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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION  
2:21-CV-1530-AMM  
2:21-CV-1536-AMM  
2:21-CV-1291-AMM

CERTIFIED COPY

EVAN MILLIGAN, et al.,  
Plaintiffs,  
vs.  
WES ALLEN, in his official  
capacity as Alabama Secretary  
of State,  
Defendants.

Deposition of REPRESENTATIVE SAM JONES,  
taken at the law offices of Helmsing,  
Leach, Herlong, Newman & Rouse, PC,  
150 Government Street, Suite 2000,  
Mobile, Alabama, on August 29, 2024,  
commencing at approximately 9:08 a.m.

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MARCUS CASTER, et al.,  
Plaintiffs,  
vs.  
WES ALLEN, in his official  
capacity as Alabama Secretary  
of State,  
Defendant.

BOBBY SINGLETON, et al.,  
Plaintiffs,  
vs.  
WES ALLEN, in his  
official capacity as  
Alabama Secretary of  
State,  
Defendant.

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1 S T I P U L A T I O N

2

3 It is stipulated and agreed by and

4 between the parties hereto, through their

5 respective counsel, that the deposition of

6 REPRESENTATIVE SAM JONES may be taken before

7 Delia G. Camp, Notary Public for the State at

8 Large, at the law offices of Helmsing, Leach,

9 Herlong, Newman & Rouse, PC, 150 Government

10 Street, Suite 2000, Mobile, Alabama, on August

11 29, 2024.

12 It is further stipulated and agreed

13 that this deposition is taken pursuant to the

14 Federal Rules of Civil Procedure. The

15 provisions of Rule 32(d)(3) dealing with waiver

16 of errors and irregularities as to the taking of

17 the deposition apply fully to this deposition.

18 Notice of the deposition and any errors

19 or irregularities therein [Rule 32(d)(1)] and

20 any objections to the qualifications of the

21 officer before whom this deposition is taken

22 [Rule 32(d)(2)] are waived.

23 The submission of the deposition to the

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1 witness for reading to or by him and the signing

2 of the deposition by him [Rule 30(e)] is NOT

3 waived.

4 Filing of the original of the

5 transcript of this deposition [Rule 30(f)(1)] is

6 waived.

7 Any other technicality or defect in the

8 taking of this deposition not otherwise covered

9 by the terms of this stipulation is waived.

10

11 \* \* \* \* \*

12

13 I, Delia G. Camp, Commissioner and

14 Court Reporter, certify that on this date, as

15 provided by the Federal Rules of Civil Procedure

16 and the foregoing stipulation of counsel, there

17 came before me at the law offices of Helmsing,

18 Leach, Herlong, Newman & Rouse, PC, 150

19 Government Street, Suite 2000, Mobile, Alabama,

20 on August 29, 2024, Mobile, Alabama, commencing

21 at 9:08 a.m., REPRESENTATIVE SAM JONES, witness

22 in the above cause, for oral examination,

23 whereupon the following proceedings were had:

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1 THE COURT REPORTER:

2 Stipulation, please.

3 MR. WALKER: Usual

4 stipulations okay?

5 MR. MCGUIRE: Read and sign

6 for us.

7 MR. WALKER: And read and

8 sign.

9 MR. MCGUIRE: Yes.

10 And from the outset, Dorman, if

11 it's okay, we want to invoke

12 legislative privilege, particularly

13 to questions that may apply.

14 MR. WALKER: I would be hard

15 pressed to oppose that.

16 MR. MCGUIRE: Okay.

17 MR. TAUNTON: One other

18 thing. I don't know if anybody from

19 the Attorney General's office is on

20 the Zoom or not, but we -- well, it's

21 not going to be relevant at this

22 time. I guess it would be relevant

23 for your side. We've had a general



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1 stipulation that a objection for one  
2 defendant applies to all, or in this  
3 case, objection for one plaintiff  
4 applies for all.

5 MS. SADASIVAN: We have  
6 counsel from the Caster Plaintiffs  
7 online. They're able to make their  
8 objections too but the same would  
9 apply to plaintiffs.

10 And we have Myron Penn from the  
11 Singleton Plaintiffs.

12 MR. PENN: Correct.

13 MS. SADASIVAN: We have a  
14 representative for the Caster  
15 Plaintiffs, Makeba --

16 MR. WALKER: I can't think  
17 of Makeba's last name.

18 MS. SADASIVAN: It starts  
19 with an R. And then Myron Penn from  
20 the Singleton Plaintiffs.

21  
22  
23

Page 10

1 REPRESENTATIVE SAM JONES,  
2 having been first duly sworn to speak the  
3 truth, the whole truth, and nothing but the  
4 truth, testified as follows:

5 EXAMINATION  
6 BY MR. WALKER:

7 Q. Good morning, Representative Jones.

8 A. Morning.

9 Q. I'm Dorman Walker. We've met before,  
10 of course, but I'll introduce myself for the  
11 record. And with me is Michael Taunton and we,  
12 as you know, represent the chairs of the  
13 Reapportionment Committee in this Congressional  
14 Redistricting lawsuit.

15 And have you been deposed before?

16 A. Not in this matter.

17 Q. Not in this matter? Let's go over the  
18 rules of the deposition just very briefly, if  
19 you will.

20 Because it's a deposition and the  
21 court reporter is taking down everything that we  
22 say, we have to wait until one of us finishes  
23 speaking before the other one answers, otherwise

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1 the transcript will be a mess.

2 And for the same reason, when we're  
3 talking to each other, we have to answer each  
4 other orally with a yes, no, or a narrative  
5 response, but not a shake of the head or  
6 something like that.

7 If I ask you a question that you don't  
8 understand, just let me know. And in the same  
9 vein, if I ask you a question and, for example,  
10 I'm summarizing your testimony and you think  
11 maybe I've misquoted it or missummarized it or  
12 if I described it in a way you would not do, or  
13 if you're uncomfortable with the way I've asked  
14 a question, let me know and I'll try to rephrase  
15 it. Okay?

16 A. Okay.

17 Q. My goal today is to find out  
18 everything you have to tell us about this case  
19 or what your thoughts are about it. And so I  
20 want to make sure that the questions that I ask  
21 you are clear and that you understand them.  
22 Okay?

23 A. Okay.

Page 12

1 Q. And if you answer a question, I will  
2 assume that you understood it. Okay?

3 A. Okay.

4 Q. If, during the course of your  
5 deposition -- and this happens a lot, or  
6 sometimes, at any rate -- you think back over an  
7 answer you gave earlier and realize that maybe  
8 you need to add to it or you need to change it  
9 because we're refreshing your memory about  
10 stuff, that's perfectly okay. Just let me know  
11 and we can go back and revisit that.

12 A. Okay.

13 Q. Your counsel may object from time to  
14 time, typically saying objection to form. If he  
15 does, you can go ahead and answer the question.

16 He's asserted legislative privilege on  
17 your part, and he may, otherwise -- I don't  
18 intend to get into attorney-client  
19 communication. He may assert the privilege.  
20 And if he does, we'll deal with those at the  
21 time they come up. He may instruct you not to  
22 answer.

23 A. Okay.



Page 13

1 Q. We'll take breaks occasionally. I  
2 would say we take one every hour but I tend to  
3 forget until someone says can we take a break.

4 If you need to take a break, just let  
5 me know. The only rule is if there's a question  
6 pending, we need to answer the question before  
7 we take a break. Okay?

8 A. Okay.

9 Q. Thank you, sir. Is there any reason  
10 today, including any medical reasons or  
11 medications you've taken, why you can't answer  
12 the questions that I will ask you truthfully and  
13 accurately?

14 A. No.

15 Q. Do you have any questions about the  
16 process before we begin?

17 A. No.

18 Q. Are you represented by counsel today?

19 A. Yes.

20 Q. Okay. And who is your counsel?

21 A. My counsel that I'm being represented  
22 by today?

23 Q. Yes, sir.

Page 14

1 A. Mr. McGuire.

2 Q. Thank you. How did you first learn  
3 about this case?

4 A. I learned about the case actually  
5 during the time I was on the Reapportionment  
6 Committee.

7 Q. I figured that would be your answer.

8 And a little bit more explicitly, if  
9 you can, about what you learned and when you  
10 learned it, if you can recall.

11 MS. SADASIVAN: Objection to  
12 form.

13 A. Just about all that I learned about  
14 the case had to do with the Reapportionment  
15 Committee, presented to that committee, and some  
16 of the discussions that took place on the  
17 committee about the various proposals that were  
18 actually submitted to the committee.

19 Q. In other words, what you participated  
20 in as a member of the committee is what you  
21 learned about the case?

22 A. Yes.

23 Q. More or less? When were you first

Page 15

1 contacted to be a witness in this case?

2 A. I can't remember the exact date. It  
3 was --

4 Q. An approximation would be fine.

5 A. To be perfectly honest with you, I  
6 just don't remember when that was.

7 Q. Do you know if it was much before July  
8 of 2024?

9 A. In this particular --

10 Q. In this particular case. Yes, sir.

11 A. No. It was before then.

12 Q. Who contacted you and asked you to be  
13 a witness in this case?

14 MS. SADASIVAN: Objection to  
15 form.

16 A. I can't recall his name.

17 Q. Was it one of the attorneys in this  
18 case or someone else?

19 A. It was.

20 Q. Okay. Did you sign any documents with  
21 your attorney formalizing your attorney-client  
22 relationship with him?

23 A. No.

Page 16

1 Q. Did you have any conversations with  
2 your attorney before you had an attorney-client  
3 relationship with him?

4 A. No.

5 Q. Did you talk with anyone else about  
6 this litigation? Have you spoken about this  
7 litigation with anyone else?

8 A. No. This particular?

9 Q. Yes, sir, this particular one.

10 A. No.

11 Q. Before this case, what litigation have  
12 you been involved with in -- let's use involved  
13 in a broad sense -- whether you were a named  
14 party or whether you were a witness or  
15 participated behind the scenes.

16 MS. SADASIVAN: Objection to  
17 form.

18 A. Are you talking about recently or way  
19 back?

20 Q. Let's talk about recently first, then  
21 we'll go way back. How about that?

22 A. Recently, I have not been involved.

23 Q. Is this case now, your involvement as





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**1 a witness today in the Milligan case, your first**  
**2 involvement in redistricting litigation since**  
**3 the 2020 census was released?**

4 A. Yes.

**5 Q. Okay. Have you previously been**  
**6 involved in any other litigation?**

7 A. As a witness, I have.

**8 Q. Okay. Would you tell me about that,**  
**9 please?**

10 A. It was a case before Judge Hobbs when  
 11 -- several years ago when the districting  
 12 judgeships case came up.

**13 Q. Oh, in that case. Okay.**

14 A. Yes, sir.

**15 Q. If you can give me the gist in one or**  
**16 two sentences of your testimony, if you recall.**

17 A. My testimony was without districting  
 18 judges it'll be almost impossible to elect a  
 19 Black judge.

**20 Q. Thank you. Have you had any**  
**21 conversations with, not your counsel, but with**  
**22 plaintiffs' counsel, with any of the plaintiffs'**  
**23 counsel in this case?**

Page 18

1 A. Sometime back, yes.

**2 Q. When you say sometime back, if you**  
**3 could be a little more precise without --**

4 A. I was asked if I would participate in  
 5 a deposition and I said yes. And that was about  
 6 the gist of it. The declaration that I signed  
 7 said that you might have to do a deposition  
 8 based on that and would you participate. My  
 9 response was yes.

**10 Q. And is that the declaration you have**  
**11 right there before you?**

12 A. Yes.

**13 Q. May I look at that, please, sir?**

14 A. Can I give you this copy?

**15 Q. You can.**

16 A. I have personal notes on the back of  
 17 that.

**18 Q. That don't involve this case?**

19 A. No, they don't involve this case.

**20 Q. Any other litigation that you've been**  
**21 involved in, sir, that you can recall?**

22 A. No.

**23 Q. Have you ever been deposed before**

Page 19

**1 today; sat for a deposition like this one?**

2 A. I'm trying to remember. It would be  
 3 way back if --

**4 Q. Possibly in the case before Judge**  
**5 Hobbs?**

6 A. Yeah.

**7 Q. And that would have been 20 years ago,**  
**8 at least?**

9 A. Yes.

**10 Q. Okay.**

11 MR. WALKER: Let me show you  
 12 what I'm going to mark as Defendant's  
 13 Exhibit 1.

14 (DEFENDANT'S EXHIBIT 1 WAS  
 15 MARKED FOR IDENTIFICATION.)

16 BY MR. WALKER:

**17 Q. And that is a copy of the subpoena for**  
**18 you to testify today. Have you seen that**  
**19 before, Representative Jones?**

20 A. I have not.

**21 Q. Okay. But you knew, obviously, that**  
**22 you were going to come here and testify today?**

23 A. Yes.

Page 20

**1 Q. Okay. That's fine. It wasn't**  
**2 necessary for you to see it.**

**3 Let's talk about what you did to**  
**4 prepare for your deposition today. Will you**  
**5 tell me how you found out that you were going to**  
**6 be deposed today?**

7 A. I found out from a call from my  
 8 attorney. He gave me the date and time and  
 9 place, and generally said that --

10 MS. SADASIVAN: Objection.  
 11 Calls for attorney-client privilege.

12 BY MR. WALKER:

**13 Q. What you've told me is okay. But if**  
**14 you and your attorney had any substantive**  
**15 conversation, I don't want to ask about that.**

16 A. Yes.

**17 Q. And I'm going to ask you some other**  
**18 questions about what you did to prepare.**

19 A. Okay.

**20 Q. And your attorney may want -- I'm not**  
**21 intending to go into the attorney-client**  
**22 privilege but I just want to give your attorney**  
**23 a second to see if he wants to object. Okay?**



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1 After you were contacted about your  
2 deposition today, did you meet with anyone for  
3 the purpose of preparing to give your  
4 deposition?

5 A. No.

6 Q. Okay. Did you review any documents in  
7 preparation for today?

8 A. Just my declaration.

9 Q. Your declaration. Okay.

10 MR. WALKER: Let's go ahead

11 and mark that as Defendant's Exhibit

12 2. And you've got a copy right

13 there.

14 (DEFENDANT'S EXHIBIT 2 WAS

15 MARKED FOR IDENTIFICATION.)

16 BY MR. WALKER:

17 Q. I'll ask you: Is that a copy of the  
18 declaration that you signed on July 27, 2023?

19 A. It is.

20 Q. On the last page there, that's your  
21 signature?

22 A. It is.

23 Q. Okay. Thank you.

Page 22

1 MR. WALKER: And then I'll

2 show you what I'll mark as

3 Defendant's Exhibit 3.

4 (DEFENDANT'S EXHIBIT 3 WAS

5 MARKED FOR IDENTIFICATION.)

6 BY MR. WALKER:

7 Q. And if you will -- and I'll represent  
8 to you that this is a document that was served  
9 on us by the Plaintiffs' attorneys, Plaintiffs'  
10 first supplement to their disclosures.

11 If you'll look at page 2, please,  
12 Representative Jones, and read what it says  
13 there in paragraph 4, about you. And let me  
14 know after you've had a chance to do that,  
15 please, sir.

16 Do you see it right here?

17 A. Yes. You want me to read that?

18 Q. Just read it because I want to ask you  
19 a few questions about it.

20 A. Yes.

21 Q. And are these the things -- the topics  
22 in this paragraph that you're prepared to  
23 testify about today? I think principally it

Page 23

1 says: Information regarding the 2021 and '23  
2 redistricting processes and relevant communities  
3 of interest.

4 Is that what you're prepared to  
5 testify about today?

6 A. Yes.

7 Q. Do you have any other information  
8 outside of this that you can testify about,  
9 please?

10 A. Yes.

11 MS. SADASIVAN: Objection to  
12 form.

13 MR. WALKER: Was that  
14 objection to form?

15 MS. SADASIVAN: Yes, to the  
16 question.

17 BY MR. WALKER:

18 Q. Did you speak with anyone about the  
19 description in this Defendant's Exhibit 3, of  
20 what your testimony would be today?

21 A. No.

22 Q. Do you know how they knew what you  
23 would be able to testify about today?

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1 MS. SADASIVAN: Objection to  
2 form.

3 A. I just took it that it was part of the  
4 declaration.

5 Q. Because of the declaration?

6 A. Because of the declaration.

7 Q. Okay. Did you review any maps in  
8 preparation for your deposition today?

9 A. No.

10 Q. Did you look at any documents other  
11 than the declaration that you signed in 2023?

12 A. No.

13 Q. What year were you born, sir?

14 A. 1947.

15 Q. Can I ask what your address is?

16 A. 2069 Tucker Street, Mobile.

17 Q. And which Congressional District is  
18 that under the Court-Ordered Plan?

19 A. Under the Court-Ordered Plan, it's  
20 District 2.

21 Q. And which Congressional District was  
22 that under the 2023 Plan passed by the  
23 legislature?



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1 A. District 1.

2 Q. And which Congressional District was  
3 that under the plan passed by the legislature in  
4 2021?

5 A. Let me go back. It was '23. '23  
6 would have been the --

7 Q. That was Livingston 3?

8 A. I'm not sure what it was called  
9 initially.

10 MR. WALKER: Let me show you  
11 what I'll mark as Defendant's Exhibit  
12 4 and ask you if we can agree that  
13 you were in CD 1 under the Livingston  
14 3 Congressional Plan.

15 MS. SADASIVAN: Objection to  
16 form.

17 (DEFENDANTS' EXHIBIT 4 WAS  
18 MARKED FOR IDENTIFICATION.)

19 A. Yeah, that's -- yes.

20 MR. WALKER: And then let's  
21 just, for good measure, since I've  
22 got them out, I'll show you what I've  
23 marked as Defendant's Exhibit 5.

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1 (DEFENDANT'S EXHIBIT 5 WAS  
2 MARKED FOR IDENTIFICATION.)

3 BY MR. WALKER:

4 Q. Look at that, and can you confirm that  
5 you're in CD 1 under the 2021 Congressional  
6 Plan?

7 A. It's difficult to read your map but --

8 Q. I'm sorry, sir. I can't hear you.

9 A. It's difficult to read your map.

10 Q. Sorry. You're looking at the 2021  
11 Alabama Congressional Plan. Is that the one  
12 you're looking at? And you lived in Mobile  
13 County then?

14 A. Yes.

15 Q. And I'll represent to you that all of  
16 Mobile County was in CD 1.

17 A. Yes.

18 (DEFENDANT'S EXHIBIT 6 WAS  
19 MARKED FOR IDENTIFICATION.)

20 BY MR. WALKER:

21 Q. And then this one is a little bit  
22 different. This is the Court-Ordered  
23 Congressional Plan. And did I mark that

Page 27

1 Defendant's Exhibit 6, sir?

2 MS. SADASIVAN: Yes.

3 A. Yes, this is 6.

4 Q. Okay. Thank you. And can you confirm  
5 which district you lived in that -- looking at  
6 the map?

7 MS. SADASIVAN: Objection to  
8 form.

9 A. I was in District 1.

10 Q. Okay. Thank you.

11 (DEFENDANT'S EXHIBIT 7 WAS  
12 MARKED FOR IDENTIFICATION.)  
13 BY MR. WALKER:

14 Q. And finally, since we're doing maps --  
15 this may be a little bit out of order but let me  
16 show you what I've marked as Defendant's Exhibit  
17 7, and which I'll represent to you is the 2021  
18 Alabama House Plan.

19 And can you find your House District  
20 on that map?

21 A. Yes.

22 Q. And what, for the record, is that  
23 House District? Those numbers are hard to read.

Page 28

1 99 is --

2 A. Yeah. It's right up there.

3 Q. Do you see it there?

4 A. Yeah.

5 Q. Would you take your pen and circle 99  
6 on that?

7 A. Okay.

8 Q. I previously asked you, sir, what your  
9 House District was -- I mean, what your  
10 residential address is. And just for the  
11 record, that's in Mobile County?

12 A. It is.

13 Q. How long have you resided there?

14 A. 23, 24 years.

15 Q. Okay. Were you raised in Mobile  
16 County?

17 A. I was.

18 Q. In Mobile itself or out some other  
19 place?

20 A. In Mobile.

21 Q. Have you ever lived anywhere else in  
22 Alabama?

23 A. No.





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1 Q. Have you ever lived outside of  
2 Alabama?

3 A. Yes.

4 Q. Can you tell me when and where?

5 A. Jacksonville, Florida; from 1967 until  
6 1976.

7 Q. Was that for school?

8 A. That was military.

9 Q. Oh, military. Okay. Can I ask what  
10 service you were in?

11 A. U.S. Navy.

12 Q. Other than your service in the  
13 military in Jacksonville, Florida, from -- did  
14 you say 1967 to 1976?

15 A. Yes.

16 Q. Have you otherwise lived outside of  
17 the State of Alabama?

18 A. No.

19 Q. Let's talk about your educational  
20 background. Would you start with high school  
21 and come up to the highest degree or level of  
22 education you've had?

23 A. Associates.

Page 30

1 Q. Well, go back to high school. Which  
2 high school did you go to, sir?

3 A. Central High School.

4 Q. Here in Mobile?

5 A. Here in Mobile.

6 Q. What year did you graduate from that?

7 A. '67.

8 Q. Were Mobile schools segregated in  
9 1967?

10 A. For the most part. They started some  
11 integration but not in Central High School.

12 Q. Was that freedom of choice at that  
13 time, or --

14 A. No, it wasn't freedom of choice.

15 MS. SADASIVAN: Objection to  
16 form.

17 BY MR. WALKER:

18 Q. So you graduated Central in 1967 and  
19 then you said, sir, you had an associate degree?

20 A. Yes.

21 Q. And when did you get that degree?

22 A. In Jacksonville, Florida, in '71.

23 Q. And was there a focus or major for

Page 31

1 that degree?

2 A. Yes. Real estate.

3 Q. Have you had any other school,  
4 training, or education since then?

5 MS. SADASIVAN: Objection to  
6 form.

7 A. Yes.

8 Q. Would you tell me about that?

9 A. I've been to the University of South  
10 Alabama Grantsmanship Institute; Bishop State  
11 Community College Interdenominational Seminary.  
12 That's it.

13 Q. And for the Grantsmanship Institute,  
14 what was the purpose of that?

15 MS. SADASIVAN: Objection to  
16 form.

17 A. It was, I think, to enhance my job at  
18 that time.

19 Q. What was your job at that time?

20 A. Director of the Community Action  
21 Agency in Mobile.

22 Q. I'm just going to infer a little bit.

23 Did the Grantsmanship Institute focus on

Page 32

1 becoming a more successful grant writer?

2 A. Yes.

3 MS. SADASIVAN: Objection to  
4 form.

5 I'm sorry. I'm just going to  
6 object before you answer if you don't  
7 mind.

8 A. Would you repeat your question?

9 Q. The question I asked was something  
10 like: Was the purpose of the Grantsmanship  
11 Institute to become more successful as a grant  
12 writer?

13 A. Yes, it was.

14 Q. And then I asked you: What was your  
15 job at that time?

16 A. The Executive Director of Mobile  
17 Community Action, Antipoverty Agency of Mobile.

18 Q. And in that capacity were you  
19 responsible, at least in part, for raising funds  
20 that could be used for the purpose of the  
21 agency?

22 A. Yes.

23 Q. When did you go to the Grantsmanship



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**1 Institute?**

2 A. Let's see. That would have been -- I  
3 don't recall the exact dates but it would have  
4 been some time between '75 and '85.

5 Q. And you mentioned Bishop State?

6 A. Interdenominational Seminary.

7 Q. Ecumenical was the word in my head and  
8 I knew you hadn't said that.  
9 Interdenominational Seminary.

10 When did you attend the Bishop State  
11 Interdenominational Seminary?

12 A. It would have been in the '90s.

13 Q. Was that a course that you -- scratch  
14 that.

15 Explain what that program was and what  
16 you learned, please.

17 MS. SADASIVAN: Objection to  
18 form.

19 A. It really was a seminary and the  
20 seminary really prepared ministers. And I was  
21 the director of Christian education in my  
22 church, so that's why I attended.

23 Q. How long of a course was that?

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1 A. It's about a year.

2 Q. And did you graduate from that?

3 A. Yes.

4 Q. Any other education or training that  
5 you've received from a college or university  
6 that you haven't told me about?

7 A. No.

8 Q. Is there any education or training  
9 that you've received from -- for example, you  
10 mentioned realtor. So any other follow-up  
11 training in being a realtor, provided by the  
12 realtors, a professional association, or  
13 anything like that?

14 MS. SADASIVAN: Objection to  
15 form.

16 A. No.

17 Q. Thank you. Are you married, sir?

18 A. No.

19 Q. Do you have any children?

20 A. Yes.

21 Q. May I ask where they live?

22 A. Here in Mobile.

23 Q. May I ask their names?

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1 A. Charlee, C-H-A-R-L-E-E Sanders.

2 Q. Okay.

3 A. And Tamika, T-A-M-I-K-A McCall.

4 Q. Let's talk about your employment

5 history. And why don't we start with -- you

6 went into the Navy after you graduated from high  
7 school?

8 A. Correct.

9 Q. And then you were in the Navy till

10 1971. So let's pick up with 1971 and bring us

11 up to date, if you will, please.

12 A. I was in the Navy till 1976.

13 Q. I wrote this down wrong here. Thank  
14 you so much for correcting me.

15 Why did you get out of the Navy in  
16 1976?

17 A. Because the Vietnam War ended.

18 Q. And they had a huge RIF, reduction in  
19 force?

20 A. Yeah.

21 Q. And so after you left the Navy in  
22 1976, is that when you returned to Mobile?

23 A. I did.

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1 Q. Okay. And what was your first job

2 after you returned to Mobile, sir?

3 A. Equal Opportunity Officer for Mobile  
4 Community Action.

5 Q. How long did you stay in that  
6 position?

7 A. About two years.

8 Q. Was that two years in the position of  
9 EEO at the Mobile Community Action or two years  
10 at the Mobile Community Action?

11 A. Two years as EEO.

12 Q. And first of all, what is the purpose  
13 or was, at that time, the purpose of Mobile  
14 Community Action?

15 A. Mobile Community Action is the  
16 antipoverty agency for the county. Actually,  
17 for two counties, Mobile and Washington. And,  
18 also, we operated the Head Start Program and  
19 several senior citizen programs.

20 Q. And were those Head Start program and  
21 senior citizen programs in both Mobile and  
22 Washington County?

23 A. Yes. They both were.



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1 Q. Was the Mobile Community Action, is  
2 that a governmental agency or was it a  
3 governmental agency?

4 A. It's a nonprofit that's funded by  
5 government grants and private grants.

6 Q. Does it still exist?

7 A. Yes.

8 Q. Does it still have the same service  
9 area?

10 MS. SADASIVAN: Objection to  
11 form.

12 A. To my knowledge.

13 Q. Does it still have the same mission?

14 MS. SADASIVAN: Objection to  
15 form.

16 A. Yes.

17 Q. What was your job as the EEO officer  
18 at the Mobile Community Action?

19 A. I handled all the human resources,  
20 complaints, discrimination complaints, making  
21 sure that our agency was open to all the people  
22 in the community and fair with all the people in  
23 the community.

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1 Q. Thank you, sir. You indicated that  
2 you held that position for two years?

3 A. Yes.

4 Q. So that would be from 1976 to 1978?

5 A. Yes.

6 Q. And what happened after that?

7 A. In 1978, the director of the program  
8 left and I was hired as the director of the  
9 entire program.

10 Q. Director of the Mobile Community --

11 A. Action.

12 Q. -- Action. Well, congratulations.

13 How long were you the director of  
14 Mobile Community Action?

15 A. Till 1987.

16 Q. Why did you leave your position as  
17 director of Mobile Community Action?

18 A. I got elected to the Mobile County  
19 Commission.

20 Q. When you ran for Mobile County  
21 Commission, did you run -- is that a partisan  
22 election? Was that a partisan election?

23 A. Yes.

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1 Q. Did you run as a Republican, a  
2 Democrat, or some other?

3 A. Democrat.

4 Q. What position on the Mobile County  
5 Commission did you run for?

6 A. District 1.

7 Q. And can you generally describe where  
8 District 1, at that time, was located?

9 A. From the south part of the city all  
10 the way to the Washington County line.

11 Q. That's a pretty big district.

12 A. There are only three districts in  
13 Mobile.

14 Q. Oh, okay. how long did you serve as  
15 commissioner?

16 A. 18 years.

17 Q. So don't make me do the math. When  
18 did you --

19 A. 2005.

20 Q. Thank you. And why did you leave your  
21 position as member of the Mobile County  
22 Commission?

23 A. Got elected mayor in 2005.

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1 Q. Were you on the commission when they  
2 built that building over there, the big county  
3 building over there?

4 A. Yes. I built it.

5 Q. That's a good building. And from 2005  
6 to when you were mayor?

7 A. 2013.

8 Q. And what did you do after you stopped  
9 being the mayor of Mobile in 2013, sir?

10 A. I worked for Ball HealthCare.

11 Q. B-A-L-L?

12 A. Right.

13 Q. I'm pretty sure I know the answer to  
14 this, but when you ran for mayor, did you run as  
15 a Democrat?

16 A. No.

17 Q. That's the one that's nonpartisan.  
18 That's right. I forgot. Thank you.

19 That's a nonpartisan election,  
20 correct?

21 A. It is.

22 Q. Did you have support from the  
23 Democratic Party when you ran for mayor?



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1 A. I had support from both parties.  
 2 Q. Okay. Well, that's good.  
 3 What did you do at Ball HealthCare?  
 4 A. The Director of Community Outreach and  
 5 Programs for the company.  
 6 Q. What does that involve?  
 7 A. It involves -- we have 12 nursing  
 8 homes throughout the State of Alabama and all of  
 9 the programs that we operate in those nursing  
 10 homes, all of the projects we operate in those  
 11 nursing homes, I generally managed those, as  
 12 well as dealing with community issues in all of  
 13 the nursing homes throughout the state.  
 14 Q. Can you give me some example of  
 15 programs and projects that you're talking about?  
 16 A. Expansions.  
 17 Q. As in -- of the real structure of the  
 18 building?  
 19 A. Of the structure of the building; also  
 20 additions of services, like vent units,  
 21 replacing our partial generators that --  
 22 generators that completely run the operation. I  
 23 was involved in all of those.

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1 Q. And are you still at Ball HealthCare?  
 2 A. I am.  
 3 Q. And are you still the Director of  
 4 Community Outreach?  
 5 A. Yes.  
 6 Q. Thank you, sir. Are you a member of  
 7 any professional organizations?  
 8 A. I wouldn't say professional. I would  
 9 say community organizations.  
 10 Q. Okay. That's fine. Are you a member  
 11 of any community organizations?  
 12 A. Yes.  
 13 Q. Would you tell me what those are,  
 14 please, sir?  
 15 A. Utopia Social Club.  
 16 Q. Utopia?  
 17 A. Yeah. I'm vice president of that.  
 18 Q. Is that a social savings club?  
 19 A. It is. And 100 Black Men of Mobile,  
 20 the CORE Group. That's a group of men who work  
 21 in the community with young people.  
 22 Q. C-O-R-E?  
 23 A. Right.

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1 Q. Is that all capital letters or not?  
 2 A. Yes.  
 3 Q. Any others, sir?  
 4 A. There are a lot of them. I've just  
 5 got to try to get them -- there are several  
 6 religious organizations that I participate in.  
 7 Q. Well, since we're there, let's just --  
 8 it's a little bit ahead of where I was going to  
 9 go. Are you a member of a church or do you  
 10 participate in a church?  
 11 A. Yes.  
 12 MS. SADASIVAN: Objection to  
 13 form.  
 14 BY MR. WALKER:  
 15 Q. May I ask what church that is?  
 16 A. Macedonia Baptist Church.  
 17 Q. And that's here in Mobile?  
 18 A. It is. No, it's in Prichard. Mobile  
 19 County.  
 20 Q. Is that the church you grew up in?  
 21 A. No.  
 22 Q. And you said there were several other  
 23 religious, I think, organizations that you

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1 participated in. So what might be other ones?  
 2 A. The National Baptist Convention.  
 3 Q. Yes, sir.  
 4 A. The Interdenominational Sunday School  
 5 Knights.  
 6 Q. Any others?  
 7 A. The chairman of the deacon board in  
 8 church.  
 9 Q. Choir?  
 10 A. No, I missed that one.  
 11 Q. They wouldn't let me join.  
 12 We were talking about your employment  
 13 a little while ago. And just to close a loop on  
 14 that, we missed one thing, which is your service  
 15 in the Legislature, which may not be employment.  
 16 But for what years have you served in  
 17 the Legislature?  
 18 A. Started in 2018.  
 19 Q. And, at that time, did you run from  
 20 District 99? What district did you run from --  
 21 A. District 1 -- I'm sorry. District 99.  
 22 Q. And you have continued to serve  
 23 District 99 until the present day?





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1 A. Right.  
 2 **Q. And what committees are you currently**  
 3 **on in the Alabama House of Representatives?**  
 4 A. Military Affairs, County and Municipal  
 5 Government, Rural Development, and I served on  
 6 the Gaming Committee.  
 7 **Q. And you previously served on the**  
 8 **Reapportionment Committee.**  
 9 A. And Reapportionment Committee.  
 10 **Q. What years were you in the**  
 11 **Reapportionment Committee?**  
 12 A. I was appointed in 2018 and then  
 13 reappointed during the special session.  
 14 **Q. The 2021 special session?**  
 15 A. Right.  
 16 **Q. And you're still serving on the**  
 17 **committee?**  
 18 A. I am.  
 19 **Q. Do you have any social media accounts,**  
 20 **sir?**  
 21 A. Yes.  
 22 **Q. Would you tell me which ones they are,**  
 23 **which platforms; Facebook, Instagram, et cetera?**

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1 A. I have Facebook that I don't post on.  
 2 More of a monitoring than post.  
 3 **Q. Any others? Instagram or -- gosh, I**  
 4 **don't know. I don't do social media so I don't**  
 5 **know.**  
 6 A. No.  
 7 **Q. Okay. Just to be clear, have you ever**  
 8 **posted anything about this litigation or about**  
 9 **redistricting on your Facebook account?**  
 10 A. I don't ever recall posting anything  
 11 on my Facebook account.  
 12 **Q. Would you tell me, sir, in your own**  
 13 **words, what you understand this lawsuit to be**  
 14 **about?**  
 15 A. In my own words, it is a lawsuit that  
 16 was really -- came about as a result of what  
 17 appeared to me to be the impossibility of Black  
 18 people being represented in the Congressional  
 19 District. And it had to do with -- in this  
 20 state, it's almost impossible for any Black  
 21 person to get elected in all but one  
 22 Congressional District.  
 23 **Q. And that one would be CD 7?**

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1 MS. SADASIVAN: Objection to  
 2 form.  
 3 A. Yes.  
 4 **Q. Were you asked to be a plaintiff in**  
 5 **this lawsuit at any time?**  
 6 A. No.  
 7 **Q. Have you read the complaint or any of**  
 8 **the complaints that were filed in this case?**  
 9 A. I have generally, not -- I couldn't  
 10 actually point to you the portions that I read,  
 11 but overall it kind of established, I think, the  
 12 same thing I just said.  
 13 **Q. And you understand that as relief, the**  
 14 **Plaintiffs are seeking for the Court to order a**  
 15 **Congressional Plan that has two majority Black**  
 16 **districts?**  
 17 MS. SADASIVAN: Objection to  
 18 form.  
 19 A. My opinion of that was the Court ruled  
 20 to make it possible to have a Black district --  
 21 another Black district.  
 22 **Q. Well, you understand the Court**  
 23 **actually ordered the entry of a specific plan at**

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1 **least for -- for the time being?**  
 2 MS. SADASIVAN: Objection to  
 3 form.  
 4 A. My understanding is that the Court  
 5 selected a specific plan, yeah.  
 6 **Q. What's your understanding,**  
 7 **Representative Jones, of the -- what do you**  
 8 **prefer, Representative or Mayor?**  
 9 A. I tell people here, it doesn't matter.  
 10 I answer to all of them.  
 11 **Q. I just want to get it right.**  
 12 **What's your understanding of the**  
 13 **purpose of redistricting?**  
 14 A. Well, redistricting actually is  
 15 supposed to be connected to the census and the  
 16 movement within the census and supposed to  
 17 provide a fair representation for everyone.  
 18 **Q. And what is fair representation?**  
 19 A. Fair representation, in my opinion, is  
 20 that all the people in the state are fairly  
 21 represented.  
 22 **Q. That's sort of a tautological**  
 23 **explanation. What's fairly represented?**





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1 A. Fairly represented, in my opinion, is  
2 that all of the people in the state have  
3 representatives that they can identify with and  
4 people who understand and communicate with them  
5 to represent their position in Congress.

6 Q. What does it mean people -- what do  
7 you mean when you say people they can identify  
8 with?

9 A. Well, it's highly possible, and it  
10 happens in a lot of areas, that we -- in  
11 communities I've lived in, there is very little  
12 contact, communication, or even consideration  
13 from Congress people.

14 Q. I don't believe I've ever spoken to my  
15 Congress person.

16 A. He's representing you.

17 Q. Don't be too sure. Well, I take that  
18 back. Martha Roby was a neighbor, so I did know  
19 Martha.

20 A. Well, let me say this, since you said  
21 that. I knew all of them, every one of them.  
22 It's not that I didn't know them.

23 Q. Is race a factor in who voters can

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1 identify with, as you use that term?

2 A. I think it is. I think that depending  
3 on who that representative might be, race  
4 appears always to be a factor, from my  
5 experience in this state.

6 Q. Do you think that's something that's  
7 unique to Alabama and our history or is it  
8 something that you would feel the same way, do  
9 you imagine, if you lived in New York or  
10 Massachusetts or California?

11 MS. SADASIVAN: Objection to  
12 form.

13 MR. MCGUIRE: Object to the  
14 form.

15 A. I really think that it's more  
16 prevalent in Alabama. I think that's clear,  
17 nationally or locally.

18 Q. Identification with race?

19 A. Yes.

20 Q. What about party membership? Is that  
21 a factor that when you refer to as -- when you  
22 refer to a candidate that people can identify  
23 with, is that one of the factors that makes

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1 someone, someone that voters can identify with?

2 A. I don't think the original intent was  
3 for it to be a factor, but it has developed in  
4 being a factor.

5 Q. Could a white Democrat represent a  
6 predominantly Black community in the way that  
7 you believe that community should be  
8 represented?

9 A. Sure. I think it's possible for that  
10 to happen. Rarely, but possible.

11 Q. Would Jones be an example of that,  
12 Doug Jones? Of course, he was a senator.

13 A. Yeah. I think Doug Jones tried to  
14 fairly represent everyone in his Senate District  
15 -- in the Senate, let me put it that way.

16 Q. Do you understand that one of the  
17 requirements of redistricting is, particularly  
18 in the Congressional cases is to re-equalize the  
19 population of the districts after the census  
20 comes out?

21 A. Yes, that's my understanding. I don't  
22 think that's the question. The question is how  
23 you do it.

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1 Q. Sure. How did you become interested  
2 in redistricting? When did you become  
3 interested in redistricting?

4 A. When I got elected to office.

5 Q. Okay. That'll do it.

6 So the first district office you were  
7 elected to, I think, would have been County  
8 Commission?

9 A. County Commission, yes.

10 Q. Did you-all redistrict while you were  
11 on the County Commission?

12 A. Yes.

13 Q. What was the partisan and racial  
14 makeup of the County Commission during the time  
15 that you served on it?

16 MS. SADASIVAN: Objection to  
17 form.

18 A. Two Republicans, one Democrat.

19 Q. Would that also be two whites and one  
20 Black?

21 A. Yes.

22 Q. Describe the process of redistricting  
23 that the County Commission went through -- I



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1 guess that would have been the 2000 census?

2 A. Yes.

3 Q. What was the process you-all went  
4 through?

5 A. Well, it was -- I think it would have  
6 been -- the first one would have been the 1990  
7 census.

8 Q. Okay.

9 A. I was elected in '87.

10 Q. Oh, that's right. Yes.

11 A. It was a process in which our staff,  
12 being the county administrator, the attorneys  
13 put together some plans and brought them to the  
14 commission for the commission to really discuss  
15 and see if we could reach an agreement on the  
16 plans. And during my time there, we did.

17 And, you know, there were some moving  
18 back and forth but it wasn't a big issue at that  
19 time. So that --

20 Q. What were the matters that, let's say,  
21 had to be discussed among members in order to  
22 reach an agreement of what the new lines would  
23 be?

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1 MS. SADASIVAN: Objection to  
2 form.

3 A. I think that when you look at Mobile  
4 County, it's a little different from all the  
5 other counties in the state. You know, in one  
6 direction in Mobile, you can only go in the  
7 water. Nobody's living out there. You've just  
8 got to match the land that you've got to break  
9 into three districts.

10 And the northern part of the county,  
11 for the most part, was District 1. And the  
12 northern part of the county just happened to be  
13 the part of the county where the largest number  
14 of Black residents live.

15 So it's part of the downtown -- I  
16 believe mostly all of downtown and north. Then  
17 there are two other areas. You've actually got  
18 west and south.

19 Q. Okay.

20 A. The eastern part is really not  
21 affected because that's in the river. So that's  
22 what you have to work with. So it wasn't real  
23 difficult to district during that time.

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1 Q. When you were redistricting, what  
2 level of Black voting-age population did you  
3 seek to have for your district?

4 MS. SADASIVAN: I'm going to  
5 object because this also calls for  
6 legislative privilege while he was a  
7 member of the County Commission.

8 A. I don't --

9 MS. SADASIVAN: Just wait to  
10 answer until we're done objecting if  
11 you don't mind.

12 MR. MCGUIRE: I'm going to  
13 instruct you not to answer the  
14 question.

15 BY MR. WALKER:

16 Q. You have been instructed not to answer  
17 that question. Are you going to honor your  
18 instruction from your counsel?

19 A. Yes.

20 Q. Okay. Given your experience in  
21 redistricting, starting in the 1990 census at  
22 the County Commission level and your experience  
23 in the legislature, do you have a belief as to

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1 the level of Black voting-age population a  
2 Legislative District should have or a  
3 Congressional District should have in order to  
4 allow the people who -- minority members who  
5 live in that district, an opportunity to fully  
6 participate in the political process?

7 MR. MCGUIRE: I'm going to  
8 object; legislative privileges  
9 grounds there. I also object to the  
10 form, but definitely legislative  
11 privilege.

12 I'm going to instruct you not to  
13 answer that question.

14 BY MR. WALKER:

15 Q. Let's talk about the 2020 census. As  
16 you recall -- or do you recall, rather, that the  
17 census data came out very late that year. In  
18 previous years Alabama, as I recall, in 2010  
19 Alabama got the census data towards the end of  
20 February. And I think in 2020 we did not get  
21 the census data until some time in mid August,  
22 as I recall.

23 Do you recall that?



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1 A. Yes.

2 MS. SADASIVAN: Objection to  
3 form. I think it's 2021.

4 BY MR. WALKER:

5 Q. Oh, I'm sorry. Thank you. 2021, yes.

6 We did not get the census data until

7 mid August 2021.

8 Do you recall that?

9 A. I do recall that the census data was  
10 late coming in based on expectations.

11 Q. Do you have any recollection of how  
12 that -- that is, receiving the census data  
13 several months late, affected the redistricting  
14 process?

15 A. I think the redistricting process was  
16 a rushed process. And I think that the  
17 information to the members was limited.

18 Q. Did you attend all of the  
19 redistricting committee meetings that were held  
20 in 2021?

21 A. Yes.

22 Q. When you say that the information to  
23 the members was limited, would you explain that,

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1 please, sir?

2 A. I think I answered that question with  
3 the committee. But I'll explain it.

4 There were almost 100 plans that was  
5 received. I think we only got a chance to look  
6 at 23, as a committee. And if you remember, my  
7 specific question was how did we get to 23? Who  
8 made that decision? The committee did.

9 So, yeah, I think that that was one of  
10 the things that I was talking about when I said  
11 that it was a rushed process.

12 Q. Did you ever talk to anyone about how  
13 you -- how it got to be 23 plans?

14 MR. MCGUIRE: I'm going to  
15 object on privilege grounds but I'm  
16 going to let you go ahead and answer  
17 that question.

18 MR. WALKER: Let's take a  
19 break.

20 I'm going to withdraw the  
21 question, and let's take a break.

22 (A RECESS WAS HELD FROM  
23 10:06 A.M. TO 10:15 A.M.)

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1 MR. WALKER: Okay. So we  
2 need to have a conversation about  
3 legislative privilege, because  
4 you-all have indicated that  
5 Representative Jones is going to be a  
6 witness with information regarding  
7 the 2021 and '23 redistricting  
8 processes. And he's also talked  
9 about that in his statement.

10 MR. MCGUIRE: Well, you  
11 missed a couple of critical words  
12 right before. You started at  
13 information but the two words before  
14 that says: May have.

15 MS. SADASIVAN: I think when  
16 he's talking about his declaration,  
17 he's waived privilege. And I think  
18 everything in the declaration, you're  
19 welcome to ask about.

20 My understanding was that you  
21 were asking about specific  
22 communications, which I didn't see  
23 anywhere discussed in his

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1 declaration. And so I think to the  
2 extent that you're asking about  
3 things that imply privilege where  
4 there's been no waiver, then that  
5 would be privilege. Right?

6 MR. WALKER: I think you're  
7 taking a position that is not the  
8 same position the Milligan Plaintiffs  
9 took when the chairs asserted waiver.

10 And I don't think that something --

11 MS. SADASIVAN: So they  
12 intervened as defendant, which is  
13 just a little bit different than  
14 somebody submitting a declaration as  
15 a witness.

16 MR. WALKER: Well, he is  
17 coming voluntarily forward as a  
18 witness, which is --

19 MS. SADASIVAN: Not the same  
20 as litigation conduct, which I think  
21 you-all have argued. Litigation  
22 conduct is where waiver really  
23 occurs. And that's short of that,



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1 like really public litigation conduct  
 2 that there hasn't really been a  
 3 waiver. And so it's my  
 4 understanding, just based on your  
 5 position, that waiver would only  
 6 occur to the extent he's put it into  
 7 the declaration, not broadly for  
 8 everything that happened in the 2021  
 9 and 2023 Legislative process. It  
 10 wasn't our intention by listing the  
 11 information that he may have to  
 12 disclose anything beyond what was in  
 13 his declaration, which he has.

14 MR. WALKER: Let me ask you  
 15 this: He may have information  
 16 regarding the 2021 and '23  
 17 redistricting processes. And you've  
 18 said that he is -- he's waived that  
 19 as to what's in his declaration but  
 20 you sort of said, if I can  
 21 paraphrase, that I can't ask about  
 22 things beyond the declaration.

23 MS. SADASIVAN: To the

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1 extent it's related to information in  
 2 the declaration where there has been  
 3 a waiver. But, I mean, your position  
 4 that you-all have taken consistently  
 5 is that there's not any waiver.  
 6 Legislative privilege is extremely  
 7 broad. So, for example, you know, in  
 8 red state, when they -- so any kind  
 9 of communication that he had, there's  
 10 been no waiver.

11 So, of course, we're willing to  
 12 be generous and say, you know, to the  
 13 extent it's related to that  
 14 declaration that's public, but not  
 15 further.

16 MR. WALKER: Here's what I  
 17 want to know. I want to be able to  
 18 ask him about whatever he's going to  
 19 testify at trial. And I assume that  
 20 will be the 2021 and '23  
 21 redistricting processes.

22 MS. SADASIVAN: So that  
 23 disclosure was meant to disclose

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1 information that he has disclosed in  
 2 his declaration, which includes stuff  
 3 from the 2021 and 2023 redistricting  
 4 process.

5 So, again, that is not broader  
 6 than his declaration, and so you're  
 7 welcome, again, to ask about those --  
 8 may have information related to what  
 9 was in his declaration.

10 MR. WALKER: So here's --  
 11 just to put a fine point on it. Is  
 12 he going to talk about stuff -- is he  
 13 going to talk about the 2021 and '23,  
 14 redistricting processes in any  
 15 materially different way than what he  
 16 has said in his declaration?

17 MS. SADASIVAN: I think you  
 18 can ask him what he intends to  
 19 testify about at trial and what he  
 20 believes he's going to testify about  
 21 but if he doesn't believe he's going  
 22 to -- you know, as he sits here  
 23 today, then that --

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1 MR. WALKER: Yes, but I need  
 2 -- I don't want to be surprised by  
 3 you-all saying later on well, you  
 4 didn't ask him about this when my  
 5 understanding is you -- I mean, I'm  
 6 trying to figure out what you think  
 7 the parameters are so that I can  
 8 fairly depose the witness but not go  
 9 into privileged areas.

10 MR. TAUNTON: There's a  
 11 separate point here too, which is  
 12 yes, at some point the legislators  
 13 try to take the position that, you  
 14 know, they have privilege left. But  
 15 the Court said that you can't go  
 16 halfway down the rabbit hole. And so  
 17 I think that --

18 MS. SADASIVAN: Well, those  
 19 are -- again, those are people who  
 20 intervened as defendants to defend on  
 21 the merits that they had not actively  
 22 discriminatory intent. And it wasn't  
 23 waived for the entire Legislature, if





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1 you remember.

2 MR. WALKER: I've heard --  
3 (SIMULTANEOUS SPEAKERS.)

4 MS. SADASIVAN: We can't  
5 waive, you know, for example, the  
6 privilege of other members of the  
7 Black Caucus.

8 MR. WALKER: No one has  
9 suggested that. I'm not suggesting  
10 it.

11 MS. SADASIVAN:  
12 Communications and his meetings,  
13 those kind of things -- I mean,  
14 again, I --

15 MR. TAUNTON: But he can  
16 waive his own. And I think that --  
17 I'm not aware of a position which  
18 says you halfway waive your own.  
19 It's sort of you're either in or  
20 you're out on that. And that would  
21 be true, not just by the way of  
22 legislative privilege. That's just  
23 true of privileges. If you waive a

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1 privilege, it is waived. It isn't  
2 halfway waived.

3 MS. SADASIVAN: Right.  
4 Well, we took that position again,  
5 but you-all took the position that  
6 privilege protects the process, not  
7 the person. And so the process --

8 MR. TAUNTON: The privilege  
9 is individual but to the degree that  
10 we took that position, we lost.

11 MS. SADASIVAN: I don't know  
12 that you did. I wouldn't consider  
13 that a loss. I think that you did  
14 not lose that.

15 MR. TAUNTON: The Court took  
16 the position that --  
17 (SIMULTANEOUS SPEAKERS.)

18 MR. WALKER: I tell you  
19 what, let's see what we can do.

20 MS. SADASIVAN: I want you  
21 to have a fair deposition. You know,  
22 ask -- it doesn't have to be just  
23 stated specifically in the

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1 declaration. You know, you should  
2 feel free to ask about information  
3 that is relevant to the information  
4 stated in the declaration.

5 MR. TAUNTON: I think I see  
6 your point. To the degree that our  
7 question would require him to  
8 disclose the privilege of another  
9 member, we can agree that that is not  
10 waived.

11 MS. SADASIVAN: Okay. And  
12 to the degree that involves  
13 communications that he might have  
14 had, he chooses not to waive that are  
15 relevant to the law-making process.

16 MR. WALKER: I think they're  
17 waived here.

18 MR. TAUNTON: His statements  
19 are waived.

20 MS. SADASIVAN: What is  
21 waived is what is in that  
22 declaration.

23 And we're happy for you to ask

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1 questions relevant to the information  
2 in that declaration, but if it goes  
3 beyond, we'll object on privilege  
4 grounds.

5 MR. WALKER: Now, if you're  
6 going to take the position literally,  
7 at what is waived and what's in his  
8 declaration, then my position is  
9 going to be that when he testifies in  
10 court, if he testifies, what he can  
11 basically do is read his declaration  
12 but not vary from it.

13 MS. SADASIVAN: I don't  
14 know. I think we should go along and  
15 see. And if there's an issue where  
16 you think you really need some  
17 information that we're objecting and  
18 he's deciding not to answer, then we  
19 can take it from there.

20 MR. WALKER: Well, that's  
21 practical. Let's do that.

22 BY MR. WALKER:

23 Q. Sir, if I recall your testimony





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1 correctly, and let me know if I don't, we were  
2 talking about the first redistricting effort in  
3 2021. And my recollection is you said there  
4 were in the vicinity of 100 plans submitted and  
5 that members of the committee got to see only 23  
6 of those plans.

7 A. Yeah.

8 Q. And you said: How was that decided?  
9 Who decided that for us?

10 And what I would like to ask is: Who  
11 did you talk to in trying to find out how that  
12 was decided? And I believe in your statement  
13 you indicated that you spoke with the House  
14 Chair, Representative Pringle.

15 And if I can read from your statement:  
16 I asked who selected the 20 -- excuse me --  
17 start over.

18 Quote: I asked who selected the 15-20  
19 plans chosen by the committee. Co-Chair,  
20 Representative Pringle responded: "We did."  
21 When I asked him to define, quote,  
22 "we," Representative Pringle said, quote, "Me  
23 and my co-chair."

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1 That would be -- at the time, that was  
2 Senator McClendon?

3 A. Yes.

4 Q. Did you ever speak with Senator  
5 McClendon about the matter?

6 A. If you recall, when I asked that  
7 question, we were in the meeting.

8 Q. That's right, you were.

9 A. Everyone was sitting there in the  
10 meeting. And since McClendon was sitting there  
11 and the question was asked, and I was trying to  
12 find out how did we get from 100 to 23 and what  
13 criteria was used to do that. And eventually --  
14 I didn't get an answer initially and then I  
15 think out of frustration Representative Pringle  
16 said: We did. And I said, well, who is "we"?  
17 He said me and my co-chair.

18 Q. Do you know who Donna Overton is?

19 A. If she's the one who works in the  
20 office, yes, sir.

21 Q. Runs the Reapportionment Office?

22 A. Yes, I know her.

23 Q. Did you ever talk to her about the

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1 fact that only 23 or 15 to 20 plans were  
2 presented to the committee?

3 A. I thought I was talking to the people  
4 who directed her, the committee chairs.

5 Q. So that would be a no?

6 A. Yeah.

7 Q. You did not ever speak to her?

8 A. No, I didn't.

9 Q. Have you ever had any conversations  
10 with her?

11 A. Oh, yes. For copies.

12 Q. Did you believe that there was  
13 anything -- scratch that.

14 Do you believe that there was a racial  
15 motivation in presenting only, let's just say,  
16 23 plans to the committee in 2021 as opposed to  
17 the full 100?

18 MR. MCGUIRE: Object to the  
19 form.

20 A. I don't know why that was done.

21 That's the question I was trying to get an

22 answer to. And as of today I haven't gotten  
23 one.

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1 Q. Do you have a belief, as we sit here  
2 now, as to whether or not there was anything  
3 racially motivated about the fact that only 23  
4 plans you say were presented to the committee?

5 A. It's difficult to say since we never  
6 saw them.

7 Q. Do you have an opinion as to whether  
8 or not there was a partisan motivation in the  
9 fact that 23 plans out of 100 were presented to  
10 the committee?

11 A. Yeah, I always have that opinion.

12 Q. In other words --

13 A. Based on my experience, I'm sure  
14 there's always a political agenda in Montgomery.

15 Q. Did you present any plans in 2021?

16 A. No, I didn't.

17 Q. Did you present a plan or any plans in  
18 2023?

19 A. No, I didn't.

20 Q. Did you sponsor a plan in 2023?

21 A. No.

22 Q. Did you sponsor a plan in 2021?

23 A. No.



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1 Q. Where do Black citizens reside? Where  
2 is the -- where are the Black population centers  
3 in Alabama?

4 A. I would think they would be in the  
5 metropolitan areas. Mostly, the numbers would  
6 be in metropolitan areas.

7 Q. Which metropolitan areas?

8 A. Which would be Mobile, Montgomery,  
9 Birmingham, Huntsville, Tuscaloosa.

10 Q. What about Lee County, do you know?

11 A. And Lee County.

12 Q. Do you know what the term "Black Belt"  
13 means?

14 A. I do.

15 Q. What is the Black Belt?

16 A. They are the group of counties that's  
17 considered the Black Belt in Alabama.

18 Generally, they are counties where -- they were  
19 rural counties where -- a lot of Black residents  
20 dwelled in those counties, live in those  
21 counties because they were big agricultural  
22 counties.

23 Q. Are most of the Black Belt counties --

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1 let's exclude Montgomery from the Black Belt  
2 counties for this conversation.

3 And I can recite what the parties have  
4 stipulated as to the Black Belt counties if you  
5 want me to.

6 A. Do that.

7 Q. Would that be helpful to you?

8 A. Yes.

9 Q. Barbour, Bullock, Butler, Choctaw,  
10 Crenshaw, Dallas, Greene, Hale, Lowndes, Macon,  
11 Marengo, Montgomery, Perry, Pickens, Pike,  
12 Russell, Sumter, and Wilcox.

13 With those in mind, and I know that's  
14 a lot, are those -- is the population of -- are  
15 those all counties with relative low populations  
16 or mostly counties with relatively low  
17 populations?

18 MS. SADASIVAN: Objection to  
19 form.

20 A. If you exclude Montgomery, yes. In  
21 terms of numbers, yes.

22 Q. Are those counties -- let's just keep  
23 Montgomery out because it's uniquely different

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1 from the others.

2 MS. SADASIVAN: Objection to  
3 form.

4 MR. WALKER: That was a  
5 comment.

6 MS. SADASIVAN: Objection to  
7 the comment.

8 MR. WALKER: She can't  
9 object to my comments.

10 BY MR. WALKER:

11 Q. Would you agree that the Black Belt  
12 counties -- and for all of this conversation  
13 exclude Montgomery unless we say otherwise --  
14 are relatively high in Black population?

15 A. Generally.

16 Q. Compared to other Alabama counties.

17 A. Yes.

18 Q. Non Black Belt counties. Did the  
19 Black Belt counties, on average, gain or lose  
20 population as a result -- in the 2020 census?

21 A. They lost. A number of them lost.

22 Q. And have you looked at any of the  
23 census estimates since then or any other sources

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1 of information to enable you to form a belief as  
2 to what has happened to those counties'  
3 population since the 2020 census was released?

4 A. No, not since the -- I haven't seen  
5 any document concerning that.

6 Q. Do you have an opinion as to whether  
7 or not they have continued to lose population  
8 since the 2020 census was released?

9 A. I don't have an opinion. I don't have  
10 the numbers.

11 Q. Do you know what percentage of  
12 Alabama's population is, I guess, any part Black  
13 or Black?

14 A. What percentage of the total  
15 population?

16 Q. Yes, sir.

17 A. About 27, 28 percent.

18 Q. Did you review all of the 23 maps that  
19 were made available to the committee in 2021?

20 A. I looked at them, but doing a specific  
21 analysis of every map, no. There were some that  
22 I did but some I didn't.

23 Q. Did you speak at the meetings of the



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1 committee -- excuse me. Did you speak at the  
2 meetings of the Reapportionment Committee that  
3 were held during the 2021 redistricting process?

4 A. Did I speak or did I ask a question?  
5 Which one are you --

6 Q. I mean speak as in verbally make  
7 sounds?

8 A. I asked a question.

9 Q. Which was -- you've testified and it's  
10 also in your statement, you asked where the  
11 other plans, so to speak. Did you ask anything  
12 else that you recall?

13 MR. MCGUIRE: I'm going to  
14 object on legislative privilege, to  
15 the extent it's in his declaration.  
16 He's waived it. You can answer it to  
17 the extent --

18 MS. SADASIVAN: Or as a  
19 matter of public record. I think  
20 some of these are public record.

21 MR. MCGUIRE: Right.

22 BY MR. WALKER:

23 Q. Did anyone prevent you from going back

Page 78

1 into the redistricting office and asking to see  
2 the other plans that were not shown to the  
3 committee?

4 A. The other 75?

5 Q. Yes, sir.

6 A. No.

7 Q. So as far as you know, you could have  
8 gone and asked Ms. Overton to see those?

9 A. Well, it took me three weeks to get a  
10 map for one plan. So, you know, I didn't think  
11 I'd get 75 other maps.

12 Q. You know, as a member of the  
13 committee, that all plans have to be introduced  
14 into the state redistricting system, correct?

15 A. Yes.

16 Q. And did you ever go back and ask  
17 Ms. Donna if you could look on her computer to  
18 see those plans?

19 A. I think I testified earlier that I  
20 didn't have a conversation with Ms. Donna for  
21 anything other than getting a copy of --

22 Q. You did. Thank you.

23 Did you speak with any consultants or

Page 79

1 advisors about the proposals for the -- the  
2 proposals for redistricting, Congressional  
3 Redistricting that were made in 2021?

4 MR. MCGUIRE: I'm going to  
5 object on legislative privilege  
6 grounds.

7 A. Not for Congressional Redistricting.

8 Q. Did you attend any Alabama Legislative  
9 Black Caucus meetings at which the 2021  
10 Congressional Plans were discussed?

11 A. I attended all the Black Caucus  
12 meetings but I don't know specifically if a  
13 specific plan was discussed.

14 Q. Do you have any recollection of a  
15 discussion of the 2021 -- in 2021, of  
16 Congressional Redistricting at the Alabama  
17 Legislative Black Caucus meetings?

18 MR. MCGUIRE: I'm going to object  
19 on legislative privilege.

20 Don't answer that.

21 BY MR. WALKER:

22 Q. Do you recall anything you said at  
23 meetings of the Alabama Legislative Black Caucus

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1 in 2021, about Congressional Redistricting?

2 MR. MCGUIRE: I'm going to  
3 object on legislative privileges.

4 A. I don't recall.

5 Q. Was there a plan that you supported --  
6 let me back up.

7 The plan that was passed by the  
8 legislature in 2021, did you vote against it?

9 A. Yes.

10 Q. Why did you vote against it?

11 A. I voted against it because of the  
12 structure of a lot of districts in the state,  
13 not just the Congressional District but a number  
14 of House Districts, including my own.

15 Q. I don't think I asked my question very  
16 well.

17 When the Congressional Plan that was  
18 passed by the House came up for a vote, did you  
19 vote against it?

20 A. I'm trying to -- which plan are we  
21 talking about?

22 Q. I'm limiting it to the Congressional  
23 Plan that was passed by the state, DX 5. When



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1 this came up for a vote, do you recall if you  
2 voted against it?

3 A. I'm not sure but I think I did.

4 Q. Okay. And I'm really just using that  
5 as a springboard to my next question.

6 A. Okay.

7 Q. Was there a plan other than the plan  
8 that was passed by the House that you favored?

9 Do I need to repeat my question? You  
10 were looking at that.

11 A. That was a plan that would have been  
12 more acceptable than this one.

13 Q. Do you recall the name of that plan?

14 A. I don't. There were a lot of names.

15 Q. Did that plan have two majority Black  
16 Congressional Districts or do you know?

17 A. I really don't recall. There were so  
18 many plans that were floating at that time. I  
19 don't know specifically which one.

20 Q. Look at what I previously marked, sir,  
21 as DX 5.

22 A. Okay.

23 Q. And look at, if you will -- do you

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1 know, sir, if you favored any Congressional Plan  
2 in 2021 or in 2023, that created a toss-up  
3 district around Jefferson County? Around  
4 Birmingham?

5 A. No.

6 Q. Did you, in 2021 or in 2023, submit  
7 anything into the legislative record that you  
8 recall relating to redistricting?

9 A. No.

10 Q. Look at DX 5, please, sir, which is  
11 the 2021 Alabama Congressional Plan.

12 A. Yeah.

13 Q. I think you testified earlier that you  
14 did not favor this plan?

15 A. Right.

16 Q. And do you mind if I ask you again why  
17 you don't favor this plan or you do not favor  
18 this plan?

19 A. I don't think the plan would achieve  
20 the purpose.

21 Q. And the purpose would be what?

22 A. The purpose, in my opinion, would be  
23 another seat in the Congress that represents the

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1 Black community of the State of Alabama.

2 Q. What level of Black voting-age  
3 population do you believe would be necessary for  
4 a plan to achieve that purpose, if you have an  
5 opinion?

6 MS. SADASIVAN: Objection to  
7 form.

8 A. You know, I have not done any research  
9 to ascertain that.

10 Q. Fair to say you have no opinion on  
11 that?

12 A. No. I mean, if you're asking me about  
13 the plans that were presented.

14 Q. Yes.

15 A. No, I don't. I think that all of the  
16 plans that were presented, some of them would  
17 absolutely not give an opportunity to a Black  
18 seat. Some were very borderline and so most of  
19 those I didn't agree with.

20 Q. Is it fair to say you wanted a plan  
21 that you thought would give Blacks in Alabama  
22 the opportunity to elect two people to Congress?

23 A. Yes.

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1 Q. Okay. Do you have an opinion about  
2 what role, if any, race played in drawing the  
3 2021 Alabama Congressional Plan, DX 5?

4 A. Do I have an opinion whether race was  
5 a factor?

6 Q. Yes, sir.

7 A. I think it was.

8 Q. And can you tell me the basis for that  
9 opinion?

10 A. Well, based on my experience in this  
11 area.

12 Q. Redistricting?

13 A. Not redistricting but Mobile, Baldwin,  
14 the area here.

15 Q. Yes, sir.

16 A. I'm pretty familiar with voting  
17 patterns and voting population. And based on  
18 what I saw here, I didn't think that that  
19 provided a real opportunity for it. I think  
20 you've got Baldwin, Escambia, Monroe,  
21 Washington, and then Mobile County. Anything  
22 that was, I think, done in Mobile County would  
23 be nullified by the other three.





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1 Q. And implicit in that is that the Black  
2 population in Mobile County would be nullified  
3 by including, in the same Congressional  
4 District, Washington, Monroe, Escambia and  
5 Baldwin Counties?

6 A. Yes. I was basically talking about  
7 Baldwin, Escambia and Monroeville rather than  
8 Washington. I think, last I knew, Washington  
9 had like about 16,000 residents in the whole  
10 county.

11 Q. Do people in Washington County come to  
12 work in the industries in Mobile County?

13 A. Sure.

14 Q. Do people in Baldwin County come to  
15 work in Mobile County?

16 A. Probably the majority of them.  
17 Probably the majority.

18 Q. Do people in Escambia County come to  
19 work in Mobile County?

20 A. Yes, some do.

21 Q. Do people in Monroe County come to  
22 work in Mobile County?

23 A. I think some do. Mobile County is the

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1 economic hub for the whole region.

2 Q. How do you define the region?

3 A. The region would actually be the  
4 entire Gulf Coastal region, not necessarily just  
5 Mobile and Baldwin County or Escambia but also  
6 Jackson County, Mississippi and other areas,  
7 where people come to work here, especially to  
8 the shipyards, various things around the port.

9 Q. They come to work at Austal?

10 A. They come to work at Austal, they come  
11 to work at several other shipyards, as well as  
12 now Airbus, cruise industry, and the largest  
13 part of it is stevedoring on the port.

14 Q. I didn't realize there was much of  
15 that left with container ships.

16 A. There's a lot left. This is one of  
17 the largest container ports in the country now.

18 Q. But I thought the purpose of  
19 containers was to get rid of stevedores.

20 A. Well, they don't hook themselves up  
21 when they go on ships.

22 Q. Who knows where we're going.

23 A. Yeah.

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1 Q. I may have asked my question not well  
2 earlier. Let me -- I asked you: Do you have an  
3 opinion on what role, if any, race played in the  
4 drawing of this map.

5 Let me re-ask that question.

6 Do you have an opinion as to whether  
7 the people who drew this map, sponsored this map  
8 and voted for this map, were motivated to  
9 discriminate on the basis of race?

10 A. I'm not sure who drew this map. I  
11 really don't know who are the authors of this  
12 map but the information I shared with you  
13 earlier lets me know that whoever drew it  
14 understands the voting patterns in this region.

15 You know, if you look at places like,  
16 for instance, Baldwin County, I might be  
17 mistaken but I don't think Baldwin County has a  
18 Black elected official. Not one.

19 And in area, it's probably one of the  
20 largest counties in the State of Alabama. And  
21 Escambia, not much difference. Maybe a little  
22 different. Monroe County is a little different.  
23 And Washington County is probably in the same

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1 boat as Baldwin.

2 Q. If I wanted to draw a Congressional  
3 District for the Gulf Region and I wanted to  
4 look only at partisan membership, not race, is  
5 it possible that I would have drawn a  
6 Congressional District 1 very much like the one  
7 that's in the 2021 Alabama Congressional Plan?

8 A. This particular map?

9 Q. Yes, sir.

10 A. Well, unfortunately in our state,  
11 partisanship is related to race in our state;  
12 not all over the country but in our state. So  
13 another way to make sure that Blacks don't get  
14 elected, you just draw a partisan district and  
15 you don't get elected. So that's how the two  
16 relate to each other today.

17 I mean, years ago it was a little  
18 different. But today, that's really kind of the  
19 way it is. All you need to do is look at the  
20 number of legislators in the Legislature that  
21 are Black. 24 out of 105.

22 Q. Right.

23 A. So I think that kind of speaks for





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1 itself.

2 **Q. So if you're looking at a map like**  
 3 **this, would you have any way of knowing if**  
 4 **partisanship or race predominated or played a**  
 5 **role in the drawing of Congressional District 1?**

6 A. You would if you believe they're one  
 7 and the same.

8 **Q. And do you believe that?**

9 A. I believe that's true to an extent in  
 10 several areas of the state.

11 **Q. And those areas?**

12 A. I mean, by -- I'm talking about by  
 13 counties, now. That's what I'm talking about.  
 14 And the big difference, in my judgment, is that  
 15 people who serve at the county level, even  
 16 though they are partisan seats, the operation is  
 17 not partisan. Difference in Alabama  
 18 Legislature. It's kind of driven by  
 19 partisanship and race.

20 And so I think there are some  
 21 different scenarios as it relates to elected  
 22 officials and how they function in those  
 23 positions.

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1 **Q. Have you had any experiences in the**  
 2 **Alabama Legislature that made you think that**  
 3 **someone was doing something with the intent or**  
 4 **purpose of discriminating on the basis of race**  
 5 **as opposed to partisanship?**

6 MS. SADASIVAN: Objection to  
 7 form.

8 A. Well, strange you should ask that. We  
 9 just finished passing DEI in the State of  
 10 Alabama.

11 **Q. And do you want to define DEI for the**  
 12 **record?**

13 A. It's race based.

14 **Q. Why don't you explain a little bit**  
 15 **what you're talking about?**

16 A. Alabama is one of three states in the  
 17 United States that has actually passed a law  
 18 eliminating DEI in universities and any  
 19 government-funding agencies and, you know --  
 20 maybe I shouldn't say this.

21 My general thought is that they had  
 22 project 2025 before it even existed.

23 **Q. And by DEI, you mean diversity,**

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1 **equity, and inclusion initiatives?**

2 A. I mean, not just that, but banning  
 3 books on Black history -- you know, we -- I know  
 4 you watch CNN, all those places. We get credit  
 5 for that. In Alabama we get credit for being  
 6 the first state -- or second or third state in  
 7 the nation to adopt something like that, as well  
 8 as a lot of other things.

9 So if I think -- if your question to  
 10 me is whether I think some of those things have  
 11 racial intent, sure, I think that.

12 **Q. Could it be that recent legislation**  
 13 **that you referred to on DEI has a partisan**  
 14 **motivation as opposed to a racial motivation?**

15 MS. SADASIVAN: Objection to  
 16 form.

17 A. Well, I'm not talking about just the  
 18 motivation. I'm talking about the intent of the  
 19 legislation itself.

20 **Q. I'll ask the question. Could it be**  
 21 **that it had a partisan intent as opposed to, or**  
 22 **in addition to --**

23 A. I think I just established, in a lot

Page 92

1 of instances they're one and the same.

2 **Q. Are you aware that Allen v. Milligan**  
 3 **reached the Supreme Court -- went up to Supreme**  
 4 **Court?**

5 A. Yes.

6 **Q. Did you attend the oral argument?**

7 A. Not at the Supreme Court, no.

8 **Q. Did you make any public statements**  
 9 **about the case at the time the Supreme Court**  
 10 **issued its opinion or before that?**

11 A. A public statement? You mean on media  
 12 or something like that?

13 **Q. Well, you're a legislator. You're an**  
 14 **important person down here in Mobile. Almost**  
 15 **anything you say is a public statement, unless**  
 16 **you're at a cocktail party. So yes.**

17 A. I was pleased with the Supreme Court  
 18 ruling because I thought it was a better  
 19 opportunity than anything else I saw that passed  
 20 the Alabama Legislature.

21 **Q. And what did you understand the**  
 22 **Supreme Court to have ruled?**

23 A. I think they upheld what the appellate



Page 93

1 court --

2 **Q. The Three-Judge Court?**

3 A. Yeah. I think they upheld that, which  
4 I thought was appropriate.

5 **Q. And what was your understanding of  
6 what the Three-Judge Court held?**

7 A. I think they held that the map that  
8 we're operating under right now was the fairest  
9 method to achieve the purpose.

10 **Q. You participated, as a member of the  
11 Reapportionment Committee, in the '23  
12 Legislative proceedings, did you not?**

13 A. I did.

14 **Q. And those were the proceedings that  
15 the legislature held after the Supreme Court  
16 ruled in Allen versus Milligan, to draw a new  
17 Congressional map?**

18 A. Yes.

19 **Q. Did you review any of the maps that  
20 were submitted to the committee or to the  
21 legislature in the 2023 process?**

22 **And let me say: There was the VRA  
23 Plaintiffs' Remedial Map, there was the**

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1 **Community-of-Interest Plan, the Opportunity  
2 Plan, the Livingston 2 Plan, Livingston 3 Plan.  
3 There may have been other plans but I think  
4 those were the primary ones.**

5 **Did you look at any of those?**

6 A. Yes.

7 **Q. Do you recall which ones you looked  
8 at?**

9 A. You know, the names of them, no.

10 **Q. When you looked at them, where were  
11 you and who was with you?**

12 MS. SADASIVAN: Objection to  
13 form.

14 A. I actually looked at them in my  
15 office.

16 **Q. Online?**

17 A. No.

18 **Q. You got maps?**

19 A. Yeah.

20 **Q. When you say your office, you mean  
21 your legislative office?**

22 A. Right.

23 **Q. Where did you get the maps from?**

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1 A. Ms. Givens.

2 **Q. Ms. who?**

3 A. Donna Givens.

4 **Q. The Reapportionment Office?**

5 A. Yeah.

6 **Q. Okay. Do you recall which ones you  
7 favored? I may have just asked you that.**

8 A. I don't.

9 **Q. Did you speak at any of the  
10 legislative hearings?**

11 A. On reapportionment?

12 **Q. Actually, let me go back. There were  
13 a number, if you recall, of legislative hearings  
14 that were held as a part of the 2021  
15 redistricting. Did you speak at any of those?**

16 A. If I did, it was asking a question of  
17 the Chair. No, I didn't speak at the mic on it.

18 **Q. There were also some hearings -- not  
19 nearly as many -- that were held as part of the  
20 2023 Congressional Redistricting process. Did  
21 you speak at any of those?**

22 A. No.

23 **Q. Do you recall if you spoke at the**

Page 96

1 **committee meetings that were held in 2023?**

2 A. I know I spoke a couple of times, as a  
3 member of the committee, trying to get some  
4 clarifications on a couple of issues.

5 **Q. Did you get clarification?**

6 A. Some on some; on others, I didn't.

7 **Q. Do you recall what you were not able  
8 to get clarification on?**

9 A. I think I mentioned earlier, I still  
10 never got clarifications on what happened to the  
11 rest of the maps and why they weren't before the  
12 committee.

13 **Q. In 2021?**

14 A. Yes.

15 **Q. Did you have that same complaint or a  
16 similar complaint in 2023? Were you aware of  
17 any other plans that were submitted that were  
18 not before the committee?**

19 A. I think we were given all of those  
20 plans at a committee level. I'm going to say  
21 that some of those plans I already had because  
22 committee members got copies of those plans at  
23 one of the meetings in 2023.



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1 Q. Do you recall a plan that provided two  
2 districts that were crossover districts, they  
3 didn't have majority Black population but they  
4 were districts from which it was said Black  
5 populations working with crossover white voters  
6 could elect a candidate of choice?

7 MR. MCGUIRE: Object to the  
8 form.

9 BY MR. WALKER:

10 Q. Do you recall any plan like that?

11 A. No.

12 Q. Would you support --

13 A. I recall a discussion on that. I  
14 don't recall seeing the plan.

15 Q. Would you support a plan like that?

16 A. Would I support a plan that would hope  
17 that somebody crossed over?

18 Q. Yes.

19 A. No.

20 Q. Okay. Why not?

21 A. Because -- probably just in my limited  
22 experience. In my limited experience I've never  
23 seen that happen.

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1 Q. Look at, sir, if you would, DX 4,  
2 which is the plan that the legislature passed in  
3 2023.

4 Do you remember seeing that plan?  
5 I'll tell you, it had a short life span.

6 A. I'm sure at some point I did. I don't  
7 know a lot of details about it but I'm sure at  
8 some point.

9 Q. Do you have an opinion of that plan?

10 A. Oh, yeah. I didn't support that plan.

11 Q. You did not vote for that plan when it  
12 came up for vote in the House?

13 A. No.

14 Q. Do you have an opinion of what role,  
15 if any, race played in drawing the 2023 Plan  
16 that was passed by the legislature?

17 A. I don't.

18 Q. Do you have an opinion what role, if  
19 any, politics played in drawing the 2023  
20 Congressional Plan passed by the legislature?

21 A. I could probably say that about every  
22 plan. Politics had something to do with all of  
23 them.

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1 Q. Can you be more specific about what  
2 role politics may have played in that plan?

3 A. Well, I think that as we go through  
4 reapportionment, one of the major considerations  
5 is political advantage in many areas of that  
6 process. So, you know, that's why I say  
7 politics is played in all of them.

8 Q. Is that a legitimate consideration for  
9 politicians to have when they're drawing a plan?

10 MS. SADASIVAN: Objection to  
11 form.

12 A. It's a normal consideration if it's  
13 not legitimate.

14 Q. What factors do you think Alabama  
15 should consider when it decides how to draw  
16 lines in a Congressional Redistricting Plan?

17 A. I think that -- I think we need to try  
18 to limit gerrymandering for political purposes,  
19 one of the things that I think. I also think  
20 that every group of people in this state, all  
21 the citizens in this state ought to have a fair  
22 opportunity to be represented in the Congress or  
23 in any other seat that we have in the state,

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1 based on the makeup of the population of the  
2 state.

3 So that's how I think we need to look  
4 at those plans, whether they can serve the  
5 interests of the areas that's a part of that  
6 particular district.

7 Q. Do you believe that Congressional  
8 seats should be assigned or drawn with reference  
9 to proportional representation?

10 MS. SADASIVAN: Objection to  
11 form.

12 A. I think that's a requirement.

13 Q. Okay. Explain that a little bit more.

14 A. The requirement has to do with the  
15 number of -- the population in each one of the  
16 districts. And so, you know, I think you have  
17 to -- that has to be a prime consideration when  
18 you're drawing a plan.

19 Q. I was actually asking a different  
20 question. So I think the requirement you're  
21 referring to is equal population.

22 A. Yes.

23 Q. As Alabama interprets the law, all the



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1 Congressional Districts have to have equal  
2 population except one is allowed to have one  
3 person more.

4 A. Right.

5 Q. Because that's just the way the  
6 numbers work out, correct?

7 A. That's correct.

8 Q. What I asked you was about  
9 proportional representation. If 27 percent of  
10 the Alabama population is Black, for example,  
11 should approximately 27 percent of the  
12 Congressional seats be held by Black persons?  
13 Is that your position?

14 A. Yes.

15 MS. SADASIVAN: Objection to  
16 form.

17 BY MR. WALKER:

18 Q. What about when the state is  
19 redistricting, should it consider where the  
20 incumbents live? Is that a legitimate  
21 consideration?

22 MS. SADASIVAN: Objection to  
23 form.

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1 A. It is something that has been a  
2 practice over the years, and I think the  
3 consideration is already given by the committee  
4 every time they redistrict.

5 Q. Every time you've redistricted, have  
6 you looked to make sure that your house was in  
7 your district?

8 A. No, because my district is such it  
9 would be impossible to take it out. But, you  
10 know -- keep in mind, as I said earlier, when  
11 you're trying to capture Black voters, a lot of  
12 -- I'll say most Black voters live in a certain  
13 area. So that's -- you know --

14 Q. Let me ask you this question: Is  
15 there a value to democracy for having a  
16 legislator represent a district over an extended  
17 period of time that allows her or him to build  
18 relationships with people and interest groups in  
19 that district?

20 MS. SADASIVAN: Objection to  
21 form.

22 A. To build --

23 Q. Let's shorten it. Do you, as an

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1 experienced politician and somebody who's run  
2 from districts, believe that your constituents  
3 are served better or less if you have a longer  
4 or shorter tenure in that office?

5 MS. SADASIVAN: Objection to  
6 form.

7 A. I don't really have an opinion. That  
8 just depends on who the individual might be,  
9 who's serving. You know, I think that in  
10 Alabama Legislature, when you first come into  
11 the legislature, you probably will have to have  
12 some time to understand how it works in order  
13 for you to be -- in order for you to benefit  
14 your constituents.

15 Q. Assuming that one is a good  
16 legislator, someone tries to do a good job, is  
17 it -- is there any advantage to the people in  
18 that district for that person to have a longer  
19 as opposed to a shorter tenure?

20 A. I think, based on my experience in the  
21 Alabama Legislature, it would probably be best  
22 for them to have more time in it than less in  
23 terms of getting the thing done for that

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1 particular district.

2 Q. Thank you, sir. I was asking you  
3 about things Alabama should consider.

4 Can we agree that Alabama contiguity,  
5 when it's drawing plans; that is, that every  
6 part of a plan must be in contact with another  
7 part of a plan? There should be no gaps left  
8 out?

9 A. I mean, if that's possible, to draw a  
10 plan fairly that way.

11 Q. What about when districts are redrawn?  
12 How important to you is preserving the core of  
13 the previous district?

14 MS. SADASIVAN: Objection to  
15 form.

16 BY MR. WALKER:

17 Q. Do you understand the question?

18 A. It really depends on what's trying to  
19 be achieved with redistricting. People -- you  
20 have different motives for redistricting. One  
21 of them being, trying to preserve the status  
22 quo; the other being, trying to make the  
23 district more progressive for the people who





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1 live in the district.

2 For instance, economic development  
3 purposes and development purposes and growth  
4 purposes, job purposes. A lot of those things  
5 come into play during that process.

6 **Q. How does that come into play if the**  
7 **issue is whether or not to preserve the cores of**  
8 **the existing districts?**

9 MS. SADASIVAN: Objection to  
10 form.

11 A. You need to explain to me what you  
12 mean by core.

13 **Q. Okay. Let me rephrase it differently.**  
14 **Would a least change philosophy be a**  
15 **legitimate way to approach redistricting?**

16 MS. SADASIVAN: Objection to  
17 form.

18 BY MR. WALKER:

19 **Q. Given the goal of achieving population**  
20 **equality?**

21 MS. SADASIVAN: Objection to  
22 form.

23 A. You know, I don't really have an

Page 106

1 opinion on that because it depends on the  
2 circumstances.

3 **Q. What factors would favor a least**  
4 **change policy?**

5 A. Well, the way that districts are being  
6 drawn now compared to how they were drawn in the  
7 past, there are substantial changes that take  
8 place in districts, and a number of them are  
9 necessary.

10 **Q. How much did your district change when**  
11 **you were a member of the County Commission and**  
12 **redistricting occurred?**

13 A. Not a whole lot. Not a whole lot. As  
14 I said, it's kind of unique here. There are  
15 only three districts and there are only three  
16 directions you can go in.

17 **Q. How much did your House District**  
18 **change in 2021?**

19 A. Oh, it changed.

20 **Q. Had your district lost population?**

21 A. My district did, per se, had a loss of  
22 population as a result of redistricting; meaning  
23 that some of my district was shifted in someone

Page 107

1 else's district because they had a loss of  
2 population.

3 **Q. Let me go back and ask my question**  
4 **again.**

5 **When the 2020 census data were**  
6 **released, those numbers -- your HD99 was**  
7 **populated with those numbers.**

8 A. Right.

9 **Q. And I'm guessing you met with**  
10 **Mr. Henneman to discuss that?**

11 A. Yes.

12 **Q. And he would have told you under the**  
13 **new 2020 census, the ideal population of our**  
14 **district is such-and-such and your district is**  
15 **either above or below that and, therefore, we're**  
16 **going to have to either move some people into**  
17 **your district or move some people out.**

18 **Do you recall that?**

19 A. Yeah.

20 **Q. What did Mr. Henneman and you say to**  
21 **each other?**

22 A. He moved some out of mine.

23 **Q. Did he move some out in order to**

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1 **populate underpopulated districts; is that what**  
2 **you just said?**

3 A. Yes. And -- well, I'd have to say he  
4 moved some out of the one side and brought some  
5 in on the other side.

6 **Q. Right. He had to shift some over?**

7 A. Yeah.

8 **Q. Did you work with him to select which**  
9 **districts were brought out -- were taken out?**

10 A. I thought I did until they printed it.

11 **Q. And then you didn't get what you**  
12 **wanted?**

13 A. No.

14 **Q. Is that what you're saying?**

15 A. No.

16 **Q. To whom did you give population?**

17 A. To the next district over, which would  
18 have been Representative Clarke. I think I gave  
19 Representative Clarke and Representative Jarman.  
20 And, also, they brought Representative Bracy in.

21 When you're trying to achieve -- this  
22 is the point. When you're trying to achieve a  
23 balance in terms of racial makeup, normally the





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1 only place you're going to get that balance is  
2 from another district.

3 **Q. Did you have any conversations about**  
4 **race with Mr. Henneman?**

5 A. I think I had it with Pringle.

6 **Q. With Mr. Pringle?**

7 A. Yeah.

8 **Q. I mean, Representative Pringle?**

9 A. Yeah.

10 **Q. Do you recall what that conversation**  
11 **was?**

12 A. The conversation was that my district  
13 had been shifted to a point that when I come out  
14 of my street, I'm in somebody else's district.

15 **Q. Not about race, but about where your**  
16 **house was with relation to your district**  
17 **boundary?**

18 A. Yeah. Well, they put another  
19 legislator across the street from me.

20 **Q. Oh, really?**

21 A. Yeah.

22 **Q. Was there a legislator living across**  
23 **the street from you?**

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1 A. No. No. The district was moved for  
2 him to represent that area.

3 **Q. Was that changed after you raised it**  
4 **as an issue?**

5 A. No, sir, it wasn't.

6 **Q. Do I remember correctly that you said**  
7 **that everyone should have an opportunity to**  
8 **select a candidate of choice? Is that -- did**  
9 **you state that earlier?**

10 A. I said that everyone should have an  
11 opportunity to vote for someone that has  
12 something in common with that community that  
13 they represent.

14 **Q. Look at Defendant's Exhibit 4, please,**  
15 **sir. That's the 2023 Congressional Plan.**

16 **Representative Jones, do you know what**  
17 **a community of interest is?**

18 A. Yes. Explain it to me.

19 **Q. Well, that was the question I was**  
20 **going to ask you. Can you explain to me what a**  
21 **community of interest is?**

22 A. I think that's a community where  
23 people have a lot in common and, you know, they

Page 111

1 -- basically, that's the gist of it. People --

2 you know, they have a lot in common.

3 **Q. So could we agree that whether or not**  
4 **a community of interest exists based on your**  
5 **perception?**

6 MS. SADASIVAN: Objection to  
7 form.

8 A. Based on my perception?

9 **Q. Yes. You may see a community of**  
10 **interest that someone else may see a different**  
11 **community of interest?**

12 MS. SADASIVAN: Objection to  
13 form.

14 BY MR. WALKER:

15 **Q. Would that be fair?**

16 A. Well, I guess that's like opinions.

17 **Q. Look at the map there, the 2023**  
18 **Congressional map. Is there any community of**  
19 **interest that you think the 2023 map should have**  
20 **kept together but did not?**

21 A. This is not the map that was ordered  
22 by the Court.

23 **Q. Yes, it was. I mean, this was the**

Page 112

1 **2023 map that the Court did not approve.**

2 A. That the Court did not approve?

3 **Q. Yes, sir.**

4 A. Okay. It's really difficult for me to  
5 see what these are. I'm trying to look at  
6 counties and there's nothing legible here.

7 **Q. I understand. Well, looking at the**  
8 **southern part of the map, Congressional District**  
9 **1 looks like, to me, it has Mobile County,**  
10 **Baldwin County, Escambia County and Covington**  
11 **County. Does that represent a community of**  
12 **interest to you?**

13 A. It could be considered one, like many  
14 other maps have been presented.

15 **Q. And Congressional District 2 is a**  
16 **combination of Black Belt counties and Wiregrass**  
17 **counties. What's your opinion of that?**

18 A. Well, you know, I think that when I  
19 look at these maps, I look at places like  
20 Washington County. I think it's a community of  
21 interest to Mobile County. I think that  
22 counties that go up that same realm -- well,  
23 you're talking about Clarke County, Monroe



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1 County -- those areas are very well communities  
2 of interest to Mobile County.

3 **Q. Okay.**

4 A. And here -- in this map -- they are  
5 not in this particular map. I would think that  
6 you'll find that those counties I spoke of, and  
7 a few others, are actually counties that have a  
8 lot in common with Mobile County as it relates  
9 to them coming to this county, participating in  
10 this county.

11 I know very few people in the Black  
12 Belt who does anything in Baldwin County.

13 **Q. Okay.**

14 A. In fact, I don't know too many  
15 Mobilians that do a lot in Baldwin County. I  
16 don't think they have anything in common.

17 **Q. So as opposed to this map, DX 4, the**  
18 **2023 Plan, you would prefer to see -- is it fair**  
19 **to say, based on your testimony, a Congressional**  
20 **District in which Mobile is linked with**  
21 **Washington, Clarke, Monroe, Conecuh, Escambia,**  
22 **and Baldwin Counties?**

23 A. Yes.

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1 MS. SADASIVAN: Objection to  
2 form.

3 A. No, I didn't say Baldwin.

4 **Q. Not Baldwin?**

5 A. No.

6 **Q. Do you know whether the Black Belt can**  
7 **be drawn in one district?**

8 A. The entire Black Belt?

9 **Q. Yeah.**

10 A. I doubt that you could meet your  
11 population goals.

12 **Q. In the community of interest that**  
13 **you've talked about you would exclude Baldwin**  
14 **County?**

15 A. Yes. You know, I know it looks that  
16 way, that Mobile County and Baldwin County might  
17 have a lot in common but, quite frankly, they  
18 don't. Baldwin County's economy is based on  
19 some agriculture and tourism. That's the gist  
20 of the economy.

21 I don't think you find anyone coming  
22 from Lowndes County to go to the Grand Hotel.  
23 That's -- they come to places where, first of

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1 all, employment is possible. They come to  
2 places where they have in common with relatives  
3 within those counties.

4 And people, a lot of people migrate  
5 from Black Belt counties to Mobile County. I  
6 mean a lot of them. And a lot of them become  
7 residents here. Sometimes when you see the  
8 reduction in population in some Black Belt  
9 counties, it's because they have either  
10 relocated to Montgomery or Mobile.

11 **Q. So your -- I'm sorry. I didn't mean**  
12 **to cut you off.**

13 A. Because of health care availability,  
14 because of jobs availability, because of so many  
15 different things that they think would enhance  
16 their families. That's why they do that.

17 **Q. You're talking about Black people and**  
18 **a Black community of interest; is that fair?**

19 A. For the most part. But they're not  
20 the only ones that come.

21 **Q. I agree with that. But the community**  
22 **of interest that you've talked about -- when**  
23 **you're saying these counties should be linked**

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1 **with Mobile and Baldwin County should not, is**  
2 **primarily a Black community of interest. And**  
3 **people moving from the Black Belt, you're**  
4 **talking about Black people; is that correct?**

5 A. Not just that, but cultural  
6 differences. Baldwin County has a different  
7 culture makeup than Mobile County, where a lot  
8 of those counties really don't. You know, it  
9 doesn't look like it when you're downtown  
10 Mobile.

11 Mobile has a pretty good size  
12 agriculture industry, north part of the county,  
13 south area of the county. While we're known for  
14 seafood, we also do a lot of agriculture in this  
15 county. And a lot of those folk come for that  
16 purpose.

17 **Q. Would you agree that there is a white**  
18 **community of interest that links Mobile and**  
19 **Baldwin County?**

20 MS. SADASIVAN: Objection to  
21 form.

22 A. Well, let me put it this way: I think  
23 there's a link but the link has to do with



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1 economics more than anything else.

2 **Q. Is economics not one of the**  
3 **considerations for a community of interest?**

4 A. Oh, sure. But the economics side of  
5 it, it's not that Baldwin County provides an  
6 economic, it's that they work in Mobile.

7 **Q. Well, if we were to go stand by the**  
8 **Causeway in the morning, would we see a lot of**  
9 **cars coming in from Baldwin County?**

10 A. You have a whole lot coming in; very  
11 few going out.

12 **Q. People coming from Baldwin County to**  
13 **Mobile?**

14 A. To Mobile.

15 **Q. And that's a community of interest, or**  
16 **at least one factor and one is not?**

17 A. It's one and the same that happens  
18 between the two. But when it comes to  
19 recruiting industry, Baldwin County is not a  
20 part of recruiting industry in Mobile County.

21 **Q. It's not an industrial county?**

22 A. No, but sometimes the county is not.  
23 But the way they get industry -- the way you

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1 become competitive, you partnership with areas  
2 that feed off of that particular county. That  
3 doesn't happen here. I tried to make that  
4 happen; it just didn't happen.

5 **Q. I'm not sure I understand what you**  
6 **just said.**

7 A. What I mean is that if you're going to  
8 be competitive and competing throughout the  
9 world for major industries, that the only way  
10 you're going to be competitive is you've got to  
11 develop partnerships for the region. Those  
12 partnerships require some investment to make you  
13 competitive.

14 I don't know of a project for the last  
15 20 years that Baldwin County has invested in but  
16 they benefit from it. Because, the thing is,  
17 most of the executives who run companies in  
18 Mobile live in Baldwin County.

19 So, you know, all I'm saying to you is  
20 that it's a different kind of situation than  
21 people coming for quality-of-life kind of issues  
22 and coming to live here.

23 And I think that what you're seeing

Page 119

1 now, the City of Mobile has started expanding to  
2 a point where most of those areas that were at  
3 one time rural areas and underpopulated are now  
4 being developed all out west Mobile and even  
5 some in the northwest.

6 **Q. Is that Black population growth or**  
7 **white population growth?**

8 A. It's both. But mostly now there's a  
9 typification going on downtown Mobile, those  
10 folks don't have anywhere to move but west.

11 **Q. You mean Black people who are replaced**  
12 **by white typification and downtown Montgomery**  
13 **are moving west?**

14 MS. SADASIVAN: Objection to  
15 form.

16 A. Mobile. Because that's the only  
17 places the houses are being built.

18 **Q. Okay. I understand.**

19 A. Not for any other reason other than  
20 that's the only place that houses is being  
21 built. All of the public housing in Mobile have  
22 been demolished and most of it you can't build  
23 there now because of the flood plan. So those

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1 folks now have to move west.

2 I think if you go right past our  
3 airport, there are 750 houses being built right  
4 now.

5 **Q. Are parts of Mobile and the Black Belt**  
6 **a community of interest?**

7 A. Oh, yeah. Oh, yeah. But they --

8 **Q. And that's for reasons that you've**  
9 **talked about, that people from the Black Belt --**  
10 **Black people from the Black Belt come to Mobile**  
11 **for health care, for jobs?**

12 A. For health care, for jobs, to  
13 relocate. I mean, sure. And vice-versa.  
14 People from Mobile do spend quite a bit of time  
15 back and forth in the Black Belt.

16 **Q. And why is that?**

17 A. Because that's where they're from.  
18 That's where they were born and raised.

19 **Q. What percentage of Mobile's Black**  
20 **population came from the Black Belt in the last**  
21 **generation or two?**

22 MS. SADASIVAN: Objection to  
23 form.



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1 A. I don't know that anyone keeps up with  
2 that data.

3 **Q. So you don't know?**

4 A. No.

5 **Q. Are parts of Mobile and Montgomery a  
6 community Of interest?**

7 A. I would say not. Different -- I mean,  
8 it's completely different. Montgomery --  
9 actually, Montgomery more with Birmingham than I  
10 would Mobile.

11 **Q. Oh, don't say that.**

12 A. The reason I'll say that is that  
13 Montgomery is really -- as a city, is propped up  
14 by the state, you know. All those new buildings  
15 that came from the Retirement System of Alabama,  
16 if it wasn't for them, they wouldn't be there.

17 But as a result of that, they draw a  
18 lot of people in, a lot of lawyers, a lot of --

19 **Q. For the record, I was born in  
20 Montgomery.**

21 A. But, you know, they do. And the other  
22 thing is that the legislature is there, the  
23 state capital is there. It's a hub.

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1 Mobile is somewhat of a different kind  
2 of hub. We're kind of the people in the state  
3 that we have recreation, we have water, we have  
4 Mardi Gras, we have all kinds of sporting  
5 events, just like Birmingham but completely  
6 different.

7 We have very few headquarters offices  
8 in Mobile. Very few.

9 **Q. Are there parts of Mobile that have  
10 more in common with Montgomery than with the  
11 rest of Mobile County?**

12 MS. SADASIVAN: Objection to  
13 form.

14 A. I would say maybe downtown.

15 **Q. Why is that?**

16 A. Because of the -- downtown Mobile, if  
17 you'll note, the reason we built that building,  
18 which is Government Plaza across the street,  
19 because it has the City, the County and the  
20 State Government all under one roof.

21 So it's real convenient for the  
22 citizens here. They go there and you can see  
23 just about anybody you wanted to go see. And

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1 then a couple of blocks down the street is the  
2 legislative office.

3 So, you know, yes, we have that in  
4 common.

5 **Q. Do parts of Mobile have more in common  
6 with the Black Belt than the rest of Mobile  
7 County?**

8 MS. SADASIVAN: Objection to  
9 form.

10 A. I would say, yeah, parts. Yeah, I  
11 agree with that.

12 **Q. What parts and why?**

13 A. I would say that those parts of Mobile  
14 County where people in the Black Belt come and  
15 settle because of jobs that's here. And as I  
16 talked about earlier, the port, Airbus, Austal  
17 Shipbuilding. All those folks, they've got a  
18 lot of employees. Austal started with 400  
19 employees in Mobile. They've got 4,000 now.

20 And so it's growing and as it grows,  
21 it needs more employees and so they recruit them  
22 from all over.

23 **Q. Do parts of Montgomery have more in**

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1 **common with Mobile than with Prattville?**

2 A. No, I don't think they have more in  
3 common than with Prattville. Prattville really  
4 is Montgomery.

5 **Q. Do you have any information about the  
6 intent of the legislature in drawing the 2023  
7 Congressional map?**

8 MS. SADASIVAN: Objection to  
9 form.

10 A. The intent of the legislature?

11 **Q. Yes.**

12 A. Well, I'm hesitant to say the intent  
13 was of the entire legislature because there are  
14 a whole lot of folk in the legislature who have  
15 very little knowledge about drawing the maps and  
16 what took place in there.

17 So I don't know if it's the intent of  
18 the entire legislature but it was probably the  
19 intent of those who participated in the  
20 leadership of reapportionment.

21 **Q. And who would those people be?**

22 A. It would be the chairs and -- who I  
23 think were the people who direct the staff and





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1 consultants.

2 **Q. So the chairs where Senator Livingston**  
3 **in 2023 and Representative Pringle?**

4 A. Right.

5 **Q. Do you have any information about the**  
6 **intent of Senator Livingston in drawing the 2023**  
7 **map?**

8 A. I don't have any information about the  
9 intent of either because I'm sure we wouldn't  
10 have had an open conversation about their  
11 intent.

12 **Q. Do you have any intent about -- do you**  
13 **have any information about the intent of any**  
14 **individual member of the legislature in drawing**  
15 **the 2023 map?**

16 MS. SADASIVAN: Objection to  
17 form.

18 A. No.

19 **Q. Do you have any information about the**  
20 **intent of the Governor in signing the 2023 map**  
21 **into law?**

22 A. No, I don't. Anything I told you  
23 about that would be strictly speculation.

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1 **Q. Look at Defendant's Exhibit 6, please.**  
2 **And this is the Court-Ordered Congressional**  
3 **Plan. Do you understand that this was drawn by**  
4 **a special master?**

5 A. Yeah, that's what I'm told.

6 **Q. Did you have an understanding of what**  
7 **the special master was supposed to do?**

8 A. I don't know specifically what his  
9 charge was.

10 **Q. Do you know Richard Allen?**

11 A. No.

12 **Q. What do you think of this plan, the**  
13 **Court-Ordered Congressional Plan, Defendant's**  
14 **Exhibit 6?**

15 A. What do I think about the  
16 Court-Ordered --

17 **Q. Yes, sir. I'm asking your opinion of**  
18 **this plan.**

19 A. I think it's -- I think it's probably  
20 the plan that gives the most opportunity to  
21 achieve the purpose.

22 **Q. I couldn't hear the last part of what**  
23 **you said.**

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1 A. It gives the best opportunity to  
2 achieve the purpose.

3 **Q. Of?**

4 A. Of Black representation in the  
5 Congress.

6 **Q. In other words, you believe that under**  
7 **this plan there can be two Black members of**  
8 **Congress from Alabama?**

9 A. Yes, I believe that.

10 **Q. And that would be CD 7 and CD 2?**

11 A. Seven and, yeah, two.

12 **Q. Does this plan respect the community**  
13 **of interest that you've talked about?**

14 A. I think it does.

15 **Q. Well, doesn't it split Mobile up?**

16 A. It splits Mobile up slightly but, I  
17 mean, we deal with this every day. Most of the  
18 districts in the House of Representatives, the  
19 state is split.

20 **Q. If you'll look at Mobile County in**  
21 **this map, you'll see that there's an island in**  
22 **the northeast of Mobile that's not included in**  
23 **District 2.**

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1 **Do you see that?**

2 A. Yes.

3 **Q. How would you describe the population**  
4 **of that area?**

5 A. I'm not sure what that area is,  
6 looking at the map.

7 **Q. Well, look at the southern part of**  
8 **Mobile County, which is not included in section**  
9 **2 -- excuse me -- Congressional District 2. How**  
10 **would you describe the population of that part**  
11 **of the county?**

12 A. The southern part of the -- it's -- it  
13 has a mix population.

14 **Q. Is it predominantly white?**

15 A. I think it is.

16 **Q. Is it predominantly Republican?**

17 MS. SADASIVAN: Objection to  
18 form.

19 A. I don't know what -- let me just say  
20 this: The south end of the county is a part of  
21 the county where the seafood industry is so it's  
22 not just white and Black. There are some other  
23 folk who live down there, who work and





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1 process --

2 **Q. You mean Vietnamese?**

3 A. Vietnamese and -- what are they? I'm  
4 not sure they're all Vietnamese.

5 **Q. Well, I didn't mean to say they all  
6 were Vietnamese.**

7 A. I'm talking about the different races.

8 **Q. Well, look at the part of CD 2 that  
9 comes into Mobile County. Is that predominantly  
10 Black population?**

11 A. That comes into Mobile County?

12 **Q. Yes, sir.**

13 MS. SADASIVAN: Objection to  
14 form.

15 A. That's the northern part of the  
16 county. I think we spoke to that several times  
17 this morning.

18 **Q. Do you know whether or not this part  
19 of CD 2 that comes into Mobile County grabs a  
20 majority of the Mobile County Black population?**

21 MS. SADASIVAN: Objection to  
22 form.

23 A. Like I said, it's difficult for me to

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1 tell just what areas you're talking about here,  
2 but it has a substantial number of the Black  
3 population.

4 **Q. I represent to you that it includes  
5 Saraland, Satsuma, Mount Vernon, and Creola.  
6 Does that help you with your answer?**

7 A. Okay. If it includes those, Saraland  
8 is not predominantly Black. If it includes --

9 **Q. I'm sorry. I misunderstood. These  
10 are in District 1? Forgive me. Scratch that.**

11 **Do you believe that if the State of  
12 Alabama can -- do you believe that if the State  
13 of Alabama can draw a Congressional District  
14 with a Black majority, it should do so?**

15 MS. SADASIVAN: Objection to  
16 form.

17 A. Sure.

18 **Q. Do you believe that if the State of  
19 Alabama can draw a Congressional District with a  
20 Black majority, it's required to do so?**

21 MS. SADASIVAN: Objection to  
22 form.

23 A. Well, I mean, you guys are lawyers. I

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1 don't know what's required under the law. But  
2 to me, it's -- it would be a lot fairer plan  
3 than the others I've seen.

4 **Q. Who represents you in Congress today?**

5 A. Jerry Carl.

6 **Q. Do you know Mr. Carl?**

7 A. Quite well.

8 **Q. How do you know him?**

9 A. He was on the County Commission after  
10 me. He's a business man here, too.

11 **Q. Have you ever contacted him as your  
12 congressman?**

13 A. Sure. I've talked to him several  
14 times.

15 **Q. Would you mind telling me what you  
16 contacted him about?**

17 A. Well, there was somebody in my  
18 district who had some military issues, trying to  
19 get a VA, and things like that.

20 **Q. Was he responsive?**

21 A. He had his office, I think -- his  
22 office here -- actually, the young man went to  
23 his office and they gave him some direction on

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1 where he needed to go.

2 **Q. So he was responsive?**

3 MS. SADASIVAN: Objection to  
4 form.

5 A. He was responsive to my call. I know  
6 him personally.

7 **Q. Was he responsive to the young man you  
8 were trying to help?**

9 MS. SADASIVAN: Objection to  
10 form.

11 A. I understand he was.

12 **Q. Who represented your district before  
13 Mr. Carl?**

14 A. Before Mr. Carl -- who was there  
15 before him? I think it may have been Joe  
16 Bonner.

17 **Q. And did you know Mr. Bonner?**

18 A. I know him well.

19 **Q. Was he responsive to you any time you  
20 asked him for something?**

21 MS. SADASIVAN: Objection to  
22 form.

23 A. Yes. He was responsive to me. Now, I



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1 don't know about anybody else. I was the mayor  
2 of the city during that time.

3 **Q. You had a good working relationship**  
4 **with him?**

5 A. Yeah.

6 **Q. Is there any federal legislation that**  
7 **you wanted Representative Carl to support that**  
8 **he did not?**

9 MS. SADASIVAN: Objection to  
10 form.

11 A. Yes.

12 **Q. What would that be?**

13 A. The bridge across the bay that we just  
14 got funded for. Nobody from Alabama supported  
15 it.

16 **Q. Really?**

17 A. No. Because it was a bipartisan piece  
18 of legislation. In Washington, everybody in  
19 Alabama voted against it. But when we got  
20 funds, they had a big celebration over that.  
21 And everybody was there but the one person who  
22 supported it, Terri Sewell. She couldn't get  
23 here. But all the rest of them voted against

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1 it, and were in live and living color over there  
2 in that building.

3 **Q. When the dollar's on the table,**  
4 **everybody is happy to come.**

5 A. That's right. You're right.

6 **Q. Has there been, in recent years, any**  
7 **federal legislation that you wanted to pass**  
8 **other than what you just talked about?**

9 **Well, that did pass -- it did not**  
10 **pass.**

11 MS. SADASIVAN: Objection to  
12 form.

13 A. Oh, sure. The John Lewis Voting  
14 Rights Act. I've got to get my list. It's  
15 several of them I didn't want them to vote for  
16 it and there were some I wanted them to vote  
17 for. I mean, that --

18 **Q. Well, the fact that a congressman**  
19 **doesn't always vote your way doesn't mean that**  
20 **she or he is not responsive, does it?**

21 MS. SADASIVAN: Objection to  
22 form.

23 A. Well, let me say this: I'm probably

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1 not the best person to ask, because for the last  
2 26 years I was in that building across the  
3 street. I was either the president of the  
4 county commissioner or the mayor of the city.  
5 So I'm not a good person to ask about whether  
6 they dealt with me.

7 **Q. The members of the Alabama**  
8 **Delegation -- going back to the bill we were**  
9 **just talking about. Do you know whether or not**  
10 **they specifically supported funding for the**  
11 **bridge even if they couldn't support the**  
12 **bipartisan act?**

13 MS. SADASIVAN: Objection to  
14 form.

15 A. From my experience in the legislature,  
16 if you vote against it, you certainly, by no  
17 means, can be considered a supporter.

18 **Q. What was the bill? Do you recall what**  
19 **the bill was?**

20 A. It was a bipartisan infrastructure  
21 bill. And there was more in it than the bridge.  
22 A lot of other things were in it. They voted  
23 against the bill.

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1 **Q. What level of federal spending did**  
2 **that bill create, if you recall?**

3 MS. SADASIVAN: Objection to  
4 form.

5 A. It was one of the largest allotments  
6 that Alabama had gotten in a long time. I can't  
7 remember the exact figure but it was a lot of  
8 money. Millions. Millions. That has been --  
9 it's been -- we've been trying to do this for  
10 15, 20 years.

11 **Q. Let me ask you a question.**

12 **So off the record.**

13 (A DISCUSSION WAS HELD OFF THE RECORD.)  
14 BY MR. WALKER:

15 **Q. What does the term "candidate of**  
16 **choice" mean to you?**

17 A. Candidate of choice? When I look at  
18 that, I look at people looking for someone that  
19 can represent them, that they've got confidence  
20 in, that's going to do what's best for that  
21 district and will be always available to them,  
22 and someone that they can talk to about whatever  
23 problems that might come up in a particular



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1 district.

2 **Q. What does it mean for an election to**  
3 **be racially polarized, do you know?**

4 MS. SADASIVAN: Objection to  
5 form.

6 A. I started to ask you. Do you know how  
7 long I've been doing this? What it means to be  
8 racially polarized.

9 **Q. Yes, sir.**

10 A. It means that every election, that's  
11 what it means.

12 **Q. Maybe you can be more specific.**

13 A. Yeah. It's something that you really  
14 have to deal with. And I think we've made some  
15 progress in that, but that is a real issue.

16 **Q. When you say we've made some progress,**  
17 **what do you mean?**

18 A. I mean that -- I can recall when we  
19 operated the City of Mobile under the  
20 Three-Commissioner System and the  
21 Three-Commissioner System was not by districts,  
22 so they're large. So nobody in the Black  
23 community ever had an opportunity to run. And

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1 that was up until 1985. That's when it changed.

2 **Q. Was that Dillard? Was Dillard the**  
3 **lawsuit that changed that?**

4 A. It was Bolden v The City of Mobile.  
5 And it went on for years -- 10, 12 years before  
6 they actually came up with districts.

7 So, you know, the polarization of  
8 voting has been something that's happened here  
9 for a long time, even longer than Montgomery.

10 **Q. Do you have any information about**  
11 **racial appeals being used in political campaigns**  
12 **in Alabama?**

13 MS. SADASIVAN: Objection to  
14 form.

15 A. Racial --

16 **Q. Appeals being used in political**  
17 **campaigns in Alabama?**

18 A. Racial appeals?

19 **Q. Yes, appeals to race.**

20 A. I don't have any specific information  
21 about that. I'm sure that's happened.

22 **Q. The declaration that you signed, who**  
23 **wrote this declaration?**

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1 MS. SADASIVAN: Objection to  
2 form.

3 A. Who wrote it?

4 **Q. Yes, sir.**

5 A. I did.

6 **Q. Are you registered to vote?**

7 A. I am. You know, y'all would have done  
8 kicked me out if I wasn't.

9 **Q. You've been registered, I guess, since**  
10 **you turned 18?**

11 A. Oh, yeah.

12 **Q. Have you ever had any problem updating**  
13 **your registration for any reason?**

14 A. No.

15 **Q. Do you know of anybody who's had a**  
16 **problem registering to vote?**

17 A. I know of, yes. Yes, I do.

18 **Q. Tell me about that, please, sir.**

19 A. So let me preface that by saying,  
20 before I even got in political office, I was a  
21 community activist to register people to vote.  
22 And I know that as of today we still have some  
23 issues with that. For instance, it's difficult

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1 to register people who are incarcerated who have  
2 not been convicted, who have the right to vote.  
3 That's difficult throughout the State of  
4 Alabama.

5 And it all depends on whether the  
6 sheriff works with you in doing that. If he  
7 doesn't, they just don't get a chance to vote.

8 **Q. Have there any legislation introduced**  
9 **into the legislature to address that issue?**

10 A. There have been attempts at it but the  
11 problem with that is that it's really kind of  
12 cloaked in: We don't have the facilities to do  
13 that, we don't have the personnel to do that.

14 Nobody denies they have a right to do  
15 it, but it's throughout the state. That's an  
16 issue.

17 The other thing is when you actually  
18 put impediments to the process, then that, in my  
19 opinion, denies people the right to vote.

20 **Q. Are you aware of any impediments today**  
21 **to people in Alabama other than being held in**  
22 **jail pending trial?**

23 A. You know, it became an issue at one



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1 time with people who were in convalescent homes,  
 2 who were all in their right mind, in their 80s  
 3 and 90s, that when we came up with the law about  
 4 who could assist them, it became a problem.  
 5 Because everybody assumed that if somebody is in  
 6 a nursing home, they've got a family. Not  
 7 necessarily.

8 **Q. Well, I think you're talking about**  
 9 **assisting with voting and I'm talking about**  
 10 **registering to vote.**

11 A. Or registered.

12 **Q. Okay. Do you know -- I'm sorry. Go**  
 13 **ahead.**

14 A. But, I mean, it's certainly not like  
 15 it was at one time. It's certainly a lot more  
 16 open than it was. But registering -- I think I  
 17 just heard in the State of Texas, I think they  
 18 took a million people off the voting rolls so --

19 **Q. I'm not interested in Texas.**

20 A. But on the subject of registered to  
 21 vote, it's a lot better and, you know, certainly  
 22 more convenient than it was several years ago.

23 **Q. Have you ever voted absentee in**

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1 **Alabama?**

2 A. I think I voted absentee once.

3 **Q. Did you have any difficulty doing**  
 4 **that?**

5 A. No, I didn't.

6 **Q. Are there ways in which voting in**  
 7 **Alabama is hard for you because of your race?**

8 MS. SADASIVAN: Objection to  
 9 form.

10 A. Well, as I said, I'm probably not the  
 11 right person to ask that question because the  
 12 Board of Registry is right above my office.

13 I don't think that's been an issue  
 14 here for some time. I'm just speaking for the  
 15 Mobile area.

16 **Q. When you decide which candidate you**  
 17 **personally support, how important is race?**

18 A. Well, it's important to the point  
 19 where I want someone who -- if they're  
 20 representing my community, I want them to have  
 21 something in common with me. And so that -- you  
 22 know, at that level.

23 And I think I spoke to you earlier

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1 that, you know, I always, with Alabama and on  
 2 the county commission for 18 years.

3 But once people respect each other and  
 4 agree to work together above all political  
 5 consideration, then the citizens are the ones  
 6 who benefit from that. So that's the process  
 7 that we did. So it can happen. Sometimes in  
 8 certain situations it rarely does.

9 But trust me when you leave the local  
 10 level and go to Montgomery, that's a different  
 11 animal.

12 MR. WALKER: Give us just a  
 13 second. Let's go off the record.  
 14 (A RECESS WAS TAKEN FROM  
 15 11:52 A.M. TO 11:55 A.M.)

16 MR. WALKER: I don't think I  
 17 have any further questions for you.

18 MS. SADASIVAN: No redirect.

19 MR. WALKER: Does anybody  
 20 who is viewing remotely have any  
 21 questions for Representative Jones?

22 THE WITNESS: I don't see a  
 23 lot of people on here.

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1 MR. PENN: None from me, no.

2 MS. SADASIVAN: He's my  
 3 colleague.

4 MR. WALKER: Okay.

5 Hearing none, this deposition is  
 6 terminated.

7 Thank you so much for coming in  
 8 today, sir.

9 THE WITNESS: Thank you.

10  
 11 (THE DEPOSITION OF REPRESENTATIVE SAM JONES  
 12 CONCLUDED AT 11:56 A.M.)





1 CERTIFICATE

2 STATE OF ALABAMA)

3 COUNTY OF MOBILE)

4 I do hereby certify that the foregoing  
5 proceedings were taken down by me and  
6 transcribed using computer-aided transcription  
7 and that the foregoing is a true and correct  
8 transcript of said proceedings.

9 I further certify that I am neither of  
10 counsel nor of kin to any of the parties, nor am  
11 I in anywise interested in the result of said  
12 cause.

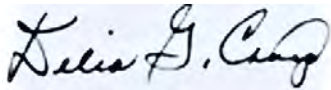
13 I further certify that I am duly  
14 licensed by the Alabama Board of Court Reporting  
15 as a Certified Court Reporter.

16 This 9th day of September, 2024.

17

18

19



20 DELIA G. CAMP, CCR  
ALABAMA - ACCR #299  
21 (EXPIRATION DATE: 9-30-24)  
COURT REPORTER, NOTARY PUBLIC  
22 STATE OF ALABAMA AT LARGE  
23 My commission expires December 7, 2027.

