

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BOBBY SINGLETON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:21-cv-01291-AMM
)	
JOHN MERRILL, in his official)	THREE-JUDGE COURT
capacity as Alabama Secretary of State,)	
<i>et al.</i> ,)	
)	
Defendants.)	

STIPULATIONS OF FACT

The parties jointly stipulate to the following facts for purposes of the preliminary injunction proceedings:

1. On March 12, 2020, James Blacksher, Dorman Walker, and Jim Davis appeared together on a panel to discuss redistricting in a program held by the Montgomery Inns of Court. Blacksher told the audience that it should be possible to draw Congressional districts that kept Montgomery County and all other counties whole.

2. In April 2021, Blacksher asked Bill Cooper, who had been his map drawer during the *ALBC v. Alabama* proceedings, to see if a seven Congressional districts, whole county plan could be drawn using census estimates that were available at the county level only.

3. The only instructions Blacksher gave Cooper were to keep counties whole and to attempt to keep the Black Belt counties together.

4. Mr. Cooper produced the plan filed by the *Singleton* Plaintiffs as Exhibit 69.

5. Blacksher and his colleague Ed Still circulated Cooper's plan widely among Black political leaders and organizations who were preparing for post-2020 census redistricting, including the ACLU, Southern Poverty Law Center, NAACP Legal Defense Fund, Greater Birmingham Ministries, and the League of Women Voters of Alabama. Counsel for many of these organizations represent parties in *Milligan*.

6. The League of Women Voters of Alabama (LWVAL) agreed to sponsor the whole county plan in public discussions and hearings involving the legislative redistricting process.

7. Bill Cooper informed Blacksher in late May that he was under contract with the Perkins Coie law firm and had a conflict of interest. Blacksher phoned Abba Khanna, who confirmed that Mr. Cooper would not be able to continue working with Blacksher on Congressional redistricting in Alabama.

8. At Mr. Cooper's suggestion, in early August 2021 Blacksher engaged Dr. Gerald Webster and the CART Lab at the University of Alabama to insert the 2020 census data in Cooper's whole county plan when the Legacy data were released by the Census Bureau. The LWVAL paid Dr. Webster and the CART Lab for their services.

9. When the Legacy 2020 census data were published on August 12, 2021, the CART Lab inserted them in Cooper's plan. At Blacksher's request, the only change the CART Lab made was to move Morgan County to District 4 and Colbert, Franklin, and Jackson Counties to District 5, in order to lower the maximum population deviation from above 5% to 2.47%.

10. Because the CART Lab did not have the latest Maptitude software installed, Blacksher retained the services of Louis Hines at the Center for Leadership and Public Policy at Alabama State University to put the CART Lab's whole county plan in maptitude format for submission to the Reapportionment Office of the Legislature. Mr. Hines sent the Whole County Maptitude files to the Reapportionment Office on September 10, 2021.

11. On September 1, 2021, Kathy Jones, President of the LWVAL, was the first witness at the first public hearing held by the Reapportionment Committee, and she submitted the Whole County Plan to the Committee.

12. On September 7, 2021, Blacksher emailed Dorman Walker to provide a link to the Whole County Plan on the LWVAL web site.

13. The Whole County Plan was finally entered in the Reapportionment Office system on September 17, 2021.

14. At Blacksher's request, on October 26, 2021, Mr. Hines modified the Whole County Plan to reduce its maximum deviation, first to 0.69% and second to zero %.

Mr. Hines submitted the “narrow deviation” and zero deviation Whole County Plans to the Reapportionment Office on October 27, 2021.

The Plaintiffs in *Milligan v. Merrill*, No. 2:21-cv-01530-AMM, have asked that their objection to these stipulated facts be noted.

Dated: December 23, 2021

Respectfully submitted,

/s/ James Uriah Blacksher

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