

# **Exhibit 26**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

THE SOUTH CAROLINA  
STATE CONFERENCE OF  
THE NAACP, ET AL.,

Plaintiffs,

vs. CASE NO. 3:21-CV-03302-MGL-TJH-RMG

THOMAS C.  
ALEXANDER, ET AL.,

Defendants.

VIDEO TELECONFERENCE

DEPOSITION OF: JUSTIN T. BAMBERG

DATE: August 11, 2022

TIME: 11:03 A.M.

LOCATION: Law Offices of  
Bamberg Legal  
104 Bridge Street  
Bamberg, SC

TAKEN BY: Counsel for the Plaintiffs

REPORTED BY: LORI S. MORTGE,  
Certified Court  
Reporter, CCR

1 speaking -- I don't think that's speaking  
2 objections, Mr. Ingram. Please continue,  
3 Representative Bamberg.

4 THE WITNESS: My -- my position on race  
5 is this; okay, as it pertains to the South Carolina  
6 State House; okay? I serve with some very amazing  
7 people and I serve with some people that I don't  
8 even particularly care for; okay? Do I think there  
9 are -- or do I think during my tenure in the House  
10 there have been racists in the Body? Yes, I do;  
11 right? And there was a hot mess going on during the  
12 Confederate flag debate; okay?

13 That said, there is a difference -- and  
14 I can only speak for me as a State rep in that Body  
15 for almost a decade. There is a difference between  
16 intentional racism and hyper partisanship if that  
17 makes sense. There's a big difference between those  
18 two.

19 And do I think that Speaker Lucas, for  
20 example, is racist? I do not. Do I think that  
21 Speaker Lucas would do anything to purposely try to  
22 hurt black people? I do not. Do I think that there  
23 is, like, this concerted collective effort by the  
24 Republican party at the State House as a whole to be  
25 racist or to make decisions to purposely hurt black

1 people? I do not.

2 Do I think there are members who don't  
3 care for blacks or there are members who smile in my  
4 face but have private conversations in their little  
5 circles about things they would never have the balls  
6 to say in front of me? I do; right? And, you know,  
7 that's -- that's just the thing.

8 Now, that said, do I think that there is  
9 legislation that gets passed from time to time that  
10 in its legal application and real life may hurt  
11 minorities? Yes, I do. Do I wish that more of my  
12 Republican cohorts would be able to step outside of  
13 the partisan politics piece and stand up with some  
14 of us when we say this will be bad for our  
15 communities? I absolutely do wish that. But do I  
16 think that folks are, like, purposely trying to be  
17 racist? I can't -- I can't say that.

18 BY MR. INGRAM:

19 Q. Representative Bamberg, what would you  
20 have to see to make an assessment of this sort of  
21 racism you're talking about that doesn't exist?

22 MR. MOORE: Objection as to form of the  
23 question.

24 THE WITNESS: Yes. So I never said -- I  
25 never said racism doesn't exist.

1 BY MR. INGRAM:

2 Q. In the redistricting context, that's  
3 what I mean. What would you have to see --

4 MR. MOORE: Object.

5 BY MR. INGRAM:

6 Q. What would you have to see, would you  
7 have to hear words? What would you be looking for?

8 MR. MOORE: Objection to the form.

9 THE WITNESS: Can you -- all right. Can  
10 you ask that one more time succinctly?

11 BY MR. INGRAM:

12 Q. So your testimony right now is that it  
13 is your opinion you did not see the presence of  
14 intentional discrimination in the redistricting  
15 process; correct?

16 A. Correct.

17 Q. What would you have had to have seen for  
18 that opinion to be different? What sort of evidence  
19 would you consider to make that alternative  
20 assessment that included evidence of racial -- of  
21 discrimination that was intentional?

22 MR. MOORE: Objection to the form, calls  
23 for a legal conclusion.

24 THE WITNESS: I -- I don't know that --  
25 I don't know that I can say what I would need to see

1 in order -- to believe there was racism going on or  
2 something like that. It's -- I'm a minority. I've  
3 experienced racism personally. I have been involved  
4 in legal battles personally that were directly tied  
5 to and was the subject of racism; right?

6 You know -- and I know it when I saw it.  
7 I think that's the best -- the best way that I can  
8 answer that. But I will -- will say that the  
9 members of the committee, right, from Jay Jordan,  
10 Jason Elliott, Weston Newton, right, Neal Collins;  
11 okay?

12 Me and Neal are from completely  
13 different worlds. He is a Republican from Pickens  
14 County. When I was a kid I wouldn't even dare go to  
15 Pickens County; okay? Completely different worlds.  
16 Neal is one of my best friends in Columbia and we  
17 hash tag DM for L, desk mates for life.

18 It offends me for anybody to hint at the  
19 idea or the suggestion that Neal Collins would be a  
20 racist or would participate in overtly or purposeful  
21 racial decision-making; right? That offends me  
22 because I know this man.

23 So yeah, I am very much -- if somebody  
24 had something where somebody was, like, we -- we've  
25 got to -- this is our chance to get and further

1 suppress black folks, right, something like that,  
2 obviously right. But it is 2022 and only utter and  
3 complete jackasses are that overtly discriminatory  
4 and racist.

5 BY MR. INGRAM:

6 Q. Mr. Bamberg, would you say that racism  
7 can exist without sort of explicit mentions of race?

8 MR. MOORE: Objection as to form --  
9 objection as to form. You may answer,  
10 Representative Bamberg.

11 THE WITNESS: I would agree with that,  
12 yes, sir.

13 BY MR. INGRAM:

14 Q. And so do you understand -- do you know  
15 the term systemic racism?

16 A. Systemic racism?

17 Q. Yes.

18 A. Yes, sir.

19 Q. Does the -- does everyone in a system  
20 have to be racist for systemic racism to exist?

21 MR. MOORE: Objection to form, it calls  
22 for a legal conclusion.

23 THE WITNESS: No, sir.

24 BY MR. INGRAM:

25 Q. And so do you think there was a

1 difference between an institution passing  
2 discriminatory maps and calling individual  
3 legislators racist?

4 MR. MOORE: Objection as to form.

5 THE WITNESS: I -- me, personally, I do  
6 not believe that in order for there to be -- this is  
7 just my view and I can only speak for me in this  
8 moment; okay? Based on my thoughts here right now.

9 I do not believe you -- in order for  
10 systemic racism to exist there has to be either  
11 people who are making decisions that are, A, okay  
12 with systemic racism, right, or B, who know  
13 something is racist but will refuse to stand up and  
14 say this is not right in speaking to people who look  
15 like them.

16 BY MR. INGRAM:

17 Q. And you're saying that neither one of  
18 those occurrences took place in the General  
19 Assembly?

20 MR. MOORE: Objection as to form. You  
21 may answer.

22 THE WITNESS: In -- in what regards?  
23 When you say took place in the General Assembly,  
24 because that's very broad.

25 BY MR. INGRAM:



1 Q. I'll be more specific. Of the two  
2 options that you just laid out, is your testimony  
3 that both of those options were not occurring by the  
4 members of the redistricting committee?

5 A. My position is that the process of  
6 redistricting that myself and my co-committee  
7 members undertook, us, the members on the  
8 committee, that racism, systemic or otherwise, was  
9 not a basis -- and, again, just because the  
10 Republican party is mostly white -- I can only speak  
11 for me. Just because the Republican party is mostly  
12 white, right, and just because the Republican party,  
13 particularly on a national level, particularly those  
14 who are followers of Donald Trump embrace  
15 discrimination, right, and I don't want to sound  
16 like I'm not -- I'm a minority. I'm a minority  
17 lawyer. We make up, what, half of one percent of  
18 attorneys in America; okay?

19 I am a minority in the South Carolina  
20 State House and I know how hard it is, right, so I'm  
21 not anti-sympathetic or pro racism or anything. I  
22 don't like racism -- never have, never will, but I  
23 also call it like I see it. And I am not aware of  
24 race -- racism playing a role in myself and my  
25 co-committee members looking at, drawing or

1 approving any maps.

2 I do -- do I think politics was involved  
3 in terms of Republican versus Democrat? I  
4 absolutely do. But I will not go as far as to say  
5 that anything was done to specifically try to  
6 discriminate against minorities or people of color  
7 again, in this redistricting process that Justin  
8 Bamberg, a State rep, was a part of.

9 Q. And would you say part of your  
10 assessment stems from the fact that you did not hear  
11 any racially derogatory language or read any  
12 racially derogatory statements by your committee  
13 members?

14 A. No, I would not say that. I would say  
15 that my position on this issue is grounded in for  
16 some of the members of this committee having  
17 interacted with them on tons of issues over the last  
18 almost ten years. I --

19 Q. So, Mr. Bamberg, your assessment  
20 essentially --

21 MR. MOORE: Objection. Will you let him  
22 finish his statement? Because I don't think  
23 Representative Bamberg was finished.

24 Were you finished, Representative  
25 Bamberg?

1 remember specifically how I voted.

2 BY MR. INGRAM:

3 Q. So if you don't remember the details of  
4 the data regarding, you know, various House seats.

5 A. Correct.

6 Q. How can you say that race was not  
7 impermissibly used in the process?

8 MR. MOORE: Objection to the form.

9 THE WITNESS: My comments on race, as I  
10 explained earlier, based on everything I was privy  
11 to, how grand or how limited, and based on the  
12 members of the committee who I know and their  
13 actions over time on various issues regarding  
14 race -- again, anything in the background, private  
15 conversations between people that I don't know they  
16 talked, I can't speak to any of that.

17 But, again, do I think that members of  
18 my committee -- Jason Elliott, Neal Collins --  
19 again, Neal, who when we went to take down the flag  
20 left where he was and flew back to South Carolina in  
21 the middle of the night to not miss the vote,  
22 knowing that him voting to take it down could cost  
23 him his seat in Pickens, there's no doubt in my mind  
24 that those guys would not go along with purposeful  
25 racial discrimination.

1           As far as me remembering data and stuff,  
2   I mean, I ain't Albert Einstein. I mean, if I  
3   looked at the data and I was going over it, that's  
4   one thing and I could comment based on my knowledge  
5   of certain counties and stuff. I just don't  
6   remember. And I remember more about the House  
7   process because I was so intimately involved in  
8   that.

9           I had limited input -- I had limited  
10   involvement in the map drawing process for the  
11   Congressional map than, say, on the House side where  
12   I was in the map room looking at census blocks,  
13   looking at this, looking at B-maps (phonetic) --  
14   looking at whatever, I didn't do that. I did not do  
15   any of that with regards to the Congressional  
16   drawing of this.

17   BY MR. INGRAM:

18           Q.    So if you did not do that on the  
19   Congressional side, how can you speak to the  
20   integrity of the process?

21           MR. MOORE:  Objection as to form.

22           THE WITNESS:  Speaking to the integrity  
23   of the -- everything I've been speaking to is the  
24   integrity of the people involved in the process and  
25   the people who make the process. And the integrity

1 of -- again, I can only speak to certain people in  
2 certain regards. I can -- I am comfortable saying  
3 that the integrity of the members of the committee  
4 is such that they would not participate in  
5 purposeful, targeted racial discrimination or the  
6 support of systemic racism and prejudice towards  
7 minorities; right?

8 I dealt with the Speaker at the time,  
9 Speaker Lucas. The only Democrat in the House who's  
10 probably dealt with him more than me is Todd  
11 Rutherford -- Representative Rutherford, the  
12 minority leader, Representative Cobb-Hunter. Out of  
13 the -- Representative Russell Ott and me, we're  
14 probably the top four.

15 And, you know, again, I think there is a  
16 difference between hyper partisanship and, again,  
17 even the fact that we're sitting here with national  
18 groups involved is just like on the Republican  
19 process. There's national groups involved and stuff  
20 on their side. I can't go, nor will I go and say  
21 that these folks were racist or supported racism.  
22 I'm not going to say that. That's based on personal  
23 interaction, based on the process by which I was a  
24 part of?

25 Again, I can't say that XYZ had a

1 private conversation or not or what some other  
2 secret strategy might be. I can only speak from my  
3 personal knowledge and my personal belief.

4 BY MR. INGRAM:

5 Q. So what would you say to black South  
6 Carolinians who believe their vote has been diluted  
7 through these maps?

8 MR. MOORE: Obje -- objection as to the  
9 form. And apparently, Mr. Ingram, you're attempting  
10 to speak for all black South Carolinians. I object  
11 to the form of your question.

12 MR. INGRAM: Stop speaking objections,  
13 Mark. Let him answer.

14 MR. MOORE: That's not a speaking  
15 objection, Mr. Ingram.

16 BY MR. INGRAM:

17 Q. You can answer, Representative Bamberg.

18 A. So to black South Carolinians who feel  
19 as though their vote has been suppressed? Is that  
20 the question?

21 Q. Yes. What would you tell them?

22 A. I mean, it's the same thing I would tell  
23 anybody in any situation is everybody is entitled to  
24 feel and think and believe exactly what they want;  
25 right? And if someone feels that way, then I always

1 encourage people to make their voice heard. And one  
2 way people make their voices heard is through  
3 lawsuits like this one; right? And there is a  
4 process by which everything will get analyzed by  
5 various people; okay?

6 I would tell black South Carolinians who  
7 feel as though their vote was suppressed in this  
8 process, that to the extent they feel like that  
9 Justin Bamberg, not only did he not have anything to  
10 do with -- with that or with whatever is making them  
11 feel that way, but I had no knowledge of it because  
12 if I did and that was going on it wouldn't have  
13 happened. That is what I would say -- say to them.

14 I would also say that people -- black  
15 people, people who feel as though they don't have a  
16 voice, people need to start voting. I would say  
17 that. Because voter turnout is horrific in this  
18 state and, you know, the census numbers and all of  
19 that, all these things are things that we had to  
20 work -- I had to work within the confines of certain  
21 data and that data is based on people responding to  
22 stuff, it's based on people participating; right?

23 Q. Would you say that voter turnout among  
24 the black community, given that you're a  
25 representative of a black community, is lower

1 because they feel like their voices don't matter?

2 MR. MOORE: Objection as to the form.

3 THE WITNESS: I can say that in Bamberg  
4 County where I live, because I am an elected  
5 official who is deeply ingrained in my community  
6 here, black, white or otherwise, we are always  
7 leading the state in voter turnout and that's  
8 primaries included. But that's because I make it a  
9 point to engage with my constituents.

10 I can't go and say that black people  
11 don't vote because they don't feel as though they're  
12 included in the process. Some people don't vote for  
13 that reason, some people don't vote because they're  
14 lazy, some people don't vote because they feel that  
15 in the system in general their voice will never  
16 matter because of economic influence and power in  
17 America. Some people don't vote because -- I don't  
18 know, going to the mall is more important.

19 I've spent ten years begging people to  
20 vote, ten years. I'm not going to sit here and say,  
21 nor do I feel comfortable saying, that the black  
22 people that live in my district who don't vote don't  
23 vote because they feel as though their vote is  
24 suppressed. I am their voice, you know. Are  
25 there people in this state -- in certain parts of



1 this state who do think that? Absolutely, and they  
2 have every -- as far as I'm concerned they have  
3 every right to think that.

4 Again, racism is real, discrimination is  
5 real, systemic suppression of minorities and people  
6 who historically have lacked power and influence to  
7 shape things in our society in a way that best suits  
8 them has every right to feel like that in this  
9 state.

10 As to this process for this  
11 redistricting with the information that I am aware  
12 of, I don't feel comfortable saying that. I don't  
13 have any information or any -- any claim that that  
14 went on.

15 Do I think that with Congressional map  
16 drawing there was hyper -- hyper partisan politics  
17 involved? I do think there was a degree of hyper  
18 partisan politics. There was a big ass fight  
19 between Democrats and Republicans in every state in  
20 this country in the wave of the Trump era. There's  
21 a big fight going on within the Republican party and  
22 there's a lot of pulling and scrapping.

23 I am not an individual in government who  
24 believes that everything that's done politically by  
25 the other party is racist. I think some of it is

1 just their inherent belief system. For example,  
2 abortion. Some people just believe that. Do I  
3 think they're hypocrites? I 100 percent think  
4 they're hypocrites, right, but that doesn't mean  
5 people are racist; okay?

6 And to the extent, for example. When I  
7 called Congressman Clyburn's office seeking input on  
8 the drawing of the maps and no one even calls me  
9 back and I'm on the committee, right, he's black and  
10 he's the majority leader -- and I'm not criticizing  
11 him, he has a team who handles this. I don't know  
12 what they were involved in or who they talked to  
13 about how our state Congressional maps got drawn. I  
14 don't know who Senator Scott's people talked to. I  
15 don't know who anybody -- anybody up there -- Joe  
16 Wilson, I don't know who all they talked to. None  
17 of them talked to me. I would presume they talked  
18 to somebody; right?

19 I wish people -- I don't like racism, I  
20 don't like discrimination, I don't like the  
21 suppression of -- of anybody. Especially people who  
22 are like me, because I've had to deal with it. The  
23 black population in our state and where they live,  
24 right, and it's always -- the most segregated place  
25 in this state is church on Sundays; okay? Generally

1 black communities are living with each other, white  
2 communities are living with each other, and you have  
3 certain places where the communities may be more  
4 mixed; right? But that doesn't mean it's easy to  
5 draw lines that way. Again, not speaking as to the  
6 Congressional maps being drawn, but we had to deal  
7 with the same issues on the House side.

8 And the way that the -- the way that  
9 maps were drawn as it pertains to the House map  
10 drawing process and the actions of the committee  
11 members and conversations that were had and the  
12 things that were looked at in that process, in  
13 order -- in my opinion, for what it's worth, for  
14 them to have been purposeful discrimination in the  
15 Congressional map drawing process, that would  
16 mean -- that would have meant that there was no  
17 racial discrimination purposely on the House process  
18 and then those same people flipped the script and  
19 said we're going to support a system of racial  
20 suppression in the Congressional process.

21 BY MR. INGRAM:

22 Q. Mr. Bamberg, are you aware there were  
23 legal challenges of both the House maps and the  
24 Congressional maps?

25 A. Yes, sir.