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S.C. SUPREME COURT

# Exhibit B

Excerpts of Trial Testimony of Lynn Teague in  
*S.C. State Conf. of NAACP, et al. v. Alexander, et al.*,  
No. 3:21-cv-03302-MGL-TJH-RMG

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

- - -

THE SOUTH CAROLINA STATE	:	3: 21-cv-03302-MGL-TJH-RMG
CONFERENCE OF THE NAACP,	:	
<i>et al.</i>	:	OCTOBER 6, 2022
	:	
Plaintiffs,	:	VOLUME III (PAGES 533 - 798)
v.	:	
	:	
THOMAS C. ALEXANDER, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
	:	

- - -

TRANSCRIPT OF BENCH TRIAL PROCEEDINGS  
BEFORE THREE-JUDGE PANEL:  
HONORABLE MARY GEIGER LEWIS, HONORABLE TOBY J. HEYTENS,  
HONORABLE RICHARD M. GERGEL,  
UNITED STATES DISTRICT COURT JUDGES

- - -

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LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 MR. CHANEY: I understand that, your Honor. I  
2 appreciate it.

3 JUDGE GERGEL: Okay. Call your next witness.

4 MR. CHANEY: Plaintiffs call Lynn Teague to the  
5 stand.

6 *LYNN TEAGUE, having been first duly sworn, testified*  
7 *as follows:*

8 DIRECT EXAMINATION

9 BY MR. CHANEY:

10 Q. Before we get started, a couple requests. First, do your  
11 best to speak into the microphone. That's the only way that  
12 our court reporter picks it up, so I know she'd appreciate  
13 that. And then, second, if I ask you a question you don't  
14 understand or you don't quite hear, just let me know, and I'll  
15 repeat it or rephrase it, okay?

16 A. Great.

17 Q. Okay. And if you could please introduce yourself to the  
18 panel, Ms. Teague.

19 A. I am Lynn Teague. I'm the vice president for Issues in  
20 Action of the League of Women Voters of South Carolina.

21 Q. Thank you. And have you ever testified in court before?

22 A. I have not.

23 Q. Okay. Have you testified in the legislature before?

24 A. Many times.

25 Q. Okay. So, just not ever in court?

LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 A. Not in court.

2 Q. Where are you from, Ms. Teague?

3 A. I'm from South Carolina. I grew up in Columbia. My  
4 family's spread all the way from Elloree to Charleston.

5 Q. Okay. Is your whole family going back also from South  
6 Carolina?

7 A. Yes. Going back to before the revolution, yeah.

8 Q. Before the Revolutionary War?

9 A. Actually, going back 350 years, in one case.

10 Q. Okay. And where do you live now?

11 A. I live in Columbia.

12 Q. Okay. And what congressional district is that?

13 A. Well, it is now drawn into 6. It has been 2.

14 Q. Okay. Are you working full time right now?

15 A. I am a retired archeologist. And like everybody else  
16 who's an officer in the League of Women Voters in South  
17 Carolina, I am a volunteer.

18 Q. And tell us again what your role is with the League of  
19 Women Voters.

20 A. Well, as vice president for issues and action, my  
21 responsibility is basically -- and has been for 10 years  
22 now -- to represent the League at the State House and to also  
23 work with our local leagues on public education.

24 Q. What is the League of Women Voters?

25 A. It's a 102-year-old organization that grew out of the

LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 suffragist movement. We took on the job of wanting to ensure  
2 that once women got to vote, we were engaged, active and  
3 informed voters. And we have expanded that to not  
4 discriminate on the basis of gender.

5 Q. And what sort of work specifically does the League do in  
6 South Carolina?

7 A. I work in South Carolina, as well as everywhere. It  
8 falls under two different categories. We have voter services.  
9 And that's what I think a lot of people are very familiar  
10 with, seeing League people out telling people how to register  
11 to vote, encouraging people to vote, managing candidate  
12 forums, that sort of thing. That's a different side of the  
13 activities than I'm on. The other thing is we advocate on  
14 issues that are identified by our grassroots members.

15 Q. Okay. And does the League have any partisan affiliation?

16 A. We do not. I can safely say that we annoy both parties  
17 often.

18 Q. You say you "annoy both parties"?

19 A. Yes.

20 Q. Okay. Do you also work with both parties?

21 A. Yes.

22 Q. Can you give us an example of that?

23 A. Well, we're here about redistricting. We had the only  
24 truly bipartisan bill to attempt to get an independent  
25 commission.

LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 Q. And can you mention some of the legislators that were  
2 involved with that bill?

3 A. Yes. The primary sponsor was Representative Cleary, a  
4 Republican. Representative Cogswell, who represents the area  
5 where we are right now, was another. Jason Elliott, from  
6 Greenville, and some Democrats. Representative Funderburk,  
7 Bernstein --

8 Q. I won't make you list every single one of them.

9 A. Oh, okay.

10 Q. I appreciate that. Was the League of Women Voters in  
11 South Carolina involved in the most recent congressional  
12 redistricting cycle?

13 A. Yes, we were.

14 Q. And in your role as vice president and lead lobbyist,  
15 were you personally involved on the League's behalf in the  
16 redistricting work?

17 A. I was personally involved. I'm not one of the experts  
18 who draws the map. I was the person assembling our team,  
19 working with our team, and then representing the League at the  
20 State House and presenting our positions and our maps.

21 Q. Understood. And we'll get to the map and some of those  
22 decisions a little bit later. But if I ever ask you a  
23 question that, because you're not a map drawer, you don't know  
24 the answer to, please let me know. I don't want to push you  
25 into that territory.

LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 A. Right. Thank you.

2 Q. Okay. Before we get there, have you ever worked with the  
3 South Carolina State Conference of the NAACP?

4 A. Yes. The League has partnered with the South Carolina  
5 State Conference of the NAACP over the years, and we were in  
6 close communication throughout most of the redistricting  
7 process.

8 Q. Aside from redistricting, do you work with the State  
9 Conference on other issues as well?

10 A. Sure. We work with the State Conference on registering  
11 voters, we work with them on managing panels -- educational  
12 panels for the public.

13 Q. And you understand that the State Conference is the  
14 plaintiff in this case, correct?

15 A. I do.

16 Q. Okay. Despite partnering with the State Conference in  
17 various capacities, would you feel comfortable answering one  
18 of my questions in a way that you felt might hurt the State  
19 Conference's case in court today?

20 A. Yes, I would have to if it -- because I'm here  
21 representing the League and I have to truthfully do that to  
22 the best of my ability.

23 Q. Thank you, Ms. Teague. I'd like to turn to the  
24 redistricting process and some of the public engagement around  
25 the congressional redistricting plans specifically. Did the



LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 legislature provide opportunities for members of the public to  
2 provide input before maps were released?

3 A. They did. They provided opportunities beginning in late  
4 July for public hearings around the state. Both Houses did  
5 this. And then later, there were meetings at the State House  
6 of committees.

7 Q. And did you submit testimony as part of that public input  
8 process?

9 A. We submitted testimony at every stage, yes.

10 Q. Okay. And did you personally observe a lot of the public  
11 testimony during those public hearings?

12 A. Yes, I did.

13 Q. Okay. And do you have a view as to whether those  
14 opportunities for public input, from before the maps were  
15 released, were sufficient to solicit public input?

16 A. Well, a lot of information came out of those early  
17 hearings. But basically, once maps were there to look at,  
18 that was a different issue. And there was, I think, less  
19 opportunity at that point.

20 Q. Okay. I'd like to zoom in on that a little bit. You  
21 mentioned that, at some point, maps were released. Between  
22 when maps were released and the enacted plan was voted on by  
23 both chambers, were there opportunities for public input in  
24 that window?

25 A. There were opportunities for public input altogether from

LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 late July into mid January. But the actual maps to look at,  
2 coming out of the House and Senate, only came at the very end  
3 of that process.

4 Q. Okay. And were you able to provide testimony subsequent  
5 to the Senate and House maps being released?

6 A. Yes. The last testimony I presented was January 13th to  
7 the Senate.

8 Q. Okay. And do you have a view as to whether those  
9 post-map opportunities for public input were sufficient to  
10 allow the public an opportunity to speak into that process?

11 A. I personally don't think so. The League was set up to do  
12 this. We had made this a priority for several years. And we  
13 did have people who were experienced and had done map drawing  
14 and so forth. We had mathematicians who could help us  
15 evaluate. But for the average member of the public, the time  
16 frame was very short.

17 Q. Transitioning just a little bit, you mentioned earlier  
18 that you had occasion to listen to a lot of that public input.  
19 Did I hear you right?

20 A. Yes.

21 Q. Okay. What were some of the key themes, if any, that you  
22 can recall through that public input process?

23 A. There were some very consistent themes. We heard over  
24 and over again that people were disturbed about how fragmented  
25 they felt their community was. This was true in Richland, it

LYNN TEAGUE - DIRECT EXAMINATION BY MR. CHANEY

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1 was true in Charleston, and it was also true in other areas,  
2 where members of the public that I heard speak said, we don't  
3 want our community divided, you know, especially as it had  
4 been divided in the existing maps.

5 Q. And we'll talk some more later about the enacted map  
6 itself. But in comparing the public testimony that you heard  
7 to the enacted map, were you left with an impression as to  
8 whether or not the map was informed by that public comment?

9 A. I felt that the enacted map very inadequately reflected  
10 the public comment that I had heard.

11 Q. And did that leave you with any view one way or another  
12 about whether the congressional redistricting process was  
13 transparent or accountable?

14 A. Yes. I felt that, while there were many opportunities  
15 before the maps were released for people to say things and say  
16 what their priorities were, in the ultimate endpoint, that  
17 seemed not -- the accountability didn't seem to be there.

18 Q. Understood. I'd like to pivot to the League's own map in  
19 that drawing process, if that's okay with you.

20 A. Yes.

21 Q. Did the League of Women Voters of South Carolina prepare  
22 a congressional map?

23 A. We did.

24 Q. Okay. Who was involved in that process?

25 A. John Roof actually drew that map -- all of our maps. And

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1 this was his fourth round of redistricting in South Carolina.  
2 And he's an acknowledged expert, has testified as an expert.  
3 And then, the team, the core team for the League included me  
4 and mathematicians to help evaluate, someone to help  
5 coordinate our external panel, because we wanted to get  
6 comment from others who were not involved in the League effort  
7 before submitting our map, and we did that, including  
8 ex-legislators.

9 Q. And did the League develop its own criteria for its  
10 map-drawing process?

11 A. Yes. We took off from the National League criteria, with  
12 a few slight modifications. Our criteria were, first of all,  
13 of course, equal population, contiguity, and a responsible  
14 effort to allow minorities to be able to choose  
15 representation. And those were our bottom-line criteria that  
16 could not be violated.

17 We had a second tier of criteria, which were political  
18 subdivisions. And this actually also reflects the comments we  
19 heard a lot from the public as well as our own thoughts, and  
20 communities of interest.

21 As a third tier, compactness. We looked at compactness,  
22 but we didn't seek compactness if it violated these other  
23 criteria.

24 Q. Understood. So, it sounds like you weighted certain  
25 criteria more heavily than others?

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1 submissions by a variety of residents in Beaufort that they  
2 wanted to remain in a Coastal district and not in  
3 Congressional District 2 with Lexington and Macon?

4 A. I believe I already testified that I was not aware of how  
5 many written submissions there were from any area, really.

6 Q. And you say in this e-mail that: "We are basically just  
7 laying out a position to build a record for our friends at the  
8 LDF and ACLU at this point." Is that accurate?

9 MR. CHANEY: And, your Honor, I'm going to object.  
10 That's what Ms. Teague is doing. It has nothing to do with  
11 the public testimony that could potentially provide a hook to  
12 Mr. Parente's line of questioning.

13 JUDGE GERGEL: Overruled. You can question her about  
14 that.

15 MR. PARENTE: Thank you.

16 BY MR. PARENTE:

17 Q. I'll repeat it, Ms. Teague. Is it an accurate reading of  
18 your e-mail that, "We are basically just laying out a position  
19 to build a record for our friends at LDF and ACLU at this  
20 point?"

21 A. Yes. I think the following sentence --

22 JUDGE GERGEL: Read the next sentence.

23 THE WITNESS: Yeah. The next sentence matters. "The  
24 House has no intention of listening to anyone."

25 I will say, first of all, if the question is, did I

LYNN TEAGUE - CROSS-EXAMINATION BY MR. PARENTE

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1 sometimes become frustrated and even cranky during this long  
2 contentious process, I concede. I plead guilty. I did not  
3 mean that we were choosing to, in any way, modify what we were  
4 saying in support of anybody else's position. But we  
5 recognized by this time that we were unlikely to be litigants  
6 in this because it requires more bandwidth than the League  
7 has, to be blunt. And so, we knew that it was likely that it  
8 would be litigated and we wanted our presentations on the  
9 record for consideration.

10 Q. And I think you mentioned earlier the House had an  
11 initial staff plan and an alternative staff plan; is that  
12 correct?

13 A. Yes.

14 Q. And are you aware that the alternative staff plan took  
15 into account that considerable testimony from the public and  
16 made those changes in the alternative plan?

17 A. Yes. But, again, I was not aware of how many written  
18 submissions there were. I did not investigate that at any  
19 time.

20 Q. Okay. Thank you, Ms. Teague. Those are all my questions  
21 for you.

22 JUDGE GERGEL: Thank you.

23 MR. MOORE: Could we just take a moment?

24 JUDGE GERGEL: Yes.

25 MR. PARENTE: Your Honor, there's one more exhibit

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1 I'd like to move into evidence, which is House Exhibit 142.

2 JUDGE GERGEL: Is there an objection to House 142?

3 MR. CHANEY: Just one moment, your Honor.

4 And, your Honor, this is an e-mail of Ms. Teague  
5 explaining why she's declining to participate in litigation as  
6 a litigant. She's already answered this question. It doesn't  
7 say anything different.

8 JUDGE GERGEL: Well, let me hear what --

9 MR. CHANEY: So, to be clear, we are objecting as the  
10 to relevance.

11 JUDGE GERGEL: Very good.

12 MR. PARENTE: Your Honor, there's a reference to the  
13 House and racial gerrymandering in this, which Ms. Teague has  
14 testified that the House and Senate engaged in racial  
15 gerrymandering.

16 MR. CHANEY: Your Honor, she has not testified as to  
17 the phrase "racial gerrymandering."

18 MR. PARENTE: She testified that --

19 JUDGE GERGEL: I think she said it was racially  
20 focused. I disagree. Let me see the document.

21 MR. PARENTE: Would you like me to publish it, your  
22 Honor, or bring it up?

23 JUDGE GERGEL: No. Just hand it up to Ms. Perry.

24 MR. CHANEY: I'm sorry to interrupt, your Honor.

25 Just one more thing. It's clear from the last sentence in the

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1 third paragraph that the substance of this e-mail has to do  
2 with the House and Senate plans and not congressional.

3 JUDGE GERGEL: Thank you. We'll read it.

4 I'll overrule the objection. House 142 is admitted  
5 for whatever marginal relevance it may have.

6 ***(House Exhibit 142 was admitted into evidence.)***

7 MR. PARENTE: Thank you, your Honor.

8 BY MR. PARENTE:

9 Q. Ms. Teague, do you recognize this e-mail?

10 A. Let's see here. Yes, I do.

11 Q. And the subject of this e-mail is: Zoom with John Cusick  
12 and others from LDF. Is that accurate?

13 A. And it does address the Senate and House maps, but, yes,  
14 I recognize this.

15 Q. And you write in the first paragraph of this e-mail about  
16 a Zoom with John Cusick and others from the LDF, and the  
17 subject is "potential litigation." Is that correct?

18 A. Yes. The question was very basic. It was, were we  
19 planning to litigate.

20 Q. And you state further down in this e-mail that you are so  
21 personally disinclined to engage in litigation; is that  
22 correct?

23 A. Yes. I have to take into account that the League is an  
24 all volunteer -- except for one part-time clerk --  
25 organization without attorneys, without the capacity to take



LYNN TEAGUE - CROSS-EXAMINATION BY MR. PARENTE

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1 on a lot of litigation.

2 Q. But you discuss filing an amicus brief in this case, but  
3 you have not filed one in this case, have you?

4 A. Not in this case, no.

5 Q. You state further down that, "You don't think the Senate  
6 or House maps are likely to be successful racial gerrymander  
7 cases." Is that an accurate reading?

8 A. Yes. In fact, I will recall shocking the Senate  
9 committee when I testified that they'd drawn a pretty decent  
10 map.

11 Q. And you go on to say --

12 JUDGE GERGEL: You're not objecting to that?

13 MR. PARENTE: Judicial notice, please.

14 BY MR. PARENTE:

15 Q. And, Ms. Teague, you go on to say that, "The House has  
16 been evil." Is that accurate?

17 A. Yes, that's what I said.

18 Q. And you used the word "evil" there; is that right?

19 JUDGE GERGEL: We can read it.

20 THE WITNESS: Yes.

21 BY MR. PARENTE:

22 Q. And you go on to say, "but not necessarily through a  
23 racial gerrymander;" is that right?

24 A. In the case of the House, yes, the House map. "An expert  
25 would need to address that," is what I went on to say.

LYNN TEAGUE - CROSS-EXAMINATION BY MR. PARENTE

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1 Q. And you think that the House has been evil because you  
2 don't agree with their politics; is that correct?

3 A. You know, I over -- no. I disagreed with the fact that  
4 they had drawn a map that our mathematicians told us was  
5 wildly biased. And "evil" is not a good choice of words  
6 there, but, again, you know, this is a long -- you've seen  
7 hundreds of my e-mails. And I don't think that I've always  
8 used the best words or, in some cases, even -- in some cases,  
9 I've just been upset.

10 But what our mathematicians told us was that, on the  
11 House map out of 11.8 billion simulations that they ran in the  
12 Monte Carlo Markov chain analysis, only 470 were more biased  
13 than what the House, in fact, passed. So, that led -- I could  
14 have said -- would have been better advised to say: The House  
15 has devised a remarkably gerrymandered map.

16 Q. And when you used the word "biased" in your testimony a  
17 moment ago, you mean politically biased; is that correct?

18 A. Actually, I mean statistically biased. Monte Carlo  
19 Markov chain, we did not -- it does not measure why it's  
20 biased, it just measures if it's biased.

21 JUDGE GERGEL: Let me remind you that we are here on  
22 the congressional map, not the House and Senate map. So let's  
23 move on.

24 MR. PARENTE: I understand, your Honor. Those are  
25 all my questions.

LYNN TEAGUE - CROSS-EXAMINATION BY MR. TRAYWICK

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1 Thank you, Ms. Teague

2 JUDGE GERGEL: Anything further, Mr. Traywick?

3 MR. TRAYWICK: Thank you, your Honor.

4 JUDGE GERGEL: I can always count on my friend, Mr.  
5 Traywick, to be brief.

6 MR. TRAYWICK: Brief, noncumulative thoughts only.  
7 Thank you.

8 **CROSS-EXAMINATION**

9 **BY MR. TRAYWICK:**

10 Q. Ms. Teague, my name is Lisle Traywick, and I represent  
11 the Senate defendants in this matter. It's nice to see you.

12 A. Nice to see you.

13 Q. Thank you for being here. You would agree that the  
14 Senate held 10 public hearings across the state, correct?

15 A. Yes.

16 Q. And all that was before drafting guidelines and drawing  
17 maps, correct?

18 A. Yes. In fact, if you'd like to walk through the process,  
19 I'll say I think the Senate did a very fine job of organizing  
20 its public hearings around the state.

21 Q. Thank you. I appreciate that. You just saved some  
22 questions, too.

23 A. I thought I might.

24 Q. That's right. And those were for both Senate and  
25 congressional --

MARGIE BRIGHT MATTHEWS DIRECT EXAMINATION BY MR. TRIVEDI 798

1 fully cross-examine her. And so, I'm thinking we maybe ought  
2 to break right now and let me go deal with my emergency. And  
3 I just don't think coming back at 5:45 to do -- and it will  
4 kill my staff.

5 MR. TRIVEDI: Of course, your Honor.

6 JUDGE GERGEL: So, any thoughts anyone has about  
7 that?

8 Mr. Gore, you've got cross-examination of this  
9 witness?

10 MR. GORE: I do, your Honor. And we agree with your  
11 assessment on the schedule.

12 JUDGE GERGEL: I mean, it's an important witness.  
13 And, unlike the House, she actually participated in the plan  
14 that got adopted. And I think they're entitled to have a full  
15 robust cross-examination. So, I think we will adjourn today  
16 and we'll reconvene at 9:00 o'clock tomorrow morning. Okay?

17 MR. TRIVEDI: Thank you, your Honor.

18 JUDGE GERGEL: Thank you.

19 \* \* \* \* \*

20 I certify that the foregoing is a correct transcript from  
21 the record of proceedings in the above-entitled matter.

22 s/Lisa D. Smith,

11/6/2022

23 Lisa D. Smith, RPR, CRR

\_\_\_\_\_  
Date

24

25