I'm pretty sure.</p> <p>3 Q. And I'm trying to tie this back to instances of</p> <p>4 racial district cord. Was there anything else that they</p> <p>5 said to indicate they don't like you because you're</p> <p>6 black?</p> <p>7 A. Oh, no, sir.</p> <p>8 MS. RUTAHINDURWA: Object to the form.</p> <p>9 Q. Are city council races nonpartisan?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you know if the candidate you first ran</p> <p>12 against who was white was a Republican?</p> <p>13 A. I do not know that.</p> <p>14 Q. Do you know if the candidate you ran against in</p> <p>15 the second election was a Republican?</p> <p>16 A. She was a Democrat.</p> <p>17 Q. Are you a Democrat?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And are you now president of the Mobile City</p> <p>20 Council?</p> <p>21 A. Yes, sir.</p> <p>22 Q. How long have you been president of the Mobile</p> <p>23 City Council?</p> <p>24 A. Three years.</p> <p>25 Q. How does one become president of the Mobile City</p>
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<p>1 that statement, it was like, Okay, what I've got to do</p> <p>2 for you -- what you're asking for me to do is not the</p> <p>3 City of Mobile. It's MAWSS, which is Mobile Area Water &</p> <p>4 Sewer System, not the City of Mobile, but you're trying</p> <p>5 to say is that Barack couldn't get it done or wasn't</p> <p>6 getting it done and now Trump is getting it done. So</p> <p>7 that was, you know, like a little slap to me.</p> <p>8 Q. Did those constituents say anything about Barack</p> <p>9 Obama's race?</p> <p>10 A. They just say they finally getting something</p> <p>11 done, seeing some action, seeing some work. They didn't</p> <p>12 come out and say Barack is black or anything like that,</p> <p>13 if that's your question.</p> <p>14 Q. And did they say anything about Trump's race?</p> <p>15 A. No, sir. They just mentioned his name.</p> <p>16 Q. And is your impression that they were</p> <p>17 criticizing Obama because of his race?</p> <p>18 A. Well, they just said they haven't had no actions</p> <p>19 or anything. It wasn't really, you know, being seen --</p> <p>20 or no ships wasn't really just, you know, travelling.</p> <p>21 And I just remember them saying that, you know, because</p> <p>22 of President Trump, you know, we are now having a whole</p> <p>23 lot of ships, cargo coming in and out, you know, to the</p> <p>24 bay headed down to the port and stuff.</p> <p>25 Q. Is it possible those constituents supported</p>	<p>1 Council?</p> <p>2 A. The peers will have to vote you in to be</p> <p>3 president of the council.</p> <p>4 Q. And you were voted in three years ago?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What was the vote tally for you to become Mobile</p> <p>7 City Council president?</p> <p>8 A. It was -- Everybody voted.</p> <p>9 Q. It was a unanimous vote?</p> <p>10 A. Yes.</p> <p>11 Q. And how many of the Mobile City Councilmembers</p> <p>12 at the time that you were elected president were white?</p> <p>13 A. Four.</p> <p>14 Q. Four? And how many Mobile City Councilmembers</p> <p>15 are there total?</p> <p>16 A. Seven.</p> <p>17 Q. Do you have a good relationship with the other</p> <p>18 Mobile City Councilmembers?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And so you haven't experienced any</p> <p>21 discrimination within the Mobile City Council?</p> <p>22 A. Not with my peers, no, sir.</p> <p>23 Q. And what are your responsibilities as Mobile</p> <p>24 City Council president?</p> <p>25 A. To lead the meetings.</p>

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<p>1 Q. What -- Could you expound on what leading the</p> <p>2 meetings mean?</p> <p>3 A. Take charge starting the meeting, presiding over</p> <p>4 the meetings.</p> <p>5 Q. Do you have any other special responsibilities</p> <p>6 as Mobile City Council president?</p> <p>7 A. Yes. If the mayor ever becomes sick or ill, you</p> <p>8 know, I'm the next person that's in line, you know.</p> <p>9 Q. Kind of like the vice president?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Before you were elected to the Mobile City</p> <p>12 Council, did you serve in any other public positions?</p> <p>13 A. No more than on boards, city boards. That's</p> <p>14 all.</p> <p>15 Q. And how many consecutive years have you served</p> <p>16 on the city council?</p> <p>17 A. I was appointed in 2012, so 12 years.</p> <p>18 Q. Other than persons being standoffish or remarks</p> <p>19 about Barack Obama, can you think of any other instances</p> <p>20 in which you observed racial discrimination toward you?</p> <p>21 MS. RUTAHINDURWA: Object to the form.</p> <p>22 A. Basically, I have been in settings where --</p> <p>23 probably where I was the minority and, you know, I guess,</p> <p>24 this may be cultural, but I felt like -- sometimes I felt</p> <p>25 like I was out of place, you know. It don't happen that</p>	<p>1 meet with business leaders in the community?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you meet with the Mobile Chamber of Commerce?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Would you say they are the most important</p> <p>6 business entity in Mobile?</p> <p>7 A. They are very important, yes, sir.</p> <p>8 Q. What do you talk about with members of the</p> <p>9 Mobile Chamber of Commerce?</p> <p>10 A. Pretty much, any jobs that is coming, any type</p> <p>11 of, you know, businesses that's moving to the area, you</p> <p>12 know, what is going to be the economic from it, stuff</p> <p>13 like in that manner.</p> <p>14 Q. Are there any recent projects that have been a</p> <p>15 priority?</p> <p>16 A. Basically, yes.</p> <p>17 Q. What are those projects?</p> <p>18 A. We take it into executive session over those</p> <p>19 things.</p> <p>20 Q. Are there any projects that have recently been</p> <p>21 completed that were a priority for the City of Mobile?</p> <p>22 A. Yeah, I mean, from, I mean, Airbus, to the last</p> <p>23 assembly line that they're assembling now, to land</p> <p>24 acquisition off Theodore Dawes Road -- Rangeline Road,</p> <p>25 excuse me. You know, that's one of the things off the</p>
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<p>1 often, but it has happened.</p> <p>2 Q. When you say that it might be cultural, what do</p> <p>3 you mean?</p> <p>4 A. The way that things are -- just to be blunt with</p> <p>5 it, around here, because I have witnessed where there</p> <p>6 have been rooms, you know, full of African-Americans and</p> <p>7 maybe one Caucasian or two, and it kind of felt -- you</p> <p>8 know, seemed like they was out of place at times. And I</p> <p>9 be like, you know, I know how you feel. So sometimes</p> <p>10 when I do experience that, I do try to walk up to them</p> <p>11 and talk to them and greet them because I know how it</p> <p>12 feels.</p> <p>13 Q. Are you referencing general discomfort being a</p> <p>14 minority surrounded by a majority group in a setting?</p> <p>15 A. Yes.</p> <p>16 Q. We talked about your responsibilities as city</p> <p>17 council president. Could you describe your</p> <p>18 responsibilities as a city councilman generally?</p> <p>19 A. The responsibility of a city councilperson is to</p> <p>20 pass ordinances and resolutions, to be an advocate for</p> <p>21 the citizens that's within your district. You know, if</p> <p>22 anything has gone wrong, to report it to the mayor, who</p> <p>23 is responsible for, you know, items in the City of</p> <p>24 Mobile.</p> <p>25 Q. Within that role, is it important for you to</p>	<p>1 top of my head -- one or two of the things off the top of</p> <p>2 my head.</p> <p>3 Q. And where is the Airbus assembly line located?</p> <p>4 A. It's in district three, Brookley Field.</p> <p>5 Q. And that is by the Mobile International Airport,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that is in your district?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And the land acquisition off of Rangeline Road,</p> <p>11 what is that?</p> <p>12 A. It's where a company was trying to come in and</p> <p>13 rezone some land, and some of the land was residential,</p> <p>14 and they're trying to come in and clean it up and try to</p> <p>15 do some business acquisitions out there.</p> <p>16 Q. What industries are most important to the Mobile</p> <p>17 Chamber of Commerce?</p> <p>18 A. Industries dealing with -- I would say the most</p> <p>19 important thing to them is probably the port.</p> <p>20 Q. So that would be maritime interests?</p> <p>21 A. Yes.</p> <p>22 Q. Any others?</p> <p>23 A. And, of course, Airbus.</p> <p>24 Q. Other than business leaders, what other kinds of</p> <p>25 community leaders do you meet with as city councilman?</p>

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<p>1 A. Church leaders, civic organizations.</p> <p>2 Q. And what do you talk about with church leaders?</p> <p>3 A. Different proposals, ordinances that the council</p> <p>4 may be considering. Last evening, I met with some church</p> <p>5 leaders dealing with a bill that Representative Barbara</p> <p>6 Drummond is looking to propose to the state in this</p> <p>7 coming year, stuff like that.</p> <p>8 Q. And what bill is that?</p> <p>9 A. It's a bill to try to make shooting into an</p> <p>10 occupied building or structure a class A.</p> <p>11 Q. What will be the effect of that?</p> <p>12 A. To make the sentence a little bit longer to make</p> <p>13 sure -- try to give the shooter, you know, second</p> <p>14 thoughts about, you know, shooting into an occupied</p> <p>15 building, with people that's in there -- keeping them</p> <p>16 from trying to do it -- deter them from trying to do it.</p> <p>17 Q. And so that will increase the criminal penalty?</p> <p>18 A. Yes.</p> <p>19 Q. Is crime an issue for -- Strike that. Is crime</p> <p>20 an issue of significance for your constituents?</p> <p>21 A. Oh, yes.</p> <p>22 Q. Do they talk about that often?</p> <p>23 A. Yes.</p> <p>24 Q. What other issues are important to your</p> <p>25 constituents?</p>	<p>1 citizens -- my constituents, black and white, believe in</p> <p>2 all of those things.</p> <p>3 Q. So your constituents, black and white, have</p> <p>4 roughly the same priorities?</p> <p>5 A. Yeah, because, again, even with the white ones,</p> <p>6 I mean, you still have the black kids in the</p> <p>7 neighborhood. So keeping them busy and not breaking into</p> <p>8 their homes is more safe for the community. So, yes,</p> <p>9 sir.</p> <p>10 Q. Would you say the ability to make a decent</p> <p>11 living is the most important issue to your constituents?</p> <p>12 MS. RUTAHINDURWA: Object to the form.</p> <p>13 A. Repeat that question.</p> <p>14 Q. Would you say the ability to make a decent</p> <p>15 living is the most important issue to your constituents?</p> <p>16 MS. RUTAHINDURWA: Object to the form.</p> <p>17 A. I would not say all of them. Probably the</p> <p>18 majority of them.</p> <p>19 Q. And would that answer depend on your</p> <p>20 constituent's race?</p> <p>21 A. I would not say all of them. I would not say --</p> <p>22 not all of them, but probably some is, yes.</p> <p>23 Q. Outside of your public service, what do you do</p> <p>24 for a living?</p> <p>25 A. I'm a funeral director.</p>
Page 35	Page 37
<p>1 A. Blight, infrastructure, kids don't have anything</p> <p>2 to do.</p> <p>3 Q. And what type of blight are you referencing</p> <p>4 there? Urban blight?</p> <p>5 A. Yes.</p> <p>6 Q. And would infrastructure be related to urban</p> <p>7 blight?</p> <p>8 A. You can -- Well, infrastructure as far as</p> <p>9 drainage, streets. I still consider that as blight but,</p> <p>10 you know -- but overgrown grass, yeah.</p> <p>11 Q. And the last thing you mentioned was having</p> <p>12 activities for people. Could you explain more about</p> <p>13 that?</p> <p>14 A. For the youth.</p> <p>15 Q. For the youth?</p> <p>16 A. Keeping the kids busy, just, pretty much, you</p> <p>17 know, out of the streets, you know, possibly keeping them</p> <p>18 from pulling doorknobs, breaking in people's houses,</p> <p>19 keeping them active into like a community center, the</p> <p>20 Boys & Girls Club, etc.</p> <p>21 Q. And are all of those issues important,</p> <p>22 generally, to your constituents?</p> <p>23 A. Yes.</p> <p>24 Q. Does it depend on their race?</p> <p>25 A. No. I have -- No. The vast majority of my</p>	<p>1 Q. And how long have you been a funeral director?</p> <p>2 A. Over 25 years.</p> <p>3 Q. I'm going to show you a document. I'll ask you</p> <p>4 if you recognize it. I'll mark this as Exhibit 1.</p> <p>5 (Exhibit 1 was marked for identification.)</p> <p>6 Q. And do you recognize this document? You can</p> <p>7 flip through all of the pages.</p> <p>8 A. Yes. It looks like my newsletter.</p> <p>9 Q. I'll represent that it's your city council bio</p> <p>10 from the City of Mobile's website. Does that look</p> <p>11 correct to you?</p> <p>12 A. Oh, yes, sir. Yeah. I don't have my glasses</p> <p>13 on, but, yes, sir.</p> <p>14 Q. Did you provide the information for this bio?</p> <p>15 A. I can't recall where this bio actually -- how it</p> <p>16 was submitted.</p> <p>17 Q. In the first paragraph, it mentions that you're</p> <p>18 a dedicated member of the Mount Sinai Missionary Baptist</p> <p>19 Church. Is that accurate?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And are you still a church trustee for the Mount</p> <p>22 Sinai Missionary Baptist Church?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Could you explain your involvement in the</p> <p>25 church?</p>

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<p>1 A. My involvement as a trustee or as a member?</p> <p>2 Q. As a trustee.</p> <p>3 A. My job as a trustee is to count the money and</p> <p>4 make sure that the church, they're on financially sound</p> <p>5 ground.</p> <p>6 Q. And if you'll take a moment to just review the</p> <p>7 two paragraphs here and let me know if you have any</p> <p>8 reason to doubt the accuracy of the information in this</p> <p>9 bio.</p> <p>10 A. Sunday school, since after the pandemic and we</p> <p>11 have a new pastor, they've taken a new look at Sunday</p> <p>12 school and BTU, Baptist training union, so I'm not a</p> <p>13 teacher anymore. "He received his associate's from</p> <p>14 Gupton-Jones College, bachelor in human resources from</p> <p>15 Faulkner" -- and the rest of it is true.</p> <p>16 Q. And that would include the second paragraph as</p> <p>17 well?</p> <p>18 A. "He is the owner of Gulf Coast" -- "He is the</p> <p>19 owner of Small's Mortuary & Cremation Services serving</p> <p>20 the Gulf Coast with locations in Mobile, Theodore and</p> <p>21 Fairhope." We moved from Fairhope to Daphne.</p> <p>22 Q. Okay.</p> <p>23 A. And I currently have another location that's</p> <p>24 opened up since this was written.</p> <p>25 Q. And we will get to that in just a second. I</p>	<p>1 Q. Have you opened up any other offices?</p> <p>2 A. I have another but not Small's Mortuary.</p> <p>3 Q. Okay. What's your address -- Do you have two</p> <p>4 offices in Mobile City?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And what's your address for the non-Moffett Road</p> <p>7 office?</p> <p>8 A. The non-Moffett Road office?</p> <p>9 Q. Yes. So the one that's not -- the pre-existing</p> <p>10 office, the one that wasn't recently opened up.</p> <p>11 A. The address on Moffett Road is 3809 Moffett</p> <p>12 Road.</p> <p>13 Q. And then the address for the other office?</p> <p>14 A. In Mount Vernon or Mobile?</p> <p>15 Q. In Mobile.</p> <p>16 A. 950 South Broad Street.</p> <p>17 Q. Is your office in Theodore in Mobile County?</p> <p>18 A. Yes, sir. That's not Small's. It's Gulf Coast.</p> <p>19 Q. And is your office in Daphne in Baldwin County?</p> <p>20 A. That's in Baldwin, yes, sir.</p> <p>21 Q. Do you ever go to your office in Baldwin County?</p> <p>22 A. Yes, sir.</p> <p>23 Q. How often?</p> <p>24 A. Camera-wise, every day. Physically, maybe once,</p> <p>25 twice a month. It just depends on what's going on over</p>
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<p>1 believe you were reading the first sentence in the second</p> <p>2 paragraph, and I will go ahead and read that just for the</p> <p>3 record. It says you are, quote, the owner of Small's</p> <p>4 Mortuary & Cremation Services serving the Alabama Gulf</p> <p>5 Coast with locations in Mobile, Theodore and Fairhope,</p> <p>6 Alabama." Did I read that correctly?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And you said one of your offices has moved from</p> <p>9 Fairhope to Daphne?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And you've opened up a new office. Where is</p> <p>12 that office?</p> <p>13 A. Actually, I opened up two additional offices,</p> <p>14 Mount Vernon, Alabama, and I opened up another one in the</p> <p>15 west side of Mobile on Moffett Road.</p> <p>16 Q. And the west side of the City of Mobile?</p> <p>17 A. Yes.</p> <p>18 Q. And the first office -- I'm sorry. I didn't</p> <p>19 catch where that one was.</p> <p>20 A. Mount Vernon.</p> <p>21 Q. And is that in Mobile County?</p> <p>22 A. North of Mobile County, yes, sir.</p> <p>23 Q. North of Mobile County, within -- What county is</p> <p>24 it in?</p> <p>25 A. It's in Mobile County, the north part.</p>	<p>1 there.</p> <p>2 Q. And what route do you take to go to your office</p> <p>3 from Mobile City?</p> <p>4 A. I-10 eastbound.</p> <p>5 Q. Other than going to your office in Baldwin</p> <p>6 County, do you go to Baldwin County for any other</p> <p>7 reasons?</p> <p>8 A. Yes, sir.</p> <p>9 Q. What are those reasons?</p> <p>10 A. Probably to go and shop or go to the doctor's</p> <p>11 office.</p> <p>12 Q. Any other reasons?</p> <p>13 A. Just probably just to ride around, get away.</p> <p>14 Q. Where do you ride around in Baldwin County?</p> <p>15 A. I may drive to Fairhope or Foley, Gulf Shores.</p> <p>16 Q. How often do you go to Baldwin County in general</p> <p>17 aside from visiting your office?</p> <p>18 A. Not often.</p> <p>19 Q. How many times a month?</p> <p>20 A. Besides visiting my office, maybe -- probably</p> <p>21 once or twice a month.</p> <p>22 Q. And with adding that to the visits for the</p> <p>23 office -- I believe earlier you said you go to the office</p> <p>24 a couple of times a month. So are we looking at roughly</p> <p>25 four to five visits to Baldwin County each month?</p>

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<p>1 A. Yes, sir. Again, one or two, or it depends on 2 what's going on, you know. 3 Q. So it can fluctuate and go higher or lower? 4 A. Yes. 5 Q. When your bio says your company serves the 6 Alabama Gulf Coast, what does that mean? 7 A. We serve people from Mississippi to Florida. 8 Q. Are you referring to a specific region? 9 A. The Gulf -- Yes, sir. 10 Q. And what counties in Alabama constitute the 11 Alabama Gulf Coast? 12 A. I would say Mobile and Baldwin in Alabama. 13 Q. And you lived in Montgomery. You're familiar 14 where Montgomery is, correct? 15 A. Yes, sir. 16 Q. If you opened an office in the City of 17 Montgomery, would that office serve the Gulf Coast? 18 A. If they call us, yes, sir, it will, but 19 currently we get calls from Huntsville, Alabama. We'll 20 go to Huntsville. If I have a funeral home in 21 Montgomery, yes, we'll bring the body to the Gulf Coast. 22 Q. So that office would serve residents of the Gulf 23 Coast, but it wouldn't be located in the Gulf Coast 24 region? 25 A. We'll service the whole Alabama.</p>	<p>1 Q. The counties between Mobile and Dallas County. 2 Are any other counties in the Black Belt, to your 3 understanding? 4 A. I would say the counties between like 5 Washington, Marengo, Wilcox County, Dallas County, Clarke 6 County, you know, I consider, you know, the Black Belt 7 area. 8 Q. Do you ever travel to those areas? 9 A. Yes, sir. 10 Q. And why do you travel to those areas? 11 A. I have cattles in Wilcox County. 12 Q. Could you say that again? 13 A. I have cows in Wilcox County. 14 Q. Cows? And how often do you travel to Wilcox 15 County? 16 A. At least once a month. 17 Q. Are you -- Would you say that cattle are an 18 important economic factor in Mobile? 19 A. Yeah. We eat hamburger and steaks here, so. 20 Q. So downstream, we all enjoy cattle. Do you 21 think that Mobile County depends on cattle as much as the 22 Black Belt region? 23 MS. RUTAHINDURWA: Object to the form. 24 A. Again, we enjoy hamburgers and steaks down here, 25 so.</p>
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<p>1 Q. Do you think the Alabama Gulf Coast is a -- 2 scratch that. Would you agree you live in the Gulf Coast 3 region of Alabama? 4 A. Yes, sir. 5 Q. And are you generally familiar with the counties 6 in your region of the state? 7 A. Yes, sir. 8 Q. Are you familiar with the Black Belt of Alabama? 9 A. Yes, sir. 10 Q. And why is it called the Black Belt? 11 A. Pretty much, just from my knowledge, it's where 12 a lot of black people, you know, was born and raised and 13 lived at is, you know, what I came across, you know, in 14 my mind. 15 Q. And so is your understanding that the Black Belt 16 is named for the racial demography of the region? 17 A. Yes, sir. 18 Q. What are the counties that you consider to be in 19 the Black Belt? 20 A. Basically, the only thing I have really just 21 probably focused on is counties between Mobile, you know, 22 all the way through Dallas County. 23 Q. Do you consider Mobile to be in the Black Belt? 24 A. I would not -- No, sir. The top of my head, I 25 would say, no, sir.</p>	<p>1 Q. And aside from enjoying hamburgers and steaks, 2 does Mobile County have any other involvement with 3 cattle, generally? 4 A. Well, milk. 5 Q. Aside from consumption of those products, does 6 Mobile County depend on producing those products? 7 A. Not from my knowledge, no, sir. 8 Q. How often do you travel to Wilcox County? 9 A. Probably once a month. At least once a month. 10 Q. Do you travel to any other counties in the Black 11 Belt? 12 A. Business-wise, yes. Personal-wise, I just pass 13 through heading to Wilcox County. 14 Q. And what are -- What other counties do you 15 travel to for personal reasons in the Black Belt? 16 A. Again, usually just travelling to Wilcox County 17 to see about my cows. I may -- Once a year, I go to 18 Selma, Alabama to pay my taxes on the property, and I may 19 go shopping in Selma or ride around in the Selma area or 20 either take a detour and come back and not travel 43. I 21 might go and, you know, hit 65 or take the back roads 22 through Monroe County or something like that. I have 23 done that in the past. It just depends on how much time 24 I have. 25 Q. Do you have any family in the Black Belt?</p>

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<p>1 A. Yes, sir.</p> <p>2 Q. And how many family members do you have in the</p> <p>3 Black Belt?</p> <p>4 A. Extended cousins.</p> <p>5 Q. And how many family members are there in the</p> <p>6 Black Belt that you have?</p> <p>7 A. Again, extended cousins.</p> <p>8 Q. Could you give me an estimate of how many there</p> <p>9 are?</p> <p>10 A. Quite a bit. My family, we're kin to the</p> <p>11 Pettways, Domingos, the Colemans, and that's just my</p> <p>12 dad's side. My mom -- My parents are from Wilcox County.</p> <p>13 So my mom, she's Johnsons and Irbys. So that's why I</p> <p>14 have plenty of extended family on both sides of my</p> <p>15 parents.</p> <p>16 Q. And earlier, we were talking about the Black</p> <p>17 Belt and your understanding of the counties that are in</p> <p>18 the Black Belt. Is Wilcox County in the Black Belt?</p> <p>19 A. Yes, sir.</p> <p>20 Q. I'm going to show you another document and mark</p> <p>21 it as Exhibit 2.</p> <p>22 (Exhibit 2 was marked for identification.)</p> <p>23 Q. And what does this document look like to you?</p> <p>24 A. The State of Alabama divided by the counties.</p> <p>25 Q. And I'll represent that this is an accurate map</p>	<p>1 A. It rings a bell, but I can't recall off the top</p> <p>2 of my head.</p> <p>3 Q. Do you know where Choctaw County is on this map?</p> <p>4 A. Choctaw County, I'm going to just guess 18.</p> <p>5 Q. Do you know where Macon County is?</p> <p>6 A. Macon County is on the other side of Montgomery.</p> <p>7 I can't tell you which number it is, but it's on the</p> <p>8 other side of Montgomery.</p> <p>9 Q. And do you know where Russell County is?</p> <p>10 A. No, sir.</p> <p>11 Q. Just in general, do you have any idea of where</p> <p>12 it would be on this map?</p> <p>13 A. No, sir.</p> <p>14 Q. What about Barbour County?</p> <p>15 MS. RUTAHINDURWA: Object to the form.</p> <p>16 A. I've heard of it, but I can't pinpoint it out on</p> <p>17 this map.</p> <p>18 Q. Do you know if it's on the north side of the</p> <p>19 state?</p> <p>20 A. I would say, no, it's not. I would say it's</p> <p>21 more toward the southern part of the state, but I can't</p> <p>22 pinpoint it out.</p> <p>23 Q. And do you ever travel to Russell or Barbour</p> <p>24 County?</p> <p>25 A. No, sir.</p>
Page 47	Page 49
<p>1 of Alabama with all 67 counties numbered but not named.</p> <p>2 Do you know where Mobile County is on this map?</p> <p>3 A. Yes, sir.</p> <p>4 Q. What number is it?</p> <p>5 A. One.</p> <p>6 Q. And do you know where Baldwin County is on this</p> <p>7 map?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And what number is that?</p> <p>10 A. Two.</p> <p>11 Q. Do you know where Washington County is on this</p> <p>12 map?</p> <p>13 A. Yes, sir.</p> <p>14 Q. What number is that?</p> <p>15 A. Seven.</p> <p>16 Q. And do you know where Escambia County is on this</p> <p>17 map?</p> <p>18 A. I believe that is going to be three.</p> <p>19 Q. And do you know where Clarke County is on this</p> <p>20 map?</p> <p>21 A. I believe that is going to be -- I believe it's</p> <p>22 going to be eight.</p> <p>23 Q. Do you know where Sumter County is on this map?</p> <p>24 A. Not right off, no, sir.</p> <p>25 Q. Do you have a general idea of where it is?</p>	<p>1 Q. What is your understanding of the Congressional</p> <p>2 redistricting process?</p> <p>3 A. What is my understanding?</p> <p>4 Q. Of the Congressional redistricting process, yes.</p> <p>5 A. Of the process? Of what was taken -- or was</p> <p>6 taken?</p> <p>7 Q. How it starts.</p> <p>8 A. Rephrase that question. I don't understand.</p> <p>9 Q. What did the Congressional redistricting process</p> <p>10 involve?</p> <p>11 A. From my understanding, it involves where the</p> <p>12 legislators are supposed to have got together and created</p> <p>13 a fair map to -- you know, district-wise.</p> <p>14 Q. And what is your understanding of when</p> <p>15 redistricting happens?</p> <p>16 A. Every 10 years.</p> <p>17 Q. What does that correspond with?</p> <p>18 A. The census.</p> <p>19 Q. Did you follow the 2020 census at all?</p> <p>20 A. Not like I should, no, sir.</p> <p>21 Q. Do you know what the census showed about the</p> <p>22 population in the Black Belt?</p> <p>23 A. No, sir.</p> <p>24 Q. Do you know the population trend in the Black</p> <p>25 Belt of Alabama?</p>

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<p>1 A. I believe that is decreasing. It's not as heavy 2 as it was. Many people have migrated out of the Black 3 Belt, and I can speak to that because I have family 4 members that have migrated from Wilcox County. It's not 5 as many people down there as it once was. And in 6 hearing, you know, peers saying about other places, you 7 know, between here and Clarke County -- Dallas County, 8 rather, about people not really living there and about 9 older people were dying out, and younger people are 10 moving out, you know.</p> <p>11 Q. And do you know why younger people are moving 12 out of the Black Belt?</p> <p>13 A. Because of opportunities.</p> <p>14 Q. Are you referring to economic opportunity?</p> <p>15 A. Yes.</p> <p>16 Q. Is the migration of residents out of the Black 17 Belt largely attributable to lack of economic 18 opportunities there?</p> <p>19 MS. RUTAHINDURWA: Object to form.</p> <p>20 A. Repeat your question.</p> <p>21 Q. I did a poor job of asking that question, so 22 I'll repeat it. Is the migration of residents out of the 23 Black Belt largely attributable to lack of economic 24 opportunities in the Black Belt?</p> <p>25 MS. RUTAHINDURWA: Same objection.</p>	<p>1 Q. Is it fair to say the Black Belt is generally 2 characterized by a lack of economic opportunity?</p> <p>3 A. Repeat that question.</p> <p>4 Q. Is it fair to say the Alabama's Black Belt is 5 generally characterized by lack of economic opportunity?</p> <p>6 A. I would say yes. It's limited, yes, sir.</p> <p>7 Q. And Mobile and Baldwin County are characterized 8 by economic opportunity?</p> <p>9 MS. RUTAHINDURWA: Object to form.</p> <p>10 A. I'll say, yes, sir.</p> <p>11 Q. Do you know what percentage of Alabama's 12 population is black?</p> <p>13 A. I knew at one time. I can't recall off the top 14 of my head.</p> <p>15 Q. What is your understanding of what the Alabama 16 legislature did with respect to Congressional 17 redistricting once the 2020 census results were released?</p> <p>18 A. That they did not draw the map the correct way.</p> <p>19 Q. And what is the correct way to draw the map?</p> <p>20 A. From what my understanding is, to make sure that 21 there was a fair opportunity for blacks to have a 22 representation.</p> <p>23 Q. Did you follow the legislative proceedings?</p> <p>24 A. No, sir. Not as I should have, no, sir.</p> <p>25 Q. And we mentioned this earlier about maps. Did</p>
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<p>1 A. I apologize, but ask that question one more 2 time.</p> <p>3 Q. No problem. Is the migration of residents out 4 of the Black Belt largely attributable to lack of 5 economic opportunity in the Black Belt?</p> <p>6 MS. RUTAHINDURWA: Same objection.</p> <p>7 A. I would say that probably it's larger for some 8 African-Americans to leave out of that area to go to, you 9 know, bigger cities to -- for education and for jobs.</p> <p>10 Q. Is the migration out of the Black Belt different 11 depending on race?</p> <p>12 A. Repeat that question.</p> <p>13 Q. Is migration out of the Black Belt different for 14 the persons migrating depending on race?</p> <p>15 MS. RUTAHINDURWA: Object to form.</p> <p>16 A. I can only answer that question dealing with 17 African-Americans. I don't know of any Caucasians or 18 other races in the Black Belt. I can only just go by 19 what I can assume.</p> <p>20 Q. Are there more -- Strike that. Are there more 21 economic opportunities in Mobile than in the Black Belt?</p> <p>22 A. Oh, yes.</p> <p>23 Q. And are there more economic opportunities in 24 Baldwin County than in the Black Belt?</p> <p>25 A. Yes.</p>	<p>1 you review any of the maps that were submitted as 2 possible plans in 2020?</p> <p>3 A. I have probably -- in the past, have probably 4 glanced at some maps, but I really just didn't focus down 5 and stare on them. I probably glanced at them in the 6 past, and I reviewed it -- glanced at it last night just 7 to review it.</p> <p>8 Q. Have you seen the Congressional map passed by 9 the Alabama legislature and signed by the governor in 10 2021?</p> <p>11 A. I have glanced at it.</p> <p>12 Q. I'll refer to that map as the 2021 map. Did you 13 have any thoughts about the 2021 map when you glanced at 14 it?</p> <p>15 A. I just knew -- The only thoughts in my head was 16 hearing people saying it wasn't, you know, drawn, you 17 know, fairly, and I just pretty much just glanced at it, 18 and that was pretty much -- that's it.</p> <p>19 Q. And when people said that it wasn't drawn 20 fairly, did they have any specific criticisms of the map?</p> <p>21 A. Yeah. The criticism was that it wasn't drawn 22 fairly.</p> <p>23 Q. Other than it not being drawn fairly, did they 24 say anything about the way the map looked?</p> <p>25 A. Well, as in anyone?</p>

<p style="text-align: right;">Page 54</p> <p>1 Q. Yes.</p> <p>2 A. I had heard some people stated, you know, that</p> <p>3 they did not want the County of Mobile to be split or,</p> <p>4 pretty much, Baldwin County and Mobile to be split. I</p> <p>5 have heard that, you know, saying.</p> <p>6 Q. And do you agree that Mobile and Baldwin County</p> <p>7 shouldn't be split?</p> <p>8 A. For fair representation, to make sure everything</p> <p>9 is fair, if it needs to be split, it has to be split, so.</p> <p>10 Q. If it could be avoided, splitting Mobile and</p> <p>11 Baldwin County, do you think the Alabama legislature</p> <p>12 should do so?</p> <p>13 A. As long as it's a fair representation -- it</p> <p>14 keeps a fair representation.</p> <p>15 Q. Okay. I'm going to show you the 2021 map and</p> <p>16 mark this as Exhibit 3.</p> <p>17 (Exhibit 3 was marked for identification.)</p> <p>18 Q. You can take a moment to look at it. Is this</p> <p>19 the map that you were shown that you glanced at?</p> <p>20 A. I can't recall, sir.</p> <p>21 Q. What do you think of that map?</p> <p>22 A. I mean, it's a map.</p> <p>23 Q. Do you see any problems with that map?</p> <p>24 A. I'm not a -- "Problems," as in?</p> <p>25 Q. Does anything look unfair about that map?</p>	<p style="text-align: right;">Page 56</p> <p>1 split.</p> <p>2 Q. And what Congressional district do you live in</p> <p>3 under this map?</p> <p>4 A. One.</p> <p>5 Q. What Congressional district are your mortuary</p> <p>6 businesses located in under this map?</p> <p>7 A. One.</p> <p>8 Q. What Congressional district is your church in</p> <p>9 under this map?</p> <p>10 A. One.</p> <p>11 Q. And there were five mortuary locations -- I'm</p> <p>12 sorry. I'm using the wrong term, but you have five</p> <p>13 locations for your mortuary business that we discussed</p> <p>14 earlier; is that right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And they were located in Mobile County, Mobile</p> <p>17 City and Baldwin County?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you have any opinion about what role, if any,</p> <p>20 race played in the drawing of this map?</p> <p>21 A. This current map?</p> <p>22 Q. That map that I'm showing you right there, the</p> <p>23 2021 map.</p> <p>24 A. No, sir, I don't have no knowledge.</p> <p>25 Q. Do you have any opinion about what role, if any,</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Honestly, I can't really say because I'm not a</p> <p>2 map expert. I mean, I see counties that have been split,</p> <p>3 but, honestly, I can't say.</p> <p>4 MS. RUTAHINDURWA: Is now a good time for a</p> <p>5 break?</p> <p>6 MR. MCKAY: Yes, we can go ahead and take a</p> <p>7 break.</p> <p>8 (An off-the-record break was taken, after which</p> <p>9 the following occurred:)</p> <p>10 BY MR. MCKAY:</p> <p>11 Q. Before we went on break, you observed the 2021</p> <p>12 map split counties. Should Congressional maps be drawn</p> <p>13 to avoid splitting counties?</p> <p>14 MS. RUTAHINDURWA: Object to the form.</p> <p>15 A. I would not say that. I believe that the</p> <p>16 current map that I'm looking at now, I mean, seems like</p> <p>17 the counties are split.</p> <p>18 Q. And my question is, do you think the legislature</p> <p>19 should try to avoid doing that?</p> <p>20 MS. RUTAHINDURWA: Object to the form.</p> <p>21 A. I would not say that because even here locally,</p> <p>22 we have to split our streets to make sure everything is</p> <p>23 balanced as much as possible for a fair representation.</p> <p>24 So I would say, you know, as long as it's a fair</p> <p>25 representation, if it has to be split, it has to be</p>	<p style="text-align: right;">Page 57</p> <p>1 politics played in the drawing of that map?</p> <p>2 A. I don't have any knowledge.</p> <p>3 Q. Did you follow the 2023 legislative proceedings</p> <p>4 in drawing another Congressional map?</p> <p>5 A. Again, I just glanced at the information. I</p> <p>6 didn't do no studying or kept up with it daily.</p> <p>7 Q. Have you seen the map that the Alabama</p> <p>8 legislature passed and the governor signed in 2023?</p> <p>9 A. Again, I glanced at it.</p> <p>10 Q. I'll refer to that plan as the 2023 map, and I</p> <p>11 will mark it Exhibit 4 and show it to you.</p> <p>12 (Exhibit 4 was marked for identification.)</p> <p>13 Q. And what do you think of the 2023 map?</p> <p>14 A. I mean, I don't have no big thoughts about it.</p> <p>15 Q. Do you have a favorable, negative or no</p> <p>16 impression of this map?</p> <p>17 MS. RUTAHINDURWA: Object to the form.</p> <p>18 A. No impression.</p> <p>19 Q. Does anything strike you as unfair about that</p> <p>20 map?</p> <p>21 MS. RUTAHINDURWA: Object to the form.</p> <p>22 A. No. I would not know -- I still see, you know,</p> <p>23 counties split up, so.</p> <p>24 Q. And other than counties split in that map, do</p> <p>25 you notice anything that strikes you as unfair in that</p>

<p style="text-align: right;">Page 58</p> <p>1 map?</p> <p>2 MS. RUTAHINDURWA: Object to the form.</p> <p>3 A. I mean, by just glancing at it -- I mean, if I'm</p> <p>4 looking for something, that would be a different</p> <p>5 question. I don't know. I'll answer like that.</p> <p>6 Q. And when you say if you were looking for</p> <p>7 something, that would be a different question, what do</p> <p>8 you mean?</p> <p>9 A. Because am I looking for connectivity to the</p> <p>10 Black Belt or looking for connectivity as far as grouping</p> <p>11 a minority and Caucasians together or looking just to</p> <p>12 make sure that the colors are looking good? You know, I</p> <p>13 mean, I can tell you about the colors. I don't care for</p> <p>14 the colors.</p> <p>15 Q. So if you knew the racial demographics of the</p> <p>16 map, you might draw it differently?</p> <p>17 MS. RUTAHINDURWA: Object to the form.</p> <p>18 A. I don't know.</p> <p>19 Q. What district do you live in under this map?</p> <p>20 A. One.</p> <p>21 Q. And what district are all five of your business</p> <p>22 locations in under this map?</p> <p>23 A. One.</p> <p>24 Q. And what district is your church in under this</p> <p>25 map?</p>	<p style="text-align: right;">Page 60</p> <p>1 best for my business and what's the best outlook for my</p> <p>2 business.</p> <p>3 So, I mean, it's kind of like a hard question</p> <p>4 for me, especially what title I'm looking at it, as a</p> <p>5 business-wise or looking at it city council-wise, because</p> <p>6 in a city council role, I'm thinking about my</p> <p>7 constituents, but as a business, I'm thinking as a</p> <p>8 business owner what's best for the business.</p> <p>9 Q. Would you agree that your constituents benefit</p> <p>10 from economic success in Mobile?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Where do the business interests and your</p> <p>13 constituents' interest diverge?</p> <p>14 MS. RUTAHINDURWA: Object to the form.</p> <p>15 A. Repeat that question.</p> <p>16 Q. Where do business interests and your</p> <p>17 constituents' interests diverge?</p> <p>18 MS. RUTAHINDURWA: Same objection.</p> <p>19 A. If I'm understanding your question correctly, I</p> <p>20 try my best to keep those two entities separate as much</p> <p>21 as possible.</p> <p>22 Q. And why do you keep them separate?</p> <p>23 A. Because, again, my business is my business, and</p> <p>24 I don't want to be entangled in no kind of way with the</p> <p>25 political world.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. One.</p> <p>2 Q. As a city councilman, can you generally describe</p> <p>3 what a community of interest is?</p> <p>4 MS. RUTAHINDURWA: Object to form.</p> <p>5 A. I would guess it would be the interest within</p> <p>6 the community or the best decision interest that's within</p> <p>7 the community.</p> <p>8 Q. Would it make sense for a community of interest</p> <p>9 to be defined by economic interests?</p> <p>10 MS. RUTAHINDURWA: Object to form.</p> <p>11 A. Not necessarily.</p> <p>12 Q. Earlier, you mentioned that your constituents, a</p> <p>13 majority of them, consider economic interest to be very</p> <p>14 important. Why would you say it wouldn't make sense to</p> <p>15 define a community of interest, in part, by economic</p> <p>16 interest?</p> <p>17 MS. RUTAHINDURWA: Object to form.</p> <p>18 A. Because being in the city council seat, I have</p> <p>19 to really think like, you know, my constituents and what</p> <p>20 is pretty much best for them, how they actually think and</p> <p>21 what they would think on. And sometimes I have a</p> <p>22 business side of me that's like, Hey, this is what it</p> <p>23 should be. But being in the city council role, I have to</p> <p>24 really depend on my constituents and how they think.</p> <p>25 Being in the business role, I have to think about what's</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Would it make sense for a community of interest</p> <p>2 to be defined by geography?</p> <p>3 MS. RUTAHINDURWA: Object to form.</p> <p>4 A. Repeat that question.</p> <p>5 Q. Would it make sense for a community of interest</p> <p>6 to be defined by geography?</p> <p>7 MS. RUTAHINDURWA: Same objection.</p> <p>8 A. It should be considered.</p> <p>9 Q. Should it be considered more than economic</p> <p>10 interests?</p> <p>11 MS. RUTAHINDURWA: Object to form.</p> <p>12 A. I don't have an answer for that question.</p> <p>13 Q. Do you not know or not have an opinion?</p> <p>14 A. It all depends on the details. I'm really not</p> <p>15 understanding the question in straight detail, so I'd</p> <p>16 rather not answer that question.</p> <p>17 Q. Would it make sense for a community of interest</p> <p>18 to be defined by transportation infrastructure?</p> <p>19 MS. RUTAHINDURWA: Object to form.</p> <p>20 A. It should be considered.</p> <p>21 Q. Would it make sense for a community of interest</p> <p>22 to be defined by broadcast and print media?</p> <p>23 MS. RUTAHINDURWA: Object to the form.</p> <p>24 A. It should be considered.</p> <p>25 Q. Would it make sense for a community of interest</p>

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<p>1 to be defined by educational institutions?</p> <p>2 MS. RUTAHINDURWA: Object to the form. I'm</p> <p>3 going to just lodge a standing objection anytime</p> <p>4 community of interest is being used when it's not being</p> <p>5 defined.</p> <p>6 A. It should be considered.</p> <p>7 Q. Would it make sense for a community of interest</p> <p>8 to be defined by race?</p> <p>9 A. It should be considered.</p> <p>10 Q. And what is your understanding of a community of</p> <p>11 interest at the Congressional level?</p> <p>12 A. It should be -- Repeat that question one more</p> <p>13 time.</p> <p>14 Q. What is your understanding of what a community</p> <p>15 of interest is at the Congressional level, so when</p> <p>16 drawing the Congressional maps?</p> <p>17 A. It should be drawn out or should be grouped</p> <p>18 into an area that people have of interest. As I stated</p> <p>19 earlier, even, you know, going to an area where here</p> <p>20 locally, where I say I might be the only minority in a</p> <p>21 majority group, there's no interest there. Same thing as</p> <p>22 a Caucasian coming to other groups, that, you know, is</p> <p>23 important, that people of the same interest be, you know,</p> <p>24 grouped.</p> <p>25 Q. And there, you're referring to race. Are you</p>	<p>1 A. Yes.</p> <p>2 Q. Does Baldwin County stand to benefit more from</p> <p>3 the Port of Mobile thriving than the Black Belt does?</p> <p>4 A. Let me go back to that first question. A lot of</p> <p>5 people from the Black Belt moved down here. When I speak</p> <p>6 of relatives, even my dad, you know, he moved down here</p> <p>7 from Wilcox County and came to work in the port. His</p> <p>8 brothers did the same thing. They left Wilcox County,</p> <p>9 which is my uncles, and they came working down here at</p> <p>10 the port. You know, there are people from Clarke County</p> <p>11 that left Clarke County and came down to work at the</p> <p>12 port. So even though -- Those counties, they lost</p> <p>13 because they lost residents and the residents moved to</p> <p>14 Mobile because of the port. So I guess Mobile County</p> <p>15 still benefits, but those counties end up losing because</p> <p>16 they lost residents and taxes, etc.</p> <p>17 Q. And so what you just described, it sounds like</p> <p>18 Mobile County will benefit from the port, and then there</p> <p>19 will be a drain of population going to Mobile County from</p> <p>20 the Black Belt because of the port activities?</p> <p>21 A. I witnessed that, yes, sir.</p> <p>22 Q. And in that way, the interest would be very</p> <p>23 different, right?</p> <p>24 MS. RUTAHINDURWA: Object to form.</p> <p>25 A. Repeat that question.</p>
Page 63	Page 65
<p>1 referring to anything else?</p> <p>2 A. More as in race.</p> <p>3 Q. Are your constituents a community of interest at</p> <p>4 the Congressional level?</p> <p>5 A. It's more of race and economics because people</p> <p>6 of higher economic -- Some people don't understand the</p> <p>7 people of lower economics, and so that should be</p> <p>8 considered also. But what was your next question?</p> <p>9 Q. To follow up on that point, do you think a white</p> <p>10 person of a higher socioeconomic status might have more</p> <p>11 in common with a black person of the socioeconomic status</p> <p>12 than a white person of a lower socioeconomic status?</p> <p>13 A. Yes, because some people just really consider</p> <p>14 their self better than other people and don't want to</p> <p>15 deal with certain people. I've come across that a lot.</p> <p>16 Q. And do you think the vice versa would be true</p> <p>17 where a black person of higher socioeconomic status would</p> <p>18 have more in common with a white person of higher</p> <p>19 socioeconomic status than a black person of lower</p> <p>20 socioeconomic status?</p> <p>21 A. That possibly is true but not always. I don't</p> <p>22 say it's always.</p> <p>23 Q. Would you agree that Mobile County stands to</p> <p>24 benefit more directly from the Port of Mobile thriving</p> <p>25 than the Black Belt does?</p>	<p>1 Q. When -- I'll move on. Are you familiar with the</p> <p>2 local news outlets in Mobile?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And what are they, the TV stations? I'll ask a</p> <p>5 better question. The TV stations.</p> <p>6 A. WKRG-TV 5, WALA-TV 10, WPMI-TV 15.</p> <p>7 Q. And there's -- Fox10 is one?</p> <p>8 A. WALA-TV 10 and Fox10.</p> <p>9 Q. TV 10?</p> <p>10 A. Yeah.</p> <p>11 Q. And NBC 15?</p> <p>12 A. NBC 15, WPMI.</p> <p>13 Q. Do you know if those TV news stations broadcast</p> <p>14 in Baldwin County?</p> <p>15 A. Yes, sir, they do.</p> <p>16 Q. Would you -- Do you know if those TV stations</p> <p>17 broadcast in Russell County?</p> <p>18 A. No, sir, I don't.</p> <p>19 Q. Would you expect them to?</p> <p>20 A. I never thought about that.</p> <p>21 Q. Do your constituents benefit from the University</p> <p>22 of South Alabama?</p> <p>23 A. The college or the school or -- The hospital or</p> <p>24 both?</p> <p>25 Q. The college.</p>

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<p>1 A. I would say no.</p> <p>2 Q. And why would you say no?</p> <p>3 A. I don't know too many -- The majority of my</p> <p>4 constituents are African-American, and I don't know too</p> <p>5 many of them that are actually going to the University of</p> <p>6 South Alabama. The benefits, you know, I don't know.</p> <p>7 And that's something that I have spoke of in the past</p> <p>8 about the need to reach out to many of the schools and</p> <p>9 get involved into the schools. When I say "schools,"</p> <p>10 public school systems, and get them excited, you know,</p> <p>11 about attending the local colleges, universities here in</p> <p>12 Mobile.</p> <p>13 Q. Do your constituents benefit from the University</p> <p>14 of South Alabama's hospital?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And how do they benefit from that?</p> <p>17 A. That's one of the number-one hospitals in this</p> <p>18 area. So I'm sure that a lot of them do go to the</p> <p>19 hospitals and the doctors' offices.</p> <p>20 Q. Do you know anything about the workforce at that</p> <p>21 hospital?</p> <p>22 A. At the University of South -- Not right off, no,</p> <p>23 sir.</p> <p>24 Q. Do you have any reason to doubt that a</p> <p>25 substantial number of the employees commute over from</p>	<p>1 A. Yes, sir.</p> <p>2 Q. Do people come from all over the state to</p> <p>3 celebrate Mardi Gras in Mobile?</p> <p>4 A. Yes, sir, pretty much. I would say pretty much.</p> <p>5 Q. And that would include the Black Belt?</p> <p>6 A. Yes, sir.</p> <p>7 Q. So both Baldwin County residents and Black Belt</p> <p>8 residents come to celebrate Mardi Gras in Mobile?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do the Black Belt counties have their own balls</p> <p>11 to celebrate Mardi Gras in their counties?</p> <p>12 A. I do know they have parades. I can't remember a</p> <p>13 ball.</p> <p>14 Q. What counties that you know of have parades to</p> <p>15 celebrate Mardi Gras in the Black Belt?</p> <p>16 A. Washington County.</p> <p>17 Q. Washington County. Any counties north of</p> <p>18 Washington County?</p> <p>19 A. I'm trying to remember do I remember Clarke</p> <p>20 County. I remember Clarke County having something in</p> <p>21 Thomasville. I can't remember, but I do know Washington</p> <p>22 County.</p> <p>23 Q. Do you know if any counties east of Washington</p> <p>24 or Clarke County have balls or have parades to celebrate</p> <p>25 Mardi Gras?</p>
Page 67	Page 69
<p>1 Baldwin County?</p> <p>2 A. I don't have any knowledge of that.</p> <p>3 Q. Do your constituents celebrate Mardi Gras?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And do they go to parades and balls in Mobile</p> <p>6 city?</p> <p>7 A. I'm sure that -- I don't know how many --</p> <p>8 exactly how many go to balls, but I'm sure quite a number</p> <p>9 of them do attend balls and parades.</p> <p>10 Q. Setting aside the balls, do you know that many</p> <p>11 of them attend parades in Mobile?</p> <p>12 A. I would say a majority of them. All of them,</p> <p>13 no, they do not.</p> <p>14 Q. Do people in Baldwin County celebrate in Mobile?</p> <p>15 Strike that. Do people in Baldwin County celebrate Mardi</p> <p>16 Gras?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do they have their own parades and balls in</p> <p>19 Baldwin County?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Do you know if any Baldwin County residents come</p> <p>22 to Mobile to celebrate?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Are the Mardi Gras celebrations in Mobile larger</p> <p>25 scale than the Mardi Gras celebrations in Baldwin County?</p>	<p>1 A. Repeat that question.</p> <p>2 Q. It was a poorly asked question. Do you know if</p> <p>3 any counties in the Black Belt east of Clarke or</p> <p>4 Washington County have parades to celebrate Mardi Gras?</p> <p>5 A. Not from my knowledge.</p> <p>6 Q. And you did live in Montgomery?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And you don't remember any big celebrations?</p> <p>9 A. Oh, you know what? AUM, we did have a parade.</p> <p>10 I was thinking about Montgomery, but there was a parade</p> <p>11 at AUM. They did celebrate, yeah.</p> <p>12 Q. And was there one parade?</p> <p>13 A. Yeah, we did one night parade.</p> <p>14 Q. Was there a ball?</p> <p>15 A. No, sir. We just did a parade on campus.</p> <p>16 Q. On campus? Was it a student-led event?</p> <p>17 A. It was a university.</p> <p>18 Q. And you are -- I misplaced your bio, but you're</p> <p>19 a member of a Mardi Gras association of Mobile, right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And can you tell me about your involvement in</p> <p>22 that association?</p> <p>23 A. I've been a part of several Mardi Gras</p> <p>24 associations. Currently, I'm a member of two. The</p> <p>25 biggest one is MAMGA, the Mobile Area Mardi Gras</p>

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<p>1 Association. I served as King Elexis in 2008. I was a 2 knight in the court in 1999. I joined as a member in 3 2009. I've been a member ever since 2009.</p> <p>4 Q. And is that Mardi Gras association predominantly 5 African-American?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Switching gears, do the activities of the Mobile 8 Airport Authority directly affect your constituency?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do they also directly affect Baldwin County?</p> <p>11 A. Did the activities from the Mobile Airport 12 Authority affect my constituents, which was yes, because 13 they purchased the properties over at the -- in the 14 projects, Birdville, Thomas James, Boykin Towers. They 15 purchased that property, and my constituents feel like 16 they were pushed out because of the expansion of the 17 airport.</p> <p>18 How does it benefit Baldwin County? A lot of 19 people that lives over in Baldwin County does come and 20 work at Airbus in the airport authority, which is where 21 Airbus is located at, if that answers your question.</p> <p>22 Q. I think it did. Would you say that, yes, the 23 activities of the Mobile Airport Authority directly 24 affect Baldwin County?</p> <p>25 A. Yeah, because they make their money over here</p>	<p>1 father. You know, he moved here to work on the state 2 docks, but he would always send money back home to his 3 parents to try to help them with their bills and take 4 care of them. So, yes, to answer your question.</p> <p>5 Q. And so the project by the Alabama Port Authority 6 could help residents who leave the Black Belt to access 7 the economic opportunity in Mobile?</p> <p>8 A. Yes.</p> <p>9 MS. RUTAHINDURWA: Object to form.</p> <p>10 A. And, again, send money back home.</p> <p>11 Q. As a resident of Mobile County, are you in the 12 same community of interest as other Mobile County 13 residents?</p> <p>14 MS. RUTAHINDURWA: Object to the form.</p> <p>15 A. Repeat that question.</p> <p>16 Q. As a resident of Mobile County, are you in the 17 same community of interest as other Mobile County 18 residents?</p> <p>19 MS. RUTAHINDURWA: Same objection.</p> <p>20 A. I would say no.</p> <p>21 Q. And why would you say no?</p> <p>22 A. I mean, my interest is not what some others' 23 interests are, you know. I try to be as versatile as 24 possible, especially being in the council seat that I'm 25 in. I represent black, white, rich, poor, middle class.</p>
Page 71	Page 73
<p>1 and take it back over there and spend it.</p> <p>2 Q. And so they are -- They work over here in Mobile 3 and then inject that money into the commerce in Baldwin 4 County?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Do the activities of the Mobile Airport 7 Authority directly affect the Black Belt?</p> <p>8 A. I don't see how it does.</p> <p>9 Q. Do projects by the Alabama Port Authority 10 directly benefit your constituency?</p> <p>11 A. I have constituents that work on the state 12 docks.</p> <p>13 Q. So would that be yes?</p> <p>14 A. Yes.</p> <p>15 Q. Do projects by the Alabama Port Authority 16 directly benefit Baldwin County?</p> <p>17 A. From my understanding, there are some people, 18 the higher administration, that lives over in Baldwin 19 County, so that question would be yes. To answer your 20 question, yes.</p> <p>21 Q. And do projects by the Alabama Port Authority 22 benefit the Black Belt?</p> <p>23 A. It would open up more opportunity for people 24 that move from the Black Belt to Mobile to have jobs and 25 people that works here. And I can just speak on my</p>	<p>1 But, again, you know, my economic status is not the same 2 as the majority of my constituents.</p> <p>3 Q. And let me start over. Would you share more 4 interests with the constituents who are in your 5 socioeconomic status?</p> <p>6 A. Repeat that question.</p> <p>7 Q. Would you share more interests with your 8 constituents who are also in your socioeconomic status?</p> <p>9 A. The majority of my constituents is not in the 10 same status I am in.</p> <p>11 Q. Are any of them?</p> <p>12 A. I do have people that's way above me, but the 13 majority of the people that I represent, no.</p> <p>14 Q. And would you say your interests are slightly 15 different than the majority of the people you represent, 16 then?</p> <p>17 A. My economic status, yes, sir.</p> <p>18 Q. Are parts of Mobile and the Black Belt a 19 community of interest?</p> <p>20 MS. RUTAHINDURWA: Object to the form.</p> <p>21 A. Yes, because, again, you have people that move 22 from the Black Belt to Mobile, and they go back home 23 and -- you know, just like myself. My father is not 24 alive anymore, but my mom is, but my father had interests 25 in cows. So I go back and, you know, see about his cows,</p>

<p style="text-align: right;">Page 74</p> <p>1 and they're my cows now. So if it was no interest there, 2 you know, I wouldn't have the cows.</p> <p>3 Q. Do you know if people move from Mobile County to 4 Baldwin County?</p> <p>5 A. Yes, people move from Mobile County to Baldwin 6 County. Yes, sir.</p> <p>7 Q. Would that mean that there's a community of 8 interest between Mobile County and Baldwin County?</p> <p>9 MS. RUTAHINDURWA: Object to the form.</p> <p>10 A. I would say not necessarily. Many people that 11 move over to Baldwin County think that it's a little 12 bit -- that it's different, a different breed of people 13 over there, and they try to get away from, you know, 14 Mobilians. And I'm trying to watch my words because I 15 own a business over there, but it is -- Some people over 16 there think they are better people than -- versus in 17 Mobile.</p> <p>18 Q. Would -- Is what you're describing a difference 19 in community of interest based on race?</p> <p>20 MS. RUTAHINDURWA: Object to the form.</p> <p>21 A. I would say parts of it. Parts of it.</p> <p>22 Q. To put it another way, if persons who live in 23 the Black Belt move to Mobile County, would that extend a 24 community of interest from the Black Belt to Mobile 25 County?</p>	<p style="text-align: right;">Page 76</p> <p>1 the court to choose from.</p> <p>2 A. Okay. I think I remember that a little bit.</p> <p>3 Okay.</p> <p>4 Q. And I will show you the three maps that the 5 special master drew. They were the remedial maps 6 proposed, and I will mark this as Exhibit 5. 7 (Exhibit 5 was marked for identification.)</p> <p>8 Q. And you can look through all three of those and 9 just let me know when you've had a chance to glance at 10 all three of those maps.</p> <p>11 A. Okay.</p> <p>12 Q. And do you notice something similar about how 13 Mobile is split in all three of those maps?</p> <p>14 A. Yes, sir. Half of the county, or a quarter -- 15 at least a quarter of the county, you know, is split.</p> <p>16 Q. Do you think it's good that all three of the 17 maps split Mobile?</p> <p>18 A. For fairness, yes.</p> <p>19 Q. And what do you mean by "fairness"?</p> <p>20 A. Fair representation.</p> <p>21 Q. When you say "our representation," are you 22 referring to black voters?</p> <p>23 MS. RUTAHINDURWA: Object to the form.</p> <p>24 A. For fair representation for -- yeah, for 25 African-Americans, yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. You have some people in the Black Belt where -- 2 I can witness from Wilcox County, don't have no desire to 3 leave Wilcox County. You have a lot of people that was 4 raised up in Wilcox County that have the opportunity to 5 move to New York or to Chicago or either to Birmingham or 6 to Mobile, you know. Fortunately, a lot of my family 7 members moved from Wilcox to Mobile, but they also have 8 moved to Chicago, Birmingham, even Atlanta and New York. 9 But the most inexpensive route was, really, to Mobile to 10 find a job on the port.</p> <p>11 Q. And are you aware that the court appointed 12 special master to propose Congressional redistricting 13 plans other than the maps I've shown you today?</p> <p>14 A. Yeah. The newer map, yes, sir.</p> <p>15 Q. And even before the court imposed a map, were 16 you aware that there were three maps proposed by the 17 special master?</p> <p>18 A. I know there was maps that was drawn by the 19 legislators. I think they did it twice, from my 20 understanding, and especially when the court turned back 21 around and told them to redraw it again. Then the court 22 turned around and they just took it, from my 23 understanding, and drew it, basically.</p> <p>24 Q. I'll represent to you that a special master was 25 appointed, and he drew three different maps from -- for</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. Are you aware that the Caster Plaintiffs have an 2 expert, Bill Cooper, who has also drawn Congressional 3 maps?</p> <p>4 A. Repeat that question.</p> <p>5 Q. Are you aware that the Caster Plaintiffs, the 6 Plaintiffs who disclosed you as a potential witness, have 7 an expert, Bill Cooper, who has drawn Congressional maps?</p> <p>8 A. No. I didn't know who did it or anything like 9 that, no, sir.</p> <p>10 Q. Have you looked at any of his maps?</p> <p>11 A. I cannot tell you which map is his or not. I 12 don't even know who the individual is, so.</p> <p>13 Q. Do you think that the Alabama legislature should 14 prioritize splitting Mobile County to ensure fair 15 representation for black voters?</p> <p>16 MS. RUTAHINDURWA: Object to the form.</p> <p>17 A. I would say yes because even in the '21 map that 18 you gave me earlier, counties were split, and I guess 19 it's split to make sure it was fair, you know.</p> <p>20 Q. And as a Mobile City councilman, do you have a 21 preference for your city being split or -- Strike that. 22 Terrible question.</p> <p>23 Do you have any concern about your city being 24 split as opposed to other counties being split?</p> <p>25 A. Well, I kind of could see it as a benefit</p>

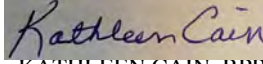
<p style="text-align: right;">Page 78</p> <p>1 because if you have two representatives representing the 2 same city, you know what I mean, like more resources 3 might come into the City of Mobile. 4 Q. And who is your representative right now? 5 A. Jerry Carl. 6 Q. Have you spoken with Jerry Carl? 7 A. Not specifically on this topic. 8 Q. Aside from this topic, have you talked to him 9 about anything? 10 A. We're cordial with each other. 11 Q. Do you talk about business, Mobile business with 12 him? 13 A. Not necessarily, just cordial conversations. 14 That's all. 15 Q. Have you ever contacted him about Mobile's 16 interests? 17 A. I have never contacted him dealing -- I have a 18 relationship with Jerry Carl because he was the county 19 commissioner which represented parts of my district. But 20 since he's been in the seat that he's currently in, I 21 have never contacted him dealing with the City of Mobile 22 business in his position today. 23 Q. Do you think it's fair to say Jerry Carl has 24 deep ties to Mobile? 25 A. Yes, he does.</p>	<p style="text-align: right;">Page 80</p> <p>1 It's a privilege question. He doesn't have to answer 2 that. You can answer, if you want. 3 A. Shomari Figures. 4 Q. And does Shomari Figures have ties to Mobile? 5 A. Yes, sir. 6 Q. Do you know who ran in the Republican -- did 7 Shomari Figures win that primary? 8 A. He did, yes, sir. 9 Q. And do you know who won the Republican primary 10 for Congressional district two? 11 A. It was a female. I can't recall her name right 12 off. 13 Q. Does she have any ties to Mobile? 14 A. I had never heard of her until the election. 15 Q. Do you know who Barry Moore is? 16 A. Yeah. He's the other congressman. 17 Q. And when you say "the other congressman," what 18 Congressional district does he represent? 19 A. Currently, he will be representing one. 20 Q. And so is Jerry Carl representing any district 21 right now? 22 A. Well, let me rephrase that. When the election 23 time -- Well, he's still representing one now. The 24 district lines have been changed, but he's on his way 25 out.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Has he provided adequate representation in 2 Congress for the needs of Mobile? 3 A. Truthfully, from my understanding, no. And even 4 with the infrastructure bill to build a bridge, from my 5 understanding, he voted against it, you know, the 6 infrastructure bill. And it was passed, and even though 7 it was passed, that was still voting against Mobile. So 8 that's the reason I say no. 9 Q. Who represented you before Jerry Carl? 10 A. Bradley Byrne. 11 Q. Did you ever contact him? 12 A. Nothing specifically. No, nothing specifically, 13 no, sir. 14 Q. Did you vote in the most recent Congressional 15 primary? 16 A. Yes. I vote in every election. 17 Q. You vote in every election. Why do you do that? 18 A. Because it's my duty. 19 Q. And regarding the Congressional primary that you 20 recently voted, which district were you voting in? 21 A. Two. 22 Q. And which party primary did you vote in? 23 A. Democrat. 24 Q. And who did you vote for? 25 MS. RUTAHINDURWA: Objection. That calls --</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. Would it sound correct that Barry Moore is 2 currently representing Congressional district two? 3 A. I'm sorry, two, yes, sir. 4 Q. Have you ever talked to Barry Moore? 5 A. I never met him. 6 Q. Do you know if he has any ties to Mobile? 7 A. No, sir, not from my knowledge. I never had any 8 dealings with him. 9 Q. And earlier, you said a potential benefit of 10 splitting Mobile would be that Mobile has the chance for 11 two representatives; is that right? 12 A. Yes. 13 Q. If Caroleene Dobson wins and Barry Moore wins, 14 does that mean Mobile will have no representatives? 15 A. No. We would have -- They would represent us, 16 but the thing about it is, we have two advocates that 17 would say, Hey, you know, Mobile needs this, versus one. 18 Two heads is better than one. 19 Q. And with two heads being better than one, does 20 Mobile currently have two heads? 21 A. No, sir. 22 Q. And Shomari Figures and Barry Moore could 23 potentially be the two heads representing Mobile? 24 A. Yes, sir. 25 Q. Do you think they both do a good job?</p>

<p style="text-align: right;">Page 82</p> <p>1 A. I don't know Mr. Moore.</p> <p>2 Q. Do you have an interstate that runs through your</p> <p>3 council district?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And what interstate is that?</p> <p>6 A. In the current map, it's I-10. In the map</p> <p>7 that's going to be in effect in a couple of months, it's</p> <p>8 going to be 65 and I-10.</p> <p>9 Q. And the map that's going to take effect in a</p> <p>10 couple of months, when was that passed?</p> <p>11 A. That was passed last year.</p> <p>12 Q. But the current map -- And what's the difference</p> <p>13 between your council district that will take effect in a</p> <p>14 couple of months and the one in effect now?</p> <p>15 A. The City of Mobile annex this year. So the</p> <p>16 lines actually really don't change over until six months</p> <p>17 prior to the election. The election is August of '25.</p> <p>18 So six months before that is when the lines will come</p> <p>19 into effect, but when they redraw the lines after we did</p> <p>20 the redistricting, then the City of Mobile annexed, and</p> <p>21 when we annexed, we moved toward the west. So,</p> <p>22 therefore, my lines went past Interstate 65.</p> <p>23 Q. As city council president, are you fairly</p> <p>24 familiar with the redistricting process in Mobile?</p> <p>25 A. I was involved with it, yes, sir.</p>	<p style="text-align: right;">Page 84</p> <p>1 residents, but it's not legally what our lines are. Now,</p> <p>2 this map here is right after the annexation. When we</p> <p>3 annexed, then we had to take the lines over, so this is</p> <p>4 the map before this one, but it's still not in effect</p> <p>5 until six months before the election.</p> <p>6 Q. Okay.</p> <p>7 A. So currently, if you talk about today's lines,</p> <p>8 no, this is not it.</p> <p>9 Q. So the post-annexation map are now the current</p> <p>10 city council districts?</p> <p>11 A. The post --</p> <p>12 Q. Annexation?</p> <p>13 A. Yeah. Again, it don't kick into effect until</p> <p>14 six months before the election.</p> <p>15 Q. When is the next municipal election?</p> <p>16 A. August of '25.</p> <p>17 Q. Okay.</p> <p>18 A. So sometime in the latter part of the winter,</p> <p>19 early spring, six months before that.</p> <p>20 Q. So the current map -- So it's not six months</p> <p>21 before the election. So the current map in effect in</p> <p>22 Mobile City is the pre-annexation map?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And that is Exhibit 7?</p> <p>25 A. Yeah. This was before 6.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. And I'm going to show you the city council</p> <p>2 districts that I believe you're describing, and if you</p> <p>3 could take a moment to look. I took this from the City</p> <p>4 of Mobile's website.</p> <p>5 (Exhibit 6 was marked for identification.)</p> <p>6 Q. Are those the districts that will -- I'll give</p> <p>7 you a chance to review it. Are those the districts that</p> <p>8 will take effect during the next election?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And those district lines look right to you?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. And I will show you another map of the</p> <p>13 Mobile City council districts, and I'll mark this as</p> <p>14 Exhibit 7.</p> <p>15 (Exhibit 7 was marked for identification.)</p> <p>16 Q. And you can take a look at these as well. Do</p> <p>17 these look like the current city council districts?</p> <p>18 A. I believe it is, yes, sir.</p> <p>19 Q. And we've talked about a lot of different</p> <p>20 Congressional districting maps. Are you familiar with</p> <p>21 the court-ordered Congressional --</p> <p>22 A. Let me rephrase that. The district lines, we</p> <p>23 really don't kick into effect until six months before the</p> <p>24 election. So this was right before the annexation, this</p> <p>25 map, so it still is not in effect. We recognize these</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. When you say "6", what are you --</p> <p>2 A. Yeah, because it -- Exhibit 6 is the last map.</p> <p>3 This is the second-to-the-last map. This is after the</p> <p>4 redistricting. This here is after the annexation.</p> <p>5 Q. And Exhibit 7 is the current map because it</p> <p>6 hasn't switched over to Exhibit 6?</p> <p>7 A. No. Really, Exhibit 7 is not really the current</p> <p>8 map because, again, it don't kick into effect until six</p> <p>9 months until -- but we recognize this map. But legally,</p> <p>10 it don't kick into effect until six months before the</p> <p>11 election, but we do recognize this as the current</p> <p>12 residents. I mean, if residents call, we still answer to</p> <p>13 them because in six months, they're going to be our</p> <p>14 residents, so we start answering to the call.</p> <p>15 Q. Okay. I think we're on the same page there.</p> <p>16 Either way, under both maps, I-10 runs through your</p> <p>17 council district?</p> <p>18 A. I-10, yeah.</p> <p>19 Q. Would you agree that your constituents on both</p> <p>20 sides of I-10 have a substantial amount in common with</p> <p>21 one another?</p> <p>22 A. No, sir. I mean, a majority of my constituents</p> <p>23 does have a common -- but not all.</p> <p>24 Q. And why would you say no?</p> <p>25 A. Because under the current map, not the new ones,</p>

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<p>1 the majority of my Caucasian is all DIP, Dauphin Island</p> <p>2 Parkway, which is on one side of I-10, but it still is</p> <p>3 mixed with African-Americans. A lot of my constituents</p> <p>4 that are Caucasian live on the river and the bay. When</p> <p>5 you live on the river and the bay, insurance is extremely</p> <p>6 high, so the average person cannot live on the river or</p> <p>7 the bay.</p> <p>8 Q. Yes. And so residents, I'll refer to it as west</p> <p>9 of I-10, they are predominantly African-American; is that</p> <p>10 right?</p> <p>11 A. Of the current, yes.</p> <p>12 Q. Under the current plan?</p> <p>13 A. Today's current, yes.</p> <p>14 Q. And --</p> <p>15 A. On here, on the newer ones, I have gained some</p> <p>16 district four, which is mostly, you know, some</p> <p>17 Caucasians. But today's map that's official is African-</p> <p>18 American on that side.</p> <p>19 Q. And residents east of I-10 closer to the bay,</p> <p>20 there are much more white people in that district -- in</p> <p>21 that part of the district?</p> <p>22 A. The majority of the residents that's on the bay</p> <p>23 and the river are Caucasian, over a vast majority. I</p> <p>24 want to say at least 95 percent.</p> <p>25 Q. And with the redistricting process, do you try</p>	<p>1 district, are you referring to you went ahead and voted</p> <p>2 for that redistricting plan?</p> <p>3 A. Yes, I did.</p> <p>4 Q. And you -- I'll move on. Do you think all of</p> <p>5 your constituents, those on the east side of I-10 and the</p> <p>6 west side of I-10 benefit from the Port of Mobile?</p> <p>7 A. I believe, yes, sir.</p> <p>8 Q. And do you think your constituents, all of them</p> <p>9 on the east side of I-10 and the west side of I-10 have</p> <p>10 an interest in the shipbuilding industry?</p> <p>11 A. No. I'm going to say no. That's a false</p> <p>12 statement.</p> <p>13 Q. Okay. Do you think your residents east of I-10</p> <p>14 and west of I-10 all have an interest in the Mobile</p> <p>15 International Airport?</p> <p>16 A. No, sir.</p> <p>17 Q. And why do you say that?</p> <p>18 A. Because there were some people that were in</p> <p>19 opposition of the airport moving into the area.</p> <p>20 Q. And who opposed the airport moving into that</p> <p>21 area?</p> <p>22 A. Mostly, I heard from most of my African-American</p> <p>23 communities about the airport moving to the area.</p> <p>24 Q. Why did they oppose the airport moving to the</p> <p>25 area?</p>
Page 87	Page 89
<p>1 to keep -- do you try to keep the majority -- strike all</p> <p>2 of that.</p> <p>3 Do you try to keep your district as similar as</p> <p>4 possible when adopting new plans?</p> <p>5 A. The mayor proposed the redistricting lines.</p> <p>6 It's the council to approve it. So it was given to us</p> <p>7 from the mayor's office.</p> <p>8 Q. When you see a map proposed by the mayor, would</p> <p>9 you prefer the map to look similar to previous maps?</p> <p>10 A. Preferably, I prefer, but, you know, even with</p> <p>11 this last one, there's an area which is a low, very, very</p> <p>12 low-income area which was represented by a Caucasian</p> <p>13 members of the city council which are not putting an</p> <p>14 emphasis on that area, and it's going to make district</p> <p>15 three more blighted by getting that particular area</p> <p>16 called Morningside, and I did not want that area</p> <p>17 whatsoever because of the conditions of that area.</p> <p>18 And, also, I picked up another area that is bad</p> <p>19 in district five which is called Green Village, and</p> <p>20 district three picked that up, also. I kept it because</p> <p>21 of trying to be fair, but it wasn't my desire, and if I</p> <p>22 could give it up, I would because I have enough resources</p> <p>23 going out of district three versus that additional</p> <p>24 resources, bad resources, infrastructure.</p> <p>25 Q. And you kept -- When you said you kept the</p>	<p>1 A. Because they had concerns of being -- residents</p> <p>2 moving out like of Birdville, Thomas James and destroying</p> <p>3 neighborhoods, you know. And, pretty much, what they was</p> <p>4 fearful of is now happening because the homes over there</p> <p>5 at Boykin Towers, Thomas James, Birdville, you know,</p> <p>6 they're empty because of the airport -- I mean, the</p> <p>7 housing board ended up selling those properties to the</p> <p>8 airport authority.</p> <p>9 Q. Do you think the airport moving into the area</p> <p>10 was bad for your council district?</p> <p>11 A. It has its cons, and it has its pros. The pros</p> <p>12 is I'm hoping since the airport is moving, that it will</p> <p>13 bring in other, you know, restaurants that the residents</p> <p>14 can go in and enjoy versus having to travel further away,</p> <p>15 get in their cars to go to restaurants. The cons is it</p> <p>16 did move people out of my district into other areas of</p> <p>17 the city, and I did lose some residents.</p> <p>18 Q. And do you think it would benefit your</p> <p>19 constituents for your city council district to be divided</p> <p>20 between two congressional districts?</p> <p>21 A. It all depends on the person that's representing</p> <p>22 us because you can have -- Like I say, even with the</p> <p>23 group that I have now, the Morningside group, those are</p> <p>24 taxpayer citizens, but my colleagues in the past, and</p> <p>25 nothing to disrespect them, but they didn't have no</p>

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<p>1 interest toward those people at all, and the residents 2 know it. Now they think they have a brighter light 3 because now that I'm coming in, they think somebody that 4 looks like them can help them out even more, not knowing 5 that everything still lies at the foot of the mayor. 6 Again, I believe that if there was a person that 7 could really take care of those residents over there and 8 listen to their concerns and everything, no matter if 9 they were black or white, that it would be a better area, 10 and people would be more in tune, you know, into their 11 council person at the time versus what they feel today. 12 Again, whoever gets those seats that's coming up in 13 November, again, it all depends on the person who's 14 sitting in those seats because if it's a Republican or a 15 Democrat, if the Republican is not listening to the 16 Democrat constituents, you know, it's bad. If the 17 Republican is listening to the Democratic constituents, 18 it's good. And vice versa, if the Democrat is not 19 listening to the Republican constituents, it's bad, but 20 if the Democrat candidate listens to the Republican 21 constituents, it's good. So it all depends on who is 22 sitting in those seats and personalities. 23 Again, I don't know one right off. Hopefully, 24 he'll come in and meet and greet and talk to us, you 25 know.</p>	<p>1 Q. What do you think of that map? 2 A. It's totally -- I mean, the southern part of it 3 is totally different versus the '21 map. 4 Q. Do you think it's a good difference compared to 5 the '21 map? 6 A. I would say that it's good because if the court 7 is saying it's a fair representation, yes, it's good. 8 Q. What Congressional district do you live in under 9 the court-imposed map? 10 A. Two. 11 Q. And what Congressional district is your -- are 12 your businesses in under the court-imposed map? 13 A. One and two. 14 Q. Do you think that's a good thing? 15 A. Truthful answer? I don't want to see what it's 16 done in the past. I've been in business for 20-something 17 years, and if I wasn't in the city council, I probably 18 never would have met Jerry Carl or Bradley Byrne. 19 Q. And do you know what Congressional district your 20 church is in under the court-imposed map? 21 A. It's going to be two. 22 Q. And how do you know it's going to be in two? 23 A. Because my church is in my district, and I'm not 24 too far away from my church. 25 Q. Are you under the impression that your entire</p>
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<p>1 Q. In your experience, are Republicans capable of 2 listening to Democrats and the needs of Democrat 3 constituents? 4 A. I have many friends that are Republicans, and 5 they are fair-minded people, and I do know some 6 Republicans that are not fair-minded people, just as well 7 as Democrats. 8 Q. You know some Democrats who are not fair-minded? 9 A. I know a few Democrats that have a closed mind. 10 Q. Do you know if the current mayor is a 11 Republican? 12 A. Yes, he is. 13 Q. Would you say that the mayor is one of the 14 open-minded Republicans? 15 A. The mayor is open minded, but he's still going 16 to cater to his base to make sure that he stays in 17 office. 18 Q. In office, has he been responsive to the needs 19 of black constituents? 20 A. For the vast majority, yes. 21 Q. And I'm going to show you the court-ordered 22 Congressional plan and mark it as Exhibit 8, if you could 23 take a moment to look at it. 24 (Exhibit 8 was marked for identification.) 25 A. Yes, sir.</p>	<p>1 district is in district two? 2 A. My entire -- 3 Q. City council district. 4 A. I would say the vast majority of my city council 5 district is in district two. The new lines, I'm not 6 sure. 7 Q. Okay. Do you think it's a good thing -- Do you 8 think it would be a good thing for the vast majority of 9 your city council district to be in district two? 10 A. If the person that's representing them is not 11 answering or even tending to their needs, it won't make a 12 difference. 13 Q. I'm going to present to you with a 14 demonstrative, and I'd like you to tell me what this 15 looks like. I'm sorry. I'm going to mark it Exhibit 9. 16 (Exhibit 9 was marked for identification.) 17 MS. RUTAHINDURWA: Counsel, who created the map? 18 MR. MCKAY: I did using Dave's redistricting and 19 using the city council maps that he looked at earlier and 20 said reflected the city council districts. 21 Q. Do those purple lines look like the city council 22 districts that will be changing once we get within six 23 months of the next municipal election? So the current -- 24 Those purple lines currently reflect the city council 25 districts.</p>

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<p>1 A. No. This is the same one as 7.</p> <p>2 Q. Okay. And 7 is -- Seven is the current city</p> <p>3 council districts?</p> <p>4 A. In six months. I mean -- Let me go back. Six</p> <p>5 months till August '25, this will be. We recognize those</p> <p>6 lines because those are going to be our constituents, but</p> <p>7 today's lines, this is not it.</p> <p>8 Q. And what changed with your district when the new</p> <p>9 plan was -- the new map was adopted? Didn't your</p> <p>10 district extend further to the west?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And I believe that that district is Exhibit 6</p> <p>13 that extends further to the west if you look at --</p> <p>14 A. Yeah, after the annexation.</p> <p>15 Q. Yes.</p> <p>16 A. After the annexation, yes, sir.</p> <p>17 Q. And so that is the map that will take effect.</p> <p>18 Exhibit 6 will take effect within six months?</p> <p>19 A. Yes, sir. So this one took the place of this</p> <p>20 one.</p> <p>21 Q. Yes. And it hasn't yet taken the place of</p> <p>22 Exhibit 7, right?</p> <p>23 A. Not really legally.</p> <p>24 Q. Not legally?</p> <p>25 A. Yes, sir.</p>	<p>1 one, so the red shaded area, under the court-imposed map</p> <p>2 have more in common with other residents of Mobile than</p> <p>3 they do with residents of Dothan?</p> <p>4 A. You said CD one?</p> <p>5 Q. Yes.</p> <p>6 A. What are you looking at?</p> <p>7 Q. So your constituents who live in the red area,</p> <p>8 in council district three, the district you represent, do</p> <p>9 they have more in common with other Mobilians than they</p> <p>10 do with residents of Dothan?</p> <p>11 A. I'm not too sure. I can guess what type of</p> <p>12 people in Dothan are, but I'm not sure what type of</p> <p>13 people are actually in Dothan.</p> <p>14 Q. So you can't even guess what type of people are</p> <p>15 in Dothan?</p> <p>16 A. I mean, I could just guess, but I don't know.</p> <p>17 Q. Have you ever been to Dothan?</p> <p>18 A. Years ago.</p> <p>19 Q. Okay. Are people in Dothan different than</p> <p>20 people in Mobile?</p> <p>21 A. I went to Dothan in 1997 when I was in college.</p> <p>22 Q. Do you think your constituents in the blue</p> <p>23 shaded area, so CD two under the court-imposed map, have</p> <p>24 more in common with other Mobilians than they do with</p> <p>25 residents of Barbour County?</p>
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<p>1 Q. Okay. And these purple lines on this map look</p> <p>2 like the current lines that are legally in effect right</p> <p>3 now?</p> <p>4 A. No, because this is the same thing as 7, if I'm</p> <p>5 not mistaken. It looks like the same thing as 7, if I'm</p> <p>6 not mistaken.</p> <p>7 Q. Okay. And it is the same thing as 7.</p> <p>8 A. Okay.</p> <p>9 Q. And the blue area of this map, that is</p> <p>10 Congressional district two, and the red area of this map</p> <p>11 is Congressional district one.</p> <p>12 A. Okay.</p> <p>13 Q. Do you still think the vast majority of your</p> <p>14 district, of your city council district, is in</p> <p>15 Congressional district two?</p> <p>16 A. No. Looking at this map, no, sir.</p> <p>17 Q. Do you think it would be helpful for your city</p> <p>18 council district to be in one Congressional district so</p> <p>19 that your constituents know who represents them in</p> <p>20 Congress?</p> <p>21 A. And, again, as I stated earlier, if they're not</p> <p>22 doing anything for them, technically, no. Again, if I</p> <p>23 wasn't in politics or the city council, I probably would</p> <p>24 never have known what the Congressman actually does.</p> <p>25 Q. Do you think your constituents who live in CD</p>	<p>1 A. I've never been to Barbour County, from my</p> <p>2 knowledge.</p> <p>3 Q. And comparing this map as represented to you to</p> <p>4 a map where all of your constituents, your businesses,</p> <p>5 your church are in the same Congressional district, which</p> <p>6 is preferable? This map or the map where you know who</p> <p>7 represents you in Congress?</p> <p>8 MS. RUTAHINDURWA: Object to the form.</p> <p>9 A. Repeat that question.</p> <p>10 Q. Comparing this map as represented to you to the</p> <p>11 2021 map and 2023 map, which is preferable?</p> <p>12 A. For the majority of the constituents that I</p> <p>13 serve, I would say the latest map because, again, that</p> <p>14 gives them at least a bigger voice in the city. For the</p> <p>15 majority of my constituents, they never met Jerry Carl,</p> <p>16 and they never really met Bradley Byrne. If Shomari</p> <p>17 Figures was to get it, they have a relationship of</p> <p>18 knowing the Figures family, you know, knowing that he</p> <p>19 went to LeFlore High School, he's been, you know,</p> <p>20 involved in the community.</p> <p>21 Again, the only reason I have a relationship</p> <p>22 with Jerry Carl is because he was the county commissioner</p> <p>23 and he did very limited things in my district while he</p> <p>24 was county commissioner. Pretty much, people in that</p> <p>25 part of the district really did not really know him, and</p>

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<p>1 his predecessor, the same way. They don't know him. And</p> <p>2 then Bradley Byrne, you know, from my -- they didn't know</p> <p>3 him. Shomari, they do. But if the other lady, Dodson,</p> <p>4 gets it, of course, they don't know her, but at least</p> <p>5 they can relate to Shomari Figures, or you have a Figures</p> <p>6 name.</p> <p>7 Q. Do you think your constituents have met Shomari</p> <p>8 Figures? Strike that. Do you think a majority of your</p> <p>9 constituents have met Shomari Figures?</p> <p>10 A. I would say yes, and the reason I said that is</p> <p>11 because I'm looking at this map, and I have noticed that</p> <p>12 some of the areas that he has campaigned -- let me take</p> <p>13 "campaign" back -- that he has visited in the recent six</p> <p>14 months has been in the area that's shaded red. So I see</p> <p>15 he's not only been visible in the blue, he's also been</p> <p>16 visible in the red, also.</p> <p>17 Q. Do you know if Barry Moore ever visited the part</p> <p>18 of your council district that's shaded red?</p> <p>19 A. I have never seen Barry Moore in person.</p> <p>20 Q. And so as president of the Mobile City Council,</p> <p>21 you know that Shomari Figures, who only represents part</p> <p>22 of your council district, has visited the part of your</p> <p>23 council district that Barry Moore will represent if he</p> <p>24 wins?</p> <p>25 A. I have seen Shomari in there, not saying he was</p>	<p>1 Q. Do you think Shomari Figures would adequately</p> <p>2 represent all of your constituents, both those on the</p> <p>3 east side of I-10 and those on the west side?</p> <p>4 A. I believe that he will, yes, sir.</p> <p>5 MR. MCKAY: Okay. If we could take a five-</p> <p>6 minute break, and I think I'm coming to the end. I'll</p> <p>7 check my notes and pull everything together. I know</p> <p>8 we're running up against 12, and we have one for 1:00.</p> <p>9 So if I could get a five-minute break, that would help.</p> <p>10 (An off-the-record break was taken, after which</p> <p>11 the following occurred:)</p> <p>12 BY MR. MCKAY:</p> <p>13 Q. Councilman Small, if you were called to testify,</p> <p>14 is there anything we haven't talked about today that you</p> <p>15 would want the court to know about?</p> <p>16 A. No, sir, not from my knowledge.</p> <p>17 Q. I don't have any more questions, and I thank you</p> <p>18 for your time. I'll pass the witness if someone else has</p> <p>19 questions.</p> <p>20 MS. RUTAHINDURWA: I don't have any questions.</p> <p>21 Thank you.</p> <p>22 MR. WALKER: This is Dorman. I don't have any</p> <p>23 questions.</p> <p>24 FURTHER, THE DEPONENT SAYETH NOT.</p> <p>25</p>
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<p>1 campaigning, but I have seen him in that area, visible.</p> <p>2 Q. Shomari Figures is visible throughout your</p> <p>3 entire council district; is that right?</p> <p>4 A. I have -- Again, I have not seen him in every</p> <p>5 part of my district, but I have seen him. I've seen him</p> <p>6 across parts of Mobile, you know.</p> <p>7 Q. Yes.</p> <p>8 A. I've seen him in Washington, D.C.</p> <p>9 Q. Do you have a good relationship with Shomari</p> <p>10 Figures?</p> <p>11 A. We're cordial, nothing where I pick up the</p> <p>12 telephone and say, Hey, how are you doing today, but</p> <p>13 we're cordial.</p> <p>14 Q. And did you invite Shomari Figures to your</p> <p>15 district to meet constituents?</p> <p>16 A. A couple weeks ago, his campaign team contacted</p> <p>17 me to have a workshop at my location -- at my business --</p> <p>18 part of my business. And I didn't talk to Shomari. It</p> <p>19 was his campaign manager that contacted me, said, Hey,</p> <p>20 can we use the building? I said yes. So I just made</p> <p>21 sure the building is unlocked. They did what they did,</p> <p>22 and they left. That's it.</p> <p>23 Q. Has Barry Moore's campaign manager ever</p> <p>24 contacted you?</p> <p>25 A. No, sir.</p>	<p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF ALABAMA)</p> <p>4 COUNTY OF MOBILE)</p> <p>5</p> <p>6 I hereby certify that the above and foregoing</p> <p>7 deposition was taken down by me in stenotype and</p> <p>8 transcribed by means of computer-aided transcription, and</p> <p>9 that the foregoing is a true and correct transcript of</p> <p>10 the testimony given by said witness upon said hearing.</p> <p>11 I further certify that I am neither of counsel</p> <p>12 nor of kin to any of the parties, nor am I in anywise</p> <p>13 interested in the result of said cause.</p> <p>14 I further certify that I am duly licensed by the</p> <p>15 Alabama Board of Court Reporting as a Certified Court</p> <p>16 Reporter as evidenced by the ACCR number following my</p> <p>17 name found below.</p> <p>18</p> <p>19 </p> <p>20 KATHLEEN CAIN, RPR, ACCR302</p> <p>21 NOTARY PUBLIC</p> <p>22 MY COMMISSION EXPIRES: 11/8/27</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 102</p> <p>1 Makeba Rutahindurwa 2 mrutahindurwa@elias.law 3 September 19, 2024 4 RE: Caster, Marcus, Et Al v. Allen, Wes 5 9/5/2024, Councilman C.J. Small (#6884409) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 cs-southeast@veritext.com. 16 Return completed errata within 30 days from 17 receipt of testimony. 18 If the witness fails to do so within the time 19 allotted, the transcript may be used as if signed. 20 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>	<p style="text-align: right;">Page 104</p> <p>1 Caster, Marcus, Et Al v. Allen, Wes 2 Councilman C.J. Small (#6884409) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Councilman C.J. Small, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 11 _____ 12 Councilman C.J. Small Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 17 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 103</p> <p>1 Caster, Marcus, Et Al v. Allen, Wes 2 Councilman C.J. Small (#6884409) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____ LINE____ CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____ LINE____ CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____ LINE____ CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____ LINE____ CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____ LINE____ CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Councilman C.J. Small Date 25</p>	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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