

Exhibit 7

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA
STATE CONFERENCE OF

THE NAACP, et al,
Plaintiffs,

vs.

CASE NO.

3:21-CV-03302-MBS-TJH-RMG

THOMAS C. ALEXANDER,
et al,

Defendants.

VIDEOCONFERENCE

DEPOSITION OF: SHANE MASSEY

DATE: August 2, 2022

TIME: 10:43 a.m.

LOCATION: Edgefield, SC

TAKEN BY: Counsel for the Plaintiffs

REPORTED BY: ERIC GLAZIER, Court Reporter

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(INDEX AT REAR OF TRANSCRIPT)

P R O C E E D I N G S

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COURT REPORTER: The attorneys participating in this deposition acknowledge that the reporter is not physically present in the deposition room and that the reporter will be reporting this deposition remotely.

They further acknowledge that in lieu of an oath administered in person, I will administer the oath remotely.

If any party has an objection to this manner of reporting, please state it now.

Hearing none, I will proceed.

SHANE MASSEY,
being first duly sworn, testified as follows:

EXAMINATION

BY MR. HIRSCHTEL:

Q. Good morning, Senator Massey.

A. Hey there.

Q. My name is Andrew Hirschel. I'm one of the attorneys representing the plaintiffs in this lawsuit, The South Carolina NAACP versus Alexander.

Will you please state your full name for the record and spell your last name?

A. Anthony Shane Massey, M-A-S-S-E-Y.

1 A. No, I think -- I think Fort Jackson is
2 definitely a community of interest. There's a
3 large military population at the fort and around
4 the fort, and having them stay together -- and they
5 are all familiar -- I mean, Congressman Wilson has
6 been in that position for 20 years. I mean, having
7 them be represented by the same person that they've
8 always known, I mean -- and I don't think it's
9 specifically spelled out, but I think that's
10 communities of interest and keeping core
11 constituencies together.

12 Q. And protecting republican advantage in
13 Congressional District One, that's not in the
14 guidelines either, is it?

15 A. Well, one of the things in the
16 guidelines was that -- was political -- as part of
17 the communities of interest definition, if I
18 remember, referenced political. And so I think
19 that's part of it. I mean, you know, frankly, not
20 doing that -- not protecting the First is political
21 malpractice.

22 So, I mean, I think you can -- I think
23 it fits into that category that you and I talked
24 about under, I think it was, paragraph A of Roman
25 numeral three. But, you know, from my perspective

1 as a senator, that's something that's very
2 important to me, you know, is -- even though I
3 don't represent anybody who lives in the First,
4 it's important to me that we protect the First, and
5 I suspect that I was not alone in that
6 consideration.

7 Q. You mentioned earlier trying to make
8 sure that Nancy Pelosi isn't Speaker of the House
9 any longer than necessary. Apart from that, why
10 was it important to you to preserve the First, so
11 to speak?

12 A. Isn't that enough?

13 Well, I mean, look, California's not
14 giving up -- not giving republican seats. Right?
15 New Jersey's not giving up seats. Illinois is not
16 giving up seats. I'm not giving up a seat. I
17 mean, I think it would be political malpractice for
18 the republican-controlled legislature to allow
19 for -- especially something like what Senator
20 Harpootlian proposed. But it would be political
21 malpractice to draw a district such that the
22 democrats were more likely to win that district
23 than not.

24 And so I think that it was certainly
25 one of my concerns but, I think, also our

1 obligation to protect the First.

2 Q. Does that really have anything to do
3 with communities of interest?

4 A. Well, I mean, it's part of the
5 definition that they had included in there,
6 political. I think that -- that factors in. I
7 mean, those folks -- most of those folks were -- of
8 course, you know, the First was prob- -- I think,
9 the First was the most overpopulated, so it was the
10 one that had to give up some people. But most of
11 those people have been in that congressional
12 district forever.

13 I mean, the First, as it relates to
14 Charleston, Berkley -- Berkley's been split some,
15 and Dorchester and Beaufort -- Beaufort way back
16 was split, but -- but yeah, I mean, I think that
17 factors into the political communities of interest.
18 But regardless, like I said earlier, I didn't even
19 really know that there were specific guidelines
20 that were developed by the subcommittee. Frankly,
21 I don't care what those guidelines are. I'm not
22 voting for something that's going to give away the
23 First.

24 MR. HIRSCHER: Okay. I want to
25 introduce another exhibit. I might come back to --

1 are the Biden/Trump numbers.

2 Q. Right.

3 A. But based on that, it looks like it
4 would have been a democratic district, which is --
5 you know, frankly, that's what I expect from
6 Senator Harpootlian. Right? I mean, that's -- I
7 understand that's his goal. His goal is to -- his
8 goal is to have more democratic seats. And I
9 understand that. That's fine. My goal is to have
10 more republican seats.

11 And it looks like the amendment that he
12 prepared would have it set that it would be -- I
13 mean, president Biden would have won that district
14 as he had it drawn.

15 Q. So in that Amendment 2A out of the
16 seven congressional districts, in Senator
17 Harpootlian's, how many democratic-leaning
18 districts would there have been?

19 A. Looks like you would have had two --
20 two districts where Biden beat Trump, and then I
21 guess he's also made the Fifth something that could
22 go either way because it's basically the same
23 numbers as the benchmark for the First. So he's
24 giving himself two and a half, maybe three.

25 Q. So was a republican-controlled general

1 assembly going to pass that?

2 A. If we pass that, we all need to go
3 home. I mean, that -- I think I used the term,
4 political malpractice, earlier.

5 That's one of those things where --
6 none of my people live in the First or the Fifth,
7 but if I go home having passed that district and we
8 had a congressional election and we elect -- we go
9 from seven republicans to four republicans in South
10 Carolina in the congressional delegation, I'm going
11 to hear about that from people back home, because
12 that's on us at that point.

13 Q. How about the League of Women Voters,
14 what did they do in the first congressional
15 district? What was their plan? What was their --

16 A. It's listed as well. I mean, it's
17 similar to Harpootlian's plan.

18 And look, the other thing you've got to
19 consider in this is the growth, right, because, you
20 know, with the League's plan, they've got it at
21 51.75 democrat, 48.25 republican, but it's going to
22 move -- with the growth that we're experiencing in
23 that area, it's going to get more democratic, which
24 means under the plan we pass, it's going to get
25 closer. Naturally that's what's going to happen.

1 Under either one of these, this
2 wouldn't have been a competitive district in just a
3 couple cycles. I mean, and they're not -- and I
4 get it. Senator Harpootlian keeps -- kept talking
5 about having competitive districts. He's not
6 looking for a competitive district. He's looking
7 for a democratic district.

8 And what was going to happen over the
9 next several years was inevitable. You're going to
10 have a democratic representative win anyway, but it
11 was going to be a solid democratic win under the
12 Harpootlian plan or the League plan, because they
13 both flipped it based on the numbers available.

14 Q. Do you know whether as -- for the
15 League of Women Voters plan, whether they looked at
16 incumbency protection as part of their criteria?

17 A. I don't know what they looked at.

18 Q. Mr. Hirschel asked you several
19 questions about this and whether you looked at
20 alternatives and whether you had a responsibility
21 to look at those alternatives.

22 Now, looking at that -- well, let me
23 step back. Strike that.

24 The comment that you had that you
25 started -- your goal was to protect the First, was