

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

*Plaintiffs,*

vs.

CHRIS REP. PRINGLE, *et al.*,

*Defendants.*

Case No.: 2:21-cv-1531-AMM

**EXHIBIT 28**

**KHADIDAH STONE, et al.**

**Vs.**

**WES ALLEN, et al.**

**BENARD SIMELTON**


**April 22, 2024**



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Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ALABAMA  
3 SOUTHERN DIVISION  
4 2:21-CV-1531-AMM  
5  
6 KHADIDAH STONE, et al.,  
7 Plaintiffs,  
8 Vs.  
9 WES ALLEN, et al.,  
10 Defendants.  
11  
12   
13  
14 DEPOSITION TRANSCRIPT OF  
15 BENARD SIMELTON  
16 April 22, 2024  
17 10:02 a.m.  
18  
19  
20 The deposition of BENARD  
21 SIMELTON was taken before Wendy Rene Myhan, CCR,  
22 on the 22nd day of April, 2024, by the  
23 Plaintiffs, commencing at approximately 10:02  
ALABAMA COURT REPORTING, INC.

Page 2

1 a.m., at the offices of ALABAMA STATE CONFERENCE  
2 OF THE NAACP, 809 Highway 72 West, Suite D,  
3 Athens, Alabama 36104, pursuant to the  
4 stipulations set forth herein.  
5  
6 S T I P U L A T I O N S  
7  
8 IT IS STIPULATED AND AGREED, by and  
9 between the parties through their respective  
10 counsel, that the deposition of BENARD SIMELTON  
11 may be taken before Wendy Rene Myhan,  
12 Commissioner, at the offices of ALABAMA STATE  
13 CONFERENCE OF THE NAACP, 809 Highway 72 West,  
14 Suite D, Athens, Alabama 36104, on the 22nd day  
15 of April, 2024, at 10:02 a.m.  
16  
17 IT IS FURTHER STIPULATED AND AGREED that  
18 the signature to and reading of the deposition  
19 by the witness is NOT waived, the deposition to  
20 have the same force and effect as if full  
21 compliance had been had with all laws and rules  
22 of Court relating to the taking of depositions.  
23

Page 3

1 IT IS FURTHER STIPULATED AND AGREED that  
2 it shall not be necessary for any objections  
3 except as to form or leading questions, and that  
4 counsel for the parties may make objections and  
5 assign grounds at the time of the trial, or at  
6 the time said deposition is offered in evidence  
7 or prior thereto.  
8  
9 IT IS FURTHER STIPULATED AND AGREED that  
10 the notice of filing of the deposition by the  
11 Commissioner is waived.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

Page 4

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Page 6

1 I N D E X  
 2  
 3 EXAMINATION INDEX  
 4 BY MR. TAUNTON ..... 10  
 5  
 6  
 7 EXHIBIT INDEX  
 8 DEFENDANT'S 1. ....26  
 9 (Notice of Deposition)  
 10 DEFENDANT'S 2. ....26  
 11 (Notice of Rule 30(b)(6) Deposition)  
 12 DEFENDANT'S 3. ....33  
 13 (Map of Alabama counties)  
 14 DEFENDANT'S 4. ....75  
 15 (NAACP Bylaws)  
 16 DEFENDANT'S 5. ....182  
 17 (Livingston Congressional Plan  
 18 3-2023 map)  
 19 DEFENDANT'S 6. ....204  
 20 (McClendon Senate Plan 1 map)  
 21  
 22  
 23 REPORTER'S CERTIFICATE PAGE. ....215

Page 7

1 I, WENDY RENE MYHAN, a Court  
 2 Reporter of Muscle Shoals, Alabama, acting as  
 3 Commissioner, certify that on this date, as  
 4 provided by Federal Rules of Civil Procedure and  
 5 the foregoing stipulations of counsel, there  
 6 came before me BENARD SIMELTON, witness in the  
 7 above cause for oral examination, whereupon the  
 8 following proceedings were had:  
 9 \* \* \* \* \*  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

Page 8

1 THE REPORTER: And before we get  
 2 started, is there anything that you'd  
 3 like to place on the record?  
 4 MR. TAUNTON: This deposition, as  
 5 I understand by agreement between the  
 6 parties, is being taken in both the  
 7 Stone and the Milligan cases. I think  
 8 it's pretty --  
 9 MR. NAIFEH: Agreed.  
 10 MR. TAUNTON: Additionally, if  
 11 you have any questions, we're happy to  
 12 stipulate that only one of the  
 13 Defendants will make objections.  
 14 Wouldn't mind if it's to the degree  
 15 possible y'all could agree to the same.  
 16 MR. NAIFEH: Agreed. And then, I  
 17 just want to put on the record we did  
 18 send a letter on Friday with some  
 19 objections to some of the topics. So  
 20 subject to those objections, we're here  
 21 today.  
 22 MR. TAUNTON: We've had a chance  
 23 to review that briefly. And we'll see

Page 9

1 if it's something we need to discuss.  
 2 MR. NAIFEH: All right.  
 3 MR. TAUNTON: But I have a  
 4 feeling probably we'll -- I doubt we'll  
 5 get into it too much.  
 6 MR. NAIFEH: Okay. Sounds good.  
 7 THE REPORTER: Okay. And with  
 8 that, I'll get you --  
 9 MS. MESSICK: On the objections,  
 10 we had talked before we started. And  
 11 the agreement that I was hoping for was  
 12 that if one of us objected that that  
 13 was sufficient for both of us. But in  
 14 so agreeing, I don't mean to suggest  
 15 that I'm not also able to speak up and  
 16 object if I realize that something's  
 17 objectionable before Mr. Taunton speaks  
 18 up.  
 19 MR. NAIFEH: Understood.  
 20 MS. MESSICK: Thank you.  
 21 MR. SIMELTON: Before who speaks  
 22 up? Oh, okay.  
 23 MR. TAUNTON: This will be later

Page 10

1 in the day. Yeah. So usual  
 2 stipulations except for we would like  
 3 to -- we'd like him to read and sign.  
 4 THE REPORTER: Sure.  
 5 MR. NAIFEH: We would like him to  
 6 read and sign, too.  
 7 THE REPORTER: I'll make that  
 8 happen. Okay, sir. And with that,  
 9 I'll get you sworn in. Would you raise  
 10 your right hand for me, please.  
 11  
 12 BENARD SIMELTON,  
 13 having first been duly sworn,  
 14 was examined and testified as follows:  
 15  
 16 EXAMINATION  
 17 BY MR. TAUNTON:  
 18 **Q. Mr. Simelton, we've met before fairly**  
 19 **recently. But, for the record, can you please**  
 20 **state your name.**  
 21 A. Sure. Benard Simelton.  
 22 **Q. And I know the answer to this question,**  
 23 **too. But have you ever given a deposition?**

Page 11

1 A. Yes.  
 2 **Q. And I'll come back and ask you a little**  
 3 **bit about that in a moment. But I know you have.**  
 4 **But just for the record, I'll go through very**  
 5 **briefly some of the instructions again.**  
 6 I suspect you're an old hand at this. But  
 7 please make sure that your answers to my questions  
 8 are audible. Again, that's for the court  
 9 reporter. She takes down verbal answers, not head  
 10 nods or something like that.  
 11 Let's try our best not to talk over each  
 12 other. I get bad about this, too. At some point,  
 13 you know, it's easy for us to get conversational  
 14 and talk the way we do in a conversation. But  
 15 let's do our best not to talk over one another.  
 16 Is there any reason that you can't testify  
 17 truthfully today?  
 18 A. No.  
 19 **Q. No medications or anything like that that**  
 20 **would impair your ability to answer my questions?**  
 21 A. No.  
 22 **Q. And as we've just sort of noted, I may ask**  
 23 **some obvious questions. I may even ask some**

Page 12

1 **questions I already know the answers to, you**  
 2 **already know the answers to. But we're creating a**  
 3 **record here. Right?**  
 4 A. Okay.  
 5 **Q. By the same token, I may ask some**  
 6 **seemingly obscure questions. But this is my**  
 7 **opportunity to ask. It's my opportunity to ask**  
 8 **things that I believe are relevant to this case**  
 9 **within the bounds of the topics that we've**  
 10 **discussed.**  
 11 I do not expect us to go all day. But I'm  
 12 not as efficient as Mr. Walker is. And so bear  
 13 with me. And if you need a break at any time, you  
 14 know, I'm happy to accommodate that. I don't know  
 15 if we'll go past lunch or not.  
 16 A. Okay.  
 17 **Q. And so we may need to break then. The**  
 18 **only thing that I would ask is before we take a**  
 19 **break that you answer any questions I have**  
 20 **pending.**  
 21 A. Okay.  
 22 **Q. During the deposition, you may hear your**  
 23 **lawyer object to the form of a question. You**

Page 13

1 know, his other -- his other objections have been  
2 reserved for a later time. I think you know this.  
3 But, again, that's a technical legal objection.  
4 That doesn't mean you're not supposed to answer  
5 the question.

6 A. Okay.

7 Q. That really is more for me him saying that  
8 he has some issue with the way I've asked my  
9 question. If -- and I don't suspect this will  
10 happen. But if at some point I ask a question  
11 that for some reason your lawyer believes you  
12 should not answer, he will instruct you not to  
13 answer.

14 So you've -- you said you've given a  
15 deposition before. Real, real briefly, you gave a  
16 deposition recently in the McClure case in  
17 Jefferson County right.

18 A. That is correct.

19 Q. And other than the McClure case, what  
20 other depositions have you given?

21 A. I've given depositions in the Milligan  
22 versus Merrill case; deposition in the Shelby  
23 County case Shelby versus Holder. And I've given

Page 14

1 some other depositions. I can't recall the exact  
2 case. But those are. . .

3 Q. Were each of those cases -- McClure case,  
4 Milligan case, Shelby County case -- were each of  
5 those on behalf of the NAACP?

6 A. Yes.

7 Q. And, specifically, you're here today  
8 testifying as the representative for the Alabama  
9 State Conference of the NAACP; is that right?

10 A. That is correct.

11 Q. Do you mind if I just call it the State  
12 Conference?

13 A. That's fine.

14 Q. Okay. To differentiate it from other  
15 parts of the NAACP. When -- were you deposed in  
16 the Milligan case -- so that's one of the cases  
17 you're being deposed in today. Right?

18 A. Repeat that question.

19 Q. The Milligan case.

20 A. Now, which Milligan case now?

21 Q. So you said you were previously deposed in  
22 the Milligan case. Was that leading up --

23 A. You talking Milligan versus Merrill?

Page 15

1 Q. Yes.

2 A. Yes.

3 Q. Was that leading up to the preliminary  
4 injunction hearing earlier in this case?

5 A. Okay. You keep saying "this case." Which  
6 case is. . .

7 Q. So do you understand that you're being  
8 deposed today in two separate cases?

9 A. Yes.

10 Q. And one of those cases is Stone v. Allen.

11 A. Yes.

12 Q. The other case is Milligan v. Allen.

13 A. Yes.

14 Q. Yes. As the Milligan v. Allen case,  
15 that's the successor name to the Milligan v.  
16 Merrill case. Right? Or, or is it not?

17 A. Yes.

18 Q. Okay.

19 A. Milligan versus Merrill.

20 Q. Right. Okay. And so was that deposition  
21 leading up to the preliminary injunction hearing  
22 following the 2021 redistricting plan,  
23 Congressional redistricting plan?

Page 16

1 A. Yes.

2 Q. Okay. Do you remember when that  
3 deposition was? Like, a month.

4 A. No.

5 Q. No? That's fine. So you're familiar with  
6 the claims in this case, though. Right?

7 A. Yes.

8 Q. Yeah. The Milligan case, I guess. We'll  
9 try to keep distinguishing between those.

10 A. Okay.

11 Q. And you don't recall being deposed in any  
12 other cases?

13 A. Well, I know I have. I just don't  
14 remember the cases that there were.

15 Q. Were you involved in the Alabama  
16 Legislative Black Caucus case, the LBC case?

17 A. What was it? I don't --

18 Q. It was challenging several of the plans  
19 following the 2010 redistricting cycle. Were you  
20 involved in any of those cases?

21 A. Yes, yes.

22 Q. Did you give a deposition in any of those  
23 cases?



Page 17

1 A. I don't recall if I gave a deposition or  
 2 not. I couldn't find it. But I'll double-check.  
 3 **Q. So I'll circle back on that in a bit.**  
 4 **What's your date of birth?**  
 5 A. Date of birth?  
 6 **Q. Yes, sir.**  
 7 A. March the 20th, 1954.  
 8 **Q. What's your current position with the**  
 9 **NAACP?**  
 10 A. I am the Alabama State Conference  
 11 president.  
 12 **Q. Is that a full-time position?**  
 13 A. It's a volunteer full-time position.  
 14 **Q. So you're not compensated for your role as**  
 15 **president?**  
 16 A. No, I'm not.  
 17 **Q. What else do you do to support yourself?**  
 18 A. What else do I do what now?  
 19 **Q. How do you support yourself? What else do**  
 20 **you do?**  
 21 A. I mean, I -- that's an -- I don't  
 22 understand the question because I do a lot of  
 23 things. But, you know, deacon in the church.

Page 18

1 **Q. How do you get compensated? You know,**  
 2 **what's the job that compensates you?**  
 3 A. I'm retired military.  
 4 **Q. You're retired. Okay. Great.**  
 5 A. Yeah. Retired military.  
 6 **Q. Okay. What branch in the military?**  
 7 A. Air Force.  
 8 **Q. How long were you in the Air Force?**  
 9 A. Twenty-three years and one month.  
 10 **Q. When did you retire?**  
 11 A. Did you say when?  
 12 **Q. Yeah. When did you retire?**  
 13 A. 2000.  
 14 **Q. Since 2000, what employment -- what's your**  
 15 **employment history?**  
 16 A. I worked 16 years for a company called  
 17 COLSA Corporation.  
 18 **Q. How do you spell that?**  
 19 A. C-O-L-S-A.  
 20 **Q. And where was that?**  
 21 A. In Huntsville, Alabama.  
 22 **Q. Okay. Was that -- did you take that**  
 23 **position immediately after retiring from the Air**

Page 19

1 **Force?**  
 2 A. I retired in April of 2000. And I went to  
 3 work for COLSA in 2001. And in the interim, I  
 4 worked -- it was about six or seven months for  
 5 Keith High School in -- near Selma, Alabama.  
 6 **Q. Okay.**  
 7 A. As an ROTC instructor, a junior ROTC  
 8 instructor.  
 9 **Q. And so were you in Huntsville the entire**  
 10 **time you worked for COLSA Corporation?**  
 11 A. When I worked for COLSA. Yes.  
 12 **Q. And you retired from there around 2016?**  
 13 A. Yes.  
 14 **Q. And have you been retired since then?**  
 15 A. Yes.  
 16 **Q. Okay. So have you held any other**  
 17 **positions full time or part time other than**  
 18 **volunteer positions other than president of the**  
 19 **State Conference since 2016?**  
 20 A. No.  
 21 **Q. Okay. Where are you originally from?**  
 22 **What's your hometown? What do you consider your**  
 23 **hometown.**

Page 20

1 MR. NAIFEH: I'm going to object  
 2 here that this is -- he's not here  
 3 testifying in his personal capacity.  
 4 MR. TAUNTON: I understand. I'm  
 5 not going to ask too many questions  
 6 about this. Just get some general  
 7 background.  
 8 A. I'm from Tiptersville, Mississippi;  
 9 Tiptersville, Mississippi.  
 10 **Q. (BY MR. TAUNTON:) Were you stationed in**  
 11 **Huntsville prior to working with the COLSA**  
 12 **Corporation?**  
 13 A. No.  
 14 **Q. Had you lived in Alabama prior to 2000?**  
 15 **You lived -- well, you worked in Selma. So prior**  
 16 **to 2000, had you lived in Alabama?**  
 17 A. Did I live in Alabama?  
 18 **Q. Yeah. Prior to 2000.**  
 19 A. No.  
 20 **Q. And you've lived in Huntsville since 2001?**  
 21 A. Yes.  
 22 **Q. Where in Huntsville do you live?**  
 23 A. Actually, Harvest, Alabama.

Page 21

1 **Q. What did you do to prepare for today's**  
 2 **deposition?**  
 3 A. I read over the documents that were  
 4 provided. I looked at the districts that were  
 5 involved on the -- on the map that was provided to  
 6 us. And had meetings with my attorneys.  
 7 **Q. Okay. Great. Let's -- without revealing**  
 8 **anything about what you talked about with your**  
 9 **attorneys, when did you meet with your attorneys?**  
 10 A. I met with them briefly yesterday. We  
 11 met -- I think it was a Wednesday and Friday, I  
 12 think it was.  
 13 **Q. Of last week?**  
 14 A. Yes.  
 15 **Q. When you say "your attorneys," who are you**  
 16 **referring to?**  
 17 A. The two attorneys Stuart and Brittany.  
 18 **Q. You said you met with them on Wednesday.**  
 19 **Did you meet with both of them?**  
 20 A. Yes.  
 21 **Q. Was anybody else present at that meeting?**  
 22 A. I don't think so.  
 23 **Q. How long did you meet?**

Page 22

1 A. Hour and a half to two hours, somewhere in  
 2 there.  
 3 **Q. Okay. And then you said you met again on**  
 4 **Friday?**  
 5 A. Yes.  
 6 **Q. Did you meet with the same attorneys?**  
 7 A. Yes.  
 8 **Q. Was anybody else present?**  
 9 A. No.  
 10 **Q. How long did you meet?**  
 11 A. About an hour, hour and a half.  
 12 **Q. And then you said you met yesterday on**  
 13 **Sunday?**  
 14 A. Yes.  
 15 **Q. And with the same attorneys?**  
 16 A. Yes.  
 17 **Q. Was anybody else present?**  
 18 A. Not -- no.  
 19 **Q. And how long did you meet?**  
 20 A. About 30 minutes.  
 21 **Q. Okay. You said that to prepare you looked**  
 22 **at district maps.**  
 23 A. Yes.

Page 23

1 **Q. And what -- for which districts, do you**  
 2 **recall?**  
 3 A. Well, it was the map that was in the brief  
 4 that the -- that was provided to us, to me. And  
 5 it was District 25, 26, District 7, 2, and I think  
 6 6.  
 7 **Q. And those are all State Senate districts.**  
 8 A. Yes.  
 9 **Q. Did you look at the Congressional maps at**  
 10 **all?**  
 11 A. Not to -- I mean, no. I mean, I looked at  
 12 the Congressional map because I look at them all  
 13 the time. But not -- you're talking about the  
 14 US --  
 15 **Q. The Congressional map.**  
 16 A. Yeah. I, I may have glanced at them. But  
 17 not to -- in trying to determine which districts  
 18 those -- Congressional districts those State  
 19 Senate may be in or something like that. But not  
 20 in detail.  
 21 **Q. Okay. And you've mentioned separately**  
 22 **that you reviewed other documents. What other**  
 23 **documents did you review to prepare for this**

Page 24

1 **deposition?**  
 2 A. The -- I reviewed the -- my interrogatory  
 3 statements that I had made and looked at -- again,  
 4 those -- that's probably the, the most documents I  
 5 recall that I, I looked at.  
 6 **Q. And that's the discovery responses, the**  
 7 **interrogatory responses submitted in the Stone**  
 8 **case?**  
 9 A. Yes.  
 10 **Q. Okay. And you don't recall looking at any**  
 11 **other documents?**  
 12 A. I, I may have. I don't recall  
 13 specifically what they were at this time.  
 14 **Q. Do you recall generally what they were?**  
 15 A. Well, generally would have been any  
 16 document that had anything to do with the briefs  
 17 that were -- that was prepared for me to review,  
 18 again, in -- with the district maps in them and  
 19 the, you know, population of those districts. Not  
 20 specific population, but black voting age  
 21 population and stuff like that.  
 22 **Q. You say briefs. Describe "briefs." What**  
 23 **do you mean by that?**



Page 25

1 A. The brief that was the -- what do I  
 2 want -- the Complaint that was filed.  
 3 **Q. The Complaint. So you believe you**  
 4 **reviewed the Complaint?**  
 5 A. Yes.  
 6 **Q. And was that in the Stone case?**  
 7 A. Yes. Mm-hmm.  
 8 **Q. Did you review the Milligan Complaint?**  
 9 A. Not in preparation for this.  
 10 **Q. Okay. Other than reviewing districts**  
 11 **maps, your discovery responses, and the Stone**  
 12 **Complaint, do you recall reviewing any of the**  
 13 **documents?**  
 14 A. No, I do not. Not at this time.  
 15 **Q. Is there anything else you did to prepare**  
 16 **for today's deposition?**  
 17 A. Got a good night's sleep.  
 18 **Q. That's a good idea.**  
 19 A. Okay. No. I -- and, again, I think I  
 20 said this earlier. But looking at those maps,  
 21 who's in those Congressional -- I mean, not  
 22 Congressional, but State Senate seats, you know,  
 23 from -- on the State legislative maps.

Page 26

1 **Q. And when you say who's in those seats, you**  
 2 **mean the sitting Senators.**  
 3 A. Yes.  
 4 **Q. And so you looked at -- did you look at**  
 5 **that information online?**  
 6 A. Yes, yes.  
 7 **Q. I'm going to show you what I'm marking as**  
 8 **Exhibits 1 and 2.**  
 9 A. Okay.  
 10  
 11 (Whereupon Defendant's Exhibits 1  
 12 and 2 were marked for identification,  
 13 copies of the same are attached  
 14 thereto.)  
 15  
 16 **Q. Have you seen these documents before?**  
 17  
 18 (The witness looks at Defendant's  
 19 Exhibits 1 and 2.)  
 20  
 21 A. Yes. Now, that one at least. Let me see  
 22 what this is.  
 23 **Q. Exhibit 1 is your deposition notice --**

Page 27

1 A. Yeah.  
 2 **Q. -- in the Stone case for today. Exhibit 2**  
 3 **is your deposition in the Milligan case for today.**  
 4 **Deposition notice.**  
 5 A. Okay.  
 6 **Q. Did you review these?**  
 7 A. Yes.  
 8 **Q. And did you review these topics?**  
 9 A. Yes. In the Milligan -- wait. Yeah.  
 10 Milligan. And it looks like the ones I reviewed  
 11 in the Stone case.  
 12 **Q. Okay. We can do this a couple of ways.**  
 13 **But I'll ask you broadly. What did you do today**  
 14 **to prepare -- other than what we've discussed,**  
 15 **what did you do to prepare to discuss these**  
 16 **topics?**  
 17 **Did you search any records or anything?**  
 18 **Did you talk to anybody other than your attorneys**  
 19 **in preparation for discussing these topics?**  
 20 A. No.  
 21 **Q. When is the first time you saw these**  
 22 **deposition notices? Do you recall?**  
 23 A. Are you talking about these two here? Or

Page 28

1 which depositions?  
 2 **Q. Correct. Either one of them.**  
 3 A. Okay. I think I saw the Stone probably  
 4 about maybe, what, two weeks ago or something like  
 5 that. And around the same time for the Milligan  
 6 case, too.  
 7 **Q. Okay. And how did you come to see them?**  
 8 **Were they emailed to you?**  
 9 A. Yeah. Email.  
 10 **Q. Okay. And you said you were currently the**  
 11 **president of the State Conference for the NAACP in**  
 12 **Alabama. Right?**  
 13 A. That is correct.  
 14 **Q. Okay. What are your responsibilities as**  
 15 **president of the State Conference?**  
 16 A. Well, the duties involve everything from  
 17 ensuring that our units are meeting goals and  
 18 objectives off the NAACP to -- that include  
 19 membership; reviewing and responding to complaints  
 20 that our units may have or may have received;  
 21 giving depositions; speaking to the media; and  
 22 just ensuring that our State Conference is -- our  
 23 State Conference as well as our units are in

Page 29

1 compliance according to national compliance  
2 requirements.

3 **Q. When you say "units," what is a unit?**

4 A. Units are subunits within the State  
5 Conference. For instance, we have branches within  
6 the State Conference. We have college chapters  
7 within the State Conference. And we have youth  
8 councils within the State Conference. And either  
9 one of those are considered a unit.

10 **Q. Okay.**

11 A. And we -- at one time, we had a high  
12 school chapter. So they're different divisions  
13 within the State Conference.

14 **Q. What's the last one you mentioned? Youth?**

15 A. Youth high school chapter.

16 **Q. Okay. What does the State Conference have  
17 to do to remain in compliance with the national  
18 organization?**

19 A. We must have at least six adult units.  
20 And what we call the unit, the branches. And at  
21 least six youth and college units in compliance.  
22 We must pay our annual assessment to the national  
23 office.

Page 30

1 **Q. Anything else?**

2 A. Well, I mean, that's, that's generally  
3 what's required. Yes.

4 **Q. Okay.**

5 A. And, of course, not have any adverse  
6 action by the National against us.

7 **Q. Has the State Conference ever had an  
8 adverse action from the national organization?**

9 A. Not since I've been president. I can't  
10 speak for, you know, years before. But I know  
11 since 20 -- I came here in 2000. So I know since  
12 then or 2002 when I got involved. So it has not  
13 since I've been involved.

14 **Q. So you've been involved with the State  
15 Conference since 2002.**

16 A. Yes.

17 **Q. How long have you been the president?**

18 A. Since 2009.

19 **Q. Did you occupy any positions before that?**

20 A. You talking about with the State or just  
21 in general?

22 **Q. Well, yeah. Did you occupy any position  
23 with the State Conference before that?**

Page 31

1 A. Yes.

2 **Q. What were those positions?**

3 A. I was the first vice president at one time  
4 and also the armed services/veteran affairs  
5 chairperson.

6 **Q. How did you become the president of the  
7 State Conference?**

8 A. I was elected.

9 **Q. Who elected you?**

10 A. The members.

11 **Q. Is that -- is that a vote of all members  
12 in the state?**

13 A. Well, no. It's at our annual convention  
14 and the registered delegates who attend that  
15 convention.

16 **Q. Who makes up the delegates?**

17 A. It's the members from the different units  
18 who are elected by their unit to be a delegate to  
19 that convention.

20 **Q. You mentioned earlier one of the units is  
21 branches. What territory do branches cover?**

22 A. Yeah. It's usually by county. You know,  
23 like the Limestone County branch covers Limestone

Page 32

1 County.

2 **Q. Does the State Conference have branches in  
3 every county in Alabama?**

4 A. No.

5 **Q. I'll ask it to you this way because I  
6 suspect this will be the easier way to ask it.  
7 What counties does the State Conference not have  
8 branches in? Do you know?**

9 A. I mean, I don't know off the top of my  
10 head. But it's -- I mean, I know some of the  
11 counties. I mean, if you -- I mean, we certainly  
12 know which counties our branches are in. But just  
13 for me to rattle them off the top of my head, I  
14 couldn't tell you all of them. But certainly some  
15 of them.

16 **Q. Can you tell me some of them? Would it  
17 help if you saw a map?**

18 A. Oh, sure. I mean, if you want to show me  
19 a map, I'll do that.

20 **Q. Okay. I won't mark it yet.**

21

22 (Counsel hands the witness a document.)

23

Page 33

1     **Q. Do you think you could put an "X" next to**  
 2 **the counties where --**  
 3     A. Where we do not have one?  
 4     **Q. Where you don't have --**  
 5     A. And, and this is where we don't -- okay.  
 6 This is where we do not have one.  
 7     **Q. Yeah. Where you don't have a branch.**  
 8  
 9         (Witness marks on the document.)  
 10  
 11     A. I think that's.  
 12     **Q. Great. And I'll mark that as Exhibit 3.**  
 13  
 14         (Whereupon Defendant's Exhibit 3  
 15         was marked for identification, a copy  
 16         of the same is attached thereto.)  
 17  
 18     **Q. Thank you, sir.**  
 19     A. Beg your pardon?  
 20     **Q. I said, "Thank you, sir."**  
 21     A. Oh, okay.  
 22     **Q. What does -- what does it take to form a**  
 23 **branch?**

Page 34

1     A. If you're starting from scratch, you need  
 2 a hundred members that have paid their membership  
 3 dues. And the membership -- I mean, those hundred  
 4 members have to form a organizing committee that  
 5 will be responsible for collecting those dues and  
 6 submitting those dues either directly to the  
 7 national or through the State Conference to the  
 8 national.  
 9         And, of course, after that, they will need  
 10 to have an election. And once they've held their  
 11 elections and the National has the membership  
 12 dues, they will issue -- well, they -- the  
 13 National will issue them a charter. And after  
 14 they have the charter, they will move forth and  
 15 have their election.  
 16         And once they have their election, they  
 17 are officially a bona fide branch or unit. And  
 18 that's for the branches. And for the college  
 19 chapter, all the youth units, it's 25 members that  
 20 you have to have. And they go basically through  
 21 the same process. And it's approved by the  
 22 national board of directors to issue a charter to  
 23 that particular unit, that particular organization

Page 35

1 at that time.  
 2     **Q. Once a branch has been organized, what**  
 3 **does it take for them to maintain their status?**  
 4     A. They have to pay their \$50 -- I mean, not  
 5 \$50. They have to maintain 50 members each year  
 6 active. They have to pay their assessment to the  
 7 State and to the National and file their -- what  
 8 we call the year-end financial report. Or it's  
 9 called annual financial report. And I don't know  
 10 if I mentioned that for the State Conference. But  
 11 the State Conference also has to file an annual  
 12 financial report as well.  
 13     **Q. Real quick, I'm just not sure that I got**  
 14 **this --**  
 15     A. Okay.  
 16     **Q. -- you know, fully. So you indicated**  
 17 **earlier that you're not aware of any adverse**  
 18 **proceedings between the State Conference and the**  
 19 **national chapter since 2002 when you first got**  
 20 **involved?**  
 21     A. You said national chapter.  
 22     **Q. I'm sorry. The national organization --**  
 23     A. Okay.

Page 36

1     **Q. -- and the state chapter, you're not aware**  
 2 **of any --**  
 3     A. State Conference. But.  
 4     **Q. I'm sorry. I'll get it eventually. The**  
 5 **national organization and the State Conference,**  
 6 **you're not aware of any adverse action between the**  
 7 **two since 2002.**  
 8     A. Right.  
 9     **Q. Is that your testimony?**  
 10     A. Right.  
 11     **Q. So then back to, real quick, to the annual**  
 12 **convention. The delegates are made up of**  
 13 **branches. Do the branches elect their own**  
 14 **delegates?**  
 15     A. Yes. And, again, that's units because the  
 16 youth and college units also participate. So.  
 17     **Q. How many members does the State Conference**  
 18 **currently have?**  
 19     A. The exact number of current members, it  
 20 fluctuates from day to day. So we use a rough  
 21 figure of around 5,000 members.  
 22     **Q. Does a member have to pay their dues**  
 23 **annually?**

Page 37

1 A. Yes.

2 **Q. And what does that cost?**

3 A. Well, let me back up. If you have a  
4 regular membership, you pay \$30 annually. If you  
5 have a -- what we call a fully paid life member,  
6 you don't have to pay anything annually.

7 If you are a subscribing life member, then  
8 you pay depending on what level of subscribing  
9 life you are. The minimum is \$75 dollars  
10 annually. And you pay that for ten years or until  
11 you pay \$750.

12 And then, the life membership go up from  
13 there. You know, \$1500 for -- I think it's called  
14 golden heritage. And then a diamond life is  
15 \$2500. And once you've paid that, you know,  
16 you're paid for life.

17 **Q. What is the -- just the standard life**  
18 **membership? How much does that cost?**

19 A. Standard life?

20 **Q. Right.**

21 A. Okay. A minimum life is civil life. And  
22 so that's \$750.

23 **Q. Okay.**

Page 38

1 A. For -- again, that's for branches. It's  
2 different for youth units. So.

3 **Q. And so about \$750 people are donating.**  
4 **Are people -- are people giving donations, then,**  
5 **about \$750?**

6 A. What do you mean "donations"? Because  
7 you're paying for a life membership. I'm not sure  
8 what you mean by "donation."

9 **Q. Well, they're paying more than the life**  
10 **membership. Right? Why would a person -- let me**  
11 **ask it this way. Does a person receive anything**  
12 **additional for a diamond life membership or a gold**  
13 **life membership?**

14 A. Yes.

15 **Q. What do they receive?**

16 A. Well, you receive a plaque. And then you  
17 receive a pennant on your -- to wear on your  
18 lapel.

19 **Q. Is there anything else?**

20 A. No.

21 **Q. Okay. Now, you said you were first**  
22 **elected president in 2009 at the annual meeting.**  
23 **Are you elected annually? Or what's your term?**

Page 39

1 A. It's for two years.

2 **Q. So you've been elected several times since**  
3 **2009.**

4 A. A few times.

5 **Q. When a person wants to join the State**  
6 **Conference, are their dues paid to the State**  
7 **Conference? Or who do they pay?**

8 THE WITNESS: Someone wants to be  
9 admitted.

10 THE REPORTER: Okay. Can we go  
11 off the record a second? Thank you.

12  
13 (There was a short break in the deposition.)

14  
15 THE REPORTER: Okay. Back on the  
16 record.

17 **Q. (BY MR. TAUNTON:) When a person joins the**  
18 **NAACP in Alabama, they pay their dues. Who are**  
19 **they paying their dues to?**

20 A. There's -- well, first of all, I think you  
21 asked about the State Conference. It's -- the  
22 State Conference itself does not have members.  
23 Every member that serves in the State Conference

Page 40

1 is a member of a branch or a college chapter  
2 within the State Conference.

3 And they are elected to serve as a member  
4 of the State Conference. But they're not -- you  
5 know, you don't get a membership to the State  
6 Conference. And they pay their dues to the unit  
7 that they are wanting to associate with.

8 If you go online, you can pay them  
9 directly to the national. And in turn, the  
10 national sends your portion -- meaning the unit's  
11 portion -- of those dues back to them. If I were  
12 to join, if Stuart were to join the -- we're in  
13 Limestone.

14 If you were to join the Limestone County  
15 branch by filling out an application, the unit  
16 Limestone County branch would send the national  
17 their portion of those dues and just keep the  
18 other portion in their treasury in the coffers.

19 **Q. So if a person paid the national**  
20 **organization, they would remit a portion of those**  
21 **dues back to the units?**

22 A. Yes.

23 MR. NAIFEH: Objection, form.



Page 41

1 **Q. (BY MR. TAUNTON:) So how is the State**  
 2 **Conference funded?**

3 A. Fundraising.

4 MR. NAIFEH: Object to the form  
 5 again. You can answer, though.

6 **Q. (BY MR. TAUNTON:) Any other way?**

7 A. I mean, fundraising, donations.

8 **Q. Are those -- but those are separate from**  
 9 **membership dues; is that correct?**

10 A. Yes. We don't --

11 **Q. Okay.**

12 A. -- get -- we're not part of the membership  
 13 dues. We don't get those. That's the unit.

14 **Q. Where is that fundraising primarily done?**  
 15 **Is that done in Alabama or elsewhere?**

16 A. There are organizations outside the state  
 17 that, you know, may send us funds to do civic  
 18 engagement work. So but our fundraising efforts  
 19 are primarily in the state of Alabama.

20 **Q. You've mentioned that members of the units**  
 21 **would then be elected to the State Conference. Is**  
 22 **that -- is that the same as being a delegate to**  
 23 **the state convention? Or is that separate?**

Page 42

1 A. It's separate.

2 **Q. Okay. So tell me about being elected to**  
 3 **the State Conference. How --**

4 A. Okay.

5 **Q. -- how is that handled?**

6 A. Each year during our annual state  
 7 convention, units -- including branches and the  
 8 youth and college units -- will elect their  
 9 delegates to the state convention. Prior to that  
 10 process taking place, the State Conference elect  
 11 a -- it's an election procedures committee that is  
 12 responsible for notifying all the members through  
 13 its units that they are accepting nominations for  
 14 positions for, you know, all the positions within  
 15 the State Conference from president down to, you  
 16 know, all our standing -- not standing committee  
 17 chair -- but all of our officers and executive  
 18 committee members at large.

19 If a person wants to run for one of those  
 20 offices, they submit a form to this committee.  
 21 The committee reviews it with the State secretary  
 22 to confirm that that person's membership is good  
 23 and will be valid throughout the election process.

Page 43

1 Once that is confirmed, that person named  
 2 goes on the ballot. And then at the state  
 3 convention, all delegates who are properly  
 4 registered, the State Conference secretary sends a  
 5 notification to the national saying these are the  
 6 delegates for, you know, our state convention,  
 7 registered -- properly registered delegates.

8 So that person has to be a member in good  
 9 standing. And, of course, when they're elected  
 10 from the unit, the unit's supposed to check that.  
 11 But just double-check with the State Conference  
 12 secretary who has access to the statewide, what we  
 13 call, membership portal.

14 Once the -- those names are verified and  
 15 that they are members in good standing, their  
 16 names will go on a ballot. We send those to the  
 17 national office. And they conduct the election  
 18 through a system called Election Buddy. And on  
 19 election day at the state convention, each  
 20 delegate that has a valid email address or a phone  
 21 will receive a ballot. And they cast a ballot.  
 22 And Election Buddy totals the, you know, the, the  
 23 votes.

Page 44

1 **Q. Great. Now, when your name goes on a**  
 2 **ballot, is that going on a ballot for a specific**  
 3 **position, then?**

4 A. Yes.

5 **Q. And so you mentioned an executive**  
 6 **committee. Is that one of the positions that a**  
 7 **person can run for?**

8 A. No. It's an executive committee at large.  
 9 And we can elect up to -- I think it's 21  
 10 members --

11 MR. WALKER: Come in.

12 A. -- 21 members at large or something like  
 13 that.

14 MR. TAUNTON: Dorman, you're not  
 15 on mute.

16 A. So we can look up to -- I think it's 21  
 17 members at large. And that does not include the  
 18 officers of the association.

19 **Q. (BY MR. TAUNTON:) Okay. And how many**  
 20 **officers does the State Conference have?**

21 A. Let's see. One, two, three, four, five,  
 22 six, seven -- eight.

23 **Q. Is there any other position that a**

Page 45

1 **delegate could run for?**  
2 MR. NAIFEH: Objection to form.  
3 A. No. I mean, those are the positions.  
4 Those are the positions.  
5 **Q. (BY MR. TAUNTON:) Does every unit send**  
6 **delegates to the annual State Conference?**  
7 A. No.  
8 **Q. About how many people attend the State**  
9 **Conference, annual State Conference if you can**  
10 **say.**  
11 A. Again, the question is how many generally  
12 attend. We have probably around -- and it's not  
13 difficult to answer. But I want to make sure I  
14 answer the question. We have probably about 125  
15 to 150 delegates.  
16 But we have other people who come -- who  
17 attend different functions or may come and attend  
18 a workshop, something like that. So we roughly  
19 estimate there's probably about 500 people who  
20 attend at some point during the convention. And  
21 if we add all of our banquets and things like  
22 that, you know, we're looking probably around 700  
23 or 800 people who would come at some point.

Page 46

1 **Q. Okay. So that, that indicates that you**  
2 **don't have to be a delegate, I'm guessing, to**  
3 **attend the annual --**  
4 A. No, no. You do not.  
5 **Q. -- annual.**  
6 A. To attend what now?  
7 **Q. To attend the annual conference.**  
8 A. No, you do not. But if you're not a  
9 delegate, there's limitations on what you can  
10 participate in and what you can do.  
11 **Q. Is that open to the public at large?**  
12 A. Yes. And when I say it's open, you attend  
13 as -- you can attend as an observer. And if you  
14 attend as an observer, you're not a delegate, of  
15 course. And but you're registered to -- we will  
16 know that -- who is in attendance.  
17 But you're not a delegate. You don't have  
18 any voting power. And, of course, we do have some  
19 alternate delegates register in case the primary  
20 delegate for that unit cannot attend.  
21 **Q. What's the racial breakdown of the NAACP's**  
22 **membership at Alabama? Do you know?**  
23 A. No, I do not.

Page 47

1 **Q. Well, do you have an estimate?**  
2 A. Yes.  
3 **Q. What would your estimate be?**  
4 MR. NAIFEH: Objection. But go  
5 ahead.  
6 A. It's probably about 95 percent African  
7 American and 5 percent other including white,  
8 Latinx community, and others.  
9 **Q. (BY MR. TAUNTON:) Do you have any idea**  
10 **what the average income of the NAACP's membership**  
11 **in Alabama is?**  
12 A. No.  
13 **Q. No estimate?**  
14 MR. NAIFEH: Objection.  
15 A. No. I'd be afraid to give an estimate on  
16 that because I can just say most of our members  
17 are retired.  
18 **Q. (BY MR. TAUNTON:) Okay.**  
19 A. If that gives you any indication. But.  
20 **Q. So that raises an interesting question.**  
21 **So do you have any idea -- any estimate or general**  
22 **idea what the age breakdown of your membership is?**  
23 **How many of your members -- what percentage of**

Page 48

1 **your members do you think are over 50?**  
2 MR. NAIFEH: Objection to form.  
3 A. I would say probably 80 to 85 percent are  
4 over 50.  
5 **Q. (BY MR. TAUNTON:) So you had discussed**  
6 **earlier youth and college units.**  
7 A. Yes.  
8 **Q. How many youth and college units does the**  
9 **NAACP have in Alabama?**  
10 A. We have about -- and, again, this question  
11 is a little difficult to answer because some of  
12 the units are not in total compliance. But we  
13 have about 12, 13 units that are in some form of  
14 compliance. You know, their membership may not be  
15 what it's supposed to be. Or they may not have  
16 filed their year-end financial report or annual  
17 financial report. So I'd say, you know,  
18 somewhere, somewhere around 10 to 15 units.  
19 **Q. So if a chapter -- a branch or a unit, if**  
20 **a unit isn't in strict compliance with their**  
21 **requirements at the end of the year, is there a**  
22 **grace period for that?**  
23 MR. NAIFEH: Objection to form.



Page 49

1 A. I mean, I mean, to answer your question,  
 2 there is national -- I mean, they give you -- if  
 3 your unit say -- for instance, if today the  
 4 Limestone branch, the adult branch where I am  
 5 where we are today, if today their membership  
 6 drops below the 50, you will not get a notice from  
 7 national saying, boop, your membership dropped  
 8 below 50. If on tomorrow or next week Limestone  
 9 County sends in, you know, say, 10 additional  
 10 members to bring their total number up above the  
 11 50, there was not a break in their membership.  
 12 The national has kind of two points in  
 13 which it looks at your membership and determine  
 14 for sure whether you have the members or if you're  
 15 in compliance. And that is when we getting ready  
 16 for our national convention they check the status  
 17 of the unit as of around April the 15th.  
 18 If your unit was in compliance as of April  
 19 the 15th, then you can send delegates to the  
 20 national convention. If your unit was not in  
 21 compliance as of April the 15th, you cannot send  
 22 members to the -- delegates to the national  
 23 convention.

Page 50

1 If your unit financial is not in financial  
 2 compliance as of April the 15th, you have up until  
 3 the national convention to pay your assessments to  
 4 be compliant, become compliant assuming your  
 5 membership stays above 50. You have up until the  
 6 national convention to pay your assessment and be  
 7 in compliance and send delegates to the national  
 8 convention.  
 9 If your unit has not paid your assessment  
 10 in over a year or if your numbers have not come  
 11 above that 50 in over a year, then you would  
 12 probably receive a letter from national saying  
 13 your unit is not in compliance because of  
 14 membership. So that's the best way I can explain  
 15 it.  
 16 **Q. (BY MR. TAUNTON:) Yeah. And when is --**  
 17 **so you say April 15th is sort of the initial**  
 18 **cutoff for that. When does the national**  
 19 **convention typically take place?**  
 20 A. July the 14th through the 18th, somewhere  
 21 around that time frame.  
 22 **Q. Do the unit also have to demonstrate**  
 23 **compliance to send delegates to the state**

Page 51

1 **convention?**  
 2 A. Yes.  
 3 **Q. When's -- what's the timing of the state**  
 4 **convention usually?**  
 5 A. Ninety days before the state convention.  
 6 **Q. The national convention?**  
 7 A. Oh, I thought you said to the state  
 8 convention.  
 9 **Q. Yeah. When, when -- what is the timing on**  
 10 **the state convention?**  
 11 A. Oh, state convention is September/October  
 12 time frame.  
 13 **Q. How many units right now -- how many units**  
 14 **in Alabama are not -- are in partial compliance**  
 15 **with the national organization or the state**  
 16 **organization?**  
 17 MR. NAIFEH: Objection to form.  
 18 A. Yeah. I do not have that information  
 19 available to me right now because I don't monitor  
 20 it on a daily basis.  
 21 **Q. (BY MR. TAUNTON:) Do you have a general**  
 22 **idea?**  
 23 A. General idea of how many units are not in

Page 52

1 compliance?  
 2 **Q. Yes, sir.**  
 3 A. Maybe out of the -- there may be five or  
 4 six. But, again, you know, they could have sent  
 5 memberships in and I don't know about it. Because  
 6 it don't come through the State Conference  
 7 necessarily. And, you know, so it fluctuates.  
 8 **Q. And you may have said this before. I'm**  
 9 **sorry if I'm asking again. But I don't recall**  
 10 **asking this question. How many units right now --**  
 11 **how many NAACP units are in the State of Alabama?**  
 12 A. Well, I just kind of marked them. There's  
 13 the ones that are and where we do not have units.  
 14 **Q. And that would be for the county branches.**  
 15 **And I would just add that number, then, to the 12**  
 16 **to 13 youth and college units?**  
 17 A. Oh.  
 18 **Q. Does that get me to a number?**  
 19 A. Yes. Mm-hmm. Well, the ones that don't  
 20 have X's. Yeah.  
 21 **Q. Right, right. We understand each other.**  
 22 A. Okay.  
 23 **Q. I don't know if I need to be clear on the**

Page 53

1 **record. But I know what you're saying. Okay.**  
2 **One last question. Well, never say that.**  
3 **We'll see. Moving sort of out of this.**  
4 **But how long does -- you said that you kind of**  
5 **walked through the process of how long it would**  
6 **take a unit to then get a -- essentially, I'll**  
7 **call it -- a letter of noncompliance from the**  
8 **national organization. How long, then, would a**  
9 **unit be given to come into compliance?**  
10 A. Well, I mean, there's no set time. It's  
11 just when they decide to -- or when the unit pays  
12 its assessments and gets their membership above  
13 50, it goes to the national office. And they will  
14 review it and then send it over to the board of  
15 directors for them to reinstate that particular  
16 unit.  
17 **Q. But they would have to receive a letter of**  
18 **reinstatement?**  
19 A. Yes.  
20 **Q. And before they receive that, they**  
21 **wouldn't be able to send -- that unit wouldn't be**  
22 **able to send delegates to the national or state**  
23 **conventions.**

Page 54

1 A. That is correct. They can attend. But  
2 they're not delegates. Yeah. Make sure of that.  
3 **Q. I understand. How does the NAACP -- how**  
4 **does the State Conference of the NAACP choose to**  
5 **participate in a lawsuit as a general matter?**  
6 A. Well, it has to be something that is  
7 initiated either by the State Conference or  
8 someone may come to us and say, well, you know,  
9 the NAACP, you may have an interest in this  
10 particular issue. And are you all interested in,  
11 you know, being a Plaintiff in this particular,  
12 you know, action. And, again, or we may seek out  
13 someone to represent the NAACP Alabama State  
14 Conference in a particular action.  
15 **Q. So once -- well, who is -- who is -- is**  
16 **there a formal process that that's filtered**  
17 **through? Who receives those outreaches?**  
18 MR. NAIFEH: Objection to form.  
19 A. It usually comes to the State Conference  
20 to my attention. And we look at it. I look at it  
21 personally. And then if it's something that I  
22 say, you know, this is something that, you know,  
23 we should participate in, we take it before our

Page 55

1 executive committee to get their, you know, buy  
2 in.  
3 And also since it's a legal action, we  
4 have to make sure our national office gives their  
5 stamp of approval on it.  
6 **Q. (BY MR. TAUNTON:) Okay.**  
7 A. Including our national president.  
8 **Q. Well, now the executive committee, you**  
9 **said that's 21 at-large members and the eight**  
10 **officers of the State Conference.**  
11 A. I said you can elect up to 21.  
12 **Q. Okay.**  
13 A. We barely -- we don't never have 21 that  
14 run at large. But you can elect up to 21. But  
15 the executive committee is also comprised of the  
16 chairpersons for our standing committees. Like  
17 membership, veteran affairs, legal redress,  
18 education, local action. All those are standing  
19 committees.  
20 So the chairperson of those committees who  
21 is appointed by the president and confirmed by the  
22 executive -- existing executive committee, they  
23 become part of the executive committee.

Page 56

1 **Q. How many standing committees are there?**  
2 A. Twenty-one.  
3 **Q. And you said the chairperson for those**  
4 **committees is appointed by you and confirmed by**  
5 **the executive committee?**  
6 A. Yes.  
7 **Q. So those aren't elected positions at the**  
8 **state convention.**  
9 A. No. I mean, I mean -- right. They are  
10 essentially elected when I appoint them and they  
11 are confirmed by the executive committee. But  
12 they are not -- you can't run for that position.  
13 **Q. Okay. So the executive committee, then,**  
14 **is made up of the 21 chairs of the standing**  
15 **committees, the eight officers, and then a certain**  
16 **number of at-large individuals. Anybody else on**  
17 **the executive committee?**  
18 A. No.  
19 **Q. What's the current size of the executive**  
20 **committee?**  
21 A. My committee?  
22 **Q. Oh, what's the current size of the**  
23 **executive committee?**

Page 57

1 A. We have 33 -- yeah, 33 members.  
2 **Q. So you would present to the executive**  
3 **committee to -- back up. Scratch that. To become**  
4 **involved in the lawsuit, you would present to the**  
5 **executive committee a proposal?**  
6 MR. NAIFEH: Objection to form.  
7 **Q. (BY MR. TAUNTON:) To become involved in**  
8 **the lawsuit.**  
9 A. Yes.  
10 **Q. Is there any other way that that would be**  
11 **presented to the executive committee?**  
12 MR. NAIFEH: Objection to form.  
13 A. What do you mean "any other way"?  
14 **Q. (BY MR. TAUNTON:) So one, one way of the**  
15 **State Conference becoming involved in a lawsuit**  
16 **would be for you to present it to the executive**  
17 **committee for the executive committee to approve**  
18 **it. Is there any other way? Other than you**  
19 **presenting it, is there some other way that would**  
20 **be presented to the executive committee?**  
21 A. I mean, I mean, it would -- it'd have to  
22 come from -- I mean, anyone can say "bring to the  
23 attention of the executive committee." Is there

Page 58

1 something, I mean, about something that we want to  
2 get involved in.  
3 But ultimately, you know, that is -- that  
4 becomes the action of the president, you know.  
5 And I guess theoretically if someone brought it up  
6 in an executive committee meeting and the  
7 executive committee voted on it, I mean,  
8 theoretically, it could, you know, could -- do  
9 happen that way.  
10 But, you know, we don't operate that way.  
11 You know, they respect the position of the chair  
12 and would bring it to him. Or in this case, him  
13 or her the same case.  
14 **Q. So theoretically, there is some way you**  
15 **would not be involved. But practically, you**  
16 **always have that.**  
17 A. Well, I mean, there's no way that I would  
18 not be involved because I'm the president. You --  
19 because it'll have to come up at an executive  
20 committee meeting. And I'm the chair of the  
21 executive committee.  
22 So, I mean, there's no way that I would  
23 unless I'm incapacitated. And then, I would not

Page 59

1 be the president. But there's no way that it  
2 could come up without the president's knowledge.  
3 **Q. And you have to sit here and answer my**  
4 **questions in 30(b)(6) deposition. And they don't.**  
5 **Right?**  
6 A. That's right.  
7 **Q. Yeah. Other than executive committee**  
8 **approval, is there some other way that the State**  
9 **Conference can become involved in a lawsuit as a**  
10 **Plaintiff?**  
11 A. No. There's no other way. I mean, it's,  
12 it's -- the executive committee is executive  
13 committee action. And so, you know, the national  
14 office theoretically could say, well, we want you  
15 to be involved in this lawsuit. But still, we  
16 would take that through the executive committee  
17 to, you know, get their approval.  
18 I mean, it's -- at that point, it's, you  
19 know, more or less a matter of formality. But,  
20 you know, we would take it to the executive  
21 committee and say national president wants us to  
22 be involved in this. Does anyone have any  
23 questions. You know, all in favor say "aye," et

Page 60

1 cetera, et cetera.  
2 **Q. So the national organization can't tell**  
3 **you to become involved in a lawsuit.**  
4 A. They have the authority to.  
5 **Q. Okay.**  
6 A. But, you know, they would not do that.  
7 But they can and do have the authority to say you  
8 will. But, you know, they, they would not do  
9 that.  
10 **Q. Are you aware of a time they have directed**  
11 **the State Conference to become involved in a**  
12 **lawsuit?**  
13 A. I'm trying to think. I think there was.  
14 But I can't remember. I'd have do a little  
15 thinking, you know. I don't remember off the top  
16 of my head. But it seemed like there was one that  
17 they asked us to be involved in. But I don't  
18 remember what specifically it was.  
19 **Q. Was that while you were president in the**  
20 **State Conference?**  
21 A. Yes.  
22 **Q. Was that in the last five years?**  
23 A. I couldn't recall the time frame whether

Page 61

1 it's five or ten years, you know. But just. . .  
2 **Q. Do you remember what the issue was?**  
3 A. No. I would -- no, I do not.  
4 **Q. Do you remember who the Defendant was?**  
5 A. No.  
6 **Q. It wasn't this -- it wasn't the Stone**  
7 **case, was it?**  
8 A. No, no.  
9 **Q. It wasn't the Milligan case, was it?**  
10 A. No.  
11 **Q. Okay. So with that background, did you**  
12 **present to the executive committee a proposal that**  
13 **the State Conference become involved in the Stone**  
14 **case as a Plaintiff?**  
15 A. In this -- did you say Stone and Milligan?  
16 **Q. The Stone case. Well, I was going to ask**  
17 **them separately.**  
18 A. Okay, okay. Yes.  
19 **Q. So you presented a proposal to become**  
20 **involved with the Plaintiff in the Stone case.**  
21 A. Yes.  
22 **Q. And did you do the same thing for**  
23 **Milligan?**

Page 62

1 A. Yes.  
2 **Q. And the executive committee approved**  
3 **those?**  
4 A. Yes.  
5 **Q. Do you remember what the votes were?**  
6 A. No. Because once we -- no. I do not  
7 remember what the votes were.  
8 **Q. Were -- was anybody opposed? Do you**  
9 **remember that?**  
10 A. No, no.  
11 **Q. Okay. Do you recall any discussion about**  
12 **that? Let's, let's take the Stone case first. Do**  
13 **you recall any discussion in the executive**  
14 **committee regarding becoming involved in the Stone**  
15 **case?**  
16 A. I mean, there was discussion. Yes.  
17 **Q. Do you recall any of the substance of that**  
18 **discussion?**  
19 MR. NAIFEH: Can I stop you there  
20 for a second there? Is there -- I just  
21 want to clarify. Are there legal -- is  
22 there a legal counsel advising you in  
23 those executive committee meetings?

Page 63

1 THE WITNESS: No.  
2 MR. NAIFEH: Okay. Then go  
3 ahead.  
4 A. No. I mean, you just -- general  
5 discussion. Basically, I think the discussion  
6 was -- just like so many others, you know -- what  
7 is the requirement of the members, what is this  
8 case all about, and who's going to represent us.  
9 And, of course, I tell them up front that -- you  
10 know, who's going to be the legal counsel for us.  
11 And but I don't -- I don't recall anyone opposing  
12 our involvement in the Stone case.  
13 **Q. (BY MR. TAUNTON:) What questions were**  
14 **there about -- involving about what the case was**  
15 **about? Do you recall any of those questions or**  
16 **any of that discussion for the Stone case?**  
17 A. Questions about, you know, what districts  
18 are involved, what -- is there enough votes in  
19 there to -- is there enough black voting age  
20 population in those proposed -- well, at that  
21 time, it was just is there enough black voting age  
22 population to form a -- another majority of black,  
23 you know, Senate district.

Page 64

1 And, of course, at that particular time, I  
2 don't have those finite details where I could tell  
3 them I would say yes. I think based on, you know,  
4 initial review -- because this is -- it's -- I  
5 don't want to say -- basically, the answer to your  
6 question is there were questions about, you know,  
7 if there was enough black voting age population to  
8 draw a district that would not be gerrymandered  
9 that could elect a black representative in the  
10 Senate.  
11 **Q. Do you recall what the -- any districts**  
12 **that were specifically discussed?**  
13 A. Well, I mean, not in detail. Just what  
14 districts, you know, we'd be looking at. And I  
15 think basically we said one in the north and one  
16 in the Montgomery area, you know.  
17 Now at that time, we didn't say it was  
18 District 10, 15, or 20, you know. It's just, you  
19 know, where would they be located.  
20 **Q. Do you recall any other questions or**  
21 **discussion at that time?**  
22 A. No.  
23 **Q. What about for the Milligan case? Do you**



Page 65

**1 recall any discussion about that?**

2 MR. NAIFEH: I'm going to object  
3 here. This is getting beyond the scope  
4 of the notice. I don't think there's  
5 anything in there about how they became  
6 involved in the litigation.

7 MR. TAUNTON: Yeah. I'm asking  
8 if there's -- it's a Plaintiff. I'm  
9 asking him as the conference as a party  
10 about their participation in a lawsuit.

11 MR. NAIFEH: You can ask. I  
12 think if -- you know, you could have  
13 also put that in the notice if that was  
14 something you wanted to ask about.

15 MR. TAUNTON: Well, I'm also  
16 going to ask about the claims in the  
17 lawsuit.

**18 Q. (BY MR. TAUNTON:) If, if you know. I  
19 won't ding you if you didn't prep him.**

20 A. What was the question again?

**21 Q. Do you recall any discussion about the  
22 Milligan case, becoming involved at the time the  
23 executive committee was voting on this?**

Page 66

1 A. Are you talking about when we first were  
2 notified that we were. . .

**3 Q. We talked earlier about you had presented  
4 to the executive committee a proposal that the  
5 State Conference become involved as a Plaintiff in  
6 the Milligan lawsuit.**

7 A. Right, right.

**8 Q. I'm just asking do you recall any -- was  
9 there any discussion with the executive committee  
10 at that time about becoming involved in the  
11 Milligan lawsuit.**

12 A. I mean, the question certainly who is  
13 going to be the legal counsel for us. You know,  
14 what -- where, what districts. I mean, yeah,  
15 districts were going to be involved.

16 Same thing like, you know, is there  
17 enough -- will there be enough black voting age  
18 population in that area to, you know, elect a  
19 Congressman, a Congressperson.

**20 Q. And you say in that area. What areas were  
21 specifically discussed? Do you recall?**

22 MR. NAIFEH: Objection to form.

23 A. I don't think at that particular time it

Page 67

1 had been identified specifically what area. We  
2 knew it was going to be in the Black Belt. But I  
3 don't think we knew exactly which, which counties.  
4 And, really, I know we didn't know what, you know,  
5 specific districts, you know, would be involved in  
6 that.

7 But they're just general questions about,  
8 you know, our involvement as far as is it going to  
9 cost us anything. Because that's a question that  
10 members always ask. And, you know, who is going  
11 to represent us. And would this give us -- give  
12 blacks an opportunity to have another black, you  
13 know, Congressional seat.

**14 Q. (BY MR. TAUNTON:) Do you recall any other  
15 discussions at that time about the Milligan case?**

16 A. No, I do not.

**17 Q. Okay. How did these -- let's, let's start  
18 with the Stone case. How did the Stone matter  
19 come to your attention?**

20 MR. NAIFEH: Object to form. But  
21 go ahead.

22 A. There had been discussion for several  
23 years that it may be possible to create another

Page 68

1 district in North Alabama for an African American  
2 to get elected to the Senate seat. And this is  
3 probably three or four years ago. Just, you know,  
4 casual conversation. And then specifically on  
5 this case, these folks from LDF asked if we would  
6 be willing to be a Plaintiff.

7 MR. NAIFEH: Don't say --

**8 Q. (BY MR. TAUNTON:) Don't tell me about  
9 conversations --**

10 MR. NAIFEH: -- more about  
11 conversations with LDF.

12 THE WITNESS: Okay, okay. Well.

13 MR. NAIFEH: I mean, you can say  
14 that. But don't say anymore than that  
15 conversation.

16 A. That was -- that was it.

**17 Q. (BY MR. TAUNTON:) Okay. And those  
18 conversations -- don't tell me about your  
19 conversation with counsel. But outside of that,  
20 had the focus been particularly on North Alabama?**

21 A. Yes.

**22 Q. Okay.**

23 A. Again, this is old conversations.

Page 69

1 Q. Right. What about the Milligan lawsuit?  
2 How did -- how did it first come to your  
3 attention? Why did you first decide it might be  
4 worth getting involved in the Milligan lawsuit?

5 MR. NAIFEH: Objection to form.

6 Q. (BY MR. TAUNTON:) Again, without telling  
7 me anything about your conversations with counsel.

8 A. That's counsel, through counsel.

9 Q. Were there any conversations without  
10 counsel that suggested that?

11 A. Was there any conversation without counsel  
12 what now?

13 Q. Did you have any conversations about  
14 becoming involved in the Milligan lawsuit that  
15 were not with counsel --

16 MR. NAIFEH: Objection to form.

17 Q. (BY MR. TAUNTON:) -- prior to presenting  
18 that to the executive committee?

19 A. No.

20 Q. Okay.

21 A. I don't recall.

22 Q. We'll take a break here soon because I'm  
23 about to shift gears. But I'll ask some questions

Page 70

1 in here, and then we'll kind of move on. What's  
2 the State Conference's organizational purpose?

3 A. You talking about our mission or what?

4 Q. Yeah. A mission statement, a purpose  
5 statement.

6 A. I mean, that's spelled out in our website.  
7 And, you know, it's -- I can provide you that  
8 statement. I think it was provided to y'all in  
9 the response that I had sent.

10 I mean, I don't know if you have a  
11 specific question about that. But, I mean, I  
12 think you have our mission statement. Is that  
13 what you're asking or something different?

14 Q. Well, I was just really asking for your  
15 articulation of it. I mean, how would you  
16 articulate it?

17 MR. NAIFEH: Objection to form.

18 A. I mean.

19 Q. (BY MR. TAUNTON:) If you were talking to  
20 somebody and they asked you what does the State  
21 Conference do.

22 A. Well, I mean, and I don't mind answering  
23 the question. But, I mean, we provide -- I

Page 71

1 provided that answer to -- I mean, if you want to  
2 read it, I can expand on it, expound on it, or  
3 something. But, I mean, you have our mission  
4 statement. And, you know, I stick by our mission  
5 statement.

6 Q. Well, how do you -- well, again, I was  
7 just really asking for kind of how you would  
8 articulate it if you were just talking to  
9 somebody. I understand I can find your mission  
10 statement on the website.

11 A. Right. I mean, is there a specific  
12 question you have about that?

13 Q. Well, I was going to have some follow-up  
14 questions.

15 A. Okay.

16 Q. If somebody were you to ask you that  
17 question, what would you do?

18 MR. NAIFEH: Object to form.

19 Q. (BY MR. TAUNTON:) Do you direct them to  
20 your website? Or would you tell them something  
21 else?

22 MR. NAIFEH: Object to form.

23 A. If a person came up to me, I would tell

Page 72

1 them something different. But you know.

2 Q. (BY MR. TAUNTON:) So I'm asking.

3 A. Well, again -- and, again, I don't want to  
4 get in a back and forth. But, you know, as a more  
5 or less a legal proceeding, you know, we provided  
6 you that. If you have a specific question about  
7 that, I can answer that. But our mission  
8 statement is what it is.

9 Q. I was just looking for a general opening  
10 statement. That's it. We'll get into the  
11 specifics. Do you have a statement on that?

12 MR. NAIFEH: Objection to form.

13 Q. (BY MR. TAUNTON:) Again, let me ask the  
14 question this way. Without me going and looking  
15 at your website which I can do right now --

16 A. Well, I mean, you don't have to look at  
17 the website. You can look at the documents we  
18 provided.

19 Q. If I were a person on the street and I  
20 asked you to articulate your mission, what do you  
21 do? What would you say?

22 MR. NAIFEH: Objection.

23 THE WITNESS: Do you want me to



Page 73

1 answer?

2 MR. NAIFEH: You can answer.

3 A. Okay. We --

4 MR. TAUNTON: It's not

5 privileged.

6 A. We, we ensure the political education and,

7 and financial empowerment of people of color, in

8 particular African Americans. And we fight for

9 equality of all Americans. And, again, in

10 particular African Americans.

11 We ensure their civil rights are

12 protected, their voting rights, and that they

13 are -- that they're treated fairly in their jobs

14 or in their whatever they may be involved in.

15 Schools.

16 **Q. (BY MR. TAUNTON:) Okay. Thank you. How**

17 **do you carry that out? You know, what, what --**

18 **how specifically does the State Conference --**

19 A. Yeah.

20 **Q. -- further its mission?**

21 A. We do that through, first of all, only

22 educating our memberships, our members on their

23 roles and responsibilities to ensure fair

Page 74

1 treatment not only of members but those who come

2 to us for assistance. And we do that through

3 education, educating them through protests,

4 marches, rallies, press conferences, and through

5 legal action as well as through people voting to

6 elect people who are going to represent the

7 interests of their communities.

8 **Q. Okay.**

9 THE WITNESS: Do you want to take

10 a break right here?

11 MR. NAIFEH: If you're ready.

12 THE WITNESS: Yeah.

13 MR. TAUNTON: We can just can

14 take, like, a five-minute break because

15 we'll transition here. So this is

16 probably a good place to do that.

17 MR. NAIFEH: Okay.

18

19 (There was a short break in the deposition.)

20

21 THE REPORTER: Back on the

22 record?

23 MR. TAUNTON: Yes. Let's go back

Page 75

1 on.

2 THE REPORTER: All righty.

3 **Q. (BY MR. TAUNTON:) Let me show you what**

4 **I've marked as Defendant's Exhibit 4.**

5

6 (Whereupon Defendant's Exhibit 4

7 was marked for identification, a copy

8 of the same is attached thereto.)

9

10 **Q. I believe this was produced to us in**

11 **discovery. Do you recognize this document?**

12 A. Yes.

13

14 (The witness looks at Defendant's Exhibit 4.)

15

16 **Q. And what is it?**

17 A. It's our bylaws for the NAACP units.

18 **Q. And what, what units?**

19 A. What units?

20 **Q. Yeah.**

21 A. All of our units.

22 **Q. All units?**

23 A. Mm-hmm.

Page 76

1 **Q. Is that something that's drafted by the**

2 **national organization?**

3 A. Yes.

4 **Q. And is that, then, I guess, given to**

5 **various units?**

6 A. Yes. Given to all the units. Well, I

7 mean, when I say "given," you're responsible for

8 having it. They don't necessarily send it to you.

9 But it's. . .

10 **Q. Is that then locally adopted? Or how does**

11 **that work?**

12 A. These?

13 **Q. Yeah.**

14 A. No.

15 **Q. Okay.**

16 A. And, I mean, this is your bible. I mean,

17 there's no adoption by the local units. I mean,

18 you don't have a choice.

19 **Q. So that's understood. It's just part of**

20 **what it means to join the national organization.**

21 A. Okay. Now, when you say "join," you

22 talking about a member? Or are you talking about

23 the branch or units?

Page 77

1 Q. Well, the units. Right?

2 A. Yes, yes.

3 Q. So when does a unit then receive those  
4 bylaws?

5 A. Well, they receive it when they're  
6 organizing the unit so that they will understand  
7 what they're essentially agreeing to.

8 Q. Gotcha.

9 A. I mean, it's not a formal process. But as  
10 the State Conference, I provide them to all the  
11 units or either tell them where they can find them  
12 on the website.

13 Q. So are those then -- are those the bylaws,  
14 then, of the State Conference as well?

15 A. Yes.

16 Q. Okay.

17 A. I will say that some, some units,  
18 including the State Conference, some State  
19 Conferences may have some supplemental bylaws to  
20 these that they adopt internally. But they still  
21 have to be approved by the national.

22 Q. Has the State Conference adopted internal  
23 bylaws?

Page 78

1 A. No.

2 Q. All right. Shifting gears here a little  
3 bit. You've mentioned several ways that the State  
4 Conference sort of goes about executing its  
5 mission. I heard you say educating its members,  
6 organizing protests, press conferences,  
7 participation in lawsuits, and then encouraging  
8 voting. Are there any other ways you would add to  
9 that?

10 A. No. Not at this time.

11 Q. Okay. You were talking about education of  
12 members. What -- how does the -- how does the  
13 State Conference do that? What types of -- is  
14 that hosting events? Or what does that look like?

15 MR. NAIFEH: Objection to form.

16 A. Okay. We do it through, like you said,  
17 hosting events, Zoom meetings like that. We  
18 educate when we're doing canvassing, knocking on  
19 doors.

20 And information package that we may send  
21 out from time to time about a particular issue.  
22 And either the National's position on an issue or  
23 the State Conference's position on the state

Page 79

1 issue. So we send that out to our units. And  
2 they, in turn, send it out to the community -- I  
3 mean, to their members.

4 And who -- you know, when we hold public  
5 forums, we invite, you know, the general public to  
6 those to educate them about why it's important to  
7 get out and vote and rallies and things like that.

8 Q. (BY MR. TAUNTON:) Mentioning canvassing  
9 and going to door to door, is that then the State  
10 Conference engages in canvassing and going door to  
11 door?

12 MR. NAIFEH: Objection to form.

13 Q. (BY MR. TAUNTON:) Or does the State  
14 Conference educate people on how to do those  
15 things? Or both?

16 A. Both, both.

17 Q. Okay. Does the State Conference  
18 participate in efforts to register voters in  
19 Alabama?

20 A. Yes.

21 Q. Tell me a little bit about that.

22 A. Well, we have -- at most of our events if  
23 not all of our events, we encourage people to

Page 80

1 register to vote. And we have -- I say most of  
2 our events, we have a registration table either  
3 formally set up or someone will bring registration  
4 forms, voter registration forms to the event in  
5 the event that someone needs to register or in  
6 some cases re-register to vote.

7 And so we just make it always accessible.  
8 We also go out and set up in the community, have  
9 registration drives, voter registration drives  
10 where people can come to a location and, you know,  
11 either fill out a paper application or, you know,  
12 register online. And so we have those. And we go  
13 into nursing homes to register people to vote.

14 Q. How does an event like that get -- I'm  
15 sorry. I cut you off.

16 MR. NAIFEH: Objection.

17 A. I was going to say we, you know, do it at  
18 churches and register people to vote. And I guess  
19 on any event where we're gathered, we'll basically  
20 have registration information available.

21 Q. (BY MR. TAUNTON:) How does an event like  
22 that get organized?

23 MR. NAIFEH: Objection to form.

Page 81

1 A. Each branch -- unless it's a statewide  
2 effort, each branch, you know, decides what  
3 portion of the community they need to go into to  
4 do -- if they're going to do door to door or if  
5 they're going to do a church, they decide, okay,  
6 at Church X we're going to have a voter  
7 registration drive. We got it approved through  
8 the pastor of the church. And we're going to have  
9 a voter registration drive on this Sunday.

10 So if there's people there that may have  
11 moved into the area and haven't, you know,  
12 registered, you can do that. Or if you've been  
13 there for a while and you don't know if you're  
14 registered or not anymore, then, you know, you --  
15 we can check that as well as do voter registration  
16 while we're there.

17 **Q. (BY MR. TAUNTON:) How often does the**  
18 **State Conference or its units organize or host**  
19 **these events?**

20 MR. NAIFEH: Objection to form.

21 A. There is no, you know, like every other  
22 month. It's whenever the unit feels that there's  
23 an opportunity. Or if there's an event taking

Page 82

1 place, a public event, you know, that's taking  
2 place, you call the event planner and say, hey,  
3 you know, we'd like to set up a registration drive  
4 at this event. You know, there's going to be a  
5 lot of people there.

6 And so we go forth and set up the  
7 registration drive. So it's not any -- it's just  
8 whenever the opportunity presents itself.

9 You know, I mean, we have plans, you know,  
10 with our planned events. But we, we -- I think  
11 the most effective is the ones that we hear about  
12 where there are a large gathering of people.

13 **Q. (BY MR. TAUNTON:) Are these events hosted**  
14 **throughout the state?**

15 A. What, registration drives?

16 **Q. Mm-hmm.**

17 A. Yes, yes.

18 **Q. Okay. Do you know how many the State**  
19 **Conference hosted or participated in last year?**

20 A. Again, when you're saying "State  
21 Conference," are you talking about -- are we  
22 talking about the whole State Conference and the  
23 units and everything? Right?

Page 83

1 **Q. Sure. What we've been talking about.**

2 A. Okay. All right. You said last year?  
3 Well, no. I mean, I don't -- certainly don't have  
4 a definite number because some of them don't get  
5 reported to me. You know, units just go out and  
6 do it. That's not something they have to get  
7 approval from the State Conference to do. They  
8 just do it. So.

9 **Q. Do you know how many were reported to the**  
10 **State Conference?**

11 A. Probably about -- well, let me before I  
12 answer that question, are you talking about just  
13 where we have, like, an event that we hear about  
14 and we're a separate voter registration drive? Or  
15 are you talking about where we specifically said  
16 we're going to have a registration drive on this  
17 Saturday at 10:00 at --

18 **Q. Well, let's -- let me ask you about both.**  
19 **So a specifically-planned registration drive, do**  
20 **you have an idea?**

21 A. Yeah. Probably about 30 or so because  
22 each branch usually does one a year, you know.  
23 And really probably closer to probably about 35 or

Page 84

1 36 because some of the units host multiple during  
2 the year. So I'd say probably 36, 37, somewhere  
3 in there.

4 And the others where we have opportunities  
5 to take advantage of another event, I would say  
6 that's probably 20, 25, somewhere in there.

7 **Q. Now, the 35, 36 that you initially**  
8 **mentioned specifically-planned ones, you indicated**  
9 **that each unit hosts a drive like that each year?**

10 A. Yes.

11 MR. NAIFEH: Objection to form.

12 **Q. (BY MR. TAUNTON:) Is that an expectation**  
13 **of the units in the state of Alabama that they'll**  
14 **host a drive like that each year?**

15 A. Yes.

16 **Q. And so then those drives would happen**  
17 **throughout the state wherever the unit is located.**

18 A. Right. Again, it's not a requirement but  
19 more of an expectation.

20 **Q. And you thought there were 20, 25**  
21 **additional -- I'll call them -- ad hoc drives?**

22 A. Right.

23 **Q. And were those also scattered throughout**

Page 85

1 **the state?**  
 2 A. Right.  
 3 **Q. Would you say that's a fairly typical**  
 4 **count for a year?**  
 5 MR. NAIFEH: Objection to form.  
 6 A. For the -- of course, numbers increase as  
 7 we get into election year. And probably the year  
 8 after, you know, like a presidential election,  
 9 that number may, you know, dwindle a little bit  
 10 because everybody's kind of burnt out.  
 11 And so but it picks back up, you know.  
 12 And, of course, we -- what I tell people is you've  
 13 gotta always be -- you know, have voter  
 14 registration in your mind because that's the bread  
 15 and butter -- one of the bread and butters of the  
 16 NAACP nationwide that, you know, voter  
 17 registration and voter education.  
 18 **Q. (BY MR. TAUNTON:) Is that one of the**  
 19 **bread and butters of the State Conference?**  
 20 A. Yes.  
 21 **Q. How many voter registration drives would**  
 22 **you expect the State Conference to participate in**  
 23 **this year given that it's an election year?**

Page 86

1 A. Okay. Again, we're talking about the  
 2 units. Right?  
 3 **Q. Right.**  
 4 A. We'll probably increase that by about 15  
 5 or so per, you know, organized ones. And then --  
 6 no. Let me think back. Yeah. We'll probably  
 7 increase that by about 15 to 20 per event, you  
 8 know, whether it's a branch-sponsored voter  
 9 registration drive or either one that we take  
 10 advantage of.  
 11 **Q. Are you a registered voter in Alabama?**  
 12 MR. NAIFEH: Objection.  
 13 **Q. (BY MR. TAUNTON:) I won't go deep in**  
 14 **that.**  
 15 A. Is that a real question? Or is that. . .  
 16 **Q. It is. I mean, are you a registered voter**  
 17 **in Alabama?**  
 18 A. Yes.  
 19 **Q. Okay. Do you understand how to register**  
 20 **to vote?**  
 21 A. Yes.  
 22 **Q. Can you describe the process?**  
 23 A. Yes. Well, we have several voter

Page 87

1 registration forms that we will hand out to  
 2 people. And they can fill it out. And if we're  
 3 having a drive, we -- and, and some people don't  
 4 trust information going into the electronically.  
 5 So we will take their hard copy and take it down  
 6 to the local voter registration office at the  
 7 county and get them registered that way.  
 8 Or either, again, electronically, we can  
 9 fill it out over the computer or the telephone if  
 10 they -- if they feel comfortable doing that.  
 11 **Q. Do you consider that a difficult process?**  
 12 MR. NAIFEH: Objection.  
 13 A. The -- it depends on what you mean by  
 14 "difficult," I mean.  
 15 **Q. (BY MR. TAUNTON:) The process that you've**  
 16 **just --**  
 17 A. The NAACP's --  
 18 **Q. -- described.**  
 19 A. -- position is that it should be automatic  
 20 when you turn 18. That you should automatically  
 21 be registered to vote. And that would be a very  
 22 easy process.  
 23 **Q. I, I hear your position. Do you consider**

Page 88

1 **the process you described, though, do you consider**  
 2 **that a difficult process?**  
 3 MR. NAIFEH: Objection, form.  
 4 A. It's not a difficult process. But it's an  
 5 additional thing that people have to do in order  
 6 to do one of the fundamental things that you  
 7 should be able to do. Register to vote should be  
 8 automatic. So while I may consider it easy  
 9 because I can read, write, and, and -- but some --  
 10 for some others, it's a little more challenging.  
 11 **Q. (BY MR. TAUNTON:) Does the State**  
 12 **Conference order its units to keep track in any**  
 13 **way of how many people it's helped register to**  
 14 **vote?**  
 15 A. Some of our units attempt to do that. But  
 16 we don't in any formal way keep track of we  
 17 registered, you know, 30 voters today and had  
 18 registered, you know, a hundred voters in the last  
 19 three months or anything like that. We don't keep  
 20 track of that.  
 21 **Q. Do you keep track of how many postmarks?**  
 22 MR. NAIFEH: Objection.  
 23 A. No.



Page 89

1 **Q. (BY MR. TAUNTON:) Okay. Do you have a**  
2 **general idea of or opinion of how low-attended**  
3 **voter registration drives were in 2023?**

4 A. No. I mean, it's -- no, I do not.

5 **Q. Do you have any expectations for how**  
6 **well-attended voter registration drives will be**  
7 **this year?**

8 MR. NAIFEH: Objection.

9 A. We think that -- we know that we will have  
10 more registration drives this year than we have  
11 previously. And I think we will register probably  
12 more voters. But, you know, we don't ask the  
13 units to give us those numbers on a regular basis.

14 We may ask at the end of the year or say,  
15 you know, in their reports or something how many  
16 people did your unit register to vote or something  
17 like that. But.

18 **Q. (BY MR. TAUNTON:) Has it received**  
19 **responses to those questions, those requests?**

20 A. Did you say do --

21 MR. NAIFEH: Objection to form.

22 THE WITNESS: Okay.

23 MR. NAIFEH: Go ahead.

Page 90

1 A. You said do we receive any responses?

2 **Q. (BY MR. TAUNTON:) You said you might ask**  
3 **at the end of the year.**

4 A. Yeah. Some of the units will say, well,  
5 you know, I mean, we -- I think we registered, you  
6 know, X number of voters. Or.

7 **Q. And how would you receive that**  
8 **information? Would you get that just in an email?**  
9 **Or is there a report that somebody'd fill out?**

10 A. It, it, it -- there may be a -- they  
11 may -- the branch president or the unit president  
12 may put it in their report. Or it may be reported  
13 just verbally during the election, especially  
14 prior to the election and after the election just  
15 to kind of look at when we were doing kind of a  
16 review of what worked, what did not work, you  
17 know.

18 Someone may say, well, you know, we were  
19 able to register, you know, X number of voters  
20 because, you know, we attended this event or we  
21 went to this area and set up. And it was very  
22 productive.

23 **Q. Do you provide any of that information to**

Page 91

1 **the national organization?**

2 A. Yes.

3 **Q. And is that done in, like, a year-end**  
4 **report? Or how, how is that done?**

5 A. They would request it.

6  
7 (The laptop chimes.)

8  
9 THE WITNESS: Someone wants to  
10 get on.

11 THE REPORTER: Okay. Can we --  
12 A. They would request it.

13 THE REPORTER: Hang on just a  
14 second. Let me let them in. Let's go  
15 off the record.

16  
17 (There was a short break in the deposition.)

18  
19 THE REPORTER: Okay. Back on the  
20 record.

21 **Q. (BY MR. TAUNTON:) Do you recall the**  
22 **question?**

23 A. Yes. I believe I do.

Page 92

1 **Q. Okay.**

2 A. We would provide that information to our  
3 national office on different -- they may send out  
4 a form, like, saying, hey, you know, how many  
5 people did you register or how many people did you  
6 engage with that were already registered. And so  
7 they send out that kind of form for us to provide  
8 that information to them.

9 **Q. When you provide that information, do**  
10 **you -- do you just provide it in the aggregate for**  
11 **the whole state? Or do you --**

12 A. Yes, yes.

13 **Q. -- break it down?**

14 A. Yes. For Alabama State Conference.

15 **Q. What would the State Conference consider a**  
16 **successful voting drive event?**

17 MR. NAIFEH: Objection to form.

18 A. I think if we were to register 20 voters,  
19 20, 25 voters, that would be a successful event.  
20 And, again, that's not saying -- because we still  
21 believe that if we register one person --

22 **Q. (BY MR. TAUNTON:) I understand.**

23 A. -- that's a successful event because

Page 93

1 that's one person that will have the opportunity  
2 to vote.  
3 **Q. I understand the distinction.**  
4 A. Okay. All right.  
5 **Q. Have you encountered -- has the State**  
6 **Conference encountered issues with registering**  
7 **people to vote?**  
8 MR. NAIFEH: Objection to form.  
9 A. We have encountered people who were  
10 previously incarcerated and are not able to  
11 register to vote. And some of them would say that  
12 'I didn't know that I was not eligible to vote.'  
13 And others will say, 'Well, because of my previous  
14 history, I don't think I'm eligible to vote.'  
15 And as we pull it up and look at  
16 information in the system, we may find that  
17 they're not registered to vote. And if we have  
18 the right person at that particular event, we can  
19 sort the process of trying to get their voting  
20 rights restored.  
21 And if not, then we can take their name  
22 and either work with another organization that we  
23 partner with from time to time that can help get

Page 94

1 their voting rights restored depending on, you  
2 know, what they -- what they served for.  
3 **Q. (BY MR. TAUNTON:) Is there a specific**  
4 **organization you work with on that?**  
5 A. I mean, there are.  
6 **Q. Are there several? Or is there one?**  
7 A. Yes.  
8 **Q. Well, just tell me. I don't fully**  
9 **understand that answer. So do you --**  
10 MR. NAIFEH: Can I -- do you have  
11 concerns about privilege with -- in  
12 responding to that question?  
13 A. Right. I don't want that organization to  
14 be --  
15 **Q. (BY MR. TAUNTON:) Without telling me**  
16 **anything about any conversation with an attorney**  
17 **or somebody like that.**  
18 MR. NAIFEH: Well, I mean, there  
19 may be associational privilege or  
20 rather First Amendment privileges that  
21 he's concerned about. So I just want  
22 to make sure he's --  
23 A. Well, I just don't want that organization

Page 95

1 to be brought into this unnecessarily. But.  
2 **Q. (BY MR. TAUNTON:) I'm not asking about**  
3 **specific people. I'm just --**  
4 A. Oh, no. The organization.  
5 **Q. The organization.**  
6 A. Yeah.  
7 **Q. I'll put a pin in that for now. I'll --**  
8 A. Beg your pardon?  
9 **Q. -- think about whether I want to come back**  
10 **on that.**  
11 A. Okay.  
12 **Q. Right now, I'm not that concerned about**  
13 **it. So for former inmates who've been**  
14 **disenfranchised, is there -- is there a path for**  
15 **some of them to being re-enfranchised?**  
16 MR. NAIFEH: Objection to form.  
17 A. Yes. But it's a very, very difficult,  
18 intelligent path.  
19 **Q. (BY MR. TAUNTON:) And does the State**  
20 **Conference help them with that?**  
21 MR. NAIFEH: Objection to form.  
22 A. In the areas where we can. I mean, some  
23 of the areas, we cannot help with paying fines and

Page 96

1 things like that. We cannot help. We don't have  
2 funding to pay for it.  
3 **Q. (BY MR. TAUNTON:) So what areas -- and**  
4 **you just listed the one. So what areas could you**  
5 **not help them?**  
6 A. Well, of course, paying the fines and  
7 restitution and any kind of monetary obligation  
8 that they need to satisfy before they can get  
9 their voting rights restored. And, you know, we,  
10 we believe that our position is -- again, the  
11 NAACP's position is that once you've served your  
12 time, your voting rights should automatically be  
13 restored. And that's what we fight for every day.  
14 **Q. So other than fines, are there -- are**  
15 **there any other areas where the State Conference**  
16 **can't help or won't help, you know, someone in**  
17 **that situation?**  
18 MR. NAIFEH: Objection to form.  
19 Go ahead.  
20 A. Okay. It depends. You know, some of our  
21 units -- and I would probably say most of our  
22 units don't have the capability to look up and see  
23 what kind of charges the person -- you know, what



Page 97

1 kind of -- quote, unquote, what the person did to  
2 be incarcerated.

3 **Q. (BY MR. TAUNTON:) So there's some**  
4 **convictions that a person cannot be**  
5 **re-enfranchised for --**

6 A. Right.

7 **Q. -- and some that they can.**

8 A. That moral turpitude thing they call it.

9 **Q. And in the case where a person has not**  
10 **bene convicted of a crime of moral turpitude and**  
11 **does not have a fine they have to pay --**

12 A. Mm-hmm.

13 **Q. -- would the State Conference be in a**  
14 **position to help them --**

15 MR. NAIFEH: Objection.

16 **Q. (BY MR. TAUNTON:) -- with that process?**

17 MR. NAIFEH: Objection to form.

18 A. Yes.

19 **Q. (BY MR. TAUNTON:) In the circumstances**  
20 **where the State Conference has helped, do you have**  
21 **a general sense for how often the person has been**  
22 **re-enfranchised?**

23 MR. NAIFEH: Objection to form.

Page 98

1 A. No, I do not.

2 **Q. (BY MR. TAUNTON:) No general sense?**

3 A. No.

4 MR. NAIFEH: Objection.

5 **Q. (BY MR. TAUNTON:) More often than not?**

6 A. No. More not, probably, because we  
7 don't -- again, if a person comes to us and  
8 they've paid all their fines and done -- and not  
9 on probation and ready to be restored, you know,  
10 we can assist them.

11 But I would say the majority of the people  
12 that we encounter, you know, probably do not fit  
13 that category where they're just easily to be, you  
14 know, re -- their voting rights restored because  
15 most of them have fines. And, again, some of our  
16 units don't have the capability to look up -- look  
17 that person up to see what, you know, what they  
18 were in for.

19 And so we cannot help that person right  
20 there. We have to take that and maybe either talk  
21 to one of our units or talk to one of our  
22 partners.

23 **Q. All right. So I understand that. My**

Page 99

1 **question, I think, was specifically about the**  
2 **category you were just talking about. You know,**  
3 **if a person came to the State Conference and had**  
4 **paid all their fines, wasn't convicted of a crime**  
5 **of moral turpitude, you know, otherwise in good**  
6 **standing with probation, do you have a sense for**  
7 **how often -- how frequently the State Conference**  
8 **has been able to help re-enfranchise that person?**

9 MR. NAIFEH: Objection to form.

10 A. No. It just -- it's, it's very difficult  
11 to speculate on that.

12 **Q. (BY MR. TAUNTON:) Okay. Coming then --**  
13 **so we've talked about that category of people's**  
14 **prior convictions. Outside, outside of that**  
15 **category, when is the last time you recall the**  
16 **State Conference receiving a report of having**  
17 **difficulty in registering a person who was not**  
18 **convicted, did not have prior convictions?**

19 MR. NAIFEH: Objection to form.

20 A. I don't have an answer for that. But I  
21 don't recall other than maybe going into the  
22 nursing home and having access to some of the  
23 individuals that are there and having to help them

Page 100

1 go through the process of, you know, filling out  
2 the application and, you know, getting their  
3 signature on it, you know, on the application.

4 **Q. (BY MR. TAUNTON:) You mentioned getting**  
5 **access to a person in a nursing home. What kind**  
6 **of barriers would you encounter?**

7 A. Well.

8 **Q. Was it a medical barrier?**

9 A. Well, no.

10 **Q. Was it during COVID?**

11 A. It certainly could be medical. But just  
12 the -- you know, working with the staff there and  
13 to get access to the person, you know, in there  
14 and being able to have them -- again, get access  
15 and then have the person fill out the application.

16 **Q. If the State Conference didn't have access**  
17 **to a person, how would it -- how would it**  
18 **otherwise know that they needed to be registered**  
19 **to vote?**

20 A. Well, there are -- I mean, we don't always  
21 know. We just ask the question if there are -- if  
22 we're going to do a registration drive in a  
23 nursing home, you know, we ask the person. I

Page 101

1 mean, ask the staff, you know, if we can ask if  
2 people are registered.  
3 And, you know, we've had -- some of our  
4 branches have tried to go into jails to register  
5 people who may be in there for a crime but have  
6 not been convicted. And some sheriffs will say,  
7 no, you can't come in to register -- just to  
8 register people to vote.  
9 **Q. In a nursing home, I presume that would --**  
10 A. Okay.  
11 **Q. -- that would involve the person who's,**  
12 **you know, volunteering for the drive, I guess,**  
13 **going to room to room?**  
14 MR. NAIFEH: Objection to form.  
15 A. Well, it may be in a common --  
16 MR. NAIFEH: Go ahead.  
17 A. It may be in a common area, you know,  
18 where the residents are gathered.  
19 **Q. (BY MR. TAUNTON:) Do you have an**  
20 **understanding why staff might occasionally limit**  
21 **access to certain residents of the nursing home?**  
22 A. Oh, absolutely.  
23 **Q. What would some of those be?**

Page 102

1 A. Well, I mean, it could be the family  
2 limitation of that member. Or it could be a  
3 health concern that the staff has that -- you  
4 know, trying to protect the person from any kind  
5 of, for lack of a better word, contamination of  
6 the patient being diseased and stuff like that.  
7 So.  
8 **Q. You mentioned some of the units attempting**  
9 **to do registration drives at local jails. Do you**  
10 **have an example of where those might have**  
11 **occurred? where that might have happened?**  
12 A. Where they have not been able to get into  
13 the jail?  
14 **Q. Right.**  
15 A. I want to say Randolph County. And I'm  
16 going to say -- don't quote me on it. But it  
17 seemed like Randolph. And, you know, they've had  
18 some problems down there in maybe Morgan County.  
19 And, well, no Anniston. Well, those two I can  
20 think of off the top of my head.  
21 **Q. Randolph County and Anniston?**  
22 A. No, no. Randolph County -- and Anniston  
23 is not a county. Is it -- is that in --

Page 103

1 MR. ROSBOROUGH: I believe you  
2 had said Morgan County.  
3 A. Yeah, Morgan County. I didn't say  
4 Anniston.  
5 **Q. (BY MR. TAUNTON:) I think Anniston is in**  
6 **Calhoun County.**  
7 A. Right. I didn't say Anniston.  
8 **Q. Oh, you didn't say Anniston.**  
9 A. Did not say it.  
10 **Q. Sorry.**  
11 A. I said Morgan and Randolph.  
12 **Q. Do you have any understanding in those**  
13 **circumstances why the sheriff or the police chief**  
14 **would not permit a voting drive in the jail?**  
15 A. Based on what I have been told is that the  
16 sheriff says just, 'No, you're not going to come  
17 in here to register.'  
18 **Q. No additional explanation to your**  
19 **knowledge?**  
20 A. To my knowledge, no.  
21 **Q. Okay. Does the State Conference educate**  
22 **its members about how to vote?**  
23 A. Yes. Oh, what -- okay. Let me back up.

Page 104

1 Now, when you say "how to vote," what do you mean  
2 by that?  
3 **Q. That's fair. Mechanically how to vote.**  
4 A. Yeah.  
5 **Q. Where to vote.**  
6 A. Yes.  
7 **Q. Yes. Not who to vote for.**  
8 A. Okay, okay. I want to make sure that  
9 you -- yeah.  
10 **Q. So does the State Conference educate its**  
11 **members about the process of voting?**  
12 A. Yes.  
13 **Q. Okay. And how does it do that?**  
14 A. Again, through, through forums, through  
15 information that we may send to the branch  
16 about -- you know, that we get off the Secretary  
17 of State's website, you know, about voting.  
18 And just in some cases, it used to be we  
19 could do that same thing with absentee voting.  
20 But I guess we can't do that anymore because it's  
21 a criminal activity to do that now. But, you  
22 know, we used to spend some time educating people  
23 to make sure they know how to complete the --

Page 105

1 their application for the absentee ballot as well  
2 as the, you know, ballot itself.  
3 **Q. So the State Conference no longer educates**  
4 **its members about the absentee process?**  
5 MR. NAIFEH: Objection to form.  
6 A. Well, with the --  
7 THE WITNESS: Go ahead.  
8 A. The process in a general sense, but not  
9 taking any affirmative action to help that person.  
10 And we -- yes. We educate members about what they  
11 can and can't do under the new Alabama law.  
12 **Q. (BY MR. TAUNTON:) What's your**  
13 **understanding of that of what they can and can't**  
14 **do under the new Alabama law?**  
15 MR. NAIFEH: Objection to form.  
16 A. Well, it's my understanding -- and you can  
17 correct me if I'm wrong -- is that if a person  
18 that's not their next of kin tries to assist a  
19 person with their absentee ballot, then they can  
20 be charged criminally for harvesting ballots.  
21 **Q. (BY MR. TAUNTON:) Is there any, any, as**  
22 **you understand, any other limitations? Anything**  
23 **else that people can and cannot do as it relates**

Page 106

1 **to absentee ballots?**  
2 MR. NAIFEH: Objection to form.  
3 A. Well, you certainly can't help them, you  
4 know, complete it. I mean, from what I  
5 understand, the process starts -- stops at you  
6 trying to assist that person with the application  
7 and, and certainly not with the ballot itself.  
8 **Q. (BY MR. TAUNTON:) Did the State**  
9 **Conference previously help people with their**  
10 **ballots?**  
11 A. Yes.  
12 **Q. Absentee ballots? And what would that**  
13 **entail? How would it have previously helped**  
14 **people with their ballots?**  
15 A. We would -- again, go into nursing homes  
16 to help people fill out their applications. And  
17 if they needed assistance with the ballot itself,  
18 to make sure that, you know, they receive it and  
19 make sure that they marked it and then that they,  
20 you know, put in the envelope correctly because  
21 you just can't fold it and put it in an envelope  
22 and mail it. You've gotta make sure that it's  
23 sealed properly. And so we would help them with

Page 107

1 that process.  
2 **Q. And would that be done by the various**  
3 **units?**  
4 A. Yes.  
5 **Q. And are they volunteers?**  
6 A. Yes. Oh, you say are they volunteers?  
7 **Q. Yeah.**  
8 A. Yes. All of us are volunteers.  
9 **Q. Back up just real quick. You had**  
10 **mentioned earlier that the State Conference would**  
11 **help people register to vote and that you would do**  
12 **that over the phone. How does that work?**  
13 A. What do you mean "over the phone"?  
14 MR. NAIFEH: Objection.  
15 **Q. (BY MR. TAUNTON:) I think you've said**  
16 **that you would -- you would help people over the**  
17 **phone with registering to vote.**  
18 MR. NAIFEH: Objection.  
19 **Q. (BY MR. TAUNTON:) Do you just mean that**  
20 **somebody would call and say, "I'm trying to figure**  
21 **out how to fill this out" and you would talk them**  
22 **through it on the phone? I just -- I just didn't**  
23 **understand that. That's all.**

Page 108

1 A. Okay. If I said that, I don't -- I don't  
2 recall saying that. If I said that, you know, we  
3 can go back to the record and check the record.  
4 Because we typically -- when I said "over the  
5 phone," I'm saying, you know, through the  
6 Internet. You talking to a person --  
7 **Q. Oh, okay.**  
8 A. -- and, you know, you put the data in just  
9 like you would with the computer, you know.  
10 **Q. So using a smartphone.**  
11 A. Right, right. Exactly.  
12 **Q. Understood. Thank you.**  
13 A. Yeah.  
14 **Q. That makes perfect sense. I just didn't**  
15 **understand.**  
16 A. Okay.  
17 **Q. Now, you talked about, again, educating**  
18 **your members about the process of voting. So**  
19 **you've got -- the State Conference also educates**  
20 **the public on the process of voting?**  
21 A. Yes.  
22 **Q. And how is that done? Is that through**  
23 **events? I mean, I'm sure you've talked about**

Page 109

**1 canvassing and flyers and things like that. Is**  
**2 that one of the ways you do it?**

3 MR. NAIFEH: Objection to form.

4 Go ahead.

5 A. Yeah. I mean, any public event that we  
6 have and even at, you know, formal dinners,  
7 banquets, we tell those who are in attendance  
8 everything from "If you're here and you're not  
9 registered to vote, see this person." We tell  
10 them "Don't forget to go and vote." If you're  
11 having problem at the poles, you know, reach out  
12 to a member of the NAACP or others.

13 And so that's a way that we educate the  
14 general public on -- you know, that there's  
15 someone there to assist and help them as well as,  
16 you know, sending out inform -- flyers and stuff  
17 like that to the general public about, you know,  
18 upcoming elections and cutoff dates, the time that  
19 you need to be registered to make sure you vote  
20 for this -- in this election and things like that.

**21 Q. (BY MR. TAUNTON:) Does the State**  
**22 Conference also provide its members or the general**  
**23 public with information about polling locations**

Page 110

**1 where to vote?**

2 A. Yes. And we also -- if we are talking to  
3 someone and we can look their information up, we  
4 can do that, you know. If someone calls up and  
5 says, "Well, I don't know where to vote," you  
6 know, we can look it up for them and say, hey, you  
7 know, you're supposed to go to this location and  
8 vote.

**9 Q. Does it do that before every election?**

10 A. Yes. I mean, not only before election,  
11 but we do it periodically because we tell people  
12 check your registration, check and make sure your  
13 polling location has not changed. Because  
14 their -- it may have changed and you've not been  
15 notified.

16 And we just try to express upon them it's  
17 easy for you to check your voter registration  
18 status if you have, you know, computer access to a  
19 computer or a smartphone. And we put the -- in  
20 some correspondence, we put the link to the  
21 website where the only thing you have to put in is  
22 your name and date of birth and stuff. So we try  
23 to help them out as much as possible.

Page 111

**1 Q. And it's probably an obvious question.**

**2 But, again, for the record, I'll ask it anyway.**

**3 We've talked about the State Conference's voting**  
**4 drives and its units' voting drives which are for**  
**5 the public. I presume that it provides the same**  
**6 assistance to its own members.**

7 MR. NAIFEH: Objection to form.

8 A. Right, right. You know.

**9 Q. (BY MR. TAUNTON:) The units do.**

10 A. Yes.

**11 Q. Yeah. How long has the State Conference**  
**12 been engaging in these efforts, roughly speaking?**

13 A. Of course, I don't know the answer to that  
14 because I've only been around -- I've been in  
15 Alabama since 2001. So I don't know how long  
16 before that. But I would venture to say it's been  
17 part of the mission. And they've been executing  
18 it since it was founded.

**19 Q. How long has the State Conference been in**  
**20 Alabama?**

21 A. Since 1913.

**22 Q. And you believe it probably has engaged in**  
**23 similar efforts since its founding.**

Page 112

1 A. Yes. And I think if you do a little

2 research you'll find some historical research on  
3 that. So.

**4 Q. Do you have a general sense of who the**  
**5 NAACP in Alabama has successfully helped register**  
**6 to vote? I'm talking demographics. Do you have**  
**7 any demographic sense of who it's helped register**  
**8 to vote?**

9 MR. NAIFEH: Objection to form.

10 A. You're saying demographically?

**11 Q. (BY MR. TAUNTON:) Yeah. Age, gender,**  
**12 race. any sense of that?**

13 MR. NAIFEH: Objection to form.

14 You can answer if you understand.

15 A. I would just say that most of the people  
16 that we encounter on our voter registration drives  
17 are African Americans.

**18 Q. (BY MR. TAUNTON:) Do you have a sense by**  
**19 percentage what percentage would be African**  
**20 Americans?**

21 MR. NAIFEH: Objection to form.

22 A. I would say probably 90 -- somewhere  
23 between 90 and 95 percent of the people we help



Page 113

1 are African Americans. And then, you know,  
2 somewhere between 5 and 10 percent of other race  
3 with the Latinx community being the bulk share of  
4 that 10 percent.  
5 **Q. (BY MR. TAUNTON:) Have you noticed any --**  
6 **you know, anything of note on the difference in**  
7 **gender?**  
8 MR. NAIFEH: Objection to form.  
9 **Q. (BY MR. TAUNTON:) Do you tend to**  
10 **encounter more women? Tend to encounter more men?**  
11 A. No, I don't. I haven't noticed that.  
12 Haven't paid any attention to it. So I don't.  
13 **Q. What about age? Predominantly young?**  
14 **Predominantly old?**  
15 MR. NAIFEH: Objection to form.  
16 A. Our drives typically will attract more  
17 older folks unless -- you know, again, that's  
18 overall. But some drives are particular -- are  
19 specifically targeted at, you know, college  
20 students and that 18 to, you know, 25, 30,  
21 somewhere. Yeah. 18 to 25 years old, somewhere  
22 in there. So.  
23 **Q. (BY MR. TAUNTON:) Does the State**

Page 114

1 **Conference keep any type of breakdown of the**  
2 **demographics of people it's helped register to**  
3 **vote?**  
4 A. No.  
5 **Q. Have you noticed any shift in these**  
6 **demographics over time?**  
7 MR. NAIFEH: Objection to form.  
8 A. Are you talking about registered to vote?  
9 I think -- well, no. I have not.  
10 **Q. (BY MR. TAUNTON:) Okay. So 90 to 95**  
11 **percent black predominantly older with the**  
12 **exception of the drives specifically aimed to**  
13 **younger --**  
14 A. With the exception of what now?  
15 **Q. Of drives specifically aimed at younger --**  
16 A. Right.  
17 **Q. -- younger students. You say that's**  
18 **pretty much the demographics you've observed at**  
19 **voter registration drives 20 years ago.**  
20 MR. NAIFEH: Objection to form.  
21 A. You say 20 years ago?  
22 **Q. (BY MR. TAUNTON:) Yeah.**  
23 A. I would say certainly most of the people

Page 115

1 that we encounter even 20 years ago were, were  
2 more seasoned older folks. So and we are  
3 intentionally trying to go after the younger vote  
4 now. But it's, it's more challenging.  
5 **Q. Does the State Conference track the**  
6 **registration of its members? Do you track who is**  
7 **registered and who isn't?**  
8 A. Not at the State Conference level.  
9 **Q. Okay. Correct. Yeah. At the unit level,**  
10 **do your units track the registration of their**  
11 **members?**  
12 A. I don't think -- no. Our units do not  
13 track that. But they certainly could track that  
14 if we requested that they do. But.  
15 **Q. Do you have a general sense of the**  
16 **percentage of unit -- local unit members who are**  
17 **registered to vote?**  
18 A. Yes.  
19 **Q. And what would your estimate be?**  
20 A. Well, I thought I answered that earlier in  
21 the conversation. But.  
22 **Q. If you did, I missed it. I'm sorry.**  
23 A. Okay. Yeah. The -- I think our voter

Page 116

1 registration of our members in our units, you  
2 know, it has to be around in the 90 percentage.  
3 **Q. Ninety or more?**  
4 A. Yeah. Well, yeah.  
5 **Q. So just looking at your time, do you have**  
6 **a sense for whether more or less of the NAACP's**  
7 **members are registered today than in 2002?**  
8 MR. NAIFEH: Objection to form.  
9 A. Than in 2002 what?  
10 **Q. (BY MR. TAUNTON:) 2002. I think that's**  
11 **when you told me you become involved with the**  
12 **NAACP.**  
13 A. No. You're saying if more members are  
14 registered today?  
15 **Q. Yes, sir.**  
16 A. I, I think I would say that they're  
17 probably -- as far as our members -- let me -- as  
18 far as our members, I think the percentage is  
19 probably going to be about the same as far as our  
20 members. Yeah.  
21 **Q. Are you aware of any members of NAACP**  
22 **units in Alabama who are not registered to vote?**  
23 MR. NAIFEH: Objection to form.

Page 117

1 A. I am not aware of any specific member who  
2 is not registered.  
3 **Q. (BY MR. TAUNTON:) Okay.**  
4 A. But I do know that we have members who are  
5 previously incarcerated who are -- have joined the  
6 NAACP --  
7 **Q. Mm-hmm.**  
8 A. -- based on what our units report. But I  
9 don't know them personally. But there are  
10 members.  
11 **Q. Other than a person who was convicted of a**  
12 **crime of moral turpitude, are you aware of any**  
13 **other members?**  
14 MR. NAIFEH: Objection to form.  
15 A. No.  
16 **Q. (BY MR. TAUNTON:) Do local units track**  
17 **the number of nonregistered members in any way?**  
18 A. No. They do not track it. You know, if a  
19 member is not registered, then they certainly try  
20 to help the person. But if they are, you know,  
21 eligible.  
22 And, again, you know, because we have  
23 youth members who are not eligible to register

Page 118

1 because of age, you know. So those individuals  
2 would not be eligible to register.  
3 **Q. To your knowledge, if -- well, we'll skip**  
4 **that. I think we've hit it enough in other areas.**  
5 **Does the NAACP, the State Conference track the**  
6 **number of percentage of black Alabamians who are**  
7 **registered to vote?**  
8 MR. NAIFEH: Objection to form.  
9 A. When you say "track it," we don't track  
10 it. We look at the percentages, you know, from  
11 different websites or that we can find that data.  
12 But we don't -- we don't personally track it. I  
13 mean, we don't have a way of tracking it.  
14 **Q. (BY MR. TAUNTON:) So you look at that**  
15 **data on an informal basis.**  
16 MR. NAIFEH: Objection to form.  
17 **Q. (BY MR. TAUNTON:) Do you do anything to**  
18 **record that data formally? Do you -- like even**  
19 **from another source?**  
20 A. To record it?  
21 **Q. Yeah. Do you do anything with it**  
22 **internally?**  
23 MR. NAIFEH: Objection to form.

Page 119

1 A. Yes.  
2 **Q. (BY MR. TAUNTON:) How so? How do you use**  
3 **that information?**  
4 A. We use that data to help target the areas  
5 where we may want to concentrate our voter  
6 registration drives.  
7 **Q. Okay. Has the State Conference or its**  
8 **local units focused its drive in any particular**  
9 **areas of Alabama in the last five years because of**  
10 **that data?**  
11 A. Yes.  
12 **Q. What areas has it concentrated in?**  
13 A. We've concentrated in the new District 2.  
14 We've concentrated it in areas of Madison County,  
15 of areas of Montgomery, Jefferson County, and, you  
16 know, various other counties across the state.  
17 You know, I mean, at any given time,  
18 someone may ask us -- I know Bullock County asked  
19 the same thing. And, well, that's part of the new  
20 District 2. But yes, yes. Those are some of the  
21 counties.  
22 **Q. Do you have a sense of whether more black**  
23 **Alabamians are registered to vote today than in**

Page 120

1 **1980?**  
2 MR. NAIFEH: Objection to form.  
3 A. I would have to say that there probably  
4 are more numberwise because the population of  
5 Alabama is larger than it was in '80. So based on  
6 that, I would surmise to say that, yes, there's  
7 more people registered to vote in Alabama than  
8 there were in '80.  
9 **Q. (BY MR. TAUNTON:) Do you have any sense**  
10 **of that as a percentage?**  
11 A. No.  
12 **Q. Are you aware of any eligible black**  
13 **Alabamians who are not registered to vote?**  
14 MR. NAIFEH: Objection to form.  
15 A. Yes.  
16 **Q. (BY MR. TAUNTON:) And are you aware of**  
17 **that in the general sense we were just talking**  
18 **about? Or do you have specific knowledge?**  
19 MR. NAIFEH: Objection to form.  
20 A. I know of some Alabamians, black  
21 Alabamians who, who are not registered to vote.  
22 **Q. (BY MR. TAUNTON:) Do you know why those**  
23 **Alabamians might not be registered to vote?**



Page 121

1 A. Based on discussion, it's -- they don't  
2 feel that their vote will be heard, that their  
3 vote would make a difference in an election. And  
4 they say --

5 **Q. Do you know why --**

6 A. -- why vote.

7 **Q. Do you know why they perceive that?**

8 MR. NAIFEH: Objection to form.

9 A. Well, all I can tell you is what they tell  
10 me is that, you know, they just feel their vote  
11 won't make a difference.

12 **Q. (BY MR. TAUNTON:) Without revealing their**  
13 **identities, you know, where generally are they**  
14 **located in the state?**

15 A. There's some in Madison County that I've  
16 personally spoken to. Some in -- I think it's the  
17 Jefferson County/Birmingham area.

18 **Q. How many black Alabamians have you spoken**  
19 **to in Madison County who tell you that?**

20 MR. NAIFEH: Objection to form.

21 A. Probably in the last since I've been State  
22 Conference president in -- maybe 15 to 20 over the  
23 years.

Page 122

1 **Q. (BY MR. TAUNTON:) How many of those**  
2 **conversations were in the last five years?**

3 MR. NAIFEH: Objection to form.

4 A. Maybe, what, four, five, something like  
5 that.

6 **Q. (BY MR. TAUNTON:) To your knowledge,**  
7 **could those individuals register to vote if they**  
8 **desired to?**

9 A. Well --

10 MR. NAIFEH: Objection to form.

11 THE WITNESS: Okay.

12 A. Based on what they tell me, they didn't  
13 say they, you know, had any kind of criminal  
14 history or anything, you know.

15 **Q. (BY MR. TAUNTON:) Would the State**  
16 **Conference or a local branch help them register to**  
17 **vote if they asked?**

18 A. Oh, absolutely.

19 MR. TAUNTON: At some point,  
20 we're probably going to want to break  
21 for lunch. Doesn't have to be a long  
22 lunch. Now might be an okay time to do  
23 that.

Page 123

1 MR. NAIFEH: How much longer do  
2 you think you have?

3 THE REPORTER: Are we still on  
4 the record?

5 MR. TAUNTON: Well, let's go off  
6 the record for this. Yeah.

7

8 (There was a short break in the deposition.)

9

10 THE REPORTER: And just a gentle  
11 reminder that even though we've left  
12 and taken a lunch break you're still  
13 considered to be under oath.

14 THE WITNESS: Okay.

15 **Q. (BY MR. TAUNTON:) Mr. Simelton, I just**  
16 **want to come back real briefly and clarify**  
17 **something we were talking about earlier because I**  
18 **think maybe we weren't very precise. We were**  
19 **talking about the disenfranchisement of certain**  
20 **felons. Do you remember us talking about that?**

21 A. Mm-hmm.

22 **Q. Now, that only happens in Alabama when a**  
23 **person has been convicted of a crime of moral**

Page 124

1 **turpitude. Right?**

2 A. What do you mean it only happens in  
3 Alabama?

4 **Q. They only -- they only lose their right to**  
5 **vote. If they had their right to vote, they only**  
6 **lose the right to vote if they were convicted of a**  
7 **crime of moral turpitude; is that your**  
8 **understanding?**

9 MR. NAIFEH: Objection. Calls  
10 for a legal conclusion.

11 A. Okay. Now, you said only in Alabama. You  
12 mean we're the only state that does it?

13 **Q. (BY MR. TAUNTON:) No, no, no, no.**

14 A. Okay.

15 **Q. And just in general, is it your**  
16 **understanding -- let me ask you the question this**  
17 **way. If a person was -- had -- was a registered**  
18 **voter and they were convicted of a felony that was**  
19 **not a crime of moral turpitude, would they retain**  
20 **the right to vote in Alabama? Do you know?**

21 A. If it's not a crime of moral turpitude,  
22 then, yes, they would.

23 **Q. Okay. And if they were not previously**

Page 125

1 registered to vote and they were convicted of a  
2 felony but it was not a crime of moral turpitude,  
3 could they register to vote?  
4 A. Right.  
5 MR. NAIFEH: Objection to form.  
6 A. That's my understanding.  
7 Q. (BY MR. TAUNTON:) All right. That's good  
8 enough.  
9 A. Okay.  
10 Q. I think we discussed before lunch the  
11 NAACP encourages its members to vote. Right?  
12 A. Yes.  
13 Q. To your knowledge, do NAACP members vote  
14 in elections?  
15 A. Yes.  
16 Q. Do you have any general sense or estimate  
17 of what percentage of NAACP members vote in  
18 elections?  
19 A. We don't keep track of that. But I would  
20 estimate that our members -- probably 75 to 80  
21 percent of the members vote.  
22 Q. Okay.  
23 A. Eligible -- well, yeah. Registered and

Page 126

1 eligible members. We're not including the young  
2 folks who were not eligible. Yeah.  
3 Q. I think we talked -- we may have discussed  
4 this before. But was it your testimony earlier  
5 that the NAACP looks at the racial demographics of  
6 votes cast in Alabama elections?  
7 MR. NAIFEH: Objection.  
8 A. We try to find that information out. Yes.  
9 Q. (BY MR. TAUNTON:) By percentage, do you  
10 have any sense of whether more black Alabamians  
11 vote and have voted in recent elections than voted  
12 in elections in, say, in 1960?  
13 MR. NAIFEH: Objection.  
14 A. Yes. There's more people voting today  
15 than in '60.  
16 Q. (BY MR. TAUNTON:) I could show it to you  
17 and introduce this as an exhibit if you like. But  
18 in the Stone Complaint, paragraph 153, the  
19 Complaint states that there are significant racial  
20 disparities in voter turnout and voter  
21 registration rates in Alabama still. Do you know  
22 what the basis for that would be?  
23 A. Well, part of it is some of our -- some

Page 127

1 people -- particular people of color -- again, as  
2 I stated earlier -- do not believe their vote  
3 count or has the impact that it should. And,  
4 therefore, they don't believe that, you know, they  
5 should go out and vote.  
6 Q. And you're renaissance referencing your  
7 testimony earlier about conversations with people  
8 in Madison County and Jefferson County?  
9 MR. NAIFEH: Objection.  
10 A. As well as conversations with our  
11 leadership in the state of Alabama who we have  
12 discussions about voter turnout.  
13 Q. (BY MR. TAUNTON:) Are you aware of any  
14 members of the NAACP who are registered voters but  
15 have not voted in recent elections?  
16 A. I am personally not aware of any members  
17 that are registered -- any NAACP members that are  
18 registered to vote and have not voted.  
19 Q. Does the State Conference or any of the  
20 units in Alabama do anything to track that number?  
21 A. No.  
22 Q. If they were registered to vote, to your  
23 knowledge could they vote if they wanted to?

Page 128

1 MR. NAIFEH: Objection.  
2 A. Yes.  
3 Q. (BY MR. TAUNTON:) Are you aware of any  
4 black Alabamians who are registered to vote and  
5 have not voted in recent elections other than  
6 members?  
7 A. Any black Alabamians who are registered to  
8 vote --  
9 Q. But have not voted in recent elections.  
10 A. -- but who have not voted. Black  
11 Alabamians. Now, you talking about as the State  
12 Conference? If the State Conference -- yeah,  
13 there are people who throughout discussions that  
14 we know that they are registered voters and  
15 members of the NAACP but have not voted.  
16 Q. Okay. Just looking at statistics, you  
17 mean.  
18 A. Looking at the individual through the VAN  
19 system.  
20 Q. Okay. And you could tell that because  
21 they hadn't checked in to vote at their precinct.  
22 MR. NAIFEH: Objection.  
23 A. Well, they have not voted. I mean, in the

Page 129

1 VAN system, it has the last time they voted, I  
2 mean, if the data in the VAN system is accurate.  
3 I mean, that's. . .  
4 **Q. (BY MR. TAUNTON:) Does the State**  
5 **Conference or any of the Alabama units do anything**  
6 **to track that number?**  
7 A. No.  
8 **Q. Okay. To your knowledge, could they have**  
9 **voted if they wanted to?**  
10 MR. NAIFEH: Objection.  
11 A. Yes. To my knowledge, they could have  
12 voted if they had wanted to.  
13 **Q. (BY MR. TAUNTON:) We may have already**  
14 **covered this. But just in case, you spoke just a**  
15 **minute ago about being aware of some black**  
16 **Alabamians who perhaps either don't vote because**  
17 **they feel like their vote doesn't count. Right?**  
18 A. Right.  
19 **Q. Do you know why they feel like their vote**  
20 **doesn't count?**  
21 MR. NAIFEH: Objection.  
22 A. Well, basically, based on what they're  
23 saying is that their vote won't make a difference.

Page 130

1 They don't feel that their vote will make a  
2 difference. And my assumption is based upon, you  
3 know, one responding to their calls for help or  
4 with a specific issue they may have or something  
5 like that.  
6 But that's kind of speculation. I mean, I  
7 don't know a specific reason other than, you know,  
8 them saying, well, you know, I don't feel that my  
9 vote would count.  
10 **Q. (BY MR. TAUNTON:) But they haven't given**  
11 **you specific reasons.**  
12 A. Not a specific other than, you know,  
13 nothing's getting changed or nothing's being done.  
14 **Q. Any indication that they're feeling like**  
15 **I'm one vote in five million. You know, like,**  
16 **what is one vote.**  
17 MR. NAIFEH: Objection.  
18 A. Well, there may be some of that. I don't  
19 know.  
20 **Q. (BY MR. TAUNTON:) Let's talk just a**  
21 **little bit about political involvement. Have you**  
22 **ever run for office?**  
23 A. No.

Page 131

1 **Q. The NAACP provides help with registration**  
2 **and provides information about the voting process.**  
3 **Does the NAACP provide any information about**  
4 **specific elections? Any kind of voter guide,**  
5 **who's running for office, what offices are up for**  
6 **election?**  
7 A. Oh, yes, yes.  
8 **Q. And how does it do that?**  
9 A. Through sending out information through,  
10 through our emails that says, you know, these are  
11 the people that are running for office. Also, you  
12 know, the -- we pass out the voter's guide that  
13 tells about how to, you know, register to vote and  
14 all that.  
15 But specifically, we do send out  
16 information who's on the ballots or who's running  
17 for office in the different districts and  
18 whatever.  
19 **Q. Does it do that for every election?**  
20 A. I mean, not for -- we don't do that  
21 necessarily for every election. You know, some  
22 local races we may not do that for.  
23 **Q. Is that done by the State as -- that we**

Page 132

1 **were just talking about? Or is that done by the**  
2 **State Conference? Is that done by the local**  
3 **units?**  
4 MR. NAIFEH: Objection.  
5 A. Combination of both. If the State has  
6 something for a statewide election that's coming  
7 up, you know, we would share that. But then, of  
8 course, units on their individual units that find  
9 out who is running for office, we'll share that  
10 with our members and the general community.  
11 **Q. (BY MR. TAUNTON:) So then, would the**  
12 **State Conference do that, then, for all statewide**  
13 **races?**  
14 A. I won't say all. But, you know, you know,  
15 it, it -- we do it for -- I'll just say some.  
16 Yeah.  
17 **Q. Do local units ever do it for local races**  
18 **on the their own?**  
19 MR. NAIFEH: Objection.  
20 A. Yes. That's, like I said, they would do  
21 their own.  
22 **Q. (BY MR. TAUNTON:) Do you have any sense**  
23 **for how often they do that?**

Page 133

1 A. It somewhat depends on the race. If  
2 there's an opponent, you know, in a race, they may  
3 send it out to make sure that voters know who's  
4 running.  
5 **Q. Does the NAACP provide information or**  
6 **education on the process for registering as a**  
7 **candidate?**  
8 MR. NAIFEH: Objection.  
9 A. We have provided that information. I  
10 mean, it's not something that we do routinely.  
11 But, occasionally, we do send information that --  
12 about a registered candidate.  
13 **Q. (BY MR. TAUNTON:) Are you aware of any**  
14 **NAACP -- I'm sorry. Are you aware of any NAACP**  
15 **members who have registered as candidates in the**  
16 **past?**  
17 MR. NAIFEH: Objection.  
18 A. Yes.  
19 **Q. (BY MR. TAUNTON:) In the last ten years?**  
20 A. Yes.  
21 **Q. Are you aware of any issues they had with**  
22 **registering to -- as far as a candidate?**  
23 A. No. I'm not aware of any issues they've

Page 134

1 had with registering as candidates.  
2 **Q. Does the NAACP in any kind of formal way**  
3 **track which of its members have declared --**  
4 **registered as candidate for a political race?**  
5 A. No, no, no.  
6  
7 (Landscapers outside the front  
8 door begin to use their equipment.)  
9  
10 A. Sorry about the noise.  
11 **Q. Are you aware of any members of the State**  
12 **Conference ever running for office?**  
13 MR. NAIFEH: Objection to form.  
14 A. Yes.  
15 THE REPORTER: I think I heard  
16 you say "yes"?  
17 THE WITNESS: Yes.  
18 **Q. (BY MR. TAUNTON:) What office did they**  
19 **run for or district?**  
20 A. We had -- one of our members ran for the  
21 Second Congressional District. And before and  
22 after the new district was drawn, we had some  
23 members elected to City Council, members elected

Page 135

1 to County Commissioners, you know, State reps  
2 across the board.  
3 **Q. Is it the same person who ran for**  
4 **Congressional District 2 before and after the new**  
5 **districts were drawn?**  
6 MR. NAIFEH: Objection.  
7 A. Repeat that question again, now.  
8 **Q. (BY MR. TAUNTON:) Let me -- let me just**  
9 **break it down. How about that. Let's do that.**  
10 **So you mentioned somebody from the State**  
11 **Conference running for Congressional District 2.**  
12 A. Right.  
13 **Q. When was that the first time?**  
14 A. The first time was 2022.  
15 **Q. And who was it?**  
16 MR. NAIFEH: Objection. I  
17 don't -- I'm going to instruct him not  
18 to answer that because associations  
19 with the NAACP are protected. You  
20 asked about a candidate who is  
21 associated with the NAACP. I don't see  
22 how the association is relevant. But  
23 it's also --

Page 136

1 MR. TAUNTON: Public.  
2 MR. NAIFEH: Association with the  
3 NAACP may not be public. The person's  
4 candidacy may be public.  
5 MR. TAUNTON: I'll ask that.  
6 **Q. (BY MR. TAUNTON:) Do you know if that**  
7 **person was publicly associated with the NAACP?**  
8 A. I don't understand what you mean "publicly  
9 associated."  
10 **Q. Did they publicize their association with**  
11 **the NAACP?**  
12 A. No. Are you talking about when they were  
13 running for office?  
14 **Q. Yeah.**  
15 A. Not to my knowledge.  
16 **Q. Okay. What about the second time? You**  
17 **mentioned after the new districts were drawn.**  
18 A. Mm-hmm.  
19 **Q. So that would be just recently.**  
20 A. Right.  
21 **Q. Did that individual publicize their**  
22 **relationship with the State Conference of the**  
23 **NAACP?**

Page 137

1 MR. NAIFEH: Objection.  
2 A. Not that I'm aware of.  
3 **Q. (BY MR. TAUNTON:) Do you intend to**  
4 **testify at trial concerning that person's**  
5 **candidacy for public office?**  
6 MR. NAIFEH: Objection.  
7 A. I mean, at trial, I would testify kind of  
8 based on what the questions are asked. I don't  
9 know if that issue will come up.  
10 **Q. (BY MR. TAUNTON:) Well, I need you to**  
11 **answer some additional questions about this, or it**  
12 **shouldn't come up at trial.**  
13 MR. NAIFEH: Well, I mean, I  
14 don't know that he's obliged at this  
15 point to know what his testimony at  
16 trial is gonna be other than very  
17 general subject matters. And even  
18 that, you know, we've already disclosed  
19 general subject matters in our -- in  
20 the disclosures.  
21 MR. ROSBOROUGH: Do you want to  
22 go off the record for a second? Maybe  
23 we can confer.

Page 138

1  
2 (There was a short break in the deposition.)  
3  
4 THE REPORTER: Back on the  
5 record?  
6 MR. TAUNTON: Yes. Back on the  
7 record.  
8 **Q. (BY MR. TAUNTON:) Do you intend to**  
9 **testify regarding this individual's -- unnamed**  
10 **individual's candidacy at trial?**  
11 MR. NAIFEH: So I think we can  
12 represent that he will not be  
13 testifying about anyone's candidacy. I  
14 mean, at least not -- certainly not  
15 about members about any candidate's  
16 association with the NAACP.  
17 MR. TAUNTON: Okay. All right.  
18 That's fair enough. That gets me far  
19 enough.  
20 **Q. (BY MR. TAUNTON:) Are you aware of**  
21 **any -- you know, going back to our -- originally,**  
22 **we were talking about members of the State**  
23 **Conference who have run for office. Are you aware**

Page 139

1 **of any of those members winning office?**  
2 MR. NAIFEH: Objection.  
3 A. Yes.  
4 **Q. (BY MR. TAUNTON:) Are you aware of any**  
5 **who have won statewide office?**  
6 A. Statewide? I'd say I'm not aware of  
7 anyone that won a statewide race.  
8 **Q. How about State Senate?**  
9 A. Yes.  
10 **Q. How about State House of Representatives?**  
11 A. Yes.  
12 **Q. How about Congressional House of**  
13 **Representatives?**  
14 A. Yes.  
15 **Q. Are you aware of any Alabama members of**  
16 **the NAACP local units attempting to register to**  
17 **run for office as a Republican?**  
18 A. Okay. Repeat that question again, now.  
19 **Q. Are you aware of any members of the NAACP**  
20 **in the state of Alabama who have registered or**  
21 **attempted to register to run for office as a**  
22 **Republican.**  
23 MR. NAIFEH: Objection.

Page 140

1 A. Are you talking about local or statewide?  
2 **Q. (BY MR. TAUNTON:) Either. And any**  
3 **office.**  
4 A. Yes.  
5 **Q. Yes. Were they able to register for the**  
6 **candidacy?**  
7 MR. NAIFEH: Objection.  
8 A. Yes.  
9 **Q. (BY MR. TAUNTON:) Did you communicate**  
10 **with them about their experience?**  
11 A. The particular individual that I know  
12 served before I became State president. But based  
13 on conversation I've had with members of that  
14 unit, it didn't -- the issue of difficulty  
15 registering did not -- never came up. So I don't  
16 know.  
17 **Q. Are you aware of any members of the NAACP**  
18 **in Alabama who have registered to run for office**  
19 **as a Democrat?**  
20 MR. NAIFEH: Objection.  
21 A. Yes.  
22 **Q. (BY MR. TAUNTON:) Were they able to**  
23 **register?**



Page 141

1 A. Yes.  
2 **Q. Are your members politically active?**  
3 MR. NAIFEH: Objection.  
4 A. Again, if I could ask you to define  
5 "politically active" because I want to make sure I  
6 don't answer that incorrectly.  
7 **Q. (BY MR. TAUNTON:) Well, so let me -- let**  
8 **me ask it this way. What does engagement in the**  
9 **political process mean to the State Conference?**  
10 A. That means we are educating our members to  
11 get involved in the political process and  
12 educating them how to get involved and how to  
13 remain nonpartisan in their involvement in the  
14 political process. Not trying to push one  
15 candidate over the other, but educating members  
16 and the community about the need to get out and  
17 exercise your right to vote.  
18 **Q. Gotcha. When you say "nonpartisan," you**  
19 **mean that the education and training provided by**  
20 **the State Conference is nonpartisan?**  
21 A. And their actions as a member of the NAACP  
22 is nonpartisan.  
23 **Q. Your members' actions as a member.**

Page 142

1 A. Right. And I want to make sure that  
2 people understand this. Individual members still  
3 have a right to express their views. If they are  
4 doing it at an NAACP forum or a -- if they're out  
5 doing an NAACP event, they must remain  
6 nonpartisan.  
7 **Q. Do you believe that the Alabama NAACP**  
8 **members are engaged in the political process?**  
9 MR. NAIFEH: Object to the form.  
10 A. Yes.  
11 **Q. (BY MR. TAUNTON:) Are you aware of**  
12 **individual members having involvement with any**  
13 **campaigns?**  
14 A. Again, I'm not aware of any members as  
15 NAACP during their -- if they have, quote,  
16 unquote, NAACP hat on, then it's not. But, again,  
17 members of NAACP or individuals, they can seek  
18 office, they can run for office and still be a  
19 member of the NAACP. They cannot use the NAACP's  
20 name and that -- NAACP as an endorsement or  
21 anything like that.  
22 **Q. Yeah. I -- yeah. I understand. And**  
23 **there's a difference you're making. And we can**

Page 143

1 **agree that we're talking right now about these in**  
2 **their individual -- you know, in their individual**  
3 **capacity, not under the banner of the NAACP.**  
4 A. Okay.  
5 **Q. But, again, the NAACP does encourage them**  
6 **to be engaged in the political process. Right?**  
7 MR. NAIFEH: Objection.  
8 A. Again, what do you mean by that? Again,  
9 you keep going around. We encourage them to do  
10 their due diligence in getting people out to vote  
11 and educating people about the issues that are at  
12 hand and ensuring that people are registered to  
13 vote.  
14 I mean, I don't know if that's what you  
15 mean by the political process. But we encourage  
16 them not to be partisan in their efforts.  
17 **Q. (BY MR. TAUNTON:) While working with the**  
18 **NAACP.**  
19 A. While working with the NAACP.  
20 **Q. But they may be.**  
21 A. Yes. I mean, you can't control what they  
22 do individually.  
23 **Q. So in their individual capacity, are you**

Page 144

1 **aware of members in their personal capacity**  
2 **getting public support to campaigns, political**  
3 **campaigns?**  
4 MR. NAIFEH: Objection.  
5 A. Yes.  
6 **Q. (BY MR. TAUNTON:) Does the State**  
7 **Conference track that in any way?**  
8 A. Oh, no, no.  
9 **Q. Okay. Is any part of the NAACP's purpose**  
10 **to get individuals friendly to its agenda elected?**  
11 A. We inform people about the issues that are  
12 of importance to the NAACP's mission and inform  
13 individuals -- I mean, inform our members about  
14 the candidate's position on those issues.  
15 **Q. Do you have any sense for what makes a**  
16 **candidate competitive in a political race?**  
17 MR. NAIFEH: Objection.  
18 A. I mean, there's various things that makes  
19 a candidate competitive. It could be, you know,  
20 everything from color of skin to their gender  
21 to -- you know, because people vote for candidates  
22 based on various reasons. And.  
23 **Q. (BY MR. TAUNTON:) Could a candidate's**

Page 145

1 background then be a part of that?  
2 MR. NAIFEH: Objection.  
3 A. Oh, yes.  
4 **Q. (BY MR. TAUNTON:) Could a candidate's**  
5 **policy positions be a part of that?**  
6 A. It could be. Yes.  
7 **Q. Could prior experience be a part of that?**  
8 A. Yes.  
9 **Q. Do funding and campaigning play a role in**  
10 **that?**  
11 MR. NAIFEH: Objection.  
12 A. Well, the funding provides opportunity for  
13 the person to get exposure, visibility. And if  
14 you get exposure and visibility, you know, people  
15 be -- you become known. And if you know you -- if  
16 people know you, then, you know, they may decide  
17 to vote for you because I heard that name before.  
18 **Q. (BY MR. TAUNTON:) Do you have any kind of**  
19 **sense of what campaign methods might be effective?**  
20 MR. NAIFEH: Objection.  
21 **Q. (BY MR. TAUNTON:) Print ads, media ads,**  
22 **social media, door to door.**  
23 MR. NAIFEH: Objection.

Page 146

1 A. All those are effective in certain  
2 demographics, you know. Some methods are -- like,  
3 social media are more effective for the younger  
4 generation than, say, people my age. And, and  
5 the person can get their message out better  
6 through social media than going, say, door to door  
7 or just standing up before -- on a, quote,  
8 unquote, stump, you know.  
9 **Q. (BY MR. TAUNTON:) Does it often take,**  
10 **again, funding and infrastructure to run an**  
11 **effective campaign?**  
12 A. Yes.  
13 MR. NAIFEH: Objection.  
14 **Q. (BY MR. TAUNTON:) Is it enough -- where**  
15 **does that funding and infrastructure typically**  
16 **come from? Do you know?**  
17 A. Various places.  
18 **Q. One of those places sometimes one of the**  
19 **State political parties?**  
20 MR. NAIFEH: Objection.  
21 A. Yes. State political parties, if they  
22 have funding, they may contribute to a campaign of  
23 a person.

Page 147

1 **Q. (BY MR. TAUNTON:) If a person simply**  
2 **announces their candidacy and qualifies but then**  
3 **doesn't, you know, have any funding or doesn't**  
4 **have any infrastructure, is that generally going**  
5 **to be an effective political campaign?**  
6 MR. NAIFEH: Objection.  
7 A. I mean, there's so many variables there  
8 because it depends on, you know, if the person is  
9 being opposed, what position they're running for,  
10 you know, how much funding does -- what does the  
11 other candidate have. So, I mean, it's a lot of  
12 variables.  
13 You just gotta -- I don't think I could  
14 just say "yes." I couldn't say just "yes." But  
15 it's, you know, it's possible, you know.  
16 **Q. (BY MR. TAUNTON:) It's possible that**  
17 **simply announcing candidacy and qualifying would**  
18 **be sufficient.**  
19 MR. NAIFEH: Objection.  
20 A. Yes. If the person is not being, you  
21 know, opposed or if, you know, the person is well  
22 known, you know, that could be -- could be  
23 sufficient for that person to win.

Page 148

1 **Q. (BY MR. TAUNTON:) In a race with multiple**  
2 **candidates, is that typically sufficient? Do you**  
3 **know?**  
4 MR. NAIFEH: Objection.  
5 A. Typically, it's not.  
6 **Q. (BY MR. TAUNTON:) In the last five years,**  
7 **have you had any communications with any members**  
8 **of the NAACP that said they wanted to be more**  
9 **politically engaged but could not be because they**  
10 **couldn't engage with the Democratic party?**  
11 MR. NAIFEH: Objection.  
12 A. No.  
13 **Q. (BY MR. TAUNTON:) Is it generally true**  
14 **that in Alabama today the preferred candidate is**  
15 **usually a Democrat?**  
16 MR. NAIFEH: Objection.  
17 **Q. (BY MR. TAUNTON:) The preferred black**  
18 **candidate is usually a Democrat?**  
19 MR. NAIFEH: Objection.  
20 A. Yes. Generally speaking, I would say  
21 that's a true statement.  
22 **Q. (BY MR. TAUNTON:) Again, in the last five**  
23 **years, have you had any communications that you**

Page 149

1 can think of with a member of the NAACP in the  
2 state who said they desire to be more politically  
3 active but couldn't be because they couldn't  
4 engage with the Republican party?  
5 MR. NAIFEH: Objection.  
6 A. No. You said member of the NAACP. Right?  
7 Q. (BY MR. TAUNTON:) Yeah.  
8 A. Yeah. No.  
9 Q. Does the State Conference ever have an  
10 opinion about where a precinct polling location  
11 should be?  
12 A. Yes.  
13 Q. How does it express that opinion?  
14 A. Well, through speaking to the probate  
15 judge or his or her staff of what locations that,  
16 you know, are -- we think are ideal for a polling  
17 location in different communities. And then,  
18 where they certainly should not be located.  
19 Q. Other than speaking with the probate  
20 judge, what does it take to change a polling  
21 location?  
22 MR. NAIFEH: Objection.  
23 A. The local board of registrars have to

Page 150

1 agree or vote on changing a polling location. And  
2 it used to be that, you know, particularly the  
3 State of Alabama had to get that approved through  
4 the Department of Justice. But that's no longer  
5 required.  
6 Q. (BY MR. TAUNTON:) And that's after the  
7 Shelby County decision?  
8 A. Yes.  
9 Q. Which counties -- let's see. Since Shelby  
10 County -- which is a 2013 decision. So since  
11 2013 -- what counties has the State Conference  
12 contacted either the board of registrars or the  
13 probate just about a polling location?  
14 A. The ones that I'm aware of, Shelby County  
15 is one. I'm pretty sure Madison County. I mean,  
16 I think Madison County, Limestone County. Let's  
17 see. Going through -- I mean, there have been  
18 several others. I just can't think of which ones  
19 there are. But there have been several counties  
20 that help reach out to us and reached out to -- we  
21 tell them, you know, kind of the process of what  
22 they needed to do.  
23 Q. Reached out to you, is that the units --

Page 151

1 A. Yes.  
2 Q. -- have reached out to you? Or the --  
3 A. Yeah, units.  
4 Q. -- probate judges have reached out?  
5 A. No. Units.  
6 Q. Okay.  
7 A. Yeah.  
8 Q. And they reach out to you about the  
9 process for getting --  
10 A. Well, it comes in kind of as a complaint  
11 that -- you know, through us that, you know, this  
12 particular polling location has been changed. No  
13 one knew about it. And, you know, is that -- can  
14 they do that.  
15 And we tell them, you know, what, what,  
16 what should have happened somewhere along the  
17 process of how the -- that was notified and that  
18 they should have received a notification that  
19 their polling location had changed.  
20 Q. Do you know if a notice was sent in those  
21 instances?  
22 A. I couldn't tell you if it was sent. I  
23 don't send them out. We don't send them out.

Page 152

1 Q. Was any kind of investigation done to see  
2 if a notification was sent?  
3 A. Well, yeah, the, the -- yeah. They say --  
4 the County said they, you know, sent them out.  
5 But, you know, people said they did not receive  
6 them.  
7 Q. What was the resolution of those  
8 complaints? Do you know?  
9 MR. NAIFEH: Objection.  
10 A. No resolution. I mean, well, the  
11 resolution was that, you know, the polling place  
12 stayed where it was wherever they had changed to.  
13 Q. (BY MR. TAUNTON:) Has any polling place  
14 changed in the last ten years prompted by an input  
15 from the NAACP?  
16 MR. NAIFEH: Objection.  
17 A. I'd had to do more research on that. I  
18 just can't recall.  
19 Q. (BY MR. TAUNTON:) In circumstances where  
20 there was a complaint about a change in a polling  
21 location, how responsive were local officials to  
22 that complaint?  
23 A. The ones that I am aware of, they listened

Page 153

1 and told the members that, you know, basically  
2 they changed it because trying to balance out the  
3 number of people at each polling location, you  
4 know.

5 **Q. Would doing that reduce waiting lines?**

6 A. If that was the reason, I mean, possibly  
7 could. But, you know, I mean, there's no  
8 guarantee that that would happen. But, you know,  
9 if that was the reason, you know.

10 **Q. And you said that was the reason provided?**

11 A. I said that was, you know, certainly some  
12 of the reason that was provided to -- in some  
13 cases, the old place said, no, you're not coming  
14 here. Just like in Limestone County, Creekside  
15 Elementary School where I used to vote, they say  
16 you're not coming here anymore. So they had to  
17 find a different location. So.

18 **Q. Does the NAACP monitor polling locations**  
19 **during elections?**

20 A. Yes.

21 **Q. And what's the process for that? Is**  
22 **that -- does the NAACP just supply members? Do**  
23 **polling locations ask for volunteers? What's the**

Page 154

1 **process by which the NAACP is involved?**

2 MR. NAIFEH: Objection.

3 A. Well, what we do is during -- before the  
4 election, we ask each unit or each branch to  
5 identify people in their jurisdiction that would  
6 go around and visit the different polling places  
7 to monitor. Not to be positioned or stay there,  
8 but just to go out -- to go to those polling  
9 locations to look at kind of how things are going  
10 and to also look at individuals that if they are  
11 seeming to be frustrated when they come out and  
12 maybe you ask that person, you know, what's  
13 happened, how did it go or, you know, were you  
14 able to vote.

15 And, of course, if they -- depending on  
16 that sit -- circumstances, they may -- we may  
17 direct them to report it to the 1-866-OUR-VOTE.  
18 And we also try to capture that so that we would  
19 have a record of that.

20 **Q. (BY MR. TAUNTON:) Okay. So do you have**  
21 **any idea how many volunteers from the NAACP?**  
22 **Volunteers poll numbers?**

23 A. Now, are you talking about specific on

Page 155

1 election day?

2 **Q. Yes.**

3 A. I would say we have probably 60 or more  
4 because we try to have at least a couple at each  
5 of the units.

6 **Q. And does the NAACP provide education and**  
7 **training to them before they do that?**

8 A. Yes.

9 **Q. And what does that -- what does that**  
10 **training entail? What's the education?**

11 A. Basically, we tell them to -- what to look  
12 for and make sure that they don't interfere with  
13 anything that's going on in the -- around where  
14 the election is taking place, you know. And make  
15 sure that they understand what we're asking for in  
16 the form that we have we send to them. And give  
17 them the information about the 1-866-OUR-VOTE as  
18 well as the number here to our office where people  
19 can call or where they can call to report, you  
20 know, a potential voting violation and so we can  
21 make sure to get it resolved as soon as  
22 opportunity before -- hopefully before the  
23 election is over.

Page 156

1 **Q. And what are they monitoring for**  
2 **specifically? Lines? Check-in? What are they**  
3 **looking for?**

4 A. Well, they're looking for, you know, is  
5 the basic -- overall, is voting going smoothly.  
6 We look for if the people are being turned away at  
7 a seemingly high number of people.

8 See if people are able to -- you know, if  
9 they're at the right polling place or did their  
10 polling place change and they were not notified.  
11 Or, you know, how long did they have to stand in  
12 line to vote, you know.

13 And, occasionally, we'll ask them, well,  
14 you know, what could have been done to make it  
15 easier for you to, you know, vote. But that's not  
16 a standard question that we ask.

17 **Q. What issues have been encountered by NAACP**  
18 **poll monitors in the last ten years?**

19 A. Yeah. Mostly people showing up at the  
20 wrong location and did not know their polling  
21 place had changed. And their name either had been  
22 completely removed from the, the poll roster or  
23 that, again, their place of voting has been



Page 157

1 changed to a new location. And so you've gotta  
2 run down to that location.

3 And we run into a couple where -- well, I  
4 mentioned the location. But it's kind of those  
5 types of things. Situations that a poll monitor,  
6 you know, run into. Or poll workers -- I mean,  
7 not poll workers but voters that are going in to  
8 cast their vote.

9 I mean, occasionally, in the maybe  
10 Montgomery or Birmingham areas, you know, people  
11 may complain about long lines. But and I know  
12 we've had complaints about voting machines not  
13 operating properly. Ballots -- not enough ballots  
14 or people run -- the polling location has run out  
15 of ballots.

16 Because in this particular case, they  
17 were -- voter turnout seemed to have been lower  
18 than they anticipated. But, you know, I don't  
19 know that for a fact. But those kinds of things.

20 **Q. Now, those last three you mentioned -- the**  
21 **machines, lack of ballots, and lines -- were those**  
22 **all in the Birmingham and Montgomery areas?**

23 A. Yeah. I think the machines and the -- I

Page 158

1 know the machines were in Birmingham. Oh, well,  
2 and Montgomery, also. Yeah.

3 **Q. Outside of those areas, if you -- have you**  
4 **heard other issues encountered by monitors other**  
5 **than people showing up at the wrong location?**

6 A. You said have I or if I?

7 **Q. Have you, have you.**

8 A. I don't think so. I don't remember.

9 **Q. How were those issues resolved? Let's**  
10 **start with how was the voting machine issue**  
11 **resolved. Do you recall?**

12 A. Well, they eventually got someone out  
13 there to -- well, they eventually got someone out  
14 there to look -- take a look at the machine. And  
15 it, it -- I guess it resolved itself. I mean, for  
16 people were able to -- you know, eventually able  
17 to, you know, get a chance to vote, you know.

18 **Q. Were people able to fill out ballots while**  
19 **the machine was being fixed?**

20 MR. NAIFEH: Objection.

21 A. I don't think -- let's see. Did they fill  
22 out ballots? I don't really recall. I'm trying  
23 to remember did they fill out the ballots. I just

Page 159

1 don't recall whether they were able to complete  
2 the ballot or not.

3 **Q. (BY MR. TAUNTON:) How about the precinct**  
4 **that didn't have sufficient ballots? When was**  
5 **that?**

6 MR. NAIFEH: Objection.

7 A. That was in, in Birmingham in 2022, I  
8 think, where they ran out of ballots.

9 **Q. (BY MR. TAUNTON:) How was that issue**  
10 **resolved?**

11 A. Beg your pardon?

12 **Q. How was that issue resolved?**

13 A. Oh, they were able to get more ballots  
14 there.

15 **Q. How long did they not have ballots?**

16 A. I don't know because, you know, from the  
17 time it was reported to us until they got it  
18 resolved it may have been an hour and a half, two  
19 hours.

20 **Q. Has the NAACP found local officials**  
21 **cooperative in resolving polling issues, polling**  
22 **place issues like this?**

23 A. Well, on those type issues. But for a

Page 160

1 voter does not appear on the ballot, I mean, you  
2 know, I know they try to call probate judges to  
3 work it out. But, you know, some cases, it's  
4 just, you know, your name just doesn't appear.  
5 And in some cases, it didn't appear anywhere in  
6 the state, you know. And so.

7 **Q. So this is an individual who would show up**  
8 **to vote and their name is not on the voter rolls?**

9 A. Right. And they cannot find them  
10 anywhere.

11 **Q. Where are you aware of that happening?**

12 A. That happened in Birmingham, I think it  
13 was. Birmingham or Montgomery one.

14 **Q. When did it happen in Birmingham?**

15 A. Let me see. It was either '20 or '22  
16 election.

17 **Q. And are you thinking of a --**

18 A. Now, let me go back because, I mean, it  
19 happens -- if the name does not appear on the --  
20 just the name not appearing on the ballot at a  
21 specific location, that happens frequently. But  
22 where they cannot find that person, you know, in  
23 the system at all --



Page 161

1 THE WITNESS: I'm sorry.  
2 MR. NAIFEH: It just muted you by  
3 mistake.  
4 THE WITNESS: Oh, okay.  
5 MR. NAIFEH: Go ahead.  
6 THE WITNESS: Okay.  
7 A. Where they can't find a person at all, you  
8 know, that's, that's certainly a rare occasion.  
9 **Q. (BY MR. TAUNTON:) How often would you say**  
10 **you're aware of that happening where a person**  
11 **shows up at a precinct to vote and their name is**  
12 **not on the rolls anywhere in the state?**  
13 A. Yeah. I'd say that's, you know,  
14 occasionally, you know, and maybe every -- maybe  
15 every other election or something like that, you  
16 know.  
17 **Q. It pops up one time every other election?**  
18 A. Yeah. I don't -- I would say probably  
19 something like that. Yeah.  
20 **Q. And those occasions where it has come up,**  
21 **do you know what the resolution has been --**  
22 A. No.  
23 **Q. -- or the explanation?**

Page 162

1 A. Well, the only explanation they can give  
2 "you're not registered." Or and they begin to  
3 look to see if the person was ever -- begin to try  
4 to look to see if the person was ever registered,  
5 you know. And were they purged or the name -- you  
6 know, because they had not voted in, you know, a  
7 couple of elections.  
8 But, usually -- and, again, in that rare  
9 instance. But usually just like our -- one of  
10 our, our branch presidents, he and his wife's name  
11 all of a sudden disappeared, you know. And this  
12 was prior to the election. So they caught it  
13 before the election. But their name just  
14 disappeared. And they were able to get it  
15 restored before the election.  
16 **Q. We won't go there. But I remember a big**  
17 **instance of that in a Republican primary election**  
18 **about two years ago.**  
19 A. Yeah.  
20 **Q. Primary election decided by one vote.**  
21 **That person, I believe, was out of state. Is**  
22 **State Conference of the NAACP generally aware of**  
23 **these precinct polling locations?**

Page 163

1 A. Okay. Now, you're saying the State  
2 Conference meaning the State Conference, not our  
3 units.  
4 **Q. Either to the degree you can answer.**  
5 A. Well, our units are aware of -- in their  
6 location, jurisdictions kind of where they are.  
7 Yes.  
8 **Q. And how do they receive that information?**  
9 MR. NAIFEH: Objection.  
10 A. They receive it, you know, from the  
11 probate judge's office. Or, you know, it comes  
12 out in the local newspaper or something. But,  
13 generally speaking, you know, for accurate, they,  
14 you know, go to the probate judge's office.  
15 **Q. (BY MR. TAUNTON:) To your knowledge, do**  
16 **they have any difficulty getting that information?**  
17 A. No. I mean, it's. . .  
18 **Q. Does the State Conference or the local**  
19 **units of the NAACP help transport voters to their**  
20 **polling locations during elections?**  
21 A. Yes.  
22 **Q. How does it do that? How is that**  
23 **organized?**

Page 164

1 A. Well, it's organized if, if -- depending  
2 on if we receive funding to support branches being  
3 able to rent vehicles. That's one way. They rent  
4 a vehicle and transport people.  
5 If we do not receive funding, then we ask  
6 each unit to, you know, designate someone that's  
7 willing to donate their vehicle or work with the  
8 church that has a van that will transport people  
9 to the polling location on that particular day.  
10 **Q. Are there specific parts of the state**  
11 **where the NAACP is, is particularly active in**  
12 **transporting voters?**  
13 A. No. I mean, we do that at all of our  
14 units.  
15 **Q. Does it do that only for general**  
16 **elections? Or does it do that for primary**  
17 **elections as well?**  
18 A. Yes. Primary and general elections.  
19 **Q. Does it generally do that for all major**  
20 **elections?**  
21 MR. NAIFEH: Objection.  
22 A. Well, I think that's the same question,  
23 isn't it? Primary and general elections. What do

Page 165

1 you mean by --  
2 **Q. (BY MR. TAUNTON:) I mean, they are --**  
3 **they are technically different questions. So.**  
4 A. Okay. Well, what do you mean by --  
5 **Q. In other words --**  
6 A. -- major elections?  
7 **Q. -- every, every two years it would plan on**  
8 **doing it.**  
9 A. Oh, yeah, yeah.  
10 **Q. Statewide elections?**  
11 A. Yes, yes.  
12 **Q. Do you have any idea how long the NAACP in**  
13 **Alabama has been doing that?**  
14 MR. NAIFEH: Objection.  
15 A. I know we've been doing it since 2002, '3  
16 time frame since I've been here.  
17 **Q. (BY MR. TAUNTON:) Do you believe it was**  
18 **doing it before that?**  
19 A. Yes.  
20 **Q. And let's say 2022. Do you know how many**  
21 **cars or vans were active in the state for the**  
22 **transporting?**  
23 A. No. No, I do not.

Page 166

1 **Q. Do local units track that kind of**  
2 **information?**  
3 A. They don't track it. But they just, just  
4 do it. I mean, if they're -- you know, if they --  
5 again, if we don't have funding, then they look to  
6 get a volunteer.  
7 **Q. Other than what we've discussed the past**  
8 **several hours here, are there any other efforts**  
9 **that the State Conference has undertaken to ensure**  
10 **the political, educational, social, and economic**  
11 **equality of African Americans and all other**  
12 **Americans in the state of Alabama?**  
13 MR. NAIFEH: Objection.  
14 A. I think we've covered, you know, the  
15 majority of things that we, we do in that regard.  
16 There may be something that, you know, I'm not  
17 thinking of or overlook. But.  
18 **Q. (BY MR. TAUNTON:) And we'll discuss the**  
19 **lawsuits. You know, we have -- we've discussed**  
20 **those a little bit. But we haven't discussed them**  
21 **in depth.**  
22 **So accepting that, other than what we've**  
23 **discussed, are there any other efforts the State**

Page 167

1 **Conference has undertaken to eliminate racial**  
2 **discrimination in the democratic process in**  
3 **Alabama?**  
4 MR. NAIFEH: Objection.  
5 A. I'm not for sure what all we covered or  
6 what all we discussed. But there may be something  
7 that I -- I'm not thinking of right now. And so I  
8 just --  
9 **Q. (BY MR. TAUNTON:) Can you think of**  
10 **anything we're missing?**  
11 A. I can't think of anything right now.  
12 **Q. Now, we discussed -- I'm going to turn.**  
13 **We're going to talk a little bit about the Stone**  
14 **lawsuit. We already talked a little bit about the**  
15 **decision to get involved. When did the State**  
16 **Conference decide to get involved in the Stone**  
17 **lawsuit? When was that decision made?**  
18 A. It was either sometime -- I know it was  
19 last year. But I don't remember, you know, what  
20 month or what exact date, you know. But I'm  
21 pretty sure it was towards the end of last year  
22 when we. . .  
23 **Q. And what did you --**

Page 168

1 A. Sometime during last quarter of last year.  
2 **Q. Last year meaning --**  
3 A. Twenty-three.  
4 **Q. -- in '23? So when did the State**  
5 **Conference become concerned about the 2021 Senate,**  
6 **the State Senate districts?**  
7 A. When did we become concerned about it?  
8 The 2021 State Senate seat?  
9 **Q. Right.**  
10 A. I don't understand.  
11 **Q. So the Stone lawsuit is about the 2021**  
12 **Senate districts: one in Huntsville and one in**  
13 **Montgomery.**  
14 A. Right.  
15 **Q. Right?**  
16 A. Mm-hmm.  
17 **Q. Okay. So when did the State Conference**  
18 **become concerned about those districts?**  
19 MR. NAIFEH: Objection to form.  
20 A. Well, as I stated earlier, this has been  
21 something that, you know, was brought to our  
22 attention long before now, long before last year.  
23 And so it's been something on our radar, I would

Page 169

1 say, for at least a couple of years.  
2 And so when it was first mentioned to us,  
3 you know, it was something that, you know, was on  
4 our radar but not actively.  
5 **Q. (BY MR. TAUNTON:) So you say, you know,**  
6 **several years before. Again, do you have any**  
7 **time --**  
8 A. Yeah. I think --  
9 **Q. -- frame on that?**  
10 A. -- I said a couple of years. Yeah.  
11 **Q. And what put it on your radar?**  
12 A. There was information that was provided to  
13 us in a discussion -- I shouldn't say information.  
14 But a discussion about there's a possibility that  
15 we could have another majority black Senate seat  
16 in the Huntsville area.  
17 And, I mean, again, it just -- kind of  
18 discussions back and forth with nothing -- any  
19 definite, "yes, we think we should go forward with  
20 some kind of legal action" or see if the  
21 legislature would be amenable to, you know, a new  
22 map. So it was after the 2020 census. So, you  
23 know, sometime after that.

Page 170

1 **Q. Was there anything else that put it on**  
2 **your radar other than discussions that a second**  
3 **majority black Senate district could potentially**  
4 **be drawn?**  
5 MR. NAIFEH: Objection.  
6 A. Not that I recall.  
7 **Q. (BY MR. TAUNTON:) Was there anything else**  
8 **that concerned you about District 7 in the**  
9 **Huntsville area?**  
10 MR. NAIFEH: Objection.  
11 A. Was there anything that concerned me about  
12 District 7?  
13 **Q. (BY MR. TAUNTON:) Yes, sir.**  
14 A. No.  
15 **Q. When did the State Conference first become**  
16 **concerned about District 25 in the Montgomery**  
17 **area?**  
18 MR. NAIFEH: Objection to form.  
19 A. This was certainly after the one in  
20 Huntsville. Our initial discussion, some years  
21 ago. So I would say, I don't know, maybe last  
22 year.  
23 **Q. (BY MR. TAUNTON:) And what, what**

Page 171

1 **concerned you about District 25? Why did it come**  
2 **to your attention?**  
3 A. Well, basically, the same reason that  
4 there's -- population was sufficient that we could  
5 have another majority black Senate district there.  
6 **Q. Do you know if there had been sufficient**  
7 **population to draw another majority black district**  
8 **in the Montgomery area before that?**  
9 MR. NAIFEH: Objection.  
10 A. Well, I don't know if anyone had done the  
11 analysis to see how that would look on paper. But  
12 so I can't testify or speak to that.  
13 **Q. (BY MR. TAUNTON:) Was there anything else**  
14 **at that time that concerned you about District 25?**  
15 MR. NAIFEH: Objection.  
16 A. No.  
17 **Q. (BY MR. TAUNTON:) What is your**  
18 **understanding of the claims of the Stone lawsuit?**  
19 MR. NAIFEH: Objection.  
20 A. Well, my understanding is that the lawsuit  
21 is about how blacks are -- black voters are --  
22 black voters and black citizens are packed into a  
23 particular district where they -- well, let me

Page 172

1 correct that. They are unpacked into districts in  
2 Montgomery and Huntsville.  
3 But, there are sufficient numbers where  
4 they could be combined together to form new  
5 districts in both of those areas -- new majority  
6 black districts in both of those areas.  
7 **Q. (BY MR. TAUNTON:) So how do you allege**  
8 **that the 2021 Senate -- State Senate districting**  
9 **plan reduces the ability of black Alabamians to**  
10 **participate in the political process today?**  
11 MR. NAIFEH: Objection. Calls  
12 for a legal conclusion.  
13 MR. TAUNTON: Just asking for his  
14 understanding.  
15 A. Well, again, if you -- you're not able to  
16 elect a person that would represent your interests  
17 if your votes are spread out among several  
18 districts, whereas if you were to bring those  
19 together, you could form enough people to --  
20 enough -- you could bring together enough people  
21 to elect a person that will represent your  
22 interests or in that particular area.  
23 **Q. (BY MR. TAUNTON:) Is it your**

Page 173

1 understanding new districts were drawn after the  
2 2010 census?  
3 MR. NAIFEH: Objection.  
4 A. When you say "new" --  
5 Q. (BY MR. TAUNTON:) New Senate districts  
6 were drawn after the 2010 census.  
7 A. You mean 2010?  
8 Q. Yeah.  
9 A. I mean, whether they were -- actually how  
10 they were redrawn and I'm not sure. But I'm quite  
11 sure they were reapportioned to ensure that equal  
12 number of voters are in each of the areas.  
13 Q. Well, sure. Let me -- let me ask this --  
14 let me ask a broader question first. So is it  
15 your understanding that the redistricting and  
16 reapportionment process is conducted every ten  
17 years?  
18 A. Yes.  
19 Q. And that's after the ten-year census.  
20 A. Yes.  
21 Q. Were you involved in any way in the  
22 Alabama Legislative Black Caucus case after the  
23 2010 census?

Page 174

1 MR. NAIFEH: Objection.  
2 A. Yes.  
3 Q. (BY MR. TAUNTON:) What was your  
4 involvement?  
5 A. I provided a testimony in that case. I  
6 believe I did just a few years ago. But I think I  
7 provided testimony in that case.  
8 Q. Was that --  
9 A. Not in that case, but after and during the  
10 reapportionment hearings.  
11 Q. So you testified during the hearings.  
12 A. I think I did. I'm not a hundred percent  
13 sure. But I think I did. I think that's when it  
14 was I testified.  
15 Q. Did you have any involvement in the court  
16 case?  
17 A. I don't think the -- I don't think the  
18 NAACP was involved in that court case. But.  
19 Q. Well, do you know whether that lawsuit led  
20 to certain districts being redrawn in 2017?  
21 A. No, I do not.  
22 Q. Now, the districts would again be drawn  
23 after the 2020 census. Right?

Page 175

1 A. Right.  
2 Q. Do you know how the districts that were  
3 drawn in 2017 were changed in 2021?  
4 MR. NAIFEH: Objection.  
5 A. No.  
6 Q. (BY MR. TAUNTON:) Let's shift gears  
7 briefly to the Milligan lawsuit.  
8 A. Okay.  
9 Q. We talked briefly about the -- again, the  
10 executive committee's decision to get involved in  
11 the Milligan lawsuit. When -- do you recall when  
12 you decided to become involved in the Milligan  
13 lawsuit? I don't think we talked about timing.  
14 A. No, I do not. I mean, I don't know. I  
15 mean, I'm not for sure. We've gone over this. I  
16 don't know why we're having to go back over the  
17 exact time I became involved in the Milligan  
18 lawsuit. I mean, that was certainly before --  
19 sometime after the 2020 census.  
20 Q. And I don't think we went over that  
21 specifically. We went over some related stuff. I  
22 don't think we went over that.  
23 A. Okay.

Page 176

1 Q. Do you recall when you became concerned  
2 about the 2021 Congressional district?  
3 MR. NAIFEH: Objection.  
4 A. You talking about the new map that they --  
5 Q. (BY MR. TAUNTON:) The maps that were  
6 drawn after the 2020 census, the Congressional  
7 maps that were drawn after the 2020 census.  
8 A. Yeah, I guess, generally speaking. But,  
9 you know, whether it was in -- it was in 2020. It  
10 was certainly after the, the census data was  
11 released in -- I think that was released in '21,  
12 late '21. So it was sometime after that into '22.  
13 So.  
14 Q. What specifically concerned you about the  
15 2021 districts?  
16 A. Well, the concern was that the voters in  
17 District 2, the old District 2 were -- there was  
18 sufficient numbers in that area in the Black Belt  
19 area that we could create a new Congressional  
20 representative, US Congressional representative  
21 seat in that area if we were able to, you know,  
22 redraw the map and put the voters into a cohesive  
23 group that could, could form a new Congressional



Page 177

1 district.

2 **Q. Did anything else concern you about the**

3 **2021 district map, the Congressional district map?**

4 MR. NAIFEH: Objection.

5 A. You talking about across the state or just

6 in --

7 **Q. (BY MR. TAUNTON:) Across the state. The**

8 **Congressional map, anything else concern you with**

9 **that?**

10 A. Well, the -- Congresswoman Sewell's

11 district --

12 THE REPORTER: I'm sorry. What

13 did you just say?

14 THE WITNESS: Congresswoman

15 Sewell.

16 MR. TAUNTON: Congresswoman

17 Sewell.

18 THE REPORTER: Okay. Okay.

19 Thank you. I'm sorry.

20 THE WITNESS: I'm sorry. My

21 Southern twang.

22 A. Congresswoman Sewell, the 7th

23 Congressional District, you know, the numbers that

Page 178

1 were there. And so that was a concern of ours as

2 well. I mean, when I say "concerns," it was a

3 discussion point, you know, among the -- within

4 the State Conference.

5 **Q. (BY MR. TAUNTON:) Were there any other**

6 **concerns?**

7 A. Well, we are always concerned that, you

8 know, can we have -- is there room for another

9 black Congressional district. You know, the

10 population of Alabama is 27 -- at least 27 percent

11 African American.

12 And so, you know, that certainly says

13 that, you know, based on that percentage there

14 should be an opportunity for -- to have two

15 districts where blacks would have opportunity to

16 elect the candidate of their choice.

17 **Q. Anything else?**

18 A. I don't know --

19 **Q. Okay.**

20 A. -- if there's anything else.

21 **Q. Now, do you understand that the 2021**

22 **district plan after the Supreme Court ruled**

23 **against it, it was replaced by the 2023 remedial**

Page 179

1 **plan?**

2 MR. NAIFEH: Objection.

3 A. Yes.

4 **Q. (BY MR. TAUNTON:) And --**

5 MR. ROSBOROUGH: I'm sorry. Can

6 you clarify when you say "2023 remedial

7 plan" which plan you're talking about,

8 the one that --

9 MR. TAUNTON: The one that was

10 passed by the legislature in July of

11 2023.

12 **Q. (BY MR. TAUNTON:) The NAACP is still a**

13 **Plaintiff in this lawsuit.**

14 MR. NAIFEH: Objection.

15 **Q. (BY MR. TAUNTON:) So what concerns you**

16 **about the 2023 remedial plan?**

17 MR. NAIFEH: Objection.

18 A. What concerns me about the remedial plan?

19 **Q. (BY MR. TAUNTON:) Yes, sir.**

20 A. Well, my concern is just making sure that

21 we turn out the vote.

22 **Q. Let me ask this. If the -- if the**

23 **legislature had passed a remedial plan in summer**

Page 180

1 **of 2023 that you didn't have any objection to,**

2 **would the State Conference and the NAACP have**

3 **withdrawn from the Milligan lawsuit?**

4 MR. NAIFEH: Objection.

5 A. Repeat that question again.

6 **Q. (BY MR. TAUNTON:) If the Alabama state**

7 **legislature had passed a Congressional district**

8 **remedial plan in the summer of 2023 --**

9 A. Right.

10 **Q. -- that didn't concern you, would the**

11 **State Conference have withdrawn as a Plaintiff in**

12 **the Milligan lawsuit?**

13 MR. NAIFEH: Objection.

14 A. I, I can't -- I can't speak to that for

15 sure because, I mean, that's a lot of speculation

16 on, you know, what the plan looked like. Would

17 they be going back into court? Or is this the

18 final final?

19 Or, you know, if the State had dropped all

20 Its objection to it, you know. So, I mean,

21 there's a lot of speculation and what ifs.

22 **Q. (BY MR. TAUNTON:) Well, what I guess I**

23 **was trying to get at is is it fair to assume that**



Page 181

**1 since the NAACP is -- remains a Plaintiff in the**  
**2 Milligan lawsuit that, It continues to have issues**  
**3 with the Congressional district remedial plan.**  
 4 MR. NAIFEH: Objection. The term  
 5 "remedial plan" is, is ambiguous and  
 6 confusing here. So I think the  
 7 questions are not -- you're not -- he'  
 8 not understanding what you're asking  
 9 because I think you're using a term  
 10 that he's -- he doesn't recognize that  
 11 plan.  
**12 Q. (BY MR. TAUNTON:) The 2023 districting**  
**13 plan.**  
 14 MR. NAIFEH: And you're referring  
 15 to the one enacted by the legislature.  
 16 MR. TAUNTON: Correct. Right.  
 17 MR. ROSBOROUGH: And enjoined.  
 18 A. Yes. The one that was drawn by the  
 19 three-judge panel.  
 20 MR. NAIFEH: No.  
**21 Q. (BY MR. TAUNTON:) No. Not that one.**  
 22 A. Now, which one?  
**23 Q. (BY MR. TAUNTON:) Well, let me show you.**

Page 182

**1 I'm marking Defendant's Exhibit 5 here. This --**  
**2 okay.**  
 3  
 4 (Whereupon Defendant's Exhibit 5  
 5 was marked for identification, a copy  
 6 of the same is attached thereto.)  
 7  
**8 Q. Are you aware that the US Supreme Court**  
**9 upheld the injunction of the 2021, the original**  
**10 redistricting plan, Congressional redistricting**  
**11 plan passed by the legislature?**  
 12 A. The -- you say am I what now?  
**13 Q. Are you aware of that?**  
 14 A. Am I aware of what? That the Supreme  
 15 Court --  
**16 Q. Are you aware that the district court**  
**17 enjoined the, the use of the 2021 Congressional**  
**18 district plan passed by the legislature and that**  
**19 that injunction was upheld by the Supreme Court?**  
 20 A. Yes.  
**21 Q. Okay. Following that, are you aware that**  
**22 the Alabama legislature redrew --**  
 23 A. Yes.

Page 183

**1 Q. -- its districts?**  
 2 A. Yes.  
**3 Q. And passed what I've called a remedial**  
**4 plan. It's not to remedy the problem. Passed a**  
**5 new Congressional districting plan in the summer**  
**6 of 2023.**  
 7 A. Yes. Again, you're not talking about the  
 8 one that the three-judge panel drew. You talking  
 9 about before that.  
**10 Q. Yes.**  
 11 A. Okay. Right. Yes.  
**12 Q. Are you aware that that plan, the remedial**  
**13 plan drawn and passed by the legislature was then**  
**14 enjoined as well?**  
 15 A. Yes.  
**16 Q. And then the Court drew Its own.**  
 17 A. Right.  
**18 Q. Are you aware that the current**  
**19 Complaint -- I'll go ahead mark it. Well, it's**  
**20 huge. I'll put it here. I will if I need to.**  
 21 A. Okay.  
**22 Q. But are you aware that the current**  
**23 Complaint, the Milligan Complaint which the NAACP**

Page 184

**1 State Conference is a Plaintiff --**  
 2 A. Right.  
**3 Q. -- challenges only this plan.**  
 4 MR. NAIFEH: Objection.  
 5 A. Yes. Well, I mean.  
**6 Q. (BY MR. TAUNTON:) Let me ask this. Have**  
**7 you seen what I've marked as Defendant's Exhibit 5**  
**8 before? Have you seen this Congressional**  
**9 districting plan before?**  
 10 A. Yes.  
**11 Q. When did you see it?**  
 12 A. Sometime last year during the -- when all  
 13 these plans were being passed around. I think  
 14 this one was included in there.  
**15 Q. Did you know that this one was passed by**  
**16 the legislature?**  
 17 A. Yes. I think this -- I think so. Yeah.  
 18 I think that's the one that was passed by the  
 19 legislature.  
**20 Q. And did, did you spend any time examining**  
**21 this plan after it was passed by the legislature?**  
 22 A. Examine it? No.  
**23 Q. You didn't see whether the legislature's**

Page 185

**1 newly-passed plan addressed any of your concerns**  
**2 with the 2021 plan.**  
 3 MR. NAIFEH: Objection.  
 4 A. Okay. You're conflict -- well, at least  
 5 in my opinion, you're really conflating the  
 6 issues. And you're not -- you're bringing all  
 7 these maps in and overlaying them.  
 8 If you want to talk about, you know, a  
 9 particular map, talk about the, the, the plan that  
 10 the legislature passed that we objected to and  
 11 that they implemented and we objected to.  
**12 Q. (BY MR. TAUNTON:) Those -- I'm talking**  
**13 about two plans to be clear. There was the plan**  
**14 that was passed.**  
 15 A. You're talking about three plans because  
 16 you're talking about the Plaintiff's plan. Right?  
**17 Q. I'm not.**  
 18 A. Well, how can you talk --  
**19 Q. I'm talking about two plans.**  
 20 A. Okay.  
**21 Q. I'm talking about the two plans that were**  
**22 passed by the legislature. The one that was**  
**23 passed in 2021 which we've discussed briefly --**

Page 186

1 A. Right.  
**2 Q. -- and then I was asking you about the one**  
**3 that was passed by the legislature in 2023 which I**  
**4 have marked as Defendant's Exhibit 5.**  
 5 A. Okay. And we disagree with both of those  
 6 plans.  
**7 Q. That was my question.**  
 8 A. Okay.  
**9 Q. That's, that's what I was trying to get**  
**10 to. So what -- did you examine the 2023?**  
 11 A. We disagree with both plans.  
**12 Q. Okay. What are your disagreements with**  
**13 the 2023 plan?**  
 14 MR. NAIFEH: Objection.  
**15 Q. (BY MR. TAUNTON:) What was your concerns**  
**16 with the 2023 plan.**  
 17 A. This plan, again, does not give a  
 18 majority -- well, I don't know what the numbers  
 19 are in here that, you know -- I don't know what  
 20 the numbers are in 7. If you could provide those  
 21 to me, you know. But generally speaking, the  
 22 plans that the State presented did not provide a  
 23 new district where African Americans could select

Page 187

1 the candidate of their choice.  
**2 Q. And how did you determine that this plan**  
**3 didn't --**  
 4 A. Looking at the number of the black voting  
 5 age population in those areas.  
**6 Q. And how did you see the black voting age**  
**7 population of those? Do you recall?**  
 8 MR. NAIFEH: Objection.  
 9 A. I mean, the same way we saw them with the  
 10 plan that the three-judge panel implemented, you  
 11 know.  
**12 Q. (BY MR. TAUNTON:) And that's how? Don't**  
**13 tell me about a conversation with counsel. Would**  
**14 it have been a conversation with counsel or some**  
**15 other way?**  
 16 A. Well, we look at the -- again, I don't  
 17 know what these numbers are. But we look at the  
 18 numbers that are in those districts and see if it  
 19 meets the test of the Voting Rights Act of '65.  
 20 And it could give blacks an opportunity to select  
 21 the candidate of their choice. And I can say that  
 22 both the maps that the State legislature passed  
 23 does not do that.

Page 188

**1 Q. Did you examine anything other than the**  
**2 black voting age population with respect to**  
**3 the 2023 map passed by the legislature?**  
 4 MR. NAIFEH: Objection.  
 5 A. "Anything" meaning?  
**6 Q. (BY MR. TAUNTON:) Anything. Did you --**  
**7 did you look at anything other than black voting**  
**8 age population? Were you concerned about anything**  
**9 else?**  
 10 A. Well, we're concerned about, you know,  
 11 does this also reflect a community of interest in,  
 12 in that area, you know. And, and you also look at  
 13 the, the turnout of voters, you know. Because  
 14 some, some areas you have -- maybe have a large  
 15 black population but the turnout is, is low and  
 16 see what kind of work you have to do to increase  
 17 voter turnout.  
**18 Q. What communities of interest were you**  
**19 concerned with in examining the 2023 map?**  
 20 A. Well, does it represent, you know, the,  
 21 the ability for counties like Monroe, you know,  
 22 down into Mobile. For them to have representation  
 23 that's going to represent their interests from

<p style="text-align: right;">Page 189</p> <p>1 education to environmental issues to, you know, 2 economic empowerment issues. Are they going to be 3 able to have a representative that will ensure 4 that funding is provided to those areas the way it 5 should be. 6 <b>Q. So you mentioned the black community in</b> 7 <b>Mobile. Are there any other communities of</b> 8 <b>interest you considered when looking at</b> 9 <b>the 2023 --</b> 10 A. Well, now, I just said that all those are 11 communities of interest with, you know, bringing 12 jobs, you know, economic growth to those 13 communities. 14 <b>Q. Sure. Are there any others you looked at?</b> 15 MR. NAIFEH: Objection. 16 A. Any other what? 17 <b>Q. (BY MR. TAUNTON:) Communities of interest</b> 18 <b>other than those, mentioning those.</b> 19 MR. NAIFEH: Objection. 20 A. There probably were. But, you know, I 21 don't remember what they are. I mean. 22 <b>Q. (BY MR. TAUNTON:) How do you allege that</b> 23 <b>the 2023 plan that was passed by the legislature,</b></p>	<p style="text-align: right;">Page 191</p> <p>1 candidate of their choice to represent their 2 interests. 3 <b>Q. So your answer, then, is the same for</b> 4 <b>that.</b> 5 A. Yes. Mm-hmm. 6 <b>Q. Okay. And, you know, you've mentioned</b> 7 <b>black voting age population. Is there anything</b> 8 <b>else you would point to as support for that</b> 9 <b>belief?</b> 10 MR. NAIFEH: Objection. 11 A. I don't under -- quite understand that 12 question. Can you ask it a different way? 13 <b>Q. (BY MR. TAUNTON:) We've talked about, you</b> 14 <b>know, your testimony about how the 2023 plan in</b> 15 <b>your view interferes with the ability of black</b> 16 <b>Alabamians to participate fully in the political</b> 17 <b>process. And you mentioned in that answer black</b> 18 <b>voting age population. Is there anything else you</b> 19 <b>would point to as support for that?</b> 20 MR. NAIFEH: Objection to form. 21 A. I mean, maybe I don't understand the 22 question. But the other part of that is when you 23 are able to help someone that's just going to</p>
<p style="text-align: right;">Page 190</p> <p>1 <b>Exhibit 5, reduces the ability of black Alabamians</b> 2 <b>to participate in the political process today?</b> 3 MR. NAIFEH: Objection. 4 A. If you look at those counties, you ask 5 yourself would they be able to -- again, I 6 don't -- I need to look at the statistics of how 7 many -- what's the black voting age population is 8 in this newly-drawn map. 9 And but you look at that to see if there 10 is an opportunity for voters to -- black voters to 11 elect a candidate of their choice from this drawn 12 map. And that, you know, that just was not the 13 map that we had preferred. And apparently was not 14 the same map -- was not the same map that the 15 three-judge panel preferred, either. 16 <b>Q. (BY MR. TAUNTON:) How do you allege that</b> 17 <b>the 2023 plan discriminates against black</b> 18 <b>Alabamians?</b> 19 MR. NAIFEH: Objection. 20 <b>Q. (BY MR. TAUNTON:) That Exhibit 5.</b> 21 A. Well, I mean, I just told you that they 22 don't give you an opportunity -- blacks to have a 23 community of interest where they can elect a</p>	<p style="text-align: right;">Page 192</p> <p>1 elect, you know, you have a certain interest that 2 you want to bring more industry and jobs and 3 everything to your community. So that becomes a 4 community, you know, an issue of community of 5 interest. 6 And so, again, based on that particular, 7 you know, issue -- I mean, I just -- again, I 8 don't know if I -- I know I'm not -- I must not 9 understand the question because it seemed like I 10 answered that. But. 11 <b>Q. (BY MR. TAUNTON:) Well, and you may have.</b> 12 <b>I'm just asking if there's anything else.</b> 13 A. Okay. Nothing else, then. 14 <b>Q. Okay. And we talked a little bit</b> 15 <b>redistricting occurred after the census. Right?</b> 16 A. Right. 17 <b>Q. Do you know why that is? Why does</b> 18 <b>redistricting occur after --</b> 19 A. The population shifts. 20 MR. NAIFEH: Objection. 21 A. The population shifts. And, you know, 22 people move here and move there. And so you have 23 to have reapportionment. And with that comes</p>

Page 193

1 redistricting to ensure that, you know, each  
2 district is, is balanced.  
3 **Q. (BY MR. TAUNTON:) Each district --**  
4 A. And you can draw --  
5 **Q. You said "balanced." Each district**  
6 **meaning each district has roughly the same number**  
7 **of people.**  
8 A. Right.  
9 **Q. Do you agree that it's fair for districts**  
10 **to have about the same number of people?**  
11 A. Well, yes. Sure.  
12 MR. NAIFEH: Objection.  
13 **Q. (BY MR. TAUNTON:) Does that help ensure**  
14 **the people have an equal vote?**  
15 MR. NAIFEH: Objection.  
16 A. It ensures equal number of voters. But it  
17 does not necessarily mean that those voters have  
18 the same voting -- it doesn't mean those voters'  
19 votes are count -- I mean, you have one vote, one  
20 person.  
21 But beyond that, again, as I tried to  
22 explain earlier, if you hack people -- I mean,  
23 scatter people throughout the -- or crack people

Page 194

1 throughout a district, you know, you don't have  
2 the voting power to ensure that particular group  
3 of people are able to influence who their  
4 representatives are going to be.  
5 **Q. (BY MR. TAUNTON:) You mentioned one**  
6 **person, one vote. The concept of one person, one**  
7 **vote. Is that what equal districts are designed**  
8 **to help protect?**  
9 MR. NAIFEH: Objection.  
10 A. The answer in a general sense is yes.  
11 **Q. (BY MR. TAUNTON:) Thank you. Have you**  
12 **seen the reapportionment committee's 2021**  
13 **guidelines for the 2020 redistricting cycle?**  
14 MR. NAIFEH: Objection to form.  
15 A. I don't recall seeing that.  
16 **Q. (BY MR. TAUNTON:) Do you have any opinion**  
17 **on those --**  
18 A. On what?  
19 **Q. -- guidelines? I said do you have any**  
20 **opinion on those guidelines.**  
21 MR. NAIFEH: Objection to form.  
22 A. I said I don't recall even seeing those.  
23 **Q. (BY MR. TAUNTON:) Okay. What criteria**

Page 195

1 **does the State Conference believe should be used**  
2 **when drawing districts?**  
3 MR. NAIFEH: Objection.  
4 A. Again, the district should be redrawn,  
5 first of all, with a number of voters, people. It  
6 should also take into consideration, you know,  
7 communities of interest. And if there's an  
8 opportunity to where you can have a majority of  
9 black district without the area being  
10 gerrymandered, then I think the Voting Rights Act  
11 of '62 allows that to be drawn to create a  
12 majority of black district.  
13 **Q. (BY MR. TAUNTON:) Is it the State**  
14 **Conference's view that if a majority of black**  
15 **district can be created it should be created?**  
16 MR. NAIFEH: Objection.  
17 A. Yes.  
18 **Q. (BY MR. TAUNTON:) Do you know what other**  
19 **criteria the committee considers when drawing**  
20 **districts?**  
21 MR. NAIFEH: Objection.  
22 A. You talking about the reapportionment  
23 committee or the legislature itself or who?

Page 196

1 **Q. (BY MR. TAUNTON:) Let's stick with the**  
2 **reapportionment committee which -- do you**  
3 **understand that the reapportionment committee**  
4 **takes initial responsibility for drawing maps**  
5 **after the census?**  
6 A. Right.  
7 **Q. But then it's passed by the legislature.**  
8 A. Legislature.  
9 **Q. So do you know what else the**  
10 **reapportionment committee considers when drawing**  
11 **maps?**  
12 A. I don't know what -- no, I don't.  
13 **Q. Okay. Do you have any other opinion about**  
14 **what they should consider when drawing maps?**  
15 MR. NAIFEH: Objection.  
16 A. Well, certainly race should be something  
17 taken into consideration.  
18 **Q. (BY MR. TAUNTON:) How should it be taken**  
19 **into consideration?**  
20 MR. NAIFEH: Objection.  
21 A. As I stated earlier, if you can draw a  
22 district that includes a majority black voting age  
23 population, then the reapportionment committee

Page 197

1 should take that into consideration and draw a map  
2 that reflects that.  
3 **Q. (BY MR. TAUNTON:) Okay. Do you know what**  
4 **the 2020 census showed about the shifts in the**  
5 **population in the Huntsville area?**  
6 A. I know it says that -- and I'm not sure  
7 what you mean by "shifts" because there's -- but  
8 there's an increase in black folks in Madison  
9 County.  
10 **Q. In Madison County as a whole?**  
11 A. Yes.  
12 **Q. Do you know what parts of Madison County?**  
13 A. What parts?  
14 **Q. Yeah.**  
15 A. No.  
16 **Q. Do you know which Senate districts near**  
17 **Huntsville had the most people before --**  
18 A. No, no.  
19 **Q. -- the reapportionment process began?**  
20 A. No.  
21 **Q. Do you know which Senate districts near**  
22 **Huntsville had the least number of people before**  
23 **the reapportionment process began?**

Page 198

1 A. No.  
2 **Q. Do you know the ethnic makeup of North**  
3 **Alabama around Huntsville?**  
4 A. No.  
5 **Q. Do you know what the 2020 census showed**  
6 **about changes in population in the Montgomery**  
7 **area?**  
8 A. All I know is that, you know, it's -- you  
9 know, I don't know percentages. But I know that  
10 there have been a population shift since the 2010  
11 census.  
12 **Q. And how did the population shift? Do you**  
13 **know?**  
14 A. There are more people moving out of the  
15 city of Montgomery.  
16 **Q. Do you know which Senate districts near**  
17 **Montgomery have the most people after the 2020**  
18 **census?**  
19 A. No, no.  
20 **Q. Do you know which had the least?**  
21 A. No.  
22 MR. ROSBOROUGH: Just going to  
23 object to this whole line of

Page 199

1 questioning. It's outside the scope of  
2 the notice topics. But you can answer.  
3 MR. TAUNTON: I hear that. It's  
4 well within inside the topics, the  
5 Complaint itself, I think. But.  
6 MR. ROSBOROUGH: Which notice  
7 topics do these concern?  
8 MR. TAUNTON: Well, I think they  
9 go towards claim for relief if nothing  
10 else?  
11 MR. ROSBOROUGH: Request for  
12 relief. We can look at that section of  
13 the Complaint. I don't see anything  
14 about population changes in that  
15 section.  
16 MR. TAUNTON: Well, the request  
17 is for redrawing of the districts.  
18 **Q. (BY MR. TAUNTON:) Do you know the ethnic**  
19 **makeup of the Montgomery area and the County**  
20 **surrounding?**  
21 A. No.  
22 **Q. Okay. Did any of that impact your**  
23 **decisions to participate in this lawsuit? The**

Page 200

1 **Stone lawsuit.**  
2 A. Okay. I thought you were back on the  
3 Milligan case. Are we shifting back to Stone?  
4 **Q. Well, I mean, it could, I suppose, be**  
5 **relevant to both.**  
6 A. Well, I just want to make sure I'm  
7 answering the question for the right lawsuit  
8 because --  
9 **Q. I'm asking -- this is a lawsuit specific**  
10 **question. Did anything we just talked about**  
11 **impact your decision to participate in the Stone**  
12 **lawsuit?**  
13 MR. NAIFEH: Objection.  
14 A. Okay. You talking about anything we  
15 talked about in the Milligan.  
16 **Q. (BY MR. TAUNTON:) No. With the**  
17 **population shift, did anything in the population**  
18 **shift in Huntsville or the population shift in**  
19 **Montgomery have an impact on your decision to**  
20 **participate in the Stone lawsuit?**  
21 A. Yes.  
22 **Q. How so?**  
23 A. Again, in the Madison County, there's been



Page 201

1 an increase in black voters and a reduction in  
2 white voters in Madison County.  
3 **Q. And how did that impact the State**  
4 **Conference's decision to participate in the Stone**  
5 **lawsuit?**  
6 MR. NAIFEH: Objection.  
7 A. Well, if there is a shift in population,  
8 one thing you look at is is there a way to create  
9 a majority of black district.  
10 **Q. (BY MR. TAUNTON:) Do you know if a**  
11 **majority of black district could have been drawn**  
12 **before the 2020 census?**  
13 MR. NAIFEH: Objection to form.  
14 A. Could? Yes. But it would not have met  
15 any criteria. It wouldn't have been probably a  
16 legal map. But you could have drawn a, a district  
17 that, you know, reaching over here in Limestone  
18 County, Morgan County, and then probably going all  
19 the way to Florence. And, yes, you could have  
20 drawn that district. But it would not have. . .  
21 MR. ROSBOROUGH: Can we take a  
22 break, please.  
23 MR. TAUNTON: Sure.

Page 202

1 MR. ROSBOROUGH: Thank you.  
2  
3 (There was a short break in the deposition.)  
4  
5 THE REPORTER: Back on the  
6 record?  
7 MR. TAUNTON: Yes.  
8 A. And, for the record, I do want to correct  
9 one thing. Kathryn Sadasivan was on one of the  
10 prep calls. I forgot which one it was. But she  
11 was on one of the prep calls. So just to make  
12 sure.  
13 **Q. (BY MR. TAUNTON:) Okay. All right. I'll**  
14 **leave that one. All right. So we're shifting to**  
15 **discuss the Congressional case, the Milligan case**  
16 **and the Congressional districts. Do you know what**  
17 **the 2020 census showed about changes in population**  
18 **in the Congressional districts after the 2020**  
19 **census?**  
20 A. No.  
21 **Q. Do you know what the 2020 census showed**  
22 **about changes in population in the Black Belt?**  
23 A. No.

Page 203

1 **Q. Do you know which Congressional districts**  
2 **had the most people before -- after the 2020**  
3 **census but before the redistricting process was**  
4 **complete?**  
5 A. Do I know which Congressional district had  
6 the most people?  
7 **Q. Right.**  
8 A. Just pure numbers.  
9 **Q. Right.**  
10 A. No, I do not.  
11 **Q. Do you know which ones had the least?**  
12 A. No.  
13 **Q. Before the -- well, I think I asked this**  
14 **question generally. But maybe I didn't ask it**  
15 **specifically. So just so the record is clear, do**  
16 **you know how the district lines, the Senate**  
17 **district lines, State Senate district lines**  
18 **changed from 2017 to the 2021 legislative plan?**  
19 MR. NAIFEH: Objection.  
20 A. No. I don't know specifically how they  
21 changed.  
22 **Q. (BY MR. TAUNTON:) Well, I'll go ahead and**  
23 **introduce this as Defendant's Exhibit 6.**

Page 204

1  
2 (Whereupon Defendant's Exhibit 6  
3 was marked for identification, a copy  
4 of the same is attached thereto.)  
5  
6 **Q. And I'll just say that these are the --**  
7 **this is the current State Senate plan --**  
8 A. Okay.  
9 **Q. -- as adopted by the legislature in 2021.**  
10 **Do you -- have you seen that before?**  
11  
12 (The witness looks at Defendant's Exhibit 6.)  
13  
14 A. No, I don't think so. I don't recall  
15 seeing this.  
16 **Q. Do you have any idea what the State Senate**  
17 **districts looked like around the Huntsville area**  
18 **before the adoption of this plan?**  
19 MR. NAIFEH: Objection.  
20 A. No.  
21 **Q. (BY MR. TAUNTON:) Do you know how the**  
22 **district line changed in the Montgomery area from**  
23 **the 2017 plan to this plan Defendant's Exhibit 6?**

Page 205

1 A. No.

2 MR. NAIFEH: Objection.

3 **Q. (BY MR. TAUNTON:) Do you know how the**

4 **Congressional district lines -- well, actually,**

5 **I'm not going to ask you about that map. So**

6 **forget that I just pointed to that.**

7 A. Okay.

8 **Q. Scratch that and start over. Do you know**

9 **how the Congressional district lines changed from**

10 **2010 to 2021? Do you know what changes were made**

11 **in the 2021 Congressional map?**

12 A. From -- okay. You talking about the one

13 that the legislature initially adopted? Or which

14 one?

15 **Q. Yes, sir. Which is not this one.**

16 A. Well, I'll say -- I would say no.

17 **Q. Did you or anyone from the NAACP State**

18 **Conference attend any of the public hearings for**

19 **the reapportionment committee concerning the 2021**

20 **Senate district map?**

21 A. I think our -- yeah. I think we had our

22 political action chair to attend a couple of those

23 hearings.

Page 206

1 **Q. And who was that? Do you recall?**

2 A. His name?

3 **Q. Yeah.**

4 A. I mean.

5 **Q. Who was attending the public meeting on**

6 **behalf of the NAACP? Do you recall who went?**

7 A. Yeah. I know who it was. But I don't

8 understand what --

9 THE WITNESS: Do I need to give

10 him his name? I mean, I don't mind.

11 MR. NAIFEH: Is he -- he's not an

12 employee?

13 THE WITNESS: No.

14 MR. NAIFEH: Was he there

15 speaking --

16 THE WITNESS: He didn't speak.

17 He just listened.

18 MR. NAIFEH: Okay. Then, I think

19 I would instruct you not to answer.

20 THE WITNESS: Okay.

21 **Q. (BY MR. TAUNTON:) And so I'll ask you**

22 **that on the record then. Did anybody from the**

23 **NAACP State Conference speak at any of the public**

Page 207

1 **hearings on the 2021 Senate districting process?**

2 A. No.

3 **Q. How many meetings do you think --**

4 A. Probably one, maybe two at the most.

5 **Q. Do you remember which ones?**

6 A. No, no. Definitely not.

7 **Q. Did anybody from the NAACP State**

8 **Conference examine the 2021 Senate district map**

9 **before it was passed and provide any comments?**

10 A. You say and provided comments? No.

11 **Q. What do you want the Court to do in the**

12 **Stone lawsuit?**

13 MR. NAIFEH: Objection.

14 A. Basically, the same as what we've done in

15 the -- well, to ask the State to come up with a

16 new map that would create a new Senate seat, State

17 Senate seat in the Huntsville area as well as the

18 Montgomery area. But, basically, just to -- yeah.

19 To, to create a district.

20 **Q. (BY MR. TAUNTON:) When you say a "new**

21 **Senate seat" --**

22 A. Mm-hmm.

23 **Q. -- what do you mean by a new Senate seat?**

Page 208

1 MR. NAIFEH: Objection.

2 A. To put enough African Americans in a

3 Senate seat where they could elect their person of

4 choice.

5 **Q. (BY MR. TAUNTON:) With the NAACP deciding**

6 **to participate in this lawsuit, there would be**

7 **another Democratic Senator elected in the**

8 **Huntsville area?**

9 MR. NAIFEH: Objection.

10 A. If would be enough for blacks to, you

11 know, elect the person of their choice.

12 **Q. (BY MR. TAUNTON:) Well, same answer in**

13 **the Montgomery area?**

14 A. Yes.

15 **Q. What is it that you'd like the Court to do**

16 **in the Milligan lawsuit?**

17 MR. NAIFEH: Objection.

18 A. Basically, to uphold the map of the

19 three-judge panel as final.

20 **Q. (BY MR. TAUNTON:) Anything else?**

21 MR. NAIFEH: Objection.

22 A. Well, I mean, we would like for their

23 ruling to be that when drawing maps you can

<p style="text-align: right;">Page 209</p> <p>1 consider race as a -- as a factor. You know, 2 consider black voters as a factor. 3 <b>Q. (BY MR. TAUNTON:) What public statements</b> 4 <b>has the State Conference made concerning the 2021</b> 5 <b>State Senate map Defendant's Exhibit 6?</b> 6 7 (The witness looks at Defendant's Exhibit 6.) 8 9 A. State Senate map? I'm not for sure if we 10 made any public statements. I think -- I don't 11 think we made any public statements. 12 <b>Q. What public statements has the State</b> 13 <b>Conference made concerning the 2023 Congressional</b> 14 <b>district map Defendant's Exhibit 5?</b> 15 A. Yeah. Again, you talking about 16 specifically? Okay. 17 <b>Q. Specifically, Defendant's Exhibit 5.</b> 18 A. That the map does not -- it's in violation 19 of the Voting Rights Act of '65 and that the State 20 of Alabama should draw another map that -- draw 21 and approve another map that shows another 22 majority black Congressional district and that the 23 State did not take into consideration the race</p>	<p style="text-align: right;">Page 211</p> <p>1 <b>right now. I'm going to ask you about specific</b> 2 <b>individuals that you identified in your</b> 3 <b>interrogatory responses.</b> 4 A. Okay. Yes. 5 <b>Q. How long has he been a member of the</b> 6 <b>NAACP?</b> 7 A. And, certainly, I can't speak for how long 8 he's been a member. But I know he's been in 9 Alabama -- at least I've known him for about two, 10 maybe three years. And so I would say for that 11 length of time for sure. But I don't know what's 12 the date of his membership. 13 <b>Q. What local unit is he a part of?</b> 14 A. Montgomery. 15 <b>Q. And, again, that would be the county.</b> 16 A. Well, it's, it's, it's -- we changed the 17 name. It's Metro Montgomery County. So it's -- 18 but, yes, I think it's the county. 19 <b>Q. Does he have any position with the State</b> 20 <b>Conference?</b> 21 A. Yes. 22 <b>Q. What is his position?</b> 23 A. He's Armed Services/Veterans Affairs</p>
<p style="text-align: right;">Page 210</p> <p>1 when they drew their map. 2 <b>Q. Are you aware of any other public</b> 3 <b>statements made regarding that map?</b> 4 A. I mean, there may have been. But I'm 5 not -- just not aware of any right now. 6 <b>Q. How about concerning the Stone lawsuit?</b> 7 <b>What public statements have been made concerning</b> 8 <b>the Stone lawsuit?</b> 9 A. I don't think we made any public 10 statements concerning that lawsuit. 11 <b>Q. Other than the one you just mentioned,</b> 12 <b>what other public statements has the State</b> 13 <b>Conference made concerning the Milligan lawsuit?</b> 14 MR. NAIFEH: Objection. 15 A. I don't -- I don't recall. 16 <b>Q. (BY MR. TAUNTON:) How long has the NAACP</b> 17 <b>State Conference had the same political action</b> 18 <b>chair?</b> 19 A. He was appointed in -- what's -- 20 election 2023. So since about -- I think I would 21 say a little over a year. 22 <b>Q. Okay. Is James Lovejoy currently an</b> 23 <b>active member of the NAACP? I'll just tell you</b></p>	<p style="text-align: right;">Page 212</p> <p>1 Chair. 2 <b>Q. Is Jerry Burnett currently a member of the</b> 3 <b>NAACP?</b> 4 A. Yes. 5 <b>Q. And where is he located?</b> 6 A. In the Huntsville Madison County branch. 7 <b>Q. Okay. And that's his local unit?</b> 8 A. Yes. 9 <b>Q. Does he have any position in the State</b> 10 <b>Conference?</b> 11 A. Not currently. 12 <b>Q. How about Bobby Diggs? Is he currently a</b> 13 <b>member of the NAACP?</b> 14 A. Yes. 15 <b>Q. And what is his local unit?</b> 16 A. The Lawrence County branch. He's the 17 acting president now of that branch. Well, he -- 18 well, yeah. He's acting -- the president has a 19 medical condition. So he is acting now. 20 <b>Q. Okay. And does he have any position with</b> 21 <b>the State Conference?</b> 22 A. No. 23 <b>Q. How about JoAnne Williams? Is she a</b></p>

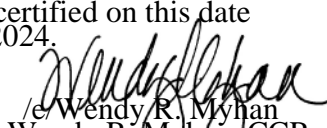
Page 213

1 member in good standing with the NAACP in Alabama?  
2 A. Yes.  
3 Q. And is she also part of the Montgomery  
4 Metro?  
5 A. Yes.  
6 Q. How long has she been a member?  
7 A. I don't know that.  
8 Q. Does she have a position with the State  
9 Conference?  
10 A. No.  
11 Q. Let's take just a very brief break. I  
12 think I'm more or less done. But let me verify.  
13  
14 (There was a short break in the deposition.)  
15  
16 MR. TAUNTON: Back on the record.  
17 I don't have any further questions.  
18 MR. NAIFEH: No questions.  
19 MR. TAUNTON: Misty, are you  
20 there?  
21 MS. MESSICK: I am. I don't have  
22 any questions. Thank you.  
23 THE REPORTER: All right. Thank

Page 214

1 you so much.  
2  
3 (Deposition of BENARD SIMELTON  
4 ended on April 22, 2024, at 3:55 p.m.)  
5  
6 FURTHER, DEPONENT SAYETH NOT.  
7 \*\*\*\*\*  
8  
9  
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22  
23

Page 215

1 CERTIFICATE  
2  
3 STATE OF ALABAMA  
4 AT LARGE  
5  
6 I hereby certify that the above and  
7 foregoing deposition of BENARD SIMELTON was  
8 taken down by me in stenotype and the questions  
9 and answers thereto were transcribed by means of  
10 computer-aided transcription and that the  
11 foregoing represents a true and correct  
12 transcript of the testimony given by said  
13 witness upon said hearing.  
14  
15 I further certify that I am neither of  
16 counsel nor of kin to the parties to the action,  
17 nor am I in anywise interested in the result of  
18 said cause.  
19  
20 I further certify that I am duly  
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29 /s/ Wendy R. Myhan  
30 Wendy R. Myhan, CCR  
31 ACCR #69, Expires 9/30/24  
32 Commissioner for the State  
33 Of Alabama at Large  
34 My commission expires 9/10/24

<hr/> <p style="text-align: center;"><b>Exhibits</b></p> <hr/> <p><b>Simelton DX-1</b> 26:8,11, 19,23</p> <p><b>Simelton DX-2</b> 26:8,12, 19 27:2</p> <p><b>Simelton DX-3</b> 33:12,14</p> <p><b>Simelton DX-4</b> 75:4,6, 14</p> <p><b>Simelton DX-5</b> 182:1,4 184:7 186:4 190:1,20 209:14,17</p> <p><b>Simelton DX-6</b> 203:23 204:2,12,23 209:5,7</p> <hr/> <p style="text-align: center;"><b>#</b></p> <hr/> <p><b>#69</b> 215:21</p> <hr/> <p style="text-align: center;"><b>\$</b></p> <hr/> <p><b>\$1500</b> 37:13</p> <p><b>\$2500</b> 37:15</p> <p><b>\$30</b> 37:4</p> <p><b>\$50</b> 35:4,5</p> <p><b>\$75</b> 37:9</p> <p><b>\$750</b> 37:11,22 38:3,5</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1</b> 6:8,20 26:8,11,19,23</p> <p><b>1-866-OUR-VOTE</b> 154:17 155:17</p> <p><b>10</b> 6:4 48:18 49:9 64:18 113:2,4</p> <p><b>10004</b> 4:15</p> <p><b>10:00</b> 83:17</p> <p><b>10:02</b> 1:17,23 2:15</p> <p><b>12</b> 48:13 52:15</p> <p><b>125</b> 4:13 45:14</p> <p><b>13</b> 48:13 52:16</p> <p><b>14th</b> 4:7 5:19 50:20</p> <p><b>15</b> 48:18 64:18 86:4,7 121:22</p>	<p><b>150</b> 45:15</p> <p><b>1500</b> 4:21</p> <p><b>153</b> 126:18</p> <p><b>15th</b> 49:17,19,21 50:2,17</p> <p><b>16</b> 18:16</p> <p><b>18</b> 87:20 113:20,21</p> <p><b>182</b> 6:16</p> <p><b>18th</b> 4:14 50:20</p> <p><b>1901</b> 4:20</p> <p><b>1913</b> 111:21</p> <p><b>1954</b> 17:7</p> <p><b>1960</b> 126:12</p> <p><b>1980</b> 120:1</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 6:10 23:5 26:8,12,19 27:2 119:13,20 135:4,11 176:17</p> <p><b>20</b> 30:11 64:18 84:6,20 86:7 92:18,19 114:19,21 115:1 121:22 160:15</p> <p><b>2000</b> 18:13,14 19:2 20:14,16,18 30:11</p> <p><b>20005</b> 4:9 5:21</p> <p><b>2001</b> 19:3 20:20 111:15</p> <p><b>2002</b> 30:12,15 35:19 36:7 116:7,9,10 165:15</p> <p><b>2009</b> 30:18 38:22 39:3</p> <p><b>2010</b> 16:19 173:2,6,7,23 198:10 205:10</p> <p><b>2013</b> 150:10,11</p> <p><b>2016</b> 19:12,19</p> <p><b>2017</b> 174:20 175:3 203:18 204:23</p> <p><b>2020</b> 169:22 174:23 175:19 176:6,7,9 194:13 197:4 198:5,17 201:12 202:17,18,21 203:2</p> <p><b>2021</b> 15:22 168:5,8,11 172:8 175:3 176:2,15 177:3 178:21 182:9,17 185:2,23 194:12 203:18 204:9 205:10,11,19</p>	<p>207:1,8 209:4</p> <p><b>2022</b> 135:14 159:7 165:20</p> <p><b>2023</b> 89:3 178:23 179:6, 11,16 180:1,8 181:12 183:6 186:3,10,13,16 188:3,19 189:9,23 190:17 191:14 209:13 210:20</p> <p><b>2024</b> 1:16,22 2:15 214:4 215:17</p> <p><b>204</b> 6:19</p> <p><b>20th</b> 17:7</p> <p><b>21</b> 44:9,12,16 55:9,11,13, 14 56:14 176:11,12</p> <p><b>215</b> 6:23</p> <p><b>22</b> 1:16 160:15 176:12 214:4 215:17</p> <p><b>22nd</b> 1:22 2:14</p> <p><b>23</b> 168:4</p> <p><b>25</b> 23:5 34:19 84:6,20 92:19 113:20,21 170:16 171:1,14</p> <p><b>26</b> 6:8,10 23:5</p> <p><b>27</b> 178:10</p> <p><b>2:21-CV-1531-AMM</b> 1:4</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 6:12 33:12,14 165:15</p> <p><b>3-2023</b> 6:18</p> <p><b>30</b> 22:20 83:21 88:17 113:20</p> <p><b>30(b)(6)</b> 6:11 59:4</p> <p><b>33</b> 6:12 57:1</p> <p><b>35</b> 83:23 84:7</p> <p><b>35203</b> 4:22</p> <p><b>36</b> 84:1,2,7</p> <p><b>36104</b> 2:3,14 5:7</p> <p><b>36130</b> 5:13</p> <p><b>37</b> 84:2</p> <p><b>3:55</b> 214:4</p>	<hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 6:14 75:4,6,14</p> <p><b>445</b> 5:5</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5</b> 6:16 47:7 113:2 182:1,4 184:7 186:4 190:1,20 209:14,17</p> <p><b>5,000</b> 36:21</p> <p><b>50</b> 35:5 48:1,4 49:6,8,11 50:5,11 53:13</p> <p><b>500</b> 45:19</p> <p><b>501</b> 5:12</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 6:19 23:6 203:23 204:2, 12,23 209:5,7</p> <p><b>60</b> 126:15 155:3</p> <p><b>600</b> 4:8 5:20</p> <p><b>62</b> 195:11</p> <p><b>65</b> 187:19 209:19</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7</b> 23:5 170:8,12 186:20</p> <p><b>700</b> 4:7 5:19 45:22</p> <p><b>72</b> 2:2,13</p> <p><b>75</b> 6:14 125:20</p> <p><b>7th</b> 177:22</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>80</b> 48:3 120:5,8 125:20</p> <p><b>800</b> 45:23</p> <p><b>8000</b> 5:6</p> <p><b>809</b> 2:2,13</p> <p><b>85</b> 48:3</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9/10/24</b> 215:22</p>
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**9/30/24** 215:21**90** 112:22,23 114:10  
116:2**95** 47:6 112:23 114:10

---

**A**

---

**a.m.** 1:17 2:1,15**ability** 11:20 172:9  
188:21 190:1 191:15**absentee** 104:19 105:1,  
4,19 106:1,12**absolutely** 101:22  
122:18**accepting** 42:13 166:22**access** 43:12 99:22  
100:5,13,14,16 101:21  
110:18**accessible** 80:7**accommodate** 12:14**ACCR** 215:15,21**accurate** 129:2 163:13**Act** 187:19 195:10  
209:19**acting** 7:2 212:17,18,19**action** 30:6,8 36:6 54:12,  
14 55:3,18 58:4 59:13  
74:5 105:9 169:20  
205:22 210:17 215:11**actions** 141:21,23**active** 35:6 141:2,5  
149:3 164:11 165:21  
210:23**actively** 169:4**activity** 104:21**ad** 84:21**add** 45:21 52:15 78:8**additional** 38:12 49:9  
84:21 88:5 103:18  
137:11**Additionally** 8:10**address** 43:20**addressed** 185:1**admitted** 39:9**adopt** 77:20**adopted** 76:10 77:22  
204:9 205:13**adoption** 76:17 204:18**ads** 145:21**adult** 29:19 49:4**advantage** 84:5 86:10**adverse** 30:5,8 35:17  
36:6**advising** 62:22**affairs** 31:4 55:17 211:23**affirmative** 105:9**afraid** 47:15**African** 47:6 68:1 73:8,  
10 112:17,19 113:1  
166:11 178:11 186:23  
208:2**age** 24:20 47:22 63:19,21  
64:7 66:17 112:11  
113:13 118:1 146:4  
187:5,6 188:2,8 190:7  
191:7,18 196:22**agenda** 144:10**aggregate** 92:10**agree** 8:15 143:1 150:1  
193:9**Agreed** 2:8,17 3:1,9 8:9,  
16**agreeing** 9:14 77:7**agreement** 8:5 9:11**ahead** 47:5 63:3 67:21  
89:23 96:19 101:16  
105:7 109:4 161:5  
183:19 203:22**aimed** 114:12,15**Air** 18:7,8,23**Alabama** 1:2,23 2:1,3,  
12,14 4:22 5:7,11,13  
6:13 7:2 14:8 16:15  
17:10 18:21 19:5 20:14,  
16,17,23 28:12 32:3  
39:18 41:15,19 46:22  
47:11 48:9 51:14 52:11  
54:13 68:1,20 79:1984:13 86:11,17 92:14  
105:11,14 111:15,20  
112:5 116:22 119:9  
120:5,7 123:22 124:3,11,  
20 126:6,21 127:11,20  
129:5 139:15,20 140:18  
142:7 148:14 150:3  
165:13 166:12 167:3  
173:22 178:10 180:6  
182:22 198:3 209:20  
211:9 213:1 215:3,14,22**Alabamians** 118:6  
119:23 120:13,20,21,23  
121:18 126:10 128:4,7,  
11 129:16 172:9 190:1,  
18 191:16**allege** 172:7 189:22  
190:16**Allen** 1:9 15:10,12,14**alternate** 46:19**ambiguous** 181:5**amenable** 169:21**Amendment** 94:20**American** 4:12 47:7  
68:1 178:11**Americans** 73:8,9,10  
112:17,20 113:1 166:11,  
12 186:23 208:2**analysis** 171:11**Anniston** 102:19,21,22  
103:4,5,7,8**announces** 147:2**announcing** 147:17**annual** 29:22 31:13 35:9,  
11 36:11 38:22 42:6  
45:6,9 46:3,5,7 48:16**annually** 36:23 37:4,6,  
10 38:23**answering** 70:22 200:7**answers** 11:7,9 12:1,2  
215:7**anticipated** 157:18**anymore** 68:14 81:14  
104:20 153:16**anyone's** 138:13**anywise** 215:12**apparently** 190:13**appearing** 4:3,17 5:1,15  
160:20**application** 40:15 80:11  
100:2,3,15 105:1 106:6**applications** 106:16**appoint** 56:10**appointed** 55:21 56:4  
210:19**approval** 55:5 59:8,17  
83:7**approve** 57:17 209:21**approved** 34:21 62:2  
77:21 81:7 150:3**approximately** 1:23**April** 1:16,22 2:15 19:2  
49:17,18,21 50:2,17  
214:4 215:17**area** 64:16 66:18,20 67:1  
81:11 90:21 101:17  
121:17 169:16 170:9,17  
171:8 172:22 176:18,19,  
21 188:12 195:9 197:5  
198:7 199:19 204:17,22  
207:17,18 208:8,13**areas** 66:20 95:22,23  
96:3,4,15 118:4 119:4,9,  
12,14,15 157:10,22  
158:3 172:5,6 173:12  
187:5 188:14 189:4**armed** 31:4 211:23**articulate** 70:16 71:8  
72:20**articulation** 70:15**assessment** 29:22 35:6  
50:6,9**assessments** 50:3  
53:12**assign** 3:5**assist** 98:10 105:18  
106:6 109:15**assistance** 74:2 106:17  
111:6**associate** 40:7**association** 44:18  
135:22 136:2,10 138:16

**associational** 94:19  
**associations** 135:18  
**assume** 180:23  
**assuming** 50:4  
**assumption** 130:2  
**at-large** 55:9 56:16  
**Athens** 2:3,14  
**attached** 26:13 33:16  
75:8 182:6 204:4  
**attempt** 88:15  
**attempted** 139:21  
**attempting** 102:8  
139:16  
**attend** 31:14 45:8,12,17,  
20 46:3,6,7,12,13,14,20  
54:1 205:18,22  
**attendance** 46:16 109:7  
**attended** 90:20  
**attending** 206:5  
**attention** 54:20 57:23  
67:19 69:3 113:12  
168:22 171:2  
**attorney** 5:10 94:16  
**attorneys** 21:6,9,15,17  
22:6,15 27:18  
**attract** 113:16  
**audible** 11:8  
**authority** 60:4,7  
**automatic** 87:19 88:8  
**automatically** 87:20  
96:12  
**Avenue** 4:20 5:5,12  
**average** 47:10  
**aware** 35:17 36:1,6  
60:10 116:21 117:1,12  
120:12,16 127:13,16  
128:3 129:15 133:13,14,  
21,23 134:11 137:2  
138:20,23 139:4,6,15,19  
140:17 142:11,14 144:1  
150:14 152:23 160:11  
161:10 162:22 163:5  
182:8,13,14,16,21  
183:12,18,22 210:2,5

**aye** 59:23

---

**B**

---

**back** 11:2 17:3 36:11  
37:3 39:15 40:11,21 57:3  
72:4 74:21,23 85:11 86:6  
91:19 95:9 103:23 107:9  
108:3 123:16 138:4,6,21  
160:18 169:18 175:16  
180:17 200:2,3 202:5  
213:16  
**background** 20:7 61:11  
145:1  
**bad** 11:12  
**balance** 153:2  
**balanced** 193:2,5  
**BALCH** 4:19 5:4  
**ballot** 43:2,16,21 44:2  
105:1,2,19 106:7,17  
159:2 160:1,20  
**ballots** 105:20 106:1,10,  
12,14 131:16 157:13,15,  
21 158:18,22,23 159:4,8,  
13,15  
**banner** 143:3  
**banquets** 45:21 109:7  
**barely** 55:13  
**barrier** 100:8  
**barriers** 100:6  
**based** 64:3 103:15 117:8  
120:5 121:1 122:12  
129:22 130:2 137:8  
140:12 144:22 178:13  
192:6  
**basic** 156:5  
**basically** 34:20 63:5  
64:5,15 80:19 129:22  
153:1 155:11 171:3  
207:14,18 208:18  
**basis** 51:20 89:13  
118:15 126:22  
**bear** 12:12  
**Beg** 33:19 95:8 159:11  
**began** 197:19,23  
**begin** 134:8 162:2,3

**behalf** 4:3,17 14:5 206:6  
**belief** 191:9  
**believes** 13:11  
**Belt** 67:2 176:18 202:22  
**Benard** 1:15,20 2:10 7:6  
10:12,21 214:3 215:6  
**bene** 97:10  
**bible** 76:16  
**big** 162:16  
**BINGHAM** 4:19 5:4  
**Birmingham** 4:22  
157:10,22 158:1 159:7  
160:12,13,14  
**birth** 17:4,5 110:22  
**bit** 11:3 17:3 78:3 79:21  
85:9 130:21 166:20  
167:13,14 192:14  
**black** 16:16 24:20 63:19,  
21,22 64:7,9 66:17 67:2,  
12 114:11 118:6 119:22  
120:12,20 121:18 126:10  
128:4,7,10 129:15  
148:17 169:15 170:3  
171:5,7,21,22 172:6,9  
173:22 176:18 178:9  
187:4,6 188:2,7,15 189:6  
190:1,7,10,17 191:7,15,  
17 195:9,12,14 196:22  
197:8 201:1,9,11 202:22  
209:2,22  
**blacks** 67:12 171:21  
178:15 187:20 190:22  
208:10  
**board** 34:22 53:14 135:2  
149:23 150:12 215:14  
**Bobby** 212:12  
**bona** 34:17  
**boop** 49:7  
**bounds** 12:9  
**branch** 18:6 31:23 33:7,  
23 34:17 35:2 40:1,15,16  
48:19 49:4 76:23 81:1,2  
83:22 90:11 104:15  
122:16 154:4 162:10  
212:6,16,17  
**branch-sponsored**  
86:8

**branches** 29:5,20 31:21  
32:2,8,12 34:18 36:13  
38:1 42:7 52:14 101:4  
164:2  
**bread** 85:14,15,19  
**break** 12:13,17,19 39:13  
49:11 69:22 74:10,14,19  
91:17 92:13 122:20  
123:8,12 135:9 138:2  
201:22 202:3 213:11,14  
**breakdown** 46:21 47:22  
114:1  
**briefly** 8:23 11:5 13:15  
21:10 123:16 175:7,9  
185:23  
**briefs** 24:16,22  
**bring** 49:10 57:22 58:12  
80:3 172:18,20 192:2  
**bringing** 185:6 189:11  
**Brittany** 4:5 21:17  
**Broad** 4:13  
**broader** 173:14  
**broadly** 27:13  
**brought** 58:5 95:1  
168:21  
**Buddy** 43:18,22  
**bulk** 113:3  
**Bullock** 119:18  
**Burnett** 212:2  
**burnt** 85:10  
**butter** 85:15  
**butters** 85:15,19  
**buy** 55:1  
**bylaws** 6:15 75:17 77:4,  
13,19,23

---

**C**

---

**C-O-L-S-A** 18:19  
**Calhoun** 103:6  
**call** 14:11 29:20 35:8  
37:5 43:13 53:7 82:2  
84:21 97:8 107:20  
155:19 160:2

**called** 18:16 35:9 37:13  
43:18 183:3

**calls** 110:4 124:9 130:3  
172:11 202:10,11

**campaign** 145:19  
146:11,22 147:5

**campaigning** 145:9

**campaigns** 142:13  
144:2,3

**candidacy** 136:4 137:5  
138:10,13 140:6 147:2,  
17

**candidate** 133:7,12,22  
134:4 135:20 141:15  
144:16,19 147:11  
148:14,18 178:16 187:1,  
21 190:11 191:1

**candidate's** 138:15  
144:14,23 145:4

**candidates** 133:15  
134:1 144:21 148:2

**canvassing** 78:18 79:8,  
10 109:1

**capability** 96:22 98:16

**capacity** 20:3 143:3,23  
144:1

**capture** 154:18

**carry** 73:17

**cars** 165:21

**Carter** 4:5

**case** 12:8 13:16,19,22,23  
14:2,3,4,16,19,20,22  
15:4,5,6,12,14,16 16:6,8,  
16 24:8 25:6 27:2,3,11  
28:6 46:19 58:12,13  
61:7,9,14,16,20 62:12,15  
63:8,12,14,16 64:23  
65:22 67:15,18 68:5 97:9  
129:14 157:16 173:22  
174:5,7,9,16,18 200:3  
202:15

**cases** 8:7 14:3,16 15:8,  
10 16:12,14,20,23 80:6  
104:18 153:13 160:3,5

**cast** 43:21 126:6 157:8

**casual** 68:4

**category** 98:13 99:2,13,

15

**Caucus** 16:16 173:22

**caught** 162:12

**CCR** 1:21 215:20

**census** 169:22 173:2,6,  
19,23 174:23 175:19  
176:6,7,10 192:15 196:5  
197:4 198:5,11,18  
201:12 202:17,19,21  
203:3

**CERTIFICATE** 6:23

**certified** 215:15,17

**certify** 7:3 215:6,11,14

**cetera** 60:1

**chair** 42:17 58:11,20  
205:22 210:18 212:1

**chairperson** 31:5 55:20  
56:3

**chairpersons** 55:16

**chairs** 56:14

**challenges** 184:3

**challenging** 16:18  
88:10 115:4

**chance** 8:22 158:17

**change** 149:20 152:20  
156:10

**changed** 110:13,14  
130:13 151:12,19  
152:12,14 153:2 156:21  
157:1 175:3 203:18,21  
204:22 205:9 211:16

**changing** 150:1

**chapter** 29:12,15 34:19  
35:19,21 36:1 40:1 48:19

**chapters** 29:6

**charged** 105:20

**charges** 96:23

**charter** 34:13,14,22

**check** 43:10 49:16 81:15  
108:3 110:12,17

**Check-in** 156:2

**checked** 128:21

**chief** 103:13

**chimes** 91:7

**choice** 76:18 178:16  
187:1,21 190:11 191:1  
208:4,11

**choose** 54:4

**church** 17:23 81:5,6,8  
164:8

**churches** 80:18

**circle** 17:3

**circumstances** 97:19  
103:13 152:19 154:16

**citizens** 171:22

**city** 134:23 198:15

**civic** 41:17

**civil** 4:12 7:4 37:21 73:11

**claim** 199:9

**claims** 16:6 65:16  
171:18

**clarify** 62:21 123:16  
179:6

**clear** 52:23 185:13  
203:15

**closer** 83:23

**coffers** 40:18

**cohesive** 176:22

**collecting** 34:5

**college** 29:6,21 34:18  
36:16 40:1 42:8 48:6,8  
52:16 113:19

**color** 73:7 127:1 144:20

**COLSA** 18:17 19:3,10,11  
20:11

**Combination** 132:5

**combined** 172:4

**comfortable** 87:10

**commencing** 1:23

**comments** 207:9,10

**commission** 215:22

**Commissioner** 2:12  
3:11 7:3 215:21

**Commissioners** 135:1

**committee** 34:4 42:11,  
16,18,20,21 44:6,8 55:1,  
8,15,22,23 56:5,11,13,  
17,20,21,23 57:3,5,11,  
17,20,23 58:6,7,20,21  
59:7,12,13,16,21 61:12  
62:2,14,23 65:23 66:4,9  
69:18 195:19,23 196:2,3,  
10,23 205:19

**committee's** 175:10  
194:12

**committees** 55:16,19,  
20 56:1,4,15

**common** 101:15,17

**communicate** 140:9

**communications**  
148:7,23

**communities** 74:7  
149:17 188:18 189:7,11,  
13,17 195:7

**community** 47:8 79:2  
80:8 81:3 113:3 132:10  
141:16 188:11 189:6  
190:23 192:3,4

**company** 18:16

**compensated** 17:14  
18:1

**compensates** 18:2

**competitive** 144:16,19

**complain** 157:11

**complaint** 25:2,3,4,8,12  
126:18,19 151:10  
152:20,22 183:19,23  
199:5,13

**complaints** 28:19 152:8  
157:12

**complete** 104:23 106:4  
159:1 203:4

**completely** 156:22

**compliance** 2:21 29:1,  
17,21 48:12,14,20 49:15,  
18,21 50:2,7,13,23 51:14  
52:1 53:9

**compliant** 50:4

**comprised** 55:15

**computer** 87:9 108:9  
110:18,19

**computer-aided** 215:8  
**concentrate** 119:5  
**concentrated** 119:12, 13,14  
**concept** 194:6  
**concern** 102:3 176:16 177:2,8 178:1 179:20 180:10 199:7  
**concerned** 94:21 95:12 168:5,7,18 170:8,11,16 171:1,14 176:1,14 178:7 188:8,10,19  
**concerns** 94:11 178:2,6 179:15,18 185:1 186:15  
**conclusion** 124:10 172:12  
**condition** 212:19  
**conduct** 43:17  
**conducted** 173:16  
**confer** 137:23  
**conference** 2:1,13 14:9, 12 17:10 19:19 28:11,15, 22,23 29:5,6,7,8,13,16 30:7,15,23 31:7 32:2,7 34:7 35:10,11,18 36:3,5, 17 39:6,7,21,22,23 40:2, 4,6 41:2,21 42:3,10,15 43:4,11 44:20 45:6,9 46:7 52:6 54:4,7,14,19 55:10 57:15 59:9 60:11, 20 61:13 65:9 66:5 70:21 73:18 77:10,14,18,22 78:4,13 79:10,14,17 81:18 82:19,21,22 83:7, 10 85:19,22 88:12 92:14, 15 93:6 95:20 96:15 97:13,20 99:3,7,16 100:16 103:21 104:10 105:3 106:9 107:10 108:19 109:22 111:11,19 114:1 115:5,8 118:5 119:7 121:22 122:16 127:19 128:12 129:5 132:2,12 134:12 135:11 136:22 138:23 141:9,20 144:7 149:9 150:11 162:22 163:2,18 166:9 167:1,16 168:5,17 170:15 178:4 180:2,11 184:1 195:1 205:18 206:23 207:8 209:4,13

210:13,17 211:20 212:10,21 213:9  
**Conference's** 70:2 78:23 111:3 195:14 201:4  
**conferences** 74:4 77:19 78:6  
**confirm** 42:22  
**confirmed** 43:1 55:21 56:4,11  
**conflating** 185:5  
**conflict** 185:4  
**confusing** 181:6  
**Congressional** 6:17 15:23 23:9,12,15,18 25:21,22 67:13 134:21 135:4,11 139:12 176:2,6, 19,20,23 177:3,8,23 178:9 180:7 181:3 182:10,17 183:5 184:8 202:15,16,18 203:1,5 205:4,9,11 209:13,22  
**Congressman** 66:19  
**Congressperson** 66:19  
**Congresswoman** 177:10,14,16,22  
**consideration** 195:6 196:17,19 197:1 209:23  
**considered** 29:9 123:13 189:8  
**considers** 195:19 196:10  
**contacted** 150:12  
**contamination** 102:5  
**continues** 181:2  
**contribute** 146:22  
**control** 143:21  
**convention** 31:13,15,19 36:12 41:23 42:7,9 43:3, 6,19 45:20 49:16,20,23 50:3,6,8,19 51:1,4,5,6,8, 10,11 56:8  
**conventions** 53:23  
**conversation** 11:14 68:4,15,19 69:11 94:16 115:21 140:13 187:13,14

**conversational** 11:13  
**conversations** 68:9,11, 18,23 69:7,9,13 122:2 127:7,10  
**convicted** 97:10 99:4,18 101:6 117:11 123:23 124:6,18 125:1  
**convictions** 97:4 99:14, 18  
**cooperative** 159:21  
**copies** 26:13  
**copy** 33:15 75:7 87:5 182:5 204:3  
**Corporation** 18:17 19:10 20:12  
**correct** 13:18 14:10 28:2,13 41:9 54:1 105:17 115:9 172:1 181:16 202:8 215:8  
**correctly** 106:20  
**correspondence** 110:20  
**cost** 37:2,18 67:9  
**Council** 134:23  
**councils** 29:8  
**counsel** 2:10 3:4 7:5 32:22 62:22 63:10 66:13 68:19 69:7,8,10,11,15 187:13,14 215:11  
**count** 85:4 127:3 129:17, 20 130:9 193:19  
**counties** 6:13 32:7,11, 12 33:2 67:3 119:16,21 150:9,11,19 188:21 190:4  
**county** 13:17,23 14:4 31:22,23 32:1,3 40:14,16 49:9 52:14 87:7 102:15, 18,21,22,23 103:2,3,6 119:14,15,18 121:15,19 127:8 135:1 150:7,10,14, 15,16 152:4 153:14 197:9,10,12 199:19 200:23 201:2,18 211:15, 17,18 212:6,16  
**County/birmingham** 121:17

**couple** 27:12 155:4 157:3 162:7 169:1,10 205:22  
**court** 1:1,23 2:22 7:1 11:8 174:15,18 178:22 180:17 182:8,15,16,19 183:16 207:11 208:15 215:14,15  
**cover** 31:21  
**covered** 129:14 166:14 167:5  
**covers** 31:23  
**COVID** 100:10  
**crack** 193:23  
**create** 67:23 176:19 195:11 201:8 207:16,19  
**created** 195:15  
**creating** 12:2  
**Creekside** 153:14  
**crime** 97:10 99:4 101:5 117:12 123:23 124:7,19, 21 125:2  
**criminal** 104:21 122:13  
**criminally** 105:20  
**criteria** 194:23 195:19 201:15  
**current** 17:8 36:19 56:19,22 183:18,22 204:7  
**cut** 80:15  
**cutoff** 50:18 109:18  
**cycle** 16:19 194:13

---

**D**

---

**daily** 51:20  
**data** 108:8 118:11,15,18 119:4,10 129:2 176:10  
**date** 7:3 17:4,5 110:22 167:20 211:12 215:17  
**dates** 109:18  
**Davin** 4:11  
**day** 1:22 2:14 10:1 12:11 36:20 43:19 96:13 155:1 164:9

<b>days</b> 51:5	<b>Department</b> 150:4	<b>direct</b> 71:19 154:17	207:8,19 209:14,22
<b>DC</b> 4:9 5:21	<b>depending</b> 37:8 94:1 154:15 164:1	<b>directed</b> 60:10	<b>districting</b> 172:8 181:12 183:5 184:9 207:1
<b>deacon</b> 17:23	<b>depends</b> 87:13 96:20 133:1 147:8	<b>directly</b> 34:6 40:9	<b>districts</b> 21:4 23:1,7,17, 18 24:19 25:10 63:17 64:11,14 66:14,15 67:5 131:17 135:5 136:17 168:6,12,18 172:1,5,6,18 173:1,5 174:20,22 175:2 176:15 178:15 183:1 187:18 193:9 194:7 195:2,20 197:16,21 198:16 199:17 202:16,18 203:1 204:17
<b>decide</b> 53:11 69:3 81:5 145:16 167:16	<b>DEPONENT</b> 214:6	<b>disagree</b> 186:5,11	<b>DIVISION</b> 1:3
<b>decided</b> 162:20 175:12	<b>deposed</b> 14:15,17,21 15:8 16:11	<b>disagreements</b> 186:12	<b>divisions</b> 29:12
<b>decides</b> 81:2	<b>deposition</b> 1:14,20 2:10,18,19 3:6,10 6:9,11 8:4 10:23 12:22 13:15, 16,22 15:20 16:3,22 17:1 21:2 24:1 25:16 26:23 27:3,4,22 39:13 59:4 74:19 91:17 123:8 138:2 202:3 213:14 214:3 215:6	<b>disappeared</b> 162:11,14	<b>document</b> 24:16 32:22 33:9 75:11
<b>deciding</b> 208:5	<b>depositions</b> 2:22 13:20, 21 14:1 28:1,21	<b>disclosed</b> 137:18	<b>documents</b> 21:3 23:22, 23 24:4,11 25:13 26:16 72:17
<b>decision</b> 150:7,10 167:15,17 175:10 200:11,19 201:4	<b>depth</b> 166:21	<b>disclosures</b> 137:20	<b>dollars</b> 37:9
<b>decisions</b> 199:23	<b>describe</b> 24:22 86:22	<b>discovery</b> 24:6 25:11 75:11	<b>donate</b> 164:7
<b>declared</b> 134:3	<b>designate</b> 164:6	<b>discriminates</b> 190:17	<b>donating</b> 38:3
<b>deep</b> 86:13	<b>designed</b> 194:7	<b>discrimination</b> 167:2	<b>donation</b> 38:8
<b>Defendant</b> 61:4	<b>desire</b> 149:2	<b>discuss</b> 9:1 27:15 166:18 202:15	<b>donations</b> 38:4,6 41:7
<b>Defendant's</b> 6:8,10,12, 14,16,19 26:11,18 33:14 75:4,6,14 182:1,4 184:7 186:4 203:23 204:2,12, 23 209:5,7,14,17	<b>desired</b> 122:8	<b>discussed</b> 12:10 27:14 48:5 64:12 66:21 125:10 126:3 166:7,19,20,23 167:6,12 185:23	<b>door</b> 79:9,10,11 81:4 134:8 145:22 146:6
<b>Defendants</b> 1:10 4:17 5:2 8:13	<b>detail</b> 23:20 64:13	<b>discussing</b> 27:19	<b>doors</b> 78:19
<b>DEFENSE</b> 4:6 5:18	<b>details</b> 64:2	<b>discussion</b> 62:11,13,16, 18 63:5,16 64:21 65:1,21 66:9 67:22 121:1 169:13, 14 170:20 178:3	<b>Dorman</b> 5:3 44:14
<b>define</b> 141:4	<b>determine</b> 23:17 49:13 187:2	<b>discussions</b> 67:15 127:12 128:13 169:18 170:2	<b>double-check</b> 17:2 43:11
<b>definite</b> 83:4 169:19	<b>Dexter</b> 5:5	<b>diseased</b> 102:6	<b>doubt</b> 9:4
<b>degree</b> 8:14 163:4	<b>diamond</b> 37:14 38:12	<b>disenfranchised</b> 95:14	<b>drafted</b> 76:1
<b>delegate</b> 31:18 41:22 43:20 45:1 46:2,9,14,17, 20	<b>difference</b> 113:6 121:3, 11 129:23 130:2 142:23	<b>disenfranchisement</b> 123:19	<b>draw</b> 64:8 171:7 193:4 196:21 197:1 209:20
<b>delegates</b> 31:14,16 36:12,14 42:9 43:3,6,7 45:6,15 46:19 49:19,22 50:7,23 53:22 54:2	<b>differentiate</b> 14:14	<b>disparities</b> 126:20	<b>drawing</b> 195:2,19 196:4, 10,14 208:23
<b>Democrat</b> 140:19 148:15,18	<b>difficult</b> 45:13 48:11 87:11,14 88:2,4 95:17 99:10	<b>distinction</b> 93:3	<b>drawn</b> 134:22 135:5 136:17 170:4 173:1,6 174:22 175:3 176:6,7 181:18 183:13 190:11 195:11 201:11,16,20
<b>democratic</b> 148:10 167:2 208:7	<b>difficulty</b> 99:17 140:14 163:16	<b>distinguishing</b> 16:9	<b>drew</b> 183:8,16 210:1
<b>demographic</b> 112:7	<b>Diggs</b> 212:12	<b>district</b> 1:1,2 22:22 23:5 24:18 63:23 64:8,18 68:1 119:13,20 134:19,21,22 135:4,11 170:3,8,12,16 171:1,5,7,14,23 176:2,17 177:1,3,11,23 178:9,22 180:7 181:3 182:16,18 186:23 193:2,3,5,6 194:1 195:4,9,12,15 196:22 201:9,11,16,20 203:5,16, 17 204:22 205:4,9,20	<b>drive</b> 81:7,9 82:3,7 83:14,16,19 84:9,14 86:9
<b>demographically</b> 112:10	<b>diligence</b> 143:10		
<b>demographics</b> 112:6 114:2,6,18 126:5 146:2	<b>ding</b> 65:19		
<b>demonstrate</b> 50:22	<b>dinners</b> 109:6		



87:3 92:16 100:22  
101:12 103:14 119:8

**drives** 80:9 82:15 84:16,  
21 85:21 89:3,6,10 102:9  
111:4 112:16 113:16,18  
114:12,15,19 119:6

**dropped** 49:7 180:19

**drops** 49:6

**due** 143:10

**dues** 34:3,5,6,12 36:22  
39:6,18,19 40:6,11,17,21  
41:9,13

**duly** 10:13 215:14

**duties** 28:16

**dwindle** 85:9

---

**E**

---

**e/wendy** 215:20

**earlier** 15:4 25:20 31:20  
35:17 48:6 66:3 107:10  
115:20 123:17 126:4  
127:2,7 168:20 193:22  
196:21

**easier** 32:6 156:15

**easily** 98:13

**easy** 11:13 87:22 88:8  
110:17

**economic** 166:10 189:2,  
12

**educate** 78:18 79:6,14  
103:21 104:10 105:10  
109:13

**educates** 105:3 108:19

**educating** 73:22 74:3  
78:5 104:22 108:17  
141:10,12,15 143:11

**education** 55:18 73:6  
74:3 78:11 85:17 133:6  
141:19 155:6,10 189:1

**educational** 166:10

**effect** 2:20

**effective** 82:11 145:19  
146:1,3,11 147:5

**efficient** 12:12

**effort** 81:2

**efforts** 41:18 79:18  
111:12,23 143:16 166:8,  
23

**elect** 36:13 42:8,10 44:9  
55:11,14 64:9 66:18 74:6  
172:16,21 178:16  
190:11,23 192:1 208:3,  
11

**elected** 31:8,9,18 38:22,  
23 39:2 40:3 41:21 42:2  
43:9 56:7,10 68:2 134:23  
144:10 208:7

**election** 34:10,15,16  
42:11,23 43:17,18,19,22  
85:7,8,23 90:13,14  
109:20 110:9,10 121:3  
131:6,19,21 132:6 154:4  
155:1,14,23 160:16  
161:15,17 162:12,13,15,  
17,20 210:20

**elections** 34:11 109:18  
125:14,18 126:6,11,12  
127:15 128:5,9 131:4  
153:19 162:7 163:20  
164:16,17,18,20,23  
165:6,10

**electronically** 87:4,8

**Elementary** 153:15

**eligible** 93:12,14 117:21,  
23 118:2 120:12 125:23  
126:1,2

**eliminate** 167:1

**email** 28:9 43:20 90:8

**emailed** 28:8

**emails** 131:10

**employee** 206:12

**employment** 18:14,15

**empowerment** 73:7  
189:2

**enacted** 181:15

**encounter** 98:12 100:6  
112:16 113:10 115:1

**encountered** 93:5,6,9  
156:17 158:4

**encourage** 79:23 143:5,  
9,15

**encourages** 125:11

**encouraging** 78:7

**end** 48:21 89:14 90:3  
167:21

**ended** 214:4

**endorsement** 142:20

**engage** 92:6 148:10  
149:4

**engaged** 111:22 142:8  
143:6 148:9

**engagement** 41:18  
141:8

**engages** 79:10

**engaging** 111:12

**enjoined** 181:17 182:17  
183:14

**ensure** 73:6,11,23 166:9  
173:11 189:3 193:1,13  
194:2

**ensures** 193:16

**ensuring** 28:17,22  
143:12

**entail** 106:13 155:10

**entire** 19:9

**envelope** 106:20,21

**environmental** 189:1

**equal** 173:11 193:14,16  
194:7

**equality** 73:9 166:11

**equipment** 134:8

**Esq** 4:4,5,11,18 5:3,9,17

**essentially** 53:6 56:10  
77:7

**estimate** 45:19 47:1,3,  
13,15,21 115:19 125:16,  
20

**et al** 1:6,9

**ethnic** 198:2 199:18

**event** 80:4,5,14,19,21  
81:23 82:1,2,4 83:13  
84:5 86:7 90:20 92:16,  
19,23 93:18 109:5 142:5

**events** 78:14,17 79:22,

23 80:2 81:19 82:10,13  
108:23

**eventually** 36:4 158:12,  
13,16

**everybody's** 85:10

**evidence** 3:6

**evidenced** 215:15

**exact** 14:1 36:19 167:20  
175:17

**examination** 6:3 7:7  
10:16

**examine** 184:22 186:10  
188:1 207:8

**examined** 10:14

**examining** 184:20  
188:19

**exception** 114:12,14

**executing** 78:4 111:17

**executive** 42:17 44:5,8  
55:1,8,15,22,23 56:5,11,  
13,17,19,23 57:2,5,11,  
16,17,20,23 58:6,7,19,21  
59:7,12,16,20 61:12  
62:2,13,23 65:23 66:4,9  
69:18 175:10

**exercise** 141:17

**exhibit** 6:7 26:23 27:2  
33:12,14 75:4,6,14  
126:17 182:1,4 184:7  
186:4 190:1,20 203:23  
204:2,12,23 209:5,7,14,  
17

**Exhibits** 26:8,11,19

**existing** 55:22

**expand** 71:2

**expect** 12:11 85:22

**expectation** 84:12,19

**expectations** 89:5

**experience** 140:10  
145:7

**expires** 215:21,22

**explain** 50:14 193:22

**explanation** 103:18  
161:23 162:1

**exposure** 145:13,14  
**expound** 71:2  
**express** 110:16 142:3  
149:13

---

**F**

---

**fact** 157:19  
**factor** 209:1,2  
**fair** 73:23 104:3 138:18  
180:23 193:9  
**fairly** 10:18 73:13 85:3  
**familiar** 16:5  
**family** 102:1  
**favor** 59:23  
**Federal** 7:4  
**feel** 87:10 121:2,10  
129:17,19 130:1,8  
**feeling** 9:4 130:14  
**feels** 81:22  
**felons** 123:20  
**felony** 124:18 125:2  
**fide** 34:17  
**fight** 73:8 96:13  
**figure** 36:21 107:20  
**file** 35:7,11  
**filed** 25:2 48:16  
**filing** 3:10  
**fill** 80:11 87:2,9 90:9  
100:15 106:16 107:21  
158:18,21,23  
**filling** 40:15 100:1  
**filtered** 54:16  
**final** 180:18 208:19  
**financial** 35:8,9,12  
48:16,17 50:1 73:7  
**find** 17:2 71:9 77:11  
93:16 112:2 118:11  
126:8 132:8 153:17  
160:9,22 161:7  
**fine** 14:13 16:5 97:11  
**fines** 95:23 96:6,14 98:8,

15 99:4  
**finite** 64:2  
**fit** 98:12  
**five-minute** 74:14  
**fixed** 158:19  
**Floor** 4:14  
**Florence** 201:19  
**fluctuates** 36:20 52:7  
**flyers** 109:1,16  
**focus** 68:20  
**focused** 119:8  
**fold** 106:21  
**folks** 68:5 113:17 115:2  
126:2 197:8  
**follow-up** 71:13  
**force** 2:20 18:7,8 19:1  
**foregoing** 7:5 215:6,8  
**forget** 109:10 205:6  
**forgot** 202:10  
**form** 3:3 12:23 33:22  
34:4 40:23 41:4 42:20  
45:2 48:2,13,23 51:17  
54:18 57:6,12 63:22  
66:22 67:20 69:5,16  
70:17 71:18,22 72:12  
78:15 79:12 80:23 81:20  
84:11 85:5 88:3 89:21  
92:4,7,17 93:8 95:16,21  
96:18 97:17,23 99:9,19  
101:14 105:5,15 106:2  
109:3 111:7 112:9,13,21  
113:8,15 114:7,20 116:8,  
23 117:14 118:8,16,23  
120:2,14,19 121:8,20  
122:3,10 125:5 134:13  
142:9 155:16 168:19  
170:18 172:4,19 176:23  
191:20 194:14,21 201:13  
**formal** 54:16 77:9 88:16  
109:6 134:2  
**formality** 59:19  
**formally** 80:3 118:18  
**forms** 80:4 87:1  
**forum** 142:4

**forums** 79:5 104:14  
**forward** 169:19  
**found** 159:20 215:15  
**founded** 111:18  
**founding** 111:23  
**frame** 50:21 51:12 60:23  
165:16 169:9  
**frequently** 99:7 160:21  
**Friday** 8:18 21:11 22:4  
**friendly** 144:10  
**front** 63:9 134:7  
**frustrated** 154:11  
**full** 2:20 19:17  
**full-time** 17:12,13  
**fully** 35:16 37:5 94:8  
191:16  
**functions** 45:17  
**FUND** 4:6 5:18  
**fundamental** 88:6  
**funded** 41:2  
**funding** 96:2 145:9,12  
146:10,15,22 147:3,10  
164:2,5 166:5 189:4  
**fundraising** 41:3,7,14,  
18  
**funds** 41:17

---

**G**

---

**gathered** 80:19 101:18  
**gathering** 82:12  
**gave** 13:15 17:1  
**gears** 69:23 78:2 175:6  
**gender** 112:11 113:7  
144:20  
**general** 5:10 20:6 30:21  
47:21 51:21,23 54:5 63:4  
67:7 72:9 79:5 89:2  
97:21 98:2 105:8 109:14,  
17,22 112:4 115:15  
120:17 124:15 125:16  
132:10 137:17,19  
164:15,18,23 194:10

**generally** 24:14,15 30:2  
45:11 121:13 147:4  
148:13,20 162:22 163:13  
164:19 176:8 186:21  
203:14  
**generation** 146:4  
**gentle** 123:10  
**gerrymandered** 64:8  
195:10  
**give** 16:22 47:15 49:2  
67:11 89:13 155:16  
162:1 186:17 187:20  
190:22 206:9  
**giving** 28:21 38:4  
**glanced** 23:16  
**goals** 28:17  
**gold** 38:12  
**golden** 37:14  
**good** 9:6 25:17,18 42:22  
43:8,15 74:16 99:5 125:7  
213:1  
**Gotcha** 77:8 141:18  
**gotta** 85:13 106:22  
147:13 157:1  
**grace** 48:22  
**Great** 18:4 21:7 33:12  
44:1  
**grounds** 3:5  
**group** 176:23 194:2  
**growth** 189:12  
**guarantee** 153:8  
**guess** 16:8 58:5 76:4  
80:18 101:12 104:20  
158:15 176:8 180:22  
**guessing** 46:2  
**guide** 131:4,12  
**guidelines** 194:13,19,20

---

**H**

---

**hack** 193:22  
**half** 22:1,11 159:18  
**hand** 10:10 11:6 87:1  
143:12

**handled** 42:5  
**hands** 32:22  
**Hang** 91:13  
**happen** 10:8 13:10 58:9  
84:16 153:8 160:14  
**happened** 102:11  
151:16 154:13 160:12  
**happening** 160:11  
161:10  
**happy** 8:11 12:14  
**hard** 87:5  
**Harvest** 20:23  
**harvesting** 105:20  
**hat** 142:16  
**he'** 181:7  
**head** 11:9 32:10,13  
60:16 102:20  
**health** 102:3  
**hear** 12:22 82:11 83:13  
87:23 199:3  
**heard** 78:5 121:2 134:15  
145:17 158:4  
**hearing** 15:4,21 215:9  
**hearings** 174:10,11  
205:18,23 207:1  
**held** 19:16 34:10  
**helped** 88:13 97:20  
106:13 112:5,7 114:2  
**heritage** 37:14  
**hey** 82:2 92:4 110:6  
**high** 19:5 29:11,15 156:7  
**Highway** 2:2,13  
**historical** 112:2  
**history** 18:15 93:14  
122:14  
**hit** 118:4  
**hoc** 84:21  
**hold** 79:4  
**Holder** 13:23  
**home** 99:22 100:5,23  
101:9,21

**homes** 80:13 106:15  
**hometown** 19:22,23  
**hoping** 9:11  
**host** 81:18 84:1,14  
**hosted** 82:13,19  
**hosting** 78:14,17  
**hosts** 84:9  
**hour** 22:1,11 159:18  
**hours** 22:1 159:19 166:8  
**House** 139:10,12  
**huge** 183:20  
**hundred** 34:2,3 88:18  
174:12  
**Huntsville** 18:21 19:9  
20:11,20,22 168:12  
169:16 170:9,20 172:2  
197:5,17,22 198:3  
200:18 204:17 207:17  
208:8 212:6

---

**I**

---

**idea** 25:18 47:9,21,22  
51:22,23 83:20 89:2  
154:21 165:12 204:16  
**ideal** 149:16  
**identification** 26:12  
33:15 75:7 182:5 204:3  
**identified** 67:1 211:2  
**identify** 154:5  
**identities** 121:13  
**ifs** 180:21  
**immediately** 18:23  
**impact** 127:3 199:22  
200:11,19 201:3  
**impair** 11:20  
**implemented** 185:11  
187:10  
**importance** 144:12  
**important** 79:6  
**incapacitated** 58:23  
**incarcerated** 93:10 97:2  
117:5

**include** 28:18 44:17  
**included** 184:14  
**includes** 196:22  
**including** 42:7 47:7 55:7  
77:18 126:1  
**income** 47:10  
**incorrectly** 141:6  
**increase** 85:6 86:4,7  
188:16 197:8 201:1  
**INDEX** 6:3,7  
**indication** 47:19 130:14  
**individual** 128:18 132:8  
136:21 140:11 142:2,12  
143:2,23 160:7  
**individual's** 138:9,10  
**individually** 143:22  
**individuals** 56:16 99:23  
118:1 122:7 142:17  
144:10,13 154:10 211:2  
**industry** 192:2  
**influence** 194:3  
**inform** 109:16 144:11,  
12,13  
**informal** 118:15  
**information** 26:5 51:18  
78:20 80:20 87:4 90:8,23  
92:2,8,9 93:16 104:15  
109:23 110:3 119:3  
126:8 131:2,3,9,16  
133:5,9,11 155:17 163:8,  
16 166:2 169:12,13  
**infrastructure** 146:10,  
15 147:4  
**initial** 50:17 64:4 170:20  
196:4  
**initially** 84:7 205:13  
**initiated** 54:7  
**injunction** 15:4,21  
182:9,19  
**inmates** 95:13  
**input** 152:14  
**inside** 199:4  
**instance** 29:5 49:3  
162:9,17

**instances** 151:21  
**instruct** 13:12 135:17  
206:19  
**instructions** 11:5  
**instructor** 19:7,8  
**intelligent** 95:18  
**intend** 137:3 138:8  
**intentionally** 115:3  
**interest** 54:9 188:11,18  
189:8,11,17 190:23  
192:1,5 195:7  
**interested** 54:10 215:12  
**interesting** 47:20  
**interests** 74:7 172:16,22  
188:23 191:2  
**interfere** 155:12  
**interferes** 191:15  
**interim** 19:3  
**internal** 77:22  
**internally** 77:20 118:22  
**Internet** 108:6  
**interrogatory** 24:2,7  
211:3  
**introduce** 126:17  
203:23  
**investigation** 152:1  
**invite** 79:5  
**involve** 28:16 101:11  
**involved** 16:15,20 21:5  
30:12,13,14 35:20 57:4,  
7,15 58:2,15,18 59:9,15,  
22 60:3,11,17 61:13,20  
62:14 63:18 65:6,22  
66:5,10,15 67:5 69:4,14  
73:14 116:11 141:11,12  
154:1 167:15,16 173:21  
174:18 175:10,12,17  
**involvement** 63:12 67:8  
130:21 141:13 142:12  
174:4,15  
**involving** 63:14  
**issue** 13:8 34:12,13,22  
54:10 61:2 78:21,22 79:1  
130:4 137:9 140:14

158:10 159:9,12 192:4,7  
**issues** 93:6 133:21,23  
143:11 144:11,14 156:17  
158:4,9 159:21,22,23  
181:2 185:6 189:1,2

---

**J**

---

**jail** 102:13 103:14  
**jails** 101:4 102:9  
**James** 210:22  
**Jefferson** 13:17 119:15  
121:17 127:8  
**Jerry** 212:2  
**Joanne** 212:23  
**job** 18:2  
**jobs** 73:13 189:12 192:2  
**join** 39:5 40:12,14 76:20,  
21  
**joined** 117:5  
**joins** 39:17  
**judge** 149:15,20  
**judge's** 163:11,14  
**judges** 151:4 160:2  
**July** 50:20 179:10  
**junior** 19:7  
**jurisdiction** 154:5  
**jurisdictions** 163:6  
**Justice** 150:4

---

**K**

---

**Kathryn** 5:17 202:9  
**Keith** 19:5  
**KHADIDAH** 1:6  
**kin** 105:18 215:11  
**kind** 49:12 52:12 53:4  
70:1 71:7 85:10 90:15  
92:7 96:7,23 97:1 100:5  
102:4 122:13 130:6  
131:4 134:2 137:7  
145:18 150:21 151:10  
152:1 154:9 157:4 163:6  
166:1 169:17,20 188:16

**kinds** 157:19  
**knew** 67:2,3 151:13  
**knocking** 78:18  
**knowledge** 59:2 103:19,  
20 118:3 120:18 122:6  
125:13 127:23 129:8,11  
136:15 163:15

---

**L**

---

**lack** 102:5 157:21  
**landscapers** 134:7  
**lapel** 38:18  
**laptop** 91:7  
**large** 42:18 44:8,12,17  
46:11 55:14 82:12  
188:14 215:4,22  
**larger** 120:5  
**late** 176:12  
**Latinx** 47:8 113:3  
**law** 105:11,14  
**Lawrence** 212:16  
**laws** 2:21  
**lawsuit** 54:5 57:4,8,15  
59:9,15 60:3,12 65:10,17  
66:6,11 69:1,4,14  
167:14,17 168:11  
171:18,20 174:19 175:7,  
11,13,18 179:13 180:3,  
12 181:2 199:23 200:1,7,  
9,12,20 201:5 207:12  
208:6,16 210:6,8,10,13  
**lawsuits** 78:7 166:19  
**lawyer** 12:23 13:11  
**LBC** 16:16  
**LDF** 68:5,11  
**leadership** 127:11  
**leading** 3:3 14:22 15:3,  
21  
**leave** 202:14  
**led** 174:19  
**left** 123:11  
**legal** 4:6 5:18 13:3 55:3,  
17 62:21,22 63:10 66:13

72:5 74:5 124:10 169:20  
172:12 201:16

**legislative** 16:16 25:23  
173:22 203:18

**legislature** 169:21  
179:10,23 180:7 181:15  
182:11,18,22 183:13  
184:16,19,21 185:10,22  
186:3 187:22 188:3  
189:23 195:23 196:7,8  
204:9 205:13

**legislature's** 184:23

**length** 211:11

**letter** 8:18 50:12 53:7,17

**level** 37:8 115:8,9

**LIBERTIES** 4:12

**licensed** 215:14

**life** 37:5,7,9,12,14,16,17,  
19,21 38:7,9,12,13

**Limestone** 31:23 40:13,  
14,16 49:4,8 150:16  
153:14 201:17

**limit** 101:20

**limitation** 102:2

**limitations** 46:9 105:22

**lines** 153:5 156:2 157:11,  
21 203:16,17 205:4,9

**link** 110:20

**listed** 96:4

**listened** 152:23 206:17

**litigation** 65:6

**live** 20:17,22

**lived** 20:14,15,16,20

**livingston** 6:17

**LLP** 4:19 5:4

**local** 55:18 76:17 87:6  
102:9 115:16 117:16  
119:8 122:16 131:22  
132:2,17 139:16 140:1  
149:23 152:21 159:20  
163:12,18 166:1 211:13  
212:7,15

**locally** 76:10

**located** 64:19 84:17

121:14 149:18 212:5

**location** 80:10 110:7,13  
149:10,17,21 150:1,13  
151:12,19 152:21 153:3,  
17 156:20 157:1,2,4,14  
158:5 160:21 163:6  
164:9

**locations** 109:23 149:15  
153:18,23 154:9 162:23  
163:20

**long** 18:8 21:23 22:10,19  
30:17 53:4,5,8 111:11,  
15,19 122:21 156:11  
157:11 159:15 165:12  
168:22 210:16 211:5,7  
213:6

**longer** 105:3 123:1  
150:4

**looked** 21:4 22:21 23:11  
24:3,5 26:4 180:16  
189:14 204:17

**lose** 124:4,6

**lot** 17:22 82:5 147:11  
180:15,21

**Lovejoy** 210:22

**low** 188:15

**low-attended** 89:2

**lower** 157:17

**lunch** 12:15 122:21,22  
123:12 125:10

---

**M**

---

**machine** 158:10,14,19

**machines** 157:12,21,23  
158:1

**made** 24:3 36:12 56:14  
167:17 205:10 209:4,10,  
11,13 210:3,7,9,13

**Madison** 119:14 121:15,  
19 127:8 150:15,16  
197:8,10,12 200:23  
201:2 212:6

**mail** 106:22

**maintain** 35:3,5

**major** 164:19 165:6

**majority** 63:22 98:11  
166:15 169:15 170:3  
171:5,7 172:5 186:18  
195:8,12,14 196:22  
201:9,11 209:22

**make** 3:4 8:13 10:7 11:7  
45:13 54:2 55:4 80:7  
94:22 104:8,23 106:18,  
19,22 109:19 110:12  
121:3,11 129:23 130:1  
133:3 141:5 142:1  
155:12,14,21 156:14  
200:6 202:11

**makes** 31:16 108:14  
144:15,18

**makeup** 198:2 199:19

**making** 142:23 179:20

**map** 6:13,18,20 21:5  
23:3,12,15 32:17,19  
169:22 176:4,22 177:3,8  
185:9 188:3,19 190:8,12,  
13,14 197:1 201:16  
205:5,11,20 207:8,16  
208:18 209:5,9,14,18,20,  
21 210:1,3

**maps** 22:22 23:9 24:18  
25:11,20,23 176:5,7  
185:7 187:22 196:4,11,  
14 208:23

**March** 17:7

**marches** 74:4

**mark** 32:20 33:12 183:19

**marked** 26:12 33:15  
52:12 75:4,7 106:19  
182:5 184:7 186:4 204:3

**marking** 26:7 182:1

**marks** 33:9

**matter** 54:5 59:19 67:18

**matters** 137:17,19

**mcclendon** 6:20

**Mcclure** 13:16,19 14:3

**meaning** 40:10 163:2  
168:2 188:5 193:6

**means** 76:20 141:10  
215:7

**Mechanically** 104:3

**media** 28:21 145:21,22

146:3,6

**medical** 100:8,11 212:19

**medications** 11:19

**meet** 21:9,19,23 22:6,10,  
19

**meeting** 21:21 28:17  
38:22 58:6,20 206:5

**meetings** 21:6 62:23  
78:17 207:3

**meets** 187:19

**member** 36:22 37:5,7  
39:23 40:1,3 43:8 76:22  
102:2 109:12 117:1,19  
141:21,23 142:19 149:1,  
6 210:23 211:5,8 212:2,  
13 213:1,6

**members** 31:10,11,17  
34:2,4,19 35:5 36:17,19,  
21 39:22 41:20 42:12,18  
43:15 44:10,12,17 47:16,  
23 48:1 49:10,14,22 55:9  
57:1 63:7 67:10 73:22  
74:1 78:5,12 79:3 103:22  
104:11 105:4,10 108:18  
109:22 111:6 115:6,11,  
16 116:1,7,13,17,18,20,  
21 117:4,10,13,17,23  
125:11,13,17,20,21  
126:1 127:14,16,17  
128:6,15 132:10 133:15  
134:3,11,20,23 138:15,  
22 139:1,15,19 140:13,  
17 141:2,10,15 142:2,8,  
12,14,17 144:1,13 148:7  
153:1,22

**members'** 141:23

**membership** 28:19  
34:2,3,11 37:4,12,18  
38:7,10,12,13 40:5 41:9,  
12 42:22 43:13 46:22  
47:10,22 48:14 49:5,7,  
11,13 50:5,14 53:12  
55:17 211:12

**memberships** 52:5  
73:22

**men** 113:10

**mentioned** 23:21 29:14  
31:20 35:10 41:20 44:5  
78:3 84:8 100:4 102:8  
107:10 135:10 136:17  
157:4,20 169:2 189:6

191:6,17 194:5 210:11

**mentioning** 79:8 189:18

**Merrill** 13:22 14:23  
15:16,19

**message** 146:5

**Messick** 5:9 9:9,20  
213:21

**met** 10:18 21:10,11,18  
22:3,12 201:14

**methods** 145:19 146:2

**Metro** 211:17 213:4

**Michael** 4:18

**military** 18:3,5,6

**Milligan** 8:7 13:21 14:4,  
16,19,20,22,23 15:12,14,  
15,19 16:8 25:8 27:3,9,  
10 28:5 61:9,15,23 64:23  
65:22 66:6,11 67:15  
69:1,4,14 175:7,11,12,17  
180:3,12 181:2 183:23  
200:3,15 202:15 208:16  
210:13

**million** 130:15

**mind** 8:14 14:11 70:22  
85:14 206:10

**minimum** 37:9,21

**minute** 129:15

**minutes** 22:20

**missed** 115:22

**missing** 167:10

**mission** 70:3,4,12 71:3,  
4,9 72:7,20 73:20 78:5  
111:17 144:12

**Mississippi** 20:8,9

**mistake** 161:3

**Misty** 5:9 213:19

**Mm-hmm** 25:7 52:19  
75:23 82:16 97:12 117:7  
123:21 136:18 168:16  
191:5 207:22

**Mobile** 188:22 189:7

**moment** 11:3

**monetary** 96:7

**monitor** 51:19 153:18  
154:7 157:5

**monitoring** 156:1

**monitors** 156:18 158:4

**Monroe** 188:21

**Montgomery** 5:7,13  
64:16 119:15 157:10,22  
158:2 160:13 168:13  
170:16 171:8 172:2  
198:6,15,17 199:19  
200:19 204:22 207:18  
208:13 211:14,17 213:3

**month** 16:3 18:9 81:22  
167:20

**months** 19:4 88:19

**moral** 97:8,10 99:5  
117:12 123:23 124:7,19,  
21 125:2

**Morgan** 102:18 103:2,3,  
11 201:18

**move** 34:14 70:1 192:22

**moved** 81:11

**moving** 53:3 198:14

**multiple** 84:1 148:1

**Muscle** 7:2

**mute** 44:15

**muted** 161:2

**Myhan** 1:21 2:11 7:1  
215:20

---

**N**

---

**NAACP** 2:2,13 6:15  
14:5,9,15 17:9 28:11,18  
39:18 48:9 52:11 54:3,4,  
9,13 75:17 85:16 109:12  
112:5 116:12,21 117:6  
118:5 125:11,13,17  
126:5 127:14,17 128:15  
131:1,3 133:5,14 134:2  
135:19,21 136:3,7,11,23  
138:16 139:16,19 140:17  
141:21 142:4,5,7,15,16,  
17,19,20 143:3,5,18,19  
148:8 149:1,6 152:15  
153:18,22 154:1,21  
155:6 156:17 159:20  
162:22 163:19 164:11



165:12 174:18 179:12  
180:2 181:1 183:23  
205:17 206:6,23 207:7  
208:5 210:16,23 211:6  
212:3,13 213:1

**NAACP's** 46:21 47:10  
87:17 96:11 116:6  
142:19 144:9,12

**Naifeh** 4:4 8:9,16 9:2,6,  
19 10:5 20:1 40:23 41:4  
45:2 47:4,14 48:2,23  
51:17 54:18 57:6,12  
62:19 63:2 65:2,11 66:22  
67:20 68:7,10,13 69:5,16  
70:17 71:18,22 72:12,22  
73:2 74:11,17 78:15  
79:12 80:16,23 81:20  
84:11 85:5 86:12 87:12  
88:3,22 89:8,21,23 92:17  
93:8 94:10,18 95:16,21  
96:18 97:15,17,23 98:4  
99:9,19 101:14,16 105:5,  
15 106:2 107:14,18  
109:3 111:7 112:9,13,21  
113:8,15 114:7,20 116:8,  
23 117:14 118:8,16,23  
120:2,14,19 121:8,20  
122:3,10 123:1 124:9  
125:5 126:7,13 127:9  
128:1,22 129:10,21  
130:17 132:4,19 133:8,  
17 134:13 135:6,16  
136:2 137:1,6,13 138:11  
139:2,23 140:7,20 141:3  
142:9 143:7 144:4,17  
145:2,11,20,23 146:13,  
20 147:6,19 148:4,11,16,  
19 149:5,22 152:9,16  
154:2 158:20 159:6  
161:2,5 163:9 164:21  
165:14 166:13 167:4  
168:19 170:5,10,18  
171:9,15,19 172:11  
173:3 174:1 175:4 176:3  
177:4 179:2,14,17 180:4,  
13 181:4,14,20 184:4  
185:3 186:14 187:8  
188:4 189:15,19 190:3,  
19 191:10,20 192:20  
193:12,15 194:9,14,21  
195:3,16,21 196:15,20  
200:13 201:6,13 203:19  
204:19 205:2 206:11,14,  
18 207:13 208:1,9,17,21  
210:14 213:18

**named** 43:1

**names** 43:14,16

**national** 29:1,17,22  
30:6,8 34:7,8,11,13,22  
35:7,19,21,22 36:5 40:9,  
10,16,19 43:5,17 49:2,7,  
12,16,20,22 50:3,6,7,12,  
18 51:6,15 53:8,13,22  
55:4,7 59:13,21 60:2  
76:2,20 77:21 91:1 92:3

**National's** 78:22

**nationwide** 85:16

**necessarily** 52:7 76:8  
131:21 193:17

**needed** 100:18 106:17  
150:22

**newly-drawn** 190:8

**newly-passed** 185:1

**newspaper** 163:12

**night's** 25:17

**Ninety** 51:5 116:3

**nods** 11:10

**noise** 134:10

**nominations** 42:13

**noncompliance** 53:7

**nonpartisan** 141:13,18,  
20,22 142:6

**nonregistered** 117:17

**north** 4:20 64:15 68:1,20  
198:2

**NORTHERN** 1:2

**Northwest** 4:7 5:19

**note** 113:6

**noted** 11:22

**nothing's** 130:13

**notice** 3:10 6:9,11 26:23  
27:4 49:6 65:4,13 151:20  
199:2,6

**noticed** 113:5,11 114:5

**notices** 27:22

**notification** 43:5 151:18  
152:2

**notified** 66:2 110:15  
151:17 156:10

**notifying** 42:12

**number** 36:19 49:10  
52:15,18 56:16 83:4 85:9  
90:6,19 117:17 118:6  
127:20 129:6 153:3  
155:18 156:7 173:12  
187:4 193:6,10,16 195:5  
197:22 215:15

**numbers** 50:10 85:6  
89:13 154:22 172:3  
176:18 177:23 186:18,20  
187:17,18 203:8

**numberwise** 120:4

**nursing** 80:13 99:22  
100:5,23 101:9,21  
106:15

---

## O

---

**oath** 123:13

**object** 9:16 12:23 20:1  
41:4 65:2 67:20 71:18,22  
142:9 198:23

**objected** 9:12 185:10,11

**objection** 13:3 40:23  
45:2 47:4,14 48:2,23  
51:17 54:18 57:6,12  
66:22 69:5,16 70:17  
72:12,22 78:15 79:12  
80:16,23 81:20 84:11  
85:5 86:12 87:12 88:3,22  
89:8,21 92:17 93:8  
95:16,21 96:18 97:15,17,  
23 98:4 99:9,19 101:14  
105:5,15 106:2 107:14,  
18 109:3 111:7 112:9,13,  
21 113:8,15 114:7,20  
116:8,23 117:14 118:8,  
16,23 120:2,14,19 121:8,  
20 122:3,10 124:9 125:5  
126:7,13 127:9 128:1,22  
129:10,21 130:17 132:4,  
19 133:8,17 134:13  
135:6,16 137:1,6 139:2,  
23 140:7,20 141:3 143:7  
144:4,17 145:2,11,20,23  
146:13,20 147:6,19  
148:4,11,16,19 149:5,22  
152:9,16 154:2 158:20  
159:6 163:9 164:21  
165:14 166:13 167:4

168:19 170:5,10,18  
171:9,15,19 172:11  
173:3 174:1 175:4 176:3  
177:4 179:2,14,17 180:1,  
4,13,20 181:4 184:4  
185:3 186:14 187:8  
188:4 189:15,19 190:3,  
19 191:10,20 192:20  
193:12,15 194:9,14,21  
195:3,16,21 196:15,20  
200:13 201:6,13 203:19  
204:19 205:2 207:13  
208:1,9,17,21 210:14

**objectionable** 9:17

**objections** 3:2,4 8:13,  
19,20 9:9 13:1

**objectives** 28:18

**obligation** 96:7

**obliged** 137:14

**obscure** 12:6

**observed** 114:18

**observer** 46:13,14

**obvious** 11:23 111:1

**occasion** 161:8

**occasionally** 101:20  
133:11 156:13 157:9  
161:14

**occasions** 161:20

**occupy** 30:19,22

**occur** 192:18

**occurred** 102:11 192:15

**offered** 3:6

**office** 5:10 29:23 43:17  
53:13 55:4 59:14 87:6  
92:3 130:22 131:5,11,17  
132:9 134:12,18 136:13  
137:5 138:23 139:1,5,17,  
21 140:3,18 142:18  
155:18 163:11,14

**officers** 42:17 44:18,20  
55:10 56:15

**offices** 2:1,12 42:20  
131:5

**officially** 34:17

**officials** 152:21 159:20

**older** 113:17 114:11

115:2  
**online** 26:5 40:8 80:12  
**open** 46:11,12  
**opening** 72:9  
**operate** 58:10  
**operating** 157:13  
**opinion** 89:2 149:10,13  
185:5 194:16,20 196:13  
**opponent** 133:2  
**opportunities** 84:4  
**opportunity** 12:7 67:12  
81:23 82:8 93:1 145:12  
155:22 178:14,15 187:20  
190:10,22 195:8  
**opposed** 62:8 147:9,21  
**opposing** 63:11  
**oral** 7:7  
**order** 88:5,12  
**organization** 29:18 30:8  
34:23 35:22 36:5 40:20  
51:15,16 53:8 60:2 76:2,  
20 91:1 93:22 94:4,13,23  
95:4,5  
**organizational** 70:2  
**organizations** 41:16  
**organize** 81:18  
**organized** 35:2 80:22  
86:5 163:23 164:1  
**organizing** 34:4 77:6  
78:6  
**original** 182:9  
**originally** 19:21 138:21  
**outreaches** 54:17  
**overlying** 185:7  
**overlook** 166:17

---

**P**

---

**p.m.** 214:4  
**package** 78:20  
**packed** 171:22  
**paid** 34:2 37:5,15,16  
39:6 40:19 50:9 98:8

99:4 113:12  
**panel** 181:19 183:8  
187:10 190:15 208:19  
**paper** 80:11 171:11  
**paragraph** 126:18  
**pardon** 33:19 95:8  
159:11  
**part** 19:17 41:12 55:23  
76:19 111:17 119:19  
126:23 144:9 145:1,5,7  
191:22 211:13 213:3  
**partial** 51:14  
**participate** 36:16 46:10  
54:5,23 79:18 85:22  
172:10 190:2 191:16  
199:23 200:11,20 201:4  
208:6  
**participated** 82:19  
**participation** 65:10 78:7  
**parties** 2:9 3:4 8:6  
146:19,21 215:11  
**partisan** 143:16  
**partner** 93:23  
**partners** 98:22  
**parts** 14:15 164:10  
197:12,13  
**party** 65:9 148:10 149:4  
**pass** 131:12  
**passed** 179:10,23 180:7  
182:11,18 183:3,4,13  
184:13,15,18,21 185:10,  
14,22,23 186:3 187:22  
188:3 189:23 196:7  
207:9

**past** 12:15 133:16 166:7  
**pastor** 81:8  
**path** 95:14,18  
**patient** 102:6  
**pay** 29:22 35:4,6 36:22  
37:4,6,8,10,11 39:7,18  
40:6,8 50:3,6 96:2 97:11  
**paying** 38:7,9 39:19  
95:23 96:6  
**pays** 53:11

**pending** 12:20  
**pennant** 38:17  
**people** 38:3,4 45:8,16,  
19,23 73:7 74:5,6 79:14,  
23 80:10,13,18 81:10  
82:5,12 85:12 87:2,3  
88:5,13 89:16 92:5 93:7,  
9 95:3 98:11 101:2,5,8  
104:22 105:23 106:9,14,  
16 107:11,16 110:11  
112:15,23 114:2,23  
120:7 126:14 127:1,7  
128:13 131:11 142:2  
143:10,11,12 144:11,21  
145:14,16 146:4 152:5  
153:3 154:5 155:18  
156:6,7,8,19 157:10,14  
158:5,16,18 164:4,8  
172:19,20 192:22 193:7,  
10,14,22,23 194:3 195:5  
197:17,22 198:14,17  
203:2,6  
**people's** 99:13  
**perceive** 121:7  
**percent** 47:6,7 48:3  
112:23 113:2,4 114:11  
125:21 174:12 178:10  
**percentage** 47:23  
112:19 115:16 116:2,18  
118:6 120:10 125:17  
126:9 178:13  
**percentages** 118:10  
198:9  
**perfect** 108:14  
**period** 48:22  
**periodically** 110:11  
**permit** 103:14  
**person** 38:10,11 39:5,17  
40:19 42:19 43:1,8 44:7  
71:23 72:19 92:21 93:1,  
18 96:23 97:1,4,9,21  
98:7,17,19 99:3,8,17  
100:5,13,15,17,23  
101:11 102:4 105:9,17,  
19 106:6 108:6 109:9  
117:11,20 123:23 124:17  
135:3 136:7 145:13  
146:5,23 147:1,8,20,21,  
23 154:12 160:22 161:7,  
10 162:3,4,21 172:16,21  
193:20 194:6 208:3,11

**person's** 42:22 136:3  
137:4  
**personal** 20:3 144:1  
**personally** 54:21 117:9  
118:12 121:16 127:16  
**phone** 43:20 107:12,13,  
17,22 108:5  
**picks** 85:11  
**pin** 95:7  
**place** 8:3 42:10 50:19  
74:16 82:1,2 152:11,13  
153:13 155:14 156:9,10,  
21,23 159:22  
**places** 146:17,18 154:6  
**Plaintiff** 54:11 59:10  
61:14,20 65:8 66:5 68:6  
179:13 180:11 181:1  
184:1  
**Plaintiff's** 185:16  
**Plaintiffs** 1:7,23 4:3 5:16  
**plan** 6:17,20 15:22,23  
165:7 172:9 178:22  
179:1,7,16,18,23 180:8,  
16 181:3,5,11,13 182:10,  
11,18 183:4,5,12,13  
184:3,9,21 185:1,2,9,13,  
16 186:13,16,17 187:2,  
10 189:23 190:17 191:14  
203:18 204:7,18,23  
**planned** 82:10  
**planner** 82:2  
**plans** 16:18 82:9 184:13  
185:13,15,19,21 186:6,  
11,22  
**plaque** 38:16  
**play** 145:9  
**point** 11:12 13:10 45:20,  
23 59:18 122:19 137:15  
178:3 191:8,19  
**pointed** 205:6  
**points** 49:12  
**poles** 109:11  
**police** 103:13  
**policy** 145:5  
**political** 73:6 130:21

134:4 141:9,11,14 142:8  
143:6,15 144:2,16  
146:19,21 147:5 166:10  
172:10 190:2 191:16  
205:22 210:17

**politically** 141:2,5 148:9  
149:2

**poll** 154:22 156:18,22  
157:5,6,7

**polling** 109:23 110:13  
149:10,16,20 150:1,13  
151:12,19 152:11,13,20  
153:3,18,23 154:6,8  
156:9,10,20 157:14  
159:21 162:23 163:20  
164:9

**pops** 161:17

**population** 24:19,20,21  
63:20,22 64:7 66:18  
120:4 171:4,7 178:10  
187:5,7 188:2,8,15 190:7  
191:7,18 192:19,21  
196:23 197:5 198:6,10,  
12 199:14 200:17,18  
201:7 202:17,22

**portal** 43:13

**portion** 40:10,11,17,18,  
20 81:3

**position** 17:8,12,13  
18:23 30:22 44:3,23  
56:12 58:11 78:22,23  
87:19,23 96:10,11 97:14  
144:14 147:9 211:19,22  
212:9,20 213:8

**positioned** 154:7

**positions** 19:17,18  
30:19 31:2 42:14 44:6  
45:3,4 56:7 145:5

**possibility** 169:14

**possibly** 153:6

**postmarks** 88:21

**potential** 155:20

**potentially** 170:3

**power** 46:18 194:2

**practically** 58:15

**precinct** 128:21 149:10  
159:3 161:11 162:23

**precise** 123:18

**predominantly** 113:13,  
14 114:11

**preferred** 148:14,17  
190:13,15

**preliminary** 15:3,21

**prep** 65:19 202:10,11

**preparation** 25:9 27:19

**prepare** 21:1 22:21  
23:23 25:15 27:14,15

**prepared** 24:17

**present** 21:21 22:8,17  
57:2,4,16 61:12

**presented** 57:11,20  
61:19 66:3 186:22

**presenting** 57:19 69:17

**presents** 82:8

**president** 17:11,15  
19:18 28:11,15 30:9,17  
31:3,6 38:22 42:15 55:7,  
21 58:4,18 59:1,21 60:19  
90:11 121:22 140:12  
212:17,18

**president's** 59:2

**presidential** 85:8

**presidents** 162:10

**press** 74:4 78:6

**presume** 101:9 111:5

**pretty** 8:8 114:18 150:15  
167:21

**previous** 93:13

**previously** 14:21 89:11  
93:10 106:9,13 117:5  
124:23

**primarily** 41:14,19

**primary** 46:19 162:17,20  
164:16,18,23

**Print** 145:21

**prior** 3:7 20:11,14,15,18  
42:9 69:17 90:14 99:14,  
18 145:7 162:12

**privilege** 94:11,19

**privileged** 73:5

**privileges** 94:20

**probate** 149:14,19  
150:13 151:4 160:2  
163:11,14

**probation** 98:9 99:6

**problem** 109:11 183:4

**problems** 102:18

**Procedure** 7:4

**procedures** 42:11

**proceeding** 72:5

**proceedings** 7:8 35:18  
**process** 34:21 42:10,23  
53:5 54:16 77:9 86:22  
87:11,15,22 88:1,2,4  
93:19 97:16 100:1  
104:11 105:4,8 106:5  
107:1 108:18,20 131:2  
133:6 141:9,11,14 142:8  
143:6,15 150:21 151:9,  
17 153:21 154:1 167:2  
172:10 173:16 190:2  
191:17 197:19,23 203:3  
207:1

**produced** 75:10  
**productive** 90:22  
**prompted** 152:14  
**properly** 43:3,7 106:23  
157:13

**proposal** 57:5 61:12,19  
66:4

**proposed** 63:20

**protect** 102:4 194:8

**protected** 73:12 135:19  
**protests** 74:3 78:6

**provide** 70:7,23 77:10  
90:23 92:2,7,9,10 109:22  
131:3 133:5 155:6  
186:20,22 207:9

**provided** 7:4 21:4,5 23:4  
70:8 71:1 72:5,18 133:9  
141:19 153:10,12 169:12  
174:5,7 189:4 207:10

**protect** 102:4 194:8

**protected** 73:12 135:19

**protests** 74:3 78:6

**provide** 70:7,23 77:10  
90:23 92:2,7,9,10 109:22  
131:3 133:5 155:6  
186:20,22 207:9

**provided** 7:4 21:4,5 23:4  
70:8 71:1 72:5,18 133:9  
141:19 153:10,12 169:12  
174:5,7 189:4 207:10

**public** 46:11 79:4,5 82:1  
108:20 109:5,14,17,23  
111:5 136:1,3,4 137:5  
144:2 205:18 206:5,23  
209:3,10,11,12 210:2,7,

9,12

**publicize** 136:10,21

**publicly** 136:7,8

**pull** 93:15

**pure** 203:8

**purged** 162:5

**purpose** 70:2,4 144:9

**pursuant** 2:3

**push** 141:14

**put** 8:17 33:1 65:13  
90:12 95:7 106:20,21  
108:8 110:19,20,21  
169:11 170:1 176:22  
183:20 208:2

---

**Q**

---

**qualifies** 147:2

**qualifying** 147:17

**quarter** 168:1

**question** 10:22 12:23  
13:5,9,10 14:18 17:22  
45:11,14 47:20 48:10  
49:1 52:10 53:2 64:6  
65:20 66:12 67:9 70:11,  
23 71:12,17 72:6,14  
83:12 86:15 91:22 94:12  
99:1 100:21 111:1  
124:16 135:7 139:18  
156:16 164:22 173:14  
180:5 186:7 191:12,22  
192:9 200:7,10 203:14

**questioning** 199:1

**questions** 3:3 8:11 11:7,  
20,23 12:1,6,19 20:5  
59:4,23 63:13,15,17  
64:6,20 67:7 69:23 71:14  
89:19 137:8,11 165:3  
181:7 213:17,18,22  
215:7

**quick** 35:13 36:11 107:9

**quote** 97:1 102:16  
142:15 146:7

---

**R**

---

**race** 112:12 113:2 133:1,  
2 134:4 139:7 144:16

148:1 196:16 209:1,23  
**races** 131:22 132:13,17  
**racial** 46:21 126:5,19  
167:1  
**radar** 168:23 169:4,11  
170:2  
**raise** 10:9  
**raises** 47:20  
**rallies** 74:4 79:7  
**ran** 134:20 135:3 159:8  
**Randolph** 102:15,17,21,  
22 103:11  
**rare** 161:8 162:8  
**rates** 126:21  
**rattle** 32:13  
**re-enfranchise** 99:8  
**re-enfranchised** 95:15  
97:5,22  
**re-register** 80:6  
**reach** 109:11 150:20  
151:8  
**reached** 150:20,23  
151:2,4  
**reaching** 201:17  
**read** 10:3,6 21:3 71:2  
88:9  
**reading** 2:18  
**ready** 49:15 74:11 98:9  
**real** 13:15 35:13 36:11  
86:15 107:9 123:16  
**realize** 9:16  
**reapportioned** 173:11  
**reapportionment**  
173:16 174:10 192:23  
194:12 195:22 196:2,3,  
10,23 197:19,23 205:19  
**reason** 11:16 13:11  
130:7 153:6,9,10,12  
171:3  
**reasons** 130:11 144:22  
**recall** 14:1 16:11 17:1  
23:2 24:5,10,12,14 25:12  
27:22 52:9 60:23 62:11,

13,17 63:11,15 64:11,20  
65:1,21 66:8,21 67:14  
69:21 91:21 99:15,21  
108:2 152:18 158:11,22  
159:1 170:6 175:11  
176:1 187:7 194:15,22  
204:14 206:1,6 210:15  
**receive** 38:11,15,16,17  
43:21 50:12 53:17,20  
77:3,5 90:1,7 106:18  
152:5 163:8,10 164:2,5  
**received** 28:20 89:18  
151:18  
**receives** 54:17  
**receiving** 99:16  
**recent** 126:11 127:15  
128:5,9  
**recently** 10:19 13:16  
136:19  
**recognize** 75:11 181:10  
**record** 8:3,17 10:19 11:4  
12:3 39:11,16 53:1 74:22  
91:15,20 108:3 111:2  
118:18,20 123:4,6  
137:22 138:5,7 154:19  
202:6,8 203:15 206:22  
213:16  
**records** 27:17  
**redistricting** 15:22,23  
16:19 173:15 182:10  
192:15,18 193:1 194:13  
203:3  
**redraw** 176:22  
**redrawing** 199:17  
**redrawn** 173:10 174:20  
195:4  
**redress** 55:17  
**redrew** 182:22  
**reduce** 153:5  
**reduces** 172:9 190:1  
**reduction** 201:1  
**referencing** 127:6  
**referring** 21:16 181:14  
**reflect** 188:11  
**reflects** 197:2

**regard** 166:15  
**register** 46:19 79:18  
80:1,5,12,13,18 86:19  
88:7,13 89:11,16 90:19  
92:5,18,21 93:11 101:4,  
7,8 107:11 112:5,7 114:2  
117:23 118:2 122:7,16  
125:3 131:13 139:16,21  
140:5,23  
**register.'** 103:17  
**registered** 31:14 43:4,7  
46:15 81:12,14 86:11,16  
87:7,21 88:17,18 90:5  
92:6 93:17 100:18 101:2  
109:9,19 114:8 115:7,17  
116:7,14,22 117:2,19  
118:7 119:23 120:7,13,  
21,23 124:17 125:1,23  
127:14,17,18,22 128:4,7,  
14 133:12,15 134:4  
139:20 140:18 143:12  
162:2,4  
**registering** 93:6 99:17  
107:17 133:6,22 134:1  
140:15  
**registrars** 149:23  
150:12  
**registration** 80:2,3,4,9,  
20 81:7,9,15 82:3,7,15  
83:14,16,19 85:14,17,21  
86:9 87:1,6 89:3,6,10  
100:22 102:9 110:12,17  
112:16 114:19 115:6,10  
116:1 119:6 126:21  
131:1  
**regular** 37:4 89:13  
**reinstate** 53:15  
**reinstatement** 53:18  
**related** 175:21  
**relates** 105:23  
**relating** 2:22  
**relationship** 136:22  
**released** 176:11  
**relevant** 12:8 135:22  
200:5  
**relief** 199:9,12  
**remain** 29:17 141:13  
142:5

**remains** 181:1  
**remedial** 178:23 179:6,  
16,18,23 180:8 181:3,5  
183:3,12  
**remedy** 183:4  
**remember** 16:2,14  
60:14,15,18 61:2,4 62:5,  
7,9 123:20 158:8,23  
162:16 167:19 189:21  
207:5  
**reminder** 123:11  
**remit** 40:20  
**removed** 156:22  
**renaissance** 127:6  
**Rene** 1:21 2:11 7:1  
**rent** 164:3  
**Repeat** 14:18 135:7  
139:18 180:5  
**replaced** 178:23  
**report** 35:8,9,12 48:16,  
17 90:9,12 91:4 99:16  
117:8 154:17 155:19  
**reported** 83:5,9 90:12  
159:17  
**reporter** 7:2 8:1 9:7  
10:4,7 11:9 39:10,15  
74:21 75:2 91:11,13,19  
123:3,10 134:15 138:4  
177:12,18 202:5 213:23  
215:15  
**REPORTER'S** 6:23  
**Reporting** 1:23 215:14  
**reports** 89:15  
**represent** 54:13 63:8  
67:11 74:6 138:12  
172:16,21 188:20,23  
191:1  
**representation** 188:22  
**representative** 14:8  
64:9 176:20 189:3  
**representatives**  
139:10,13 194:4  
**represents** 215:8  
**reps** 135:1

**Republican** 139:17,22  
149:4 162:17  
**request** 91:5,12 199:11,  
16  
**requested** 115:14  
**requests** 89:19  
**required** 30:3 150:5  
**requirement** 63:7 84:18  
**requirements** 29:2  
48:21  
**research** 112:2 152:17  
**reserved** 13:2  
**residents** 101:18,21  
**resolution** 152:7,10,11  
161:21  
**resolved** 155:21 158:9,  
11,15 159:10,12,18  
**resolving** 159:21  
**respect** 58:11 188:2  
**respective** 2:9  
**responding** 28:19 94:12  
130:3  
**response** 70:9  
**responses** 24:6,7 25:11  
89:19 90:1 211:3  
**responsibilities** 28:14  
73:23  
**responsibility** 196:4  
**responsible** 34:5 42:12  
76:7  
**responsive** 152:21  
**restitution** 96:7  
**restored** 93:20 94:1  
96:9,13 98:9,14 162:15  
**result** 215:12  
**retain** 124:19  
**retire** 18:10,12  
**retired** 18:3,4,5 19:2,12,  
14 47:17  
**retiring** 18:23  
**revealing** 21:7 121:12

**review** 8:23 23:23 24:17  
25:8 27:6,8 53:14 64:4  
90:16  
**reviewed** 23:22 24:2  
25:4 27:10  
**reviewing** 25:10,12  
28:19  
**reviews** 42:21  
**rights** 73:11,12 93:20  
94:1 96:9,12 98:14  
187:19 195:10 209:19  
**righty** 75:2  
**role** 17:14 145:9  
**roles** 73:23  
**rolls** 160:8 161:12  
**room** 101:13 178:8  
**Rosborough** 4:11 103:1  
137:21 179:5 181:17  
198:22 199:6,11 201:21  
202:1  
**roster** 156:22  
**ROTC** 19:7  
**rough** 36:20  
**roughly** 45:18 111:12  
193:6  
**routinely** 133:10  
**Rule** 6:11  
**ruled** 178:22  
**rules** 2:21 7:4  
**ruling** 208:23  
**run** 42:19 44:7 45:1  
55:14 56:12 130:22  
134:19 138:23 139:17,21  
140:18 142:18 146:10  
157:2,3,6,14  
**running** 131:5,11,16  
132:9 133:4 134:12  
135:11 136:13 147:9

---

**S**

---

**Sadasivan** 5:17 202:9  
**satisfy** 96:8  
**Saturday** 83:17

**SAYETH** 214:6  
**scatter** 193:23  
**scattered** 84:23  
**school** 19:5 29:12,15  
153:15  
**Schools** 73:15  
**scope** 65:3 199:1  
**scratch** 34:1 57:3 205:8  
**sealed** 106:23  
**search** 27:17  
**seasoned** 115:2  
**seat** 67:13 68:2 168:8  
169:15 176:21 207:16,  
17,21,23 208:3  
**seats** 25:22 26:1  
**secretary** 42:21 43:4,12  
104:16  
**section** 199:12,15  
**seek** 54:12 142:17  
**seemingly** 12:6 156:7  
**select** 186:23 187:20  
**Selma** 19:5 20:15  
**Senate** 6:20 23:7,19  
25:22 63:23 64:10 68:2  
139:8 168:5,6,8,12  
169:15 170:3 171:5  
172:8 173:5 197:16,21  
198:16 203:16,17 204:7,  
16 205:20 207:1,8,16,17,  
21,23 208:3 209:5,9  
**Senator** 208:7  
**Senators** 26:2  
**send** 8:18 40:16 41:17  
43:16 45:5 49:19,21  
50:7,23 53:14,21,22 76:8  
78:20 79:1,2 92:3,7  
104:15 131:15 133:3,11  
151:23 155:16  
**sending** 109:16 131:9  
**sends** 40:10 43:4 49:9  
**sense** 97:21 98:2 99:6  
105:8 108:14 112:4,7,12,  
18 115:15 116:6 119:22  
120:9,17 125:16 126:10  
132:22 144:15 145:19

194:10  
**separate** 15:8 41:8,23  
42:1 83:14  
**separately** 23:21 61:17  
**September/october**  
51:11  
**serve** 40:3  
**served** 94:2 96:11  
140:12  
**serves** 39:23  
**services/veteran** 31:4  
**Services/veterans**  
211:23  
**set** 2:4 53:10 80:3,8 82:3,  
6 90:21  
**Sewell** 177:15,17,22  
**Sewell's** 177:10  
**share** 113:3 132:7,9  
**Shelby** 13:22,23 14:4  
150:7,9,14  
**sheriff** 103:13,16  
**sheriffs** 101:6  
**shift** 69:23 114:5 175:6  
198:10,12 200:17,18  
201:7  
**shifting** 78:2 200:3  
202:14  
**shifts** 192:19,21 197:4,7  
**Shoals** 7:2  
**short** 39:13 74:19 91:17  
123:8 138:2 202:3  
213:14  
**show** 26:7 32:18 75:3  
126:16 160:7 181:23  
**showed** 197:4 198:5  
202:17,21  
**showing** 156:19 158:5  
**shows** 161:11 209:21  
**sign** 10:3,6  
**signature** 2:18 100:3  
**significant** 126:19  
**Simelton** 1:15,21 2:10  
7:6 9:21 10:12,18,21



123:15 214:3 215:6

**similar** 111:23

**simply** 147:1,17

**sir** 10:8 17:6 33:18,20  
52:2 116:15 170:13  
179:19 205:15

**sit** 59:3 154:16

**sitting** 26:2

**situation** 96:17

**Situations** 157:5

**Sixth** 4:20

**size** 56:19,22

**skin** 144:20

**skip** 118:3

**sleep** 25:17

**smartphone** 108:10  
110:19

**smoothly** 156:5

**social** 145:22 146:3,6  
166:10

**somebody'd** 90:9

**something's** 9:16

**sort** 11:22 50:17 53:3  
78:4 93:19

**Sounds** 9:6

**source** 118:19

**Southern** 1:3 177:21

**speak** 9:15 30:10 171:12  
180:14 206:16,23 211:7

**speaking** 28:21 111:12  
148:20 149:14,19 163:13  
176:8 186:21 206:15

**speaks** 9:17,21

**specific** 24:20 44:2 67:5  
70:11 71:11 72:6 94:3  
95:3 117:1 120:18 130:4,  
7,11,12 131:4 154:23  
160:21 164:10 200:9  
211:1

**specifically** 14:7 24:13  
60:18 64:12 66:21 67:1  
68:4 73:18 83:15 99:1  
113:19 114:12,15 131:15  
156:2 175:21 176:14

203:15,20 209:16,17

**specifically-planned**  
83:19 84:8

**specifics** 72:11

**speculate** 99:11

**speculation** 130:6  
180:15,21

**spell** 18:18

**spelled** 70:6

**spend** 104:22 184:20

**spoke** 129:14

**spoken** 121:16,18

**spread** 172:17

**staff** 100:12 101:1,20  
102:3 149:15

**stamp** 55:5

**stand** 156:11

**standard** 37:17,19  
156:16

**standing** 42:16 43:9,15  
55:16,18 56:1,14 99:6  
146:7 213:1

**start** 67:17 158:10 205:8

**started** 8:2 9:10

**starting** 34:1

**starts** 106:5

**state** 2:1,12 5:11 10:20  
14:9,11 17:10 19:19  
23:7,18 25:22,23 28:11,  
15,22,23 29:4,6,7,8,13,  
16 30:7,14,20,23 31:7,12  
32:2,7 34:7 35:7,10,11,  
18 36:1,3,5,17 39:5,6,21,  
22,23 40:2,4,5 41:1,16,  
19,21,23 42:3,6,9,10,15,  
21 43:2,4,6,11,19 44:20  
45:6,8,9 50:23 51:3,5,7,  
10,11,15 52:6,11 53:22  
54:4,7,13,19 55:10 56:8  
57:15 59:8 60:11,20  
61:13 66:5 70:2,20 73:18  
77:10,14,18,22 78:3,13,  
23 79:9,13,17 81:18  
82:14,18,20,22 83:7,10  
84:13,17 85:1,19,22  
88:11 92:11,14,15 93:5  
95:19 96:15 97:13,20

99:3,7,16 100:16 103:21  
104:10 105:3 106:8  
107:10 108:19 109:21  
111:3,11,19 113:23  
115:5,8 118:5 119:7,16  
121:14,21 122:15 124:12  
127:11,19 128:11,12  
129:4 131:23 132:2,5,12  
134:11 135:1,10 136:22  
138:22 139:8,10,20  
140:12 141:9,20 144:6  
146:19,21 149:2,9 150:3,  
11 160:6 161:12 162:21,  
22 163:1,2,18 164:10  
165:21 166:9,12,23  
167:15 168:4,6,8,17  
170:15 172:8 177:5,7  
178:4 180:2,6,11,19  
184:1 186:22 187:22  
195:1,13 201:3 203:17  
204:7,16 205:17 206:23  
207:7,15,16 209:4,5,9,  
12,19,23 210:12,17  
211:19 212:9,21 213:8  
215:3,21

**State's** 104:17

**stated** 127:2 168:20  
196:21

**statement** 70:4,5,8,12  
71:4,5,10 72:8,10,11  
148:21

**statements** 24:3 209:3,  
10,11,12 210:3,7,10,12

**states** 1:1 126:19

**statewide** 43:12 81:1  
132:6,12 139:5,6,7 140:1  
165:10

**stationed** 20:10

**statistics** 128:16 190:6

**status** 35:3 49:16 110:18

**stay** 154:7

**stayed** 152:12

**stays** 50:5

**stenotype** 215:7

**stick** 71:4 196:1

**stipulate** 8:12

**STIPULATED** 2:8,17  
3:1,9

**stipulations** 2:4 7:5  
10:2

**Stone** 1:6 8:7 15:10 24:7  
25:6,11 27:2,11 28:3  
61:6,13,15,16,20 62:12,  
14 63:12,16 67:18  
126:18 167:13,16 168:11  
171:18 200:1,3,11,20  
201:4 207:12 210:6,8

**stop** 62:19

**stops** 106:5

**street** 4:7,13 5:19 72:19

**strict** 48:20

**Stuart** 4:4 21:17 40:12

**students** 113:20 114:17

**stuff** 24:21 102:6 109:16  
110:22 175:21

**stump** 146:8

**subject** 8:20 137:17,19

**submit** 42:20

**submitted** 24:7

**submitting** 34:6

**subscribing** 37:7,8

**substance** 62:17

**subunits** 29:4

**successful** 92:16,19,23

**successfully** 112:5

**successor** 15:15

**sudden** 162:11

**sufficient** 9:13 147:18,  
23 148:2 159:4 171:4,6  
172:3 176:18

**suggest** 9:14

**suggested** 69:10

**Suite** 2:2,14 4:8,21 5:6,  
20

**summer** 179:23 180:8  
183:5

**Sunday** 22:13 81:9

**supplemental** 77:19

**supply** 153:22

**support** 17:17,19 144:2

164:2 191:8,19  
**suppose** 200:4  
**supposed** 13:4 43:10  
48:15 110:7  
**Supreme** 178:22 182:8,  
14,19  
**surmise** 120:6  
**surrounding** 199:20  
**suspect** 11:6 13:9 32:6  
**sworn** 10:9,13  
**system** 43:18 93:16  
128:19 129:1,2 160:23

---

**T**

---

**table** 80:2  
**takes** 11:9 196:4  
**taking** 2:22 42:10 81:23  
82:1 105:9 155:14  
**talk** 11:11,14,15 27:18  
98:20,21 107:21 130:20  
167:13 185:8,9,18  
**talked** 9:10 21:8 66:3  
99:13 108:17,23 111:3  
126:3 167:14 175:9,13  
191:13 192:14 200:10,15  
**talking** 14:23 23:13  
27:23 30:20 66:1 70:3,19  
71:8 76:22 78:11 82:21,  
22 83:1,12,15 86:1 99:2  
108:6 110:2 112:6 114:8  
120:17 123:17,19,20  
128:11 132:1 136:12  
138:22 140:1 143:1  
154:23 176:4 177:5  
179:7 183:7,8 185:12,15,  
16,19,21 195:22 200:14  
205:12 209:15  
**target** 119:4  
**targeted** 113:19  
**Taunton** 4:18 6:4 8:4,10,  
22 9:3,17,23 10:17 20:4,  
10 39:17 41:1,6 44:14,19  
45:5 47:9,18 48:5 50:16  
51:21 55:6 57:7,14 63:13  
65:7,15,18 67:14 68:8,17  
69:6,17 70:19 71:19  
72:2,13 73:4,16 74:13,23

75:3 79:8,13 80:21 81:17  
82:13 84:12 85:18 86:13  
87:15 88:11 89:1,18 90:2  
91:21 92:22 94:3,15  
95:2,19 96:3 97:3,16,19  
98:2,5 99:12 100:4  
101:19 103:5 105:12,21  
106:8 107:15,19 109:21  
111:9 112:11,18 113:5,9,  
23 114:10,22 116:10  
117:3,16 118:14,17  
119:2 120:9,16,22  
121:12 122:1,6,15,19  
123:5,15 124:13 125:7  
126:9,16 127:13 128:3  
129:4,13 130:10,20  
132:11,22 133:13,19  
134:18 135:8 136:1,5,6  
137:3,10 138:6,8,17,20  
139:4 140:2,9,22 141:7  
142:11 143:17 144:6,23  
145:4,18,21 146:9,14  
147:1,16 148:1,6,13,17,  
22 149:7 150:6 152:13,  
19 154:20 159:3,9 161:9  
163:15 165:2,17 166:18  
167:9 169:5 170:7,13,23  
171:13,17 172:7,13,23  
173:5 174:3 175:6 176:5  
177:7,16 178:5 179:4,9,  
12,15,19 180:6,22  
181:12,16,21,23 184:6  
185:12 186:15 187:12  
188:6 189:17,22 190:16,  
20 191:13 192:11 193:3,  
13 194:5,11,16,23  
195:13,18 196:1,18  
197:3 199:3,8,16,18  
200:16 201:10,23 202:7,  
13 203:22 204:21 205:3  
206:21 207:20 208:5,12,  
20 209:3 210:16 213:16,  
19  
**technical** 13:3  
**technically** 165:3  
**telephone** 87:9  
**telling** 69:6 94:15  
**tells** 131:13  
**ten** 37:10 61:1 133:19  
152:14 156:18 173:16  
**ten-year** 173:19  
**tend** 113:9,10

**term** 38:23 181:4,9  
**territory** 31:21  
**test** 187:19  
**testified** 10:14 174:11,  
14  
**testify** 11:16 137:4,7  
138:9 171:12  
**testifying** 14:8 20:3  
138:13  
**testimony** 36:9 126:4  
127:7 137:15 174:5,7  
191:14 215:9  
**theoretically** 58:5,8,14  
59:14  
**thereto** 3:7 26:14 33:16  
75:8 182:6 204:4 215:7  
**thing** 12:18 61:22 66:16  
88:5 97:8 104:19 110:21  
119:19 201:8 202:9  
**things** 12:8 17:23 45:21  
79:7,15 88:6 96:1 109:1,  
20 144:18 154:9 157:5,  
19 166:15  
**thinking** 60:15 160:17  
166:17 167:7  
**thought** 51:7 84:20  
115:20 200:2  
**three-judge** 181:19  
183:8 187:10 190:15  
208:19  
**time** 3:5,6 12:13 13:2  
19:10,17 23:13 24:13  
25:14 27:21 28:5 29:11  
31:3 35:1 50:21 51:12  
53:10 60:10,23 63:21  
64:1,17,21 65:22 66:10,  
23 67:15 78:10,21 93:23  
96:12 99:15 104:22  
109:18 114:6 116:5  
119:17 122:22 129:1  
135:13,14 136:16 159:17  
161:17 165:16 169:7  
171:14 175:17 184:20  
211:11  
**times** 39:2,4  
**timing** 51:3,9 175:13  
**Tiplersville** 20:8,9  
**today** 8:21 11:17 14:7,17

15:8 27:2,3,13 49:3,5  
88:17 116:7,14 119:23  
126:14 148:14 172:10  
190:2  
**today's** 21:1 25:16  
**token** 12:5  
**told** 103:15 116:11 153:1  
190:21  
**tomorrow** 49:8  
**top** 32:9,13 60:15 102:20  
**topics** 8:19 12:9 27:8,16,  
19 199:2,4,7  
**total** 48:12 49:10  
**totals** 43:22  
**track** 88:12,16,20,21  
115:5,6,10,13 117:16,18  
118:5,9,12 125:19  
127:20 129:6 134:3  
144:7 166:1,3  
**tracking** 118:13  
**training** 141:19 155:7,10  
**transcribed** 215:7  
**transcript** 1:14 215:9  
**transcription** 215:8  
**transition** 74:15  
**transport** 163:19 164:4,  
8  
**transporting** 164:12  
165:22  
**treasury** 40:18  
**treated** 73:13  
**treatment** 74:1  
**trial** 3:5 137:4,7,12,16  
138:10  
**true** 148:13,21 215:8  
**trust** 87:4  
**truthfully** 11:17  
**turn** 40:9 79:2 87:20  
167:12 179:21  
**turned** 156:6  
**turnout** 126:20 127:12  
157:17 188:13,15,17

**turpitude** 97:8,10 99:5  
117:12 124:1,7,19,21  
125:2

**twang** 177:21

**Twenty-one** 56:2

**Twenty-three** 18:9  
168:3

**type** 114:1 159:23

**types** 78:13 157:5

**typical** 85:3

**typically** 50:19 108:4  
113:16 146:15 148:2,5

## U

**ultimately** 58:3

**understand** 8:5 15:7  
17:22 20:4 52:21 54:3  
71:9 77:6 86:19 92:22  
93:3 94:9 98:23 105:22  
106:5 107:23 108:15  
112:14 136:8 142:2,22  
155:15 168:10 178:21  
191:11,21 192:9 196:3  
206:8

**understanding** 101:20  
103:12 105:13,16 124:8,  
16 125:6 171:18,20  
172:14 173:1,15 181:8

**understood** 9:19 76:19  
108:12

**undertaken** 166:9 167:1

**UNION** 4:12

**unit** 29:3,9,20 31:18  
34:17,23 40:6,15 41:13  
43:10 45:5 46:20 48:19,  
20 49:3,17,18,20 50:1,9,  
13,22 53:6,9,11,16,21  
77:3,6 81:22 84:9,17  
89:16 90:11 115:9,16  
140:14 154:4 164:6  
211:13 212:7,15

**unit's** 40:10 43:10

**UNITED** 1:1

**units** 28:17,20,23 29:3,4,  
19,21 31:17,20 34:19  
36:15,16 38:2 40:21  
41:20 42:7,8,13 48:6,8,

12,13,18 51:13,23 52:10,  
11,13,16 75:17,18,19,21,  
22 76:5,6,17,23 77:1,11,  
17 79:1 81:18 82:23 83:5  
84:1,13 86:2 88:12,15  
89:13 90:4 96:21,22  
98:16,21 102:8 107:3  
111:9 115:10,12 116:1,  
22 117:8,16 119:8  
127:20 129:5 132:3,8,17  
139:16 150:23 151:3,5  
155:5 163:3,5,19 164:14  
166:1

**units'** 111:4

**unnamed** 138:9

**unnecessarily** 95:1

**unpacked** 172:1

**unquote** 97:1 142:16  
146:8

**upcoming** 109:18

**upheld** 182:9,19

**uphold** 208:18

**usual** 10:1

## V

**valid** 42:23 43:20

**van** 128:18 129:1,2 164:8

**vans** 165:21

**variables** 147:7,12

**vehicle** 164:4,7

**vehicles** 164:3

**venture** 111:16

**verbal** 11:9

**verbally** 90:13

**verified** 43:14

**verify** 213:12

**versus** 13:22,23 14:23  
15:19

**veteran** 55:17

**vice** 31:3

**VIDEOCONFERENCE**  
5:1,15

**view** 191:15 195:14

**views** 142:3

**violation** 155:20 209:18

**VIRTUALLY** 5:1,15

**visibility** 145:13,14

**visit** 154:6

**volunteer** 17:13 19:18  
166:6

**volunteering** 101:12

**volunteers** 107:5,6,8  
153:23 154:21,22

**vote** 31:11 79:7 80:1,6,  
13,18 86:20 87:21 88:7,  
14 89:16 93:2,7,11,12,17  
100:19 101:8 103:22  
104:1,3,5,7 107:11,17  
109:9,10,19 110:1,5,8  
112:6,8 114:3,8 115:3,17  
116:22 118:7 119:23  
120:7,13,21,23 121:2,3,  
6,10 122:7,17 124:5,6,20  
125:1,3,11,13,17,21  
126:11 127:2,5,18,22,23  
128:4,8,21 129:16,17,19,  
23 130:1,9,15,16 131:13  
141:17 143:10,13 144:21  
145:17 150:1 153:15  
154:14 156:12,15 157:8  
158:17 160:8 161:11  
162:20 179:21 193:14,19  
194:6,7

**vote.'** 93:14

**voted** 58:7 126:11  
127:15,18 128:5,9,10,15,  
23 129:1,9,12 162:6

**voter** 80:4,9 81:6,9,15  
83:14 85:13,16,17,21  
86:8,11,16,23 87:6 89:3,  
6 110:17 112:16 114:19  
115:23 119:5 124:18  
126:20 127:12 131:4  
157:17 160:1,8 188:17

**voter's** 131:12

**voters** 79:18 88:17,18  
89:12 90:6,19 92:18,19  
127:14 128:14 133:3  
157:7 163:19 164:12  
171:21,22 173:12  
176:16,22 188:13 190:10  
193:16,17 195:5 201:1,2  
209:2

**voters'** 193:18

**votes** 43:23 62:5,7 63:18  
126:6 172:17 193:19

**voting** 24:20 46:18  
63:19,21 64:7 65:23  
66:17 73:12 74:5 78:8  
92:16 93:19 94:1 96:9,12  
98:14 103:14 104:11,17,  
19 108:18,20 111:3,4  
126:14 131:2 155:20  
156:5,23 157:12 158:10  
187:4,6,19 188:2,7 190:7  
191:7,18 193:18 194:2  
195:10 196:22 209:19

## W

**wait** 27:9

**waiting** 153:5

**waived** 2:19 3:11

**walked** 53:5

**Walker** 5:3 12:12 44:11

**wanted** 65:14 127:23  
129:9,12 148:8

**wanting** 40:7

**Washington** 4:9 5:12,21

**ways** 27:12 78:3,8 109:2

**wear** 38:17

**website** 70:6 71:10,20  
72:15,17 77:12 104:17  
110:21

**websites** 118:11

**Wednesday** 21:11,18

**week** 21:13 49:8

**weeks** 28:4

**well-attended** 89:6

**Wendy** 1:21 2:11 7:1  
215:20

**WES** 1:9

**West** 2:2,13

**When's** 51:3

**white** 47:7 201:2

**who've** 95:13

**wife's** 162:10

**Williams** 212:23**win** 147:23**winning** 139:1**withdrawn** 180:3,11**women** 113:10**won** 139:5,7**word** 102:5**words** 165:5**work** 19:3 41:18 76:11  
90:16 93:22 94:4 107:12  
160:3 164:7 188:16**worked** 18:16 19:4,10,11  
20:15 90:16**workers** 157:6,7**working** 20:11 100:12  
143:17,19**workshop** 45:18**worth** 69:4**write** 88:9**wrong** 105:17 156:20  
158:5

---

**X**

---

**X's** 52:20

---

**Y**

---

**y'all** 8:15 70:8**year** 35:5 42:6 48:21  
50:10,11 82:19 83:2,22  
84:2,9,14 85:4,7,23 89:7,  
10,14 90:3 167:19,21  
168:1,2,22 170:22  
184:12 210:21**year-end** 35:8 48:16  
91:3**years** 18:9,16 30:10  
37:10 39:1 60:22 61:1  
67:23 68:3 113:21  
114:19,21 115:1 119:9  
121:23 122:2 133:19  
148:6,23 152:14 156:18  
162:18 165:7 169:1,6,10  
170:20 173:17 174:6  
211:10**yesterday** 21:10 22:12**York** 4:15**young** 113:13 126:1**younger** 114:13,15,17  
115:3 146:3**youth** 29:7,14,15,21  
34:19 36:16 38:2 42:8  
48:6,8 52:16 117:23

---

**Z**

---

**Zoom** 78:17