

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

MARCUS CASTER, LAKEISHA
CHESTNUT, BOBBY LEE DUBOSE,
BENJAMIN JONES, RODNEY ALLEN
LOVE, MANASSEH POWELL,
RONALD SMITH, and WENDELL
THOMAS,

Plaintiffs,

v.

JOHN H. MERRILL, in his official
capacity as Alabama Secretary of State,

Defendant,

and

CHRIS PRINGLE and JIM
McCLENDON,

Intervenor-Defendants.

Case No. 2:21-CV-1536-AMM

**PLAINTIFFS' REPLY IN SUPPORT OF MOTION
FOR PRELIMINARY INJUNCTION**

TABLE OF CONTENTS

I. Introduction.....	1
II. Argument	2
A. Plaintiffs are substantially likely to succeed in showing HB 1 violates Section 2.	2
i. Plaintiffs satisfy <i>Gingles</i> Precondition 1.	2
a. The Illustrative Plans contain two majority-Black districts.....	3
b. The Illustrative Plans adhere to traditional redistricting principles.	5
c. Plaintiffs’ Illustrative Plans do not violate the Constitution.....	14
ii. Plaintiffs satisfy <i>Gingles</i> Preconditions 2 and 3.....	19
iii. The totality of circumstances shows HB 1 dilutes the voting strength of Black Alabamians in south and central Alabama.	21
B. Section 2 contains a private right of action.....	38
C. The remaining preliminary injunction factors weigh heavily in favor of relief.....	42
III. Conclusion	44

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Ala. Legis. Black Caucus v. Alabama</i> , 231 F. Supp. 3d 1026 (N.D. Ala. 2017).....	17
<i>Alabama v. United States</i> , 198 F. Supp. 3d 1263 (N.D. Ala. 2016).....	41
<i>Arbor Hill Concerned Citizens Neighborhood Ass’n v. Cnty. of Albany</i> , 281 F. Supp. 2d 436 (N.D.N.Y. 2003).....	23
<i>Askew v. City of Rome</i> , 127 F.3d 1355 (11th Cir. 1997)	26
<i>Bartlett v. Strickland</i> , 556 U.S. 1 (2009).....	3
<i>Bethune-Hill v. Va. State Bd. of Elections</i> , 137 S. Ct. 788 (2017).....	17
<i>Bone Shirt v. Hazeltine</i> , 336 F. Supp. 2d 976 (D.S.D. 2004)	23, 24
<i>Bush v. Vera</i> , 517 U.S. 952 (1996).....	16
<i>Charles H. Wesley Educ. Found., Inc. v. Cox</i> , 408 F.3d 1349 (11th Cir. 2005)	42
<i>Chen v. City of Houston</i> , 206 F.3d 502 (5th Cir. 2000)	8
<i>Chestnut v. Merrill</i> , 446 F. Supp. 3d 908 (N.D. Ala. 2020).....	9
<i>City of Carrollton Branch of the NAACP v. Stallings</i> , 829 F.2d 1547 (11th Cir. 1987)	<i>passim</i>

<i>Covington v. North Carolina</i> , 270 F. Supp. 3d 881 (M.D.N.C. 2017)	43
<i>Covington v. North Carolina</i> , 316 F.R.D. 117 (M.D.N.C. 2016)	4
<i>Davis v. Chiles</i> , 139 F.3d 1414 (11th Cir. 1998)	5, 14, 15, 16
<i>Fusilier v. Landry</i> , 963 F.3d 447 (5th Cir. 2020)	4
<i>Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs</i> , 118 F. Supp. 3d 1338 (N.D. Ga. 2015)	<i>passim</i>
<i>Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs</i> , 950 F. Supp. 2d 1294 (N.D. Ga. 2013)	<i>passim</i>
<i>Georgia v. Ashcroft</i> , 539 U.S. 461 (2003)	3
<i>Holloway v. City of Va. Beach</i> , 531 F. Supp. 3d 1015 (E.D. Va. 2021)	35
<i>Hous. Lawyers' Ass'n v. Att'y Gen.</i> , 501 U.S. 419 (1991)	39
<i>In re Hubbard</i> , 803 F.3d 1298 (11th Cir. 2015)	18
<i>Jenkins v. Red Clay Consol. Sch. Dist. Bd. of Educ.</i> , 4 F.3d 1103 (3d Cir. 1993)	31
<i>Johnson v. De Grandy</i> , 512 U.S. 997 (1994)	23
<i>Jones v. Jefferson Cnty. Bd. of Educ.</i> , No. 2:19-cv-1821-MHH, 2019 WL 7500528 (N.D. Ala. Dec. 16, 2019)	25
<i>Larios v. Cox</i> , 305 F. Supp. 2d 1335 (N.D. Ga. 2004)	43

<i>LULAC v. Abbott</i> , No. EP-21-cv-259-DCJ-JES-JVB, 2021 WL 5762035 (W.D. Tex. Dec. 3, 2021).....	39
<i>LULAC v. Perry</i> , 548 U.S. 399 (2006).....	2, 5, 39
<i>Mi Familia Vota v. Abbott</i> , 497 F. Supp. 3d 195 (W.D. Tex. 2020)	39
<i>Miller v. Johnson</i> , 515 U.S. 900 (1995).....	16
<i>Miss. Republican Exec. Comm. v. Brooks</i> , 469 U.S. 1002 (1984).....	40
<i>Mo. State Conf. NAACP et al. v. Ferguson-Florissant Sch. Dist.</i> , 201 F. Supp. 3d 1006 (E.D. Mo. 2016)	4
<i>Mobile v. Bolden</i> , 446 U.S. 55 (1980).....	28
<i>Morse v. Republican Party of Va.</i> , 517 U.S. 186 (1996).....	38, 39, 40
<i>Nipper v. Smith</i> , 39 F.3d 1494 (11th Cir. 1994)	15, 29
<i>Pope v. Cnty. of Albany</i> , 687 F.3d 565 (2d Cir. 2012)	20
<i>Reno v. Bossier Par. Sch. Bd.</i> , 520 U.S. 471 (1997).....	1
<i>Rodriguez de Quijas v. Shearson/Am. Exp., Inc.</i> , 490 U.S. 477 (1989).....	41
<i>S. Christian Leadership Conf. v. Sessions</i> , 56 F.3d 1281 (11th Cir. 1995)	15, 27
<i>Seminole Tribe of Fla. v. Florida</i> , 517 U.S. 44 (1996).....	39

<i>Shaw v. Reno (Shaw I)</i> , 509 U.S. 630 (1993).....	6, 15
<i>Sixty-Seventh Minn. State Senate v. Beens</i> , 406 U.S. 187 (1972).....	43
<i>Solomon v. Liberty Cnty.</i> , 899 F.2d 1012 (11th Cir. 1990) (en banc)	28
<i>Solomon v. Liberty Cnty.</i> , 957 F. Supp. 1522 (N.D. Fla. 1997)	27, 28
<i>Solomon v. Liberty Cnty. Comm'rs</i> , 221 F.3d 1218 (11th Cir. 2000) (en banc)	27
<i>Terrebonne Branch NAACP v. Jindal</i> , No. 3:14-CV-69-JJB-EWD, 2019 WL 4398509 (M.D. La. Apr. 29, 2019)	10, 13
<i>Terrebonne Par. Branch NAACP v. Jindal</i> , 274 F. Supp. 3d 395 (M.D. La. 2017).....	4
<i>Thornburg v. Gingles</i> , 478 U.S. 30 (1986).....	<i>passim</i>
<i>United States v. Blaine Cnty.</i> , 363 F.3d 897 (9th Cir. 2004)	40
<i>United States v. Marengo Cnty. Com'n</i> , 731 F.2d 1546 (11th Cir. 1984)	18
<i>United States v. McGregor</i> , 824 F. Supp. 2d 1339 (M.D. Ala. 2011).....	24
<i>Wright v. Sumter Cnty. Bd. of Elections & Registration</i> , 301 F. Supp. 3d 1297 (M.D. Ga. 2018)	<i>passim</i>

Statutes

52 U.S.C. § 10301	<i>passim</i>
52 U.S.C. § 10302	25, 40
52 U.S.C. § 10310	40

I. Introduction

HB 1 cracks and packs Alabama's large and geographically compact population of Black voters—a quarter of the state's population—with the effect of confining their influence to one out of the state's seven congressional districts. This is quintessential vote dilution that Section 2 of the Voting Rights Act was “designed as a means of eradicating.” *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 479 (1997).

Though Defendants' 130-page brief attempts to obfuscate what is plain (and in some cases, what has been plain for decades), Black Alabamians are entitled to a second majority-minority congressional district under Section 2. For the reasons explained in their motion and below, Plaintiffs have demonstrated that two majority-minority districts can be drawn consistent with traditional redistricting principles, and that absent a second majority-Black district, Alabama's electoral process will remain unequally open to its Black citizens for yet another decade.

Defendants seek to deny Plaintiffs their fundamental rights by imposing requirements on Plaintiffs' demonstrative plans found nowhere in federal law or Alabama's own redistricting guidelines and by pressing distorted interpretations of Section 2 that depart from decades of case law. In doing so, they largely leave Plaintiffs' evidence untouched. That evidence—and a proper application of the law—requires entry of the preliminary injunction that Plaintiffs seek here.

II. Argument

A. Plaintiffs are substantially likely to succeed in showing HB 1 violates Section 2.

This case demands a straightforward application of Section 2. Plaintiffs have shown that: (1) Black Alabamians are “sufficiently large and geographically compact to constitute a majority in a single-member district”; (2) they are “politically cohesive”; and (3) “the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986). Because those preconditions are easily met here, the Court must proceed to “the totality of the circumstances,” which confirms that “the political processes leading to nomination or election in the State or political subdivision are not equally open to participation.” *Id.* at 43-44. Each of Defendants’ arguments to the contrary relies on misinterpretations of binding case law, a rewriting of Alabama’s own redistricting guidelines, and red herrings designed to distract the Court. Under a proper application of the law, Plaintiffs are substantially likely to succeed on their Section 2 claim.

i. Plaintiffs satisfy *Gingles* Precondition 1.

To satisfy *Gingles* 1, Plaintiffs must show that the Black population in Alabama is “sufficiently large and geographically compact to constitute a majority in a single-member district.” *LULAC v. Perry*, 548 U.S. 399, 425 (2006) (quoting *Johnson v. De Grandy*, 512 U.S. 997, 1006–1007 (1994)). As demonstrated by Mr.

Cooper's seven Illustrative Plans, this requirement is easily met. Defendants' arguments to the contrary transform traditional redistricting principles from a range of reasonable compliance to a self-serving bright-line test found nowhere in the law.

a. The Illustrative Plans contain two majority-Black districts.

The numerosity aspect of *Gingles* 1 requires a “straightforward,” “objective, numerical test: Do minorities make up more than 50 percent of the voting-age population in the relevant geographic area?” *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009). The answer to this question is emphatically yes.

Each of Mr. Cooper's seven Illustrative Plans contains two districts with a Black voting age population (“BVAP”) above 50%. Expert Rep. of William S. Cooper (“Cooper I”), ECF No. 48, at 21-22 ¶ 48; Second Expert Rep. of William S. Cooper (“Cooper II”), ECF No. 65, at 2 ¶ 7. Defendants do not dispute this fact. Instead, ignoring Supreme Court guidance, Defendants quibble with the use of Any-Part Black VAP (“AP BVAP”), a metric used in dozens of cases across the country.

Where, as here, “the case involves an examination of only one minority group's effective exercise of the electoral franchise,” it is “proper to look at *all* individuals who identify themselves as black.” *Georgia v. Ashcroft*, 539 U.S. 461, 473 n.1 (2003). That clear instruction makes eminent sense: there is no better way to determine who qualifies as Black than by relying on the very people who identify as such. *See* Rebuttal Expert Rep. of Dr. Bridgett King (“King II”), ECF No. 50, at

1-5 ¶¶ 3-16. Following the Supreme Court’s lead, courts across the country have relied on the AP BVAP metric in Section 2 cases, *see, e.g., Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395, 419-20 (M.D. La. 2017) (using AP BVAP), *rev’d sub nom. on other grounds Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020); *Covington v. North Carolina*, 316 F.R.D. 117, 125 n.2 (M.D.N.C. 2016) (utilizing the “‘total black’ portion of the voting-age population, i.e., the portion that is ‘any-part black’”), including in cases in which Mr. Cooper has served as an expert, *see, e.g., Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 118 F. Supp. 3d 1338 (N.D. Ga. 2015) (issuing preliminary injunction); *Mo. State Conf. NAACP et al. v. Ferguson-Florissant Sch. Dist.*, 201 F. Supp. 3d 1006 (E.D. Mo. 2016). In apparent recognition of the widespread use of AP BVAP in Section 2 cases, even Defendants’ own expert included AP BVAP in his analysis of Mr. Cooper’s Illustrative Plans. Decl. of Thomas Bryan, ECF No. 51-2, at 7. Defendants’ position on this point is not well founded.

Nevertheless, Mr. Cooper’s Illustrative Plans also satisfy *Gingles* 1 under other measures, including the most restrictive measure possible: non-Hispanic single-race citizen BVAP (“NH SR BCVAP”). This category includes only “Black Alone” eligible voters who have no Hispanic ethnicity. Districts 2 and 7 in each illustrative plan have a NH SR BCVAP between 50.80% and 55.58%. ECF Nos. 48-16, 48-21, 48-26, 48-31, 49-36, 48-41, No. 65-1. The same is true when considering

registered Alabama voters—Mr. Cooper’s Districts 2 and 7 in each plan have a Black registered voter population between 51.7% and 58.3%. Cooper II at 38 ¶ 38, Fig. 4. And as Defendants note, Alabama’s voter registration form does not allow for “multiple or combination answers” for race. Defs.’ Resp. in Opp. to Pls.’ Mots. for Prelim. Inj. (“Opp.”), ECF No. 71, at 53-54; *see* Ex. 1 (State of Alabama Voter Registration Form) (instructing applicants to “check one” of the race options).¹

Defendants do not challenge Plaintiffs’ ability to satisfy the *Gingles* numerosity requirement, or even their choice of population metric for drawing majority-minority districts. Accordingly, Plaintiffs easily satisfy this element of the first *Gingles* precondition.

b. The Illustrative Plans adhere to traditional redistricting principles.

Alabama’s Black population is also reasonably compact to support a second majority-minority district. Plaintiffs satisfy the *Gingles* 1 compactness requirement by showing that it is “possible to design an electoral district, consistent with traditional districting principles.” *Davis v. Chiles*, 139 F.3d 1414, 1425 (11th Cir. 1998). The Court’s lodestar in this analysis is reasonableness—there is no bright line rule defining compactness under Section 2. *LULAC*, 548 U.S. at 433 (“While no precise rule has emerged governing § 2 compactness, the inquiry should take into

¹ Alabama’s current voter registration form can be found online at: <https://www.sos.alabama.gov/sites/default/files/voter-pdfs/nvra-2.pdf>.

account traditional districting principles”) (internal quotations omitted). Mr. Cooper’s Illustrative Plans demonstrate that an additional majority-minority district can be drawn consistent with traditional redistricting principles such as “compactness, contiguity, and respect for political subdivisions,” *Shaw v. Reno* (*Shaw I*), 509 U.S. 630, 647 (1993).

Consider first compactness. The Illustrative Plans’ compactness scores are comparable to, if not superior to, the compactness scores of the 2021 Enacted Plan. Cooper I at 36, fig. 22; Cooper II at 7, fig. 3; *see also* Cooper II at 2 ¶ 4 (noting “there is no threshold score to determine sufficient compactness”). Illustrative Plan 7, for instance, has an average Reock score of .41, as compared to .38 for the enacted plan. And even where the districts in the Illustrative Plans are slightly less compact than those in the 2021 Enacted Plan, they remain within the normal range of compactness scores for districts in Alabama and across the country more generally. Cooper II at 8 ¶ 23; *id.*, Exs. B-1-B-7; Cooper I at 35 ¶ 82. Indeed, when compared to Texas’s 2021 congressional map, for which Defendants’ expert served as an advisor, Mr. Cooper’s Illustrative Districts outscore several districts by wide margins. Cooper II at 9 ¶¶ 24-28.

The Illustrative Plans comply in equal measure with each of the remaining traditional redistricting considerations. Mr. Cooper’s districts are contiguous and contain virtually equal population. Cooper I at 21 ¶ 46; Cooper II at 5-6 ¶ 16. They

also respect county boundaries and minimize county splits. The Illustrative Plans include one plan with one *fewer* county splits, four plans with equal county splits, and two plans with one more county split as compared to the 2021 Enacted Plan. Cooper I at 22 ¶ 48; Cooper II at 2 ¶ 6.

Defendants offer little to dispute the Illustrative Plans' compliance with these criteria. Instead, they attempt to convince this Court of the inviolability of only certain traditional redistricting factors, claiming that "Plaintiffs' proposed remedies demand that the State disregard the three most important districting principles in its traditional criteria: preserving the cores of existing districts; maintaining communities of interest; and avoiding contests between incumbents." Opp. 7. This argument fails on both the law and the facts.

First, not only is Defendants' selection of these "three most important redistricting criteria" unsupported by any case law, it is undermined by the State's own redistricting guidelines. As Alabama explained in its 2021 Redistricting Guidelines, prime among the State's hierarchy of redistricting criteria are (1) minimal population deviation; (2) the construction of contiguous and "reasonably compact geography;" and (3) compliance "with Section 2 of the Voting Rights Act." ECF No. 56-1 at 1:11-25. Only where these criteria are not "violate[d] or subordinate[d]" may the State observe discretionary policies such as avoiding the pairing of incumbents, respecting communities of interest, and the preserving the

“cores of existing districts.” *Id.* at 2:21-24. And even within these second-tier factors, the guidelines offer “discretion” to “determine which takes priority,” no doubt in recognition of the fact that these factors often compete with one another. *Id.* at 3:12-14. Defendants’ prioritization of core preservation, communities of interest, and incumbency therefore bear no resemblance to the State’s actual priorities when drawing the 2021 enacted plan.

Second, Defendants’ suggestion of a bright-line test for compliance with traditional redistricting principles has no foundation in law. To the contrary, “there is more than one way to draw a district so that it can reasonably be described as meaningfully adhering to traditional principles.” *Chen v. City of Houston*, 206 F.3d 502, 519 (5th Cir. 2000); *see also Wright v. Sumter Cnty. Bd. of Elections & Registration*, 301 F. Supp. 3d 1297, 1326 (M.D. Ga. 2018), *aff’d*, 979 F.3d 1282 (11th Cir. 2020) (approving “far from perfect” illustrative plan as satisfying *Gingles* 1). There is thus no obligation for a *Gingles* 1 demonstrative map to be the *least* or *most* anything—it must simply reasonably adhere to traditional redistricting principles, as Plaintiffs’ Illustrative Plans clearly do.

Third, a closer examination of each of Defendants’ preferred redistricting principles further reveals the baselessness of their argument. Defendants elevate “preserving the cores of existing districts” above all else. Opp. 7. But not only do the State’s guidelines mandate that core preservation *not* trump compliance with

Section 2, ECF No. 56-1 at 2:21-24; *Chestnut v. Merrill*, 446 F. Supp. 3d 908, 913 (N.D. Ala. 2020) (Defendants’ expert Dr. Hood “admit[ing]” that the 2011 redistricting guidelines did not even mention core preservation and that, “regardless, an interest in core preservation could not trump compliance with § 2”), Defendants’ cynical prioritization of core preservation would render it impossible for any Section 2 claim to succeed. This is because Section 2 plaintiffs are *required* to demonstrate that the State could have created a new majority-minority district that does not currently exist. Plaintiffs can hardly be faulted for failing to maintain the same district configurations they claim are unlawful.

Unsurprisingly, Defendants cannot identify a single case in which a proposed majority-minority district has been rejected under *Gingles* 1 because it inadequately retained the core of existing districts. Such a finding would turn the law on its head, effectively immunizing from Section 2 liability those states that have the longest-standing maps. Contrary to Defendants’ suggestion, the State’s failure to comply with Section 2 in the past does not absolve it from Section 2 liability in perpetuity. Notably, the Illustrative Plans only reconfigure districts to the extent necessary to comply with Section 2 and satisfy Plaintiffs’ evidentiary threshold; almost all of Mr. Cooper’s plans leave Districts 4 and 5 nearly unchanged from the enacted plan. Cooper I at figs. 10, 12, 14, 16, 18.

Defendants’ emphasis on incumbency similarly fails. Once again, the

Legislature subordinated this criterion to Section 2 compliance in its 2021 Redistricting Guidelines. *See* ECF No. 56-1 at 1-3. And the pairing of incumbents in Mr. Cooper’s illustrative plans hardly runs roughshod over this principle; one out of the seven plans—Illustrative Plan 5—does not pair any incumbents, and the rest pair only one set of incumbents. Supp. Rep. of Thomas Bryan, ECF No. 66-1, at 16.

Finally, contrary to Defendants’ claims, the Illustrative Plans also respect communities of interest across the state.² Mr. Cooper based the location and contours of the new illustrative majority-Black district on a community of interest the State itself has recognized. As Mr. Cooper explained, “[n]ew majority-Black District 2 under the illustrative plans has a configuration that is similar to District 5 in the 2021 BOE Plan and the 2011 BOE Plan.” Cooper I at 22 ¶ 48. And as Senator Dial, the former co-chairman of the Reapportionment Committee, confirmed, the 2011 BOE plan, which unites the City of Mobile with much of the Black Belt, was drawn to respect “[t]he integrity of communities of interest.” ECF No. 56-5 (“*Chestnut Tr. 3*”) at 646:10-13. So too do the Illustrative Plans. *Terrebonne Branch NAACP v. Jindal*, No. 3:14-CV-69-JJB-EWD, 2019 WL 4398509, at *5 (M.D. La. Apr. 29, 2019) (finding minority communities formed a community of interest where they shared a

² Citing a non-precedential and irrelevant decision, Opp. 73, Defendants imply that because Mr. Cooper did not explain each of the communities of interest his maps respect, he must not have paid any mind to this factor. But as explained here, Mr. Cooper’s report and the record are full of evidence demonstrating how the Illustrative Plans respect communities of interest.

district under other districting plans). The State’s redistricting guidelines reinforce Mr. Cooper’s choice. *See* ECF No. 56-1 at 1-3 at 2-3 (“[C]ommunities of interest may . . . include political subdivisions such as . . . school districts.”).

The State also wrongly claims that District 2 in each of the Illustrative Plans unites Black Alabamians “who may have little in common with one another but the color of their skin.” Opp. 71 (citing *Shaw v. Reno*, 509 U.S. 630, 647 (1993)). On the contrary, the Illustrative Plans unite geographic, cultural, racial and ethnic, regional, historic, governmental, and social communities of interest that the current plan divides. The Illustrative Plans unite the Black Belt, which is currently cracked among *four* different districts, together in a single district, honoring a longstanding community of interest. *See, e.g.*, Ex. 2 at 3 (explaining “[t]he Black communities of Mobile and the Black Belt share significant historic, demographic, and socioeconomic interests”). As longtime state Senator Hank Sanders explained three years ago, the Black communities both within and near the Black Belt share an undisputable history of racial discrimination that continues to play an important role today. *Chestnut Tr.* 3 at 576:6-13 (Sanders) (“[Lynching and land confiscation] in our collective memory is so powerful [I]t’s still there in a very powerful way.”).

Additionally, residents of Mobile and Montgomery who are united in all of Plaintiffs’ illustrative majority-Black districts share a host of similar interests and

needs.³ Former state Representative John Knight testified, for example, that during his 25 years in the Alabama House he observed many of the same concerns from Black Alabamians in Montgomery and Mobile relating to education, criminal justice reform, and healthcare—issues relevant to a wide swath of Alabamians, but which impact African Americans in unique ways. ECF No. 56-4 (“*Chestnut* Tr. 2”) at 340:14-15, 340:24-341:8. As for education, Plaintiff LaKeisha Chestnut explained that Mobile’s predominantly Black public schools are failing, *Chestnut* Tr. 2 at 420:10-421:5, 421:6-421:22, while Rep. Knight identified the exact same issue in Montgomery, *id.* at 365:10-13; *see also* ECF No. 56-7 (“*Chestnut* Tr. 1”) at 220:25-221:15 (Jones); *Chestnut* Tr. 2 421:23-422:7 (Chestnut). Rep. Knight, Ms. Chestnut, and Ms. Jones, another *Chestnut* plaintiff, also described criminal justice issues facing Black Alabamians in Mobile and Montgomery, such as disproportionately high incarceration rates, *Chestnut* Tr. 2 at 340:2-11 (Knight); *id.* at 423:25-424:5 (Chestnut); *Chestnut* Tr. 1 at 218:8-14 (Jones), police brutality and strained relationships with law enforcement, *Chestnut* Tr. 2 at 423:1-25 (Chestnut); *Chestnut* Tr. 1 at 222:19-224:9 (Jones), and reintegration of those leaving prison, *Chestnut* Tr. 2 at 424:6-19 (Chestnut); *Chestnut* Tr. 1 at 222:4-16 (Jones). They also spoke about the housing crises that Black communities face in both cities. *Chestnut* Tr. 2 at

³ All Illustrative Plans unite parts of Mobile and Montgomery Counties. The Illustrative Plans also unite parts of Mobile and Baldwin Counties.

339:17-340:1 (Knight); *id.* at 427:6-14, 427:22-428:1 (Chestnut); *Chestnut* Tr. 1 at 225:13-226:2 (Jones). And they described similar employment issues facing Black Alabamians in both communities. *Chestnut* Tr. 1 at 224:10-225:12 (Jones); *Chestnut* Tr. 2 at 354:22-357:25, 358:13-359:16 (Knight); *id.* at 424:20-425:24 (Chestnut). Accordingly, the Illustrative Plans unite Black communities with common socioeconomic conditions currently divided among multiple districts. *See, e.g.*, Cooper I at Exs. N, O, P, R; *Terrebonne Branch NAACP*, No. 3:14-cv-69, 2019 WL 4398509, at *5 (M.D. La. Apr. 29, 2019) (finding minority population compact under *Gingles* 1 in part because Black residents in illustrative districts shared similar socioeconomic characteristics as compared to whites).

The State's primary evidence otherwise is testimony from two former white Congressmen elected in racially polarized elections who claim that Mobile and Baldwin form an inextricable community of interest. But as former Congressman Byrne made clear two years ago, he simply does not consider and is not aware of Black Alabamians' interests or needs. He did not know the Black composition of his district, he did not remember racially incendiary statements made by fellow politicians, and despite the universally recognized socioeconomic and other disparities discussed above, he sees no difference between the needs of his Black constituents and those of his white constituents. *E.g.*, ECF No. 72-9 at 717:1-19, 723:8-724:22, 728:8-729:3. It is thus unsurprising that Mr. Byrne's Black

constituents felt he did not adequately represent their interests. *See Chestnut* Tr. 2 at 424:6-19.

In sum, Mr. Cooper's Illustrative Plans not only include two majority-Black districts under multiple population metrics, they do so while respecting traditional redistricting principles, including communities of interest, and demonstrate multiple ways to strike this balance. Plaintiffs have thus more than satisfied their burden under *Gingles* 1.

c. Plaintiffs' Illustrative Plans do not violate the Constitution.

Defendants' primary argument, that Plaintiffs' demonstrative plans are "racially gerrymandered," *e.g.*, Opp. 112, rests upon an erroneous conflation of the Section 2 and racial gerrymandering doctrines and makes an argument that the Eleventh Circuit has previously rejected as a "misinterpret[ation of] the law regarding the role of race in assessing permissible remedies for violations of Section 2." *Davis*, 139 F.3d at 1426. Both the Supreme Court's and Eleventh Circuit's "precedents *require* [Section 2] plaintiffs to show that it would be possible to design an electoral district, consistent with traditional districting principles, in which minority voters could successfully elect a minority candidate." *Id.* at 1425 (emphasis added). In other words, Section 2 requires the intentional creation of a majority-minority district, and "[t]he intentional creation of a majority-minority district necessarily requires consideration of race." *Fayette Cnty.*, 118 F. Supp. 3d at 1345.

As the Eleventh Circuit properly recognized, “[t]o penalize [plaintiffs] . . . for attempting to make the very showing that *Gingles*, *Nipper* [*v. Smith*, 39 F.3d 1494 (11th Cir. 1994)], and [*Southern Christian Leadership Conference v. Sessions*, 56 F.3d 1281 (11th Cir. 1995)] demand would be to make it impossible, as a matter of law, for any plaintiff to bring a successful Section Two action.” *Davis*, 139 F.3d at 1425. As a result, courts adjudicating a Section 2 claim should “not determine as part of the first *Gingles* inquiry whether Plaintiffs’ Illustrative Plan[s] subordinate[] traditional redistricting principles to race.” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 950 F. Supp. 2d 1294, 1306 (N.D. Ga. 2013), *aff’d in part, vacated in part, & rev’d in part on other grounds*, 775 F.3d 1336 (11th Cir. 2015); *see also Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 118 F. Supp. 3d 1338, 1344-45 (N.D. Ga. 2015) (reaffirming this principle on remand).

In any event, Mr. Cooper’s Illustrative Maps “are not based predominantly on race”: they “are compact; they are contiguous; and they respect precinct borders.” *Davis*, 139 F.3d at 1425. And they comply with the State’s remaining discretionary redistricting factors such as incumbent protection and respect for communities of interest. *See supra* Section II.A.i.b; *Shaw v. Reno*, 509 U.S. 630, 647 (1993) (observance of traditional redistricting factors “may serve to defeat a claim that a district has been gerrymandered on racial lines”). That Mr. Cooper was expressly engaged “to draw black majority” districts does not move the needle. *Davis*, 139

F.3d at 1425. “Certainly, race was a factor in [Mr. Cooper’s] process of designing the proposed [districts]; under *Gingles*, *Nipper*, and *SCLC*, we *require* plaintiffs to show that it is possible to draw majority-minority voting districts.” *Id.* at 1426. And as the Supreme Court has explained, “[s]trict scrutiny does not apply merely because redistricting is performed with consciousness of race.” *Bush v. Vera*, 517 U.S. 952, 958 (1996).

But even if the racial gerrymandering doctrine could be applied to Plaintiffs’ Section 2 claim (it cannot), and even if race did predominate over other factors in the Illustrative Plans (it did not), the Illustrative Plans still would not constitute racial gerrymanders because they are motivated by a compelling interest and are narrowly tailored to achieving that end. *See Miller v. Johnson*, 515 U.S. 900, 916, 920 (1995) (in racial gerrymandering cases, “[t]he plaintiff’s burden is to show . . . that race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district,” after which the State must “satisfy strict scrutiny” by demonstrating that the plan “is narrowly tailored to achieve a compelling interest”); *see also Fayette Cnty.*, 950 F. Supp. 2d at 1305 (noting “a district created to comply with § 2 that uses race as the predominant factor in drawing district lines may survive strict scrutiny”); *Fayette Cnty.*, 118 F. Supp. 3d at 1344-45 (same).

As Defendants acknowledge, the Supreme Court has “assume[d], without

deciding, that . . . complying with the Voting Rights Act” is a compelling interest. *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 801 (2017). Notably, the State itself has expressly defined Section 2 compliance as a “compelling state interest.” See ECF No. 56-1 at 3:7-11 (“[P]riority is to be given to the *compelling State interests requiring . . . compliance with the Voting Rights Act of 1965*, as amended, should the requirements of those criteria conflict with any other criteria.”); see also Opp. 110 (recognizing “that the State’s interest in complying with the Voting Rights Act [is] compelling” (citing *Bethune-Hill*, 137 S. Ct. at 801)).⁴ And in this context, narrow tailoring does not “require an exact connection between the means and ends of redistricting” but rather just “*good reasons* to draft a district in which race predominated over traditional districting criteria.” *Ala. Legis. Black Caucus v. Alabama*, 231 F. Supp. 3d 1026, 1064 (N.D. Ala. 2017) (quotation marks omitted). Put another way, “[i]n the context of voting rights . . . narrow tailoring ‘does not demand that a State’s actions *actually be necessary* to achieve a compelling state interest in order to be constitutionally valid.’” *Id.* (citing *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 278 (2015)). It is certainly an understatement to say that compliance with the federal VRA is a “good reason” to create a race-based

⁴ While Defendants appear to concede that vindicating Section 2 would satisfy strict scrutiny, they argue that Plaintiffs seek “proportional (indeed, maximal) racial representation in Congress,” Opp. 114, and that such relief is not afforded by the VRA. That is flatly incorrect. For all the reasons explained in Plaintiffs’ motion and this brief, Plaintiffs seek no more and no less than that Alabama afford Black voters an equal opportunity to elect a candidate of their choice as it is required to do under Section 2.

district, even where there is flexibility on how best to draw such a district. Accordingly, Plaintiffs' Illustrative Plans, which strive to remedy vote dilution under Section 2 of the VRA, would satisfy the compelling interest and narrow tailoring requirements of strict scrutiny against a hypothetical racial gerrymandering claim.

At bottom, Defendants' contention that faithful application of Supreme Court case law in this case produces an "unconstitutional" result is, in reality, an argument that Section 2 itself is unconstitutional. Defendants' reluctance to say so only confirms that even asking the question requires ignoring decades of binding precedent, something this Court is not allowed to do. *See In re Hubbard*, 803 F.3d 1298, 1309 (11th Cir. 2015) (explaining "the fundamental rule that courts of this circuit are bound by the precedent of this circuit"). The Eleventh Circuit has held that "amended section 2 is a constitutional exercise of congressional enforcement power under the Fourteenth and Fifteenth Amendments." *United States v. Marengo Cnty. Com'n*, 731 F.2d 1546, 1550 (11th Cir. 1984). Contrary to Defendants' suggestion, the only question before the Court here is whether Plaintiffs have satisfied the first *Gingles* precondition. Because Plaintiffs have plainly demonstrated that the Black community in south and central Alabama is sufficiently large and geographically compact to support a second majority-Black congressional district, the answer to that question is emphatically yes.

ii. Plaintiffs satisfy *Gingles* Preconditions 2 and 3.

Plaintiffs are also likely to succeed in establishing that Black voters in Alabama are cohesive (*Gingles* 2) and that “the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate” (*Gingles* 3). *Gingles*, 478 U.S. at 51. As Plaintiffs explained in their opening brief, Dr. Palmer’s analysis shows that Black Alabamians have remained “extremely cohesive” over nearly a decade of elections. Expert Rep. of Dr. Maxwell Palmer (“Palmer”), at 5 ¶ 16; Pls.’ Mot. for Prelim. Inj. & Mot. in Supp. (“Mot.”), ECF No. 56, at 7-8. Dr. Palmer also shows that Black voters’ candidates of choice are regularly and repeatedly defeated by white bloc voting in districts where Black voters do not comprise a majority of eligible voters. Palmer at 5 ¶ 17, 24-25; Mot. 9-10. Courts have reached these same conclusions about racial voting patterns among Alabamians again and again. *See* Mot. 8-9.

Defendants do not challenge any of these conclusions. Instead, they claim that Plaintiffs improperly analyzed the state’s AP BVAP population for *Gingles* 1 while using SR BVAP for their *Gingles* 2 and 3 analyses, Opp. 81, and insist that Plaintiffs “cannot argue one *Gingles* factor by reference to a particular minority group, only to recast the minority group in arguing another factor.” Defs.’ Br. at 51 (citing *Pope v. Cnty. of Albany*, 687 F.3d 565, 577 n.11 (2d Cir. 2012)). This argument misses the mark on every conceivable level.

As an initial matter, the legal proposition itself is dubious. In support, Defendants muster a footnote in a case decided in a separate circuit. *See Pope*, 687 F.3d at 577 n.11. And even then, the decision itself contains no analysis or conclusion on the second *Gingles* precondition. *See id.* at 577-78 (analyzing only first and third *Gingles* preconditions). Rather, after concluding that it “need not . . . consider” the relevant minority category for purposes of *Gingles* 1, the footnote in question goes on to discuss the debate between the use of “Any Part Black” or “DOJ Non-Hispanic Black” in satisfying the first *Gingles* precondition. *Id.* at 577 n.11. Buried in the last sentence of that lengthy footnote is dicta about use of the same metrics in a hypothetical *Gingles* 2 analysis (again, an analysis in which the court never actually engages), with a citation to a law review article theorizing that the “Any Part Black” metric “*may*” bear on a *Gingles* 2 analysis. *Id.* This is a thin reed indeed on which Defendants’ entire *Gingles* 2 and 3 argument rests.

In any event, as a factual matter, Defendants’ argument is plain wrong. Plaintiffs rely on the same population metric for each of the *Gingles* preconditions. As noted above, the Illustrative Plans satisfy the *Gingles* numerosity requirement using both AP BVAP *and* NH SR BCVAP, not just AP BVAP as Defendants assert. And it is this latter metric that underlies Plaintiffs’ *Gingles* 2 and 3 analyses. Palmer at 2 ¶ 11. Mr. Cooper’s reports *also* measure the NH SR BCVAP of each of his Illustrative Districts using the same data on which Dr. Palmer relies, demonstrating

that each of his proposed majority-minority districts have a NH SR BCVAP over 50%. ECF Nos. 48-16, 48-21, 48-26, 48-31, 48-36, 48-41; No. 65-1. Thus, Plaintiffs have established all three *Gingles* preconditions based on consistent use of the same metric. This alone resolves Defendants’ challenge.

But even if Plaintiffs could only rely on AP BVAP to satisfy *Gingles* 1, Defendants’ argument would still fail. As Mr. Cooper explained, the difference between the State’s AP BVAP and SR BVAP populations is *de minimis*.⁵ Analysis under either metric, therefore, effectively requires looking at the same populations. And indeed, Dr. Palmer’s undisputed conclusions do not indicate that satisfaction of *Gingles* 2 and 3 hinges on the miniscule difference between AP BVAP and SR BVAP. To the contrary, racial polarization in Alabama is extreme, with more than 92% of Black voters voting for Black-preferred candidates and nearly 85% of white voters voting against them. Palmer at 5 ¶¶ 16-17. Defendants’ myopic focus on the different categories of “Black” is thus irrelevant to the inquiry here.

iii. The totality of circumstances shows HB 1 dilutes the voting strength of Black Alabamians in south and central Alabama.

When considered as a whole, the totality of circumstances makes clear that HB1 denies Black voters an equal voice in congressional elections. *Fayette Cnty.*, 775 F.3d at 1342 (“[I]t will be only the very unusual case in which the plaintiffs can

⁵ The State’s 2020 AP BVAP and its NH SR BVAP populations are separated by less than two percentage points. Cooper I at 6.

establish the existence of the three Gingles factors but still have failed to establish a violation of Section 2 under the totality of the circumstances.” (quoting *Jenkins v. Red Clay Consol. Sch. Dist. Bd. of Educ.*, 4 F.3d 1103, 1135 (3d Cir. 1993))). This conclusion is particularly appropriate when focusing on the “most important” factors: success among Black candidates and racially polarized voting. *Gingles*, 478 U.S. at 51 n.15. Not only do those factors “point[] commandingly” in favor of liability here, *Fayette Cnty.*, 775 F.3d at 1347 n.9, each of the other relevant factors do as well.⁶

Defendants’ attempt to place rose-colored lenses in front of Alabama’s racialized politics simply ignores reality. Their opposition brief seeks, unsuccessfully, to poke holes in a small portion of Plaintiffs’ evidence on each of the Senate Factors, but in doing so leaves the vast majority of Plaintiffs’ evidence unrebutted. Defendants’ overarching defense against the need for a second majority-Black congressional district in Alabama is that the statewide electorate largely consists of white voters who support the Republican party. *E.g.*, Opp. 92, 104. But just because Black voters are a minority of the electorate does not mean the State can run roughshod over Black voters’ access to the political system.

⁶ Defendants appear to suggest that the Court should disregard the Senate Factors because they “appear nowhere in the text of Section 2.” Opp. 87. But controlling case law makes more than clear that the Senate Factors provide the authoritative roadmap for a Section 2 liability determination. *Wright*, 979 F.3d at 1306 (“The [district] court’s [totality-of-the-circumstances] analysis . . . was guided, *as it ought to have been*, by the Senate Factors.” (emphasis added)).

Proportionality. From the outset, Defendants’ opposition ignores evidence relevant to Plaintiffs’ claim. As Plaintiffs explain, HB 1 results in significant disproportionality by giving Black voters—who represent a quarter of the state’s electorate—a say in just 14% of Alabama’s congressional elections. Mot. 13-14.

Defendants say nothing about this fact. Instead, they offer a red herring assertion that the VRA does not require Alabama to provide Black voters proportional representation. Opp. 50, 114; *see* 52 U.S.C. § 10301(b). Plaintiffs have never suggested otherwise. But the Supreme Court has expressly instructed that proportionality is relevant to the Section 2 analysis; *see Johnson v. De Grandy*, 512 U.S. 997, 1021 (1994), and here, this is a “factor [that] weighs towards” liability, *Wright*, 301 F. Supp. 3d at 1323-24; *see also Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976, 1049 (D.S.D. 2004) (finding “evidence of disproportionality” meant “this factor favors plaintiffs”); *Arbor Hill Concerned Citizens Neighborhood Ass’n v. Cnty. of Albany*, 281 F. Supp. 2d 436, 455-56 (N.D.N.Y. 2003) (considering “the disproportionality of the redistricting plan” and granting preliminary injunctive relief). Defendants’ failure to so much as acknowledge the glaring disparity between the state’s percentage of eligible Black voters and its percentage of Black-opportunity congressional districts speaks volumes.

HB 1’s disproportionality is particularly relevant in light of 2020 Census data showing that, as has been the case for decades, Alabama’s Black population is

growing while its white population shrinks. *See* Cooper I at 6, fig. 1. This trend makes the long-existing disproportionality in Alabama’s congressional map increasingly difficult to justify. *See Bone Shirt*, 336 F. Supp. 2d at 1049 (emphasizing that the minority group was “rapidly increasing both their absolute numbers and share of the population”).

Factor One (History of Discrimination). The State of Alabama’s belief that it has “overcome its history” of centuries-long rampant and pervasive racial discrimination in the context of voting, Opp. 87, cannot minimize that history’s impact on Black voters today. Aside from their assertion that the State’s “most shameful actions” against Black voters are in the past, Defendants’ opposition ignores almost the entirety of Plaintiffs’ evidence relevant to this factor. It ignores that just a few years ago a federal court found that the State had engaged in intentionally discriminatory redistricting. Mot. 18. It ignores that discriminatory accusations of voter fraud by public officials continue to intimidate Black Alabamians out of exercising their fundamental right to vote. *Id.* at 19. It ignores that Black Alabamians today are haunted by racial violence intended to keep them politically and socially subjugated. *Id.* at 18-19. And it ignores a federal court’s recent finding that “political exclusion through racism remains a real and enduring problem in this State” and racist “sentiments remain regrettably entrenched in the high echelons of state government.” *United States v. McGregor*, 824 F. Supp. 2d

1339, 1347 (M.D. Ala. 2011).

Instead, Defendants attempt a response to just one item of Plaintiffs' evidence on this factor: the recent bailing-in of the City of Evergreen and the Jefferson County Board of Education under the VRA. *See* Mot. 17-18. According to Defendants, the Court should give these instances of discrimination limited weight because the governments forwent costly litigation and conceded their discriminatory practices violated federal law. Opp. 90-91. It would be illogical (and create perverse incentives) to give Alabama jurisdictions absolution over their discriminatory actions against minority voters so long as they admit fault once those minority voters spend resources to challenge such practices in federal court. Unsurprisingly, Defendants offer no authority suggesting that this is (or even should be) the case.⁷

In sum, Defendants' attempt to wave away centuries of discrimination that persist to the present day does nothing to undermine Plaintiffs' substantial evidence in support of the first Senate Factor. This factor weighs heavily in Plaintiffs' favor.

Factor Two (Racially Polarized Voting). There can be (and, here, appears to be) no dispute that Black and white voters in Alabama are deeply divided in their candidates of choice. *Supra* Section II.A.ii. Because racially polarized voting is a

⁷ Defendants are simply wrong in their claim that the Jefferson County Board of Education litigation did not involve VRA preclearance. Opp. 91. There, the district court ordered that, until 2032, the Board could implement "no changes to voting standards, practices, or procedures . . . unless or until [they] obtain the permission of the Court pursuant to 52 U.S.C. § 10302(c)," a direct citation to the VRA's bail-in provision. *Jones v. Jefferson Cnty. Bd. of Educ.*, No. 2:19-cv-1821-MHH, 2019 WL 7500528, at * 5 (N.D. Ala. Dec. 16, 2019).

basic fact of life in Alabama, the second Senate Factor weighs heavily in Plaintiffs' favor.

Defendants' argument that Alabama's racially polarized voting is of no moment because it also demonstrates a partisan pattern is both legally irrelevant and factually incorrect. Opp. 91. The Eleventh Circuit has never held that Section 2 requires a court to determine that voters are motivated by race when evaluating the existence of racially polarized voting. In fact, it has indicated the opposite, reversing a district court's decision that insisted a Section 2 plaintiff "indicate that race was an overriding or primary consideration in the election of a candidate." *City of Carrollton Branch of the NAACP v. Stallings*, 829 F.2d 1547, 1556 (11th Cir. 1987). In doing so, the court reiterated the *Gingles* plurality position on this issue: "[R]acially polarized voting, as it relates to claims of vote dilution, refers only to the existence of a correlation between the race of voters and the selection of certain candidates." *Id.* at 1557 (quoting *Gingles*, 478 U.S. at 74); *see also Gingles*, 478 U.S. at 73 ("All that matters under § 2 and under a functional theory of vote dilution is voter behavior, not its explanations."). Thus, "Plaintiffs need not prove causation or intent in order to prove a prima facie case of racial bloc voting and defendants may not rebut that case with evidence of causation or intent." *Carrollton NAACP*, 829 F.2d at 1557-58 (quoting *Gingles*, 478 U.S. at 74); *Askew v. City of Rome*, 127 F.3d 1355, 1382 (11th Cir. 1997) (Section 2 plaintiff need not "prove racism

determines the voting choices of the white electorate in order to succeed in a voting rights case”).

The dicta that Defendants cite from *Solomon v. Liberty County Commissioners* did not alter Eleventh Circuit law on this issue. Opp. 85. That opinion’s analysis focused on just two of the Senate Factors: the level of minority-candidate success and the tenuous justifications of the challenged electoral scheme. *See Solomon v. Liberty Cnty. Comm’rs*, 221 F.3d 1218, 1228-34 (11th Cir. 2000) (en banc). In fact, the district court decision that the *Solomon* court affirmed had concluded that Section 2 liability is *not* dependent upon the subjective thoughts of voters. *See Solomon v. Liberty Cnty.*, 957 F. Supp. 1522, 1543 (N.D. Fla. 1997) (concluding “the presence or absence of racial bias within the voting community is not dispositive of whether liability has been established under Section 2”).⁸

Defendants’ theory that courts should be required to search the hearts and minds of voters when adjudicating Section 2 cases makes little sense. It would directly contradict Congress’s explicit purpose in turning Section 2 into an entirely effects-based prohibition, which was to avoid “unnecessarily divisive [litigation] involv[ing] charges of racism on the part of individual officials *or entire*

⁸ *Carrollton NAACP*’s position on this issue also remains unchanged following *SCLC of Alabama*, which merely held that alternative explanations for voting patterns can be *relevant* to the totality-of-circumstances analysis. 56 F.3d at 1292-94. It did not suggest any requirement that a Section 2 plaintiff prove a race-related cause of voting behavior or disprove potential non-racial causes.

communities.” S. Rep. No. 417, 97th Cong., 2s Sess. 36 (1982), U.S. Code Cong. & Admin. News 1982, p. 214 (emphasis added); *see also Solomon v. Liberty Cnty.*, 899 F.2d 1012, 1016 n.3 (11th Cir. 1990) (en banc) (Kravitch, J., specially concurring) (explaining this theory “would involve litigating the issue of whether or not the community as a whole was motivated by racism, a divisive inquiry that Congress sought to avoid by instituting the results test”). It would also erect an evidentiary burden that “would be all but impossible” for Section 2 plaintiffs to satisfy. *Gingles*, 478 U.S. at 73 (explaining the “inordinately difficult burden” this theory would place on plaintiffs (quotations omitted)); *Fayette Cnty.*, 950 F. Supp. 2d at 1321 n.29 (characterizing Defendants’ theory as “unpersuasive,” as it would make it “nearly impossible for § 2 plaintiffs because defendants could always point to some innocent explanation for the losing candidates’ loss”); *Solomon*, 957 F. Supp. at 1545-46 (describing the “difficult, if not insurmountable” burden this requirement would impose on plaintiffs). “To accept this theory would frustrate the goals Congress sought to achieve by repudiating the intent test of *Mobile v. Bolden*, 446 U.S. 55 (1980), and would prevent minority voters who have clearly been denied an opportunity to elect representatives of their choice from establishing a critical element of a vote dilution claim.” *Gingles*, 478 U.S. at 71.

In any event, this Court need not decide this question. Even under Defendants’ theory, the record evidence confirms that voting in Alabama is racially polarized. As

then-Chief Judge Tjoflat—the champion of Defendants’ theory—explained, under this theory it would be Defendants’ burden to “affirmatively prove . . . that racial bias does *not* play a major role in the political community.” *Nipper v. Smith*, 39 F.3d 1494, 1524-26 & nn.60, 64 (11th Cir. 1994) (opinion of Tjoflat, C.J.) (emphasis added).⁹ Defendants have fallen woefully short of that burden. Their only evidence is the simple observation that the vast majority of Black Alabamians support Democratic candidates, while the vast majority of white Alabamians support Republican candidates. Opp. 92. But the mere existence of this partisan divide tells us nothing about *why* Black and white voters support candidates from those parties. As Dr. King explains, the modern party alignment to which Defendants point is the direct result of opposing stances the Democratic and Republican parties have taken on issues related to racial justice and civil rights. Expert Rep. of Dr. Bridgett King (“King I”), ECF No. 50, at 24-26 ¶¶ 71-75. Today, a significant driver of the division between Democratic and Republican voters are issues inextricably linked with race, both at the national level, King II at 7-8 ¶¶ 23(a)-(e), and within Alabama, Ex. 3 (Deposition of Senator Jim McClendon) at 104:18-106:25, 107:24-110:20 (discussing the general division among the parties in Alabama on the issues of the

⁹ While his opinion is often referred to as the “plurality” opinion in *Nipper*, then-Chief Judge Tjoflat’s discussion of this issue did *not* garner a plurality of judges. In fact, only one other judge joined this part of Chief Judge’s Tjoflat’s opinion. The remainder of the en banc court refused to join it either because it was unnecessary to reach the outcome of the case, *id.* at 1547 (Edmondson, J., concurring), or out of explicit disagreement, *id.* at 1548-57 (Kravitch, J., dissenting).

level of discrimination against Black Alabamians today, removal of confederate monuments, and criminal justice reform); Ex. 4 (Deposition of Representative Chris Pringle) at 121:5-125:3 (same). Indeed, race has become even more salient in Alabama's politics as of late, with support for and opposition to the Black Lives Matter movement emerging as a source of serious dispute among the major political parties.¹⁰

To be sure, issues unrelated to race may also contribute to the division between Democratic and Republican voters in Alabama today. But because those voters are also significantly divided on issues inextricably linked to race, Defendants cannot prove that racial considerations have *no* influence on voting patterns in Alabama simply by pointing to the general party preferences of Black and white voters.

Defendants get the law backwards in suggesting the recent election of a Black candidate in one Alabama State House district somehow disproves the existence of racially polarized voting in the entire state. Opp. 92-94. "Under Section 2, it is the status of the candidate as the chosen representative of a particular racial group, not

¹⁰ See, e.g., *Ala. Mayor Resigns After Post on Crimson Tide's BLM Video*, Assoc. Press (June 29, 2020), <https://abcnews.go.com/Sports/wireStory/alabama-mayor-resigns-post-crimson-tides-blm-video-71509895>; Jeff Eliasoph, *Commitment 2016: Candidates for US Congressional District 3 on Black Lives Matter*, WVTM (Nov. 1, 2016), <https://www.wvtm13.com/article/commitment-2016-candidates-for-us-congressional-district-3-on-black-lives-matter/8075917#>; Jeff Stein, "Barack Obama is to blame": 13 Alabama Conservatives on Charlottesville, Vox (Aug. 15, 2017), <https://www.vox.com/policy-and-politics/2017/8/15/16148144/alabama-conservatives-on-charlottesville>.

the race of the candidate that is important.” *Carrollton NAACP*, 829 F.2d at 1557; *see also id.* at 1558 (explaining “it is the race of the voter, not of the candidate, which is of concern in racial polarization claims”); *Jenkins*, 4 F.3d at 1125. Unless Defendants can prove that Black voters in District 73 joined white voters in supporting Mr. Paschal—which they have not done—Mr. Paschal’s election is entirely irrelevant to this analysis.

More importantly, Defendants’ suggestion that the election of a single minority candidate by white voters in a single election demonstrates the absence of racial bias in the statewide electorate is a deeply flawed assertion. *See Carrollton NAACP*, 829 F.2d at 1560 (“According to the [Supreme] Court, the language of Section 2 and its legislative history plainly demonstrate that proof that some minority candidates have been elected does not preclude a § 2 claim.”). As political science scholarship demonstrates, white voters who harbor racially prejudiced views will nonetheless support minority candidates under specific circumstances, such as when the candidate makes clear he or she will not “threaten the racial hierarchy.” *King II* at 6-7 ¶¶ 20-22. Moreover, the overall number of ballots in Mr. Paschal’s election (less than 4,000), as well as his tiny margin of victory (63 votes), tells us nothing about voters in Alabama statewide. “Using this example to extrapolate any conclusion about white voting behavior in Alabama would be scientifically unsound.” *Id.* at 12 ¶ 30. That is particularly so considering the long list of Black

candidates who have lost in recent Republican primary races. *Id.* at 9-11 ¶ 29.

As has been the case for decades, Black and white voters in Alabama are deeply divided in their electoral choices, which leaves Black Alabamians unable to elect their candidates of choice unless they constitute a majority of voters. The reason for this division among Black and white voters is irrelevant to Section 2's effect-based inquiry. But even if it were relevant, Defendants have come nowhere close to showing that race has no impact on these entrenched voting patterns.

Factor Three (Electoral Schemes). Alabamians are no strangers to electoral schemes that enhance opportunities for discrimination. Mot. 20-21. Defendants' discussion of this factor misconstrues the plain language of the Senate Report, which instructs courts to consider the use of electoral practices that "may enhance the opportunity for discrimination against the minority group." *Gingles*, 478 U.S. at 37. Defendants' suggestion that Alabama's primary majority-vote requirement—an enumerated example of a scheme falling within this factor—may not be the *product* of intentional discrimination by the State is thus irrelevant. Opp. 94. Moreover, Defendants' suggestion that Alabama's numbered-place requirement—also an expressly enumerated scheme under this factor—did not enhance the ability of white voters to defeat Black-preferred candidates is historically inaccurate. King I at 14

¶ 37.¹¹

Factor Five (Socioeconomic Disparities). Defendants do not appear to dispute that Black Alabamians lag behind their white counterparts in essentially every aspect of socioeconomic wellbeing. *See* Opp. 95-98. Nor could they. *See* Mot. 21-24. Instead, their opposition attempts to distract the Court with incorrect and irrelevant claims. Contrary to Defendants’ position, Plaintiffs *have* offered evidence of depressed political participation. Between 2010 and 2018, Black turnout in Alabama lagged behind white turnout by an average of nearly 5%. Mot. 21. Instead of engaging with that fact, Defendants’ opposition compares Alabama’s turnout and registration data to that of *other states*, Opp. 97-98, 106-107, a direct contravention of the blackletter rule that the Section 2 analysis is “an intensely *local* appraisal,” *Gingles*, 478 U.S. at 78 (emphasis added) (quoting *White v. Regester*, 412 U.S. 755, 769-70 (1973)). Section 2 does not provide Alabama a safe harbor simply because Black voters in other states also encounter barriers to political access.

As Defendants’ own opposition explains, because Plaintiffs offered evidence of depressed Black political participation, they need not show that such depressed participation is caused by socioeconomic disparities. *See* Opp. 96 (citing *Wright*, 979

¹¹ The *Alabama NAACP* court’s discussion cited by Defendants referred to Alabama’s 1927 numbered-place requirement. 2020 WL 583803, at *54. The numbered-place laws to which Plaintiffs refer here came decades later and unquestionably limited the success of Black-preferred candidates. *See* King I at 14 ¶ 37.

F.3d at 1294). Regardless, Plaintiffs did present such evidence of causation. *See* Mot. 21-22 (citing expert and fact witness testimony of such causation). Defendants’ only response—that this evidence is “not race-specific” and thus “applies to whites and blacks alike,” Opp. 97—is illogical. Black Alabamians systematically experience lower socioeconomic status compared to their white counterparts; as a result, they disproportionately suffer the adverse effects that depressed socioeconomic circumstances have on political participation.

Finally, Defendants cannot seriously argue that the socioeconomic disparities Black Alabamians experience today are not the legacy of Alabama’s history of racial discrimination, which pervaded every aspect of social and economic life for centuries. They offer no controlling authority suggesting Plaintiffs must demonstrate such causation. Indeed, Eleventh Circuit case law suggests the exact opposite. *See Wright*, 979 F.3d at 1306 (finding no clear error in district court’s conclusion that this factor weighed in plaintiffs’ favor despite no discussion by the district court of evidence showing socioeconomic disparities resulted from historical discrimination). Once again, Defendants’ only response on this issue is to point to irrelevant circumstances in other states. Opp. 97-98; *contra Gingles*, 478 U.S. at 78.

Factor Six (Racial Appeals). Plaintiffs have set forth numerous examples of modern-day racial appeals that are emblematic of Alabama’s racialized politics. Mot. 25-28. Defendants choose not to engage seriously with this evidence, simply

opining that it all “reach[es] too far.” Opp. 99. Their opposition entirely ignores Plaintiffs’ expert evidence that the modern campaign strategy of using subtle imagery and coded language to trigger racial anxieties is a direct descendent of the Southern Strategy and George Wallace’s infamous pro-segregation speech. Mot. 25; *see Gingles*, 478 U.S. at 37 (noting that this factor looks to overt *or subtle* racial appeals”); *Holloway v. City of Va. Beach*, 531 F. Supp. 3d 1015, 1090-91 (E.D. Va. 2021) (discussing the ability of “coded language to trigger deeply seated racial stereotypes”). The racial appeals Plaintiffs identify in their motion—accusations of “a war on whites”; complaints regarding “problem[s]” caused by civil rights legislation; celebrations of confederate leaders and slave owners; mixed images of contemporary minority political leaders and violence; warnings of an “invasion” of dark-skinned immigrants—fit squarely within this strategy. *Id.* at 26-27.

Candidates in Alabama appeal to racial anxieties because it is a successful, time-tested campaign strategy. As Plaintiffs have explained, such appeals entrench the racial divide in the electorate, inuring to the benefit of those seeking the support of the white majority. *Id.* at 27-28.

Alabama NAACP does not provide Defendants the support they claim. There, plaintiffs offered evidence regarding just “two candidates”—a far cry from the evidence Plaintiffs offer here—leaving the record with little evidence that campaigns were characterized by racial appeals. *Ala. NAACP*, 2020 WL 583803, at *56. Indeed,

the relevant portion of that court’s discussion of this factor *supports* Plaintiffs here: after reviewing Justice Tom Parker’s ads (included as just one of the examples in Plaintiffs’ motion here, Mot. 26-27), the court suggested they *did* contain racial appeals. *See Ala. NAACP*, 2020 WL 583803, at *56 (explaining that the ad’s inclusion of Congresswoman Waters was motivated at least in part “to draw attention to race” and the “invasion” ad was “racially tinged”).¹²

Factor Seven (Underrepresentation in Elected Offices). With extremely rare exceptions, Black candidates in Alabama have failed in the last century to win elections where white voters comprise a majority of the electorate. Mot. 28-29. In the jurisdiction at issue here—congressional elections—Black candidates in the last century have been completely shut out of districts where the majority of the electorate is white, including, most importantly, the congressional districts covering the area where Plaintiffs propose that a second majority-Black district be drawn. *Id.*

Defendants’ only response is to offer irrelevant successes by Black candidates in the much smaller jurisdictions of state legislative districts. Opp. 101. But the Eleventh Circuit has explained that reliance on minority candidate success in jurisdictions smaller than that at issue is “obviously misplaced.” *Carrollton NAACP*,

¹² More broadly, the *Alabama NAACP* court approached this factor with an unnecessarily narrow lens, focusing solely on racial appeals occurring in statewide judicial elections. *Id.* at *58. Respectfully, no principled basis supports, and no controlling authority requires, minimizing the effect that racial appeals in other races on the ballot have on overall voting behavior.

829 F.2d at 1560. That is particularly the case here, where almost all Black state legislators are elected from majority-Black districts. Mot. 28-29.

Factor Eight (Unresponsiveness of Elected Officials). Defendants' opposition does little to rebut Plaintiffs' evidence that Alabama officials are largely unresponsive to Black residents' needs. *See* Mot. 29-32. Defendants' attempt to recast the State's failure to expand Medicaid as a "political" decision, Opp. 104, cannot minimize the disproportionate harm that choice has had on Black Alabamians, *see* Mot. 29-30. Indeed, Alabama's refusal to enact a policy that would disproportionately better the lives of Black residents because the majority-white electorate wishes not to pay for it, Opp. 104, is precisely the sort of elected-official unresponsiveness relevant to this factor. As is the State's consistent rejection of the Black community's requests for a second congressional district in which they have even a reasonable chance of electing their candidate of choice. *See* Mot. 3-4.

As for the State's disastrous failure to protect Black Alabamians from COVID-19 at the outset of the pandemic, *see* Mot. 30-31, Defendants' response is that the State started doing better once its stark failures become a matter of national news coverage, Opp. 102-04. And Defendants' reference to the fact that Lowndes County currently has the highest vaccination rate is not an indication of the State's responsiveness to Black needs, but more indicative of *community-led* efforts to mobilize a community with a high distrust of government health initiatives rooted in

a moral failure to address Black needs in the first place.¹³

Factor Nine (Tenuousness of Justification). HB 1’s failure to include a second majority-Black district lacks any substantial justification. Mot. 32. Defendants’ response that HB 1 was the result of “the same common-place process previous Legislatures had used” is precisely what makes it tenuous. Opp. 105. In simply copying last cycle’s congressional plan, the Legislature failed to account for population shifts in the last decade, which saw Black population increase and white population decrease. And as already explained, *supra* Section II.A.i.a, Defendants cannot properly rely on core preservation as a justification for HB 1’s dilutive effects, Opp. 105, because that outcome directly contravenes the low priority that the Legislature gave that criterion when crafting its redistricting principles.

B. Section 2 contains a private right of action.

Controlling precedent forecloses Defendants’ argument that Section 2 does not contain a private right of action. As a majority of the Supreme Court has explained, “the existence of the private right of action under Section 2 . . . has been clearly intended by Congress since 1965.” *Morse v. Republican Party of Va.*, 517 U.S. 186, 232 (1996) (Stevens, J.) (plurality opinion on behalf of two justices) (quoting S. Rep. No. 97-417, pt. 1, p. 30 (1982)); *see also id.* at 240 (Breyer, J.,

¹³ See Debbie Elliott, *In Tuskegee, Painful History Shadows Efforts to Vaccinate African Americans*, NPR (Feb. 16, 2021), <https://www.npr.org/2021/02/16/967011614/in-tuskegee-painful-history-shadows-efforts-to-vaccinate-african-americans>.

concurring) (expressly agreeing with Justice Stevens on this point on behalf of three justices).¹⁴ *Morse*'s statement that there is a private right of action under Section 2 is thus binding on this Court. Defendants' assertion also flies in the face of over 50 years of privately enforced Section 2 litigation. *E.g.*, *LULAC v. Perry*, 548 U.S. 399 (2006); *Hous. Lawyers' Ass'n v. Att'y Gen.*, 501 U.S. 419 (1991); *Gingles*, 478 U.S. 30; *Wright*, 979 F.3d 1282; *Carrollton NAACP*, 829 F.2d 1547.

It is thus unsurprising that courts have unanimously rejected the argument that Section 2 lacks a private right of action. *See LULAC v. Abbott*, No. EP-21-cv-259-DCJ-JES-JVB, 2021 WL 5762035, at *1 (W.D. Tex. Dec. 3, 2021) (three-judge court) ("Absent contrary direction from a higher court, we decline to break new ground on this particular issue."); *Mi Familia Vota v. Abbott*, 497 F. Supp. 3d 195, 223 (W.D. Tex. 2020) ("This Court concludes Plaintiffs have a private cause of action to sue for violation of Section 2 of the Voting Rights Act."). As far as Plaintiffs' counsel is aware, no court has ever found that Section 2 lacks a private right of action.

The interplay between Section 2 and other provisions of the VRA confirms

¹⁴ The Court reached this conclusion as an essential part of its rationale for holding that another provision of the VRA, Section 10, includes a private right of action. It explained: "[i]t would be anomalous, to say the least, to hold that both § 2 and § 5 are enforceable by private action but § 10 is not, when all lack the same express authorizing language." *Id.* at 232 (Stevens, J.) (emphasis added); *see also id.* at 240 (Breyer, J., concurring) (similar). "When an opinion issues for the Court, it is not only the result but also those portions of the opinion necessary to that result by which [lower courts] are bound." *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 67 (1996).

this conclusion. *See* 52 U.S.C. §§ 10302, 10310. Section 3 authorizes certain remedies “[w]henever the Attorney General or an *aggrieved person* institutes a proceeding under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment.” *Id.* § 10302(a) (emphasis added); *see also id.* § 10302(b) (similar). This authorization makes sense only if “aggrieved person[s]” other than the Attorney General may indeed sue under “statute[s] to enforce the voting guarantees of the fourteenth or fifteenth amendment.” *Id.* § 10302(a). And Section 2—even as amended in 1982—is just such a statute. *See Miss. Republican Exec. Comm. v. Brooks*, 469 U.S. 1002 (1984), *aff’g Jordan v. Winter*, 604 F. Supp. 807, 811 (N.D. Miss. 1984) (holding that the amended Section 2 is a valid exercise of “Congress’s enforcement power under the fifteenth amendment”); *see also United States v. Blaine Cnty.*, 363 F.3d 897, 904-05 (9th Cir. 2004) (same). Section 3’s recognition that private rights of action were available to enforce such statutes confirms that “Congress must have intended [those statutes] to provide private remedies.” *Morse*, 517 U.S. at 234 (Stevens, J.) (plurality op.); *see also id.* at 240 (Breyer, J., concurring). Similarly, Section 14 authorizes attorneys’ fees for “the prevailing party, other than the United States,” in “any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment,” *id.* (quoting 52 U.S.C. § 10310(e)), an authorization that assumes private parties may sue under statutes enforcing such guarantees, including Section 2.

Contrary to Defendants’ assertion, the Supreme Court’s decision in *Sandoval* does not permit this Court to deviate from *Morse*’s settling of this issue. Opp. 118-19 (citing *Alexander v. Sandoval*, 532 U.S. 275, 288 (2001)). Where “a precedent of [the Supreme] Court has direct application in a case,” even if it “appears to rest on reasons rejected in some other line of decisions, [lower courts] should follow the case which directly controls, leaving to th[e Supreme] Court the prerogative of overruling its own decisions.” *Rodriguez de Quijas v. Shearson/Am. Exp., Inc.*, 490 U.S. 477, 484 (1989). *Sandoval*, which did not involve a claim under the VRA, did not overturn *Morse*’s conclusion that Section 2 provides a right of action. Thus, this Court remains bound by *Morse*.

If there was any doubt left as to whether Congress intended for individuals to be able to sue under Section 2, the legislative history forecloses it. *See Alabama v. United States*, 198 F. Supp. 3d. 1263, 1269 (N.D. Ala. 2016) (looking to legislative history to ascertain congressional intent to create implied cause of action). As the authoritative Senate Report to the 1982 VRA amendments explained: “the Committee reiterates the existence of the private right of action under section 2, as has been clearly intended by Congress since 1965.” S. Rep. 97-417 (1982), 30; *see also* H.R. Rep. No. 97-227 (1981), 30 (“It is intended that citizens have a private cause of action to enforce their rights under Section 2.”).

This Court should reject Defendants’ invitation to be the first to violate

binding precedent and conclude Section 2 provides no private right of action.

C. The remaining preliminary injunction factors weigh heavily in favor of relief.

Defendants appear not to dispute that a Section 2 violation works an irreparable harm to minority voters such as Plaintiffs. Mot. 33. Nor do they appear to dispute that a government and the public have no interest implementing policies that dilute minority voting strength. *Id.* at 33-34. After all, an injunction protecting “Plaintiffs’ [statutory] franchise-related rights is without question in the public interest.” *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005) (affirming preliminary injunction against violation of the National Voter Registration Act).

Defendants instead resort to hyperbole regarding the feasibility of this Court’s vindicating Alabama voters’ rights and preventing dilution of the Black community’s voting strength in the 2022 elections. As an initial matter, denying preliminary relief simply because the first election of this redistricting cycle is approaching would create a perverse incentive for states seeking to delay judicial review of their districting plans. States could avoid judicial review for the election immediately following each Census simply by delaying enactment of those plans until it is “too late” for a court to provide redress. States do not enjoy such a free pass from complying with federal law.

In any event, this Court has plenty of time and authority to ensure that

Alabama effectively implements a lawful map during next year's elections. It took the State *nine days* to enact HB 1. The Legislature begins its new session in just a few weeks.¹⁵ The primary election is not scheduled to occur for nearly six more months. And because Plaintiffs in this case and *Milligan* have offered a plethora of potential remedial plans, altering HB 1 to resolve its legal defect would take little time. Any "inconvenience" legislators face in having to fix an unlawful plan they enacted just a few months ago "does not rise to the level of a significant sovereign intrusion." *Covington v. North Carolina*, 270 F. Supp. 3d 881, 895 (M.D.N.C. 2017).

Defendants' concerns regarding the administrative burden of implementing a new congressional plan in time for next year's elections, Opp. 125-28, are simply overblown. As Defendants admit, absentee ballots and supplies need not be delivered until the end of March. Opp. 127. And to the extent the State's administrative apparatus needs more time to implement a remedial plan, this Court holds unquestionable authority to "extend the time limitations imposed by state law." *Sixty-Seventh Minn. State Senate v. Beens*, 406 U.S. 187, 201 n.11 (1972); *see Larios v. Cox*, 305 F. Supp. 2d 1335, 1343 (N.D. Ga. 2004) (noting this power and ordering new statewide maps be drawn in time for upcoming primary election). The 116-day period that Alabama law sets between its candidate filing deadline and primary

¹⁵ See Ala. Legis., Regular Session 2022, <http://alisondb.legislature.state.al.us/alison/default.aspx> (indicating the 2022 Regular Session begins on January 11).

election is among the longest in the country.¹⁶ Extending that deadline by just a short period would cause little if any disruption to the upcoming elections. Finally, while candidates and organizations might encounter sunk costs if congressional district lines are redrawn, Opp. 123-24, that harm is outweighed by the irreparable injury Black voters “would suffer by way of vote dilution,” *Fayette Cnty.*, 118 F. Supp. 3d at 1348.

By enacting a lawful plan in the first place, Alabama could have avoided whatever administrative costs it fears will result from readjusting its congressional district lines at this point. Because it chose instead to enact a map that dilutes Black Alabamians’ voting strength, it must bear the administrative cost necessary to vindicate those voters’ rights.

III. Conclusion

The Court should preliminarily enjoin HB 1’s implementation prior to the 2022 elections.

¹⁶ See Nat’l Conf. of State Legis., 2022 State Primary Election Dates & Filing Deadlines (Dec. 8, 2021), <https://www.ncsl.org/research/elections-and-campaigns/2022-state-primary-election-dates-and-filing-deadlines.aspx>.

Dated: December 27, 2021

Respectfully submitted,

By /s/ Abha Khanna

Richard P. Rouco
(AL Bar. No. 6182-R76R)
**Quinn, Connor, Weaver, Davies
& Rouco LLP**
Two North Twentieth
2-20th Street North, Suite 930
Birmingham, AL 35203
Phone: (205) 870-9989
Fax: (205) 803-4143
Email: rrouco@qcwdr.com

Abha Khanna*
Elias Law Group LLP
1700 Seventh Ave, Suite 2100
Seattle, WA 98101
Phone: (206) 656-0177
Email: AKhanna@elias.law

Lalitha D. Madduri*
Daniel C. Osher*
Joseph N. Posimato*
Olivia N. Sedwick*
Elias Law Group LLP
10 G St. NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4518
Email: LMadduri@elias.law
Email: DOsher@elias.law
Email: JPosimato@elias.law
Email: OSedwick@elias.law

Attorneys for Plaintiffs

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2021, a copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which will provide electronic notice of filing to all counsel of record.

/s/ Abha Khanna

Abha Khanna

Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

FOR USE BY U.S. CITIZENS ONLY ♦ FILL IN ALL BOXES ON THIS FORM ♦ PLEASE USE INK ♦ PRINT LEGIBLY

You can use this form to:

- ▶ Register to vote in Alabama.
- ▶ Update your voter registration record, if you have changed your name or address.

Deadline for submitting application:

Voter registration and updating of voter records is closed during the 14 days prior to each election in Alabama.

To register to vote in the State of Alabama, you must:

- ▶ Be a citizen of the United States.
- ▶ Live in Alabama.
- ▶ Be at least 18 years of age on or before election day.
- ▶ Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ▶ Not have been declared "mentally incompetent" by a court.

ID requested: You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.alabamavotes.gov or call the Elections Division: 800-274-8683.

① Are you a citizen of the United States of America?	<input type="checkbox"/> Yes <input type="checkbox"/> No	⬅ ATTENTION! If you answer "No" to either of these questions, do not complete this application.
② Will you be 18 years of age on or before election day?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

③ Print Your Name:				Alabama Driver's License or Non-Driver ID Number:	
First	Middle	Last	Suffix	STATE	NUMBER

④ Print Maiden Name / Former Name (if reporting a change of name)				IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER Last four digits of Social Security number:	
First	Middle	Last	Suffix		

⑤ Date of Birth (mm/dd/yyyy)	⑥ Primary Telephone	⑦ Email Address
	()	

Addresses Current Old	⑧ Address where you live: (Do not use post office box)	Home Address (include apartment or other unit number if applicable)	City	State	ZIP
	Address where you receive your mail:	Mailing Address, if different from Home Address	City	State	ZIP
	Address where you were last registered to vote: (Do not use post office box)	Former Address	City	County	State	ZIP

⑨ Sex (check one)
<input type="checkbox"/> Female <input type="checkbox"/> Male

⑩ Race (check one)
<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Hispanic <input type="checkbox"/> Other

⑪ Place of Birth	City	County	State	Country

⑫ Map / Diagram
If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑬ Did you receive assistance?
If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

REGISTRARS USE ONLY	
DATE	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED
(mm/dd/yyyy)	
County Pct	
City Pct	
Board member	
Board member	
Board member	

Voter Declaration - Read and Sign Under Penalty of Perjury	
▶ I am a U.S. citizen ▶ I live in the State of Alabama ▶ I will be at least 18 years of age on or before election day ▶ I am not barred from voting by reason of a disqualifying felony conviction (The list of disqualifying felonies is available on the Secretary of State's website at: sos.alabama.gov/mtfelonies) ▶ I have not been judged "mentally incompetent" in a court of law	I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God. <input type="checkbox"/> OPTIONAL: Because of a sincerely held belief, I decline to include the final four words of the oath above.
YOUR SIGNATURE	DATE (mm/dd/yyyy)

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.



To mail, put the address of your county Board of Registrars on the lines below.

AUTAUGA COUNTY
PO Box 680036
Prattville 36068-0036
(334) 358-6740

BALDWIN COUNTY
PO Box 1507
Bay Minette 36507-1507
(251) 937-0305

BARBOUR COUNTY
303 E Broad St Rm 108
Eufaula 36027
(334) 687-1585

BIBB COUNTY
8 Court Square W
Centreville 35042
(205) 936-3102

BLOUNT COUNTY
220 Second Ave E Rm B-5
Oneonta 35121
(205) 625-4182

BULLOCK COUNTY
217 Prairie St N Rm 101
Union Springs 36089-1659
(334) 738-5372

BUTLER COUNTY
700 Court Sq Rm 8
Greenville 36037-2308
(334) 382-5685
(334) 382-6829

CALHOUN COUNTY
1702 Noble St Ste 113
Anniston 36201-3889
(256) 241-2930

CHAMBERS COUNTY
18 Alabama Ave E Rm 101
Lafayette 36862
(334) 864-4313

CHEROKEE COUNTY
260 Cedar Bluff Rd Ste 106
Centre 35960-1403
(256) 927-5336

CHILTON COUNTY
PO Box 640
Clanton 35046-0640
(205) 755-3820

CHOCTAW COUNTY
117 S Mulberry Ave Ste 1
Butler 36904-0132
(205) 459-2531

CLARKE COUNTY
PO Box 10
Grove Hill 36451-0010
(251) 275-3062

CLAY COUNTY
PO Box 446
Ashland 36251-0446
(256) 354-7815

CLEBURNE COUNTY
120 Vickery St Rm 103
Heflin 36264-1166
(256) 463-5299

COFFEE COUNTY
6 County Complex
New Brockton 36351-9791
(334) 894-5347

COLBERT COUNTY
201 N Main St
Tuscumbia 35674-2095
(256) 386-8535

CONECUH COUNTY
111 Court St Rm 102
Evergreen 36401
(251) 578-7024

COOSA COUNTY
PO Box 218
Rockford 35136-0218
(256) 377-2418

COVINGTON COUNTY
228 Hillcrest Dr
Andalusia 36420-2570
(334) 428-2685

CRENSHAW COUNTY
PO Box 328
Luverne 36049-0328
(334) 335-6568 x251
(334) 335-6568 x252
(334) 335-6568 x253

CULLMAN COUNTY
500 2nd Ave SW Rm 112
Cullman 35055-4135
(256) 775-4750
(256) 755-4697

DALE COUNTY
PO Box 1101
Ozark 36361-1101
(334) 774-9038

DALLAS COUNTY
PO Box 987
Selma 36702-0987
(334) 874-2534

DEKALB COUNTY
111 Grand Ave SW Ste 105
Fort Payne 35967
(256) 845-8598

ELMORE COUNTY
100 E Commerce St Rm 205
Wetumpka 36092-2746
(334) 567-1150
(334) 567-1197

ESCAMBIA COUNTY
PO Box 557
Brewton 36427-0557
(251) 867-0243
(251) 867-0312

ETOWAH COUNTY
800 Forrest Ave Ste 206
Gadsden 35901-3651
(256) 549-5384

FAYETTE COUNTY
103 First Ave NW Ste 4
Fayette 35555-2627
(205) 932-5432

FRANKLIN COUNTY
PO Box 70
Russellville 35653-0070
(256) 332-8849

GENEVA COUNTY
PO Box 430
Geneva 36340-0430
(334) 684-5655

GREENE COUNTY
PO Box 224
Eutaw 35462-0224
(205) 372-9669

HALE COUNTY
905-D Centerville St
Greensboro 36744-1536
(334) 624-4672

HENRY COUNTY
101 Court Square Ste K
Abbeville 36310-2135
(334) 585-6080

HOUSTON COUNTY
PO Box 6406
Dothan 36302-6406
(334) 677-4776

JACKSON COUNTY
102 E Laurel St
Scottsboro 35768
(256) 574-9339
(256) 574-9335

JEFFERSON COUNTY
716 R Arrington Jr Blvd N
Ste A-410
Birmingham 35203-0115
(205) 325-5550

LAMAR COUNTY
PO Box 338
Vernon 35592-0338
(205) 695-6348
(205) 695-9197

LAUDERDALE COUNTY
PO Box 1059
Florence 35631-1059
(256) 760-5840
(256) 760-5841

LAWRENCE COUNTY
14451 Market Street Ste 340
Moulton 35650
(256) 974-2460
(256) 974-2461

LEE COUNTY
PO Box 1530
Opelika 36803-1530
(334) 737-3635

LIMESTONE COUNTY
100 Clinton St S Ste E
Athens 35611-2665
(256) 233-6405

LOWNDES COUNTY
PO Box 311
Hayneville 36040-0311
(334) 548-2389
(334) 548-2080

MACON COUNTY
101 E Rosa Parks Ave Ste 100
Tuskegee 36083-1735
(334) 724-2617

MADISON COUNTY
819 Cook Avenue NW Ste 150
Huntsville 35801-5983
(256) 532-3510

MARENGO COUNTY
PO Box 480715
Linden 36748-0715
(334) 295-2249
(334) 295-2086

MARION COUNTY
PO Box 964
Hamilton 35570-0964
(205) 921-3625

MARSHALL COUNTY
424 Blount Ave Ste 106A
Guntersville 35976-1122
(256) 571-7740

MOBILE COUNTY
151 Government St Ste 165
Mobile 36602
(251) 574-8586
(251) 574-8587

MONROE COUNTY
PO Box 972
Monroeville 36461-0972
(251) 743-4107 x141

MONTGOMERY COUNTY
PO Box 1667
Montgomery 36102-1667
(334) 832-1215

MORGAN COUNTY
PO Box 668
Decatur 35602-0668
(256) 351-4660
(256) 351-4663

PERRY COUNTY
PO Box 555
Marion 36756-0555
(334) 683-2218 x5

PICKENS COUNTY
PO Box 173
Carrollton 35447-0173
(205) 367-2074

PIKE COUNTY
120 W Church St Rm B2
Troy 36081-1913
(334) 566-1757
(334) 566-6449

RANDOLPH COUNTY
PO Box 215
Wedowee 36278-0215
(256) 357-2138

RUSSELL COUNTY
PO Box 700
Phenix City 36868-0700
(334) 298-1443
(334) 448-1508

SHELBY COUNTY
PO Box 1642
Columbiana 35051-1642
(205) 669-3913

ST. CLAIR COUNTY
1815 Cogswell Ave Ste B-25
Pell City 35125
(205) 338-3954

SUMTER COUNTY
PO Box 783
Livingston 35470-0783
(205) 652-7902

TALLADEGA COUNTY
PO Box 6170
Talladega 35161-6170
(256) 761-2131
(256) 761-2132

TALLAPOOSA COUNTY
125 N Broadnax St Rm 20
Dadeville 36853-1371
(256) 825-1081

TUSCALOOSA COUNTY
2501 7th St Ste 200
Tuscaloosa 35401-1801
(205) 349-3870 x415

WALKER COUNTY
PO Box 1472
Jasper 35502-1472
(205) 384-7279

WASHINGTON COUNTY
PO Box 1224
Chatom 36518-1224
(251) 847-3255

WILCOX COUNTY
PO Box 661
Camden 36726-0661
(334) 682-9753

WINSTON COUNTY
PO Box 459
Double Springs 35553-0459
(205) 489-3966

**SECRETARY OF STATE
ELECTIONS DIVISION**
PO Box 5616
Montgomery 36103
(334) 242-7210
(800) 274-8683

YOUR ADDRESS:

MAIL TO:

BOARD OF REGISTRARS

PUT
FIRST
CLASS
STAMP
HERE

Exhibit 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

MILLIGAN V. MERRILL
Case No.: 2:21-cv-012921
SUPPLEMENTARY DECLARATION OF JOSEPH BAGLEY, PHD
REBUTTAL OF REPORT OF THOMAS M. BRYAN

Thomas M. Bryan asserts in his report for the defendants that Mobile and Baldwin Counties constitute an inseparable community of interest (“COI”) and that splitting these counties, as in the *Milligan* plaintiffs’ proposed plan, would “cause the most harm” among county splits in said plan. Mr. Bryan also alludes to the Black Belt region of the state but does not explain the historical, demographic, or socioeconomic characteristics of the region. In my opinion, the Bryan report fails to describe the Black community and the Black Belt and its close relationship to the Black people of Mobile.

The Black Belt is a region that stretches across America’s Deep South, from South Carolina to Texas. It is named for its rich black soil. Though the majority of the American Black Belt’s inhabitants are also Black people, the descendants of the enslaved who were forced to work that land before and during the Civil War.

The Alabama Black Belt extends, roughly, from Russell and Barbour Counties in East Alabama, through Montgomery County, to an expanding area covering Pickens County to Washington County on the Mississippi line.

As Native Americans were gradually and forcibly removed from the lands west of the Ocmulgee River in the late 18th and early 19th centuries, white settlers realized that the Black Belt’s soil, and the Deep South’s climate, were perfect for growing long-staple cotton. At the same time, the invention of the cotton gin and the beginnings of industrialization increased demand for that crop, and a decline in the tobacco market created a “surplus” of enslaved Black people in the older plantation areas of the Tidewater of Virginia and North Carolina.

White settlers began to flood into the state of Alabama when most of the remaining Creek Indians were forced out via the Indian Removal Act of 1830. By then, the United States government had banned the importation of slaves from abroad, so many settlers brought enslaved Black people with them from the older plantation areas of the Upper South. Others purchased them from slave markets in Montgomery, Mobile, Jackson, and other cities. American chattel slavery expanded dramatically between that time and the Civil War, giving rise to the “Cotton Kingdom” of the antebellum era when cotton was America’s most valuable export and enslaved Black people were its most valuable commodity. The Black Belt of Alabama became home to not only the wealthiest white plantation owners in the state, but to some of the wealthiest individuals in the young nation, some of whom held hundreds of people in bondage.

When the 13th Amendment brought an end to chattel slavery, land was never systematically redistributed from white landowners and given to newly freed Black people. Formerly enslaved Black people became landless tenant farmers, beholden to their former

masters. And when Alabama replaced its constitution in 1875 and again in 1901, it was the “Bourbon redeemers” of the Black Belt region, hyper-wealthy white landowners, who pushed hardest for a document that would protect white supremacy. Black people were the overwhelming majority in most areas. The Black Belt’s white landowners feared that allowing Black people to vote freely would lead to land reform and their political and financial ruin. Thus, they lobbied for protections against white property tax dollars for Black education and for the total disenfranchisement of Black citizens.

When the nonviolent movement for civil rights reached its peak in the mid-1950s, it was the Black Belt where Black activists faced the most formidable reprisals – violent and economic. The Black Belt was also the seedbed of both the Ku Klux Klan and the Citizens’ Council in the state. The Citizens’ Councils ensured that any Black people engaged in civil rights activism received “the pressure,” meaning they would be fired by white employers, evicted by white landowners, denied credit by white bankers, etc.¹ “Bloody Sunday” occurred in the Black Belt city of Selma, and the related murder of Viola Liuzzo occurred in nearby Lowndes County, dubbed “Bloody Lowndes” for the violence meted out against voting rights protestors.² White people fled public schools in the Black Belt rather than integrate and even fled some cities entirely rather than share local governmental power.³

The Black Belt was also the site of Black citizens’ efforts to organize and to seek access to the franchise and to equal educational opportunity. When the National Association for the Advancement of Colored People encouraged local branches to petition school boards to address the Supreme Court’s *Brown v. Board of Education* decision in 1955, Black people in Butler, Russell, Bullock, and Dallas Counties were among those to answer the call (Black activists in Mobile did the same). The Lowndes County Freedom Association was founded in 1965 and the National Democratic Party of Alabama was formed soon thereafter with both independent focused on running Black candidates in elections in the Black Belt.⁴

White backlash to Black activism took the form of violence and economic reprisals, which contributed to Black Alabamians’ migration from the Black Belt to Mobile and elsewhere as early as the end of the Civil War. This migration of Black people from the Black Belt to Mobile continued through the end of the Nineteenth Century and into the Twentieth Century.

The historian Wayne Flynt has described a “massive hemorrhaging of people,” mostly Black people, from the Black Belt, in the early Twentieth Century. As Flynt explains, “These internal migrants generally headed for cities.” This would include Black people who left the Black Belt for Mobile in significant numbers during the Great Depression, when white

¹ Joseph Bagley, *The Politics of White Rights: Race, Justice, and Integrating Alabama’s Schools* (Athens: University of Georgia Press, 2018).

² Hasan Kwame Jeffries, *Bloody Lowndes: Civil Rights and Black Power in Alabama’s Black Belt* (New York: New York University Press, 2010); James P. Turner, *Selma and the Liuzzo Murder Trials: The First Modern Civil Rights Convictions* (Ann Arbor: University of Michigan Press, 2018).

³ Bagley, *The Politics of White Rights*.

⁴ Bagley, *The Politics of White Rights*; Jeffries, *Bloody Lowndes*.

landowners refused to pass down federal aid to their sharecropping tenant farmers. In the second half of the Twentieth Century, consolidation of land, mechanization, and the rise of the Sunbelt generated, in Flynt's words, "a hemorrhaging of people [from the Black Belt] even more severe" than the previous one. Again, Black people left the Black Belt for Mobile. By the end of the century, more Black people in Alabama lived in cities than in rural areas. Many Black families in Mobile are Black Belt migrants or the descendants thereof.⁵

As the political scientist Richard Pride writes of Mobile, "Its roots followed the rivers north into the heart of the black belt . . . where cotton and timber grew abundantly, and planters, rednecks, and blacks marked all the society that people acknowledged." Pride continues, "The city had its face turned toward the world, but it nevertheless grew out of the Old South."⁶

White flight accelerated significantly in Mobile when the city's long-running school desegregation case finally yielded positive results for Black plaintiffs in the early 1970s, at the same time that Black Belt public school systems were experiencing similar backlash and flight.⁷ As in the Black Belt, white flight has left most public schools east of I-65 in Mobile overwhelmingly Black. The Black communities of Mobile and the Black Belt share significant historic, demographic, and socioeconomic interests.

I am aware that the State Board of Education ("SBOE") elects eight-members from single-member districts, including two majority Black districts. I am also aware that the parties in this case have agreed that, "[i]n each election since 2011, a Black Democrat won a majority of Black voters and the election in Districts 4 and 5 of the SBOE" and that "District 5 of the SBOE Plan connects the City of Mobile to the Black Belt Counties."⁸ The fact that most Black voters in SBOE District 5 vote for the same candidates and the State Legislature's decision to place the Black communities in the City of Mobile and the Black Belt in the same SBOE district are consistent with my conclusions here.

In his analysis of Mobile and Baldwin Counties, Mr. Bryan relies exclusively upon the previous testimony of U.S. Congressional Representative Bradley Byrne and former Representative Jo Bonner, two white men elected from the overwhelmingly white 1st District who have asserted that Mobile and Baldwin form a sensible COI. But the population of the Mobile County east of Interstate 65 is overwhelming Black and shares little today with the rest of the metropolitan area, which is predominately white. And to the extent that western Baldwin County shares economic interest with the city, it is because safely white communities

⁵ Wayne Flynt, *Alabama in the Twentieth Century* (Tuscaloosa: University of Alabama Press, 2004), pp. 115, 143, 177.

⁶ Richard Pride, *The Political Use of Racial Narratives: School Desegregation in Mobile, Alabama, 1954-1997* (Champaign: University of Illinois Press, 2002); Scotty E. Kirkland, "Pink Sheets and Black Ballots: Politics and Civil Rights in Mobile, Alabama, 1945-1985," M.A. Thesis (University of South Alabama, 2009).

⁷ *Davis v. Mobile Board of School Commissioners*, 430 F.2d 883, 889 (5th CCA, 1970), reversed, 402 U.S. 33 (1971).

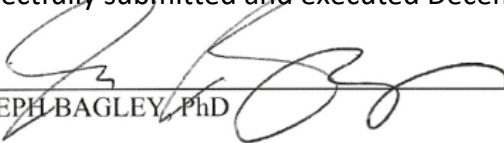
⁸ Joint Stipulated Facts for Preliminary Injunction Proceedings, *Milligan v. Merrill*, Dec. 7, 2021.

like Fairhope, Spanish Fort, and Daphne became white flight destinations when courts called for compulsory school desegregation and white residents fled from the possibility of their kids attending majority Black Williamson High and Vigor High or a substantially Black Murphy High.⁹ The remaining areas of Baldwin County are either sparsely populated or are Gulf Coast beach tourist destinations that have little meaningful connection to the city of Mobile save for waterfront access.¹⁰

In conclusion, it is my opinion that the Black communities in the Black Belt and Mobile County have longstanding, organic, and meaningful connections.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

Respectfully submitted and executed December 20, 2021.


JOSEPH BAGLEY, PhD

RETRIEVED FROM DEMOCRACYDOCKET.COM

⁹ Bagley, *The Politics of White Rights*; Brian Duke, "The Strange Career of Birdie Mae Davis: A History of a School Desegregation Lawsuit in Mobile, Alabama, 1963 – 1997," M.A. Thesis, Auburn University (2009).

¹⁰ Allen Tullos, *Alabama Getaway: The Political Imaginary and the Heart of Dixie* (Athens: University of Georgia Press, 2011); Harvey Jackson, *The Rise and Decline of the Redneck Riviera: An Insider's History of the Florida-Alabama Coast* (Athens: University of Georgia Press, 2013).

Exhibit 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

In The Matter Of:

Evan Milligan,et al v. John H.Merrill, et al.

Jim McClendon

December 17, 2021

US Legal

RETRIEVED FROM DEMOCRACYDOCKET.COM

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

1	UNITED STATES DISTRICT COURT	1	A P P E A R A N C E S
2	FOR THE NORTHERN DISTRICT OF ALABAMA	2	
3		3	FOR THE MILLIGAN PLAINTIFFS:
4		4	MICHAEL L. TURRILL
5		5	Attorney at Law
6	EVAN MILLIGAN, et al.,)	6	Hogan Lovells US LLP
7	) CIVIL CASE NO.	7	1999 Avenue of the Stars, Ste. 1400
8	Plaintiffs,) 2:2021-CV-01530-AMM	8	Los Angeles, California 90067
9	VS.) VIDEO DEPOSITION OF:	9	michael.turrill@hoganlovells.com
10	JOHN MERRILL, et al.,) JAMES MCCLENDON	10	
11	)	11	KATHRYN SADASIVAN
12	Defendants.)	12	Attorney at Law
13		13	NAACP Legal Defense & Educational Fund
14		14	40 Rector Street, FL 5
15		15	New York, New York 10006
16	S T I P U L A T I O N S	16	ksadasivan@naacpldf.org
17	IT IS STIPULATED AND AGREED, by and between	17	
18	the parties through their respective counsel, that	18	DEUEL ROSS (Via Zoom)
19	the deposition of:	19	Attorney at Law
20	JAMES MCCLENDON,	20	NAACP Legal Defense & Educational Fund
21	may be taken before LeAnn Maroney, Notary Public,	21	700 14th Street N.W., Ste. 600
22	State at Large, at the law offices of Balch &	22	Washington, DC 20005
23	Bingham, 105 Tallapoosa Street, Montgomery, Alabama,	23	dross@naacpldf.org
24	36104, on December 17, 2021, commencing at 1:57 p.m.	24	
25	Page 1	25	Page 3
1	IT IS FURTHER STIPULATED AND AGREED that the	1	JULIE A. EBENSTEIN
2	signature to and reading of the deposition by the	2	Attorney at Law
3	witness is waived, the deposition to have the same	3	American Civil Liberties Union Foundation
4	force and effect as if full compliance had been had	4	125 Broad Street
5	with all laws and rules of Court relating to the	5	New York, New York 10004
6	taking of depositions.	6	jebenstein@aclu.org
7		7	
8	IT IS FURTHER STIPULATED AND AGREED that it	8	KAITLIN WELBORN
9	shall not be necessary for any objections to be made	9	Attorney at Law
10	by counsel to any questions, except as to form or	10	American Civil Liberties Union of Alabama
11	leading questions, and that counsel for the parties	11	P.O. Box 6179
12	may make objections and assign grounds at the time	12	Montgomery, Alabama 36106
13	of the trial, or at the time said deposition is	13	kwelborn@aclualabama.org
14	offered in evidence, or prior thereto.	14	
15		15	FOR THE CASTER PLAINTIFFS: (Via Zoom)
16		16	DAN OSHER
17	***	17	Attorney at Law
18		18	Elias Law Group
19		19	10 G Street NE, Ste. 600
20		20	Washington, DC 20002
21		21	dosher@elias.law
22		22	
23		23	
24		24	
25	Page 2	25	Page 4

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

1 FOR DEFENDANT JOHN H. MERRILL:	1 I, LeAnn Maroney, a Court Reporter of	
2 JIM DAVIS	2 Birmingham, Alabama, and a Notary Public for the	
3 Assistant Attorney General	3 State of Alabama at Large, acting as commissioner,	
4 Office of the Attorney General	4 certify that on this date, pursuant to the Federal	
5 501 Washington Avenue	5 Rules of Civil Procedure and the foregoing	
6 Montgomery, Alabama 36130	6 stipulation of counsel, there came before me on	
7 jim.davis@alabamaag.gov	7 December 17, 2021, JAMES McCLENDON, witness in the	
8	8 above cause, for oral examination, whereupon the	
9 FOR THE DEFENDANTS JAMES McCLENDON & JAMES	9 following proceedings were had:	
10 McCLENDON:	10 * * * * *	
11 DORMAN WALKER	11 THE VIDEOGRAPHER: This marks the	
12 Attorney at Law	12 beginning of the deposition of Jim McClendon in the	
13 Balch & Bingham	13 matter of Evan Milligan, et al., versus John H.	
14 105 Tallapoosa Street, Ste. 200	14 Merrill, et al., Civil Case Number 2:21-CV-01530-AMM	
15 Montgomery, Alabama 36104	15 filed in the United States District Court for the	
16 dwalker@balch.com	16 Northern District of Alabama. The date is December	
17	17 17, 2021. The time is 1:57 p.m.	
18	18 All attorneys present, will you please	
19 ALSO PRESENT:	19 state your names and whom you represent.	
20 Paige Ali, Videographer	20 MR. DAVIS: Jim Davis, Alabama Attorney	
21	21 General's Office, for Secretary of State John	
22	22 Merrill.	
23	23 MR. WALKER: Dorman Walker, Balch &	
24	24 Bingham, for Senator Jim McClendon.	
25	25 MS. SADASIVAN: This is Kathryn	Page 7
Page 5		
1 I N D E X	1 Sadasivan for plaintiffs Evan Milligan, Shalela	
2 MS. SADASIVAN: 9-103	2 Dowdy, Letetia Jackson, Greater Birmingham	
3 MR. OSHER: 104-111	3 Ministries, and the NAACP of Alabama.	
4 MR. DAVIS: 111-114	4 I'm still having trouble hearing you	
5	5 all, though. The audio is going out. Are you able	
6	6 to move the place where -- anything towards the	
7 E X H I B I T L I S T	7 witness, a phone, audio of some sort?	
8	8 (Discussion held off the record.)	
9	9 THE VIDEOGRAPHER: Okay. The attorneys	
10	10 that are on Zoom, if you'll do your introductions.	
11	11 MR. TURRILL: Michael Turrill of Hogan	
12	12 Lovells on behalf of the Milligan plaintiffs.	
13	13 MR. ROSS: Deuel Ross for the Milligan	
14	14 plaintiffs.	
15	15 MR. OSHER: Dan Osher for the Caster	
16	16 plaintiffs.	
17	17 MS. EBENSTEIN: Julie Ebenstein for the	
18	18 Milligan plaintiffs.	
19	19 THE VIDEOGRAPHER: Do you want to swear	
20	20 him in?	
21	21 JAMES McCLENDON,	
22	22 having been duly sworn, was examined and testified	
23	23 as follows:	
24	24 THE REPORTER: Usual stipulations?	
25	25 MR. WALKER: Meaning that the only	Page 8
Page 6		
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
17	17	
18	18	
19	19	
20	20	
21	21	
22	22	
23	23	
24	24	
25	25	

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 objections that need to be made are to the form of</p> <p>2 the question. Yes, Katherine?</p> <p>3 MS. SADASIVAN: Yes.</p> <p>4 THE VIDEOGRAPHER: We are off the</p> <p>5 record. The time is 1:59 p.m.</p> <p>6 (Recess was taken.)</p> <p>7 THE VIDEOGRAPHER: We are back on the</p> <p>8 record. The time is 2:04 p.m.</p> <p>9 EXAMINATION BY MS. SADASIVAN:</p> <p>10 Q. Good afternoon, Mr. McClendon. My name</p> <p>11 is Kathryn Sadasivan and I work for the NAACP Legal</p> <p>12 Defense & Educational Fund. I represent the</p> <p>13 plaintiffs in this case, Milligan versus Merrill.</p> <p>14 Thank you for making yourself available for today's</p> <p>15 deposition.</p> <p>16 Do you understand that you're here today</p> <p>17 because you've been served with a notice of</p> <p>18 deposition and you are a defendant in Milligan</p> <p>19 versus Merrill in your official capacity as cochair</p> <p>20 of the Alabama permanent legislative committee on</p> <p>21 reapportionment?</p> <p>22 A. I do.</p> <p>23 Q. Before going any further, can you please</p> <p>24 state and spell your name for the record?</p> <p>25 A. James H. McClendon, M-c-C-L-E-N-D-O-N.</p> <p style="text-align: right;">Page 9</p>	<p>1 Q. Are you taking any medication that might</p> <p>2 affect your ability to understand the questions that</p> <p>3 I ask or provide answers to those questions?</p> <p>4 A. No.</p> <p>5 Q. Do you have any condition that would</p> <p>6 affect your ability to understand the questions that</p> <p>7 I ask and provide answers to the questions?</p> <p>8 A. No.</p> <p>9 Q. Do you understand that today's</p> <p>10 deposition is being conducted via web</p> <p>11 videoconference?</p> <p>12 A. Yes.</p> <p>13 Q. Do you understand that a court reporter</p> <p>14 is transcribing this deposition, meaning that they</p> <p>15 are writing down everything that you, your counsel,</p> <p>16 and I say today?</p> <p>17 A. Yes.</p> <p>18 Q. It's important that all of your answers</p> <p>19 are verbal. This will allow the court reporter to</p> <p>20 record our statements. The court reporter won't be</p> <p>21 able to record gestures or nodding. Do you</p> <p>22 understand?</p> <p>23 A. I do.</p> <p>24 Q. Likewise, it's important that we don't</p> <p>25 speak over one another. I will wait until you</p> <p style="text-align: right;">Page 11</p>
<p>1 Q. And your first name, as well, please.</p> <p>2 A. J-A-M-E-S.</p> <p>3 Q. Have you ever been deposed before?</p> <p>4 A. Yes.</p> <p>5 Q. When?</p> <p>6 A. Roughly ten years ago during</p> <p>7 redistricting last time.</p> <p>8 Q. And what was your role in the</p> <p>9 litigation?</p> <p>10 A. I was house chairman of redistricting at</p> <p>11 that time.</p> <p>12 Q. Were you a defendant?</p> <p>13 A. Yes.</p> <p>14 Q. Were you -- have you been involved in</p> <p>15 any other cases?</p> <p>16 A. Any? No.</p> <p>17 Q. You are sworn and under oath. Do you</p> <p>18 understand that for purposes of my questioning, you</p> <p>19 must testify truthfully and as completely as</p> <p>20 possible as though we were before a judge in a</p> <p>21 courtroom?</p> <p>22 A. Yes.</p> <p>23 Q. Is there any reason you cannot give</p> <p>24 truthful and complete testimony today?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 10</p>	<p>1 finish your answer, and I ask that you please wait</p> <p>2 until I finish my question before answering. Do you</p> <p>3 understand?</p> <p>4 A. I do.</p> <p>5 Q. If you don't understand a question that</p> <p>6 I ask, please just let me know, and I'll rephrase</p> <p>7 it. If at any point you recall additional</p> <p>8 information that is responsive to a question that I</p> <p>9 asked you earlier, please let me know, and I will</p> <p>10 allow you to clarify the record. Do you understand?</p> <p>11 A. I do.</p> <p>12 Q. Please do not guess or assume when</p> <p>13 answering. Be sure to state only that which you</p> <p>14 know to be true based on your personal knowledge.</p> <p>15 Will you do that?</p> <p>16 A. Yes.</p> <p>17 Q. You may hear your attorney, Mr. Walker,</p> <p>18 object to a question from time to time. His</p> <p>19 objections are being made for the record, and you</p> <p>20 are still required to answer my question unless you</p> <p>21 are instructed by your attorney not to answer. Do</p> <p>22 you understand?</p> <p>23 A. I'm not sure about that. Maybe say it</p> <p>24 again. Let me hear you say that one more time.</p> <p>25 Q. You may hear your attorney object to a</p> <p style="text-align: right;">Page 12</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 question from time to time throughout this 2 deposition. Those objections are made largely for 3 the record. And you understand you are still 4 required to respond to my question unless you are 5 instructed by your attorney not to?</p> <p>6 A. Okay.</p> <p>7 Q. Do you understand that?</p> <p>8 A. I've got it.</p> <p>9 Q. Is that a yes?</p> <p>10 A. Yes.</p> <p>11 Q. Thank you.</p> <p>12 Since we're conducting this deposition 13 remotely and we're not together in the same room, I 14 ask that you please keep your cell phone off unless 15 we are on a break. Can you do that?</p> <p>16 A. I understand.</p> <p>17 Q. Please don't refer to any documents or 18 other materials during our conversation today. Will 19 you do that?</p> <p>20 A. Did you say don't refer to any materials 21 or documents today? Is that what you said?</p> <p>22 Q. Do you have any documents with you?</p> <p>23 A. I do not.</p> <p>24 MR. WALKER: Oh, did you mean don't look 25 at any documents?</p> <p style="text-align: right;">Page 13</p>	<p>1 A. Correct. Yes, it is.</p> <p>2 MR. WALKER: Kathryn, can I ask that 3 this personal information be redacted with anything 4 you file with the court?</p> <p>5 Q. Do you have any other phone numbers?</p> <p>6 A. Well, I do have a phone in my office in 7 the Alabama state house, but I'm not sure what the 8 number is.</p> <p>9 Q. Do you have an email account?</p> <p>10 A. I do. I have two.</p> <p>11 Q. And what are they?</p> <p>12 A. My personal email is 13 jimmcc@windstream.net. My senate email is 14 jim.mcclendon@alsenate.gov.</p> <p>15 Q. Do you have any personal social media 16 accounts?</p> <p>17 A. Facebook, yes.</p> <p>18 Q. You just have a Facebook account?</p> <p>19 A. Correct.</p> <p>20 Q. No Twitter?</p> <p>21 A. No Twitter.</p> <p>22 Q. And where were you born?</p> <p>23 A. Mobile, Alabama.</p> <p>24 Q. And where did you go to high school?</p> <p>25 A. Springville, Alabama.</p> <p style="text-align: right;">Page 15</p>
<p>1 Q. Do you have any -- if you don't have any 2 documents with you, please don't look at any 3 documents other than those that I will give you. Do 4 you understand that?</p> <p>5 A. I do.</p> <p>6 Q. Thank you. Sorry for all the 7 preparatory language.</p> <p>8 Finally, if you need a break at any 9 time, please just let me know. If there's a 10 question pending, I just ask that you answer that 11 question before going on a break. Do you 12 understand?</p> <p>13 A. I do.</p> <p>14 Q. Thank you.</p> <p>15 I'm going to ask you some background 16 questions to get to know you a little bit better.</p> <p>17 What is your date of birth?</p> <p>18 A. 1-10-43.</p> <p>19 Q. That's January 10, 1943?</p> <p>20 A. Correct.</p> <p>21 Q. What's your address?</p> <p>22 A. 361 Jones Road, Springville, Alabama.</p> <p>23 Q. And your telephone number?</p> <p>24 A. (205)999-8096.</p> <p>25 Q. Is that a mobile phone number?</p> <p style="text-align: right;">Page 14</p>	<p>1 Q. Where did you go to college?</p> <p>2 A. My undergraduate degree is from 3 Birmingham Southern College in Birmingham, and my 4 doctorate is from the University of Houston, 5 Houston, Texas.</p> <p>6 Q. And what is your doctorate in?</p> <p>7 A. Optometry.</p> <p>8 Q. And what courses did you take at 9 Birmingham Southern?</p> <p>10 A. Just pretty much premed-type courses.</p> <p>11 Q. And have you studied anywhere else?</p> <p>12 A. No, other than continuing education 13 courses required to maintain my optometry license.</p> <p>14 Q. So you are an optometrist?</p> <p>15 A. Correct. Yes, I am.</p> <p>16 Q. Have you -- are you married?</p> <p>17 A. I am.</p> <p>18 Q. How long have you been married?</p> <p>19 A. 26 years.</p> <p>20 Q. Congratulations.</p> <p>21 Do you have kids?</p> <p>22 A. I do.</p> <p>23 Q. How many?</p> <p>24 A. One child.</p> <p>25 Q. One child. And how old are they?</p> <p style="text-align: right;">Page 16</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 A. She is 50.</p> <p>2 Q. And what does she do for a living?</p> <p>3 A. A school teacher.</p> <p>4 Q. In Alabama?</p> <p>5 A. Yes.</p> <p>6 Q. Where?</p> <p>7 A. In the Jefferson County system.</p> <p>8 Q. And where do you work?</p> <p>9 A. I'm a -- I'm retired from optometry.</p> <p>10 Q. So you are not employed currently?</p> <p>11 A. As an optometrist, no, I am not.</p> <p>12 Q. Are you employed anywhere currently?</p> <p>13 A. Only as an Alabama senator.</p> <p>14 Q. So you're working as an Alabama senator?</p> <p>15 A. Well, I am a senator, and we do work</p> <p>16 from time to time.</p> <p>17 Q. Are you paid?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know why you're here today?</p> <p>20 A. Yes.</p> <p>21 Q. Why?</p> <p>22 A. A lawsuit concerning redistricting that</p> <p>23 we just completed in the Alabama legislature.</p> <p>24 Q. Did you read the complaint in the case</p> <p>25 in which you're sitting for a deposition today?</p> <p style="text-align: right;">Page 17</p>	<p>1 Q. Did you review any documents?</p> <p>2 A. Yes.</p> <p>3 Q. Which documents?</p> <p>4 A. There were two. Actually, I can't say I</p> <p>5 reviewed them. I looked at the cover. One of them</p> <p>6 had to do with the notes -- the bullet points we</p> <p>7 used on the floor, in my case on the floor of the</p> <p>8 senate.</p> <p>9 And the other one -- I can't even</p> <p>10 remember what the other one was. But I gave them</p> <p>11 back to my attorney. I didn't take them home and</p> <p>12 read them or study them.</p> <p>13 Q. So I am going to try to drop in the chat</p> <p>14 a document that I'll ask the court reporter to mark</p> <p>15 as Exhibit 1. And I can show it on my screen, as</p> <p>16 well.</p> <p>17 Is this the document that you reviewed</p> <p>18 in advance of your deposition today? Let me share</p> <p>19 my screen.</p> <p>20 Senator McClendon, is this the document</p> <p>21 that you were referring to?</p> <p>22 A. I really can't read that. I see talking</p> <p>23 points -- okay. Scroll it up and let me see it.</p> <p>24 Well, that looks similar. I don't know if that's</p> <p>25 exactly the same document. But that's sort of the</p> <p style="text-align: right;">Page 19</p>
<p>1 A. I didn't quite understand. Did you say</p> <p>2 will you read or did you read?</p> <p>3 Q. Did you read.</p> <p>4 A. I have not read it, no.</p> <p>5 Q. Do you know what the case is about?</p> <p>6 A. Yes. This case has to deal with the</p> <p>7 congressional districts.</p> <p>8 Q. Are you represented by counsel today?</p> <p>9 A. I am.</p> <p>10 Q. Who is your counsel?</p> <p>11 A. Dorman Walker.</p> <p>12 Q. And how did you prepare for this</p> <p>13 deposition today?</p> <p>14 A. I came in yesterday and we met for a</p> <p>15 couple of hours and we sort of talked about how this</p> <p>16 works and what to expect. But that was the only</p> <p>17 preparation.</p> <p>18 Q. And who is "we"?</p> <p>19 A. Jim Davis was here and Chris --</p> <p>20 Representative Pringle was here and I was here. So</p> <p>21 it was four of us present.</p> <p>22 Q. So you -- the only preparation you did</p> <p>23 for this deposition was to meet with Chris Pringle,</p> <p>24 Jim Davis, and Mr. Walker yesterday for a few hours?</p> <p>25 A. That is correct.</p> <p style="text-align: right;">Page 18</p>	<p>1 format that was used.</p> <p>2 Q. I'll represent that this was produced in</p> <p>3 this litigation and that I have given it to the</p> <p>4 court reporter and hopefully you also have a copy.</p> <p>5 And what was this document?</p> <p>6 A. What you and I were just discussing was</p> <p>7 talking points that I was provided by our attorney</p> <p>8 when the issue of the congressional map came before</p> <p>9 the senate as a body.</p> <p>10 Q. And who gave you this document?</p> <p>11 A. Pardon?</p> <p>12 Q. Who gave that document to you?</p> <p>13 A. One of the staff members of the</p> <p>14 redistricting -- not committee, but the</p> <p>15 redistricting department there in the state house.</p> <p>16 Q. What is the difference between the</p> <p>17 redistricting committee and the redistricting</p> <p>18 department?</p> <p>19 A. Well, the redistricting office is</p> <p>20 staffed by state employees. And the redistricting</p> <p>21 committee is composed of elected senators and</p> <p>22 representatives.</p> <p>23 Q. So you were given this document when?</p> <p>24 A. Well, prior to it going on the floor for</p> <p>25 debate, and not much sooner than that.</p> <p style="text-align: right;">Page 20</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. Prior to what going on the floor for 2 debate?</p> <p>3 A. The congressional bill.</p> <p>4 Q. And do you remember when that was?</p> <p>5 MR. WALKER: Hang on. Kathryn, when you 6 say "this document," are you talking about Talking 7 Points for Likely Issues No. 1? Or are you talking 8 about the collection of talking points?</p> <p>9 Q. Well, does that change your answer?</p> <p>10 A. Well, I don't think it does. I got that 11 prior to the bill going on the floor for debate. In 12 fact, I may have gotten it prior to the committee -- 13 the standing committee meeting. That would -- that 14 would make sense.</p> <p>15 Q. And what standing committee meeting are 16 you talking about?</p> <p>17 A. The bills that -- the redistricting 18 committee is considered an interim committee. And 19 the bills that come out of interim committees must 20 go to a standing committee before they can go to 21 rules in order to get on the floor.</p> <p>22 So there was a standing committee -- 23 which happened to be general fund -- that was 24 handling not only a general fund bill but all the 25 redistricting bills, as well. So that would have</p> <p style="text-align: right;">Page 21</p>	<p>1 Q. Besides the talking points, what other 2 documents did you look at?</p> <p>3 A. It may have been a summary of this 4 lawsuit. But I'm not -- Kathryn, I'm really not -- 5 I really don't remember what it was. I didn't pay 6 much attention to it.</p> <p>7 Q. You say "a summary of this lawsuit." 8 Would you mind giving me a summary of this lawsuit?</p> <p>9 A. I can't do it. Sorry. I wish I could.</p> <p>10 Q. You testified earlier that you were a 11 party to a lawsuit in the last redistricting cycle; 12 is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. Was that a redistricting case?</p> <p>15 A. Yes.</p> <p>16 Q. And you were deposed?</p> <p>17 A. Yes.</p> <p>18 Q. Did you testify at trial?</p> <p>19 A. I'm sorry. I didn't understand you.</p> <p>20 Q. Sorry. Did you testify at trial?</p> <p>21 A. Yes.</p> <p>22 Q. And what was that case about?</p> <p>23 A. That case, I believe, was -- legislative 24 was the target, not congressional. The issue was --</p> <p>25 Q. And when you say --</p> <p style="text-align: right;">Page 23</p>
<p>1 been the standing committee that this bill went to 2 after it came to the senate from the house.</p> <p>3 Q. You said you reviewed the talking points 4 that we discussed. And what else before this 5 deposition?</p> <p>6 A. What did I review? Well, no. The 7 talking points was the -- that was the purpose of 8 having the talking points, is I had a summary of the 9 main points that needed to be shared with the 10 standing committee members so they would be able to 11 vote however they wanted to.</p> <p>12 Q. I'm sorry. I meant -- just going back, 13 what documents other than this talking points did 14 you look at to prepare for this deposition today?</p> <p>15 A. Well, I looked at a number of documents 16 during the process of the bill going through the 17 redistricting committee. But there wasn't anything 18 in particular that I did to review that prior to the 19 meeting of the standing committee. They were all 20 summarized. So --</p> <p>21 Q. For this deposition, though, you 22 mentioned that you met yesterday with Mr. Davis, 23 Mr. Walker, and Mr. Pringle and that you looked at 24 several documents.</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 22</p>	<p>1 A. I'm sorry.</p> <p>2 Q. I'm sorry.</p> <p>3 A. It's my turn?</p> <p>4 My point is that case was not 5 congressional. That had do with house and senate 6 districts.</p> <p>7 Q. And when you say "the target," you mean 8 what?</p> <p>9 A. That the object, the goal of the case 10 was to challenge the way house and senate districts 11 were drawn.</p> <p>12 Q. And do you remember under what law those 13 were challenged?</p> <p>14 A. No.</p> <p>15 Q. So let's talk about your career in 16 public service. When were you first elected to 17 public office?</p> <p>18 A. 2001.</p> <p>19 Q. And what were you elected -- where were 20 you elected?</p> <p>21 A. What or where? Which one do you want?</p> <p>22 I was elected --</p> <p>23 Q. What district (inaudible.)</p> <p>24 A. Alabama house of representatives, House 25 District 50.</p> <p style="text-align: right;">Page 24</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. And did you run as a -- with the support 2 of a political party?</p> <p>3 A. Well, there was a primary with 4 republican -- I don't think the republican party 5 endorsed any of the republican candidates.</p> <p>6 Q. You ran as a republican?</p> <p>7 A. Yes, I did.</p> <p>8 Q. Why did you run as a republican?</p> <p>9 A. Why did I run as a republican? Is that 10 what you said?</p> <p>11 Q. Yes, sir.</p> <p>12 A. Because I am a republican.</p> <p>13 Q. What does it mean to be a republican?</p> <p>14 A. I would say the first word that comes to 15 mind would be "conservative." And that would be 16 socially conservative and fiscally conservative.</p> <p>17 Q. And when you say "socially 18 conservative," what do you mean?</p> <p>19 A. It has to do with policies that we make 20 that are conservative in nature.</p> <p>21 Q. And what is a policy that is 22 conservative in nature?</p> <p>23 A. I would say one of the things that 24 conservatives believe in is law and order.</p> <p>25 Q. Okay. So how long did you serve in</p>	<p>1 Q. Those are all of the committees that you 2 have ever served on?</p> <p>3 A. No. No. In the house, I served on 4 several different committees over three terms. And, 5 of course, I served on redistricting, as well, ten 6 years ago and became -- and was house chair of 7 redistricting.</p> <p>8 Q. And when you say "redistricting," you 9 mean the permanent -- the Alabama legislative 10 committee on reapportionment?</p> <p>11 A. That's exactly what I mean.</p> <p>12 Q. Okay. So if I say redistricting for the 13 reapportionment committee or if you say those 14 things, you mean the permanent committee on 15 reapportionment?</p> <p>16 Is that a yes?</p> <p>17 A. You know, there's a little difference in 18 there. During the interim years when there's not 19 redistricting activity going on, there is a 20 permanent redistricting committee composed of three 21 members of the house and three of the senate.</p> <p>22 And then as we approach the 23 redistricting time period where the activity goes 24 up, then -- then it converts over to 11 and 11 for 25 the actual process.</p>
<p>1 house district 50?</p> <p>2 A. I served three four-year terms. I went 3 into office -- well, I went into office in 2011. So 4 three four-year terms.</p> <p>5 Q. And are you currently a member of the 6 house of representatives?</p> <p>7 A. No. I'm a member of the Alabama senate.</p> <p>8 Q. And when were you first elected to the 9 Alabama senate?</p> <p>10 A. It must have been '14. Yeah, 2014.</p> <p>11 Q. Prior to --</p> <p>12 A. Your turn.</p> <p>13 Q. I'm so sorry. I said don't cut each 14 other off, and I'm cutting you off. I'm sorry.</p> <p>15 A. I answered your -- 2014, which is the 16 answer to the question.</p> <p>17 Q. Thank you. Sorry again.</p> <p>18 What legislative committees have you 19 served on during your very long tenure in the 20 Alabama legislature?</p> <p>21 A. Well, in the senate, I'm currently on 22 the health committee, I am on the general fund 23 committee, I am on the education trust fund 24 committee, and I am on education policy. And I 25 chair the health committee.</p>	<p>1 Q. That makes sense. So it's the same 2 committee, just getting bigger or larger or smaller 3 based on the time period?</p> <p>4 A. Correct.</p> <p>5 Q. What was your role in Alabama's 2011 6 redistricting process?</p> <p>7 A. I was house chairman.</p> <p>8 Q. And what are the responsibilities of the 9 house chairman for redistricting?</p> <p>10 A. Well, part of -- essentially part of a 11 leadership team that makes preparations for the 12 actual process, meets with the attorney and can meet 13 with the person that draws the maps, and begins 14 discussions and review, for example, of our 15 guidelines to see if they need to be updated or 16 changed, and also help time the scheduling of the 17 actual meeting of the full redistricting committee.</p> <p>18 Q. Do you have any other responsibilities?</p> <p>19 A. No. I think that pretty well summarizes 20 it. I'm sure there's some other things that we do 21 that are not big items. But I think that summarizes 22 the things worth discussing.</p> <p>23 Q. And when you said you meet with the 24 attorney and you -- as the cochair, you meet with 25 the attorney and you meet with the person who draws</p>

Page 26

Page 28

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 the map, what do you -- what do you do during those</p> <p>2 meetings? Or what is your role during those</p> <p>3 meetings?</p> <p>4 MR. WALKER: I'll instruct you not to</p> <p>5 discuss anything that I may have told you or you may</p> <p>6 have told me during those meetings.</p> <p>7 A. Yes, ma'am. Do you mind me correcting</p> <p>8 you on a phrase?</p> <p>9 Actually, if you look at the law, there</p> <p>10 is a house chair and a senate chair. They are not</p> <p>11 cochair, although that seems to be a well-kept</p> <p>12 secret. But now you know.</p> <p>13 So now --</p> <p>14 Q. The secret is out.</p> <p>15 So as the house chair of the</p> <p>16 redistricting committee, what do you mean -- what</p> <p>17 was your responsibility with respect to your</p> <p>18 meetings with the attorney and the meetings with the</p> <p>19 person who draws the map?</p> <p>20 MR. WALKER: Same instruction.</p> <p>21 THE WITNESS: Okay. Well, stop me if I</p> <p>22 go astray here.</p> <p>23 MR. WALKER: Okay.</p> <p>24 A. Of course, probably the single most</p> <p>25 important role of the attorney is to help the</p> <p style="text-align: right;">Page 29</p>	<p>1 course, is the time schedule on when we can carry</p> <p>2 out the duties and when we need to carry out the</p> <p>3 duties. And then another thing has to do with</p> <p>4 making sure that we stay in compliance with the</p> <p>5 courts and the law and recent court cases.</p> <p>6 Q. Who selected the attorney?</p> <p>7 MR. WALKER: At what time are you</p> <p>8 talking about?</p> <p>9 MS. SADASIVAN: In 2011.</p> <p>10 A. I do not know the answer to that.</p> <p>11 Q. Did you have any involvement in the</p> <p>12 selection of the attorney --</p> <p>13 A. No.</p> <p>14 Q. -- for the reapportionment committee?</p> <p>15 A. No.</p> <p>16 Q. Did you have any role in the selection</p> <p>17 of the demographer as the house chair of the</p> <p>18 reapportionment committee?</p> <p>19 A. No.</p> <p>20 Q. Do you know who made the decision?</p> <p>21 A. I do not.</p> <p>22 Q. How were you selected to serve as the</p> <p>23 house chair of the reapportionment committee?</p> <p>24 A. By the speaker of the house.</p> <p>25 Actually --</p> <p style="text-align: right;">Page 31</p>
<p>1 elected members of this committee know what the law</p> <p>2 is and what -- and keep us up to date on recent</p> <p>3 court cases so we can do our best to be in</p> <p>4 compliance with what the law says and what the</p> <p>5 courts have subsequently interpreted.</p> <p>6 Q. So as the house chair of the</p> <p>7 reapportionment committee, what were -- what was</p> <p>8 your role in those meetings?</p> <p>9 A. Well, I guess my role was to be there</p> <p>10 and to make sure that we stay -- are we -- I guess</p> <p>11 we're talking generically here. We're not talking</p> <p>12 about 2011 or 2021. Are we just talking about being</p> <p>13 a chair, a redistricting chair? Is that what the</p> <p>14 discussion is? Or are we talking about a certain</p> <p>15 time period?</p> <p>16 Q. So when I asked you what your</p> <p>17 responsibilities were as house chair of the</p> <p>18 reapportionment committee, you said, among other</p> <p>19 things, you meet with the attorney, you meet with</p> <p>20 the person who draws the map, meeting with the</p> <p>21 reapportionment committee. And I'm just asking what</p> <p>22 you meant by that as your role.</p> <p>23 What was your role in those meetings</p> <p>24 with the attorney and with the drawer?</p> <p>25 A. To discuss the -- one of the issues, of</p> <p style="text-align: right;">Page 30</p>	<p>1 Q. Who was that?</p> <p>2 A. -- I was -- he selected me to be on the</p> <p>3 committee. And then the house members on that</p> <p>4 committee elected the house chair.</p> <p>5 Q. I see. So you were elected by the other</p> <p>6 house members of the reapportionment committee to</p> <p>7 serve as the house chair?</p> <p>8 A. Correct.</p> <p>9 Q. And who was the senate chair of the</p> <p>10 reapportionment committee in 2011?</p> <p>11 A. Gerald Dial.</p> <p>12 THE REPORTER: Gerald who?</p> <p>13 A. D-I-A-L.</p> <p>14 Q. And was the starting point -- what was</p> <p>15 the starting point for drawing the congressional</p> <p>16 maps in 2011?</p> <p>17 A. The starting point would be the existing</p> <p>18 lines.</p> <p>19 Q. What existing lines?</p> <p>20 A. The congressional lines that were</p> <p>21 current at that time.</p> <p>22 Q. And how did you go about deciding how to</p> <p>23 update those lines based on the census data in 2011?</p> <p>24 A. Actually, I didn't make those decisions.</p> <p>25 Q. Who did?</p> <p style="text-align: right;">Page 32</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 A. The map drawer met with and talked to</p> <p>2 the members of the congressional delegation. And,</p> <p>3 of course, once we had the data, the population</p> <p>4 numbers, then they knew if a district needed to have</p> <p>5 an increase or a decrease in population.</p> <p>6 Q. Did the legislature conduct public</p> <p>7 hearings in the redistricting process?</p> <p>8 A. Yes.</p> <p>9 Q. Following the (inaudible.)</p> <p>10 A. What was the last thing you said?</p> <p>11 Following?</p> <p>12 Q. The 2010 census.</p> <p>13 A. Yeah, the -- correct, we did have public</p> <p>14 hearings.</p> <p>15 Q. How many?</p> <p>16 A. 22.</p> <p>17 Q. And when did those hearings occur?</p> <p>18 A. I just -- I do not remember. I don't</p> <p>19 remember those dates.</p> <p>20 Q. How many meetings did the</p> <p>21 reapportionment committee hold in 2011?</p> <p>22 A. I can't tell you exactly. I don't know</p> <p>23 the exact number. I don't -- I don't remember the</p> <p>24 exact number.</p> <p>25 Q. Was it more than one?</p> <p style="text-align: right;">Page 33</p>	<p>1 look at a map?</p> <p>2 A. Well, the map and the data was put</p> <p>3 before them at the committee meeting.</p> <p>4 Q. I'm dropping into the chat and I will</p> <p>5 ask the court reporter to mark as McClendon Exhibit</p> <p>6 2 --</p> <p>7 MR. WALKER: Kathryn, what was Exhibit</p> <p>8 1? I'm sorry. Was that the talking points?</p> <p>9 MS. SADASIVAN: Yes, sir.</p> <p>10 MR. WALKER: Okay. Let me -- let me --</p> <p>11 I'm your secretary in this. So let me take care of</p> <p>12 it.</p> <p>13 MS. SADASIVAN: Oh, thank you so much,</p> <p>14 Dorman. I'm sorry about that. I appreciate it.</p> <p>15 MR. WALKER: We're a full-service law</p> <p>16 firm.</p> <p>17 MS. WELBORN: I'm happy to play the</p> <p>18 role.</p> <p>19 MR. WALKER: Well, I've got them spread</p> <p>20 out over here.</p> <p>21</p> <p>22 (Plaintiff's Exhibit 1 was</p> <p>23 marked for identification.)</p> <p>24</p> <p>25 Q. Senator McClendon, do you have the</p> <p style="text-align: right;">Page 35</p>
<p>1 A. Yes.</p> <p>2 Q. Was it more than two meetings?</p> <p>3 A. I'm sorry? What was the last word you</p> <p>4 said? It came out fuzzy.</p> <p>5 Q. Was it more than two meetings?</p> <p>6 A. I'm just guessing. And I can't answer</p> <p>7 that question because I don't remember.</p> <p>8 Q. What was the role of the reapportionment</p> <p>9 committee in the map drawing process in 2011?</p> <p>10 A. Are we talking congressional maps?</p> <p>11 Q. Yes.</p> <p>12 A. The role of the reapportionment</p> <p>13 committee was to take the map that was submitted,</p> <p>14 that was put together by the -- with the approval of</p> <p>15 the congressional delegation, and to approve or</p> <p>16 disapprove that map and submit it for introduction</p> <p>17 to the legislature.</p> <p>18 Q. And how did the committee go about</p> <p>19 approving or disapproving of the map drawn?</p> <p>20 A. A roll call vote.</p> <p>21 Q. Were members given any guidance on how</p> <p>22 to vote?</p> <p>23 A. I don't quite understand that -- that</p> <p>24 question, were they given guidance.</p> <p>25 Q. Any information on how to vote or how to</p> <p style="text-align: right;">Page 34</p>	<p>1 document that I've asked the court reporter to mark</p> <p>2 as McClendon Exhibit 2 in front of you?</p> <p>3 MR. WALKER: I'm sorry. Which one is</p> <p>4 it? Tell me.</p> <p>5 A. Exhibit what?</p> <p>6 MR. WALKER: No. Don't say anything.</p> <p>7 Exhibit 2, just tell me what it is.</p> <p>8 Q. Do you recognize the document in front</p> <p>9 of you?</p> <p>10 MS. WELBORN: What is the document,</p> <p>11 Kathryn? Which one is it?</p> <p>12 MS. SADASIVAN: I just dropped it into</p> <p>13 the chat. It is the 2011 legislative</p> <p>14 reapportionment committee guidelines.</p> <p>15 MR. DAVIS: The chat is not going to</p> <p>16 work because the system is pretty far away from us</p> <p>17 all. Nobody can get to the chat easily.</p> <p>18 MS. SADASIVAN: Okay. Would it help if</p> <p>19 I pull it up so you can see it?</p> <p>20 MR. WALKER: The May 2011 guidelines?</p> <p>21 MS. SADASIVAN: This is the document</p> <p>22 we're looking at.</p> <p>23</p> <p>24 (Plaintiff's Exhibit 2 was</p> <p>25 marked for identification.)</p> <p style="text-align: right;">Page 36</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 2 Q. Do you recognize this document, Senator 3 McClendon? 4 A. Yes. It looks -- it looks familiar. 5 Q. How do you recognize this document? 6 A. The first part of what you said was cut 7 off. Say it again. 8 Q. How do you recognize this document? 9 A. How do I recognize it? I mainly 10 recognize it by the fact that it's reapportionment 11 committee guidelines. And I recall going through 12 that process and the adoption of those guidelines. 13 Q. Do you know who drafted the document? 14 A. Did I draft the document? 15 Q. Do you know who drafted the 2011 16 reapportionment -- 17 A. Do I know who drafted it. I think I 18 have a good idea. But I can't say that I'm a 19 hundred percent certain who drafted the document. 20 So the answer to the question would be no. 21 Q. Who do you think drafted it? 22 A. I imagine it was our attorney at the 23 time. But I'm just not sure about that. 24 Q. Can you read please on Page 1 under May 25 2011 the paragraph beginning with "Pursuant"? Page 37</p>	<p>1 Q. It's in the sentence beginning with 2 "Accordingly." 3 A. Yeah, I see it. 4 Well, that means the committee, the 5 reapportionment committee, adopted the guidelines, 6 had a vote and said that's our guidelines. 7 Q. Will you please go to page two and read 8 under numeral III Voting Rights Act, and read the 9 two paragraphs below it? 10 A. "Districts shall be drawn in accordance 11 with the laws of the United States and the State of 12 Alabama, including compliance with protections 13 against the unwarranted retrogression or dilution of 14 racial or ethnic minority voting strength. Nothing 15 in these guidelines shall be construed to require or 16 permit any districting policy or action that is 17 contrary to the U.S. Constitution or the Voting 18 Rights Act." 19 Number 2, "Redistricting plans are 20 subject to the preclearance process established in 21 Section 5 of the Voting Rights Act." 22 Q. I'm sorry. I'll just have you read Page 23 4, Paragraph 2 and 3 under Plans Produced by 24 Legislators. 2, 3, and 4. I apologize. 25 A. 2, 3, and 4 under Roman numeral V. Is Page 39</p>
<p>1 A. I see that. 2 Q. Could you read it, please? 3 A. To myself or to you? 4 Q. Out loud. Thank you. 5 A. "Pursuant to the constitution of the 6 United States and the Constitution of the State of 7 Alabama, the Alabama state legislature is required 8 to review 2010 federal decennial census data 9 provided by the U.S. Bureau of the Census to 10 determine if it is necessary redistrict Alabama's 11 congressional, legislative, and state board of 12 education districts because of population changes 13 since the 2000 census. 14 Accordingly, the following guidelines 15 for congressional, legislative, and state board of 16 education redistricting have been established by the 17 legislature's permanent joint legislative committee 18 on reapportionment, (hereinafter referred to as the 19 'reapportionment committee.')</p> <p>20 There you go. 21 Q. Thank you. 22 In the paragraph that you just read 23 where you said that the guidelines were established 24 by the committee, what does that mean? 25 A. Okay. Let me find it. Page 38</p>	<p>1 that what you're asking for? It must be. That's 2 the only 2, 3, and 4 on the page. 3 "A proposed redistricting plan will be 4 public information upon its introduction as a bill 5 in the legislative process, or upon presentation for 6 consideration by the reapportionment committee." 7 "Access to the legislative 8 reapportionment office computer system, census 9 population data, and redistricting work maps will be 10 available to all members of the legislature upon 11 request. Reapportionment office staff will provide 12 technical assistance to all legislators who wish to 13 develop proposals." 14 Number 4, "In accordance with Rule 23 of 15 the joint rules of the Alabama legislature (2011) 16 all amendments or revisions to the redistricting 17 plans, following introduction as a bill, shall be 18 drafted by the reapportionment office." 19 Q. I'm going to ask you to quickly scan the 20 lest of the guidelines and then let me know if you 21 followed those guidelines in 2011. 22 MR. WALKER: Objection to form. You may 23 answer the question. 24 A. Yes, ma'am, it's my belief that we 25 followed the guidelines. Page 40</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. And how did you go about following the 2 guidelines in the map-drawing process?</p> <p>3 A. Well, you just read the guidelines and 4 try to stay -- and try to do what it says.</p> <p>5 Q. What action did you take to make sure 6 that the guidelines were followed?</p> <p>7 A. What action did I take to make sure they 8 were followed. I consulted with the attorney and 9 with the person drawing the map to make sure that 10 they were following the rules that we had before us.</p> <p>11 Q. And how did you do that?</p> <p>12 A. I just looked them in the eye.</p> <p>13 Q. You looked them in the eye and what?</p> <p>14 A. And said, "Are we staying within the 15 guidelines?" I'm not even sure I said that. We did 16 -- we did talk about the importance of the 17 guidelines. And it was understood everybody would 18 use that as exactly what they're called, guidelines.</p> <p>19 Q. And so when you said you talked about 20 the guidelines and that they were important, were 21 you explaining the guidelines to the demographer?</p> <p>22 A. I was not explaining them, no. We would 23 talk about them from time to time. But it was just 24 so well known that we followed the guidelines. 25 That's what we did. That's our job.</p> <p style="text-align: right;">Page 41</p>	<p>1 A. To keep the what demographics?</p> <p>2 Q. The racial demographics.</p> <p>3 A. Racial demographics. In 2011, you know, 4 I don't know the answer to that.</p> <p>5 Q. Was it a primary goal to keep District 7 6 the same black population as in 2001?</p> <p>7 A. I do not know the answer to that 8 question.</p> <p>9 Q. Did you consider race in drawing any of 10 the districts in 2011?</p> <p>11 A. No.</p> <p>12 Q. Why was there only one district with a 13 majority black voting age population in 2011?</p> <p>14 THE REPORTER: I'm sorry. Could you say 15 that question over?</p> <p>16 Q. Why was there only one district with a 17 majority black voting age population in 2011?</p> <p>18 A. Well, I -- I don't need to speculate. I 19 will say I do not know why.</p> <p>20 Q. What is Section 5 of the Voting Rights 21 Act?</p> <p>22 A. Section 5 has to do with racial 23 injustice or racial problems when it comes to 24 elections. And it provides some solutions to that. 25 Or remedy, I should say.</p> <p style="text-align: right;">Page 43</p>
<p>1 Q. Do you know if anyone else talked to the 2 person -- the attorney or to the map drawer about 3 the guidelines?</p> <p>4 A. Do I know? No, I do not.</p> <p>5 Q. How many congressional redistricting 6 plans were considered by the reapportionment 7 committee in 2011?</p> <p>8 A. I don't recall.</p> <p>9 Q. How did the reapportionment committee 10 decide on which Alabama congressional map to 11 introduce?</p> <p>12 A. We took the map that the members of the 13 congressional delegation had -- proved to be 14 satisfied with.</p> <p>15 Q. That was the starting point in the 2001 16 map?</p> <p>17 A. Yes.</p> <p>18 Q. Was the goal in drafting to make sure 19 the congressional districts remained roughly the 20 same as in 2001?</p> <p>21 A. One of the goals is that we keep the 22 core of the districts recognizable, or we attempt to 23 do that.</p> <p>24 Q. Was it a primary goal to keep the same 25 racial demographics for each district?</p> <p style="text-align: right;">Page 42</p>	<p>1 Q. What is a racial problem?</p> <p>2 A. What is a racial problem? Are you 3 asking for an example or something? I don't quite 4 -- I don't understand your question, what is a 5 racial problem.</p> <p>6 Q. I'm asking you what you meant by your 7 statement. Do you want your court reporter to read 8 your answer about what Section 5 is back?</p> <p>9 A. To make sure that every -- every group, 10 subgroup, race had a fair opportunity to express 11 themselves at the polls.</p> <p>12 Q. And why did Section 5 apply to Alabama?</p> <p>13 THE REPORTER: I'm sorry. What?</p> <p>14 Q. Why did Section 5 apply to Alabama?</p> <p>15 A. You know, I could -- I could guess at 16 that. But I don't want to do that. So I'll say I 17 don't know.</p> <p>18 Q. You don't know why Section 5 applied to 19 Alabama?</p> <p>20 A. Like I said, I could guess at it. But I 21 don't want to do that. So I don't know.</p> <p>22 Q. And I'm just asking you don't know why 23 Section 5 applied to Alabama?</p> <p>24 A. Correct.</p> <p>25 Q. The guidelines mention preclearance</p> <p style="text-align: right;">Page 44</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 under Section 5 of the VRA. What involvement did 2 you have in obtaining justice department 3 preclearance of a proposed congressional plan in 4 2011?</p> <p>5 A. None.</p> <p>6 Q. Did you have any role in proposing 7 judicial preclearance of the 2021 map?</p> <p>8 A. Did I have any -- I'm really having a 9 time understanding you. Did I have any -- okay. 10 Say that -- say that again, please, ma'am.</p> <p>11 Q. Did you have any role in proposing 12 judicial preclearance in the redistricting process 13 in 2011?</p> <p>14 A. No.</p> <p>15 Q. Did you introduce any proposed 16 redistricting plans for the Alabama congressional 17 delegation in 2011?</p> <p>18 A. I do not recall if the bill started in 19 the house or in the senate. I don't know. So I 20 can't answer the question.</p> <p>21 Q. Did you introduce any redistricting 22 bills in the 2011 legislative session?</p> <p>23 A. Any redistricting bill. So we've gone 24 outside of congressional.</p> <p>25 Yes, I'm sure I introduced the house Page 45 </p>	<p>1 and then the number after it is SOS 001929. And 2 this is what the document looks like.</p> <p>3 MR. WALKER: Can you describe it, 4 please?</p> <p>5 THE WITNESS: Look up here.</p> <p>6 MR. WALKER: Oh, that. Okay. We've got 7 it.</p> <p>8 (Plaintiff's Exhibit 3 was 9 marked for identification.)</p> <p>10</p> <p>11</p> <p>12 Q. Do you recognize this document, Senator 13 McClendon?</p> <p>14 A. No.</p> <p>15 Q. I will represent to you that this is a 16 news article produced by the secretary of state, a 17 defendant in this case. In it, Brian Lyman is 18 discussing a plan put forward by Mr. Buskey which 19 would have created two majority minority districts. 20 And in this article, you were quoted as 21 saying -- on Page 2, the second paragraph on Page 2, 22 as saying, The Buskey plan would lead to 23 "retrogression," or a retreat from minority 24 population benchmarks set by the department of 25 justice. Under the Voting Rights Act, the DOJ must Page 47 </p>
<p>1 bill in the house. I don't remember who did the 802 2 bill, who started it. I don't remember who started 3 the congressional bill.</p> <p>4 Q. Did you consider a plan permitting two 5 majority minority districts in 2011?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Why?</p> <p>8 A. It wasn't brought before us.</p> <p>9 Q. It wasn't brought before who?</p> <p>10 A. That is correct.</p> <p>11 Q. Who? You said, "It wasn't brought 12 before us." It wasn't brought before who?</p> <p>13 A. The redistricting committee.</p> <p>14 Q. Did you have the opportunity to consider 15 a map with two majority minority districts in the 16 legislature?</p> <p>17 A. No, I don't think so.</p> <p>18 Q. You did not?</p> <p>19 A. I don't remember that at all, if we did.</p> <p>20 Q. I'm going to -- I'm dropping it in the 21 chat, as well, in case it's helpful. I know it's 22 probably not.</p> <p>23 I am going to show you what I ask the 24 court reporter to mark as McClendon Exhibit 3. And 25 let me just share my screen quickly. It is exhibit, Page 46 </p>	<p>1 approve the state's redistricting plan before it can 2 be implemented. If the redistricting plan retreats 3 from the justice department benchmarks, such as 4 reducing minority population in a 5 previously-approved congressional district, the 6 state must show that it had no discriminatory 7 purpose in the move and did not reduce minority 8 voters' effective exercise of the electoral 9 franchise.</p> <p>10 Does that sound familiar to you?</p> <p>11 MR. WALKER: Are you asking him if he 12 said that, or what?</p> <p>13 Q. I'm just asking if that helps refresh 14 your memory.</p> <p>15 A. Well, it provides a memory. I don't -- 16 I don't remember this.</p> <p>17 Q. So you don't know why you believed that 18 the map introduced by Representative Buskey would 19 have led to retrogression?</p> <p>20 A. So what did he introduce? No. I'm 21 really lost on trying to decipher this.</p> <p>22 Q. So is that -- did you say the quote that 23 I just read to you?</p> <p>24 A. I don't recall saying it. I don't 25 recall the article. Page 48 </p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. How about I give you a few minutes to</p> <p>2 look through the article, and then I'll ask you some</p> <p>3 questions again.</p> <p>4 MR. WALKER: Kathryn, we've been going</p> <p>5 for about an hour, and I need to step out for a</p> <p>6 second. Would you mind if we took a five-minute</p> <p>7 break?</p> <p>8 MS. SADASIVAN: If you don't mind, we'll</p> <p>9 just finish this question after Senator McClendon</p> <p>10 has a chance to look at it. And then after that, we</p> <p>11 can take a break.</p> <p>12 MR. WALKER: Certainly. No problem.</p> <p>13 MS. SADASIVAN: Thank you so much,</p> <p>14 Dorman.</p> <p>15 A. I'm ready when you are.</p> <p>16 Q. Do you have any reason to believe that</p> <p>17 quote is inaccurate?</p> <p>18 A. Now, what did you --</p> <p>19 MR. WALKER: Which quote?</p> <p>20 A. Yeah. My question is what quote are you</p> <p>21 talking about?</p> <p>22 Q. On Page 2 of the exhibit I just shared</p> <p>23 with you beginning with Rep Jim McClendon,</p> <p>24 R-Springville, who carried the plan in the house.</p> <p>25 There are two paragraphs where Senator McClendon is</p> <p style="text-align: right;">Page 49</p>	<p>1 A. I do not.</p> <p>2 MR. DAVIS: Are we breaking now?</p> <p>3 MS. SADASIVAN: No. I'm sorry. I asked</p> <p>4 a question.</p> <p>5 MR. DAVIS: And he answered it.</p> <p>6 Q. You don't recall seeing two majority</p> <p>7 minority districts in the Alabama congressional plan</p> <p>8 in 2011?</p> <p>9 A. I do not recall it.</p> <p>10 Q. Okay. Thank you so much.</p> <p>11 MR. SADASIVAN: We can take a break now.</p> <p>12 MR. WALKER: Thank you.</p> <p>13 THE VIDEOGRAPHER: We are off the</p> <p>14 record. The time is 3:09 p.m.</p> <p>15 (Recess was taken.)</p> <p>16 THE VIDEOGRAPHER: We are back on the</p> <p>17 record. The time is 3:22 p.m.</p> <p>18 Q. Senator McClendon, I just want to</p> <p>19 clarify really quickly Exhibit 3. You stated that</p> <p>20 you don't remember being interviewed for that</p> <p>21 article, right?</p> <p>22 A. I do not.</p> <p>23 Q. And you don't remember saying anything</p> <p>24 about retrogression?</p> <p>25 A. Yes. The answer is the same as it was</p> <p style="text-align: right;">Page 51</p>
<p>1 quoted. And I'm asking if you have any reason to</p> <p>2 believe that that quote is inaccurate.</p> <p>3 A. Well, there are no -- the only quotation</p> <p>4 marks are around the word "retrogression" and around</p> <p>5 the words "effective exercise of the electoral</p> <p>6 franchise." There's no -- I don't see where I was</p> <p>7 attributed a quote in those paragraphs.</p> <p>8 Q. Do you have any reason to believe that</p> <p>9 that paragraph discussing -- beginning with "Rep Jim</p> <p>10 McClendon" and continuing on until "This plan, as</p> <p>11 far as the justice department and Voting Rights Act</p> <p>12 goes, it's a failure," do you have any reason to</p> <p>13 believe that that is inaccurate?</p> <p>14 A. Well, the only part that has quotes is</p> <p>15 the one you just read. And I do not recall making</p> <p>16 that statement.</p> <p>17 Q. So you don't think that that was an</p> <p>18 accurate reflection of what you thought at the time?</p> <p>19 MR. WALKER: Objection to form. You may</p> <p>20 answer it.</p> <p>21 A. I just -- I don't recall making the</p> <p>22 statement.</p> <p>23 Q. And you don't recall having the</p> <p>24 opportunity to see two majority minority districts</p> <p>25 in a congressional plan?</p> <p style="text-align: right;">Page 50</p>	<p>1 before. I do not remember.</p> <p>2 Q. If there was a plan in 2011 that</p> <p>3 complied with all the districting principles and the</p> <p>4 guidelines and created two majority minority</p> <p>5 districts, would you have voted for it?</p> <p>6 A. Okay. Say that again. We're having a</p> <p>7 hard time.</p> <p>8 THE REPORTER: I think if you would slow</p> <p>9 down just a little bit, that would help.</p> <p>10 MS. SADASIVAN: If I come in a little</p> <p>11 bit, is this better?</p> <p>12 MR. WALKER: No. Slow down.</p> <p>13 Q. If there was a plan that complied with</p> <p>14 the redistricting guidelines and created two</p> <p>15 majority minority districts in 2011, would you have</p> <p>16 voted for it?</p> <p>17 A. Thank you. I -- I understood you very</p> <p>18 well.</p> <p>19 I would certainly have considered it and</p> <p>20 would -- but part of that is looking at what else is</p> <p>21 available. So I would have put it on the list for</p> <p>22 consideration, yes.</p> <p>23 Q. Let's move to the 2021 redistricting</p> <p>24 process.</p> <p>25 A. Good.</p> <p style="text-align: right;">Page 52</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. What was your role in the</p> <p>2 reapportionment committee in 2021?</p> <p>3 A. Senate chair.</p> <p>4 Q. And what were your responsibilities as</p> <p>5 senate chair?</p> <p>6 A. Pretty much the same as it was as house</p> <p>7 chair, to confer with the attorney and the map</p> <p>8 drawer, to help try to set the schedule of events as</p> <p>9 they were going to unfold.</p> <p>10 Q. And when you say "confer with the</p> <p>11 attorney and map drawer, I'm not asking for</p> <p>12 attorney-client information. But generally as</p> <p>13 senate chair, what responsibilities did conferring</p> <p>14 with the attorney and map drawer entail?</p> <p>15 A. Well, for quite some time, we were</p> <p>16 trying to decide when we could actually get started</p> <p>17 on the process. And we spent a little bit of time</p> <p>18 wondering when we were going to get the data. We</p> <p>19 spent a lot of time wondering when we were going to</p> <p>20 get the data. And we shared some speculation about</p> <p>21 when it would show up. So we did the timing of the</p> <p>22 -- and sequence of events is one of the things</p> <p>23 initially that we talked about.</p> <p>24 Q. And so conferring with the attorney and</p> <p>25 the map drawer, you were trying to reach decisions</p> <p style="text-align: right;">Page 53</p>	<p>1 A. Well, no. It was just part of a</p> <p>2 continuum of setting the schedule and seeing when</p> <p>3 things would work out, how things -- in what order</p> <p>4 things needed to unfold in order to get the job done</p> <p>5 in a timely manner.</p> <p>6 Q. And other than you and the map drawer</p> <p>7 and the attorney, who else was involved in that</p> <p>8 decision-making?</p> <p>9 A. Representative Pringle.</p> <p>10 Q. Anybody else?</p> <p>11 A. No.</p> <p>12 Q. So you, the attorney, Representative</p> <p>13 Pringle, and the map drawer determined when you</p> <p>14 would begin the public hearings or the</p> <p>15 reapportionment committee meetings?</p> <p>16 A. Well, the staff, the reapportionment</p> <p>17 staff, had some input into it. Although the public</p> <p>18 hearings, we gave -- we gave a time frame to the</p> <p>19 community -- the community college system. The</p> <p>20 chancellor loaned us one of his personnel to help us</p> <p>21 coordinate those public hearings. And so he's the</p> <p>22 one that actually set up the dates, locations, and</p> <p>23 times for the public hearings.</p> <p>24 I think we told him we wanted to get</p> <p>25 this done the first couple of weeks in September.</p> <p style="text-align: right;">Page 55</p>
<p>1 about the timeline?</p> <p>2 A. Correct.</p> <p>3 Q. Anything else?</p> <p>4 A. That's the main -- at that point, that</p> <p>5 was the main thing, when can we get started.</p> <p>6 Q. At what point?</p> <p>7 A. Was that a question?</p> <p>8 Q. Yes. You said "at that point." And I'm</p> <p>9 just asking at what point was that the main --</p> <p>10 A. That was prior to receiving the data</p> <p>11 from the census bureau.</p> <p>12 Q. And did your responsibilities to confer</p> <p>13 with the attorney and the map drawer change after</p> <p>14 you received census data?</p> <p>15 A. I'm not sure I understand your question.</p> <p>16 Do it again and let me listen carefully.</p> <p>17 Q. You just shared that your</p> <p>18 responsibilities before the census numbers came out</p> <p>19 with respect to the attorney and the map drawer as</p> <p>20 senate chair of the reapportionment committee was to</p> <p>21 determine a timeline.</p> <p>22 And I'm asking if your responsibilities</p> <p>23 as senate chair of the reapportionment committee</p> <p>24 with respect to conferring with the attorney and map</p> <p>25 drawer changed once you received census data.</p> <p style="text-align: right;">Page 54</p>	<p>1 And then one of the representatives asked for</p> <p>2 additional meetings, so it spilled over into the</p> <p>3 third week into September.</p> <p>4 Q. So just going back to your role as</p> <p>5 senate chair of the reapportionment committee and</p> <p>6 your responsibilities to confer with the attorney</p> <p>7 and the map drawer, what were -- the public hearings</p> <p>8 -- strike that.</p> <p>9 Going back to your role as senate chair</p> <p>10 of the reapportionment committee and your</p> <p>11 responsibilities to confer with the attorney and map</p> <p>12 drawer, what other timelines did you discuss?</p> <p>13 A. We also needed to be able to give some</p> <p>14 idea as to when we would actually be prepared for a</p> <p>15 legislative session, for the governor to call a</p> <p>16 special session to consider redistricting.</p> <p>17 Q. And how did you arrive at that</p> <p>18 information of when that should be?</p> <p>19 A. There was -- we just sort of projected</p> <p>20 forward saying we need -- we'll need X amount of</p> <p>21 time for the public hearings and then we'll need X</p> <p>22 amount of time to meet with the legislators and the</p> <p>23 congressional delegation and the board of education.</p> <p>24 And then we basically set a timeline and</p> <p>25 said we can -- and then at this point we'll be ready</p> <p style="text-align: right;">Page 56</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 to ask the governor to call a special session.</p> <p>2 Q. And were other members of the</p> <p>3 reapportionment committee besides House Chair</p> <p>4 Pringle involved in that decision?</p> <p>5 A. No.</p> <p>6 Q. When did you start planning for the 2021</p> <p>7 redistricting process?</p> <p>8 A. We probably started thinking about it a</p> <p>9 year and a half ahead of time or more, two years</p> <p>10 maybe ahead of time.</p> <p>11 Q. And what were the first steps that you</p> <p>12 took to prepare for the redistricting process?</p> <p>13 A. The first thing that I personally tried</p> <p>14 to figure out was what the timeline was going to be.</p> <p>15 And, of course, that proved to be futile because of</p> <p>16 the delay in receiving the data and another delay</p> <p>17 and another delay.</p> <p>18 Q. When was your first meeting on</p> <p>19 redistricting in 2021?</p> <p>20 A. You know, I don't know the date.</p> <p>21 Q. Do you know who it was with?</p> <p>22 A. Are you talking about the redistricting</p> <p>23 committee? Or who are -- what kind of meeting are</p> <p>24 you talking about?</p> <p>25 Q. I'm talking about a meeting between you,</p> <p style="text-align: right;">Page 57</p>	<p>1 to it.</p> <p>2 So we sort of had to work on that before</p> <p>3 we actually announced it. And I don't know the</p> <p>4 final date that we came out with it.</p> <p>5 Q. And that's Representative Laura Hall?</p> <p>6 A. Yes.</p> <p>7 Q. And there was no deadline to decide on</p> <p>8 public hearings?</p> <p>9 A. Well, there was a deadline. June 30th.</p> <p>10 Q. Who set the deadline?</p> <p>11 A. But on June -- I think it was June 29th,</p> <p>12 we received communication from her. So we sort of</p> <p>13 scrapped the deadline in order to the comply with</p> <p>14 her request.</p> <p>15 Q. Is there a time to determine public</p> <p>16 hearings set by law in Alabama?</p> <p>17 A. Ask that again, now.</p> <p>18 Q. Is there any law governing public</p> <p>19 redistricting hearings in Alabama?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Was there any committee deadline or a</p> <p>22 committee -- rather a committee rule setting a</p> <p>23 deadline to determine public hearings?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. Who developed the deadline on</p> <p style="text-align: right;">Page 59</p>
<p>1 Senator McClendon, and any other person about</p> <p>2 redistricting in 2021.</p> <p>3 A. Okay. I don't know the answer to that</p> <p>4 question.</p> <p>5 Q. What role did you play in setting the</p> <p>6 schedule of the public hearings on redistricting?</p> <p>7 A. I talked to the chancellor of the</p> <p>8 two-year system and asked him to designate someone</p> <p>9 to work with our staff. And then they worked it out</p> <p>10 from there and came back with a schedule and a plan.</p> <p>11 Q. Did you review the locations of the</p> <p>12 public hearings?</p> <p>13 A. Yes, I looked at what they put together.</p> <p>14 And we were just about ready to announce it when</p> <p>15 Representative Hall requested that we add some more,</p> <p>16 which we did.</p> <p>17 Q. When were you preparing to announce the</p> <p>18 dates and locations of the public hearings?</p> <p>19 A. You know, I don't know why I would</p> <p>20 remember this, but I think June 30th was our target</p> <p>21 date to do that. And then I believe it was the day</p> <p>22 before we got a letter, an email maybe -- I didn't</p> <p>23 get it. The staff received communications from one</p> <p>24 of the members of our redistricting committee</p> <p>25 requesting that there be another half dozen added on</p> <p style="text-align: right;">Page 58</p>	<p>1 determining the time, location, and manner of public</p> <p>2 hearings?</p> <p>3 A. I think the staff, in conjunction with a</p> <p>4 representative from the community system, said we</p> <p>5 feel like we can get it done by this date, and</p> <p>6 actually communicated with members of the</p> <p>7 redistricting committee for suggestions and asked</p> <p>8 that they have those suggestions in by June 30.</p> <p>9 Q. When did you discuss public hearings</p> <p>10 with the reapportionment committee?</p> <p>11 A. When did who?</p> <p>12 Q. When did you discuss -- you or other</p> <p>13 members of the legislative delegation of the</p> <p>14 reapportionment committee discuss the public</p> <p>15 hearings?</p> <p>16 A. I don't know the answer.</p> <p>17 Q. What venues did you consider in</p> <p>18 Montgomery for public hearings?</p> <p>19 A. Well, we held one at the -- the public</p> <p>20 one was at the state house.</p> <p>21 Q. Were there any others?</p> <p>22 A. I don't know the answer to that. I</p> <p>23 don't have that schedule in front of me. I would be</p> <p>24 surprised if we had more than one, but I don't know</p> <p>25 for sure.</p> <p style="text-align: right;">Page 60</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 MS. SADASIVAN: I am going to drop into 2 the chat -- again, I know you all can't see it. So 3 I will share my screen. 4 But I would ask the court reporter to 5 mark it as McClendon Exhibit 4. It is a document 6 that says 2021 Legislative Reapportionment Public 7 Hearings Final. 8 Do you have that before you, Senator 9 McClendon? 10 MR. WALKER: Give me just a second. 11 12 (Plaintiff's Exhibit 4 was 13 marked for identification.) 14 15 MR. WALKER: Is this it? Is that what 16 she's showing? 17 THE WITNESS: That looks like it. It's 18 hard to tell. It does look similar to it. 19 MS. WELBORN: That's it. 20 A. Does yours start off with Drake State in 21 the upper left? 22 Q. Yes, sir. 23 A. Okay. Then we probably have -- I 24 probably have that document before me, yes. 25 Q. And can you look through that document Page 61</p>	<p>1 A. 22. 2 MR. WALKER: No. Meetings. 3 A. Oh, meetings. I can think of two 4 meetings that we had. I don't know if there was a 5 third or not. 6 Q. What were the dates of those meetings? 7 A. I'm thinking the first one was during 8 the legislative session, probably the very -- toward 9 the very end of the regular session, which would 10 have put it in May. We did it because we had -- you 11 know, everybody was in town. 12 And then the next meeting that I am 13 thinking about was held just prior to the special 14 session that was called for consideration of the 15 bills, the redistricting bills. 16 MS. SADASIVAN: So I am going to drop in 17 the chat an exhibit that I'll ask the court reporter 18 to mark as McClendon Exhibit 4. I'm going to pull 19 it up on my screen and share my screen with you so 20 you can see it. 21 MR. WALKER: I think this is five. 22 MS. SADASIVAN: I'm sorry. Five. Thank 23 you. 24 Q. Can you see my screen? 25 A. Reapportionment Committee Redistricting Page 63</p>
<p>1 and just see if you had any other public hearings in 2 Montgomery? 3 A. Well, I don't see any. 4 Q. Did you consider any historically black 5 colleges or universities when you were scheduling 6 the public hearings? 7 A. Well, I wasn't doing the considering. 8 It was the staff in the two-year college. 9 The original idea started with having 10 these meetings at our two-year colleges because they 11 are spread all over the state. And so that's why we 12 got a liaison from them to help schedule these 13 things. 14 So whether they -- I think I saw one 15 with Troy on here. And if I recall -- yeah, here is 16 one at Trojan Center Ballroom. And that's because 17 there was not a community college close by or 18 something like that. 19 So by and large, we focused on our 20 community college system to host us, to host these 21 meetings. So -- 22 Q. How many meetings did -- 23 A. I'm sorry. Go ahead. Your turn. 24 Q. I was just asking how many meetings did 25 the reapportionment committee hold in 2021? Page 62</p>	<p>1 Guidelines, May 5th. Okay. 2 3 (Plaintiff's Exhibit 5 was 4 marked for identification.) 5 6 Q. Have you seen this document before, 7 Senator McClendon? 8 A. Give me a second to look at it. Yes. 9 It looks -- it looks familiar. 10 Q. Where have you seen this document 11 before? 12 A. Where? At the state house. 13 Q. How do you recognize it? 14 A. I'm just looking at -- well, I look at 15 the title, I look at the date, I look at the plus or 16 minus 5 percent, and some of the other topics. And 17 those all appear to be the guidelines that we -- 18 that the redistricting or reapportionment committee 19 adopted prior to the map-making process. 20 Q. And did you endeavor to comply with 21 these policies in the 2021 redistricting -- 22 A. Did I -- 23 Q. -- process? 24 A. Did I try to comply with these policies? 25 Is that your question? Page 64</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. Did you comply with these -- yes. Did</p> <p>2 you comply with these policies in the 2021</p> <p>3 redistricting process as senate chair of the</p> <p>4 reapportionment committee?</p> <p>5 A. I did.</p> <p>6 Q. Section II f states, "Districts shall be</p> <p>7 drawn in compliance with the Voting Rights Act of</p> <p>8 1965, as amended. A redistricting plan shall have</p> <p>9 neither the purpose nor the effect of diluting</p> <p>10 minority voting strength, and shall comply with</p> <p>11 Section 2 of the Voting Rights Act and the United</p> <p>12 States Constitution."</p> <p>13 How did you go about complying with</p> <p>14 Section 2 of the Voting Rights Act?</p> <p>15 MR. WALKER: Are you -- may I ask,</p> <p>16 Kathryn, are you talking about for the congressional</p> <p>17 plan?</p> <p>18 MS. SADASIVAN: I'm asking -- he said</p> <p>19 Senator McClendon tried to comply with these</p> <p>20 guidelines as senate chair of the redistricting</p> <p>21 committee. I'm asking how in general did Senator</p> <p>22 McClendon, as senate chair of the reapportionment</p> <p>23 committee, go about ensuring compliance with this</p> <p>24 particular policy.</p> <p>25 A. Well, subsequent to us adopting these</p> <p style="text-align: right;">Page 65</p>	<p>1 southerner, so I talk quickly, and I'm probably</p> <p>2 using too many adjectives.</p> <p>3 I was asking you what is required to</p> <p>4 determine whether a map complies with the Voting</p> <p>5 Rights Act.</p> <p>6 A. Well, it's -- I would say it's a legal</p> <p>7 opinion first to be familiar with the Voting Rights</p> <p>8 Act and subsequent cases, and then to be able to</p> <p>9 compare what we have produced, what's in front of</p> <p>10 us, with the knowledge of the requirement of the</p> <p>11 Constitution and the Voting Rights Act.</p> <p>12 Q. And when did you compare what was</p> <p>13 produced by your demographer with the requirements</p> <p>14 of the Voting Rights Act?</p> <p>15 A. I think probably every time we talked,</p> <p>16 this was part of it. It came up in the conversation</p> <p>17 as we went through the map-drawing process. And</p> <p>18 both the attorney and the map drawer would be quick</p> <p>19 to say that could -- that particular line moved over</p> <p>20 there could be a problem, and we need to look at it.</p> <p>21 Q. And when you say "could be a problem,"</p> <p>22 you mean could be a problem under the Voting Rights</p> <p>23 Act?</p> <p>24 A. Yes.</p> <p>25 Q. And what was your understanding of what</p> <p style="text-align: right;">Page 67</p>
<p>1 guidelines, then I was dependent on the attorney,</p> <p>2 Dorman Walker, and the map drawer during the</p> <p>3 process, once they started actually putting lines</p> <p>4 down on paper, to stay inside those guidelines.</p> <p>5 Q. So your role was overseeing the</p> <p>6 map-drawing process to ensure that it complied with</p> <p>7 the guidelines?</p> <p>8 A. One of my goals was to be in compliance</p> <p>9 with the Voting Rights Act of 1965. That was one of</p> <p>10 my jobs. And, of course --</p> <p>11 Q. It was your job to ensure compliance</p> <p>12 with the Voting Rights Act of 1965?</p> <p>13 A. Yes.</p> <p>14 Q. And how did you go about doing that?</p> <p>15 A. Well, I counted on these experts that</p> <p>16 were working for me and working for the committee to</p> <p>17 follow those guidelines and be familiar with the</p> <p>18 court cases and with the law and with the rulings.</p> <p>19 Q. And what is required to determine if a</p> <p>20 map complies with Section 2 of the Voting Rights</p> <p>21 Act?</p> <p>22 A. Say that again. Once again -- something</p> <p>23 about the audio. It could be me. But go ahead and</p> <p>24 try it again.</p> <p>25 Q. It's probably me. I'm also a</p> <p style="text-align: right;">Page 66</p>	<p>1 was required to comply with the Voting Rights Act?</p> <p>2 A. Well, as far as what's in the Voting</p> <p>3 Rights Act, I couldn't quote it. But that's why I</p> <p>4 have an attorney.</p> <p>5 Q. How many times did you have a</p> <p>6 conversation where the map drawer said if you move</p> <p>7 this line, you could have a problem under the Voting</p> <p>8 Rights Act?</p> <p>9 A. I can say I heard that several times.</p> <p>10 Q. And who did you hear that from?</p> <p>11 A. I heard it both from the attorney and</p> <p>12 the map drawer, not necessarily at the same time.</p> <p>13 Q. You were --</p> <p>14 A. Pardon?</p> <p>15 Q. You were advised several times by your</p> <p>16 attorney and by the map drawer that the way that a</p> <p>17 particular line was drawn could violate the Voting</p> <p>18 Rights Act?</p> <p>19 A. Or the way a line was proposed to go.</p> <p>20 That was their job.</p> <p>21 Q. And did that occur with respect to the</p> <p>22 congressional map?</p> <p>23 A. Not to my knowledge. Because I was not</p> <p>24 involved in drawing the congressional map.</p> <p>25 Q. Who was involved in drawing the</p> <p style="text-align: right;">Page 68</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 congressional map?</p> <p>2 A. The map drawer met with the</p> <p>3 congressional delegation or their representative</p> <p>4 sometimes in person, sometimes virtually like this,</p> <p>5 and really worked this out with the members of the</p> <p>6 congressional delegation.</p> <p>7 Q. Were the members of the congressional</p> <p>8 delegation responsible for ensuring that map</p> <p>9 complied with the Voting Rights Act?</p> <p>10 A. That's a good question. I don't know</p> <p>11 the answer to that question.</p> <p>12 Q. Were you responsible for ensuring that</p> <p>13 the congressional map complied with the Voting</p> <p>14 Rights Act?</p> <p>15 A. Yes. I would say that was one of my</p> <p>16 responsibilities.</p> <p>17 Q. In the conversations that you had</p> <p>18 regarding potential violations of the Voting Rights</p> <p>19 Act, did you or anyone else discuss racial</p> <p>20 polarization analysis?</p> <p>21 A. No. No.</p> <p>22 Q. Do you know what the basis for -- in</p> <p>23 these conversations when you heard there might be a</p> <p>24 potential Voting Rights Act violation, do you know</p> <p>25 what that was based upon?</p> <p style="text-align: right;">Page 69</p>	<p>1 communities of interest, communities that have a</p> <p>2 particularly common political interest, keep them</p> <p>3 together, keep them in the same whatever it is,</p> <p>4 house direct, congressional district, BOE district,</p> <p>5 if possible.</p> <p>6 Q. You said "common political interests."</p> <p>7 Is that your definition of community of interest?</p> <p>8 A. There's a -- there's a definition right</p> <p>9 here in whatever this is on Line 30. Line 30</p> <p>10 through 32 is a definition of communities of</p> <p>11 interest.</p> <p>12 Q. So you just mentioned a common political</p> <p>13 interest, and I was wondering if that was part of</p> <p>14 your definition of communities of interest.</p> <p>15 A. Oh, that's just one -- that's just one</p> <p>16 part of it, one part -- one way you could have a</p> <p>17 community of interest. There's a lot of different</p> <p>18 ways you can have a community of interest.</p> <p>19 Q. What do you consider to be communities</p> <p>20 of interest in Alabama?</p> <p>21 A. There are -- there's not a community of</p> <p>22 interest in Alabama. There are many communities of</p> <p>23 interest.</p> <p>24 Q. Such as?</p> <p>25 A. Well, a city. A city is a community of</p> <p style="text-align: right;">Page 71</p>
<p>1 A. Well, I think at different times there</p> <p>2 were different issues.</p> <p>3 Q. Such as?</p> <p>4 A. On the congressional side, I cannot --</p> <p>5 as far as the congressional districts go, I can't</p> <p>6 give you a single example because I simply wasn't</p> <p>7 involved in that process.</p> <p>8 Q. When did you adopt the guidelines that</p> <p>9 we're talking about right now?</p> <p>10 A. Maybe May the 5th of 2021. That's the</p> <p>11 date on the document. And that was one of the</p> <p>12 purposes of -- objectives of that particular meeting</p> <p>13 of the committee, was to have the guidelines in</p> <p>14 place before we got the data and before we started</p> <p>15 working with the elected officials.</p> <p>16 Q. So the third policy in Section II j</p> <p>17 (iii) in McClendon Exhibit 5 that we're talking</p> <p>18 about now, the May 5, 2021, redistricting criteria,</p> <p>19 says, "Districts shall respect communities of</p> <p>20 interest, neighborhoods, and political subdivisions</p> <p>21 to the extent practicable and in compliance with</p> <p>22 paragraphs a through l."</p> <p>23 What is your understanding of what that</p> <p>24 policy requires?</p> <p>25 A. Well, when possible, it's good to keep</p> <p style="text-align: right;">Page 70</p>	<p>1 interest.</p> <p>2 Q. Is Montgomery a community of interest?</p> <p>3 A. Yes. Montgomery is a city.</p> <p>4 Q. What are some other communities of</p> <p>5 interest?</p> <p>6 A. You can have parts of a city that are a</p> <p>7 community of interest. There are -- a county is a</p> <p>8 community of interest.</p> <p>9 Q. What is the black belt in Alabama?</p> <p>10 A. It's a geographic area pretty much</p> <p>11 across the middle of the state from east to west.</p> <p>12 And it has to do with the rich soil that's found in</p> <p>13 that area.</p> <p>14 Q. Do you know what counties are in the</p> <p>15 black belt?</p> <p>16 A. I couldn't name -- I could name a few</p> <p>17 counties. But I cannot -- I cannot name the</p> <p>18 counties in the black belt.</p> <p>19 Q. Is there anything other than the soil</p> <p>20 that might define the black belt?</p> <p>21 A. I don't know what you're fishing for.</p> <p>22 Q. I can ask the question again.</p> <p>23 What are other characteristics that you</p> <p>24 know of of the black belt?</p> <p>25 A. That's a better question.</p> <p style="text-align: right;">Page 72</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Well, I think there's a perception that</p> <p>2 there's a lower socioeconomic income level across</p> <p>3 the black belt. There's probably -- there may be --</p> <p>4 that would probably be the main thing.</p> <p>5 Q. Do you consider the black belt a</p> <p>6 community of interest?</p> <p>7 A. No, not necessarily, because it's</p> <p>8 multiple counties, multiple communities.</p> <p>9 Q. Going back to your testimony earlier</p> <p>10 about maintaining the core of districts. Does</p> <p>11 maintaining the core of the existing congressional</p> <p>12 districts require consideration of racial data?</p> <p>13 A. Say that again and slow down again. I'm</p> <p>14 not listening very fast today.</p> <p>15 Q. I'm sorry. I'm speaking quickly. And I</p> <p>16 like that term, "listening fast."</p> <p>17 So what I asked was you testified</p> <p>18 earlier that you were maintaining -- or attempting</p> <p>19 to maintain the core of exhibiting districts in the</p> <p>20 congressional map. And I'm asking whether that</p> <p>21 requires the consideration of racial data.</p> <p>22 A. Well, we don't -- no. We don't -- we</p> <p>23 don't use racial data except after the fact.</p> <p>24 Q. After what fact do you use racial data?</p> <p>25 A. After the lines are drawn.</p> <p style="text-align: right;">Page 73</p>	<p>1 So you said you met the Tuesday before</p> <p>2 the Alabama special legislative session began on</p> <p>3 redistricting?</p> <p>4 A. Correct.</p> <p>5 Q. And that was the second meeting in your</p> <p>6 memory of the reapportionment committee?</p> <p>7 A. That is -- I believe that is correct,</p> <p>8 yes.</p> <p>9 Q. Were there other meetings of the</p> <p>10 reapportionment committee outside of those two to</p> <p>11 draw the map that we're discussing today?</p> <p>12 A. No, not of the -- not of the committee.</p> <p>13 Not a regular committee meeting, no.</p> <p>14 Q. What about a subset of the committee?</p> <p>15 A. What about what?</p> <p>16 MS. WELBORN: A subset.</p> <p>17 Q. Were there other meetings of a subset of</p> <p>18 the committee?</p> <p>19 A. No.</p> <p>20 Q. What was the agenda for your October</p> <p>21 26th meeting, reapportionment committee meeting?</p> <p>22 A. To select -- so is that the date,</p> <p>23 October 26th? That was meeting number two?</p> <p>24 A goal for that committee was to select</p> <p>25 the bills, the maps, that would be introduced to the</p> <p style="text-align: right;">Page 75</p>
<p>1 Q. And how do you see that racial data when</p> <p>2 you decide to look at it?</p> <p>3 A. The software will produce that.</p> <p>4 Q. What software?</p> <p>5 A. The software used to draw the maps.</p> <p>6 Q. Do you know what that software is?</p> <p>7 A. Give me a multiple choice, and I'll give</p> <p>8 it to you. Not right off the bat, no. You know,</p> <p>9 it's like I know it when I see it. But, you know, I</p> <p>10 never used it. But it's a new system for us. We</p> <p>11 recently adopted it.</p> <p>12 Q. When was the second meeting of the</p> <p>13 reapportionment committee in 2021?</p> <p>14 A. If, in fact, there were just the two</p> <p>15 meetings, it would have been immediately -- let me</p> <p>16 see. It would have been on the Tuesday prior to the</p> <p>17 special session convening on a Thursday. So</p> <p>18 whatever those dates are.</p> <p>19 Q. Do you have reason to believe that there</p> <p>20 was another meeting of the reapportionment committee</p> <p>21 other than the two we're discussing now?</p> <p>22 A. No, I don't. But I wouldn't be</p> <p>23 surprised. But I just don't believe there was.</p> <p>24 Q. I unfortunately don't have the exhibits</p> <p>25 (inaudible) the meetings, so we'll just move on.</p> <p style="text-align: right;">Page 74</p>	<p>1 legislature on Thursday.</p> <p>2 Q. And how many congressional maps did the</p> <p>3 members of the reapportionment committee vote on?</p> <p>4 A. I think just the one. But I can't -- I</p> <p>5 can't swear to that.</p> <p>6 Q. So when you say "select the map," you</p> <p>7 mean to vote on the one map?</p> <p>8 A. I can't remember if a substitute</p> <p>9 congressional map was offered or not.</p> <p>10 Q. I am going to drop into chat, and I will</p> <p>11 share my screen, as well. I will represent to you</p> <p>12 that this is a certified transcript of the October</p> <p>13 26, 2021, meeting of the reapportionment committee.</p> <p>14</p> <p>15 (Plaintiff's Exhibit 6 was</p> <p>16 marked for identification.)</p> <p>17</p> <p>18 Q. Do you see this?</p> <p>19 A. I do.</p> <p>20 MS. SADASIVAN: I'm going to ask</p> <p>21 Mr. Walker if you would be so kind to mark this as</p> <p>22 Exhibit 6.</p> <p>23 MR. WALKER: I have done so. It is</p> <p>24 marked.</p> <p>25 MS. SADASIVAN: Thank you, sir.</p> <p style="text-align: right;">Page 76</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. I'll let you quickly scan -- it's quite</p> <p>2 a long document. I'll let you just scan through it.</p> <p>3 And if you wouldn't mind just letting me know if</p> <p>4 this looks familiar to you.</p> <p>5 A. Well, I've glanced through it. It looks</p> <p>6 familiar. But it's really --</p> <p>7 Q. Okay. Again, I'll represent to you that</p> <p>8 it's a transcript of the October 26, 2021, meeting</p> <p>9 of the reapportionment committee, as you likely</p> <p>10 remember. And as you can see from the transcript, a</p> <p>11 considerable portion of the meeting was about racial</p> <p>12 polarization analysis.</p> <p>13 What is your understanding of racial</p> <p>14 polarization in voting?</p> <p>15 A. In this case, this -- this is an</p> <p>16 additional evaluation or test of the data to any</p> <p>17 place it's suspicious that there could be racial</p> <p>18 discrimination. It's an extra test tacked on to</p> <p>19 what we normally do to see if, in fact, we are in or</p> <p>20 out of compliance with the Voting Rights Act and our</p> <p>21 own guidelines and the court cases.</p> <p>22 Q. And what would give rise to suspicious</p> <p>23 racial discrimination that would require a racial</p> <p>24 polarization analysis?</p> <p>25 A. What would -- what would make you think</p> <p style="text-align: right;">Page 77</p>	<p>1 one of the committee members.</p> <p>2 Q. Who?</p> <p>3 A. It might have been Representative</p> <p>4 England. I think that's who it was. I'm not a</p> <p>5 hundred percent sure. I think he had a good bit to</p> <p>6 say about it.</p> <p>7 Q. And why did -- what was your</p> <p>8 understanding of why Representative England was</p> <p>9 concerned about racially polarized voting?</p> <p>10 A. I didn't have an understanding of why he</p> <p>11 was concerned. He just let it be known that he was</p> <p>12 concerned.</p> <p>13 Q. Did anyone else express concerns about</p> <p>14 racially polarized voting?</p> <p>15 A. I don't remember.</p> <p>16 Q. What was the conversation?</p> <p>17 A. I don't know. If we've got the</p> <p>18 transcript, we can take a look at it.</p> <p>19 I think there was someone that may have</p> <p>20 even suggested we should have evaluated all 140</p> <p>21 races for this. I don't remember who that was.</p> <p>22 Q. So if you wouldn't mind turning to Page</p> <p>23 17 of McClendon Exhibit 5.</p> <p>24 MS. WELBORN: I think it's Exhibit 6.</p> <p>25 Q. Exhibit 6. I apologize.</p> <p style="text-align: right;">Page 79</p>
<p>1 that that's an issue? Is that what you're asking,</p> <p>2 that racial discrimination is an issue?</p> <p>3 I guess, you know, the first thing I</p> <p>4 would say is if we had an incumbent minority person</p> <p>5 and there was such a change in the composition of</p> <p>6 the voters in that district, that that -- that</p> <p>7 district may no longer have -- have less of a chance</p> <p>8 of having a minority representative. That would be</p> <p>9 -- I think that would be a red flag.</p> <p>10 Q. So a suspicious racial issue would be if</p> <p>11 a minority representative were no longer able to win</p> <p>12 an election in their district?</p> <p>13 A. Or threatened if they -- yeah. Roughly</p> <p>14 what you said. I don't exactly agree word for word.</p> <p>15 But yeah, that's the idea.</p> <p>16 Q. What is your understanding of why RPV --</p> <p>17 and when I say RPV, I mean racially polarized</p> <p>18 voting. What is your understanding of why RPV was</p> <p>19 discussed in the October 26th meeting?</p> <p>20 A. Wait a minute. I missed one word I</p> <p>21 didn't understand. Why is it what in the meeting?</p> <p>22 MS. WELBORN: Discussed.</p> <p>23 A. "Discussed," is that the word you used?</p> <p>24 Q. Yes, sir.</p> <p>25 A. Oh, okay. Well, it was brought up by</p> <p style="text-align: right;">Page 78</p>	<p>1 A. I'm on Page 17. Yep, Smitherman.</p> <p>2 Q. All right. So you'll see that</p> <p>3 Representative Laura Hall asked you about a racially</p> <p>4 polarized voting study done.</p> <p>5 Can you read where it says Senator</p> <p>6 McClendon beginning with "Because"?</p> <p>7 A. "Because of the black age voting</p> <p>8 population in Congressional District 7, there was</p> <p>9 not one needed because it was over 54 percent black</p> <p>10 voting age population."</p> <p>11 Q. And then will you also read what</p> <p>12 Representative Hall said in response?</p> <p>13 A. "So you're saying that we don't have a</p> <p>14 black -- we don't have a polarization, racially</p> <p>15 polarization study?"</p> <p>16 Q. And then please read your response.</p> <p>17 A. "None. Because the voting age" -- well,</p> <p>18 I suspect that's a transcript error. "What is it?</p> <p>19 I got it right here."</p> <p>20 "Because the voting age is 54." Don't</p> <p>21 you think that's the VAP, 54, instead of the voting</p> <p>22 age?</p> <p>23 Q. And then -- I'm sorry. Can you please</p> <p>24 just read it as it is on the transcript, what</p> <p>25 Representative Hall said after that beginning with</p> <p style="text-align: right;">Page 80</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 "And"?</p> <p>2 A. "And you use District 7 as the basis for</p> <p>3 not having such a study done?"</p> <p>4 Q. And then please read your response.</p> <p>5 A. The black vote -- "The black VAP of the</p> <p>6 district is sufficient to where you don't need a</p> <p>7 study done."</p> <p>8 Q. Who makes the decision to undertake an</p> <p>9 RPV analysis?</p> <p>10 A. The attorney.</p> <p>11 Q. If you asked the attorney to undertake</p> <p>12 an RPV analysis, what would happen?</p> <p>13 A. We would discuss whether, in his</p> <p>14 opinion, the issue was actually there or not and</p> <p>15 needed to be decided and further information</p> <p>16 gathered on the outside. I mean, his job is not</p> <p>17 just to jump.</p> <p>18 Q. If you asked Mr. Walker to conduct an</p> <p>19 RPV analysis, would one be conducted?</p> <p>20 A. First, I don't think -- I would not ask</p> <p>21 Mr. Walker to do something. I would ask Mr. Walker,</p> <p>22 "What is your opinion? Do we need to do this or</p> <p>23 not?" That's how it works.</p> <p>24 Q. I understand. And if you asked him to</p> <p>25 undertake a racial polarization analysis, would one</p> <p style="text-align: right;">Page 81</p>	<p>1 A. You know, I don't know the answer to</p> <p>2 that question.</p> <p>3 Q. You don't know whether or not you could</p> <p>4 undertake --</p> <p>5 A. I don't know. The only way I would know</p> <p>6 is if I had exercised that and see how it worked</p> <p>7 out. But I've never exercised it, never thought</p> <p>8 about exercising it. So I don't know the answer to</p> <p>9 that.</p> <p>10 Q. You didn't think about asking for an RPV</p> <p>11 analysis when Representative England and</p> <p>12 Representative Hall asked for one to be undertaken?</p> <p>13 A. It's like -- it's highly probable that</p> <p>14 we discussed doing that afterwards, after the</p> <p>15 meeting. I may have discussed it with Mr. Walker.</p> <p>16 And if he had thought it was of value and worthwhile</p> <p>17 to do and would give us additional information that</p> <p>18 we needed, it would have been ordered. And if he</p> <p>19 had felt like it was an exercise in futility and a</p> <p>20 waste of time and money, he would have made that</p> <p>21 expression, as well.</p> <p>22 Q. And did you ask Mr. Walker to undertake</p> <p>23 an RPV analysis after the October 26th meeting?</p> <p>24 A. We may have talked about it. But I</p> <p>25 don't remember exactly doing that.</p> <p style="text-align: right;">Page 83</p>
<p>1 be undertaken?</p> <p>2 A. You know, that's a hypothetical. And</p> <p>3 I'm not going to do a hypothetical.</p> <p>4 Q. Do you have the power, as senate chair</p> <p>5 of the reapportionment committee, to ensure that the</p> <p>6 individuals, the attorney, and the map drawer, for</p> <p>7 example, comply with the Voting Rights Act?</p> <p>8 A. Well, yes. That's their responsibility.</p> <p>9 Q. And if you decided that you needed a</p> <p>10 racially polarized voting study done, could you</p> <p>11 insist that they undertake one?</p> <p>12 A. Well, once again, you're doing something</p> <p>13 hypothetical. I depend on Mr. Walker for his legal</p> <p>14 opinion and his experience. He's got many more</p> <p>15 years of experience than I do.</p> <p>16 And what I most likely do with him is</p> <p>17 say, "Dorman, what do you think about this? Do we</p> <p>18 need to do this or not? Does it make any sense?"</p> <p>19 Q. Senator McClendon, I understand that</p> <p>20 you're very personable and you rely on the opinions</p> <p>21 of your attorneys.</p> <p>22 What I'm asking you is if you have the</p> <p>23 power to insist, as senate chair of the</p> <p>24 reapportionment committee, that a racially polarized</p> <p>25 voting study be undertaken?</p> <p style="text-align: right;">Page 82</p>	<p>1 Q. How much did Alabama's population change</p> <p>2 between 2011 and 2021?</p> <p>3 A. I believe it increased about 5 percent.</p> <p>4 I think it went from 4.88 to a little over 5</p> <p>5 million, 5,020,000 or something like that.</p> <p>6 Q. In this redistricting cycle, was</p> <p>7 District 7 over or underpopulated?</p> <p>8 A. I think it was under. Yes, I'm sure it</p> <p>9 was under.</p> <p>10 Q. I'm going to go back to McClendon</p> <p>11 Exhibit 6. If you wouldn't mind please turning to</p> <p>12 Page 19.</p> <p>13 And if you could look at the second</p> <p>14 paragraph on the page after Representative England</p> <p>15 said, "It would appear that District 7 would look</p> <p>16 like that would need to be done," referring to an</p> <p>17 RPV analysis.</p> <p>18 He goes on, "So it appears to me that if</p> <p>19 we're doing this in the logical way, that District 7</p> <p>20 just -- as it appears on a map, would produce a</p> <p>21 certain percentage."</p> <p>22 And he asks, "And what is the</p> <p>23 relationship between the 54 percent that you're</p> <p>24 citing and the actual results or potential results</p> <p>25 of a racial polarization study? What is the</p> <p style="text-align: right;">Page 84</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 relationship between the two?"</p> <p>2 A. Let me --</p> <p>3 Would you read your response?</p> <p>4 A. I'm sorry. I thought you were done. Go</p> <p>5 ahead.</p> <p>6 Q. Would you please read your response?</p> <p>7 A. Let me read this sentence you just read.</p> <p>8 So I would like to request that the study be done on</p> <p>9 District 7. And what is the relationship between</p> <p>10 the 54 percent that you're citing and a racial</p> <p>11 polarization study? What is the relationship?</p> <p>12 My response is, "I got no clue."</p> <p>13 Q. Does this seem like an accurate</p> <p>14 representation of your conversation in the meeting,</p> <p>15 the October 26 reapportionment committee meeting?</p> <p>16 A. I think it's fairly accurate. I've</p> <p>17 certainly found some errors in here. But it's</p> <p>18 probably close enough.</p> <p>19 Q. And do you still have no clue what the</p> <p>20 relationship between the 54 percent number that you</p> <p>21 cited earlier as not a threshold by which you would</p> <p>22 consider an RPV analysis and the actual or potential</p> <p>23 results of a racial polarization analysis?</p> <p>24 A. Okay. Give me -- break that up. That</p> <p>25 was a couple of questions. Give me the first one.</p> <p style="text-align: right;">Page 85</p>	<p>1 What did you mean by that?</p> <p>2 A. What I meant by that was it didn't look</p> <p>3 like it was -- that a minority congresswoman was at</p> <p>4 risk. If she wanted to be elected again -- and</p> <p>5 apparently she does -- there was nothing to suggest</p> <p>6 it was close enough to think there was a threat to</p> <p>7 her reelection.</p> <p>8 Q. And how is that related to the black</p> <p>9 voting age population in District 7 at 54 percent?</p> <p>10 A. Well, most of the voters are a minority.</p> <p>11 Q. And so you were assuming that black</p> <p>12 voters would vote for a black representative?</p> <p>13 A. That's pretty -- a pretty safe bet here</p> <p>14 in Alabama.</p> <p>15 Q. And where did the 54 percent number come</p> <p>16 from?</p> <p>17 A. Those -- those numbers are generated by</p> <p>18 the software when the district is drawn. But they</p> <p>19 are generated after the district is drawn.</p> <p>20 Q. Did you talk to Representative Sewell</p> <p>21 about the black voting age population in her</p> <p>22 district?</p> <p>23 A. No, I did not.</p> <p>24 Q. Did you talk to Representative Sewell</p> <p>25 about the congressional map?</p> <p style="text-align: right;">Page 87</p>
<p>1 Q. It's just one question, but it's long.</p> <p>2 I'm asking you if you still have no clue</p> <p>3 with respect to the question that Representative</p> <p>4 England asked you and that you just read?</p> <p>5 A. Here -- here's the issue.</p> <p>6 Representative England apparently was targeting that</p> <p>7 number of 54 percent of BVAP as if it were some sort</p> <p>8 of threshold of do or die.</p> <p>9 And even the courts, to my knowledge,</p> <p>10 have never come up with a number that says you've</p> <p>11 got to have this percent or you can't go below this</p> <p>12 percent. It's never happened.</p> <p>13 So when somebody picks out a number of</p> <p>14 54 percents and says that's good or bad, well,</p> <p>15 Congresswoman Sewell was happy with it. And she's</p> <p>16 probably got a whole lot more information on her</p> <p>17 electability in her own district than I have.</p> <p>18 Q. So I'm just going to point you back to</p> <p>19 Page 17 of the transcript of your October 26th</p> <p>20 meeting of the reapportionment committee where</p> <p>21 before Representative England brought that up, you</p> <p>22 had said, "Because of the black voting age</p> <p>23 population in Congressional District 7, there was</p> <p>24 not one needed," referring to an RPV analysis,</p> <p>25 because it was over 54 percent BVAP.</p> <p style="text-align: right;">Page 86</p>	<p>1 A. No, I did not.</p> <p>2 Q. How do you know that Representative</p> <p>3 Sewell was okay with the district, as you suggested,</p> <p>4 based on the BVAP?</p> <p>5 A. I was told that by the map drawer who</p> <p>6 interviewed Representative Sewell I think once in</p> <p>7 person and once virtually. Or it may have been a</p> <p>8 staff person. But they were okay with the district.</p> <p>9 Q. So you wanted to ensure that the BVAP in</p> <p>10 districts with a minority candidate representing</p> <p>11 them was not too low?</p> <p>12 A. Correct.</p> <p>13 Q. Did you take any steps to ensure that</p> <p>14 the BVAP in any district was not too high?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. Who drew the maps for you in 2021?</p> <p>17 A. Randy Hinaman.</p> <p>18 Q. What is Randy Hinaman's role in the</p> <p>19 redistricting process?</p> <p>20 A. He's the map drawer.</p> <p>21 Q. When did you first meet with Mr. Hinaman</p> <p>22 about the redistricting cycle in 2021?</p> <p>23 A. In the spring of 2021, I guess. I</p> <p>24 don't -- I don't remember an exact date.</p> <p>25 Q. Who did you meet with Mr. Hinaman with?</p> <p style="text-align: right;">Page 88</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 A. I don't remember who was there.</p> <p>2 Q. What was discussed?</p> <p>3 A. Pardon me? What was what?</p> <p>4 Q. What did -- what did you all discuss?</p> <p>5 A. I would just guess. And I would say we</p> <p>6 probably discussed when are we going to see the data</p> <p>7 so we can go to work.</p> <p>8 Q. Did you provide any instructions to</p> <p>9 Mr. Hinaman in the spring of 2021?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. He was -- he was more experienced than</p> <p>13 me.</p> <p>14 Q. Did you provide Mr. Hinaman with any</p> <p>15 materials throughout any of the process of him</p> <p>16 drawing the 2021 Alabama maps?</p> <p>17 A. No.</p> <p>18 Q. Why?</p> <p>19 A. There was no need to.</p> <p>20 Q. Why was there no need to?</p> <p>21 A. Well, he was the map drawer. He knew</p> <p>22 his job.</p> <p>23 Q. Where was his job description?</p> <p>24 A. Where was his job description?</p> <p>25 Q. Defined.</p> <p style="text-align: right;">Page 89</p>	<p>1 BVAP of around 54 percent?</p> <p>2 A. I was told that in any of the districts</p> <p>3 that were drawn that needed this additional</p> <p>4 analysis, it had been requested.</p> <p>5 Q. Can you repeat your answer, please?</p> <p>6 A. I was told that any of the districts</p> <p>7 that needed additional analysis, that that analysis</p> <p>8 had been requested.</p> <p>9 Q. And were you told which districts</p> <p>10 required analysis?</p> <p>11 A. No.</p> <p>12 Q. Did you know any criteria for which</p> <p>13 districts required an analysis?</p> <p>14 A. I did not know the criteria.</p> <p>15 Q. When did you determine that your plan</p> <p>16 didn't violate the Voting Rights Act?</p> <p>17 A. Well, sometime -- sometime prior to</p> <p>18 submitting it to the redistricting committee for</p> <p>19 consideration. That was like part of the process,</p> <p>20 to make sure we were in compliance before</p> <p>21 introducing it for consideration for the other</p> <p>22 committee members.</p> <p>23 Q. And when did you submit the</p> <p>24 congressional redistricting bill for consideration</p> <p>25 by the reapportionment committee?</p> <p style="text-align: right;">Page 91</p>
<p>1 A. You know, he -- I don't know the answer</p> <p>2 to that.</p> <p>3 MS. SADASIVAN: Would you mind if we</p> <p>4 take a five-minute break?</p> <p>5 THE VIDEOGRAPHER: We are off the</p> <p>6 record. The time is 4:26 p.m.</p> <p>7 (Recess was taken.)</p> <p>8 THE VIDEOGRAPHER: We are back on the</p> <p>9 record. The time is 4:37 p.m.</p> <p>10 Q. Senator McClendon, thank you again for</p> <p>11 sitting for the deposition and for your time.</p> <p>12 Following up on McClendon Exhibit 6</p> <p>13 where we were discussing the quote where you said</p> <p>14 that because of the black voting age population in</p> <p>15 Congressional District 7, there was not one needed</p> <p>16 with respect to an RPV analysis because the district</p> <p>17 was over 54 percent BVAP. That was the October 26th</p> <p>18 meeting of the reapportionment committee.</p> <p>19 Did Mr. Walker tell you that a racial</p> <p>20 polarization analysis was unnecessary because</p> <p>21 District 7 had a BVAP of 54 percent?</p> <p>22 MR. WALKER: Object on the basis of</p> <p>23 attorney-client privilege.</p> <p>24 Q. Were you told that a racial polarization</p> <p>25 analysis was unnecessary because District 7 had a</p> <p style="text-align: right;">Page 90</p>	<p>1 A. The date -- the date we met that Tuesday</p> <p>2 prior to the special session convening on Thursday.</p> <p>3 Q. So you determined before the October</p> <p>4 26th meeting that your map, the congressional</p> <p>5 redistricting map you introduced, didn't violate the</p> <p>6 VRA?</p> <p>7 A. I felt confident that was the case, yes.</p> <p>8 Q. Do you know if an RPV analysis was</p> <p>9 conducted for Congressional District 1?</p> <p>10 A. Do I know if it was conducted? Is that</p> <p>11 your question?</p> <p>12 No, I don't know if it was conducted.</p> <p>13 Q. Who would know?</p> <p>14 A. The attorney.</p> <p>15 Q. And who is that?</p> <p>16 A. His name is Dorman Walker.</p> <p>17 Q. When did the special legislative session</p> <p>18 on redistricting begin in Alabama in 2021?</p> <p>19 A. The Thursday of that week following the</p> <p>20 redistricting committee meeting. And I don't</p> <p>21 remember what the date was.</p> <p>22 Q. Did you do anything to prepare for the</p> <p>23 special session?</p> <p>24 A. Well, yes.</p> <p>25 Q. What did you do to prepare for the</p> <p style="text-align: right;">Page 92</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 special session?</p> <p>2 A. I tried to get the -- first, we handled</p> <p>3 -- the senate handled the senate and the BOE map</p> <p>4 first. And so I wanted my information in place in</p> <p>5 my hand that I would present to the standing</p> <p>6 committee and ultimately to the senate floor. So my</p> <p>7 preparation was to have my bullet points convenient</p> <p>8 before those meetings.</p> <p>9 Q. Did you review any maps of two majority</p> <p>10 black districts in 2021?</p> <p>11 A. No.</p> <p>12 Q. Did you have the opportunity to vote on</p> <p>13 any two majority black congressional district plans</p> <p>14 in 2021?</p> <p>15 MR. WALKER: Did you say have the</p> <p>16 opportunity to vote?</p> <p>17 MS. SADASIVAN: Yes.</p> <p>18 MR. WALKER: Okay.</p> <p>19 A. There may -- I don't -- and I'm not</p> <p>20 certain. But I think one was introduced on the</p> <p>21 senate floor. But I'm not sure.</p> <p>22 Q. You think that a bill creating two</p> <p>23 majority minority districts was introduced on the</p> <p>24 senate floor?</p> <p>25 MR. WALKER: May.</p> <p style="text-align: right;">Page 93</p>	<p>1 congressional plan?</p> <p>2 Q. Let me just scroll down.</p> <p>3 I guess my question was initially -- and</p> <p>4 I'm seeing on Page 27 there's the beginning of a</p> <p>5 discussion between Senator McClendon and Senator</p> <p>6 Singleton.</p> <p>7 But I had first asked, Senator</p> <p>8 McClendon, if you could look through the transcript</p> <p>9 and see if it generally appears accurate of the</p> <p>10 senate floor debate on November 3, 2021, in the</p> <p>11 Alabama senate. I will represent to you that it's</p> <p>12 the transcript from the video that we received.</p> <p>13 A. And I'll accept that, that it is a</p> <p>14 transcript of the senate floor.</p> <p>15 Q. And in this transcript, you vote against</p> <p>16 a map introduced by Senator Singleton and Senator</p> <p>17 Hatcher. Can you --</p> <p>18 A. What page is that on?</p> <p>19 Q. I believe the motion is -- the</p> <p>20 substitute was offered by Senator Hatcher on Page</p> <p>21 39.</p> <p>22 A. Okay.</p> <p>23 Q. And Senator McClendon moved it for an up</p> <p>24 or down vote on Page 40, and then votes against it</p> <p>25 on Page 41. Do you see that?</p> <p style="text-align: right;">Page 95</p>
<p>1 A. May have been introduced on the senate</p> <p>2 floor. Introduced on the senate floor.</p> <p>3 Q. So I am dropping into the chat and I'll</p> <p>4 ask Mr. Walker to mark as Exhibit 7 or McClendon</p> <p>5 Exhibit 7 a document that is the transcript of the</p> <p>6 senate floor debate in Alabama on November 3, 2021.</p> <p>7 Do you recognize the document? It's on</p> <p>8 my screen so you can see it.</p> <p>9 MR. WALKER: Oh, okay. This is 7?</p> <p>10 MS. WELBORN: Yes.</p> <p>11 MS. SADASIVAN: Yes, sir.</p> <p>12</p> <p>13 (Plaintiff's Exhibit 7 was</p> <p>14 marked for identification.)</p> <p>15</p> <p>16 Q. And I have the exhibit pulled up, as</p> <p>17 well. Take a minute to look at it, Senator</p> <p>18 McClendon, please.</p> <p>19 A. What did you say?</p> <p>20 Q. Will you just take a minute to look at</p> <p>21 the transcript, and at the end confirm yes or no</p> <p>22 whether it generally appears accurate of the senate</p> <p>23 floor debate in 2021 on the various redistricting</p> <p>24 bills in the special legislative session.</p> <p>25 A. Where does this start dealing with the</p> <p style="text-align: right;">Page 94</p>	<p>1 A. Okay. Yeah, I do. I do.</p> <p>2 Q. Can you tell me why you voted against</p> <p>3 Senator Hatcher's two majority minority district</p> <p>4 plan?</p> <p>5 A. You know, if I recall correctly, his map</p> <p>6 pitted -- put two incumbent congressional members in</p> <p>7 the same district.</p> <p>8 Did you hear me?</p> <p>9 Q. I can. I asked you why you voted</p> <p>10 against Senator Hatcher's plan.</p> <p>11 A. And my response was that, among other</p> <p>12 things, the most blatant thing and easiest to notice</p> <p>13 was that he had put two incumbents in the same</p> <p>14 district.</p> <p>15 Q. You agree that the black voting age</p> <p>16 population of the state of Alabama is approximately</p> <p>17 27 percent of the state?</p> <p>18 A. Approximately.</p> <p>19 Q. Did that factor in to how you voted on</p> <p>20 Senator Hatcher's map?</p> <p>21 A. It had nothing to do with it.</p> <p>22 Q. Did you have the opportunity to vote on</p> <p>23 Senator Singleton's proposed map?</p> <p>24 A. I did.</p> <p>25 Q. And how did you vote?</p> <p style="text-align: right;">Page 96</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 A. A nay.</p> <p>2 Q. And why did you vote nay?</p> <p>3 A. I think the blatant problem with his map</p> <p>4 was that no minority candidate had a majority</p> <p>5 district. He had --</p> <p>6 Q. And when you say a minority candidate</p> <p>7 had a majority district, what do you mean?</p> <p>8 A. I think he drew two districts they</p> <p>9 called opportunity districts. But no minority</p> <p>10 candidate had a majority of the voters in either of</p> <p>11 those districts.</p> <p>12 Q. With respect to Senator Hatcher's map,</p> <p>13 you said you voted against it because two incumbents</p> <p>14 were paired?</p> <p>15 A. I think that is -- I think that's</p> <p>16 correct.</p> <p>17 Q. And what is -- in terms of your</p> <p>18 understanding of the law, what is a more important</p> <p>19 criteria for a map proposed by the Alabama</p> <p>20 legislature? Compliance with federal law and the</p> <p>21 Voting Rights Act or ensuring incumbents are not</p> <p>22 paired?</p> <p>23 A. You're asking me to say what's most</p> <p>24 important among those three or what takes precedent?</p> <p>25 Is that what your question is?</p> <p style="text-align: right;">Page 97</p>	<p>1 hearings occurred between the hours of 9:00 a.m. and</p> <p>2 5:00 p.m.</p> <p>3 A. Most all of them did. I guess there's</p> <p>4 one exception to that. And that would have been the</p> <p>5 meeting at the state house in Montgomery.</p> <p>6 Q. How many public hearings were held at</p> <p>7 the same time as another public hearing?</p> <p>8 A. Zero.</p> <p>9 Q. In other words, how many public hearings</p> <p>10 overlapped with another one of the public hearings?</p> <p>11 A. Zero.</p> <p>12 Q. No public hearings occurred at the same</p> <p>13 time as another public hearing?</p> <p>14 A. Correct.</p> <p>15 Q. And when did you finalize the times of</p> <p>16 the public hearings?</p> <p>17 A. It would have been sometime in July,</p> <p>18 early July. Actually, it was done twice. The first</p> <p>19 time, it was targeted to be completed by June 30th.</p> <p>20 And then we added six more, and that just tacked</p> <p>21 them on the end. So it was in the early part of</p> <p>22 July.</p> <p>23 Q. So you added six more why?</p> <p>24 A. Representative Hall requested it.</p> <p>25 Q. How did she request additional hearings?</p> <p style="text-align: right;">Page 99</p>
<p>1 Q. Yes, sir.</p> <p>2 A. Well, you always have to assume that</p> <p>3 federal law supersedes state law. But in this case,</p> <p>4 it was -- it didn't matter. It was just -- it was</p> <p>5 an -- it was an inappropriate situation.</p> <p>6 Actually, what happens when you pit two</p> <p>7 incumbents, suddenly the redistricting committee is</p> <p>8 picking winners and losers. And that should be up</p> <p>9 to the voters.</p> <p>10 Q. The reapportionment committee -- just to</p> <p>11 go back a little bit to the public hearings that you</p> <p>12 held on redistricting. How many were there?</p> <p>13 A. Still 28.</p> <p>14 Q. And how many occurred between the hours</p> <p>15 of 9:00 and 5:00?</p> <p>16 A. Well, I don't know. I would have to --</p> <p>17 I would have to go back. I think most -- most of</p> <p>18 them did, yeah.</p> <p>19 Q. If I say the McClendon exhibit, I'm</p> <p>20 afraid I will get it wrong. But it has the schedule</p> <p>21 of the public hearings.</p> <p>22 A. That would be Number 4.</p> <p>23 Q. Thank you, sir.</p> <p>24 A. Okay. What is your question, now?</p> <p>25 Q. I asked how many of the 28 public</p> <p style="text-align: right;">Page 98</p>	<p>1 A. Email.</p> <p>2 Q. Sir, I am going to drop in the chat and</p> <p>3 I will share my screen and ask Mr. Walker if he</p> <p>4 could please mark this as, I believe, McClendon</p> <p>5 Exhibit 7.</p> <p>6 MR. WALKER: Eight.</p> <p>7 MS. SADASIVAN: Eight. Gosh. Why am I</p> <p>8 always one off? It's Friday.</p> <p>9 Q. So I'm showing you what I've asked</p> <p>10 Mr. Walker to mark as McClendon Exhibit 8. I'm</p> <p>11 scrolling down to the bottom where it says RC</p> <p>12 045704.</p> <p>13 MS. WELBORN: Kathryn, can you scroll</p> <p>14 all the way up? We don't know what the document is.</p> <p>15 MS. SADASIVAN: So the document says RC</p> <p>16 045697. This was produced by Mr. Walker yesterday.</p> <p>17 MS. WELBORN: What does it look like on</p> <p>18 the first page so we can figure out which one it is?</p> <p>19 MS. SADASIVAN: It looks like this.</p> <p>20 MR. WALKER: Okay.</p> <p>21</p> <p>22 (Plaintiff's Exhibit 8 was</p> <p>23 marked for identification.)</p> <p>24</p> <p>25 A. Is this -- okay. Exhibit 8.</p> <p style="text-align: right;">Page 100</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 MR. WALKER: She's turned it back a page 2 or two. 3 Q. So if you look on Page 12 of the exhibit 4 that Mr. Walker handed you, it's marked at the 5 bottom with Bates number RC 045712. 6 A. 712. Okay. I've got 712. What page? 7 Q. 045712. It's page 12 of that PDF. 8 A. 712. I've got Page 1. 9 Q. Do you recognize on Page -- I guess the 10 page that we just landed on, did you recognize the 11 document that you're looking at, Mr. McClendon? 12 A. Yes. Well, I have it in front of me. 13 Let me look at it. 14 Yes, I've seen this before. 15 Q. Where have you seen it before? 16 A. I probably -- I probably received a copy 17 of it, of the email. 18 Q. What is this that you're looking at? 19 A. This is Representative Hall, I guess. 20 Yes. This is when she made a request for additional 21 meetings. And she sent that to the staff office and 22 they forward a copy to me. 23 Q. So in her email that we're looking at 24 right now, Representative Hall says, "During the May 25 5th committee meeting, members agreed to hearing</p> <p style="text-align: right;">Page 101</p>	<p>1 A. But I cannot discuss what he said to me. 2 Q. You stated earlier that the time and 3 manner of the public hearings is not governing by 4 Alabama law, correct? 5 A. Not to my knowledge. 6 Q. So when Representative Hall asked for 7 other times for the public hearings, was there any 8 legal constraints to the times that you could select 9 for the public hearings? 10 A. Not to my knowledge. 11 Q. Why did you not change the times of the 12 public hearings based on this email? 13 A. That was being -- we used our staff and 14 we used our liaison from the community college 15 system to contact the local community colleges and 16 locations and to see what would work out for 17 everybody involved. And that's how it came about. 18 MS. SADASIVAN: I think that's all the 19 questions I have. The Singleton and the Caster 20 plaintiffs may have questions. 21 MR. OSHER: I have a few questions. 22 Jim, if you want to go first for Singleton, you're 23 more than welcome to. He might not be on. 24 Okay. Senator, give me one moment, sir. 25</p> <p style="text-align: right;">Page 103</p>
<p>1 locations that would not require constituents to 2 travel more than one county. However, the proposed 3 location map will require interested parties to 4 travel significant distances to participate." 5 Going down, it says, "While it may not 6 be feasible for all committee members to attend 7 every public hearing, the proposed schedule requires 8 members to 'pick and choose' hearings and will not 9 have the full benefit of the public hearing 10 testimony and discussion of any alternative maps 11 introduced." 12 On the second page -- on the following 13 page, which is Bates number RC 045713, 14 Representative Hall says, "In addition, the timing 15 of each hearing is unsatisfactory. Hearings held 16 during working days cannot be viewed objectively as 17 providing the opportunity for public input." 18 How did you respond to Representative 19 Hall's concerns about the timing of the public 20 hearings? 21 A. I think I called my attorney and 22 basically said, "How do you want to handle this? 23 What do you think we need to do?" And -- 24 MR. WALKER: Do not discuss what I said 25 to you.</p> <p style="text-align: right;">Page 102</p>	<p>1 EXAMINATION BY MR. OSHER: 2 Q. Senator McClendon, can you hear me? 3 A. I can hear you very well. 4 Q. Oh, well that's a surprise. That never 5 happens. Thank you for your time today. I just 6 have a few questions. 7 I believe -- am I correct that you were 8 in the room when Representative Pringle was taking 9 his deposition? 10 A. You are correct. 11 Q. Or I should say was having his 12 deposition taken. 13 And so I assume that you heard the 14 questions that I asked him. Is that correct? 15 A. That is correct. 16 Q. I'm just going to ask you the same 17 questions. 18 How long have you been serving in the 19 Alabama legislature? 20 A. 19 years. 21 Q. 19 years. And have you been a member of 22 the republican party that whole time? 23 A. Well, I've always run as a republican. 24 And I believe I've been a dues-paying member of the 25 county republican group that whole time.</p> <p style="text-align: right;">Page 104</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 Q. And have you -- have you always been a 2 member of the republican party?</p> <p>3 A. Well, "always been" goes back a long 4 way. I think I've been a member of the republican 5 party as long as I've been a candidate or an elected 6 official.</p> <p>7 Q. And how long does that date back until 8 in the -- in the past?</p> <p>9 A. 2001.</p> <p>10 Q. Okay. Based your 19 years serving in 11 the legislature, in your view, do the views of the 12 members of the democratic party in Alabama generally 13 differ from the members of the republican party in 14 Alabama when it comes to the issue of removing 15 confederate monuments from public spaces?</p> <p>16 A. You know, I think if you make that broad 17 and say generally, I think I can agree with that 18 statement. There -- there are definitely 19 exceptions. But I think with the "general" in 20 there, I can say I generally agree with your 21 statement.</p> <p>22 Q. So the answer to my question was yes?</p> <p>23 A. Yes.</p> <p>24 MR. WALKER: Objection to form. He 25 answered that he can generally agree.</p> <p style="text-align: right;">Page 105</p>	<p>1 Q. Thank you. I appreciate it. A few 2 more.</p> <p>3 Based on your 19 years in the Alabama 4 legislature, do the views of the members of the 5 democratic party in Alabama generally differ from 6 the members of the republican party in Alabama when 7 it comes to the issue of affirmative action?</p> <p>8 A. And we'll get back to the discussion you 9 had earlier on affirmative action. I'm not even 10 exactly sure of a definition of affirmative action. 11 I remember hearing that term some years ago. But it 12 hasn't been around in a while. So I'm real hesitant 13 about answering that question.</p> <p>14 One other thing I would like to point 15 out. You're talking about members of the democratic 16 party, members of the republican party, right? 17 That's who you're asking me about.</p> <p>18 Well, I don't attend any of the 19 democratic party meetings. Now, I know a lot of 20 democrats that are in the legislature. So I'm more 21 likely to have a feeling for a democratic rather 22 than a member of the democratic party. Do you 23 understand what I'm saying?</p> <p>24 Q. So let me ask you this: In your 19 25 years serving in the -- in the Alabama legislature,</p> <p style="text-align: right;">Page 107</p>
<p>1 Q. My question was do the members of the 2 democratic party, generally do their views generally 3 -- I should start over.</p> <p>4 Do the views of the members of the 5 democratic party generally differ from the views of 6 the members of the republican party in Alabama 7 generally when it comes to removal of confederate 8 monuments in public spaces?</p> <p>9 A. I think I can agree with that.</p> <p>10 Q. You think you can agree? Can you give 11 me a yes or no answer on that question?</p> <p>12 MR. DAVIS: Objection, asked and 13 answered.</p> <p>14 THE WITNESS: So objection, what does 15 that mean for me?</p> <p>16 MR. WALKER: That means you don't 17 answer.</p> <p>18 Q. Well, it doesn't mean you don't answer. 19 I believe that's a form objection.</p> <p>20 MR. WALKER: Excuse me. Forgive me.</p> <p>21 You're right. Sorry, Dan.</p> <p>22 MR. OSHER: That's okay.</p> <p>23 Q. Senator, if you wouldn't mind answering 24 the question.</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 106</p>	<p>1 have you worked with your democratic party -- your 2 democratic party colleagues on issues related to 3 pending legislation?</p> <p>4 A. Yes.</p> <p>5 Q. And have you worked with republican 6 members of the Alabama legislature on pending 7 legislation and other issues?</p> <p>8 A. Yes.</p> <p>9 Q. And in that time, have you gained a 10 general view of what the democratic party in Alabama 11 supports and what the republican party in Alabama 12 supports?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So you -- in terms of affirmative 15 action, let's define affirmative action as giving 16 preference to individual -- considering individual 17 race when making certain decisions about admission 18 to programs or access to benefits.</p> <p>19 Using that definition, based on your 20 experience in the legislature, do the views of the 21 democratic party in Alabama generally differ from 22 the members -- the views of the members of the 23 republican party in Alabama?</p> <p>24 A. I really don't have an opinion on that. 25 And the reason is the issue simply has not come up,</p> <p style="text-align: right;">Page 108</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 it's not in front of me, and I have no experience</p> <p>2 with members of the democrats or the republicans on</p> <p>3 that issue. So I can't speak for something that</p> <p>4 hasn't happened.</p> <p>5 Q. Sure.</p> <p>6 Based of your experience in the Alabama</p> <p>7 legislature, do the views of members of the</p> <p>8 democratic party in Alabama generally differ from</p> <p>9 the members of the republican party in Alabama when</p> <p>10 it comes to criminal justice reform?</p> <p>11 A. Okay. And your question is they have</p> <p>12 disparate or different views? Republicans have</p> <p>13 different views from democrats on criminal justice</p> <p>14 reform? That's your question, correct?</p> <p>15 Q. As a general matter, correct.</p> <p>16 A. As a general matter, I agree with that</p> <p>17 statement.</p> <p>18 Q. And based on your experience in the</p> <p>19 legislature, do the views of the members of the</p> <p>20 democratic party in Alabama differ from the views of</p> <p>21 the members of the republican party in Alabama when</p> <p>22 it comes to whether there is a significant amount of</p> <p>23 discrimination against black residents of the state</p> <p>24 today?</p> <p>25 A. Once again, I need to take a party</p> <p style="text-align: right;">Page 109</p>	<p>1 MR. DAVIS: Any questions from the</p> <p>2 Singleton plaintiffs?</p> <p>3 I've got just a couple.</p> <p>4 EXAMINATION BY MR. DAVIS:</p> <p>5 Q. Hello, Senator.</p> <p>6 A. Hello.</p> <p>7 Q. Jim Davis representing Secretary</p> <p>8 Merrill.</p> <p>9 Senator, how many members are there of</p> <p>10 the Alabama senate?</p> <p>11 A. 35.</p> <p>12 Q. And do they all have a vote on</p> <p>13 legislation?</p> <p>14 A. Yes, they do.</p> <p>15 Q. Does that include redistricting</p> <p>16 litigation?</p> <p>17 A. That is correct.</p> <p>18 Q. Excuse me. I said "litigation." I</p> <p>19 meant legislation.</p> <p>20 A. Legislation.</p> <p>21 Q. Do all senators' votes count the same?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know why any other member of the</p> <p>24 Alabama senate voted for or against a redistricting</p> <p>25 plan?</p> <p style="text-align: right;">Page 111</p>
<p>1 business out. I see the party as these two</p> <p>2 organizations. These people I know claim to be</p> <p>3 democrats. Some of them claim to be republicans.</p> <p>4 Whether they belong to -- are active in a party or</p> <p>5 not, I have no idea.</p> <p>6 Now let's go back to the heart of your</p> <p>7 question, and I'll try to answer it. With that in</p> <p>8 mind, ask me your -- ask me your question. What is</p> <p>9 the topic here?</p> <p>10 Q. The fourth topic that I'm asking if the</p> <p>11 members -- if the views of the members of the</p> <p>12 democratic party generally differ from the views of</p> <p>13 the members of the republican party generally.</p> <p>14 Based on your experience working in the</p> <p>15 legislature with members of both parties, do their</p> <p>16 views generally differ when it comes to the issue of</p> <p>17 whether there is a significant amount of</p> <p>18 discrimination against black residents of Alabama</p> <p>19 today?</p> <p>20 A. Yes.</p> <p>21 MR. OSHER: Thank you very much. That's</p> <p>22 all I have for you. Thank you for your time,</p> <p>23 Senator.</p> <p>24 A. You're very welcome.</p> <p>25 MR. WALKER: Are we done?</p> <p style="text-align: right;">Page 110</p>	<p>1 A. No. That's an individual decision.</p> <p>2 Q. And how many members are there of the</p> <p>3 Alabama house of representatives?</p> <p>4 A. 105.</p> <p>5 Q. And they all have votes on legislation?</p> <p>6 A. They certainly do.</p> <p>7 Q. Including redistricting legislation?</p> <p>8 A. Correct.</p> <p>9 Q. And their votes all count the same as</p> <p>10 one anothers?</p> <p>11 A. That's correct.</p> <p>12 Q. Do you know why any member of the</p> <p>13 Alabama house of representatives voted for or</p> <p>14 against any plan, any redistricting plan?</p> <p>15 A. No. That's an individual decision.</p> <p>16 Q. Did you instruct Randy Hinaman to be</p> <p>17 sure to include a majority black district in an</p> <p>18 Alabama congressional plan draft?</p> <p>19 A. I did not.</p> <p>20 Q. Did you decide ahead of time that</p> <p>21 Alabama's plan must include a majority black</p> <p>22 district?</p> <p>23 A. I did not.</p> <p>24 Q. Was your understanding that those</p> <p>25 districts, when drafted, would be done so without</p> <p style="text-align: right;">Page 112</p>

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p>1 consideration of race?</p> <p>2 A. That is correct.</p> <p>3 Q. To the best of your knowledge, was that,</p> <p>4 in fact, how it was done?</p> <p>5 A. That is exactly how it was done.</p> <p>6 MR. DAVIS: Thank you, Senator.</p> <p>7 A. You're welcome.</p> <p>8 MR. WALKER: Do we have anything</p> <p>9 further?</p> <p>10 MS. SADASIVAN: Nothing from the</p> <p>11 Milligan plaintiffs. Thank you, Senator, for your</p> <p>12 time and sitting for the deposition. I appreciate</p> <p>13 it.</p> <p>14 MR. OSHER: Nothing from the Caster</p> <p>15 plaintiffs. Thank you all.</p> <p>16 MR. WALKER: Kathryn, I need to get to</p> <p>17 you, in addition to my privilege log, the final</p> <p>18 statement of -- you know, the sheet where I state</p> <p>19 the request for production and then I state</p> <p>20 underneath the documents. Can I get that to you on</p> <p>21 Monday? You've got all the documents. I just need</p> <p>22 to give you the sheet that says which ones refer to</p> <p>23 which of your requests.</p> <p>24 THE REPORTER: Are we on the record?</p> <p>25 MS. WELBORN: Can we go off the record</p> <p style="text-align: right;">Page 113</p>	<p>1 STATE OF ALABAMA)</p> <p>2 JEFFERSON COUNTY)</p> <p>3</p> <p>4 I hereby certify that the above</p> <p>5 proceedings were taken down by me and transcribed by</p> <p>6 me using computer-aided transcription and that the</p> <p>7 above is a true and correct transcript of said</p> <p>8 proceedings taken down by me and transcribed by me.</p> <p>9 I further certify that I am neither of</p> <p>10 kin nor of counsel to any of the parties nor in</p> <p>11 anywise financially interested in the result of this</p> <p>12 case.</p> <p>13 I further certify that I am duly</p> <p>14 licensed by the Alabama Board of Court Reporting as</p> <p>15 a Certified Court Reporter as evidenced by the ACCR</p> <p>16 number following my name found below.</p> <p>17 So certified on December 17, 2021.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 <u>LeAnn Maroney, Commissioner</u> ACCR# 134, Expires 9/30/25 505 North 20th Street, Suite 1250 Birmingham, AL 35203</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 115</p>
<p>1 now?</p> <p>2 MR. WALKER: Yeah, sure.</p> <p>3 THE VIDEOGRAPHER: This ends the</p> <p>4 deposition of Jim McClendon. The time is now</p> <p>5 5:12 p.m.</p> <p>6</p> <p>7 (DEPOSITION ENDED AT 5:12 P.M.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 114</p>	

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<u>WORD INDEX</u>			
< 0 >	49:22 65:11, 14 66:20	26th 75:21, 23 78:19 83:23	5:00 98:15 99:2
001929 47:1	2:04 9:8	86:19 90:17	5:12 114:5, 7
045697 100:16	2:2021-CV-01530-	92:4	50 17:1 24:25
045704 100:12	AMM 1:8	27 95:4 96:17	26:1
045712 101:5, 7	2:21-CV-01530-AMM	28 98:13, 25	501 5:5
045713 102:13	7:14	29th 59:11	505 115:23
	200 5:14		54 80:9, 20, 21
< 1 >	2000 38:13	< 3 >	84:23 85:10,
1 6:9 19:15	20002 4:20	3 6:13, 22	20 86:7, 14, 25
21:7 35:8, 22	20005 3:22	39:23, 24, 25	87:9, 15 90:17,
37:24 70:22	2001 24:18	40:2 46:24	21 91:1
92:9 101:8	42:15, 20 43:6	47:9 51:19	5th 64:1
1:57 1:24 7:17	105:9	94:6 95:10	70:10 101:25
1:59 9:5	2010 33:12	3:09 51:14	
10 4:19 14:19	38:8	3:22 51:17	< 6 >
100 6:23	2011 6:12	30 60:8 71:9	6 6:19 76:15,
10004 4:5	28:5 30:12	30th 58:20	22 79:24, 25
10006 3:15	31:9 32:10, 16,	59:9 99:19	84:11 90:12
104-111 6:3	23 33:21 34:9	32 71:10	600 3:21 4:19
105 1:23 5:14	36:13, 20	35 6:9 111:11	61 6:15
112:4	37:15, 25	35203 115:24	6179 4:11
11 27:24	40:15, 21 42:7	36 6:11	64 6:17
1-10-43 14:18	43:3, 10, 13, 17	361 14:22	
111-114 6:4	45:4, 13, 17, 22	36104 1:24	< 7 >
12 101:3, 7	46:5 51:8	5:15	7 6:21 43:5
125 4:4	52:2, 15 84:2	36106 4:12	80:8 81:2
1250 115:23	2014 26:10, 15	36130 5:6	84:7, 15, 19
134 115:23	2021 1:24	39 95:21	85:9 86:23
14 26:10	6:18, 20, 22		87:9 90:15, 21,
140 79:20	7:7, 17 26:3	< 4 >	25 94:4, 5, 9,
1400 3:7	30:12 45:7	4 6:15 39:23,	13 100:5
14th 3:21	52:23 53:2	24, 25 40:2, 14	700 3:21
17 1:24 7:7,	57:6, 19 58:2	61:5, 12 63:18	712 101:6, 8
17 79:23 80:1	61:6 62:25	98:22	76 6:19
86:19 115:17	64:21 65:2	4.88 84:4	
19 84:12	70:10, 18	4:26 90:6	< 8 >
104:20, 21	74:13 76:13	4:37 90:9	8 6:23 100:10,
105:10 107:3,	77:8 84:2	40 3:14 95:24	22, 25
24	88:16, 22, 23	41 95:25	
1943 14:19	89:9, 16 92:18	47 6:13	< 9 >
1965 65:8	93:10, 14 94:6,		9/30/25 115:23
66:9, 12	23 95:10	< 5 >	9:00 98:15
1999 3:7	115:17	5 3:14 6:17	99:1
	205)999-8096	39:21 43:20,	90067 3:8
< 2 >	14:24	22 44:8, 12, 14,	9-103 6:2
2 6:11 35:6	20th 115:23	18, 23 45:1	94 6:21
36:2, 7, 24	22 33:16 63:1	64:3, 16 70:17,	
39:19, 23, 24,	23 40:14	18 79:23 84:3,	< A >
25 40:2 47:21	26 6:20 16:19	4	a.m 99:1
	76:13 77:8	5,020,000 84:5	ability 11:2, 6
	85:15		

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

able 8:5	adopting 65:25	21 110:18	18
11:21 22:10	adoption 37:12	111:10, 24	Anybody 55:10
56:13 67:8	advance 19:18	112:3, 13, 18	anywise 115:11
78:11	advised 68:15	115:1, 14	apologize 39:24
accept 95:13	affect 11:2, 6	Alabama's 28:5	79:25
Access 40:7	affirmative	38:10 84:1	apparently 86:6
108:18	107:7, 9, 10	112:21	87:5
accordance	108:14, 15	Ali 5:20	appear 64:17
39:10 40:14	afraid 98:20	allow 11:19	84:15
account 15:9, 18	afternoon 9:10	12:10	appears 84:18,
accounts 15:16	age 43:13, 17	alternative	20 94:22 95:9
ACCR 115:15, 23	80:7, 10, 17, 20,	102:10	applied 44:18,
accurate 50:18	22 86:22 87:9,	amended 65:8	23
85:13, 16	21 90:14 96:15	amendments 40:16	apply 44:12, 14
94:22 95:9	agenda 75:20	American 4:3, 10	appreciate
Act 39:8, 18,	ago 10:6 27:6	amount 56:20,	35:14 107:1
21 43:21	107:11	22 109:22	113:12
47:25 50:11	agree 78:14	110:17	approach 27:22
65:7, 11, 14	96:15 105:17,	analysis 69:20	approval 34:14
66:9, 12, 21	20, 25 106:9,	77:12, 24 81:9,	approve 34:15
67:5, 8, 11, 14,	10 109:16	12, 19, 25	48:1
23 68:1, 3, 8,	AGREED 1:17	83:11, 23	approving 34:19
18 69:9, 14, 19,	2:1, 8 101:25	84:17 85:22,	approximately
24 77:20 82:7	ahead 57:9, 10	23 86:24	96:16, 18
91:16 97:21	62:23 66:23	90:16, 20, 25	area 72:10, 13
acting 7:3	85:5 112:20	91:4, 7, 10, 13	arrive 56:17
action 39:16	al 1:6, 10	92:8	article 47:16,
41:5, 7 107:7,	7:13, 14 115:24	Angeles 3:8	20 48:25 49:2
9, 10 108:15	ALABAMA 1:2, 23	announce 58:14,	51:21
active 110:4	4:10, 12 5:6,	17	asked 12:9
activity 27:19,	15 7:2, 3, 16,	announced 59:3	30:16 36:1
23	20 8:3 9:20	anothers 112:10	51:3 56:1
actual 27:25	14:22 15:7, 23,	answer 12:1, 20,	58:8 60:7
28:12, 17	25 17:4, 13, 14,	21 14:10 21:9	73:17 80:3
84:24 85:22	23 24:24 26:7,	26:16 31:10	81:11, 18, 24
add 58:15	9, 20 27:9	34:6 37:20	83:12 86:4
added 58:25	38:7 39:12	40:23 43:4, 7	95:7 96:9
99:20, 23	40:15 42:10	44:8 45:20	98:25 100:9
addition 102:14	44:12, 14, 19,	50:20 51:25	103:6 104:14
113:17	23 45:16 51:7	58:3 60:16, 22	106:12
additional 6:24	59:16, 19	69:11 83:1, 8	asking 30:21
12:7 56:2	71:20, 22 72:9	90:1 91:5	40:1 44:3, 6,
77:16 83:17	75:2 87:14	105:22 106:11,	22 48:11, 13
91:3, 7 99:25	89:16 92:18	17, 18 110:7	50:1 53:11
101:20	94:6 95:11	answered 26:15	54:9, 22 62:24
address 14:21	96:16 97:19	51:5 105:25	65:18, 21 67:3
adjectives 67:2	103:4 104:19	106:13	73:20 78:1
admission 108:17	105:12, 14	answering 12:2,	82:22 83:10
adopt 70:8	106:6 107:3, 5,	13 106:23	86:2 97:23
adopted 39:5	6, 25 108:6, 10,	107:13	107:17 110:10
64:19 74:11	11, 21, 23	answers 11:3, 7,	asks 84:22
	109:6, 8, 9, 20,		

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

<p> assign 2:12 assistance 40:12 Assistant 5:3 assume 12:12 98:2 104:13 assuming 87:11 astray 29:22 attempt 42:22 attempting 73:18 attend 102:6 107:18 attention 23:6 Attorney 3:5, 12, 19 4:2, 9, 17 5:3, 4, 12 7:20 12:17, 21, 25 13:5 19:11 20:7 28:12, 24, 25 29:18, 25 30:19, 24 31:6, 12 37:22 41:8 42:2 53:7, 11, 14, 24 54:13, 19, 24 55:7, 12 56:6, 11 66:1 67:18 68:4, 11, 16 81:10, 11 82:6 92:14 102:21 attorney-client 53:12 90:23 attorneys 7:18 8:9 82:21 attributed 50:7 audio 8:5, 7 66:23 available 9:14 40:10 52:21 Avenue 3:7 5:5 < B > back 9:7 19:11 22:12 44:8 51:16 56:4, 9 58:10 73:9 84:10 86:18 90:8 98:11, 17 101:1 105:3, 7 107:8 110:6 background 14:15 bad 86:14 </p>	<p> Balch 1:22 5:13 7:23 Ballroom 62:16 based 12:14 28:3 32:23 69:25 88:4 103:12 105:10 107:3 108:19 109:6, 18 110:14 basically 56:24 102:22 basis 69:22 81:2 90:22 bat 74:8 Bates 101:5 102:13 began 75:2 beginning 7:12 37:25 39:1 49:23 50:9 80:6, 25 95:4 begins 28:13 behalf 8:12 belief 40:24 believe 23:23 25:24 49:16 50:2, 8, 13 58:21 74:19, 23 75:7 84:3 95:19 100:4 104:7, 24 106:19 believed 48:17 belong 110:4 belt 72:9, 15, 18, 20, 24 73:3, 5 benchmarks 47:24 48:3 benefit 102:9 benefits 108:18 best 30:3 113:3 bet 87:13 better 14:16 52:11 72:25 big 28:21 bigger 28:2 bill 21:3, 11, 24 22:1, 16 40:4, 17 45:18, </p>	<p> 23 46:1, 2, 3 91:24 93:22 bills 21:17, 19, 25 45:22 63:15 75:25 94:24 Bingham 1:23 5:13 7:24 Birmingham 7:2 8:2 16:3, 9 115:24 birth 14:17 bit 14:16 52:9, 11 53:17 79:5 98:11 black 43:6, 13, 17 62:4 72:9, 15, 18, 20, 24 73:3, 5 80:7, 9, 14 81:5 86:22 87:8, 11, 12, 21 90:14 93:10, 13 96:15 109:23 110:18 112:17, 21 blatant 96:12 97:3 board 38:11, 15 56:23 115:14 body 20:9 BOE 46:1 71:4 93:3 born 15:22 bottom 100:11 101:5 Box 4:11 break 13:15 14:8, 11 49:7, 11 51:11 85:24 90:4 breaking 51:2 Brian 47:17 Broad 4:4 105:16 brought 46:8, 9, 11, 12 78:25 86:21 bullet 19:6 93:7 Bureau 38:9 </p>	<p> 54:11 business 110:1 Buskey 47:18, 22 48:18 BVAP 86:7, 25 88:4, 9, 14 90:17, 21 91:1 < C > California 3:8 call 34:20 56:15 57:1 called 41:18 63:14 97:9 102:21 candidate 88:10 97:4, 6, 10 105:5 candidates 25:5 capacity 9:19 care 35:11 career 24:15 carefully 54:16 carried 49:24 carry 31:1, 2 CASE 1:7 7:14 9:13 17:24 18:5, 6 19:7 23:14, 22, 23 24:4, 9 46:21 47:17 77:15 92:7 98:3 115:12 cases 10:15 30:3 31:5 66:18 67:8 77:21 CASTER 4:15 8:15 103:19 113:14 cause 7:8 cell 13:14 census 32:23 33:12 38:8, 9, 13 40:8 54:11, 14, 18, 25 Center 62:16 certain 30:14 37:19 84:21 93:20 108:17 </p>
---	---	---	--

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon

12/17/2021

Certainly 49:12 52:19 85:17 112:6	close 62:17 85:18 87:6	10, 12, 13, 14, 18, 21, 24 76:3, 13 77:9 79:1	composed 20:21 27:20
certified 76:12 115:15, 17	clue 85:12, 19 86:2	82:5, 24 85:15	composition 78:5
certify 7:4 115:4, 9, 13	cochair 9:19 28:24	86:20 90:18	computer 40:8
chair 26:25 27:6 29:10, 15 30:6, 13, 17 31:17, 23 32:4, 7, 9 53:3, 5, 7, 13 54:20, 23 56:5, 9 57:3 65:3, 20, 22 82:4, 23	cochairs 29:11	91:18, 22, 25 92:20 93:6 98:7, 10 101:25 102:6	computer-aided 115:6
challenge 24:10	colleagues 108:2	committees 21:19 26:18 27:1, 4	concerned 79:9, 11, 12
challenged 24:13	collection 21:8	common 71:2, 6, 12	concerning 17:22
chance 49:10 78:7	college 16:1, 3 55:19 62:8, 17, 20 103:14	communicated 60:6	concerns 79:13 102:19
chancellor 55:20 58:7	colleges 62:5, 10 103:15	communication 59:12	condition 11:5
change 21:9 54:13 78:5 84:1 103:11	come 21:19 52:10 86:10 87:15 108:25	communications 58:23	conduct 33:6 81:18
changed 28:16 54:25	comes 25:14 43:23 105:14 106:7 107:7 109:10, 22 110:16	communities 70:19 71:1, 10, 14, 19, 22 72:4 73:8	conducted 11:10 81:19 92:9, 10, 12
changes 38:12	commencing 1:24	community 55:19 60:4 62:17, 20 71:7, 17, 18, 21, 25 72:2, 7, 8 73:6 103:14, 15	conducting 13:12
characteristics 72:23	commissioner 7:3 115:22	compare 67:9, 12	confederate 105:15 106:7
chat 19:13 35:4 36:13, 15, 17 46:21 61:2 63:17 76:10 94:3 100:2	committee 9:20 20:14, 17, 21 21:12, 13, 15, 18, 20, 22 22:1, 10, 17, 19 26:22, 23, 24, 25 27:10, 13, 14, 20 28:2, 17 29:16 30:1, 7, 18, 21 31:14, 18, 23 32:3, 4, 6, 10 33:21 34:9, 13, 18 35:3 36:14 37:11 38:17, 19, 24 39:4, 5 40:6 42:7, 9 46:13 53:2 54:20, 23 55:15 56:5, 10 57:3, 23 58:24 59:21, 22 60:7, 10, 14 62:25 63:25 64:18 65:4, 21, 23 66:16 70:13 74:13, 20 75:6,	complaint 17:24	confer 53:7, 10 54:12 56:6, 11
child 16:24, 25		complete 10:24	conferring 53:13, 24 54:24
choice 74:7		completed 17:23 99:19	confident 92:7
choose 102:8		completely 10:19	confirm 94:21
Chris 18:19, 23		compliance 2:4 30:4 31:4 39:12 65:7, 23 66:8, 11 70:21 77:20 91:20 97:20	Congratulations 16:20
cited 85:21		complied 52:3, 13 66:6 69:9, 13	congressional 18:7 20:8 21:3 23:24 24:5 32:15, 20 33:2 34:10, 15 38:11, 15 42:5, 10, 13, 19 45:3, 16, 24 46:3 48:5 50:25 51:7 56:23 65:16 68:22, 24 69:1, 3, 6, 7, 13 70:4, 5 71:4 73:11, 20 76:2, 9 80:8 86:23 87:25 90:15 91:24 92:4, 9 93:13 95:1 96:6 112:18
citing 84:24 85:10		complies 66:20 67:4	Congresswoman 86:15 87:3
city 71:25 72:3, 6		comply 59:13 64:20, 24 65:1, 2, 10, 19 68:1 82:7	conjunction 60:3
CIVIL 1:7 4:3, 10 7:5, 14		complying 65:13	
claim 110:2, 3			
clarify 12:10 51:19			

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

conservative 25:15, 16, 18, 20, 22	Correct 14:20 15:1, 19 16:15 18:25 23:12, 13 28:4 32:8	52:4, 14	debate 20:25 21:2, 11 94:6, 23 95:10
conservatives 25:24	33:13 44:24	creating 93:22	December 1:24 7:7, 16 115:17
consider 43:9 46:4, 14 56:16 60:17 62:4 71:19 73:5 85:22	46:10 54:2 75:4, 7 88:12 97:16 99:14 103:4 104:7, 10, 14, 15 109:14, 15 111:17 112:8, 11 113:2 115:7	criminal 109:10, 13 criteria 70:18 91:12, 14 97:19 current 32:21 currently 17:10, 12 26:5, 21 cut 26:13 37:6 cutting 26:14 cycle 23:11 84:6 88:22	decennial 38:8 decide 42:10 53:16 59:7 74:2 112:20 decided 81:15 82:9 deciding 32:22 decipher 48:21 decision 31:20 57:4 81:8 112:1, 15 decision-making 55:8 decisions 32:24 53:25 108:17 decrease 33:5 DEFENDANT 5:1 9:18 10:12 47:17 Defendants 1:12 5:9 Defense 3:13, 20 9:12 define 72:20 108:15 Defined 89:25 definitely 105:18 definition 71:7, 8, 10, 14 107:10 108:19 degree 16:2 delay 57:16, 17 delegation 33:2 34:15 42:13 45:17 56:23 60:13 69:3, 6, 8 democratic 105:12 106:2, 5 107:5, 15, 19, 21, 22 108:1, 2, 10, 21 109:8, 20 110:12 democrats 107:20 109:2, 13 110:3
considerable 77:11	correcting 29:7 correctly 96:5 counsel 1:18 2:10, 11 7:6 11:15 18:8, 10 115:10	< D > DAN 4:16 8:15 106:21 data 32:23 33:3 35:2 38:8 40:9 53:18, 20 54:10, 14, 25 57:16 70:14 73:12, 21, 23, 24 74:1 77:16 89:6 date 7:4, 16 14:17 30:2 57:20 58:21 59:4 60:5 64:15 70:11 75:22 88:24 92:1, 21 105:7 dates 33:19 55:22 58:18 63:6 74:18 DAVIS 5:2 6:4 7:20 18:19, 24 22:22 36:15 51:2, 5 106:12 111:1, 4, 7 113:6 day 58:21 days 102:16 DC 3:22 4:20 deadline 59:7, 9, 10, 13, 21, 23, 25 deal 18:6 dealing 94:25	
consideration 40:6 52:22 63:14 73:12, 21 91:19, 21, 24 113:1	count 111:21 112:9 counted 66:15 counties 72:14, 17, 18 73:8 County 17:7 72:7 102:2 104:25 115:2 couple 18:15 55:25 85:25 111:3 course 27:5 29:24 31:1 33:3 57:15 66:10 courses 16:8, 10, 13 COURT 1:1 2:5 7:1, 15 11:13, 19, 20 15:4 19:14 20:4 30:3 31:5 35:5 36:1 44:7 46:24 61:4 63:17 66:18 77:21 115:14, 15 courtroom 10:21 courts 30:5 31:5 86:9 cover 19:5 created 47:19		
considered 21:18 42:6 52:19			
considering 62:7 108:16			
constituents 102:1			
constitution 38:5, 6 39:17 65:12 67:11			
constraints 103:8			
construed 39:15 consulted 41:8 contact 103:15 continuing 16:12 50:10 continuum 55:2 contrary 39:17 convenient 93:7 convening 74:17 92:2			
conversation 13:18 67:16 68:6 79:16 85:14			
conversations 69:17, 23			
converts 27:24 coordinate 55:21 copy 20:4 101:16, 22 core 42:22 73:10, 11, 19			

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

demographer	109:12, 13	districts	18:7	drawer	30:24
31:17 41:21	diluting 65:9	24:6, 10 38:12		33:1 42:2	
67:13	dilution 39:13	39:10 42:19,		53:8, 11, 14, 25	
demographics	direct 71:4	22 43:10 46:5,		54:13, 19, 25	
42:25 43:1, 2,	disapprove 34:16	15 47:19		55:6, 13 56:7,	
3	disapproving	50:24 51:7		12 66:2 67:18	
department	34:19	52:5, 15 65:6		68:6, 12, 16	
20:15, 18 45:2	discrimination	70:5, 19 73:10,		69:2 82:6	
47:24 48:3	77:18, 23 78:2	12, 19 88:10		88:5, 20 89:21	
50:11	109:23 110:18	91:2, 6, 9, 13		drawing 32:15	
depend 82:13	discriminatory	93:10, 23 97:8,		34:9 41:9	
dependent 66:1	48:6	9, 11 112:25		43:9 68:24, 25	
deposed 10:3	discuss 29:5	doctorate 16:4,		89:16	
23:16	30:25 56:12	6		drawn 24:11	
DEPOSITION 1:9,	60:9, 12, 14	document 19:14,		34:19 39:10	
19 2:2, 3, 13	69:19 81:13	17, 20, 25 20:5,		65:7 68:17	
7:12 9:15, 18	89:4 102:24	10, 12, 23 21:6		73:25 87:18,	
11:10, 14 13:2,	103:1	36:1, 8, 10, 21		19 91:3	
12 17:25	discussed 22:4	37:2, 5, 8, 13,		draws 28:13, 25	
18:13, 23	78:19, 22, 23	14, 19 47:2, 12		29:19 30:20	
19:18 22:5, 14,	83:14, 15 89:2,	61:5, 24, 25		drew 88:16	
21 90:11	6	64:6, 10 70:11		97:8	
104:9, 12	discussing 20:6	77:2 94:5, 7		drop 19:13	
113:12 114:4, 7	28:22 47:18	100:14, 15		61:1 63:16	
depositions 2:6	50:9 74:21	101:11		76:10 100:2	
describe 47:3	75:11 90:13	documents 13:17,		dropped 36:12	
description	Discussion 8:8	21, 22, 25 14:2,		dropping 35:4	
89:23, 24	30:14 95:5	3 19:1, 3		46:20 94:3	
designate 58:8	102:10 107:8	22:13, 15, 24		dross@naacpldf.org	
determine 38:10	discussions	23:2 113:20, 21		3:23	
54:21 59:15,	28:14	doing 62:7		dues-paying	
23 66:19 67:4	disparate 109:12	66:14 82:12		104:24	
91:15	distances 102:4	83:14, 25 84:19		duly 8:22	
determined	DISTRICT 1:1, 2	DOJ 47:25		115:13	
55:13 92:3	7:15, 16 24:23,	DORMAN 5:11		duties 31:2, 3	
determining 60:1	25 26:1 33:4	7:23 18:11		dwalker@balch.com	
DEUEL 3:18	42:25 43:5, 12,	35:14 49:14		5:16	
8:13	16 48:5 71:4	66:2 82:17			
develop 40:13	78:6, 7, 12	92:16		< E >	
developed 59:25	80:8 81:2, 6	dosher@elias.law		earlier 12:9	
Dial 32:11	84:7, 15, 19	4:21		23:10 73:9, 18	
D-I-A-L 32:13	85:9 86:17, 23	Dowdy 8:2		85:21 103:2	
die 86:8	87:9, 18, 19, 22	dozen 58:25		107:9	
differ 105:13	88:3, 8, 14	draft 37:14		early 99:18, 21	
106:5 107:5	90:15, 16, 21,	112:18		easiest 96:12	
108:21 109:8,	25 92:9 93:13	drafted 37:13,		easily 36:17	
20 110:12, 16	96:3, 7, 14	15, 17, 19, 21		east 72:11	
difference	97:5, 7 112:17,	40:18 112:25		EBENSTEIN 4:1	
20:16 27:17	22	drafting 42:18		8:17	
different 27:4	districting	Drake 61:20			
70:1, 2 71:17	39:16 52:3	draw 74:5			
		75:11			

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

education 16:12 26:23, 24 38:12, 16 56:23 Educational 3:13, 20 9:12 effect 2:4 65:9 effective 48:8 50:5 Eight 100:6, 7 either 97:10 electability 86:17 elected 20:21 24:16, 19, 20, 22 26:8 30:1 32:4, 5 70:15 87:4 105:5 election 78:12 elections 43:24 electoral 48:8 50:5 Elias 4:18 email 15:9, 12, 13 58:22 100:1 101:17, 23 103:12 employed 17:10, 12 employees 20:20 endeavor 64:20 ENDED 114:7 endorsed 25:5 ends 114:3 England 79:4, 8 83:11 84:14 86:4, 6, 21 ensure 66:6, 11 82:5 88:9, 13 ensuring 65:23 69:8, 12 97:21 entail 53:14 error 80:18 errors 85:17 essentially 28:10 established 38:16, 23 39:20 et 1:6, 10 7:13, 14 ethnic 39:14	evaluated 79:20 evaluation 77:16 EVAN 1:6 7:13 8:1 events 53:8, 22 everybody 41:17 63:11 103:17 evidence 2:14 evidenced 115:15 exact 33:23, 24 88:24 exactly 19:25 27:11 33:22 41:18 78:14 83:25 107:10 113:5 examination 7:8 9:9 104:1 111:4 examined 8:22 example 28:14 44:3 70:6 82:7 exception 99:4 exceptions 105:19 Excuse 106:20 111:18 exercise 48:8 50:5 83:19 exercised 83:6, 7 exercising 83:8 Exhibit 6:9, 11, 13, 15, 17, 19, 21, 23 19:15 35:5, 7, 22 36:2, 5, 7, 24 46:24, 25 47:9 49:22 51:19 61:5, 12 63:17, 18 64:3 70:17 76:15, 22 79:23, 24, 25 84:11 90:12 94:4, 5, 13, 16 98:19 100:5, 10, 22, 25 101:3 exhibiting 73:19 exhibits 74:24 existing 32:17,	19 73:11 expect 18:16 experience 82:14, 15 108:20 109:1, 6, 18 110:14 experienced 89:12 experts 66:15 Expires 115:23 explaining 41:21, 22 express 44:10 79:13 expression 83:21 extent 70:21 extra 77:18 eye 41:12, 13 < F > Facebook 15:17, 18 fact 21:12 37:10 73:23, 24 74:14 77:19 113:4 factor 96:19 failure 50:12 fair 44:10 fairly 85:16 familiar 37:4 48:10 64:9 66:17 67:7 77:4, 6 far 36:16 50:11 68:2 70:5 fast 73:14, 16 feasible 102:6 Federal 7:4 38:8 97:20 98:3 feel 60:5 feeling 107:21 felt 83:19 92:7 figure 57:14 100:18 file 15:4 filed 7:15 final 59:4	61:7 113:17 finalize 99:15 Finally 14:8 financially 115:11 find 38:25 finish 12:1, 2 49:9 firm 35:16 first 10:1 24:16 25:14 26:8 37:6 55:25 57:11, 13, 18 63:7 67:7 78:3 81:20 85:25 88:21 93:2, 4 95:7 99:18 100:18 103:22 fiscally 25:16 fishing 72:21 five 63:21, 22 five-minute 49:6 90:4 FL 3:14 flag 78:9 floor 19:7 20:24 21:1, 11, 21 93:6, 21, 24 94:2, 6, 23 95:10, 14 focused 62:19 follow 66:17 followed 40:21, 25 41:6, 8, 24 following 7:9 33:9, 11 38:14 40:17 41:1, 10 90:12 92:19 102:12 115:16 follows 8:23 force 2:4 foregoing 7:5 Forgive 106:20 form 2:10 9:1 40:22 50:19 105:24 106:19 format 20:1 forward 47:18 56:20 101:22 found 72:12
---	---	---	---

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

85:17 115:16	give 10:23	69:10 70:25	happened 21:23
Foundation 4:3	14:3 49:1	79:5 86:14	86:12 109:4
four 18:21	56:13 61:10	Gosh 100:7	happens 98:6
fourth 110:10	64:8 70:6	gotten 21:12	104:5
four-year 26:2, 4	74:7 77:22	governing 59:18	happy 35:17
frame 55:18	83:17 85:24, 25	103:3	86:15
franchise 48:9	103:24	governor 56:15	hard 52:7
50:6	106:10 113:22	57:1	61:18
Friday 100:8	given 20:3, 23	Greater 8:2	Hatcher 95:17, 20
front 36:2, 8	34:21, 24	grounds 2:12	Hatcher's 96:3, 10, 20
60:23 67:9	giving 23:8	Group 4:18	97:12
101:12 109:1	108:15	44:9 104:25	health 26:22, 25
full 2:4	glanced 77:5	guess 12:12	hear 12:17, 24, 25
28:17 102:9	go 15:24 16:1	30:9, 10 44:15, 20	68:10 96:8
full-service	21:20 29:22	78:3 88:23	104:2, 3
35:15	32:22 34:18	89:5 95:3	heard 68:9, 11
Fund 3:13, 20	38:20 39:7	99:3 101:9, 19	69:23 104:13
9:12 21:23, 24	41:1 62:23	guessing 34:6	hearing 6:16
26:22, 23	65:13, 23	guidance 34:21, 24	8:4 99:7, 13
FURTHER 2:1, 8	66:14, 23	guidelines 6:12, 18	101:25 102:7, 9, 15
9:23 81:15	68:19 70:5	28:15	hearings 33:7, 14, 17
113:9 115:9, 13	84:10 85:4	36:14, 20	55:14, 18, 21, 23
futile 57:15	86:11 89:7	37:11, 12	56:7, 21
futility 83:19	98:11, 17	38:14, 23 39:5, 6, 15	40:20, 21, 25
fuzzy 34:4	103:22 110:6	41:2, 3, 6, 15, 17, 18, 20, 21, 24	42:3
	113:25	44:25 52:4, 14	59:8, 16, 19, 23
< G >	goal 24:9	64:1, 17 65:20	60:2, 9, 15, 18
gained 108:9	42:18, 24 43:5	66:1, 4, 7, 17	61:7 62:1, 6
gathered 81:16	75:24	70:8, 13 77:21	98:11, 21 99:1, 6, 9, 10, 12, 16, 25
General 5:3, 4	goals 42:21		102:8, 15, 20
21:23, 24	66:8		103:3, 7, 9, 12
26:22 65:21	goes 27:23		heart 110:6
105:19 108:10	50:12 84:18		held 8:8
109:15, 16	105:3		60:19 63:13
generally 53:12	going 8:5	< H >	98:12 99:6
94:22 95:9	9:23 14:11, 15	half 57:9	102:15
105:12, 17, 20, 25	19:13 20:24	58:25	Hello 111:5, 6
107:5 108:21	21:1, 11 22:12, 16	Hall 6:24	help 28:16
109:8 110:12, 13, 16	27:19	58:15 59:5	29:25 36:18
General's 7:21	36:15 37:11	80:3, 12, 25	52:9 53:8
generated 87:17, 19	40:19 46:20, 23	83:12 99:24	55:20 62:12
generically	49:4 53:9, 18, 19	101:19, 24	helpful 46:21
30:11	56:4, 9	102:14 103:6	helps 48:13
geographic 72:10	57:14 61:1	Hall's 102:19	hereinafter
Gerald 32:11, 12	63:16, 18 73:9	hand 93:5	38:18
gestures 11:21	76:10, 20 82:3	handed 101:4	hesitant 107:12
getting 28:2	84:10 86:18	handle 102:22	high 15:24
	89:6 100:2	handled 93:2, 3	88:14
	102:5 104:16	handling 21:24	highly 83:13
	Good 9:10	Hang 21:5	
	37:18 52:25	happen 81:12	

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

Hinaman 88:17, 21, 25 89:9, 14 112:16	important 11:18, 24 29:25 41:20 97:18, 24	interested 102:3 115:11	24 49:23 50:9 103:22 111:7 114:4
Hinaman's 88:18	inaccurate 49:17 50:2, 13	interests 71:6	jim.davis@alabamaa
historically 62:4	inappropriate 98:5	interim 21:18, 19 27:18	g.gov 5:7
Hogan 3:6 8:11	inaudible 24:23 33:9 74:25	interpreted 30:5	jim.mcclendon@alse
hold 33:21 62:25	include 111:15 112:17, 21	interviewed 51:20 88:6	nate.gov 15:14
home 19:11	including 39:12 112:7	introduce 42:11 45:15, 21 48:20	jimmcc@windstream.
hopefully 20:4	income 73:2	introduced 45:25 48:18	net 15:13
host 62:20	increase 33:5	75:25 92:5 93:20, 23 94:1, 2 95:16 102:11	job 41:25 55:4 66:11 68:20 81:16 89:22, 23, 24
hour 49:5	increased 84:3	introducing 91:21	jobs 66:10
hours 18:15, 24 98:14 99:1	incumbent 78:4 96:6	introduction 34:16 40:4, 17	JOHN 1:10 5:1 7:13, 21
house 10:10 15:7 20:15 22:2 24:5, 10, 24 26:1, 6 27:3, 6, 21 28:7, 9 29:10, 15 30:6, 17 31:17, 23, 24 32:3, 4, 6, 7 45:19, 25 46:1 49:24 53:6 57:3 60:20 64:12 71:4 99:5 112:3, 13	incumbents 96:13 97:13, 21 98:7	introductions 8:10	joint 38:17 40:15
Houston 16:4, 5	individual 108:16 112:1, 15	involved 10:14 55:7 57:4 68:24, 25 70:7 103:17	Jones 14:22
hundred 37:19 79:5	individuals 82:6	involvement 31:11 45:1	judge 10:20
hypothetical 82:2, 3, 13	information 12:8 15:3 34:25 40:4 53:12 56:18 81:15 83:17 86:16 93:4	issue 20:8 23:24 78:1, 2, 10 81:14 86:5 105:14 107:7 108:25 109:3 110:16	judicial 45:7, 12
< I >	initially 53:23 95:3	Issues 21:7 30:25 70:2 108:2, 7	JULIE 4:1 8:17
idea 37:18 56:14 62:9 78:15 110:5	injustice 43:23	items 28:21	July 99:17, 18, 22
identification 35:23 36:25 47:10 61:13 64:4 76:16 94:14 100:23	input 55:17 102:17	its 40:4	jump 81:17
II 65:6 70:16	inside 66:4	< J >	June 58:20 59:9, 11 60:8 99:19
III 39:8 70:17	insist 82:11, 23	Jackson 8:2	justice 45:2 47:25 48:3 50:11 109:10, 13
imagine 37:22	instruct 29:4 112:16	JAMES 1:10, 20 5:9 7:7 8:21 9:25	< K >
immediately 74:15	instructed 12:21 13:5	J-A-M-E-S 10:2	KAITLIN 4:8
implemented 48:2	instruction 29:20	January 14:19	Katherine 9:2
importance 41:16	instructions 89:8	jebenstein@aclu.or	KATHRYN 3:11 7:25 9:11 15:2 21:5 23:4 35:7 36:11 49:4 65:16 100:13 113:16
	interest 70:20 71:1, 2, 7, 11, 13, 14, 17, 18, 20, 22, 23 72:1, 2, 5, 7, 8 73:6	g 4:6	keep 13:14 30:2 42:21, 24 43:1, 5 70:25 71:2, 3
		Jefferson 17:7 115:2	kids 16:21
		JIM 5:2 7:12, 20, 24 18:19,	kin 115:10
			kind 57:23 76:21

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

knew 33:4 89:21 know 12:6, 9, 14 14:9, 16 17:19 18:5 19:24 27:17 29:12 30:1 31:10, 20 33:22 37:13, 15, 17 40:20 42:1, 4 43:3, 4, 7, 19 44:15, 17, 18, 21, 22 45:19 46:21 48:17 57:20, 21 58:3, 19 59:3 60:16, 22, 24 61:2 63:4, 11 69:10, 22, 24 72:14, 21, 24 74:6, 8, 9 77:3 78:3 79:17 82:2 83:1, 3, 5, 8 88:2 90:1 91:12, 14 92:8, 10, 12, 13 96:5 98:16 100:14 105:16 107:19 110:2 111:23 112:12 113:18 knowledge 12:14 46:6 59:20, 24 67:10 68:23 86:9 88:15 103:5, 10 113:3 known 41:24 79:11 ksadasivan@naacpld f.org 3:16 kwelborn@aclualaba ma.org 4:13 < L > landed 101:10 language 14:7 Large 1:22 7:3 62:19 largely 13:2 larger 28:2 Laura 59:5 80:3	law 1:22 3:5, 12, 19 4:2, 9, 17, 18 5:12 24:12 25:24 29:9 30:1, 4 31:5 35:15 59:16, 18 66:18 97:18, 20 98:3 103:4 laws 2:5 39:11 lawsuit 17:22 23:4, 7, 8, 11 lead 47:22 leadership 28:11 leading 2:11 LeAnn 1:21 7:1 115:22 led 48:19 left 61:21 Legal 3:13, 20 9:11 67:6 82:13 103:8 legislation 108:3, 7 111:13, 19, 20 112:5, 7 legislative 9:20 23:23 26:18 27:9 36:13 38:11, 15, 17 40:5, 7 45:22 56:15 60:13 61:6 63:8 75:2 92:17 94:24 Legislators 39:24 40:12 56:22 legislature 17:23 26:20 33:6 34:17 38:7 40:10, 15 46:16 76:1 97:20 104:19 105:11 107:4, 20, 25 108:6, 20 109:7, 19 110:15 legislature's 38:17 lest 40:20	Letetia 8:2 letter 58:22 letting 77:3 level 73:2 liaison 62:12 103:14 Liberties 4:3, 10 license 16:13 licensed 115:14 Likewise 11:24 line 67:19 68:7, 17, 19 71:9 lines 32:18, 19, 20, 23 66:3 73:25 list 52:21 listen 54:16 listening 73:14, 16 litigation 10:9 20:3 111:16, 18 little 14:16 27:17 52:9, 10 53:17 84:4 98:11 living 17:2 LLP 3:6 loaned 55:20 local 103:15 location 60:1 102:3 locations 55:22 58:11, 18 102:1 103:16 log 113:17 logical 84:19 long 16:18 25:25 26:19 77:2 86:1 104:18 105:3, 5, 7 longer 78:7, 11 look 13:24 14:2 22:14 23:2 29:9 35:1 47:5 49:2, 10 61:18, 25 64:8, 14, 15 67:20 74:2 79:18 84:13,	15 87:2 94:17, 20 95:8 100:17 101:3, 13 looked 19:5 22:15, 23 41:12, 13 58:13 looking 36:22 52:20 64:14 101:11, 18, 23 looks 19:24 37:4 47:2 61:17 64:9 77:4, 5 100:19 Los 3:8 losers 98:8 lost 48:21 lot 53:19 71:17 86:16 107:19 loud 38:4 Lovells 3:6 8:12 low 88:11 lower 73:2 Lyman 47:17 < M > ma'am 29:7 40:24 45:10 main 22:9 54:4, 5, 9 73:4 maintain 16:13 73:19 maintaining 73:10, 11, 18 majority 43:13, 17 46:5, 15 47:19 50:24 51:6 52:4, 15 93:9, 13, 23 96:3 97:4, 7, 10 112:17, 21 making 9:14 31:4 50:15, 21 108:17 manner 55:5 60:1 103:3 map 20:8 29:1, 19 30:20 33:1 34:9, 13, 16, 19 35:1, 2 41:9
---	---	---	---

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

42:2, 10, 12, 16	8:21 9:10, 25	92:4, 20 99:5	MILLIGAN 1:6
45:7 46:15	19:20 35:5, 25	101:25	3:3 7:13 8:1,
48:18 53:7, 11,	36:2 37:3	meetings 6:24	12, 13, 18 9:13,
14, 25 54:13,	46:24 47:13	29:2, 3, 6, 18	18 113:11
19, 24 55:6, 13	49:9, 23, 25	30:8, 23 33:20	million 84:5
56:7, 11 66:2,	50:10 51:18	34:2, 5 55:15	mind 23:8
20 67:4, 18	58:1 61:5, 9	56:2 62:10, 21,	25:15 29:7
68:6, 12, 16, 22,	63:18 64:7	22, 24 63:2, 3,	49:6, 8 77:3
24 69:1, 2, 8,	65:19, 22	4, 6 74:15, 25	79:22 84:11
13 73:20	70:17 79:23	75:9, 17 93:8	90:3 106:23
75:11 76:6, 7,	80:6 82:19	101:21 107:19	110:8
9 82:6 84:20	84:10 90:10,	meets 28:12	Ministries 8:3
87:25 88:5, 20	12 94:4, 18	member 26:5, 7	minority 39:14
89:21 92:4, 5	95:5, 8, 23	104:21, 24	46:5, 15 47:19,
93:3 95:16	98:19 100:4,	105:2, 4	23 48:4, 7
96:5, 20, 23	10 101:11	107:22 111:23	50:24 51:7
97:3, 12, 19	104:2 114:4	112:12	52:4, 15 65:10
102:3	M-c-C-L-E-N-D-O-N	members 20:13	78:4, 8, 11
map-drawing	9:25	22:10 27:21	87:3, 10 88:10
41:2 66:6	mean 13:24	30:1 32:3, 6	93:23 96:3
67:17	24:7 25:13, 18	33:2 34:21	97:4, 6, 9
map-making 64:19	27:9, 11, 14	40:10 42:12	minus 64:16
maps 28:13	29:16 38:24	57:2 58:24	minute 78:20
32:16 34:10	67:22 76:7	60:6, 13 69:5,	94:17, 20
40:9 74:5	78:17 81:16	7 76:3 79:1	minutes 49:1
75:25 76:2	87:1 97:7	91:22 96:6	missed 78:20
88:16 89:16	106:15, 18	101:25 102:6,	mobile 14:25
93:9 102:10	Meaning 8:25	8 105:12, 13	15:23
mark 19:14	11:14	106:1, 4, 6	moment 103:24
35:5 36:1	means 39:4	107:4, 6, 15, 16	Monday 113:21
46:24 61:5	106:16	108:6, 22	money 83:20
63:18 76:21	meant 22:12	109:2, 7, 9, 19,	Montgomery 1:23
94:4 100:4, 10	30:22 44:6	21 110:11, 13,	4:12 5:6, 15
marked 35:23	87:2 111:19	15 111:9 112:2	60:18 62:2
36:25 47:10	media 15:15	memory 48:14,	72:2, 3 99:5
61:13 64:4	medication 11:1	15 75:6	Montgomeryadvertis
76:16, 24	meet 18:23	mention 44:25	er.com 6:14
94:14 100:23	28:12, 23, 24,	mentioned 22:22	monuments
101:4	25 30:19	71:12	105:15 106:8
marks 7:11	56:22 88:21, 25	MERRILL 1:10	motion 95:19
50:4	meeting 21:13,	5:1 7:14, 22	move 8:6 48:7
Maroney 1:21	15 22:19	9:13, 19 111:8	52:23 68:6
7:1 115:22	28:17 30:20	met 18:14	74:25
married 16:16,	35:3 57:18, 23,	22:22 33:1	moved 67:19
18	25 63:12	69:2 75:1	95:23
materials 13:18,	70:12 74:12,	92:1	multiple 73:8
20 89:15	20 75:5, 13, 21,	MICHAEL 3:4	74:7
matter 7:13	23 76:13 77:8,	8:11	< N >
98:4 109:15, 16	11 78:19, 21	michael.turrill@ho	N.W 3:21
McCLENDON 1:10,	83:15, 23	ganlovells.com	NAACP 3:13, 20
20 5:9, 10	85:14, 15	3:9	8:3 9:11
7:7, 12, 24	86:20 90:18	middle 72:11	

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

name 9:10, 24	40:14 47:1	Okay 8:9 13:6	overlapped 99:10
10:1 72:16, 17	75:23 85:20	19:23 25:25	overseeing 66:5
92:16 115:16	86:7, 10, 13	27:12 29:21,	
names 7:19	87:15 98:22	23 35:10	< P >
nature 25:20, 22	101:5 102:13	36:18 38:25	p.m 1:24 7:17
nay 97:1, 2	115:16	45:9 47:6	9:5, 8 51:14,
NE 4:19	numbers 15:5	51:10 52:6	17 90:6, 9
necessarily	33:4 54:18	58:3 61:23	99:2 114:5, 7
68:12 73:7	87:17	64:1 77:7	P.O 4:11
necessary 2:9	numeral 39:8, 25	78:25 85:24	PAGE 6:8
38:10		88:3, 8 93:18	37:24 39:7, 22
need 9:1 14:8	< O >	94:9 95:22	40:2 47:21
28:15 31:2	oath 10:17	96:1 98:24	49:22 79:22
43:18 49:5	object 12:18,	100:20, 25	80:1 84:12, 14
56:20, 21	25 24:9 90:22	101:6 103:24	86:19 95:4, 18,
67:20 81:6, 22	Objection 40:22	105:10 106:22	20, 24, 25
82:18 84:16	50:19 105:24	108:14 109:11	100:18 101:1,
89:19, 20	106:12, 14, 19	old 16:25	3, 6, 7, 8, 9, 10
102:23 109:25	objections 2:9,	once 33:3	102:12, 13
113:16, 21	12 9:1 12:19	54:25 66:3, 22	paid 17:17
needed 22:9	13:2	82:12 88:6, 7	Paige 5:20
33:4 55:4	objectively	109:25	paired 97:14, 22
56:13 80:9	102:16	ones 113:22	paper 66:4
81:15 82:9	objectives 70:12	opinion 67:7	paragraph 37:25
83:18 86:24	obtaining 45:2	81:14, 22	38:22 39:23
90:15 91:3, 7	occur 33:17	82:14 108:24	47:21 50:9
neighborhoods	68:21	opinions 82:20	84:14
70:20	occurred 98:14	opportunity	paragraphs 39:9
neither 65:9	99:1, 12	44:10 46:14	49:25 50:7
115:9	October 6:20	50:24 93:12,	70:22
never 74:10	75:20, 23	16 96:22 97:9	Pardon 20:11
83:7 86:10, 12	76:12 77:8	102:17	68:14 89:3
104:4	78:19 83:23	optometrist	part 28:10
New 3:15 4:5	85:15 86:19	16:14 17:11	37:6 50:14
74:10	90:17 92:3	Optometry 16:7,	52:20 55:1
news 47:16	offered 2:14	13 17:9	67:16 71:13,
nodding 11:21	76:9 95:20	oral 7:8	16 91:19 99:21
normally 77:19	Office 5:4	order 21:21	participate
North 115:23	7:21 15:6	25:24 55:3, 4	102:4
NORTHERN 1:2	20:19 24:17	59:13	particular
7:16	26:3 40:8, 11,	ordered 83:18	22:18 65:24
Notary 1:21	18 101:21	organizations	67:19 68:17
7:2	offices 1:22	110:2	70:12
notes 19:6	official 9:19	original 62:9	particularly
notice 9:17	105:6	OSHER 4:16	71:2
96:12	officials 70:15	6:3 8:15	parties 1:18
November 6:22	Oh 13:24	103:21 104:1	2:11 102:3
94:6 95:10	35:13 47:6	106:22 110:21	110:15 115:10
Number 7:14	63:3 71:15	113:14	parts 72:6
14:23, 25 15:8	78:25 94:9	outside 45:24	party 23:11
22:15 33:23,	104:4	75:10 81:16	25:2, 4 104:22
24 39:19			105:2, 5, 12, 13

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

106:2, 5, 6	Plaintiffs 1:8	polarization	PRESENT 5:19
107:5, 6, 16, 19,	3:3 4:15 8:1,	69:20 77:12,	7:18 18:21
22 108:1, 2, 10,	12, 14, 16, 18	14, 24 80:14,	93:5
11, 21, 23	9:13 103:20	15 81:25	presentation
109:8, 9, 20, 21,	111:2 113:11,	84:25 85:11,	40:5
25 110:1, 4, 12,	15	23 90:20, 24	pretty 16:10
13	Plaintiff's 6:9,	polarized 78:17	28:19 36:16
pay 23:5	11, 13, 15, 17,	79:9, 14 80:4	53:6 72:10
PDF 101:7	19, 21, 23	82:10, 24	87:13
pending 14:10	35:22 36:24	policies 25:19	previously-
108:3, 6	47:9 61:12	64:21, 24 65:2	approved 48:5
people 110:2	64:3 76:15	policy 25:21	primary 25:3
percent 37:19	94:13 100:22	26:24 39:16	42:24 43:5
64:16 79:5	plan 40:3	65:24 70:16, 24	principles 52:3
80:9 84:3, 23	45:3 46:4	political 25:2	Pringle 18:20,
85:10, 20 86:7,	47:18, 22 48:1,	70:20 71:2, 6,	23 22:23 55:9,
11, 12, 25 87:9,	2 49:24 50:10,	12	13 57:4 104:8
15 90:17, 21	25 51:7 52:2,	polls 44:11	prior 2:14
91:1 96:17	13 58:10 65:8,	population 33:3,	20:24 21:1, 11,
percentage 84:21	17 91:15 95:1	5 38:12 40:9	12 22:18
percents 86:14	96:4, 10	43:6, 13, 17	26:11 54:10
perception 73:1	111:25 112:14,	47:24 48:4	63:13 64:19
period 27:23	18, 21	80:8, 10 84:1	74:16 91:17
28:3 30:15	planning 57:6	86:23 87:9, 21	92:2
permanent 9:20	plans 39:19, 23	90:14 96:16	privilege 90:23
27:9, 14, 20	40:17 42:6	portion 77:11	113:17
38:17	45:16 93:13	possible 10:20	probable 83:13
permit 39:16	play 35:17	70:25 71:5	probably 29:24
permitting 46:4	58:5	potential 69:18,	46:22 57:8
person 28:13,	please 7:18	24 84:24 85:22	61:23, 24 63:8
25 29:19	9:23 10:1	power 82:4, 23	66:25 67:1, 15
30:20 41:9	12:1, 6, 9, 12	practicable	73:3, 4 85:18
42:2 58:1	13:14, 17 14:2,	70:21	86:16 89:6
69:4 78:4	9 37:24 38:2	precedent 97:24	101:16
88:7, 8	39:7 45:10	preclearance	problem 44:1, 2,
personable 82:20	47:4 80:16, 23	39:20 44:25	5 49:12 67:20,
personal 12:14	81:4 84:11	45:3, 7, 12	21, 22 68:7
15:3, 12, 15	85:6 91:5	preference	97:3
personally 57:13	94:18 100:4	108:16	problems 43:23
personnel 55:20	plus 64:15	premed-type	Procedure 7:5
phone 8:7	point 12:7	16:10	proceedings 7:9
13:14 14:25	24:4 32:14, 15,	preparation	115:5, 8
15:5, 6	17 42:15 54:4,	18:17, 22 93:7	process 22:16
phrase 29:8	6, 8, 9 56:25	preparations	27:25 28:6, 12
pick 102:8	86:18 107:14	28:11	33:7 34:9
picking 98:8	points 6:10	preparatory 14:7	37:12 39:20
picks 86:13	19:6, 23 20:7	prepare 18:12	40:5 41:2
pit 98:6	21:7, 8 22:3,	22:14 57:12	45:12 52:24
pitted 96:6	7, 8, 9, 13	92:22, 25	53:17 57:7, 12
place 8:6	23:1 35:8	prepared 56:14	64:19, 23 65:3
70:14 77:17	93:7	preparing 58:17	66:3, 6 67:17
93:4			

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

70:7 88:19	pursuant 7:4	< R >	38:18, 19 39:5
89:15 91:19	37:25 38:5	race 43:9	40:6, 8, 11, 18
produce 74:3	put 34:14	44:10 108:17	42:6, 9 53:2
84:20	35:2 47:18	113:1	54:20, 23
produced 20:2	52:21 58:13	races 79:21	55:15, 16 56:5,
39:23 47:16	63:10 96:6, 13	racial 39:14	10 57:3 60:10,
67:9, 13 100:16	putting 66:3	42:25 43:2, 3,	14 61:6 62:25
production	< Q >	22, 23 44:1, 2,	63:25 64:18
113:19	question 9:2	5 69:19 73:12,	65:4, 22 74:13,
programs 108:18	12:2, 5, 8, 18,	21, 23, 24 74:1	20 75:6, 10, 21
projected 56:19	20 13:1, 4	77:11, 13, 17,	76:3, 13 77:9
proposals 40:13	14:10, 11	23 78:2, 10	82:5, 24 85:15
proposed 40:3	26:16 34:7, 24	81:25 84:25	86:20 90:18
45:3, 15 68:19	37:20 40:23	85:10, 23	91:25 98:10
96:23 97:19	43:8, 15 44:4	90:19, 24	reason 10:23
102:2, 7	45:20 49:9, 20	racially 78:17	49:16 50:1, 8,
proposing 45:6,	51:4 54:7, 15	79:9, 14 80:3,	12 74:19
11	58:4 64:25	14 82:10, 24	108:25
protections	69:10, 11	ran 25:6	recall 12:7
39:12	72:22, 25 83:2	Randy 88:17, 18	37:11 42:8
proved 42:13	86:1, 3 92:11	112:16	45:18 48:24,
57:15	95:3 97:25	RC 100:11, 15	25 50:15, 21,
provide 11:3, 7	98:24 105:22	101:5 102:13	23 51:6, 9
40:11 89:8, 14	106:1, 11, 24	reach 53:25	62:15 96:5
provided 20:7	107:13 109:11	read 17:24	received 54:14,
38:9	14 110:7, 8	18:2, 3, 4	25 58:23
provides 43:24	questioning	19:12, 22	59:12 95:12
48:15	10:18	37:24 38:2, 22	101:16
providing 102:17	questions 2:10,	39:7, 8, 22	receiving 54:10
Public 1:21	11 11:2, 3, 6,	41:3 44:7	57:16
6:16 7:2	7 14:16 49:3	48:23 50:15	Recess 9:6
24:16, 17 33:6,	85:25 103:19,	80:5, 11, 16, 24	51:15 90:7
13 40:4 55:14,	20, 21 104:6,	81:4 85:3, 6,	recognizable
17, 21, 23 56:7,	14, 17 111:1	7 86:4	42:22
21 58:6, 12, 18	quick 67:18	reading 2:2	recognize 36:8
59:8, 15, 18, 23	quickly 40:19	ready 49:15	37:2, 5, 8, 9,
60:1, 9, 14, 18,	46:25 51:19	56:25 58:14	10 47:12
19 61:6 62:1,	67:1 73:15	real 107:12	64:13 94:7
6 98:11, 21, 25	77:1	really 19:22	101:9, 10
99:6, 7, 9, 10,	quite 18:1	23:4, 5 45:8	record 8:8
12, 13, 16	34:23 44:3	48:21 51:19	9:5, 8, 24
102:7, 9, 17, 19	53:15 77:1	69:5 77:6	11:20, 21
103:3, 7, 9, 12	quotation 50:3	108:24	12:10, 19 13:3
105:15 106:8	quote 48:22	reapportionment	51:14, 17 90:6,
pull 36:19	49:17, 19, 20	6:12, 18 9:21	9 113:24, 25
63:18	50:2, 7 68:3	27:10, 13, 15	Rector 3:14
pulled 94:16	90:13	30:7, 18, 21	red 78:9
purpose 22:7	quoted 47:20	31:14, 18, 23	redacted 15:3
48:7 65:9	50:1	32:6, 10 33:21	redistrict 38:10
purposes 10:18	quotes 50:14	34:8, 12 36:14	redistricting
70:12		37:10, 16	10:7, 10 17:22
			20:14, 15, 17,

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

19, 20 21:17, 25 22:17 23:11, 14 27:5, 7, 8, 12, 19, 20, 23 28:6, 9, 17 29:16 30:13 33:7 38:16 39:19 40:3, 9, 16 42:5 45:12, 16, 21, 23 46:13 48:1, 2 52:14, 23 56:16 57:7, 12, 19, 22 58:2, 6, 24 59:19 60:7 63:15, 25 64:18, 21 65:3, 8, 20 70:18 75:3 84:6 88:19, 22 91:18, 24 92:5, 18, 20 94:23 98:7, 12 111:15, 24 112:7, 14 reduce 48:7 reducing 48:4 reelection 87:7 refer 13:17, 20 113:22 referred 38:18 referring 19:21 84:16 86:24 reflection 50:18 reform 109:10, 14 refresh 48:13 regarding 69:18 regular 63:9 75:13 related 87:8 108:2 relating 2:5 relationship 84:23 85:1, 9, 11, 20 rely 82:20 remained 42:19 remedy 43:25 remember 19:10 21:4 23:5 24:12 33:18,	19, 23 34:7 46:1, 2, 19 48:16 51:20, 23 52:1 58:20 76:8 77:10 79:15, 21 83:25 88:24 89:1 92:21 107:11 remotely 13:13 removal 106:7 removing 105:14 Rep 49:23 50:9 repeat 91:5 rephrase 12:6 Reporter 7:1 8:24 11:13, 19, 20 19:14 20:4 32:12 35:5 36:1 43:14 44:7, 13 46:24 52:8 61:4 63:17 113:24 115:15 Reporting 115:14 represent 7:19 9:12 20:2 47:15 76:11 77:7 95:11 representation 85:14 Representative 18:20 48:18 55:9, 12 58:15 59:5 60:4 69:3 78:8, 11 79:3, 8 80:3, 12, 25 83:11, 12 84:14 86:3, 6, 21 87:12, 20, 24 88:2, 6 99:24 101:19, 24 102:14, 18 103:6 104:8 representatives 20:22 24:24 26:6 56:1 112:3, 13 represented 18:8 representing 88:10 111:7	republican 25:4, 5, 6, 8, 9, 12, 13 104:22, 23, 25 105:2, 4, 13 106:6 107:6, 16 108:5, 11, 23 109:9, 21 110:13 republicans 109:2, 12 110:3 request 6:24 40:11 59:14 85:8 99:25 101:20 113:19 requested 58:15 91:4, 8 99:24 requesting 58:25 requests 113:23 require 39:15 73:12 77:23 102:1, 3 required 12:20 13:4 16:13 38:7 66:19 67:3 68:1 91:10, 13 requirement 67:10 requirements 67:13 requires 70:24 73:21 102:7 residents 109:23 110:18 respect 29:17 54:19, 24 68:21 70:19 86:3 90:16 97:12 respective 1:18 respond 13:4 102:18 response 80:12, 16 81:4 85:3, 6, 12 96:11 responsibilities 28:8, 18 30:17 53:4, 13 54:12, 18, 22 56:6, 11 69:16 responsibility 29:17 82:8	responsible 69:8, 12 responsive 12:8 result 115:11 results 84:24 85:23 retired 17:9 retreat 47:23 retreats 48:2 retrogression 39:13 47:23 48:19 50:4 51:24 review 19:1 22:6, 18 28:14 38:8 58:11 93:9 reviewed 19:5, 17 22:3 revisions 40:16 rich 72:12 right 51:21 70:9 71:8 74:8 80:2, 19 101:24 106:21 107:16 Rights 39:8, 18, 21 43:20 47:25 50:11 65:7, 11, 14 66:9, 12, 20 67:5, 7, 11, 14, 22 68:1, 3, 8, 18 69:9, 14, 18, 24 77:20 82:7 91:16 97:21 rise 77:22 risk 87:4 Road 14:22 role 10:8 28:5 29:2, 25 30:8, 9, 22, 23 31:16 34:8, 12 35:18 45:6, 11 53:1 56:4, 9 58:5 66:5 88:18 roll 34:20 Roman 39:25 room 13:13 104:8 ROSS 3:18 8:13
---	--	---	--

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

Roughly 10:6	60:23 62:12	22:2 24:5, 10	set 47:24
42:19 78:13	98:20 102:7	26:7, 9, 21	53:8 55:22
RPV 78:16, 17,	scheduling	27:21 29:10	56:24 59:10, 16
18 81:9, 12, 19	28:16 62:5	32:9 45:19	setting 55:2
83:10, 23	school 15:24	53:3, 5, 13	58:5 59:22
84:17 85:22	17:3	54:20, 23 56:5,	Sewell 86:15
86:24 90:16	scrapped 59:13	9 65:3, 20, 22	87:20, 24 88:3,
92:8	screen 19:15,	82:4, 23 93:3,	6
R-Springville	19 46:25 61:3	6, 21, 24 94:1,	Shalela 8:1
49:24	63:19, 24	2, 6, 22 95:10,	share 19:18
Rule 40:14	76:11 94:8	11, 14 111:10,	46:25 61:3
59:22	100:3	24	63:19 76:11
rules 2:5 7:5	Scroll 19:23	Senator 7:24	100:3
21:21 40:15	95:2 100:13	17:13, 14, 15	shared 22:9
41:10	scrolling 100:11	19:20 35:25	49:22 53:20
rulings 66:18	second 47:21	37:2 47:12	54:17
run 25:1, 8, 9	49:6 61:10	49:9, 25 51:18	sheet 113:18, 22
104:23	64:8 74:12	58:1 61:8	show 19:15
	75:5 84:13	64:7 65:19, 21	46:23 48:6
< S >	102:12	80:5 82:19	53:21
SADASIVAN 3:11	secret 29:12, 14	90:10 94:17	showing 61:16
6:2 7:25 8:1	Secretary 7:21	95:5, 7, 16, 20,	100:9
9:3, 9, 11	35:11 47:16	23 96:3, 10, 20,	side 70:4
31:9 35:9, 13	111:7	23 97:12	signature 2:2
36:12, 18, 21	Section 39:21	103:24 104:2	significant
49:8, 13 51:3,	43:20, 22 44:8,	106:23 110:23	102:4 109:22
11 52:10 61:1	12, 14, 18, 23	111:5, 9 113:6,	110:17
63:16, 22	45:1 65:6 11,	11	similar 19:24
65:18 76:20,	14 66:20 70:16	senators 20:21	61:18
25 90:3 93:17	see 19:22, 23	111:21	simply 70:6
94:11 100:7,	28:15 32:5	sense 21:14	108:25
15, 19 103:18	36:19 38:1	28:1 82:18	single 29:24
113:10	39:3 50:6, 24	sent 101:21	70:6
safe 87:13	61:2 62:1, 3	sentence 39:1	Singleton 95:6,
satisfied 42:14	63:20, 24 74:1,	85:7	16 103:19, 22
saw 62:14	9, 16 76:18	September 55:25	111:2
saying 47:21,	77:10, 19 80:2	56:3	Singleton's
22 48:24	83:6 89:6	sequence 53:22	96:23
51:23 56:20	94:8 95:9, 25	serve 25:25	sir 25:11
80:13 107:23	103:16 110:1	31:22 32:7	35:9 61:22
says 30:4	seeing 51:6	served 9:17	76:25 78:24
41:4 61:6	55:2 95:4	26:2, 19 27:2,	94:11 98:1, 23
70:19 80:5	seen 64:6, 10	3, 5	100:2 103:24
86:10, 14	101:14, 15	service 24:16	sitting 17:25
100:11, 15	select 75:22,	serving 104:18	90:11 113:12
101:24 102:5,	24 76:6 103:8	105:10 107:25	situation 98:5
14 113:22	selected 31:6,	session 45:22	six 99:20, 23
scan 40:19	22 32:2	56:15, 16 57:1	slow 52:8, 12
77:1, 2	selection 31:12,	63:8, 9, 14	73:13
schedule 6:16	16	74:17 75:2	smaller 28:2
31:1 53:8	senate 15:13	92:2, 17, 23	Smitherman 80:1
55:2 58:6, 10	19:8 20:9	93:1 94:24	social 15:15

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

socially 25:16, 17	staff 20:13 40:11 55:16, 17 58:9, 23 60:3 62:8 88:8 101:21 103:13	steps 57:11 88:13	sure 12:13, 23 15:7 28:20 30:10 31:4 37:23 41:5, 7, 9, 15 42:18 44:9 45:25 54:15 60:25 79:5 84:8 91:20 93:21 107:10 109:5 112:17 114:2
socioeconomic 73:2	staffed 20:20	STIPULATED 1:17 2:1, 8	surprise 104:4
software 74:3, 4, 5, 6 87:18	standing 21:13, 15, 20, 22 22:1, 10, 19 93:5	stipulation 7:6	surprised 60:24 74:23
soil 72:12, 19	Stars 3:7	stipulations 8:24	suspect 80:18
solutions 43:24	start 57:6 61:20 94:25 106:3	stop 29:21	suspicious 77:17, 22 78:10
somebody 86:13	started 45:18 46:2 53:16 54:5 57:8 62:9 66:3 70:14	Street 1:23 3:14, 21 4:4, 19 5:14 115:23	swear 8:19 76:5
sooner 20:25	starting 32:14, 15, 17 42:15	strength 39:14 65:10	sworn 8:22 10:17
Sorry 14:6 22:12 23:9, 19, 20 24:1, 2 26:13, 14, 17 34:3 35:8, 14 36:3 39:22 43:14 44:13 51:3 62:23 63:22 73:15 80:23 85:4 106:21	State 1:22 7:3, 19, 21 9:24 12:13 15:7 20:15, 20 38:6, 7, 11, 15 39:11 47:16 48:6 60:20 61:20 62:11 64:12 72:11 96:16, 17 98:3 99:5 109:23 113:18, 19 115:1	strike 56:8	system 17:7 36:16 40:8 55:19 58:8 60:4 62:20 74:10 103:15
sort 8:7 18:15 19:25 56:19 59:2, 12 86:7	stated 51:19 103:2	studied 16:11	< T >
SOS 47:1	statement 44:7 50:16, 22 105:18, 21 109:17 113:18	study 19:12 80:4, 15 81:3, 7 82:10, 25 84:25 85:8, 11	tacked 77:18 99:20
sound 48:10	statements 11:20	subdivisions 70:20	take 16:8 19:11 34:13 35:11 41:5, 7 49:11 51:11 79:18 88:13 90:4 94:17, 20 109:25
Southern 16:3, 9	STATES 1:1 7:15 38:6 39:11 65:6, 12	subgroups 44:10	taken 1:21 9:6 51:15 90:7 104:12 115:5, 8
southerner 67:1	state's 48:1	subject 39:20	takes 97:24
spaces 105:15 106:8	stay 30:10 31:4 41:4 66:4	submit 34:16 91:23	Talk 6:10 24:15 41:16, 23 67:1 87:20, 24
speak 11:25 109:3	staying 41:14	submitted 34:13	talked 18:15 33:1 41:19 42:1 53:23 58:7 67:15 83:24
speaker 31:24	Ste 3:7, 21 4:19 5:14	submitting 91:18	
speaking 73:15	step 49:5	subsequent 65:25 67:8	
special 56:16 57:1 63:13 74:17 75:2 92:2, 17, 23 93:1 94:24		subsequently 30:5	
speculate 43:18		subset 75:14, 16, 17	
speculation 53:20		substitute 76:8 95:20	
spell 9:24		suddenly 98:7	
spent 53:17, 19		sufficient 81:6	
spilled 56:2		suggest 87:5	
spread 35:19 62:11		suggested 79:20 88:3	
spring 88:23 89:9		suggestions 60:7, 8	
Springville 14:22 15:25		Suite 115:23	
		summarized 22:20	
		summarizes 28:19, 21	
		summary 22:8 23:3, 7, 8	
		supersedes 98:3	
		support 25:1	
		supports 108:11, 12	

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

talking 19:22	78:3 96:12	51:14, 17 52:7	transcription
20:7 21:6, 7,	107:14	53:15, 17, 19	115:6
8, 16 22:3, 7,	things 25:23	55:18 56:21,	travel 102:2, 4
8, 13 23:1	27:14 28:20,	22 57:9, 10	trial 2:13
30:11, 12, 14	22 30:19	59:15 60:1	23:18, 20
31:8 34:10	53:22 55:3, 4	67:15 68:12	tried 57:13
35:8 49:21	62:13 96:12	83:20 90:6, 9,	65:19 93:2
57:22, 24, 25	think 21:10	11 99:7, 13, 19	Trojan 62:16
65:16 70:9, 17	25:4 28:19, 21	103:2 104:5,	trouble 8:4
107:15	37:17, 21	22, 25 108:9	Troy 62:15
Tallapoosa 1:23	46:17 50:17	110:22 112:20	true 12:14
5:14	52:8 55:24	113:12 114:4	115:7
target 23:24	58:20 59:11	timeline 54:1,	trust 26:23
24:7 58:20	60:3 62:14	21 56:24 57:14	truthful 10:24
targeted 99:19	63:3, 21 67:15	timelines 56:12	truthfully 10:19
targeting 86:6	70:1 73:1	timely 55:5	try 19:13
teacher 17:3	76:4 77:25	times 55:23	41:4 53:8
team 28:11	78:9 79:4, 5,	68:5, 9, 15	64:24 66:24
technical 40:12	19, 24 80:21	70:1 99:15	110:7
telephone 14:23	81:20 82:17	103:7, 8, 11	trying 48:21
tell 33:22	83:10 84:4, 8	timing 53:21	53:16, 25
36:4, 7 61:18	85:16 87:6	102:14, 19	Tuesday 74:16
90:19 96:2	88:6 93:20, 22	title 64:15	75:1 92:1
ten 10:6 27:5	97:3, 8, 15	today 9:16	turn 24:3
tenure 26:19	98:17 102:21,	10:24 11:16	26:12 62:23
term 73:16	23 103:18	13:18, 21	turned 101:1
107:11	105:4, 16, 17	17:19, 25 18:8,	turning 79:22
terms 26:2, 4	19 106:9, 10	13 19:18	84:11
27:4 97:17	thinking 57:8	22:14 73:14	TURRILL 3:4
108:14	63:7, 13	75:11 104:5	8:11
test 77:16, 18	third 56:3	109:24 110:19	twice 99:18
testified 8:22	63:5 70:16	today's 9:14	Twitter 15:20,
23:10 73:17	thought 50:18	11:9	21
testify 10:19	83:7, 16 85:4	told 29:5, 6	two 15:10
23:18, 20	threat 87:6	55:24 88:5	19:4 34:2, 5
testimony 10:24	threatened 78:13	90:24 91:2, 6,	39:7, 9 46:4,
73:9 102:10	three 26:2, 4	9	15 47:19
Texas 16:5	27:4, 20, 21	topic 110:9, 10	49:25 50:24
Thank 9:14	97:24	topics 64:16	51:6 52:4, 14
13:11 14:6, 14	threshold 85:21	town 63:11	57:9 63:3
26:17 35:13	86:8	transcribed	74:14, 21
38:4, 21 49:13	Thursday 74:17	115:5, 8	75:10, 23 85:1
51:10, 12	76:1 92:2, 19	transcribing	93:9, 13, 22
52:17 63:22	time 2:12, 13	11:14	96:3, 6, 13
76:25 90:10	7:17 9:5, 8	Transcript 6:20,	97:8, 13 98:6
98:23 104:5	10:7, 11 12:18,	22 76:12 77:8,	101:2 110:1
107:1 110:21,	24 13:1 14:9	10 79:18	two-year 58:8
22 113:6, 11, 15	17:16 27:23	80:18, 24	62:8, 10
thereto 2:14	28:3, 16 30:15	86:19 94:5, 21	
thing 31:3	31:1, 7 32:21	95:8, 12, 14, 15	< U >
33:10 54:5	37:23 41:23	115:7	U.S 38:9 39:17
57:13 73:4	45:9 50:18		ultimately 93:6

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

undergraduate 16:2	Usual 8:24	Voting 39:8, 14, 17, 21 43:13,	21 51:18
underneath 113:20	< V >	17, 20 47:25	102:22 103:22
underpopulated 84:7	value 83:16	50:11 65:7, 10,	wanted 22:11
understand 9:16	VAP 80:21 81:5	11, 14 66:9, 12,	55:24 87:4
10:18 11:2, 6,	various 94:23	20 67:4, 7, 11,	88:9 93:4
9, 13, 22 12:3,	venues 60:17	14, 22 68:1, 2,	Washington 3:22
5, 10, 22 13:3,	verbal 11:19	7, 17 69:9, 13,	4:20 5:5
7, 16 14:4, 12	versus 7:13	18, 24 77:14,	waste 83:20
18:1 23:19	9:13, 19	20 78:18 79:9,	way 24:10
34:23 44:4	VIDEO 1:9	14 80:4, 7, 10,	68:16, 19
54:15 78:21	95:12	17, 20, 21 82:7,	71:16 83:5
81:24 82:19	videoconference	10, 25 86:22	84:19 100:14
107:23	11:11	87:9, 21 90:14	105:4
understanding	Videographer	91:16 96:15	ways 71:18
45:9 67:25	5:20 7:11	97:21	web 11:10
70:23 77:13	8:9, 19 9:4, 7	VRA 45:1 92:6	week 56:3
78:16, 18 79:8,	51:13, 16 90:5,	VS 1:9	92:19
10 97:18	8 114:3		weeks 55:25
112:24	view 105:11	< W >	WELBORN 4:8
understood	108:10	wait 11:25	35:17 36:10
41:17 52:17	viewed 102:16	12:1 78:20	61:19 75:16
undertake 81:8,	views 105:11	waived 2:3	78:22 79:24
11, 25 82:11	106:2, 4, 5	WALKER 5:11	94:10 100:13,
83:4, 22	107:4 108:20,	7:23 8:25	17 113:25
undertaken 82:1,	22 109:7, 12,	12:17 13:24	welcome 103:23
25 83:12	13, 19, 20	15:2 18:11, 24	110:24 113:7
unfold 53:9	110:11, 12, 16	21:5 22:23	well 10:1
55:4	violate 68:17	29:4, 20, 23	15:6 17:15
unfortunately	91:16 92:5	31:7 35:7, 10,	19:16, 24
74:24	violation 69:24	15, 19 36:3, 6,	20:19, 24 21:9,
Union 4:3, 10	violations 69:18	20 40:22 47:3,	10, 25 22:6, 15
UNITED 1:1	virtually 69:4	6 48:11 49:4,	25:3 26:3, 21
7:15 38:6	88:7	12, 19 50:19	27:5 28:10, 19
39:11 65:11	vote 22:11	51:12 52:12	29:21 30:9
universities	34:20, 22, 25	61:10, 15 63:2,	35:2, 19 39:4
62:5	39:6 76:3, 7	21 65:15 66:2	41:3, 24 43:18
University 16:4	81:5 87:12	76:21, 23	46:21 48:15
unnecessary	93:12, 16	81:18, 21	50:3, 14 52:18
90:20, 25	95:15, 24	82:13 83:15,	53:15 55:1, 16
unsatisfactory	96:22, 25 97:2	22 90:19, 22	59:9 60:19
102:15	111:12	92:16 93:15,	62:3, 7 64:14
unwarranted	voted 52:5, 16	18, 25 94:4, 9	65:25 66:15
39:13	96:2, 9, 19	100:3, 6, 10, 16,	67:6 68:2
update 32:23	97:13 111:24	20 101:1, 4	70:1, 25 71:25
updated 28:15	112:13	102:24 105:24	73:1, 22 76:11
upper 61:21	voters 48:8	106:16, 20	77:5 78:25
use 41:18	78:6 87:10, 12	110:25 113:8,	80:17 82:8, 12
73:23, 24 81:2	97:10 98:9	16 114:2	83:21 86:14
	votes 95:24	want 8:19	87:10 89:21
	111:21 112:5, 9	24:21 44:7, 16,	91:17 92:24
			94:17 98:2, 16
			101:12 104:3,

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

4, 23 105:3	49:20 62:15		
106:18 107:18	78:13, 15 96:1		
well-kept 29:11	98:18 114:2		
went 22:1	year 57:9		
26:2, 3 67:17	years 10:6		
84:4	16:19 27:6, 18		
we're 13:12, 13	57:9 82:15		
30:11 35:15	104:20, 21		
36:22 52:6	105:10 107:3,		
70:9, 17 74:21	11, 25		
75:11 84:19	Yep 80:1		
101:23	yesterday 18:14,		
west 72:11	24 22:22		
we've 45:23	100:16		
47:6 49:4	York 3:15 4:5		
79:17			
win 78:11	< Z >		
winners 98:8	Zero 99:8, 11		
wish 23:9	Zoom 3:18		
40:12	4:15 8:10		
witness 2:3			
7:7 8:7			
29:21 47:5			
61:17 106:14			
wondering 53:18,			
19 71:13			
word 25:14			
34:3 50:4			
78:14, 20, 23			
words 50:5			
99:9			
work 9:11			
17:8, 15 36:16			
40:9 55:3			
58:9 59:2			
89:7 103:16			
worked 58:9			
69:5 83:6			
108:1, 5			
working 17:14			
66:16 70:15			
102:16 110:14			
works 18:16			
81:23			
worth 28:22			
worthwhile 83:16			
writing 11:15			
wrong 98:20			
< Y >			
Yeah 26:10			
33:13 39:3			

Exhibit 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

In The Matter Of:

Evan Milligan,et al v. John H.Merrill, et al.

Chris Pringle

December 17, 2021

US Legal

RETRIEVED FROM DEMOCRACYDOCKET.COM

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

1	UNITED STATES DISTRICT COURT	1	A P P E A R A N C E S
2	FOR THE NORTHERN DISTRICT OF ALABAMA	2	
3		3	FOR THE MILLIGAN PLAINTIFFS:
4		4	MICHAEL L. TURRILL
5		5	Attorney at Law
6	EVAN MILLIGAN, et al.,)	6	Hogan Lovells US LLP
7	) CIVIL CASE NO.	7	1999 Avenue of the Stars, Ste. 1400
8	Plaintiffs,) 2:2021-CV-01530-AMM	8	Los Angeles, California 90067
9	VS.) VIDEO DEPOSITION OF:	9	michael.turrill@hoganlovells.com
10	JOHN MERRILL, et al.,) CHRIS PRINGLE	10	
11	)	11	KATHRYN SADASIVAN
12	Defendants.)	12	Attorney at Law
13		13	NAACP Legal Defense & Educational Fund
14		14	40 Rector Street, FL 5
15		15	New York, New York 10006
16	S T I P U L A T I O N S	16	ksadasivan@naacpldf.org
17	IT IS STIPULATED AND AGREED, by and between	17	
18	the parties through their respective counsel, that	18	DEUEL ROSS (Via Zoom)
19	the deposition of:	19	Attorney at Law
20	CHRIS PRINGLE,	20	NAACP Legal Defense & Educational Fund
21	may be taken before LeAnn Maroney, Notary Public,	21	700 14th Street N.W., Ste. 600
22	State at Large, at the law offices of Balch &	22	Washington, DC 20005
23	Bingham, 105 Tallapoosa Street, Montgomery, Alabama,	23	dross@naacpldf.org
24	36104, on December 17, 2021, commencing at 9:14 a.m.	24	
25	Page 1	25	Page 3
1	IT IS FURTHER STIPULATED AND AGREED that the	1	JULIE A. EBENSTEIN
2	signature to and reading of the deposition by the	2	DAVIN M. ROSBOROUGH
3	witness is waived, the deposition to have the same	3	Attorneys at Law
4	force and effect as if full compliance had been had	4	American Civil Liberties Union Foundation
5	with all laws and rules of Court relating to the	5	125 Broad Street
6	taking of depositions.	6	New York, New York 10004
7		7	drosborough@aclu.org
8	IT IS FURTHER STIPULATED AND AGREED that it	8	
9	shall not be necessary for any objections to be made	9	KAITLIN WELBORN
10	by counsel to any questions, except as to form or	10	LaTISHA GOTELL FAULKS
11	leading questions, and that counsel for the parties	11	Attorneys at Law
12	may make objections and assign grounds at the time	12	American Civil Liberties Union of Alabama
13	of the trial, or at the time said deposition is	13	P.O. Box 6179
14	offered in evidence, or prior thereto.	14	Montgomery, Alabama 36106
15		15	kwelborn@aclualabama.org
16		16	
17	***	17	FOR THE SINGLETON PLAINTIFFS: (Via Zoom)
18		18	JAMES URIAH BLACKSHER
19		19	Attorney at Law
20		20	825 Linwood Road
21		21	Birmingham, Alabama 35222
22		22	jublacksher@gmail.com
23		23	
24		24	
25	Page 2	25	Page 4

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

1 FOR THE CASTER PLAINTIFFS: (Via Zoom)	1 I, LeAnn Maroney, a Court Reporter of
2 DAN OSHER	2 Birmingham, Alabama, and a Notary Public for the
3 Attorney at Law	3 State of Alabama at Large, acting as commissioner,
4 Elias Law Group	4 certify that on this date, pursuant to the Federal
5 10 G Street NE, Ste. 600	5 Rules of Civil Procedure and the foregoing
6 Washington, DC 20002	6 stipulation of counsel, there came before me on
7 dosher@elias.law	7 December 17, 2021, CHRIS PRINGLE, witness in the
8	8 above cause, for oral examination, whereupon the
9 FOR DEFENDANT JOHN H. MERRILL:	9 following proceedings were had:
10 JIM DAVIS	10 * * * * *
11 Assistant Attorney General	11 THE VIDEOGRAPHER: This marks the
12 Office of the Attorney General	12 beginning of the deposition of Chris Pringle in the
13 501 Washington Avenue	13 matter of Evan Milligan, et al., versus John H.
14 Montgomery, Alabama 36130	14 Merrill, et al., Civil Case Number 2:21-CV-01530-AMM
15 jim.davis@alabamaag.gov	15 filed in the United States District Court for the
16	16 Northern District of Alabama. The date is December
17 FOR THE DEFENDANTS JIM McCLENDON & CHRIS PRINGLE:	17 17, 2021. The time is 9:14 a.m.
18 DORMAN WALKER	18 All attorneys present, will you please
19 Attorney at Law	19 state your names and whom you represent.
20 Balch & Bingham	20 MS. WELBORN: Kaitlin Welborn from the
21 105 Tallapoosa Street, Ste. 200	21 ACLU of Alabama representing the plaintiffs.
22 Montgomery, Alabama 36104	22 MS. FAULKS: LaTisha Gotell Faulks, ACLU
23 dwalker@balch.com	23 of Alabama, representing the plaintiffs.
24	24 MR. WALKER: Dorman Walker, Balch &
25	25 Bingham, representing the intervenor defendants,
Page 5	Page 7
1 ALSO PRESENT:	1 Senator Jim McClendon and Representative Chris
2 Paige Ali, Videographer	2 Pringle.
3 Elizabeth Baggett	3 MR. DAVIS: Jim Davis, Alabama Attorney
4	4 General's office, representing Secretary of State
5	5 John Merrill.
6 I N D E X	6 THE VIDEOGRAPHER: All attorneys on
7 MS. WELBORN: 9-120	7 Zoom.
8 MR. OSHER: 120-125	8 MS. SADASIVAN: This is Kathryn
9 MR. BLACKSHER: 125-140	9 Sadasivan from LDF for the Milligan plaintiffs.
10 MR. DAVIS: 140-141	10 MR. ROSS: Deuel Ross for the Milligan
11	11 plaintiffs.
12 E X H I B I T L I S T	12 MR. TURRILL: Michael Turrill for the
13	13 Milligan plaintiffs.
14 Plaintiff's Exhibit 1 - 12	14 MR. OSHER: Hi. This is Dan Osher from
15 (Depo notice)	15 Elias Law Group representing the Caster plaintiffs.
16 Plaintiff's Exhibit 2 - 52	16 Good to see you all.
17 (Reapportionment Guidelines)	17 MR. WALKER: Good to see you, Dan.
18 Plaintiff's Exhibit 3 - 55	18 MR. ROSBOROUGH: Good morning. I'm
19 (Proposed guidelines handout)	19 Davin Rosborough for the Milligan plaintiffs.
20 Plaintiff's Exhibit 4 - 104	20 MS. EBENSTEIN: Julie Ebenstein for the
21 (Transcript of 10-26-21)	21 Milligan plaintiffs.
22 Plaintiff's Exhibit 5 - 116	22 MR. BLACKSHER: Jim Blacksher for the
23 (Transcript of 11-1-21)	23 Singleton plaintiffs.
24 Plaintiff's Exhibit 6 - 119	24 MS. BAGGETT: Elizabeth Baggett. I'm a
25 (2021 Congressional map)	25 law clerk with the ACLU, not an attorney, for the
Page 6	Page 8

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Milligan plaintiffs.</p> <p>2 THE VIDEOGRAPHER: Court reporter, will</p> <p>3 you please swear in the witness.</p> <p>4 CHRIS PRINGLE,</p> <p>5 having been duly sworn, was examined and testified</p> <p>6 as follows:</p> <p>7 THE REPORTER: Usual stipulations?</p> <p>8 MS. WELBORN: Yes.</p> <p>9 MR. WALKER: Yeah. Kaitlin, that means</p> <p>10 -- okay.</p> <p>11 MS. WELBORN: Yes, I understand.</p> <p>12 EXAMINATION BY MS. WELBORN:</p> <p>13 Q. Representative Pringle, my name is</p> <p>14 Kaitlin Welborn from the ACLU of Alabama. I</p> <p>15 represent the Milligan plaintiffs.</p> <p>16 Could you please state your full name</p> <p>17 for the record?</p> <p>18 A. Christopher Paul Pringle.</p> <p>19 Q. And do you understand that you're</p> <p>20 testifying under oath right now?</p> <p>21 A. I do.</p> <p>22 Q. Is there anything that might prevent you</p> <p>23 from understanding my questions or answering</p> <p>24 truthfully today?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 9</p>	<p>1 A. 2003.</p> <p>2 Q. And what was the case?</p> <p>3 A. Mr. Blacksher, redistricting.</p> <p>4 Q. Okay. And what was it -- it was about</p> <p>5 redistricting. Do you know what the result of that</p> <p>6 case was?</p> <p>7 A. No.</p> <p>8 Q. So I'll just go over some key rules of</p> <p>9 the road as a refresher. I'll ask the questions.</p> <p>10 And if you don't understand a question, let me know,</p> <p>11 just like you did just now. And if you answer a</p> <p>12 question, I will assume that you understood that</p> <p>13 question. Is that fair?</p> <p>14 A. Yes.</p> <p>15 Q. The court reporter is here, and she's</p> <p>16 typing everything you and I say and everybody else</p> <p>17 says. And she'll type everything said by anyone in</p> <p>18 the room or on Zoom.</p> <p>19 It's really important that only one</p> <p>20 person speaks at a time. So if you could just allow</p> <p>21 me to finish my questions and sentences, and I'll do</p> <p>22 my best to allow you to finish your answers before</p> <p>23 jumping on to the next question. Okay?</p> <p>24 I'd like to introduce my first exhibit,</p> <p>25 which is the deposition notice.</p> <p style="text-align: right;">Page 11</p>
<p>1 Q. Are you represented by a lawyer today?</p> <p>2 A. Yes.</p> <p>3 Q. And who is that lawyer?</p> <p>4 A. Dorman Walker.</p> <p>5 Q. And is he the same lawyer who represents</p> <p>6 plaintiffs -- or defendants in this lawsuit?</p> <p>7 A. Yes.</p> <p>8 Q. And --</p> <p>9 MR. WALKER: I'm not sure what the</p> <p>10 question is.</p> <p>11 A. The defendants are --</p> <p>12 MS. WELBORN: That's okay.</p> <p>13 Q. The intervenors. He represents the</p> <p>14 intervenors --</p> <p>15 A. Yes.</p> <p>16 Q. -- is that correct? Okay.</p> <p>17 And are you paying Mr. Walker to be your</p> <p>18 lawyer today?</p> <p>19 A. No.</p> <p>20 Q. And do you assume that the State of</p> <p>21 Alabama is paying Mr. Walker to be your lawyer?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever been deposed before?</p> <p>24 A. One time.</p> <p>25 Q. And when was that?</p> <p style="text-align: right;">Page 10</p>	<p>1 MR. WALKER: Are you -- are you</p> <p>2 numbering these sequentially from the last --</p> <p>3 MS. WELBORN: We'll start over. So this</p> <p>4 will be Plaintiff's Exhibit Number 1.</p> <p>5</p> <p>6 (Plaintiff's Exhibit 1 was</p> <p>7 marked for identification.)</p> <p>8</p> <p>9 Q. So have you seen this document before?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. And without disclosing the content of</p> <p>12 any discussions with your attorney, what did you do</p> <p>13 to prepare for your deposition today?</p> <p>14 A. We met yesterday to discuss the</p> <p>15 deposition.</p> <p>16 Q. With Mr. Walker?</p> <p>17 A. Yes.</p> <p>18 Q. With anybody else?</p> <p>19 A. Mr. Davis and Senator McClendon.</p> <p>20 Q. Okay. And for how long did you meet?</p> <p>21 A. An hour an 45 minutes, two hours maybe.</p> <p>22 It wasn't long.</p> <p>23 Q. Okay. And other than Senator McClendon,</p> <p>24 did you meet with anyone who's not an attorney?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 12</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 MS. WELBORN: I'm sorry. I don't know</p> <p>2 if you're an attorney or not.</p> <p>3 MR. McCLENDON: No.</p> <p>4 MS. WELBORN: I'm from DC. I just</p> <p>5 assume everybody is an attorney.</p> <p>6 MR. WALKER: He's an eye doctor, if you</p> <p>7 have any issues there. But he's not an attorney.</p> <p>8 MS. WELBORN: Well, clearly, I do.</p> <p>9 Q. Okay. And did you review any documents</p> <p>10 for today?</p> <p>11 A. No.</p> <p>12 Q. Okay. You didn't review the complaint</p> <p>13 for this case?</p> <p>14 A. No.</p> <p>15 Q. And have you discussed this case with</p> <p>16 anyone other than your attorney, Mr. Davis, and</p> <p>17 Senator McClendon?</p> <p>18 A. No.</p> <p>19 Q. And have you discussed your deposition</p> <p>20 with anyone?</p> <p>21 A. I told people I was being deposed. But</p> <p>22 that was the extent of it.</p> <p>23 Q. Okay. And who first told you that this</p> <p>24 lawsuit had been filed?</p> <p>25 A. Was this the one that was filed before</p> <p style="text-align: right;">Page 13</p>	<p>1 government, I couldn't even tell you.</p> <p>2 Q. And that's your legislative --</p> <p>3 A. Yes.</p> <p>4 Q. -- email address?</p> <p>5 Do you have any other email accounts?</p> <p>6 A. No.</p> <p>7 Q. Do you have an email account for any</p> <p>8 PAC, for example?</p> <p>9 A. No.</p> <p>10 Q. So everything goes to either your</p> <p>11 legislative account or your personal account?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you have any personal social</p> <p>14 media accounts?</p> <p>15 A. I have a Facebook page.</p> <p>16 Q. So Twitter, anything like that, for</p> <p>17 personal use?</p> <p>18 A. Not for me, no.</p> <p>19 Q. Okay.</p> <p>20 A. I mean, there -- there are Twitter</p> <p>21 accounts for me, but I didn't use them. I didn't --</p> <p>22 they had my name on them, but I never used them.</p> <p>23 Q. Okay. And on your personal Facebook</p> <p>24 account, it's just your name on the account; is that</p> <p>25 correct?</p> <p style="text-align: right;">Page 15</p>
<p>1 we even introduced a bill?</p> <p>2 Q. No.</p> <p>3 A. Okay. So I have no recollection.</p> <p>4 Q. And who first told you that your</p> <p>5 deposition had been requested?</p> <p>6 A. My attorney.</p> <p>7 Q. And when was that? Do you remember?</p> <p>8 A. Shortly after y'all noticed it.</p> <p>9 Q. Okay. Which was --</p> <p>10 A. Just a couple of days ago.</p> <p>11 Q. Just a few days ago.</p> <p>12 Are you being compensated by anyone to</p> <p>13 be here today?</p> <p>14 A. I'm getting my usual legislative per</p> <p>15 diem for travel, which all state employees are</p> <p>16 entitled to.</p> <p>17 Q. Right. And do you expect to be</p> <p>18 compensated in any way if you testify at trial?</p> <p>19 A. I will receive the same compensation for</p> <p>20 travel that all state employees are entitled to.</p> <p>21 Q. Okay. Do you have an email account?</p> <p>22 A. Yes.</p> <p>23 Q. And what is that email account?</p> <p>24 A. My private personal is</p> <p>25 chrispringle@southerntimberlands.com. My state</p> <p style="text-align: right;">Page 14</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And have you been involved in any</p> <p>3 lawsuits other than the redistricting one with</p> <p>4 Mr. Blacksher?</p> <p>5 A. No.</p> <p>6 Q. Okay. What's the highest level of</p> <p>7 education that you've completed?</p> <p>8 A. A graduate of the University of Alabama.</p> <p>9 Q. And when was that?</p> <p>10 A. August 11th 1984.</p> <p>11 Q. And what degree did you obtain?</p> <p>12 A. I got a degree in communications with a</p> <p>13 minor in political science.</p> <p>14 Q. Okay. Do you have any certificates or</p> <p>15 any specialties, any certifications in anything?</p> <p>16 A. I'm a licensed realtor. I'm a licensed</p> <p>17 homebuilder. I'm a licensed general contractor.</p> <p>18 And until I let it expire, I was a certified control</p> <p>19 burn specialist.</p> <p>20 THE REPORTER: Control what?</p> <p>21 A. Control burn. You know when you see the</p> <p>22 woods on fire? Guys like me are burning it on</p> <p>23 purpose.</p> <p>24 Q. Okay. Well, if I need to fix anything</p> <p>25 in my apartment, it sounds like you're the person to</p> <p style="text-align: right;">Page 16</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 come to.</p> <p>2 A. I don't fight fires.</p> <p>3 Q. Well, no fires. I hope there's not a</p> <p>4 fire in my apartment.</p> <p>5 So what do you do for a living other</p> <p>6 than burn things?</p> <p>7 A. I actually quit doing that. I am a real</p> <p>8 estate agent with Southern Timberlands. We</p> <p>9 specialize in timberland sales and acquisitions.</p> <p>10 And I am a licensed homebuilder and a licensed</p> <p>11 general contractor. I build houses, hunting camps,</p> <p>12 and I do commercial remodeling work.</p> <p>13 Q. Who so is your employer? I'm sorry.</p> <p>14 A. Southern Timberlands.</p> <p>15 Q. Okay. And so all of those, the realtor</p> <p>16 and being a contractor, et cetera, that's all for</p> <p>17 that company, correct?</p> <p>18 A. No.</p> <p>19 Q. No?</p> <p>20 A. My real estate license is held at</p> <p>21 Southern Timberlands, a division of Cooper &</p> <p>22 Company, Incorporated.</p> <p>23 Q. Okay.</p> <p>24 A. My contracting license are held under</p> <p>25 Chris Pringle, Incorporated.</p> <p style="text-align: right;">Page 17</p>	<p>1 So seven years now. I mean seven years my second</p> <p>2 term.</p> <p>3 Q. Okay.</p> <p>4 A. So about 15 years.</p> <p>5 Q. And currently are you on any committees?</p> <p>6 A. Yes.</p> <p>7 Q. Which ones?</p> <p>8 A. I chair the committee on state</p> <p>9 government. I am cochairman of the house --</p> <p>10 cochairman of the reapportionment committee. I</p> <p>11 serve on constitution, campaigns, and elections;</p> <p>12 internal affairs; the oversight committee of public</p> <p>13 examiners; contract review. I believe that's all.</p> <p>14 Q. Okay. And during your first stint in</p> <p>15 the legislature -- so that's your first two terms.</p> <p>16 I'll just refer to it as your first stint. Is that</p> <p>17 okay?</p> <p>18 A. That's fine.</p> <p>19 Q. Or is there a different term that you --</p> <p>20 A. That works.</p> <p>21 Q. -- prefer?</p> <p>22 Okay. And what district did you</p> <p>23 represent at that time?</p> <p>24 A. 101.</p> <p>25 Q. Okay. So the same district?</p> <p style="text-align: right;">Page 19</p>
<p>1 Q. Okay. Any other employers?</p> <p>2 A. Alabama House of Representatives.</p> <p>3 Q. Right. And at Southern Timberlands,</p> <p>4 what's your title?</p> <p>5 A. Realtor, agent.</p> <p>6 Q. Right. Okay. And how long have you</p> <p>7 worked there?</p> <p>8 A. 27 plus years.</p> <p>9 Q. Okay. And how long have you been a</p> <p>10 contractor?</p> <p>11 A. Since about 2007.</p> <p>12 Q. And what's your current role in the</p> <p>13 legislature?</p> <p>14 A. I'm a state representative from House</p> <p>15 District 101 in Mobile.</p> <p>16 Q. I'm sorry. Could you repeat that?</p> <p>17 A. State representative from House District</p> <p>18 101.</p> <p>19 Q. Okay. And what portion of the state is</p> <p>20 that?</p> <p>21 A. Mobile.</p> <p>22 Q. Okay. And how long have you been in</p> <p>23 office?</p> <p>24 A. I was elected in 1994. I served two</p> <p>25 terms. I left in 2002. I was re-elected in '14.</p> <p style="text-align: right;">Page 18</p>	<p>1 A. Yes.</p> <p>2 Q. And were you on any committees then?</p> <p>3 A. Yes.</p> <p>4 Q. Do you remember which ones?</p> <p>5 A. I know I served on reapportionment. I</p> <p>6 served on boards and commissions, I served on</p> <p>7 health, I served on constitution, campaigns, and</p> <p>8 elections, I served on contract review. And that's</p> <p>9 all I can remember right now.</p> <p>10 Q. Okay. Did you chair any of those</p> <p>11 committees?</p> <p>12 A. No.</p> <p>13 Q. Okay. I'm sorry.</p> <p>14 A. We were in the superminority at that</p> <p>15 time.</p> <p>16 Q. Right. Well, were you the ranking</p> <p>17 member in any of the committees?</p> <p>18 A. No.</p> <p>19 Q. And why did you leave office?</p> <p>20 A. I decided not to run and sought higher</p> <p>21 office and was defeated.</p> <p>22 Q. And other than serving in the house of</p> <p>23 representatives, have you served in any other public</p> <p>24 office?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 20</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Q. Okay. And you mentioned that you were</p> <p>2 on the reapportionment committee during your</p> <p>3 first --</p> <p>4 A. Yes.</p> <p>5 Q. -- stint in the legislature. So you</p> <p>6 were involved in the redistricting process, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And what role did you have in the</p> <p>9 redistricting process?</p> <p>10 A. I was the ranking minority party member</p> <p>11 in the house, not the senate.</p> <p>12 Q. Okay. For the republicans, the minority</p> <p>13 party, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And why did you become involved in</p> <p>16 redistricting?</p> <p>17 A. Congressman Sonny Callahan, who I had</p> <p>18 previously worked for in Washington, wanted me to</p> <p>19 serve on the committee because they were trying to</p> <p>20 draw him out of his district. He believed they were</p> <p>21 trying to draw him out of his district. Let me --</p> <p>22 Q. I see. Any other reason?</p> <p>23 A. No, ma'am. I like serving.</p> <p>24 Q. And so that redistricting process ended</p> <p>25 in 2001; is that correct?</p> <p style="text-align: right;">Page 21</p>	<p>1 A. No.</p> <p>2 Q. So the 2002 congressional map, can you</p> <p>3 be a little more specific about what your</p> <p>4 involvement was in helping to draw that map?</p> <p>5 A. Virtually none.</p> <p>6 Q. Okay.</p> <p>7 A. Those maps were drawn off -- what we</p> <p>8 call off campus. They were not drawn in the state</p> <p>9 house.</p> <p>10 Q. Can you explain more about what that</p> <p>11 means?</p> <p>12 A. They were drawn by somebody off -- they</p> <p>13 were not drawn in the reapportionment office in the</p> <p>14 state house.</p> <p>15 Q. Okay. So they were drawn by somebody</p> <p>16 other than someone in the legislature?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know who that was?</p> <p>19 A. No.</p> <p>20 Q. Did you work with anyone to change the</p> <p>21 map at all?</p> <p>22 A. Yes.</p> <p>23 Q. Who was that?</p> <p>24 A. Randy Hinaman.</p> <p>25 Q. Okay. And what did you do with him?</p> <p style="text-align: right;">Page 23</p>
<p>1 A. January of 2002.</p> <p>2 Q. Of 2002. Okay.</p> <p>3 A. In the special session.</p> <p>4 Q. Okay. So the special session was in</p> <p>5 January of 2002?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Okay. And what was the result of that</p> <p>8 redistricting?</p> <p>9 A. The democratic leadership drew the plans</p> <p>10 and passed them.</p> <p>11 Q. And how did you become a cochair -- I'm</p> <p>12 sorry. What is your role in the 2021 redistricting</p> <p>13 process?</p> <p>14 A. I'm the house cochairman.</p> <p>15 Q. Okay. And is that a nonpartisan role?</p> <p>16 A. I was elected by the members of the --</p> <p>17 the house members of the committee.</p> <p>18 Q. Okay. And why did you decide to seek</p> <p>19 that role?</p> <p>20 A. The house member that chaired it prior</p> <p>21 to me was leaving, and we needed somebody with</p> <p>22 experience to step up and be the house chairman.</p> <p>23 Q. And other than currently and the 2002</p> <p>24 redistricting cycle, have you been involved in any</p> <p>25 other redistricting process?</p> <p style="text-align: right;">Page 22</p>	<p>1 A. We were in contact with Congressman</p> <p>2 Callahan. And he was in contact with the other</p> <p>3 members of the congressional delegation who had</p> <p>4 actually -- this is my memory, now.</p> <p>5 Q. Sure.</p> <p>6 A. The members of congress hired</p> <p>7 Mr. Hinaman to represent them on drawing --</p> <p>8 redrawing the congressional maps in 2002.</p> <p>9 Q. And so ultimately do you know who drew</p> <p>10 the 2002 map?</p> <p>11 A. I do not know who the democrats</p> <p>12 retained, no, ma'am.</p> <p>13 Q. Okay. But it was the democratic party</p> <p>14 of Alabama?</p> <p>15 A. They had somebody, yes. I don't know</p> <p>16 who.</p> <p>17 Q. Do you know the general method that was</p> <p>18 used to draw the map?</p> <p>19 A. I would -- I'm assuming that the</p> <p>20 guidelines we adopted in 2002 were used by them to</p> <p>21 draw the 2002 plan.</p> <p>22 Q. Do you know the software that was used</p> <p>23 to draw the maps?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Do you know the data that was used to</p> <p style="text-align: right;">Page 24</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 draw the maps?</p> <p>2 A. No, ma'am.</p> <p>3 Q. So the 1992 congressional map created</p> <p>4 the first majority black congressional district in</p> <p>5 Alabama history. That's District 7. Do you know if</p> <p>6 that map served as the starting point for the 2002</p> <p>7 congressional map?</p> <p>8 A. You are -- that is the Reed Buskey plan,</p> <p>9 correct?</p> <p>10 Q. To be honest, I don't know. I don't</p> <p>11 know the answer to that question.</p> <p>12 A. I'm pretty sure that's what we refer to</p> <p>13 as the Reed Buskey plan.</p> <p>14 Q. Okay.</p> <p>15 A. That was -- that was the first time that</p> <p>16 a map was drawn where a majority minority</p> <p>17 congressional district was created.</p> <p>18 Q. And so --</p> <p>19 A. And I know that the guidelines in 2002</p> <p>20 said we shall use the core of existing districts and</p> <p>21 not -- use the core of existing districts.</p> <p>22 Q. Okay. So is it fair to say that Reed --</p> <p>23 well, who drew the 1992 map? You don't know?</p> <p>24 A. I just know it's referred as the Reed</p> <p>25 Buskey plan because Representative Buskey and I</p> <p style="text-align: right;">Page 25</p>	<p>1 A. Now, we're talking just the</p> <p>2 congressional plan, correct?</p> <p>3 Q. Yes. That's right. And that's</p> <p>4 throughout this -- throughout the deposition we're</p> <p>5 referring to the congressional plans. If we refer</p> <p>6 to any other plans, I'll make sure to be more</p> <p>7 specific.</p> <p>8 MR. OSHER: I'm sorry to interrupt.</p> <p>9 Would it be possible to move the microphone a little</p> <p>10 closer to the witness?</p> <p>11 (Discussion held off the record.)</p> <p>12 Q. Okay. So for the 2001 congressional</p> <p>13 map, do you know the -- did you know the racial</p> <p>14 makeup of districts other than District 7?</p> <p>15 A. No.</p> <p>16 Q. Did you know the racial makeup of</p> <p>17 District 7?</p> <p>18 A. No. I mean, after the maps were passed,</p> <p>19 yes, we knew it.</p> <p>20 Q. Okay.</p> <p>21 A. But going into it --</p> <p>22 Q. Do you recall what they were?</p> <p>23 A. No.</p> <p>24 Q. And do you know if the legislature</p> <p>25 considered race in drawing any districts other than</p> <p style="text-align: right;">Page 27</p>
<p>1 served together, and he's a personal friend of mine.</p> <p>2 Q. Okay. So you said that it was in the</p> <p>3 legislative guidelines to maintain the cores of</p> <p>4 prior districts?</p> <p>5 A. If I remember the 2002 guidelines</p> <p>6 correctly, that's been a longstanding tradition of</p> <p>7 the Alabama legislature.</p> <p>8 Q. Okay. Do you know if it was -- and</p> <p>9 we're talking still about the 2002 redistricting</p> <p>10 process -- if it was a primary goal of the</p> <p>11 legislature to keep the racial demographics of each</p> <p>12 district the same?</p> <p>13 A. I couldn't answer that. I don't know.</p> <p>14 Q. Okay. So you wouldn't know if it was a</p> <p>15 primary goal to keep about a 60 percent black</p> <p>16 population in District 7?</p> <p>17 A. I don't remember. I have no -- no</p> <p>18 recollection of that.</p> <p>19 Q. Do you know if the legislature took into</p> <p>20 account any other characteristics other than keeping</p> <p>21 the core of each district the same?</p> <p>22 A. In 2002?</p> <p>23 Q. Yes.</p> <p>24 A. No, ma'am.</p> <p>25 Q. Okay.</p> <p style="text-align: right;">Page 26</p>	<p>1 District 7?</p> <p>2 A. In 2001?</p> <p>3 Q. That's right.</p> <p>4 A. Those maps were drawn off campus.</p> <p>5 That's the reason that ten-day rule comes into --</p> <p>6 into play. If you draw a map outside of the</p> <p>7 legislature reapportionment office, you have to</p> <p>8 submit it ten days before it can be introduced into</p> <p>9 the legislature so it can be put into the computer</p> <p>10 and analyzed.</p> <p>11 And those maps were drawn exactly ten</p> <p>12 days out at the last minute before the special</p> <p>13 session in 2020 -- in 2002.</p> <p>14 Q. And when did that rule come into play?</p> <p>15 A. It was there in 2002. Now, when it came</p> <p>16 into the guidelines, I don't know.</p> <p>17 Q. Okay. Do you know if in -- during the</p> <p>18 2001-2002 process if any legislators advocated for</p> <p>19 two majority black districts?</p> <p>20 A. Not to my recollection.</p> <p>21 Q. And if the 2000 -- well, did you vote</p> <p>22 for the 2002 congressional map? Did you vote to</p> <p>23 approve it?</p> <p>24 A. Yes.</p> <p>25 Q. And if --</p> <p style="text-align: right;">Page 28</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 A. To the best of my recollection, I did.</p> <p>2 It protected Congressman Sonny Callahan and his</p> <p>3 district, so I'm assuming I voted for it.</p> <p>4 Q. Okay. And all of this is to the best of</p> <p>5 your --</p> <p>6 A. Yes.</p> <p>7 Q. -- recollection.</p> <p>8 A. Yes.</p> <p>9 Q. If the 2002 map had contained two</p> <p>10 majority black districts, would you have voted for</p> <p>11 it?</p> <p>12 A. I can't answer that.</p> <p>13 Q. Why not?</p> <p>14 A. Because I didn't look at how they would</p> <p>15 have drawn it.</p> <p>16 Q. Okay.</p> <p>17 A. It was never presented to me. So I</p> <p>18 can't tell you how I would vote on something I've</p> <p>19 never seen.</p> <p>20 Q. Do you think that the legislature as a</p> <p>21 whole would have approved a congressional map like</p> <p>22 that?</p> <p>23 A. I'm not going to speak to that.</p> <p>24 Q. Did you play a role in the 2011</p> <p>25 congressional redistricting process?</p> <p style="text-align: right;">Page 29</p>	<p>1 A. We adopted the guidelines. If you read</p> <p>2 the guidelines, they lay out what we expect the</p> <p>3 committee and the plans to look like, to respect</p> <p>4 communities of interest, not to pit incumbents</p> <p>5 against each other. There's a whole list of things</p> <p>6 that we put into the guidelines that we wanted to</p> <p>7 see in our plans.</p> <p>8 And Mr. Hinaman was given those</p> <p>9 guidelines and instructed to draw those plans in a</p> <p>10 race-neutral manner following the guidelines and</p> <p>11 work with members of congress in how they wanted</p> <p>12 their districts drawn.</p> <p>13 Q. And as a member of the reapportionment</p> <p>14 committee, do you have any input on how the</p> <p>15 congressional maps are drawn?</p> <p>16 A. We voted on the guidelines.</p> <p>17 Q. Okay. You voted on --</p> <p>18 A. We gave -- we gave Mr. Hinaman the</p> <p>19 guidelines and told him to follow those guidelines</p> <p>20 and to draw those -- those maps in a race-neutral</p> <p>21 manner.</p> <p>22 Q. Okay. Any other way that the members of</p> <p>23 the reapportionment committee are involved in</p> <p>24 drawing the congressional map?</p> <p>25 A. Once they were finished, we looked at</p> <p style="text-align: right;">Page 31</p>
<p>1 A. No.</p> <p>2 Q. Okay. And do you happen to know, even</p> <p>3 though you weren't there, if the 2001 congressional</p> <p>4 map or 2002 congressional map was considered as the</p> <p>5 starting point for the 2011 congressional map?</p> <p>6 A. No.</p> <p>7 Q. So you are the cochair of the</p> <p>8 reapportionment committee for this year's</p> <p>9 congressional redistricting process. What does it</p> <p>10 mean to be the cochair of the reapportionment</p> <p>11 committee?</p> <p>12 A. I work with members of the Alabama house</p> <p>13 on drawing their districts, their legislative</p> <p>14 districts.</p> <p>15 Q. And for congress, as well?</p> <p>16 A. No.</p> <p>17 Q. So who works on the congressional map?</p> <p>18 A. Mr. Hinaman worked with members of</p> <p>19 congress to help -- for them to draw the maps.</p> <p>20 Q. Okay.</p> <p>21 A. To have input from the members of</p> <p>22 congress on their districts, what they wanted.</p> <p>23 Q. So what is the role of the</p> <p>24 reapportionment committee with respect to</p> <p>25 congressional maps or the congressional map?</p> <p style="text-align: right;">Page 30</p>	<p>1 them in committee.</p> <p>2 Q. Okay. And anything else?</p> <p>3 A. Not that I can remember right now.</p> <p>4 Q. Okay. And what are your</p> <p>5 responsibilities as the cochair of the</p> <p>6 reapportionment committee?</p> <p>7 A. We -- we set -- we oversaw the public</p> <p>8 hearings, the 28 public hearings we had dealing with</p> <p>9 congressional, state board of education, state</p> <p>10 senate, and state house maps and districts.</p> <p>11 And I worked with members of the Alabama</p> <p>12 house to work on their districts and what they</p> <p>13 wanted and how we could address communities of</p> <p>14 interest.</p> <p>15 But on congressional, I allowed</p> <p>16 Mr. Hinaman to meet with members of congress and</p> <p>17 take the information we gathered in the public</p> <p>18 hearings that was available to him and the</p> <p>19 guidelines.</p> <p>20 Q. Any other responsibilities?</p> <p>21 A. Not that I can think of right now.</p> <p>22 Q. And so what was the starting point for</p> <p>23 drawing the 2021 congressional map?</p> <p>24 A. I would say the guidelines. And part of</p> <p>25 our guidelines are preserve the core of the existing</p> <p style="text-align: right;">Page 32</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 districts and not pit incumbents against each other.</p> <p>2 Q. And so is it fair to say that the 2011</p> <p>3 congressional map served as the starting point for</p> <p>4 the 2021 congressional map?</p> <p>5 A. I would assume it would. But I wasn't</p> <p>6 there when Mr. Hinaman started drawing them.</p> <p>7 Q. Did you instruct him to use the 2011 map</p> <p>8 as a starting point?</p> <p>9 A. I mean, the guidelines say preserve the</p> <p>10 core of the existing districts. So I would assume</p> <p>11 that if the committee told him to start with the</p> <p>12 core of the existing districts, he would start with</p> <p>13 the core of the existing districts.</p> <p>14 Q. Which is the 2011 congressional map,</p> <p>15 correct?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And just really quickly going back to</p> <p>18 the 2001, 2002 redistricting process. You mentioned</p> <p>19 that it was a priority to protect Senator Callahan's</p> <p>20 district, correct?</p> <p>21 A. For Sonny Callahan, yes, and me.</p> <p>22 Q. And for you?</p> <p>23 A. Yes.</p> <p>24 Q. Right. Did you have any other</p> <p>25 priorities for the 2002 congressional map?</p> <p style="text-align: right;">Page 33</p>	<p>1 A. Probably 2019. You know, we were</p> <p>2 working on trying to come up with some type of</p> <p>3 schedule. But with the census being delayed and</p> <p>4 getting the numbers so late, we were working on a</p> <p>5 schedule of public hearings and working on the</p> <p>6 guidelines.</p> <p>7 Q. Do you remember when in 2019 you</p> <p>8 started?</p> <p>9 A. No, ma'am.</p> <p>10 Q. So what was your first step?</p> <p>11 A. We had a -- the first step was actually</p> <p>12 getting me reelected house chairman after the 2018</p> <p>13 election. Because I was -- I assumed -- I came on</p> <p>14 the committee in 2000 and, I want to tell you, 17</p> <p>15 when Mr. Davis stepped down. And then after the</p> <p>16 election, I had to be reelected by my colleagues to</p> <p>17 serve as the house -- the house cochairman.</p> <p>18 Then we began the process of updating</p> <p>19 the guidelines to conform with what we considered to</p> <p>20 be the law dealing with reapportionment and</p> <p>21 redistricting to make sure our guidelines complied</p> <p>22 with the law.</p> <p>23 Then we had extensive conversations,</p> <p>24 Mr. Davis and Mr. Dorman and Senator McClendon and</p> <p>25 I, in the reapportionment office about public</p> <p style="text-align: right;">Page 35</p>
<p>1 A. No. Just protect the congressman --</p> <p>2 Q. Okay.</p> <p>3 A. -- who I worked for at one time.</p> <p>4 Q. Right. So you were -- you worked for</p> <p>5 him before you were in the --</p> <p>6 A. Yes.</p> <p>7 Q. -- Alabama legislature. So when you</p> <p>8 were in the Alabama legislature, you wanted to</p> <p>9 protect his seat, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So that was really your</p> <p>12 motivation?</p> <p>13 A. Yes.</p> <p>14 Q. Anything else?</p> <p>15 A. I was trying to see if we could draw</p> <p>16 legislative districts. But that's not the point</p> <p>17 today.</p> <p>18 Q. I'm sorry?</p> <p>19 A. State legislative districts, also.</p> <p>20 Q. Right.</p> <p>21 A. But that was a different story.</p> <p>22 Q. Okay. Thank you.</p> <p>23 So now back to today's redistricting</p> <p>24 process. When did you first start planning for the</p> <p>25 2021 redistricting process?</p> <p style="text-align: right;">Page 34</p>	<p>1 hearings and how we were going to address public</p> <p>2 hearings, which all changed because of COVID-19.</p> <p>3 We began the process of laying out</p> <p>4 those -- talking about those meetings and where we</p> <p>5 were going to have them and how we were going to</p> <p>6 publicize them and conduct them.</p> <p>7 Q. Okay. So do you recall when you first</p> <p>8 started thinking about updating the reapportionment</p> <p>9 guidelines?</p> <p>10 A. 2019, 2000. I can't remember the exact</p> <p>11 date. But that was one of the first things we</p> <p>12 addressed, making sure our guidelines were updated</p> <p>13 based on the current reapportionment law and court</p> <p>14 cases.</p> <p>15 Q. Is it required to update the guidelines</p> <p>16 every redistricting cycle?</p> <p>17 A. Well, the law changes. So yes, you have</p> <p>18 to update your guidelines. I mean, the courts are</p> <p>19 constantly telling us -- handing down their rulings.</p> <p>20 And we have to update based on those rulings.</p> <p>21 Q. But it's not required by Alabama law or</p> <p>22 by any legislative rule to update the guidelines</p> <p>23 every -- you know, every cycle?</p> <p>24 A. I can't imagine not updating the</p> <p>25 guidelines going into this process if you know the</p> <p style="text-align: right;">Page 36</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 law has changed. You have to.</p> <p>2 Q. If you could just give a broad overview</p> <p>3 or a timeline of the 2021 redistricting process for</p> <p>4 me.</p> <p>5 A. We were supposed to receive our initial</p> <p>6 numbers at the end of January. Then they -- then we</p> <p>7 were going to get our finals in April.</p> <p>8 Q. I'm sorry?</p> <p>9 A. We were supposed to get our initial --</p> <p>10 if I remember this correctly, we were supposed to</p> <p>11 get our initial census numbers in, I think, January.</p> <p>12 Yeah, January. And then we would get our final</p> <p>13 numbers in April.</p> <p>14 That all got bumped to -- we didn't get</p> <p>15 any numbers until the middle of the August. And we</p> <p>16 were trying to work out a schedule of public</p> <p>17 hearings from the spring and the summer. But we</p> <p>18 couldn't -- we couldn't engage in those public</p> <p>19 hearings because we had no numbers.</p> <p>20 And when we finally got our numbers in</p> <p>21 the middle of August, we immediately -- we laid out</p> <p>22 a series of public hearings, sent a notice to all</p> <p>23 the members of the committee. I think it was 22</p> <p>24 public hearings we had -- we proposed.</p> <p>25 Representative Hall sent us a letter</p> <p style="text-align: right;">Page 37</p>	<p>1 Q. And then what happened after that point?</p> <p>2 A. We worked right up to the last possible</p> <p>3 minute drawing those -- meeting with members, trying</p> <p>4 to adjust the districts to make sure the members</p> <p>5 were happy with them.</p> <p>6 But I'm talking about the state</p> <p>7 legislature.</p> <p>8 Q. Right. Right.</p> <p>9 A. The congressional, Mr. Hinaman met with</p> <p>10 the members of congress, and he worked on that. He</p> <p>11 -- I didn't. I was busy working on the state house.</p> <p>12 Q. Okay. For the congressional districts,</p> <p>13 what happened for you in between the public hearings</p> <p>14 and the reapportionment committee meeting at the end</p> <p>15 of October?</p> <p>16 A. Mr. Hinaman met with the members of</p> <p>17 congress. I did not.</p> <p>18 Q. Did you do anything else during that</p> <p>19 time with respect to the congressional map?</p> <p>20 A. No, ma'am. The closest I came, I walked</p> <p>21 in the room and he was on a team call with a member</p> <p>22 of congress. I picked up my paper and walked out of</p> <p>23 the room. I wasn't there but just a minute.</p> <p>24 Q. Okay.</p> <p>25 A. I didn't participate in any of those</p> <p style="text-align: right;">Page 39</p>
<p>1 requesting six additional public hearings in various</p> <p>2 parts of the state. We accepted her request and</p> <p>3 added the six additional public hearings Mr. Hall</p> <p>4 asked for, then published a list to everybody in the</p> <p>5 media and advertised that those are the public</p> <p>6 hearings we would be holding all over the state. As</p> <p>7 soon as we could get it to, we got it to.</p> <p>8 And as soon as those meetings were over,</p> <p>9 we took that information and began drawing</p> <p>10 districts. Because the secretary of state had given</p> <p>11 us a deadline of the 1st of November to have our</p> <p>12 plans passed in order for all the work behind the</p> <p>13 scenes that has to be done to get ready for the next</p> <p>14 election to occur.</p> <p>15 Q. So you started drawing the maps after</p> <p>16 the public hearings; is that correct?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. And when you said "we," who do</p> <p>19 you mean?</p> <p>20 A. Well, Randy Hinaman. And we began</p> <p>21 meeting with the individual house members about</p> <p>22 their -- their individual districts.</p> <p>23 Q. Okay. But for the congressional map,</p> <p>24 you mean primarily Mr. Hinaman?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 38</p>	<p>1 meetings.</p> <p>2 Q. And what happened -- I'm just trying to</p> <p>3 get like a timeline of events rather than the</p> <p>4 specifics.</p> <p>5 So after the reapportionment committee</p> <p>6 met on, I think, October 26th of 2020, what happened</p> <p>7 after that point?</p> <p>8 A. We adopted the plans. And we were in</p> <p>9 special session dealing with the prisons. So we</p> <p>10 went -- we went straight into special session</p> <p>11 dealing with the prison system.</p> <p>12 I was not there that week. I was only</p> <p>13 there one day. I had a prior contractual obligation</p> <p>14 to finish a construction project that I had to stay</p> <p>15 on. So I came one day that week, and that was it.</p> <p>16 Q. Okay. And regarding redistricting, what</p> <p>17 was the first thing that happened for redistricting</p> <p>18 after the reapportionment committee on October 26th?</p> <p>19 A. I don't understand the question.</p> <p>20 Q. Well, what happened next? How --</p> <p>21 eventually the maps were passed and signed by the</p> <p>22 governor, including the congressional map. So they</p> <p>23 made it out of the reapportionment committee. Then</p> <p>24 what happened?</p> <p>25 A. They made it out of the committee. They</p> <p style="text-align: right;">Page 40</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 became public. And when we went into the special 2 session for redistricting, they were introduced in 3 bill form.</p> <p>4 Q. Okay. And can you explain in sort of a 5 Schoolhouse Rock way how that bill became a law?</p> <p>6 A. It was brought up -- it was introduced 7 into the house. It passed. It was assigned to the 8 state government committee where it passed. It was 9 given a second reading on the floor. It was put on 10 the calendar. It was brought up on the floor, and 11 it was passed by the members of the Alabama house of 12 representatives.</p> <p>13 Q. And then what happened?</p> <p>14 A. It was sent to the senate --</p> <p>15 Q. Okay.</p> <p>16 A. -- where it went to committee, went to 17 the floor, and passed, was signed by the governor.</p> <p>18 Q. So I just wanted to make sure that I had 19 the full -- the full process.</p> <p>20 A. All nine steps occurred.</p> <p>21 Q. Okay. Well, I'm glad that I paid 22 attention to Schoolhouse Rock, then.</p> <p>23 I'm sorry to keep jumping back and 24 forth, but I'm just going to go back to the 2001, 25 2002 process really quickly.</p> <p style="text-align: right;">Page 41</p>	<p>1 A. I can't answer that. That's 2 speculation. I don't know.</p> <p>3 Q. Okay. When you said that you were 4 protecting Representative Callahan's seat, what does 5 that mean?</p> <p>6 A. There was a plan produced that used the 7 Mobile ship channel to come up. They turned and 8 used the Dog River channel. And they hit 9 Congressman Callahan's property line, and they came 10 down his property line to the road and went up the 11 road to the other side and back down his property 12 line and back out into the Dog River ship channel 13 and back out into the Mobile ship channel. They 14 carved just his house into the 1st congressional 15 district and sent it all the way to Dothan.</p> <p>16 Q. So what was your -- what was your 17 response to that?</p> <p>18 A. It's quicker to drive to Huntsville, 19 Alabama, from Mobile than it is to drive to Dothan. 20 Think about that. It's quicker for us to get in a 21 car and drive to Huntsville, Alabama, than it is to 22 drive to Dothan or Henry County. The congressman 23 was adamant that we would not do that to him.</p> <p>24 Q. So what was the ideal outcome of the -- 25 of that situation?</p> <p style="text-align: right;">Page 43</p>
<p>1 Which district did Representative 2 Callahan represent?</p> <p>3 A. The 1st congressional district.</p> <p>4 Q. And what area of the state is that?</p> <p>5 A. At that time, it was Mobile, Washington, 6 Clarke, Monroe, Escambia, and Baldwin County.</p> <p>7 Q. Okay.</p> <p>8 A. I believe it lost Wilcox County in -- I 9 believe the Buskey Reed plan took Wilcox County out 10 of the 1st congressional district, I believe.</p> <p>11 Q. Okay. And do you remember the racial 12 makeup of Representative Callahan's district?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Do you have any sense at all?</p> <p>15 A. No, ma'am.</p> <p>16 Q. 10 percent black, 90 percent black?</p> <p>17 A. No, ma'am.</p> <p>18 Q. None at all?</p> <p>19 A. No.</p> <p>20 Q. Let's say that Representative Callahan's 21 district had -- previously had 40 percent black 22 population. If, in the redistricting cycle, his 23 district had an increase of black voters in the 24 district to 50 percent, would that be something that 25 you would have supported?</p> <p style="text-align: right;">Page 42</p>	<p>1 A. We kept the core of the existing 1st 2 Congressional District intact. We kept Washington, 3 Clarke, Mobile, Monroe, Escambia, and Baldwin 4 County.</p> <p>5 Q. Okay. And what about Representative 6 Callahan's house?</p> <p>7 A. All of Mobile County was in the 8 district.</p> <p>9 Q. Okay.</p> <p>10 A. All of Mobile, all of Baldwin, all of 11 Washington, all of Monroe, all of Escambia. And I 12 believe that was the first time Clarke County was 13 split to achieve zero deviation.</p> <p>14 Q. So your aim was -- is it fair to say 15 that your aim was to keep Senator Callahan's 16 residence within his district?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. Is that what you mean by 19 protecting his district?</p> <p>20 A. Well, I mean, to draw just the lot his 21 house is on out of the district using a ship channel 22 or a boat channel, we didn't consider that to be 23 reasonable.</p> <p>24 Q. So what would be reasonable?</p> <p>25 A. Well, I mean, they didn't have the</p> <p style="text-align: right;">Page 44</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Gingles test then. But we didn't consider that to</p> <p>2 be compact, concise, or a community of interest to</p> <p>3 send one lot in Mobile County and share it with</p> <p>4 Dothan in Houston and Henry County.</p> <p>5 Q. Do you mean -- were there any other ways</p> <p>6 that you wanted to protect Representative Callahan's</p> <p>7 seat?</p> <p>8 A. Well, of course. He was elected by the</p> <p>9 people in that district, and they -- he wanted to</p> <p>10 continue to represent those people. That's why he</p> <p>11 won reelection so overwhelmingly every time he ran.</p> <p>12 Q. Is it fair to say that you wanted to</p> <p>13 make sure that Representative Callahan remained in</p> <p>14 the 1st District so that he could win reelection?</p> <p>15 A. I wanted to make sure he continued to</p> <p>16 represent the people that had elected him, yes. And</p> <p>17 they continued to reelect him overwhelmingly for</p> <p>18 years.</p> <p>19 Q. So you mentioned that one of the first</p> <p>20 steps of the 2021 redistricting cycle were updating</p> <p>21 the reapportionment committee redistricting</p> <p>22 guidelines; is that correct?</p> <p>23 A. (Witness nods head).</p> <p>24 Q. When did that happen?</p> <p>25 A. I'm going to yield to the attorneys.</p> <p style="text-align: right;">Page 45</p>	<p>1 meeting?</p> <p>2 A. No, ma'am.</p> <p>3 Q. And was anybody in -- was anybody else</p> <p>4 in attendance other than Mr. Walker, Mr. Davis, and</p> <p>5 Senator McClendon?</p> <p>6 A. Not to my recollection, no.</p> <p>7 MS. SADASIVAN: The audio has stopped</p> <p>8 again.</p> <p>9 MS. WELBORN: Can you hear me, Kathryn?</p> <p>10 MS. SADASIVAN: I can hear you now. But</p> <p>11 the audio keeps coming in and out.</p> <p>12 Q. Did you -- was that your only meeting to</p> <p>13 talk about revising the reapportionment committee</p> <p>14 redistricting guidelines?</p> <p>15 A. No.</p> <p>16 Q. How many other meetings did you have, if</p> <p>17 you recall?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you have a sense of how many meetings</p> <p>20 you had?</p> <p>21 A. I would hate to put a number on it. But</p> <p>22 it was several.</p> <p>23 Q. Five, let's say?</p> <p>24 A. It was several meetings.</p> <p>25 Q. Okay. But less than ten?</p> <p style="text-align: right;">Page 47</p>
<p>1 But I remember sitting at a table with Mr. Davis,</p> <p>2 Representative McClendon, and Mr. Walker, and we</p> <p>3 began the process of working on those guidelines to</p> <p>4 update.</p> <p>5 MR. OSHER: We can't hear you.</p> <p>6 A. I remember sitting at a table in the</p> <p>7 reapportionment office with Mr. Davis, Senator</p> <p>8 McClendon, Mr. Walker, and myself, and we began</p> <p>9 reviewing the guidelines from the past</p> <p>10 redistricting. And the discussion to update them</p> <p>11 based on new -- the current law and court rulings.</p> <p>12 I think the Gingles test came into play</p> <p>13 first. Because I don't think Gingles was in effect</p> <p>14 in 2011. But I'm not an attorney.</p> <p>15 MR. WALKER: I'm going to instruct you,</p> <p>16 given that Mr. Davis and I were there, not to</p> <p>17 discuss what we discussed at that meeting because it</p> <p>18 was an attorney-client meeting.</p> <p>19 THE WITNESS: Okay.</p> <p>20 Q. When did that meeting occur?</p> <p>21 A. 2019 or '20.</p> <p>22 Q. Do you have any sense of what time of</p> <p>23 the year?</p> <p>24 A. No, ma'am, I don't remember.</p> <p>25 Q. And did you bring any materials to that</p> <p style="text-align: right;">Page 46</p>	<p>1 A. I would -- I would say that, yes.</p> <p>2 Q. Okay. And who was at those meetings?</p> <p>3 A. I remember Mr. Davis, Senator McClendon,</p> <p>4 Mr. Walker, and myself.</p> <p>5 Q. Anybody else?</p> <p>6 A. I'm going to say maybe a member of the</p> <p>7 reapportionment staff was there.</p> <p>8 Q. From the reapportionment office?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know who that was?</p> <p>11 A. To err on the safe side, I would say</p> <p>12 Ms. Overton.</p> <p>13 Q. And what's her role?</p> <p>14 A. She is the director of the</p> <p>15 reapportionment staff.</p> <p>16 Q. And do you remember when that meeting</p> <p>17 occurred?</p> <p>18 A. No, ma'am.</p> <p>19 Q. And what was the goal of these meetings?</p> <p>20 A. To write committee guidelines that we</p> <p>21 thought would conform with the existing</p> <p>22 reapportionment law.</p> <p>23 Q. So on May 5th 2001 there was a meeting</p> <p>24 of the reapportionment committee; is that right?</p> <p>25 A. I believe you.</p> <p style="text-align: right;">Page 48</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Q. Okay. Well, when were there meetings of</p> <p>2 the reapportionment committee since 2019?</p> <p>3 A. I -- I couldn't answer that. I just</p> <p>4 don't remember.</p> <p>5 Q. Do you remember any --</p> <p>6 MR. ROSBOROUGH: I'm sorry. Everyone's</p> <p>7 audio has completely dropped out again.</p> <p>8 MS. FAULKS: We should take a break.</p> <p>9 MS. SADASIVAN: I think we should break</p> <p>10 possibly to resolve the audio issues quickly because</p> <p>11 we keep going in and out.</p> <p>12 THE VIDEOGRAPHER: We are off the</p> <p>13 record. The time is 10:03 a.m.</p> <p>14 (Recess was taken.)</p> <p>15 THE VIDEOGRAPHER: We are back on the</p> <p>16 record. The time is 10:22 a.m.</p> <p>17 THE WITNESS: Can they hear me now? Is</p> <p>18 this better?</p> <p>19 MS. SADASIVAN: Right. Thank you so</p> <p>20 much.</p> <p>21 Q. So before the break, we were talking</p> <p>22 about the reapportionment committee. How many times</p> <p>23 has the reapportionment committee met in 2021, if</p> <p>24 you can recall?</p> <p>25 A. I don't remember. 20 --</p> <p style="text-align: right;">Page 49</p>	<p>1 committee meetings in 2021 except for the May 5th</p> <p>2 and the October 26th meetings.</p> <p>3 MS. WELBORN: Okay. Thank you. I just</p> <p>4 wanted to double-check.</p> <p>5 Q. So for the May 5th meeting, do you --</p> <p>6 did you do anything to prepare for the meeting that</p> <p>7 you recall?</p> <p>8 A. Nothing out of the -- that's -- that's</p> <p>9 the day we voted on the guidelines.</p> <p>10 Q. That's correct.</p> <p>11 A. Yes. I mean, I read the proposed</p> <p>12 guidelines and went over them with the attorney.</p> <p>13 Q. Okay. Did you do anything else to</p> <p>14 prepare?</p> <p>15 A. No, ma'am.</p> <p>16 Q. And other than the meetings with the</p> <p>17 attorneys and Senator McClendon to talk about the</p> <p>18 revised guidelines, did you talk to anyone else</p> <p>19 about the May 5th meeting ahead of time?</p> <p>20 A. I may have talked to the committee</p> <p>21 members in the house, but I don't recall any</p> <p>22 specific conversations.</p> <p>23 Q. So at the May 5th meeting, what</p> <p>24 happened?</p> <p>25 A. The guidelines were sent to the members</p> <p style="text-align: right;">Page 51</p>
<p>1 Q. This year.</p> <p>2 A. I don't remember the exact number.</p> <p>3 Q. A handful?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Is there a regular schedule for</p> <p>6 the reapportionment committee to have meetings?</p> <p>7 A. No reapportionment committee I've ever</p> <p>8 served on had a regular schedule.</p> <p>9 Q. So how --</p> <p>10 A. I mean, like my state government</p> <p>11 committee meets every Wednesday at 3:00 o'clock.</p> <p>12 Q. Right.</p> <p>13 A. Reapportionment doesn't do that.</p> <p>14 Q. So how do you decide when you have to</p> <p>15 have a meeting?</p> <p>16 A. When we have something to discuss.</p> <p>17 Q. Okay.</p> <p>18 MS. WELBORN: So if there -- so we know</p> <p>19 that there was a reapportionment committee meeting</p> <p>20 on May 5th and one on October 26th. Mr. Walker, if</p> <p>21 there were any other committee meetings for the</p> <p>22 reapportionment committee, we would request any</p> <p>23 records or recordings of those.</p> <p>24 MR. WALKER: Let me represent to you</p> <p>25 that I'm not aware of any other reapportionment</p> <p style="text-align: right;">Page 50</p>	<p>1 prior to the meeting for their review and input.</p> <p>2 And at the meeting, we talked about the guidelines.</p> <p>3 And if I remember correctly, the attorney explained</p> <p>4 them to the members of the committee, and we passed</p> <p>5 them. We adopted them.</p> <p>6 Q. And do you remember when the proposed</p> <p>7 guidelines were sent to members of the committee?</p> <p>8 A. No, ma'am. I know it was prior to the</p> <p>9 meeting.</p> <p>10 Q. And did you take any notes at the</p> <p>11 meeting?</p> <p>12 A. No, ma'am.</p> <p>13</p> <p>14 (Plaintiff's Exhibit 2 was</p> <p>15 marked for identification.)</p> <p>16</p> <p>17 Q. So I would like to introduce as</p> <p>18 Plaintiff's Exhibit 2 the reapportionment committee</p> <p>19 redistricting guidelines from May 5th of 2021.</p> <p>20 There's a copy.</p> <p>21 And did you have any role in drafting</p> <p>22 this document?</p> <p>23 A. It was reviewed with me by Mr. Walker,</p> <p>24 and we discussed it.</p> <p>25 Q. Okay. Did you have any other role in</p> <p style="text-align: right;">Page 52</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 drafting the document?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Who drafted the document?</p> <p>4 A. I would say Mr. Walker. Now, who he was</p> <p>5 in conjunction with, I do not know.</p> <p>6 Q. And is that normal to have an attorney</p> <p>7 draft the guidelines, would you say?</p> <p>8 A. Attorneys draft about everything we do.</p> <p>9 I'm not an attorney. I make no bones about it.</p> <p>10 Q. So the members of the reapportionment</p> <p>11 committee did not draft this document; is that</p> <p>12 correct?</p> <p>13 A. They were -- they reviewed it and the</p> <p>14 attorneys explained it to them.</p> <p>15 Q. Okay. Did anyone on the reapportionment</p> <p>16 committee make any changes to the document at that</p> <p>17 -- at the May 5th meeting?</p> <p>18 A. Not that I remember.</p> <p>19 Q. Do you know if they made any changes</p> <p>20 after the meeting? I guess they couldn't have if</p> <p>21 you voted on them.</p> <p>22 A. Right.</p> <p>23 Q. Sorry. I answered my own question for</p> <p>24 you.</p> <p>25 So what are these guidelines?</p> <p style="text-align: right;">Page 53</p>	<p>1 guidelines?</p> <p>2 A. I don't recall any specifics. But there</p> <p>3 were a -- there were a handful of changes to update.</p> <p>4 But I don't remember the exact specifics.</p> <p>5 Q. And who provided you with those</p> <p>6 specifics?</p> <p>7 A. Our attorney.</p> <p>8 Q. Mr. Walker?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know -- do you know why those</p> <p>11 specifics were chosen?</p> <p>12 A. It was my understanding that the courts</p> <p>13 had handed down additional rulings since the last</p> <p>14 reapportionment guidelines were adopted. And we</p> <p>15 updated them to reflect those changes in the law.</p> <p>16 Q. And do you know how those specifics were</p> <p>17 chosen?</p> <p>18 A. Changes in the law in courtrooms.</p> <p>19</p> <p>20 (Plaintiff's Exhibit 3 was</p> <p>21 marked for identification.)</p> <p>22</p> <p>23 Q. Let me introduce Plaintiff's Exhibit 3.</p> <p>24 This is the proposed guidelines handout.</p> <p>25 Do you recognize this document?</p> <p style="text-align: right;">Page 55</p>
<p>1 A. That's the parameters that we used in</p> <p>2 order to draw districts we thought complied with the</p> <p>3 Voting Rights Act and the 14th amendment to the</p> <p>4 Constitution and the court rulings that the courts</p> <p>5 had handed down in redistricting.</p> <p>6 Q. And so what is your understanding --</p> <p>7 when you say "comply" with the Voting Rights Act or</p> <p>8 the constitution and court rulings, what do you mean</p> <p>9 by that?</p> <p>10 A. I mean, it deals with drawing districts</p> <p>11 on a race neutral -- race neutral. We didn't look</p> <p>12 at race while we were drawing the districts. And it</p> <p>13 complies with not putting incumbents together and</p> <p>14 respecting single-member districts and eliminating</p> <p>15 contests between incumbents. Everything is spelled</p> <p>16 out here. That was just a few of the highlights.</p> <p>17 Q. And other than compliance with federal</p> <p>18 laws, are there any other reasons why you have the</p> <p>19 guidelines?</p> <p>20 A. Just a road map for everybody to follow</p> <p>21 when we're drawing lines. It's agreed to by the</p> <p>22 committee and the members of the committee and what</p> <p>23 we prioritize as what we need to do.</p> <p>24 Q. And do you recall what updates there</p> <p>25 were to the law that needed to be put into the</p> <p style="text-align: right;">Page 54</p>	<p>1 A. It looks like the one I saw earlier,</p> <p>2 yes, ma'am, back in May.</p> <p>3 Q. And when you say you saw it earlier,</p> <p>4 could you explain?</p> <p>5 A. Back during the discussion of the</p> <p>6 guidelines.</p> <p>7 Q. And who provided this document to you?</p> <p>8 A. Mr. Walker.</p> <p>9 Q. And do you know when he provided it to</p> <p>10 you?</p> <p>11 A. Prior to -- I believe every member of</p> <p>12 the committee saw these -- the existing, the</p> <p>13 proposed changes, and the enrolled changes prior to</p> <p>14 the meeting for their review.</p> <p>15 Q. And did you see it before -- as a</p> <p>16 cochair, did you see it before any of the other</p> <p>17 members of the reapportionment committee?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Did you have any role in drafting this</p> <p>20 document?</p> <p>21 A. No, ma'am, other than it was reviewed</p> <p>22 with me prior to that.</p> <p>23 Q. Okay. But you did discuss revisions to</p> <p>24 the guidelines prior to this document --</p> <p>25 A. Yes, ma'am.</p> <p style="text-align: right;">Page 56</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Q. -- being drafted?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Do you know if any of your discussions</p> <p>4 went into the creation of this document?</p> <p>5 A. I couldn't answer that question.</p> <p>6 Q. Okay. Do you know if any of the updates</p> <p>7 that you wanted to make to the guidelines made it</p> <p>8 into this document?</p> <p>9 A. I know I was in favor of the 5 percent</p> <p>10 deviation.</p> <p>11 Q. And that's for the state --</p> <p>12 A. Yes.</p> <p>13 Q. -- legislative maps, correct?</p> <p>14 Anything else?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Okay. Do you know what the process was</p> <p>17 for drafting this document?</p> <p>18 A. Our attorney met with us and we went</p> <p>19 over the old guidelines, some proposed changes, and</p> <p>20 what we thought we needed to update to comply with</p> <p>21 the law.</p> <p>22 Q. And did you suggest any changes?</p> <p>23 A. The 5 percent.</p> <p>24 Q. Anything else?</p> <p>25 A. Not that I recall.</p> <p style="text-align: right;">Page 57</p>	<p>1 Justice under Section 5.</p> <p>2 Q. Okay.</p> <p>3 A. And they were -- they were drawn fairly</p> <p>4 closely aligned with the committee guidelines at that</p> <p>5 time.</p> <p>6 Q. And so you believe that the 2010</p> <p>7 guidelines, then, were based on the 2002 guidelines</p> <p>8 for that reason?</p> <p>9 A. What I remember from 2002, when they</p> <p>10 brought the 2010, I saw similarities that I</p> <p>11 remembered from both of them to the -- to the 2020</p> <p>12 guidelines, yes.</p> <p>13 Q. Okay. So one of the reasons that the</p> <p>14 2021 guidelines are based on the 2010 guidelines is</p> <p>15 because you believe that they would be -- they would</p> <p>16 have complied with Section 5 of the Voting Rights</p> <p>17 Act had that -- if that were still in effect?</p> <p>18 A. They would comply with Section 1 of the</p> <p>19 Voting Rights Act. I mean Section 2. I'm sorry.</p> <p>20 Section 2 of the Voting Rights Act. But they were</p> <p>21 precleared under Section 5.</p> <p>22 Q. Right.</p> <p>23 A. And I also thought they would comply</p> <p>24 with the 14th Amendment, one man, one vote.</p> <p>25 Q. Okay. Is there any other reason why you</p> <p style="text-align: right;">Page 59</p>
<p>1 Q. And just to make sure, other than</p> <p>2 Mr. Walker, Mr. Davis, and Senator McClendon, and</p> <p>3 perhaps one member of the reapportionment committee,</p> <p>4 did you speak to anyone else about revising the</p> <p>5 guidelines prior to the May 5th meeting?</p> <p>6 A. I can't recall.</p> <p>7 Q. Were the -- so on this document there</p> <p>8 are the 2010 guidelines. Would you say that it's</p> <p>9 fair -- is it fair to say that those were the basis</p> <p>10 for the 2021 guidelines?</p> <p>11 A. I would say that, yes.</p> <p>12 Q. Why did you choose to rely on the 2010</p> <p>13 guidelines rather than starting from scratch?</p> <p>14 A. Because the 2010 were based off the 2002</p> <p>15 guidelines, I would assume. I wasn't there.</p> <p>16 Q. Right.</p> <p>17 A. But I would just assume that they used</p> <p>18 the 2002 as the basis for the 2010, and we used them</p> <p>19 for the 2020.</p> <p>20 Q. Is there a reason why you would want to</p> <p>21 rely on the past documents?</p> <p>22 A. Because we had passed plans that were</p> <p>23 approved by the justice department under Section 5.</p> <p>24 In 2002, remember our plan -- our congressional plan</p> <p>25 was precleared by the United States Department of</p> <p style="text-align: right;">Page 58</p>	<p>1 based the 2021 guidelines off of the 2010 guidelines</p> <p>2 other than that you think that it would -- that they</p> <p>3 would have complied with federal law?</p> <p>4 A. Well, when I read the 2010, they were</p> <p>5 very similar to what I remember the 2002 guidelines.</p> <p>6 I remember specifically the ten-day rule was there</p> <p>7 in 2002.</p> <p>8 Q. Is it a principle that the committee</p> <p>9 follows to generally use what has come before, use</p> <p>10 materials that have come before?</p> <p>11 A. Yes.</p> <p>12 Q. Out of ease of use or out of tradition</p> <p>13 or because the -- you know, because you believe that</p> <p>14 they comply with the law? What -- what is the</p> <p>15 reason for reusing?</p> <p>16 A. I would say all three of those.</p> <p>17 Q. Is anything more important, any of those</p> <p>18 more important than the other?</p> <p>19 A. Complying with the law.</p> <p>20 Q. That's pretty important, huh?</p> <p>21 A. Yeah.</p> <p>22 Q. I think we all can agree on that.</p> <p>23 And do you know how the 2010 guidelines</p> <p>24 were created --</p> <p>25 A. No.</p> <p style="text-align: right;">Page 60</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Q. -- other than being based off of the</p> <p>2 2002?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Who would know how the 2010 guidelines</p> <p>5 were created?</p> <p>6 A. I would say Mr. Walker.</p> <p>7 Q. Okay. Anybody else?</p> <p>8 A. I wasn't there.</p> <p>9 Q. Okay.</p> <p>10 A. I take that back. I said Senator</p> <p>11 McClendon was there in 2010. I wasn't.</p> <p>12 Q. Let's see. If you could flip to Pages 7</p> <p>13 and 8. Let's start with 7. And as you'll see, that</p> <p>14 third box is entirely striked out in the middle with</p> <p>15 the proposed changes.</p> <p>16 A. Uh-huh.</p> <p>17 Q. That's the section on communities of</p> <p>18 interest. If you'd like to read through those boxes</p> <p>19 on Pages 7 and 8, it might be helpful.</p> <p>20 A. Okay.</p> <p>21 Q. So it looks to me like this subsection</p> <p>22 was entirely rewritten. Do you know why?</p> <p>23 A. I can't answer with certainty. But I</p> <p>24 believe it goes back -- and I'm just supposing -- to</p> <p>25 the Gingles test.</p> <p style="text-align: right;">Page 61</p>	<p>1 Q. Who would know why?</p> <p>2 A. I would suggest you talk to my attorney.</p> <p>3 Q. Okay.</p> <p>4 A. When you get into legal definitions --</p> <p>5 Q. I understand that lawyers are pretty</p> <p>6 fond of legal definitions.</p> <p>7 So in the May 5th meeting, you mentioned</p> <p>8 that Mr. Walker discussed these proposed changes.</p> <p>9 Do you know if there were any other changes made at</p> <p>10 that meeting other than the ones proposed by</p> <p>11 Mr. Walker?</p> <p>12 MR. WALKER: I think the way that</p> <p>13 question is asked, I need to assert the</p> <p>14 attorney-client privilege.</p> <p>15 Q. I guess what I'm saying is did any --</p> <p>16 are there any differences between these proposed</p> <p>17 changes that were presented in the meeting and the</p> <p>18 final version in Exhibit 2, the final guidelines?</p> <p>19 Did anybody suggest any other changes?</p> <p>20 A. Not that I recall.</p> <p>21 Q. So the version that is here of these</p> <p>22 proposed changes, they were accepted in whole and no</p> <p>23 other changes were made?</p> <p>24 A. No changes were made after the committee</p> <p>25 adopted them.</p> <p style="text-align: right;">Page 63</p>
<p>1 Q. And what's your understanding of the</p> <p>2 Gingles test?</p> <p>3 A. Compactness, contiguity, and communities</p> <p>4 of interest, I would assume. I don't know.</p> <p>5 Q. Can you think of any other reason why</p> <p>6 the section on communities of interest would be</p> <p>7 entirely rewritten?</p> <p>8 A. Other than a court ruling that gave a</p> <p>9 better definition, I don't know.</p> <p>10 Q. Did you have any role in this particular</p> <p>11 change?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Do you know who made this particular</p> <p>14 change on the document?</p> <p>15 A. You would have to talk to the attorney.</p> <p>16 Q. Talk to Mr. Walker?</p> <p>17 A. Mr. Walker.</p> <p>18 Q. In this section, if you compare the 2010</p> <p>19 guidelines to the enrolled guidelines, the 2021</p> <p>20 guidelines eliminate partisan interest from the</p> <p>21 definition of communities of interest.</p> <p>22 So in 2010, partisan interests were part</p> <p>23 of the definition of community of interest. But in</p> <p>24 2021, they're not. Do you know why that is?</p> <p>25 A. No, ma'am.</p> <p style="text-align: right;">Page 62</p>	<p>1 Q. Well, I guess I'm talking about at the</p> <p>2 -- at the committee meeting.</p> <p>3 A. I don't -- I don't remember.</p> <p>4 Q. Okay. And did you talk to anyone about</p> <p>5 the May 5th meeting after it happened?</p> <p>6 A. I'm sure I did. But I don't recall.</p> <p>7 Q. Do you recall what you would have talked</p> <p>8 about?</p> <p>9 A. The general guidelines that we adopted,</p> <p>10 the guidelines that would control the committee's --</p> <p>11 the way we drew plans. But they were public record</p> <p>12 at that point.</p> <p>13 Q. So what happened next in the</p> <p>14 redistricting process?</p> <p>15 A. Then we began trying to work on public</p> <p>16 hearings and how we were going to handle public</p> <p>17 hearings with COVID-19.</p> <p>18 Q. Okay.</p> <p>19 A. So we had -- we had to come up with a</p> <p>20 way to handle the public hearings and where we were</p> <p>21 going to hold them and how we were going to hold</p> <p>22 them.</p> <p>23 Q. So why did you hold public meetings?</p> <p>24 A. It's part of the guidelines, and it's</p> <p>25 tradition. They've been held -- I've heard they did</p> <p style="text-align: right;">Page 64</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 them in 2010. I know we did them in 2002.</p> <p>2 Q. And what's the purpose of the public</p> <p>3 meetings?</p> <p>4 A. To take input from the community at</p> <p>5 large, the people that live in the communities and</p> <p>6 what they like or dislike about the existing plan</p> <p>7 and what they would like to see changed.</p> <p>8 Q. Was there a draft -- when you say</p> <p>9 "existing plan," what do you -- what do you mean by</p> <p>10 that?</p> <p>11 A. The plan that we were currently</p> <p>12 operating under.</p> <p>13 Q. So you mean the 2011 map?</p> <p>14 A. Yes.</p> <p>15 Q. So the purpose of the public meetings is</p> <p>16 for people to express what they like or do not like</p> <p>17 about the current setup?</p> <p>18 A. Yes.</p> <p>19 Q. Is there any other reason why public</p> <p>20 meetings are held?</p> <p>21 A. Well, we go to the public and show them</p> <p>22 the existing plans and where the population has</p> <p>23 shifted and how they would like to see the lines</p> <p>24 drawn.</p> <p>25 Q. So you mentioned that there were public</p> <p style="text-align: right;">Page 65</p>	<p>1 there were people that liked their members of</p> <p>2 congress and wanted the maps to stay the way they</p> <p>3 were.</p> <p>4 Q. Was there a draft of the congressional</p> <p>5 map prepared before the public meetings occurred?</p> <p>6 A. No, ma'am.</p> <p>7 Q. And when did the public meetings occur?</p> <p>8 Not every single one, but in general.</p> <p>9 A. As soon as we had numbers from the</p> <p>10 census bureau and we could tell the people whether</p> <p>11 their congressional district was overpopulated or</p> <p>12 underpopulated and how many people they had to gain</p> <p>13 or lose based on the new -- we didn't know what the</p> <p>14 number was going to be to get to zero deviation on</p> <p>15 the congressional map until we had the census</p> <p>16 numbers.</p> <p>17 So we couldn't go out and talk to people</p> <p>18 about how they wanted to see their congressional</p> <p>19 district change in order to comply with one man, one</p> <p>20 vote.</p> <p>21 Q. Why is it -- why was it necessary to</p> <p>22 have the census numbers if you don't have a map yet?</p> <p>23 I guess I'm curious why the -- why the census</p> <p>24 numbers are necessary to hold the public hearings.</p> <p>25 A. We had a map.</p> <p style="text-align: right;">Page 67</p>
<p>1 meetings that were also held in 2001 when you were</p> <p>2 part of that redistricting process. Do you think</p> <p>3 that people's -- do you recall if people's -- their</p> <p>4 concerns are different now than they were then?</p> <p>5 A. Explain what you mean by that question.</p> <p>6 Q. Well, I guess I'm not talking about the</p> <p>7 nitty-gritty little, you know, this block here, this</p> <p>8 block there, but general opinions about how maps</p> <p>9 should be drawn or what a community of interest is</p> <p>10 or anything like that.</p> <p>11 Do people -- do you think that people</p> <p>12 felt the same way at public meetings back in 2001 as</p> <p>13 they did in the meetings this year?</p> <p>14 A. I would say, generally speaking, they</p> <p>15 held the same views.</p> <p>16 Q. And what sorts of views are those?</p> <p>17 A. I mean, some communities wanted to --</p> <p>18 I'm having -- I would have to separate congressional</p> <p>19 from --</p> <p>20 Q. Right.</p> <p>21 A. -- legislative.</p> <p>22 Some people wanted to see maps drawn</p> <p>23 differently. There was numerous people there to</p> <p>24 present the map for the League of Women Voters and</p> <p>25 discuss it. They asked us to look at that map. And</p> <p style="text-align: right;">Page 66</p>	<p>1 Q. The 2010?</p> <p>2 A. The existing map.</p> <p>3 Q. Okay.</p> <p>4 A. And then after we got the numbers, we</p> <p>5 knew which congressional district was over and which</p> <p>6 congressional districts were underpopulated and the</p> <p>7 amount of people we needed in each congressional</p> <p>8 district in order to comply with one man, one vote.</p> <p>9 Q. Okay.</p> <p>10 A. The same thing we did in 2001. We</p> <p>11 presented the existing map to the people in all the</p> <p>12 public hearings. And after the public hearings,</p> <p>13 then and only then was a map produced. And we had a</p> <p>14 lot more time in '01.</p> <p>15 Q. Right.</p> <p>16 Did the public have access to the</p> <p>17 numbers of people that would need to move between</p> <p>18 districts, about the overpopulation and</p> <p>19 underpopulation numbers? Did they have access to</p> <p>20 that?</p> <p>21 A. That was gone over in every public</p> <p>22 hearing.</p> <p>23 Q. Okay. Why was it necessary to have</p> <p>24 those numbers before holding the public hearings?</p> <p>25 A. So we could -- we knew how many people</p> <p style="text-align: right;">Page 68</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 went into a district and how many people were in the 2 current district.</p> <p>3 Q. Well, I guess people have concerns about 4 -- well, did people have concerns about districts 5 other than, you know, the pure numbers? Did they 6 have opinions about how maps should be drawn period 7 regardless of the census numbers? Do you understand 8 what I'm saying?</p> <p>9 A. If you are referring to the League of 10 Women Voters who sent somebody to virtually every --</p> <p>11 Q. I'm talking in general.</p> <p>12 A. There were people there every -- every 13 meeting that had their talking points that basically 14 read them that all said the same thing. They wanted 15 to adopt another plan that created two majority 16 minority districts.</p> <p>17 Q. Well, I assume that there were people at 18 the meetings who didn't share that view.</p> <p>19 A. Yeah.</p> <p>20 Q. Do you think -- I guess wouldn't it be 21 possible to have that opinion before the census 22 numbers were even out?</p> <p>23 A. Well, they did have the opinion before 24 the numbers were out.</p> <p>25 Q. Okay. I guess I'm just not really</p> <p style="text-align: right;">Page 69</p>	<p>1 Q. Well, there are people -- so the map 2 changed between 2010 and today, right?</p> <p>3 A. Yes.</p> <p>4 Q. And there are members who have kept 5 their -- there are citizens who have kept their 6 representatives even though the lines of the 7 districts have changed, right?</p> <p>8 A. Correct.</p> <p>9 Q. So you could keep your representative 10 even though the line of the district changes, 11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. So when people are saying "I'm happy 14 with my representative," are they just saying that 15 they don't want the district to change at all? Or 16 what -- what do you think that they're saying?</p> <p>17 A. I would hate to interpret what they 18 would mean by that. They said they were happy with 19 their representative.</p> <p>20 Q. Okay. And how many of the public 21 hearings did you participate in?</p> <p>22 A. All 28.</p> <p>23 Q. Did you go in person --</p> <p>24 A. Yes.</p> <p>25 Q. -- to all 28?</p> <p style="text-align: right;">Page 71</p>
<p>1 understanding why the -- why you had to wait to hold 2 the public hearings until the census numbers were 3 out.</p> <p>4 A. Accuracy.</p> <p>5 Q. Okay. So you had mentioned that at the 6 public meetings, public hearings, some people liked 7 their members of congress and wanted to keep them. 8 What did you mean by that?</p> <p>9 A. They were happy with the representation 10 they were receiving from their elected 11 representatives.</p> <p>12 Q. So what does that mean for those 13 representatives' districts? Would they want to keep 14 them the same or --</p> <p>15 A. Our guidelines say we try to protect the 16 core of the existing districts, yes.</p> <p>17 Q. Well, I guess if you're happy with your 18 representative, that doesn't mean that -- you could 19 still live in the district and have the rest of the 20 district change and still keep your representative 21 if like, you know, they're on the margins. The rest 22 of the district could change. If you live in the 23 center of the district, you're still going to keep 24 your representative, right?</p> <p>25 A. I couldn't answer that question.</p> <p style="text-align: right;">Page 70</p>	<p>1 A. Yes. I want to say I -- I don't 2 remember missing any of them, no.</p> <p>3 Q. Okay. And how were the public meetings 4 held?</p> <p>5 A. Virtually, just like this meeting. We 6 were -- we were in COVID and we had to get as many 7 locations as we could to get as much input as we 8 could in a very compressed time period. So we did 9 it remotely.</p> <p>10 Q. And in person?</p> <p>11 A. Yes. We had one in the state house.</p> <p>12 Q. But 27 out of 28 were only held 13 virtually; is that right?</p> <p>14 A. Just like this meeting, yes, ma'am.</p> <p>15 Q. Okay. And what was your role in the 16 public meetings?</p> <p>17 A. I was to go over the -- to listen to the 18 house, when they talked about the state house 19 districts. And I listened to all the house, 20 congressional, senate, state school board, yes.</p> <p>21 Q. And were you just there to listen? Or 22 did you do anything else?</p> <p>23 A. I listened.</p> <p>24 Q. And did you answer any questions from 25 the public?</p> <p style="text-align: right;">Page 72</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 A. I believe I answered one.</p> <p>2 Q. And what was that question?</p> <p>3 A. I don't remember.</p> <p>4 Q. Was it about the congressional map?</p> <p>5 A. I don't remember.</p> <p>6 Q. And was Mr. Walker present at these</p> <p>7 public meetings?</p> <p>8 A. He was our moderator. Yes, ma'am.</p> <p>9 Q. Okay. And what does that mean?</p> <p>10 A. He conducted the meeting.</p> <p>11 Q. Okay. And is it fair to say that</p> <p>12 Mr. Walker primarily addressed or answered audience</p> <p>13 questions during the hearings?</p> <p>14 A. There was a time when people could</p> <p>15 either ask a question or submit a question</p> <p>16 electronically.</p> <p>17 Q. Okay.</p> <p>18 A. And he would address those questions.</p> <p>19 Q. And he addressed most of -- I'm sorry.</p> <p>20 Of the questions that were answered, Mr. Walker was</p> <p>21 the one who answered most of them?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. And did audience members ever</p> <p>24 direct questions to you specifically?</p> <p>25 A. I can't remember.</p> <p style="text-align: right;">Page 73</p>	<p>1 in order to get to zero deviation.</p> <p>2 Q. And who created that document?</p> <p>3 A. I'm not sure.</p> <p>4 Q. Do you know -- sorry.</p> <p>5 Did you take any notes during any of the</p> <p>6 public meetings?</p> <p>7 A. Any notes I took, I turned over in my</p> <p>8 evidence. They were handwritten on those -- those</p> <p>9 documents.</p> <p>10 Q. But you did take some --</p> <p>11 A. Very few.</p> <p>12 Q. -- notes? Okay.</p> <p>13 Did you take any notes after any of the</p> <p>14 public meetings?</p> <p>15 A. No, ma'am.</p> <p>16 Q. And did you talk to anyone about the --</p> <p>17 what happened in the public hearings?</p> <p>18 A. I'm sure I did. But I don't recall</p> <p>19 specifics.</p> <p>20 Q. Did you talk to Mr. Hinaman about what</p> <p>21 happened in the public meetings?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And what did you tell him?</p> <p>24 A. Most of the conversations at the public</p> <p>25 hearings were dealing with state legislative races,</p> <p style="text-align: right;">Page 75</p>
<p>1 Q. And do you know if they directed</p> <p>2 questions to Senator McClendon specifically?</p> <p>3 A. I don't remember.</p> <p>4 Q. Did you prepare for any of the public</p> <p>5 meetings?</p> <p>6 A. We had the maps in front of us and the</p> <p>7 demographic shifts in front of us. And we would --</p> <p>8 I would read those as we went through the meetings.</p> <p>9 Q. And by "the maps," you mean the 2011 --</p> <p>10 A. Yes.</p> <p>11 Q. -- maps? Because you didn't have draft</p> <p>12 maps of the 2021 --</p> <p>13 A. No.</p> <p>14 Q. -- at that time. Okay.</p> <p>15 And what demographic figures are you</p> <p>16 talking about?</p> <p>17 A. The over and underpopulations, whether</p> <p>18 they had too many or too few people in them to stay</p> <p>19 within -- of course, I'm kind of talking legislative</p> <p>20 here and not congressional. Because congressional,</p> <p>21 we went to zero deviation. But we looked at the</p> <p>22 congressional districts to see which ones were</p> <p>23 overpopulated and which ones were underpopulated.</p> <p>24 Q. Okay.</p> <p>25 A. And how many people would have to change</p> <p style="text-align: right;">Page 74</p>	<p>1 if I remember correctly.</p> <p>2 Q. But occasionally people talked about</p> <p>3 congress, right?</p> <p>4 A. Yes. But we had not seen -- I had not</p> <p>5 seen the numbers on any plans until after they were</p> <p>6 submitted to reapportionment.</p> <p>7 So until I saw the -- you know, that</p> <p>8 ten-day rule kicked in and these plans that had been</p> <p>9 drawn off campus were submitted to the</p> <p>10 reapportionment office. Then and only then could we</p> <p>11 look at the demographics, the population changes,</p> <p>12 and the deviations in those districts.</p> <p>13 Q. Well, you had the demographic shift</p> <p>14 numbers to get to zero deviation during the public</p> <p>15 meetings, right?</p> <p>16 A. I had the number that we needed to get</p> <p>17 to, correct.</p> <p>18 Q. So you did talk to Mr. Hinaman about</p> <p>19 what was brought up at the public hearings about</p> <p>20 congress, correct?</p> <p>21 A. We talked -- I would assume we discussed</p> <p>22 it, yes.</p> <p>23 Q. And do you recall any specifics of what</p> <p>24 you talked about?</p> <p>25 A. Just the difference -- we were trying to</p> <p style="text-align: right;">Page 76</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 get to zero deviation.</p> <p>2 Q. Did you relay any specific concerns that</p> <p>3 someone had at a public meeting about the</p> <p>4 congressional map to Mr. Hinaman?</p> <p>5 A. I was concerned about the deviations in</p> <p>6 any other proposed plans.</p> <p>7 Q. Well, the public, though, I'm talking</p> <p>8 about, what they brought up at the public hearings.</p> <p>9 Did you relay any of those specifics to Mr. Hinaman?</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you recall discussing any of those</p> <p>12 kinds of specifics that the public had about</p> <p>13 congress to anyone else?</p> <p>14 A. I'm sure we did. I mean, it was the</p> <p>15 same talking points at every public hearing on the</p> <p>16 congressional plan.</p> <p>17 Q. I mean, that suggests that there was</p> <p>18 really only one view about the congressional map</p> <p>19 coming up at the public hearings.</p> <p>20 A. Well, it was the plan produced by the</p> <p>21 League of Women Voters. Every -- if I remember</p> <p>22 correctly, almost every single public hearing we</p> <p>23 had, somebody stood up with their talking points and</p> <p>24 read them to us and entered them into the record.</p> <p>25 Q. But not everybody who attended the</p> <p style="text-align: right;">Page 77</p>	<p>1 doing other things that aren't work related during</p> <p>2 the work hours. Do you think that that would have</p> <p>3 had an impact at all on --</p> <p>4 A. Well, the schedule of the public</p> <p>5 hearings was public. It was released. The links</p> <p>6 were public. You might not have been able to make</p> <p>7 one specific meeting, but you could have logged into</p> <p>8 any of the other 28 at any given time on any given</p> <p>9 day that we held them and listened and interjected</p> <p>10 into the congressional plan.</p> <p>11 Q. Well --</p> <p>12 A. I mean, you had 28 opportunities to log</p> <p>13 on over a three-week period that you could have come</p> <p>14 in and watched. It's not like you had to drive to a</p> <p>15 location like in the old days when you had to drive</p> <p>16 somewhere during the daytime to come hear us. You</p> <p>17 were able to listen at any time.</p> <p>18 Q. But even so, if you work at McDonald's</p> <p>19 from 9:00 to 5:00 and you're at the cash register,</p> <p>20 how are you going to attend one of those meetings?</p> <p>21 A. There are 28 different meetings at all</p> <p>22 different times of the day.</p> <p>23 Q. Well, not -- they're all between 9:00</p> <p>24 and 5:00 except for one.</p> <p>25 A. Then you could have logged in that night</p> <p style="text-align: right;">Page 79</p>
<p>1 public hearings would have known about the League of</p> <p>2 Women Voters' map, right?</p> <p>3 A. Somebody was there at virtually every</p> <p>4 meeting that I remember to talk about it.</p> <p>5 Q. Did anyone discuss anything about the</p> <p>6 congressional map that wasn't related to the League</p> <p>7 of Women Voters' map that you recall?</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you know how many of the 28 meetings</p> <p>10 were held on weekdays during working hours, 9:00 to</p> <p>11 5:00?</p> <p>12 A. Like this one here, all but one of them.</p> <p>13 Q. Okay. And most people are working on</p> <p>14 weekdays during working hours from 9:00 to 5:00,</p> <p>15 right?</p> <p>16 That's a yes?</p> <p>17 A. That's -- I know a lot of people that</p> <p>18 work different hours.</p> <p>19 Q. But most people work on weekdays from</p> <p>20 the hours of around 9:00 to 5:00, would you say?</p> <p>21 A. I would say it's very common, yes.</p> <p>22 Q. Okay. Do you think that that had an</p> <p>23 impact on who could attend the public meetings?</p> <p>24 A. I don't know.</p> <p>25 Q. I mean, if I'm at work, I tend to not be</p> <p style="text-align: right;">Page 78</p>	<p>1 and watched.</p> <p>2 Q. For that one meeting?</p> <p>3 A. Exactly. And you could have spoken your</p> <p>4 mind or emailed in your questions or your concerns</p> <p>5 at that time.</p> <p>6 Q. Okay. But you and others from the</p> <p>7 reapportionment committee set the times of those</p> <p>8 meetings, correct?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Primarily you and Senator McClendon; is</p> <p>11 that right?</p> <p>12 A. In conjunction with the other members.</p> <p>13 Like I said, we produced a list of 22. And Ms. Hall</p> <p>14 asked us to add six meetings in communities she</p> <p>15 thought did not have enough representation or enough</p> <p>16 opportunities. So we added those additional six</p> <p>17 meetings and included them in our press releases so</p> <p>18 anybody could log in.</p> <p>19 Q. Did you consider holding more meetings</p> <p>20 in the evening other than just the one?</p> <p>21 A. I couldn't answer that question.</p> <p>22 Q. Before the public hearings happened,</p> <p>23 Senator McClendon told the press that the new maps</p> <p>24 wouldn't cause, quote, any surprises for the</p> <p>25 candidates or for the voters. I'll just represent</p> <p style="text-align: right;">Page 80</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 to you that that happened.</p> <p>2 Do you know what the basis was for that</p> <p>3 statement?</p> <p>4 A. You'll have to ask Senator McClendon.</p> <p>5 Q. Do you agree with that statement, that</p> <p>6 even before the public hearings would have happened,</p> <p>7 that there wouldn't be surprises for candidates or</p> <p>8 for the voters?</p> <p>9 A. I think every time you change the lines,</p> <p>10 you surprise people.</p> <p>11 Q. But on the whole, would you say that</p> <p>12 that statement was true?</p> <p>13 A. Well, when your guidelines are to keep</p> <p>14 the core of the existing districts intact as much as</p> <p>15 practicable, it shouldn't be too earth shattering,</p> <p>16 some of the changes around the edges.</p> <p>17 Q. And do you know if any work had been</p> <p>18 conducted on drafting the congressional map prior to</p> <p>19 the public hearings?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Do you know if any decisions on the</p> <p>22 lines for the congressional maps had been made</p> <p>23 before holding the public hearings?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Are you familiar with the black belt</p> <p style="text-align: right;">Page 81</p>	<p>1 Q. Would you agree that the black belt is a</p> <p>2 community of interest?</p> <p>3 A. It's a very broad area that stretches</p> <p>4 from one side of the state to the other. I believe</p> <p>5 it has some communities of interest in it, yes.</p> <p>6 Q. But as a whole, is the black belt a</p> <p>7 community of interest?</p> <p>8 A. I couldn't answer that.</p> <p>9 Q. Why not?</p> <p>10 A. Because while I work in Wilcox and</p> <p>11 Marengo and Perry, I don't go to Macon or the</p> <p>12 counties on the other side. So I don't really know</p> <p>13 much about them.</p> <p>14 Q. But that's true for other communities of</p> <p>15 interest in other parts of the state, right?</p> <p>16 A. Explain that one to me.</p> <p>17 Q. I guess if the legislature -- if the</p> <p>18 reapportionment committee is tasked with approving a</p> <p>19 congressional map that keeps, you know, communities</p> <p>20 of interest together, you don't personally know</p> <p>21 about every community of interest in the same way</p> <p>22 that you do know about those particular counties,</p> <p>23 right?</p> <p>24 A. I mean, you know, I'm from Mobile. And</p> <p>25 we run up and -- it's the river system. So many of</p> <p style="text-align: right;">Page 83</p>
<p>1 counties in Alabama, that term?</p> <p>2 A. I sell timberland. I work all through</p> <p>3 the black belt.</p> <p>4 Q. Okay.</p> <p>5 A. I've spent more time in the black belt</p> <p>6 than . . .</p> <p>7 Q. And what's your understanding of the</p> <p>8 black belt?</p> <p>9 A. It's a region in the middle of the state</p> <p>10 of Alabama that got its name because of the rich</p> <p>11 soils.</p> <p>12 Q. And what counties are in it?</p> <p>13 A. It's like 28 counties, I think,</p> <p>14 something like that. I spend most of my time in</p> <p>15 Wilcox, Marengo, Lowndes, Perry, Hale, those areas.</p> <p>16 Q. And if you could just describe what</p> <p>17 portion of the state are we talking about.</p> <p>18 A. Central Alabama.</p> <p>19 Q. Do you recall if anyone discussed the</p> <p>20 black belt at any of the public hearings?</p> <p>21 MR. WALKER: What was --</p> <p>22 MS. WELBORN: If anyone at the public</p> <p>23 meetings discussed the black belt.</p> <p>24 A. It's a term that's often used in</p> <p>25 Alabama. But I don't remember specifically.</p> <p style="text-align: right;">Page 82</p>	<p>1 the families in Mobile come from northern counties</p> <p>2 because of the way the river system is. We have</p> <p>3 very little to nothing in common with the people in</p> <p>4 the Wiregrass. It's not -- it's almost a totally</p> <p>5 different state over there.</p> <p>6 So I don't know -- if you're asking me</p> <p>7 do the people in Wilcox County have something in</p> <p>8 common with the people in Macon County, I can't</p> <p>9 answer that. But I know the people in Wilcox</p> <p>10 County. We go up and down the rivers.</p> <p>11 Q. Right. I guess what I'm saying is you</p> <p>12 still approve a map even though you don't have</p> <p>13 personal experience with every single community of</p> <p>14 interest, right?</p> <p>15 A. The state legislature approved the map,</p> <p>16 yes, ma'am.</p> <p>17 Q. Well, you voted for it, right?</p> <p>18 A. Yes.</p> <p>19 Q. So just going back to the black belt.</p> <p>20 Even though you don't necessarily have personal</p> <p>21 experience with every single county, can you still</p> <p>22 form an opinion about in general whether that is a</p> <p>23 community of interest?</p> <p>24 A. I know it's a very rural part of the</p> <p>25 state of Alabama.</p> <p style="text-align: right;">Page 84</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Q. Does that make it a community of 2 interest?</p> <p>3 A. I don't know what your definition of a 4 community of interest is.</p> <p>5 Q. Well, the reapportionment committee has 6 a definition of community of interest, right?</p> <p>7 A. Yes.</p> <p>8 Q. So looking at that definition, would you 9 consider the black belt to be a community of 10 interest?</p> <p>11 A. Our definition of community of interest 12 is in certain circumstances to include political 13 subdivisions such as counties, voting precincts, 14 municipalities, tribal lands, reservations, or 15 school districts. Those counties -- the counties 16 are a community of interest.</p> <p>17 Q. Well, it also includes ethnic, racial, 18 economic, tribal, social, geographic, and historical 19 identities.</p> <p>20 A. Yes.</p> <p>21 Q. Under any of those aspects, does the 22 black belt constitute a community of interest?</p> <p>23 A. I know it's -- it is predominantly 24 African American.</p> <p>25 Q. And the black belt is a historical term, Page 85</p>	<p>1 A. The general public -- I mean, every 2 committee meeting had somebody standing up and 3 reading the talking points on the League of Women 4 Voters' plan. So if you read the record, it's all 5 in there. They all talked about that specific plan 6 on their talking points.</p> <p>7 Q. But the --</p> <p>8 A. I don't remember the general public 9 being dissatisfied with the members of congress.</p> <p>10 Q. Meaning other people at the -- at the 11 public meetings --</p> <p>12 A. Yes.</p> <p>13 Q. -- were not --</p> <p>14 A. I don't remember them being 15 dissatisfied, no, ma'am.</p> <p>16 Q. Okay. So how -- but you still took away 17 the idea that the general public was happy with 18 their current representation?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Okay. And what did you do with that 21 information?</p> <p>22 A. I mean, it's all part of the permanent 23 record. I remembered it because I listened to all 24 of it.</p> <p>25 Q. Right.</p> <p>Page 87</p>
<p>1 right?</p> <p>2 A. Based on the soil, yes, ma'am.</p> <p>3 Q. Okay. And that term goes back quite a 4 long time?</p> <p>5 A. It was developed because of the rich 6 soil in that area.</p> <p>7 Q. So yes or no, under these guidelines, 8 does the black belt constitute a community of 9 interest?</p> <p>10 A. I couldn't answer that question. I just 11 couldn't answer that.</p> <p>12 Q. I don't understand why not.</p> <p>13 A. Because I'm not sure they are 14 politically cohesive and compact and contiguous 15 enough to constitute one.</p> <p>16 Q. What, if anything, did you learn or take 17 away from the public hearings?</p> <p>18 A. What do you mean by that?</p> <p>19 Q. Well, did you learn anything from what 20 you heard at the public hearings?</p> <p>21 A. I walked away thinking most people in 22 the state of Alabama were happy with their 23 representation the way it was in congress.</p> <p>24 Q. And do you recall any specifics about -- 25 about that?</p> <p>Page 86</p>	<p>1 A. We put it in the record. It's all 2 there.</p> <p>3 Q. After -- after the meetings, what did 4 you do with that information?</p> <p>5 A. It was put into the official record of 6 the committee.</p> <p>7 Q. I guess I'm -- did any of what you 8 learned at the public hearings influence how the 9 congressional map was drawn?</p> <p>10 A. I can't answer that. I don't -- I 11 wasn't a member -- that map was drawn by Mr. Hinaman 12 and in conjunction with the members of congress.</p> <p>13 Q. But you did discuss what you learned 14 about the public meetings with Mr. Hinaman with 15 respect to the congressional meetings at some point?</p> <p>16 A. That somebody had come to every meeting 17 and read the League of Women Voters' talking points, 18 yes.</p> <p>19 Q. But did you express to Mr. Hinaman your 20 sentiment that the general public was happy with 21 their representation?</p> <p>22 A. I don't remember.</p> <p>23 Q. Do you remember telling him, about the 24 congressional map, anything other than about the -- 25 from the public hearings other than the League of</p> <p>Page 88</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Women Voters' talking points?</p> <p>2 A. Not that I can recall.</p> <p>3 Q. And how much weight did you give to</p> <p>4 those -- the sentiment that the general public was</p> <p>5 happy with their representation in terms of its</p> <p>6 importance in drawing the map?</p> <p>7 A. We listened to the people. I was</p> <p>8 anxious to see what the League of Women Voters' map</p> <p>9 turned out to be.</p> <p>10 Q. Did you -- did you consider it to be</p> <p>11 more important when the congressional map was being</p> <p>12 drawn that the general public was satisfied with</p> <p>13 their representation compared to what was said about</p> <p>14 the League of Women Voters' map?</p> <p>15 A. You know, when every meeting somebody</p> <p>16 stands up and reads the same talking points and you</p> <p>17 could tell they've been prompted just to go say that</p> <p>18 to get it into the record, I put more weight on the</p> <p>19 people who came out of a true sense of wanting to</p> <p>20 express their opinion, not the opinion that was</p> <p>21 written down on a piece of paper from them by an</p> <p>22 attorney. What I assume was an attorney. I'm</p> <p>23 sorry.</p> <p>24 Q. So you gave less weight to those League</p> <p>25 of Women Voter talking points than you did the</p> <p style="text-align: right;">Page 89</p>	<p>1 or twice?</p> <p>2 A. I don't remember the number of times.</p> <p>3 But it came up a few.</p> <p>4 Q. A few. But not at every meeting?</p> <p>5 A. I don't remember it coming up at every</p> <p>6 meeting, no.</p> <p>7 Q. What was your response to the suggestion</p> <p>8 that there should be two majority black</p> <p>9 congressional districts?</p> <p>10 A. If somebody could show me a plan that</p> <p>11 met the guidelines, I would be interested in looking</p> <p>12 at it.</p> <p>13 Q. And what do you mean by "interested in</p> <p>14 looking at it"?</p> <p>15 A. I mean I would give it due consideration</p> <p>16 if it met the guidelines.</p> <p>17 Q. If you have competing maps that all meet</p> <p>18 the guidelines, how do you choose one over the</p> <p>19 other?</p> <p>20 A. I would go with the one that's most in</p> <p>21 line with the guidelines.</p> <p>22 Q. How do you determine what is most in</p> <p>23 line with the guidelines?</p> <p>24 A. The number of county splits, the</p> <p>25 deviations.</p> <p style="text-align: right;">Page 91</p>
<p>1 people who were discussing on their own that they</p> <p>2 were happy with their representation?</p> <p>3 A. Somebody that was put in the room to put</p> <p>4 statements into the record is not, in my opinion,</p> <p>5 the same as somebody who comes on their own free</p> <p>6 will and their own fruition to express their</p> <p>7 personal opinion about their representation.</p> <p>8 Q. So did you give any instructions to</p> <p>9 Mr. Hinaman to change anything about the</p> <p>10 congressional map because of the public hearings?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Did you give instructions to anyone else</p> <p>13 about changing the map because of the public</p> <p>14 hearings?</p> <p>15 A. Not that I recall.</p> <p>16 Q. At the public hearings, do you recall</p> <p>17 anyone discussing the need to have two majority</p> <p>18 black districts for congress?</p> <p>19 A. Two majority black congressional</p> <p>20 districts, yes, ma'am.</p> <p>21 Q. Yes. Who mentioned that?</p> <p>22 A. I don't recall specifically.</p> <p>23 Q. Was it mentioned often, would you say?</p> <p>24 A. I don't remember.</p> <p>25 Q. Was it something that only came up once</p> <p style="text-align: right;">Page 90</p>	<p>1 Q. Okay. Is something -- is one of those</p> <p>2 factors more important than the other?</p> <p>3 A. Deviations.</p> <p>4 Q. That's the most important factor, in</p> <p>5 your opinion?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And how important are the county splits?</p> <p>8 A. Well, we tried to split as the few</p> <p>9 counties as possible in order to achieve the zero</p> <p>10 deviation.</p> <p>11 Q. Just quickly going back to talking about</p> <p>12 this sentiment that people were happy with their</p> <p>13 representation. How did you know or how did you</p> <p>14 determine who was there with their talking points</p> <p>15 and who was there, you know, coming of their own</p> <p>16 volition?</p> <p>17 A. If they're reading a piece of paper and</p> <p>18 it's the same talking points you've heard, I would</p> <p>19 assume they were sent there to read it. If they're</p> <p>20 talking extemporaneously and they don't line up with</p> <p>21 the talking points you've heard before, I would</p> <p>22 assume they were talking of their own fruition.</p> <p>23 Q. Did you ask anyone at any of the public</p> <p>24 meetings if they were part of a particular group?</p> <p>25 A. They were instructed by Mr. Dorman to</p> <p style="text-align: right;">Page 92</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 state their name and who they represented.</p> <p>2 Q. And did you ask any of them if they were</p> <p>3 sent there by somebody else?</p> <p>4 A. No. They -- when they were called to</p> <p>5 speak, they were to state their name and who they</p> <p>6 represented.</p> <p>7 Q. Okay. And did you -- did you consider</p> <p>8 -- if someone came there, you know, with a prepared</p> <p>9 set of talking points, did you consider their</p> <p>10 opinion to be less -- less important to drawing the</p> <p>11 map than someone who came there to speak</p> <p>12 extemporaneously, like you said?</p> <p>13 A. I believe I answered that question</p> <p>14 already, didn't I?</p> <p>15 Q. Do you know if a map with two majority</p> <p>16 minority districts was proposed at any point?</p> <p>17 A. During the legislative process when we</p> <p>18 were in session, yes, ma'am.</p> <p>19 Q. Do you know if any were proposed before</p> <p>20 the special session?</p> <p>21 A. We have a rule that any plan drawn off</p> <p>22 campus, outside the reapportionment office, has to</p> <p>23 be turned over ten days before it can be introduced</p> <p>24 as a bill.</p> <p>25 So after they were turned over, at</p> <p style="text-align: right;">Page 93</p>	<p>1 Q. What --</p> <p>2 A. Until it -- until it reaches that bill</p> <p>3 form and we can analyze it based on the population</p> <p>4 and the deviations, I don't consider it a plan.</p> <p>5 Q. Okay. What all information could you</p> <p>6 look at from any plan at that point?</p> <p>7 A. At that point?</p> <p>8 Q. Uh-huh.</p> <p>9 A. After it's introduced from the outside</p> <p>10 source?</p> <p>11 Q. Yes.</p> <p>12 A. Then we look at the population, we look</p> <p>13 at the deviations, we look at the county splits, and</p> <p>14 we look at the BVAP, we look at the racial makeup of</p> <p>15 the district.</p> <p>16 Q. And when you say "BVAP," just for the</p> <p>17 record, what do you mean?</p> <p>18 A. Black voting age population.</p> <p>19 Q. And is that all black or any part black?</p> <p>20 Do you know?</p> <p>21 A. No, I couldn't answer that. I've seen</p> <p>22 both columns, but I don't know.</p> <p>23 Q. So just to clarify, you did not see a</p> <p>24 map for two majority minority or majority black</p> <p>25 congressional districts prior to the ten-day mark?</p> <p style="text-align: right;">Page 95</p>
<p>1 whatever point they were turned over and they were</p> <p>2 put through our computers and we could get the</p> <p>3 information on them, the deviations and the county</p> <p>4 splits, we looked at them then.</p> <p>5 Q. So if someone submitted an outside plan,</p> <p>6 let's say, 30 days before the special session, so</p> <p>7 more than ten days, when would you have had access</p> <p>8 to that plan?</p> <p>9 A. I don't remember seeing the demographics</p> <p>10 of any plan that was introduced earlier than that.</p> <p>11 Q. I'm sorry. Could you --</p> <p>12 A. I don't remember seeing a plan that was</p> <p>13 submitted before then.</p> <p>14 Q. Before the ten days?</p> <p>15 A. Ten days, yes, ma'am.</p> <p>16 Q. Okay. And once a plan is submitted by</p> <p>17 outside groups, what happens?</p> <p>18 A. It's put through the computer and turned</p> <p>19 into what we call bill form. And then you have to</p> <p>20 find a member of the legislature that's willing to</p> <p>21 introduce it.</p> <p>22 Q. Okay. But you mentioned deviation and</p> <p>23 demographic data. Does the computer program also</p> <p>24 give you that information?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 94</p>	<p>1 A. I did not see a plan that had the</p> <p>2 deviations in the populations until then. There's a</p> <p>3 difference between just color coding a map and</p> <p>4 letting me see an actual plan.</p> <p>5 Q. Okay. What's the difference?</p> <p>6 A. Well, you can -- you can draw anything</p> <p>7 you want to on a map. But until you actually have</p> <p>8 the census numbers and the demographic numbers in</p> <p>9 it, I don't consider it a plan.</p> <p>10 Q. And why not?</p> <p>11 A. Because until I know the population in</p> <p>12 that district -- the whole basis of redistricting is</p> <p>13 the 14th Amendment to the Constitution, equal</p> <p>14 protection, that my vote for a member of congress</p> <p>15 counts the same as another person in the state of</p> <p>16 Alabama's vote. That's the reason why we go through</p> <p>17 this process. It's one man, one vote. And until I</p> <p>18 look at a plan and the numbers associated with that</p> <p>19 plan, I don't consider it a full plan.</p> <p>20 Q. So I just want to make sure that I'm</p> <p>21 getting this right. I'm not trying to ask you over</p> <p>22 and over and over again.</p> <p>23 Is it right that you did not look at</p> <p>24 what you considered to be a plan, so an analyzed,</p> <p>25 you know, map with all that demographic information</p> <p style="text-align: right;">Page 96</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 and deviation information, until after that ten-day 2 mark?</p> <p>3 A. Until after it was analyzed and I could 4 get the numbers, yes.</p> <p>5 Q. Okay.</p> <p>6 A. Then we looked at it to see what the 7 deviation was, the overall deviation of the plan, 8 and how many splits there were in counties and what 9 counties were split.</p> <p>10 Q. Okay. And at that point, were there any 11 maps that were -- had two majority black districts?</p> <p>12 A. I don't remember seeing two majority 13 black districts. I remember seeing one -- two of 14 what they call opportunity districts, what they were 15 calling -- the districts were not 50 percent 16 minority.</p> <p>17 Q. Could you define your understanding of 18 an opportunity district?</p> <p>19 A. That's what they were calling them. 20 They called them opportunity districts, and they 21 were both under 50 percent minority.</p> <p>22 THE REPORTER: Under 50 percent what?</p> <p>23 A. Minority population.</p> <p>24 Q. And who is "they"?</p> <p>25 A. The people who introduced them, the</p> <p style="text-align: right;">Page 97</p>	<p>1 A. I'm afraid we would run afoul of Section 2 2 of the Voting Rights Act.</p> <p>3 Q. Okay.</p> <p>4 MR. DAVIS: Can I ask how we're doing on 5 time? This was -- I know we had a break, a long 6 break, for audio. This was a two-hour deposition 7 that was noticed. We've got three PI motions we 8 need to get back to work on. This seems to be 9 really dragging.</p> <p>10 MS. WELBORN: Well, I mean, we have up 11 to 7 hours under the Rules of Federal Procedure.</p> <p>12 MR. DAVIS: You're going to take 14?</p> <p>13 MS. WELBORN: I would hope -- I would 14 really like to not do that. But it certainly is our 15 right to do that. I can't really tell you at this 16 point exactly how much longer. But I'm happy to 17 take a break right now to help confer --</p> <p>18 MR. DAVIS: I'm hearing a lot of 19 repetition and a lot of arguing with the witness. 20 If you're going to do this discovery before the 21 preliminary injunction hearing, it needs to get 22 pretty focused and be a little sensitive and 23 courteous towards everything that we've got to do on 24 the defense side to get ready to respond to your 25 motions.</p> <p style="text-align: right;">Page 99</p>
<p>1 League of Women Voters and -- I can't remember who 2 introduced the bill in the house.</p> <p>3 Q. Okay. And -- sorry. One second. 4 If a district has under a 50 percent 5 minority population, what is the importance of that 6 number, I guess? Why was that number important?</p> <p>7 A. Under Section 2 of the Voting Rights 8 Act, we can't do anything to diminish the ability or 9 protect a class of minority citizens from electing 10 or defeating a candidate of their choice.</p> <p>11 Q. So if a district has under 50 percent 12 voting age population -- sorry. Under 50 percent 13 minority population, does that automatically 14 diminish their ability to choose a candidate of 15 their choice under Section 2?</p> <p>16 A. You're asking an attorney question.</p> <p>17 Q. Well, I mean, ultimately it's your 18 responsibility to --</p> <p>19 A. It would -- it would -- I would give 20 great caution in order to draw a district that was 21 less than 50 percent, yes.</p> <p>22 Q. Under 50 percent minority population?</p> <p>23 A. Yes. I would be very cautious.</p> <p>24 Q. Okay. And by "very cautious," does that 25 mean you are -- what does that mean?</p> <p style="text-align: right;">Page 98</p>	<p>1 MS. WELBORN: I understand what you're 2 saying.</p> <p>3 MR. ROSBOROUGH: Counsel, I thought we 4 were going to refrain from speaking objections.</p> <p>5 MR. DAVIS: What did he say?</p> <p>6 THE REPORTER: Refrain from speaking 7 objections.</p> <p>8 MS. WELBORN: Let's take a break. Let's 9 go off the record. And we'll come back and talk 10 after that.</p> <p>11 THE VIDEOGRAPHER: We are off the 12 record. The time is 11:26 a.m.</p> <p>13 (Recess was taken.)</p> <p>14 THE VIDEOGRAPHER: We are back on the 15 record. The time is 12:06 p.m.</p> <p>16 Q. So I'd like to talk about the October 17 26th reapportionment committee meeting. Do you 18 remember if you did anything to prepare for that 19 meeting?</p> <p>20 A. Yes. We sent the proposed maps to all 21 the members for their review prior to the meeting.</p> <p>22 Q. And by "we," who do you mean?</p> <p>23 A. The staff at the reapportionment 24 committee.</p> <p>25 Q. Okay. And do you remember how far in</p> <p style="text-align: right;">Page 100</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 advance you sent them out?</p> <p>2 A. As fast as we could. Remember this</p> <p>3 whole process was very condensed, very condensed.</p> <p>4 Q. I think it was the day before the</p> <p>5 meeting. Is that right?</p> <p>6 A. Yes, ma'am, which is standard operating</p> <p>7 procedure. We get bills usually about a day before.</p> <p>8 Q. Okay.</p> <p>9 A. Usually. Not all the time.</p> <p>10 Q. And did you talk to anyone about this</p> <p>11 meeting beforehand?</p> <p>12 A. I approached the members of my -- the</p> <p>13 house members of the committee to make sure they</p> <p>14 read their information and make sure they came to</p> <p>15 the meeting.</p> <p>16 Q. And other than the maps themselves, did</p> <p>17 you provide any materials to the members of the</p> <p>18 committee?</p> <p>19 A. Whatever the committee sent with the</p> <p>20 notice.</p> <p>21 Q. With the -- I'm sorry. What do you mean</p> <p>22 by the notes?</p> <p>23 A. They were sent an email notifying them</p> <p>24 of the meeting. Whatever was contained in that</p> <p>25 notification of the meeting.</p> <p style="text-align: right;">Page 101</p>	<p>1 Q. Who decides whether a racial</p> <p>2 polarization analysis should be done for a</p> <p>3 particular district?</p> <p>4 A. Not me.</p> <p>5 Q. Do you know who does decide?</p> <p>6 A. I would -- I would assume it would be</p> <p>7 our attorney.</p> <p>8 Q. Why that assumption?</p> <p>9 A. Because he's an attorney and he</p> <p>10 understands Section 2.</p> <p>11 Q. But the actual analysis itself is math,</p> <p>12 right?</p> <p>13 A. I would assume. But I've never -- never</p> <p>14 done it.</p> <p>15 Q. Okay. Would anyone other than your</p> <p>16 attorneys make the decision to have a racial</p> <p>17 polarization analysis done for a particular</p> <p>18 district?</p> <p>19 A. Not that I'm aware of. I'm sure if I</p> <p>20 asked for one, I could get it.</p> <p>21 Q. Okay. Can anyone ask for it?</p> <p>22 A. I don't know the answer to that</p> <p>23 question.</p> <p>24 Q. Well, could a member of the</p> <p>25 reapportionment committee ask for it and have it be</p> <p style="text-align: right;">Page 103</p>
<p>1 Q. And do you know who sent that email?</p> <p>2 A. Somebody on the reapportionment staff.</p> <p>3 Q. Okay. So a considerable portion of that</p> <p>4 meeting was about racial polarization analysis,</p> <p>5 which I'll also refer to as RPV. Does that --</p> <p>6 A. RP what?</p> <p>7 Q. RPV. Have you heard that term before?</p> <p>8 A. I've heard of racial population</p> <p>9 analysis.</p> <p>10 Q. I'll try to refer to it as racial</p> <p>11 polarization analysis. But that's also a lot of</p> <p>12 words.</p> <p>13 A. You can use the acronym.</p> <p>14 Q. So what's your understanding of racial</p> <p>15 polarization analysis?</p> <p>16 A. My understanding is that is done</p> <p>17 particularly for the courts to determine whether we</p> <p>18 either on purpose -- intentionally or</p> <p>19 unintentionally violated Section 2 of the Voting</p> <p>20 Rights Act and denied a group of protected class of</p> <p>21 minority citizens from electing or defeating a</p> <p>22 candidate of their choice based on the analysis of</p> <p>23 the historical vote.</p> <p>24 Q. And do you know how it's done?</p> <p>25 A. No, ma'am.</p> <p style="text-align: right;">Page 102</p>	<p>1 performed?</p> <p>2 A. I'm sure if a member of the</p> <p>3 reapportionment committee wanted one, they could</p> <p>4 approach the legal counsel of the committee and</p> <p>5 request one.</p> <p>6 Q. How do you decide which district a</p> <p>7 racial polarization analysis should be done for?</p> <p>8 A. I didn't make that decision.</p> <p>9 Q. So you don't play any role in deciding</p> <p>10 district X should have a racial polarization</p> <p>11 analysis done?</p> <p>12 A. I did not, no.</p> <p>13 Q. Okay. Do you know if there are any</p> <p>14 written guidelines for how someone should decide</p> <p>15 whether a racial polarization analysis should be</p> <p>16 done?</p> <p>17 A. I don't recall ever seeing any.</p> <p>18 Q. Do you know if there are any informal</p> <p>19 guidelines?</p> <p>20 A. I don't recall ever seeing any.</p> <p>21 Q. Or hearing of any?</p> <p>22 A. No.</p> <p>23</p> <p>24 (Plaintiff's Exhibit 4 was</p> <p>25 marked for identification.)</p> <p style="text-align: right;">Page 104</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 2 Q. I'd like to introduce Exhibit 4. This 3 is a transcript of the reapportionment committee 4 meeting from October 26th. 5 MS. WELBORN: And we will provide 6 electronic copies. 7 MR. WALKER: I understand. My only 8 caveat is while I don't have any reason to believe 9 that these are inaccurate, we haven't had a chance 10 to check it. 11 MS. WELBORN: Of course. 12 Q. I'll get to that in a second. 13 But do you know when a racial 14 polarization analysis is conducted? At what point 15 in the process, I mean. 16 A. I was under the assumption that after we 17 passed the bills, that a racial polarization 18 analysis would be done for the lawsuits. 19 Q. Okay. So after they are already 20 enacted, right? 21 A. Well, given the timeline. 22 Q. Okay. 23 A. We didn't have time to. 24 Q. If you could turn to Page 20. I'm 25 sorry. It's Page 18. And at the very bottom,</p> <p style="text-align: right;">Page 105</p>	<p>1 racial issue, do you have an understanding of what 2 that means? 3 A. You would have to ask Mr. -- Senator 4 McClendon. 5 Q. Okay. Did you encounter any possible 6 racial -- racial issues over the course of the 7 redistricting process? 8 MR. WALKER: Objection to form. I'm 9 just not sure what you mean. 10 Q. When did you take race into account in 11 the redistricting process? 12 A. Mr. Hinaman was directed by the 13 committee to follow the guidelines and to draw those 14 plans race neutral, without looking at race until 15 after he had developed a plan. That's my 16 understanding. The plan was developed, and race was 17 not looked at until after it was drawn. 18 Q. And then how was -- it was looked at 19 after the plan was drawn? 20 A. After the plan was drawn, yes, ma'am, in 21 conjunction with the members of congress. 22 Q. And do you know how it was looked at? 23 A. No. He met with members of congress to 24 go over it. 25 Q. And do you know what data was looked at?</p> <p style="text-align: right;">Page 107</p>
<p>1 Senator McClendon says, "Can I ask something? The 2 question you're asking, the answer is our attorney, 3 mine and your attorney, set that data off for 4 districts that it looked like there might possibly 5 be a racial issue." 6 And this is referring to a racial 7 polarization analysis. That is, that racial 8 polarization is done -- analysis is done for 9 districts where it looked like there might possibly 10 be a racial issue. 11 Is that your understanding of when 12 racial polarization -- that that is why a racial 13 polarization analysis is done, is because there 14 might possibly be a racial issue? 15 A. I read that as our attorney was going to 16 make that determination. 17 Q. And is it your understanding that 18 looking like there might possibly be a racial issue 19 is the criteria for determining whether a racial 20 polarization analysis should be conducted for a 21 particular district? 22 A. Again, I was leaving that to the 23 attorney to determine, what we would have to prepare 24 for court cases. 25 Q. So talking about might possibly be a</p> <p style="text-align: right;">Page 106</p>	<p>1 A. No, ma'am. 2 MR. WALKER: Did you say date? 3 MS. WELBORN: Data. 4 Q. And do you know anything that would have 5 changed because race was taken into account in the 6 congressional map? 7 A. No, ma'am. 8 Q. And when you said the committee gave 9 instructions to Mr. Hinaman, who are you referring 10 to specifically? 11 A. I would say Chairman McClendon and I 12 told Mr. Hinaman to follow the guidelines in drawing 13 these maps. 14 Q. And in doing so, that means taking a 15 race-neutral approach to drawing the first map; is 16 that right? 17 A. Yes, ma'am. The congressional map, yes, 18 ma'am. 19 Q. Did you give any other instructions to 20 Mr. Hinaman? 21 A. Follow the guidelines. 22 Q. But that's it? 23 A. That's the reason why we adopted the 24 guidelines. 25 Q. And how did you communicate with</p> <p style="text-align: right;">Page 108</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 Mr. Hinaman?</p> <p>2 A. I would see him in the reapportionment</p> <p>3 office, and on the telephone.</p> <p>4 Q. Okay. Did you ever email with him?</p> <p>5 A. No, ma'am. I'm not a big email person.</p> <p>6 Q. I suppose that means you didn't text him</p> <p>7 either.</p> <p>8 A. Nothing of substance.</p> <p>9 Q. Okay.</p> <p>10 A. And I'll be glad to show you the texts.</p> <p>11 Q. So are you aware of any racial</p> <p>12 polarization analysis that was done for any district</p> <p>13 in the 2001 -- or 2021 congressional map prior to</p> <p>14 this meeting on October 26th?</p> <p>15 A. No, ma'am.</p> <p>16 Q. So not for District 7?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Had a racial polarization analysis been</p> <p>19 done for some state legislative districts?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Was any racial polarization analysis</p> <p>22 conducted for any of the maps at any point before</p> <p>23 October 26th?</p> <p>24 A. No, ma'am.</p> <p>25 Q. So a racial polarization analysis</p> <p style="text-align: right;">Page 109</p>	<p>1 analysis was done because the maps had already</p> <p>2 passed, right?</p> <p>3 A. Yes.</p> <p>4 Q. Sorry. I'm not trying to trick you.</p> <p>5 A. No. I had to think about it. Yes,</p> <p>6 we -- we passed the maps.</p> <p>7 Q. Okay. Did you ever suggest having a</p> <p>8 racial polarization analysis done before the maps</p> <p>9 were passed?</p> <p>10 A. I didn't consider it an option. We were</p> <p>11 under such a tight timeline. We knew we would have</p> <p>12 to do it because of the lawsuit that had already</p> <p>13 been filed before we ever filed a bill, and we knew</p> <p>14 it would be done. We just didn't have time to . . .</p> <p>15 Q. To get it done?</p> <p>16 A. To get it done.</p> <p>17 Q. Do you know how long it takes to perform</p> <p>18 a racial polarization analysis?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Do you know if anyone suggested doing a</p> <p>21 racial polarization analysis prior to the bill's</p> <p>22 passing?</p> <p>23 A. It came up in the committee meeting.</p> <p>24 And we assured them that we were going to perform</p> <p>25 them, the ones that our attorneys deemed necessary,</p> <p style="text-align: right;">Page 111</p>
<p>1 couldn't be taken into account for drawing the</p> <p>2 initial map?</p> <p>3 A. We drew them race blind.</p> <p>4 Q. Do you know when the first time a racial</p> <p>5 polarization analysis was conducted for any district</p> <p>6 for the congressional map?</p> <p>7 A. My understanding, they were sent off</p> <p>8 sometime after the bills at the end of the special</p> <p>9 session.</p> <p>10 Q. Do you know who requested that?</p> <p>11 A. I believe Mr. Walker.</p> <p>12 Q. And do you know why that request was</p> <p>13 made?</p> <p>14 A. Because we already had a lawsuit filed.</p> <p>15 We had a lawsuit filed against us before we ever</p> <p>16 filed a bill.</p> <p>17 Q. Who -- do you know who did the racial</p> <p>18 polarization analysis?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Do you know if a consultant was hired to</p> <p>21 do it?</p> <p>22 A. There was somebody hired. I do not know</p> <p>23 who.</p> <p>24 Q. So just to be clear, nothing changed as</p> <p>25 a part of the maps after the racial polarization</p> <p style="text-align: right;">Page 110</p>	<p>1 and we would get that to them when we had the</p> <p>2 information.</p> <p>3 Q. Do you know if a racial polarization</p> <p>4 analysis had been done for congressional maps in</p> <p>5 previous redistricting cycles?</p> <p>6 A. I have no knowledge.</p> <p>7 Q. You don't remember from the 2001, 2002</p> <p>8 cycle if that happened?</p> <p>9 A. Remember we were under Section 5</p> <p>10 preclearance at the time. And once they called and</p> <p>11 said we had been precleared -- I had never heard the</p> <p>12 term before that.</p> <p>13 Q. Okay. So do you know when the racial</p> <p>14 polarization analysis for the congressional map was</p> <p>15 finished?</p> <p>16 A. I have not seen it.</p> <p>17 Q. You have not seen it?</p> <p>18 A. I have not seen it.</p> <p>19 Q. Okay. Have you asked to look at it?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Have you talked to anyone about it?</p> <p>22 A. You.</p> <p>23 Q. So why don't you do the racial</p> <p>24 polarization analysis for all districts just as a</p> <p>25 matter of course? And I'm not talking -- I</p> <p style="text-align: right;">Page 112</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 understand there's a time crunch here. But in 2 general, why isn't it done for all of the districts 3 just because?</p> <p>4 A. I don't see a need for some of the 5 districts. They're not being challenged in court, 6 are they?</p> <p>7 Q. Well, Districts 1, 2, and 3 are also 8 being challenged.</p> <p>9 A. Okay.</p> <p>10 Q. And when you say you don't see a need, 11 why is that?</p> <p>12 A. If you're not challenging them in court, 13 I mean, I don't see the need to do an analysis on 14 them.</p> <p>15 Q. Okay. But four of seven districts are 16 being challenged in this lawsuit.</p> <p>17 A. Okay.</p> <p>18 Q. If you turn to Page 19, Senator 19 McClendon and Representative England have a 20 back-and-forth here about a number, 54 percent of 21 black voting age population for District 7. So 54 22 percent BVAP.</p> <p>23 And Representative England is asking 24 that a racial polarization analysis be done. And 25 Senator McClendon says that he was told by</p> <p style="text-align: right;">Page 113</p>	<p>1 A. No, ma'am, I have no opinion.</p> <p>2 Q. Do you know what the relationship is 3 between having a BVAP of 54 percent and the decision 4 to do a racial polarization analysis?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Do you know at what percent of BVAP a 7 district would have that you would need to do a 8 racial polarization analysis?</p> <p>9 A. No, ma'am.</p> <p>10 Q. So would you agree with the statement 11 that if a black district has a BVAP of under 54 12 percent, that requires a racial polarization 13 analysis?</p> <p>14 A. I can't agree or disagree with that 15 statement. I think it depends on the district. But 16 I don't know.</p> <p>17 Q. What would -- what do you mean by 18 "depends on the district"?</p> <p>19 A. I've seen majority minority districts 20 elect nonminorities.</p> <p>21 Q. I would like to introduce another 22 exhibit. This is the transcript of the floor 23 debate, Plaintiff's Exhibit 5, on November 1st.</p> <p>24 A. All right.</p> <p>25</p> <p style="text-align: right;">Page 115</p>
<p>1 Mr. Walker that a racial polarization analysis for 2 District 7 is unnecessary because District 7 has a 3 BVAP of around 54 percent.</p> <p>4 Why would it be unnecessary to conduct a 5 racial polarization analysis if a district has a 6 BVAP of around 54 percent?</p> <p>7 A. I think you need to ask Senator 8 McClendon that. I didn't say that.</p> <p>9 Q. But do you have an opinion on that?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Do you think that having a BVAP of 12 around 54 percent for a particular district is 13 important?</p> <p>14 A. I -- it's my understanding that's -- 15 that's the plan that Congresswoman Sewell agreed to.</p> <p>16 Q. And what do you mean by that?</p> <p>17 A. Mr. Hinaman worked with the members of 18 congress, and they signed off on the map that he had 19 drawn and said they agreed to it and would accept 20 it. I was not privy to that conversation, though. 21 That's secondhand. I was just told that.</p> <p>22 Q. Who told you that?</p> <p>23 A. I don't remember.</p> <p>24 Q. So do you have any opinion on whether 25 District 7 should have a BVAP of around 54 percent?</p> <p style="text-align: right;">Page 114</p>	<p>1 (Plaintiff's Exhibit 5 was 2 marked for identification.)</p> <p>3</p> <p>4 Q. And if you'll flip to Page 20.</p> <p>5 MR. WALKER: And, Kaitlin, I'll just put 6 on the record that we also have not had a chance to 7 check this. I don't have any reason to believe it's 8 inaccurate. But I just note that for the record.</p> <p>9 MS. WELBORN: Yes. We will stipulate to 10 that for all of the transcripts.</p> <p>11 MR. WALKER: Okay.</p> <p>12 Q. So you're having a back-and-forth here 13 with Representative England who again is asking why 14 a racial polarization analysis was not done on 15 District 7.</p> <p>16 And at the very bottom of the page, you 17 said, "We thought it was necessary, but they cut it 18 off, I think, at 51 percent. Anything under 51 19 percent they did it on. Anyone over that, they 20 didn't do it."</p> <p>21 Do you know what you mean -- what you 22 meant by that statement?</p> <p>23 A. I don't remember. I really -- I think 24 that what I was talking about at that point was 25 trying to get something done rapidly, as fast as</p> <p style="text-align: right;">Page 116</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 possible. And we didn't have time to do 140</p> <p>2 legislative districts, eight school board digits,</p> <p>3 and seven congressional districts given the time</p> <p>4 frame we had.</p> <p>5 Q. And the 51 percent is BVAP. I'll tell</p> <p>6 you that that.</p> <p>7 Okay. And when you said, "We thought it</p> <p>8 was necessary," do you know who you were referring</p> <p>9 to?</p> <p>10 A. I would assume it was Mr. Walker and</p> <p>11 Mr. Hinaman and myself.</p> <p>12 Q. Okay. And when you said they --</p> <p>13 A. Because on that floor -- at this time,</p> <p>14 I'm sure you have my talking points.</p> <p>15 Q. Yes.</p> <p>16 A. I was going -- I was using my talking</p> <p>17 points. And remember this was rapid fire, as fast</p> <p>18 as -- and I was -- this was late into the session.</p> <p>19 And Mr. England is a very skilled</p> <p>20 attorney and chairman of the democratic party. So</p> <p>21 he is quite, quite gifted in the way he can ask</p> <p>22 questions and get people that are not attorneys to</p> <p>23 answer them.</p> <p>24 Q. And so when you said that they cut it</p> <p>25 off at 51 percent, do you know who the "they" is?</p> <p style="text-align: right;">Page 117</p>	<p>1 A. That's a question I really can't -- I</p> <p>2 don't think there's a magic number that exists to</p> <p>3 guarantee the election or defeat of a minority</p> <p>4 candidate.</p> <p>5 Q. Is there some range?</p> <p>6 A. Again, I was told that Congresswoman</p> <p>7 Sewell was comfortable with the plan that had been</p> <p>8 presented and was in support of that plan. And the</p> <p>9 other members of congress were in support of it.</p> <p>10 Q. I would like to introduce Plaintiff's</p> <p>11 Exhibit 6, which is the final 2021 map for congress.</p> <p>12</p> <p>13 (Plaintiff's Exhibit 6 was</p> <p>14 marked for identification.)</p> <p>15</p> <p>16 Q. And District 7 is the one in brown.</p> <p>17 Would you agree that District 7 appears to be</p> <p>18 racially jerrymandered?</p> <p>19 A. I think just District 7 is in large part</p> <p>20 the same district that was drawn under the Reed</p> <p>21 Buskey, just adjusted for population increases.</p> <p>22 Q. And how would you describe the shape of</p> <p>23 District 7?</p> <p>24 A. Again, we try and maintain the core of</p> <p>25 existing districts. And this district was created</p> <p style="text-align: right;">Page 119</p>
<p>1 A. I would assume I was referring to</p> <p>2 Mr. Walker and Mr. Hinaman.</p> <p>3 Q. And how was that 51 percent number</p> <p>4 chosen?</p> <p>5 A. I'm sure I was just reading the talking</p> <p>6 point.</p> <p>7 Q. And who prepared those talking points?</p> <p>8 A. Mr. Walker and, I believe, Mr. Hinaman.</p> <p>9 Q. And did you discuss those talking points</p> <p>10 with either Mr. Walker or Mr. Hinaman?</p> <p>11 A. They were getting them to me as fast as</p> <p>12 they could. This was rapid fire.</p> <p>13 Q. What is your understanding of how you</p> <p>14 can tell whether minorities can elect their</p> <p>15 candidate of choice?</p> <p>16 A. In the congressional maps?</p> <p>17 Q. Yes.</p> <p>18 A. I don't really understand that question.</p> <p>19 Would you repeat it, please?</p> <p>20 Q. How can you tell whether minorities can</p> <p>21 elect their candidate of choice in a particular</p> <p>22 district?</p> <p>23 A. In a particular congressional district?</p> <p>24 Q. Well, any district. But in this case,</p> <p>25 yes, we're talking about a congressional district.</p> <p style="text-align: right;">Page 118</p>	<p>1 in 1992 by the Reed Buskey plan.</p> <p>2 MS. WELBORN: I would like to take just</p> <p>3 a short break. We might be finished. I just want</p> <p>4 to double-check.</p> <p>5 MR. WALKER: Would you like for us to</p> <p>6 leave the room?</p> <p>7 MS. WELBORN: Let's go off the record.</p> <p>8 THE VIDEOGRAPHER: We are off the</p> <p>9 record. The time is 12:33 p.m.</p> <p>10 (Recess was taken.)</p> <p>11 THE VIDEOGRAPHER: We are back on the</p> <p>12 record. The time is 12:40 p.m.</p> <p>13 MS. WELBORN: The Milligan plaintiffs</p> <p>14 are finished asking questions. I'm not sure if the</p> <p>15 Singleton or Caster plaintiffs have any questions</p> <p>16 for you. But after that, we can break for lunch and</p> <p>17 you'll be done.</p> <p>18 MR. WALKER: Yay.</p> <p>19 MS. WELBORN: Yay.</p> <p>20 MS. FAULKS: Do the Caster plaintiffs</p> <p>21 have any questions?</p> <p>22 MR. OSHER: Can you hear me?</p> <p>23 (Discussion held off the record.)</p> <p>24 EXAMINATION BY MR. OSHER:</p> <p>25 Q. I only have a few questions. So this</p> <p style="text-align: right;">Page 120</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 should be -- this should be very quick.</p> <p>2 Representative, thank you for your time. My name is</p> <p>3 Daniel Osher. I am an attorney for the plaintiffs</p> <p>4 in the Caster litigation.</p> <p>5 You might have said this before. And I</p> <p>6 apologize if you did, Representative. How long have</p> <p>7 you served in the Alabama legislature?</p> <p>8 A. I was first elected in 1994. I served</p> <p>9 two terms. I left in 2002. And I was reelected in</p> <p>10 2014 and '18.</p> <p>11 Q. Okay. So that's roughly how many years?</p> <p>12 A. 12. How many years total? I'll be 16</p> <p>13 years in the legislature with a 12-year gap.</p> <p>14 Q. Great. Thank you.</p> <p>15 And have you been a member of the</p> <p>16 republican party that whole time?</p> <p>17 A. I've been an elected republican</p> <p>18 official. But I've never been an official member of</p> <p>19 the Alabama Republican Party.</p> <p>20 Q. I understand. Have you always</p> <p>21 considered yourself a republican?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Based on your 16 years serving in the</p> <p>24 legislature, in your view, do the views of members</p> <p>25 of the democratic party in Alabama differ from the</p> <p style="text-align: right;">Page 121</p>	<p>1 A. I'm assuming that I've had numerous</p> <p>2 conversations with both republicans and democrats,</p> <p>3 yes.</p> <p>4 Q. And do you have a general sense of how</p> <p>5 one party views a major issue in Alabama as opposed</p> <p>6 to another party?</p> <p>7 A. I'm sure we differ on specific issues,</p> <p>8 yes.</p> <p>9 Q. Okay. So based on your 16 years serving</p> <p>10 in the legislature, do the views of members of the</p> <p>11 democratic party in Alabama generally differ from</p> <p>12 the members of the republican party in Alabama</p> <p>13 generally when it comes to affirmative action?</p> <p>14 A. Again, your definition of affirmative</p> <p>15 action I don't know.</p> <p>16 Q. Policies implementing a preference for</p> <p>17 individuals while considering their race.</p> <p>18 A. I think given my history of being in the</p> <p>19 Alabama legislature when the democrats were in</p> <p>20 supermajority, it's a pretty wide spectrum across</p> <p>21 political lines.</p> <p>22 Q. So you're saying that the two major</p> <p>23 parties in Alabama do not have the -- have the same</p> <p>24 view when it comes to affirmative action?</p> <p>25 A. I couldn't answer that. I've run across</p> <p style="text-align: right;">Page 123</p>
<p>1 members of the republican party in Alabama when it</p> <p>2 comes to removing confederate monuments from public</p> <p>3 spaces?</p> <p>4 A. I mean, you're asking me to suppose what</p> <p>5 other people are thinking. But I would say yes.</p> <p>6 Q. And based -- based on your 16 years in</p> <p>7 the legislature, do the views of members of the</p> <p>8 democratic party in Alabama differ from the members</p> <p>9 of the republican party in Alabama when it comes to</p> <p>10 affirmative action?</p> <p>11 MR. WALKER: Objection to form. Dan,</p> <p>12 I'm not sure that we have a clear understanding of</p> <p>13 what affirmative action is these days.</p> <p>14 MR. OSHER: I didn't catch that, Dorman.</p> <p>15 Can you say that again?</p> <p>16 MR. WALKER: Yeah. I'm not sure that I</p> <p>17 would have a clear understanding of what affirmative</p> <p>18 action is these days.</p> <p>19 MR. OSHER: Sure.</p> <p>20 Q. Representative, in your 16 years of</p> <p>21 service in the legislature, have you had an</p> <p>22 opportunity to view what the general views of each</p> <p>23 of the major parties in the state are?</p> <p>24 A. On which issue?</p> <p>25 Q. On various issues.</p> <p style="text-align: right;">Page 122</p>	<p>1 varying opinions in different members.</p> <p>2 Q. Okay. Based on your 16 years in the</p> <p>3 legislature, do the views of members of the</p> <p>4 democratic party in Alabama generally differ from</p> <p>5 members of the republican party in Alabama generally</p> <p>6 when it comes to criminal justice reform?</p> <p>7 A. I think -- I think there's a divide,</p> <p>8 yes. But I know some -- some conservatives that are</p> <p>9 in favor of criminal justice reform themselves.</p> <p>10 Q. And just to clarify, you're saying that</p> <p>11 there is a difference between the general views of</p> <p>12 the democratic party -- members of the democratic</p> <p>13 party and members of the republican party when it</p> <p>14 comes to criminal justice reform?</p> <p>15 A. There could be, yes.</p> <p>16 Q. Is it -- in your view, is there a divide</p> <p>17 between the members of the party or not?</p> <p>18 A. I think some members hold different</p> <p>19 opinions, yes.</p> <p>20 Q. And the same question. Based on your</p> <p>21 experience in serving in the legislature, do the</p> <p>22 views of the members of the democratic party</p> <p>23 generally in Alabama differ from the members of the</p> <p>24 republican party generally in Alabama when it comes</p> <p>25 to the view of whether there's a significant amount</p> <p style="text-align: right;">Page 124</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 of discrimination against black individuals in the 2 state?</p> <p>3 A. Yes.</p> <p>4 MR. OSHER: Okay. That's all I have. 5 Thank you very much for your time, Representative.</p> <p>6 MR. WALKER: Thank you. Thank you, 7 Daniel.</p> <p>8 MS. FAULKS: Singleton plaintiffs, do 9 you have any questions?</p> <p>10 MR. BLACKSHER: Did I get called? 11 MR. WALKER: You did. You did, Jim. 12 MR. BLACKSHER: Well, thank you.</p> <p>13 EXAMINATION BY MR. BLACKSHER:</p> <p>14 Q. Representative Pringle, I hope you make 15 it back to Mobile before the night is over.</p> <p>16 A. Thank you. So do I.</p> <p>17 Q. I wouldn't want to stay in Montgomery 18 overnight if I could get back to Mobile on a Friday 19 night.</p> <p>20 A. See, we have a lot in common, 21 Mr. Blacksher.</p> <p>22 Q. Yeah.</p> <p>23 A. I'm not --</p> <p>24 Q. I just have a --</p> <p>25 MR. WALKER: Go ahead.</p> <p style="text-align: right;">Page 125</p>	<p>1 A. You were asking for a plan that had all 2 whole counties that created two opportunity 3 districts.</p> <p>4 Q. Did he tell you that the lawsuit 5 contended that the plan that was enacted in 2011 was 6 racially jerrymandered?</p> <p>7 MR. WALKER: I'm going to -- I'm going 8 to assert privilege. You might be able to ask that 9 question a different way, Jim. But I think the way 10 you've asked it, it calls -- or could call for an 11 attorney-client communication.</p> <p>12 Q. Okay. I lost you. All I see is a 13 telephone screen now. Oh, there you are up in the 14 corner.</p> <p>15 Let me ask it this way, Representative 16 Pringle. Were you aware and are you aware now that 17 the Singleton complaint alleged, when it was filed 18 September 27th, that the plan enacted in 2011 was 19 unconstitutional because it was racially 20 jerrymandered?</p> <p>21 A. Not specifically.</p> <p>22 Q. Okay. Were you aware that the state 23 attorney general's office had said in a lawsuit in 24 Birmingham in 2019 that the 2011 plan was racially 25 jerrymandered?</p> <p style="text-align: right;">Page 127</p>
<p>1 Q. I just have -- I have very few 2 questions.</p> <p>3 Representative Pringle, you said that -- 4 and I haven't been in on your whole discussion. I 5 confess I had to jump off on some other calls while 6 it was all going on. So I apologize if I go over 7 something that you've already spoken about.</p> <p>8 But I did hear you say with a smile on 9 your face that there was a lawsuit filed even before 10 you passed a plan. And that would be referring to 11 the Singleton case, right?</p> <p>12 A. I refer to it as the League of Women 13 Voters. But yes, sir.</p> <p>14 Q. The League of Women Voters. It was the 15 lawsuit that was advocating the League of Women 16 Voters whole county plan?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. And who informed you that that 19 suit had been filed? It was Mr. Walker, wasn't it?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And did you get a chance to read the 22 complaint?</p> <p>23 A. No, sir.</p> <p>24 Q. And did Mr. Walker tell you what the 25 lawsuit was about?</p> <p style="text-align: right;">Page 126</p>	<p>1 MR. DAVIS: Object to the form.</p> <p>2 MR. WALKER: Jim, did you hear that 3 objection to form from Jim Davis?</p> <p>4 MR. BLACKSHER: Yes.</p> <p>5 MR. DAVIS: That's not what it said.</p> <p>6 Q. Are you aware that that is what the 7 complaint that Singleton filed alleged, that the 8 state attorney general had conceded in federal court 9 in 2019 that the 2011 plan was racially 10 jerrymandered? Were you aware of that?</p> <p>11 MR. DAVIS: Object to the form.</p> <p>12 MR. WALKER: Object to form.</p> <p>13 Q. You -- you can answer.</p> <p>14 MR. WALKER: I'm sorry. You can answer, 15 if you can.</p> <p>16 A. No.</p> <p>17 Q. You weren't aware of that.</p> <p>18 Were you aware -- did anyone tell you 19 that the lawsuit contended that when drawing a new 20 congressional plan with 2020 census data, that the 21 legislature had a constitutional obligation to 22 remedy a racial jerrymandering?</p> <p>23 A. No.</p> <p>24 Q. Okay. And as chair of the 25 reapportionment committee, you can testify that</p> <p style="text-align: right;">Page 128</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 there was no effort made by the reapportionment</p> <p>2 committee to remedy any racial jerryandering in the</p> <p>3 2011 claim; isn't that correct?</p> <p>4 A. I testified that Mr. Hinaman was</p> <p>5 directed to draw those seven congressional districts</p> <p>6 based on the guidelines of the committee.</p> <p>7 Q. Yeah. And no one informed you, and you</p> <p>8 -- excuse me.</p> <p>9 The committee never attempted to remedy</p> <p>10 a racial jerryandering; is that correct?</p> <p>11 A. I did not know there was a --</p> <p>12 Q. Racial jerryandering?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Now, my understanding from your</p> <p>15 testimony is that Mr. Walker advised you as chair of</p> <p>16 the reapportionment committee that the congressional</p> <p>17 redistricting plan had to have zero deviation; is</p> <p>18 that correct?</p> <p>19 A. Yes.</p> <p>20 Q. So did anyone else give you that advice,</p> <p>21 zero deviation?</p> <p>22 A. Mr. Hinaman.</p> <p>23 Q. So Mr. Hinaman advised you that the plan</p> <p>24 had to be zero deviation?</p> <p>25 A. Well, Mr. Blacksher, was not the 2011</p> <p style="text-align: right;">Page 129</p>	<p>1 Q. Are you aware of any -- anyone -- did</p> <p>2 Mr. Walker, by the way, advise you that he had</p> <p>3 consulted other lawyers to reach this opinion?</p> <p>4 MR. WALKER: Jim, I'm going to object on</p> <p>5 the grounds of privilege to that. You can ask it</p> <p>6 some other way.</p> <p>7 Q. I'm just trying to get everything you</p> <p>8 knew or did not know about the requirement of zero</p> <p>9 deviation.</p> <p>10 And what I've heard you say,</p> <p>11 Representative Pringle, is that you were aware,</p> <p>12 since you've been involved in one way or the other</p> <p>13 with redistricting, that it had been going on for</p> <p>14 several decades, right?</p> <p>15 A. Zero deviation in congressional races?</p> <p>16 Q. Yes.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And when it came to drawing the</p> <p>19 2020 plan, you were advised that that needed to</p> <p>20 continue, zero deviation needed to continue. And</p> <p>21 that advice came from Mr. Walker and Mr. Hinaman; is</p> <p>22 that correct?</p> <p>23 MR. WALKER: Objection to form to the</p> <p>24 extent it calls for an attorney-client</p> <p>25 communication.</p> <p style="text-align: right;">Page 131</p>
<p>1 and the 2002 plans all zero deviations, and the 1992</p> <p>2 plan?</p> <p>3 Q. Well, what I asked -- the question was</p> <p>4 did Mr. Hinaman advise you that it needed to be zero</p> <p>5 deviation.</p> <p>6 A. Again, Mr. Hinaman has been part of this</p> <p>7 for years. And I think every plan has been drawn to</p> <p>8 zero deviation.</p> <p>9 Q. Okay. Does that mean that he did advise</p> <p>10 you to keep it at zero deviation?</p> <p>11 A. Yes. Because all the other plans had</p> <p>12 been drawn to zero deviation.</p> <p>13 Q. Okay. That's fine.</p> <p>14 And did anyone besides Mr. Walker and</p> <p>15 Mr. Hinaman advise the committee that the plan had</p> <p>16 to keep a zero deviation?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. Did the -- did you as chair or did</p> <p>19 anyone on the committee seek the advice of the</p> <p>20 Alabama attorney general's office on whether it</p> <p>21 needed to have zero deviation?</p> <p>22 A. I did not.</p> <p>23 Q. Are you aware of anyone on the</p> <p>24 committee who did?</p> <p>25 A. No, sir.</p> <p style="text-align: right;">Page 130</p>	<p>1 Q. But you can answer, I think.</p> <p>2 MR. BLACKSHER: Counsel, can he answer?</p> <p>3 Q. Okay. Let me ask another question.</p> <p>4 Did Mr. Walker also advise you that in</p> <p>5 order to comply with the Voting Rights Act, the</p> <p>6 congressional redistricting plan had to have a</p> <p>7 majority black district? Is that correct?</p> <p>8 MR. WALKER: Objection, attorney-client</p> <p>9 privilege.</p> <p>10 Q. Well, that's in the talking points,</p> <p>11 isn't it? Isn't that -- isn't the requirement of a</p> <p>12 majority black district one of the things that's in</p> <p>13 the talking points that you've exchanged with us</p> <p>14 that you -- that you read from on the floor of the</p> <p>15 legislature?</p> <p>16 A. I don't have any direct recollection of</p> <p>17 that at this time.</p> <p>18 Q. So did anyone advise you, as chair of</p> <p>19 the reapportionment committee, that in order to</p> <p>20 comply with the Voting Rights Act, the plan had to</p> <p>21 have one majority black district, at least one</p> <p>22 majority black district?</p> <p>23 MR. WALKER: Object to the question to</p> <p>24 the extent it calls for an attorney-client</p> <p>25 communication. Otherwise, you can answer.</p> <p style="text-align: right;">Page 132</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 A. We instructed Mr. Hinaman, quoting the</p> <p>2 guidelines, to protect the core of the existing</p> <p>3 districts to the extent possible and to draw it to</p> <p>4 zero deviation.</p> <p>5 Q. Okay. Representative Pringle, there's</p> <p>6 absolutely no mention of majority black in the</p> <p>7 guidelines.</p> <p>8 So the question is: In complying -- the</p> <p>9 guidelines say that you had to comply with the</p> <p>10 Voting Rights Act, right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. But it doesn't say majority</p> <p>13 black, right?</p> <p>14 A. The guidelines, I don't recall them</p> <p>15 saying that.</p> <p>16 Q. Right. So the question is: Were you</p> <p>17 advised that to comply with the Voting Rights Act,</p> <p>18 there had to be a majority black district?</p> <p>19 MR. WALKER: Objection that I've made</p> <p>20 before to the extent it calls for attorney-client</p> <p>21 communication. Otherwise, he can answer.</p> <p>22 A. Again, those plans are drawn in a</p> <p>23 race-neutral manner based on the guidelines to</p> <p>24 preserve the core of the existing congressional</p> <p>25 districts.</p> <p style="text-align: right;">Page 133</p>	<p>1 understand that you needed to have a majority black</p> <p>2 district.</p> <p>3 A. I understood that we needed to draw</p> <p>4 districts to help protect the incumbent, yes.</p> <p>5 Q. And to you, that meant a majority black</p> <p>6 district, protecting the incumbent. Is that your</p> <p>7 answer?</p> <p>8 A. Well, I acquiesced to Mr. Hinaman who</p> <p>9 met with the members of the congress and talked to</p> <p>10 them about their districts and what they wanted and</p> <p>11 how they wanted them drawn. And he presented a plan</p> <p>12 to me that he said the members of congress agreed to</p> <p>13 that were seeking reelection, that they had agreed</p> <p>14 to.</p> <p>15 Q. Okay. Let's talk for just a second</p> <p>16 about the League of Women Voters' whole county plan.</p> <p>17 According to the talking points, you</p> <p>18 were advised that that plan would be</p> <p>19 unconstitutional because its deviation was too</p> <p>20 large; isn't that correct?</p> <p>21 A. That was in my -- the analysis I</p> <p>22 received, yes.</p> <p>23 Q. And that information came from whoever</p> <p>24 wrote the talking points?</p> <p>25 A. Yes. That would be Mr. Hinaman and</p> <p style="text-align: right;">Page 135</p>
<p>1 Q. Yes, sir. I've heard that testimony.</p> <p>2 My question, though, is were you advised</p> <p>3 that the Voting Rights Act required there to be a</p> <p>4 majority black district?</p> <p>5 MR. WALKER: Same objection.</p> <p>6 A. The Voting Rights Act requires that we</p> <p>7 in no way intentionally nor unintentionally diminish</p> <p>8 the ability of a protected class of minority</p> <p>9 citizens from electing or defeating a candidate of</p> <p>10 their choosing.</p> <p>11 Q. And did that mean a majority black</p> <p>12 district?</p> <p>13 A. It means we had -- we drew a district</p> <p>14 that would allow -- that maintained the core of an</p> <p>15 existing minority district. But we did it in a</p> <p>16 race-neutral way.</p> <p>17 Q. Your understanding of the requirement of</p> <p>18 maintaining the cores and drawing a race-neutral</p> <p>19 plan meant that you needed to end up with a majority</p> <p>20 black district. Am I hearing you correctly?</p> <p>21 A. We -- we made every opportunity to</p> <p>22 protect the incumbents who were seeking reelection.</p> <p>23 Q. That's not the question I asked you</p> <p>24 about the incumbent.</p> <p>25 I asked if you were advised and did you</p> <p style="text-align: right;">Page 134</p>	<p>1 Mr. Walker.</p> <p>2 Q. Okay. And the talking points also</p> <p>3 advised, didn't they, that the League of Women</p> <p>4 Voters' plan would violate the Voting Rights Act</p> <p>5 because it did not have a majority black district;</p> <p>6 isn't that correct?</p> <p>7 A. It could potentially violate Section 2</p> <p>8 by diminishing the ability of a protected class of</p> <p>9 citizens from electing or defeating a candidate of</p> <p>10 their choosing, yes.</p> <p>11 Q. I'm just asking if the talking points</p> <p>12 said -- you know, I don't have them in front of me.</p> <p>13 You've probably been looking at them all morning.</p> <p>14 A. Actually, I haven't.</p> <p>15 Q. The talking points actually said, didn't</p> <p>16 it -- the talking points actually said that the</p> <p>17 League of Women Voters' whole county plan would</p> <p>18 violate the Voting Rights Act because it did not</p> <p>19 have a majority black district.</p> <p>20 Now, did you -- did anyone else give you</p> <p>21 that advice other than what was in the talking</p> <p>22 points?</p> <p>23 MR. DAVIS: Object to the form.</p> <p>24 MR. WALKER: Object to the form.</p> <p>25 THE WITNESS: Can I answer?</p> <p style="text-align: right;">Page 136</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 MR. WALKER: You can answer to the</p> <p>2 extent that you do not discuss any communication you</p> <p>3 may have received from an attorney, in particular</p> <p>4 one from the AG's office.</p> <p>5 A. I was reading the talking points that</p> <p>6 you have before you.</p> <p>7 Q. Actually, I don't have them before me.</p> <p>8 I'm sorry.</p> <p>9 But in any event, let me -- let me wrap</p> <p>10 this up this way. Was the -- was the committee ever</p> <p>11 presented in writing a statement that the League of</p> <p>12 Women Voters' whole county plan violated the Voting</p> <p>13 Rights Act?</p> <p>14 A. If my memory serves me correctly, we did</p> <p>15 not yet have the official League of Women Voters'</p> <p>16 plan in the computer at the time of the committee</p> <p>17 meeting. I think it was introduced later.</p> <p>18 Q. Okay. You're going to have to listen to</p> <p>19 the question again.</p> <p>20 MR. BLACKSHER: Could I ask the court</p> <p>21 reporter to read the question back, please?</p> <p>22 (Record read.)</p> <p>23 A. Was the committee ever presented --</p> <p>24 MR. WALKER: Was the committee ever</p> <p>25 presented in writing.</p> <p style="text-align: right;">Page 137</p>	<p>1 "minimal deviation," you interpreted that on your</p> <p>2 own as meaning zero deviation; is that correct?</p> <p>3 A. Based on my knowledge and history of</p> <p>4 reapportionment, congressional reapportionment, and</p> <p>5 the fact that we have drawn zero deviation</p> <p>6 districts, yes, sir.</p> <p>7 Q. Okay. So that would -- and you reached</p> <p>8 that conclusion independently of anybody's advice,</p> <p>9 right?</p> <p>10 A. Well, Mr. Walker and Mr. Hinaman and I</p> <p>11 all concurred that minimum deviation means zero.</p> <p>12 And based on my readings, I would concur with that,</p> <p>13 what I read.</p> <p>14 Q. Thank you, Representative Pringle.</p> <p>15 Those are the only questions that I have.</p> <p>16 A. Mr. Blacksher, it's always a pleasure.</p> <p>17 Q. I hope to see you again soon.</p> <p>18 A. I'm sure you will.</p> <p>19 MR. WALKER: I think that can be</p> <p>20 arranged.</p> <p>21 MS. FAULKS: Dorman, with that, I think</p> <p>22 that we are done. For lunch, how long do we want to</p> <p>23 break?</p> <p>24 MR. WALKER: Wait. Can we have 30</p> <p>25 seconds to confer?</p> <p style="text-align: right;">Page 139</p>
<p>1 A. I have no recollection of that.</p> <p>2 Q. Okay. Thank you.</p> <p>3 And was the committee ever presented in</p> <p>4 writing a statement that the League of Women Voters</p> <p>5 -- I'm sorry. Let me strike that. Let me start</p> <p>6 over.</p> <p>7 Was the committee ever presented in</p> <p>8 writing a statement that the congressional plan had</p> <p>9 to have zero deviation?</p> <p>10 A. I don't understand the question.</p> <p>11 Q. Did the committee have in writing a</p> <p>12 statement that the congressional plan had to have</p> <p>13 zero deviation?</p> <p>14 A. The guidelines called for it, which has</p> <p>15 been done for -- as you know, for years and years.</p> <p>16 For decades, we've always drawn down to zero</p> <p>17 deviation in congressional.</p> <p>18 Q. Okay. So the guidelines say that the</p> <p>19 congressional plan must have minimal deviation.</p> <p>20 A. Which we interpret to be -- which we</p> <p>21 interpret to be zero deviation just like it was, you</p> <p>22 know, in 2011, 2002, 1992.</p> <p>23 Q. Okay. That's good.</p> <p>24 So in other words, when you saw, as</p> <p>25 chair of the committee, that the guidelines said</p> <p style="text-align: right;">Page 138</p>	<p>1 THE VIDEOGRAPHER: We're off the record.</p> <p>2 The time is 1:05 p.m.</p> <p>3 (Recess was taken.)</p> <p>4 THE VIDEOGRAPHER: We're back on the</p> <p>5 record. The time is 1:08 p.m.</p> <p>6 EXAMINATION BY MR. DAVIS:</p> <p>7 Q. Representative Pringle, this is Jim</p> <p>8 Davis. I represent Secretary Merrill in this</p> <p>9 lawsuit. I have just a couple of follow-up</p> <p>10 questions.</p> <p>11 Did you instruct Mr. Hinaman to -- when</p> <p>12 he drew a congressional plan, that it had to include</p> <p>13 a majority black district?</p> <p>14 A. No.</p> <p>15 Q. Did you instruct him to include</p> <p>16 districts with any particular demographics?</p> <p>17 A. No.</p> <p>18 Q. Are you aware of any member on the</p> <p>19 reapportionment committee who gave him such</p> <p>20 instructions?</p> <p>21 A. No.</p> <p>22 Q. Did you decide in advance that there had</p> <p>23 to be a majority black district in Alabama's</p> <p>24 congressional plan?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 140</p>

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>1 MR. DAVIS: Thank you. No other</p> <p>2 questions.</p> <p>3 THE VIDEOGRAPHER: This ends the</p> <p>4 deposition of Chris Pringle. The time is now</p> <p>5 1:09 p.m.</p> <p>6</p> <p>7 (DEPOSITION ENDED AT 1:09 P.M.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 141</p>	
<p>1 STATE OF ALABAMA)</p> <p>2 JEFFERSON COUNTY)</p> <p>3</p> <p>4 I hereby certify that the above</p> <p>5 proceedings were taken down by me and transcribed by</p> <p>6 me using computer-aided transcription and that the</p> <p>7 above is a true and correct transcript of said</p> <p>8 proceedings taken down by me and transcribed by me.</p> <p>9 I further certify that I am neither of</p> <p>10 kin nor of counsel to any of the parties nor in</p> <p>11 anywise financially interested in the result of this</p> <p>12 case.</p> <p>13 I further certify that I am duly</p> <p>14 licensed by the Alabama Board of Court Reporting as</p> <p>15 a Certified Court Reporter as evidenced by the ACCR</p> <p>16 number following my name found below.</p> <p>17 So certified on December 17, 2021.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 <u>LeAnn Maroney, Commissioner</u></p> <p>24 ACCR# 134, Expires 9/30/25</p> <p>25 505 North 20th Street, Suite 1250</p> <p>Birmingham, AL 35203</p> <p style="text-align: right;">Page 142</p>	

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<u>WORD INDEX</u>			
< 0 >	121:10	121:9 130:1	3 6:18 55:20,
01 68:14	19 113:18	138:22	23 113:7
< 1 >	1984 16:10	2003 11:1	3:00 50:11
1 6:14 12:4,	1992 25:3, 23	2007 18:11	30 94:6 139:24
6 59:18 113:7	120:1 130:1	2010 58:8, 12,	35203 142:24
1:05 140:2	138:22	14, 18 59:6, 10,	35222 4:21
1:08 140:5	1994 18:24	14 60:1, 4, 23	36104 1:24
1:09 141:5, 7	121:8	61:4, 11 62:18,	5:22
10 5:5 42:16	1999 3:7	22 65:1 68:1	36106 4:14
10:03 49:13	1st 38:11	71:2	36130 5:14
10:22 49:16	42:3, 10 43:14	2011 29:24	< 4 >
10004 4:6	44:1 45:14	30:5 33:2, 7,	4 6:20 104:24
10006 3:15	115:23	14 46:14	105:2
101 18:15, 18	< 2 >	65:13 74:9	40 3:14 42:21
19:24	2 6:16 52:14,	127:5, 18, 24	45 12:21
10-26-21 6:21	18 59:19, 20	128:9 129:3,	< 5 >
104 6:20	63:18 98:7, 15	25 138:22	5 3:14 6:22
105 1:23 5:21	99:2 102:19	2014 121:10	57:9, 23 58:23
11:26 100:12	103:10 113:7	2018 35:12	59:1, 16, 21
11-1-21 6:23	136:7	2019 35:1, 7	112:9 115:23
116 6:22	2:2021-CV-01530-	36:10 46:21	116:1
119 6:24	AMM 1:8	49:2 127:24	5:00 78:11, 14,
11th 16:10	2:21-CV-01530-AMM	128:9	20 79:19, 24
12 6:14 121:12	7:14	2020 28:13	50 42:24
12:06 100:15	20 46:21	40:6 58:19	97:15, 21, 22
12:33 120:9	49:25 105:24	59:11 128:20	98:4, 11, 12, 21,
12:40 120:12	116:4	131:19	22
120-125 6:8	200 5:21	2021 1:24	501 5:13
125 4:5	2000 28:21	6:25 7:7, 17	505 142:23
1250 142:23	35:14 36:10	22:12 32:23	51 116:18
125-140 6:9	20002 5:6	33:4 34:25	117:5, 25 118:3
12-year 121:13	20005 3:22	37:3 45:20	52 6:16
134 142:23	2001 21:25	49:23 51:1	54 113:20, 21
14 18:25 99:12	27:12 28:2	52:19 58:10	114:3, 6, 12, 25
140 117:1	30:3 33:18	59:14 60:1	115:3, 11
1400 3:7	41:24 48:23	62:19, 24	55 6:18
140-141 6:10	66:1, 12 68:10	74:12 109:13	5th 48:23
14th 3:21	109:13 112:7	119:11 142:17	50:20 51:1, 5,
54:3 59:24	2001-2002 28:18	20th 142:23	19, 23 52:19
96:13	2002 18:25	22 37:23 80:13	53:17 58:5
15 19:4	22:1, 2, 5, 23	26th 40:6, 18	63:7 64:5
16 121:12, 23	23:2 24:8, 10,	50:20 51:2	< 6 >
122:6, 20	20, 21 25:6, 19	100:17 105:4	6 6:24 119:11,
123:9 124:2	26:5, 9, 22	109:14, 23	13
17 1:24 7:7,	28:13, 15, 22	27 18:8 72:12	60 26:15
17 35:14	29:9 30:4	27th 127:18	600 3:21 5:5
142:17	33:18, 25	28 32:8 71:22,	6179 4:13
18 105:25	41:25 58:14,	25 72:12 78:9	< 7 >
	18, 24 59:7, 9	79:8, 12, 21	
	60:5, 7 61:2	82:13	
	65:1 112:7	< 3 >	

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

7 25:5 26:16 27:14, 17 28:1 61:12, 13, 19 99:11 109:16 113:21 114:2, 25 116:15 119:16, 17, 19, 23 700 3:21	acquisitions 17:9 acronym 102:13 Act 54:3, 7 59:17, 19, 20 98:8 99:2 102:20 132:5, 20 133:10, 17 134:3, 6 136:4, 18 137:13 acting 7:3 action 122:10, 13, 18 123:13, 15, 24 actual 96:4 103:11 adamant 43:23 add 80:14 added 38:3 80:16 additional 38:1, 3 55:13 80:16 address 15:4 32:13 36:1 73:18 addressed 36:12 73:12, 19 adjust 39:4 adjusted 119:21 adopt 69:15 adopted 24:20 31:1 40:8 52:5 55:14 63:25 64:9 108:23 advance 101:1 140:22 advertised 38:5 advice 129:20 130:19 131:21 136:21 139:8 advise 130:4, 9, 15 131:2 132:4, 18 advised 129:15, 23 131:19 133:17 134:2, 25 135:18 136:3 advocated 28:18 advocating	126:15 affairs 19:12 affirmative 122:10, 13, 17 123:13, 14, 24 afoul 99:1 afraid 99:1 African 85:24 age 95:18 98:12 113:21 agent 17:8 18:5 ago 14:10, 11 agree 60:22 81:5 83:1 115:10, 14 119:17 AGREED 1:17 2:1, 8 54:21 114:15, 19 135:12, 13 AG's 137:4 ahead 51:19 125:25 aim 44:14, 15 al 1:6, 10 7:13, 14 142:24 ALABAMA 1:2, 23 4:12, 14, 21 5:14, 22 7:2, 3, 16, 21, 23 8:3 9:14 10:21 16:8 18:2 24:14 25:5 26:7 30:12 32:11 34:7, 8 36:21 41:11 43:19, 21 82:1, 10, 18, 25 84:25 86:22 121:7, 19, 25 122:1, 8, 9 123:5, 11, 12, 19, 23 124:4, 5, 23, 24 130:20 142:1, 14 Alabama's 96:16 140:23 Ali 6:2 alined 59:4 alleged 127:17 128:7	allow 11:20, 22 134:14 allowed 32:15 amendment 54:3 59:24 96:13 American 4:4, 12 85:24 amount 68:7 124:25 analysis 102:4, 9, 11, 15, 22 103:2, 11, 17 104:7, 11, 15 105:14, 18 106:7, 8, 13, 20 109:12, 18, 21, 25 110:5, 18 111:1, 8, 18, 21 112:4, 14, 24 113:13, 24 114:1, 5 115:4, 8, 13 116:14 135:21 analyze 95:3 analyzed 28:10 96:24 97:3 Angeles 3:8 answer 11:11 25:11 26:13 29:12 43:1 49:3 57:5 61:23 70:25 72:24 80:21 83:8 84:9 86:10, 11 88:10 95:21 103:22 106:2 117:23 123:25 128:13, 14 132:1, 2, 25 133:21 135:7 136:25 137:1 answered 53:23 73:1, 12, 20, 21 93:13 answering 9:23 answers 11:22 anxious 89:8 anybody 12:18 47:3 48:5 61:7 63:19
--	---	--	---

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

80:18	assumption	131:1, 11	23 83:1, 6
anybody's 139:8	103:8 105:16	140:18	84:19 85:9, 22,
anywise 142:11	assured 111:24		25 86:8
apartment 16:25	attempted 129:9	< B >	best 11:22
17:4	attend 78:23	back 33:17	29:1, 4
apologize 121:6	79:20	34:23 41:23,	better 49:18
126:6	attendance 47:4	24 43:11, 12,	62:9
appears 119:17	attended 77:25	13 49:15 56:2,	big 109:5
approach 104:4	attention 41:22	5 61:10, 24	bill 14:1
108:15	Attorney 3:5,	66:12 84:19	41:3, 5 93:24
approached	12, 19 4:19	86:3 92:11	94:19 95:2
101:12	5:3, 11, 12, 19	99:8 100:9, 14	98:2 110:16
approve 28:23	8:3, 25 12:12,	120:11 125:15,	111:13
84:12	24 13:2, 5, 7,	18 137:21	bills 101:7
approved 29:21	16 14:6 46:14	140:4	105:17 110:8
58:23 84:15	51:12 52:3	back-and-forth	bill's 111:21
approving 83:18	53:6, 9 55:7	113:20 116:12	Bingham 1:23
April 37:7, 13	57:18 62:15	Baggett 6:3	5:20 7:25
area 42:4	63:2 89:22	8:24	Birmingham 4:21
83:3 86:6	98:16 103:7, 9	Balch 1:22	7:2 127:24
areas 82:15	106:2, 3, 15, 23	5:20 7:24	142:24
arguing 99:19	117:20 121:3	Baldwin 42:6	black 25:4
arranged 139:20	127:23 128:8	44:3, 10	26:15 28:19
asked 38:4	130:20 137:3	based 36:13, 20	29:10 42:16,
63:13 66:25	attorney-client	46:11 58:14	21, 23 81:25
80:14 103:20	46:18 63:14	59:7, 14 60:1	82:3, 5, 8, 20,
112:19 127:10	127:11 131:24	61:1 67:13	23 83:1, 6
130:3 134:23,	132:8, 24	86:2 95:3	84:19 85:9, 22,
25	133:20	102:22 121:23	25 86:8 90:18,
asking 84:6	Attorneys 4:3,	122:6 123:9	19 91:8 95:18,
98:16 106:2	11 7:18 8:6	124:2, 20	19, 24 97:11,
113:23 116:13	45:25 51:17	129:6 133:23	13 113:21
120:14 122:4	53:8, 14	139:3, 12	115:11 125:1
127:1 136:11	103:16 111:25	basically 69:13	132:7, 12, 21,
aspects 85:21	117:22	basis 58:9, 18	22 133:6, 13,
assert 63:13	audience 73:12,	81:2 96:12	18 134:4, 11,
127:8	23	began 35:18	20 135:1, 5
assign 2:12	audio 47:7, 11	36:3 38:9, 20	136:5, 19
assigned 41:7	49:7, 10 99:6	46:3, 8 64:15	140:13, 23
Assistant 5:11	August 16:10	beginning 7:12	BLACKSHER 4:18
associated 96:18	37:15, 21	believe 19:13	6:9 8:22
assume 10:20	automatically	42:8, 9, 10	11:3 16:4
11:12 13:5	98:13	44:12 48:25	125:10, 12, 13,
33:5, 10 58:15,	available 32:18	56:11 59:6, 15	21 128:4
17 62:4 69:17	Avenue 3:7	60:13 61:24	129:25 132:2
76:21 89:22	5:13	73:1 83:4	137:20 139:16
92:19, 22	aware 50:25	93:13 105:8	blind 110:3
103:6, 13	103:19 109:11	110:11 116:7	block 66:7, 8
117:10 118:1	127:16, 22	118:8	board 32:9
assumed 35:13	128:6, 10, 17,	believed 21:20	72:20 117:2
assuming 24:19	18 130:23	belt 81:25	142:14
29:3 123:1		82:3, 5, 8, 20,	

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

<p>boards 20:6 boat 44:22 bones 53:9 bottom 105:25 116:16 Box 4:13 61:14 boxes 61:18 break 49:8, 9, 21 99:5, 6, 17 100:8 120:3, 16 139:23 bring 46:25 Broad 4:5 37:2 83:3 brought 41:6, 10 59:10 76:19 77:8 brown 119:16 build 17:11 bumped 37:14 bureau 67:10 burn 16:19, 21 17:6 burning 16:22 Buskey 25:8, 13, 25 42:9 119:21 120:1 busy 39:11 BVAP 95:14, 16 113:22 114:3, 6, 11, 25 115:3, 6, 11 117:5 < C > calendar 41:10 California 3:8 call 23:8 39:21 94:19 97:14 127:10 Callahan 21:17 24:2 29:2 33:21 42:2 45:13 Callahan's 33:19 42:12, 20 43:4, 9 44:6, 15 45:6 called 93:4 97:20 112:10 125:10 138:14 calling 97:15, 19</p>	<p>calls 126:5 127:10 131:24 132:24 133:20 campaigns 19:11 20:7 camps 17:11 campus 23:8 28:4 76:9 93:22 candidate 98:10, 14 102:22 118:15, 21 119:4 134:9 136:9 candidates 80:25 81:7 car 43:21 carved 43:14 CASE 1:7 7:14 11:2, 6 13:13, 15 118:24 126:11 142:12 cases 36:14 106:24 cash 79:19 CASTER 5:1 8:15 120:15, 20 121:4 catch 122:14 cause 7:8 80:24 caution 98:20 cautious 98:23, 24 caveat 105:8 census 35:3 37:11 67:10, 15, 22, 23 69:7, 21 70:2 96:8 128:20 center 70:23 Central 82:18 certain 85:12 certainly 99:14 certainty 61:23 certificates 16:14 certifications 16:15 certified 16:18 142:15, 17</p>	<p>certify 7:4 142:4, 9, 13 cetera 17:16 chair 19:8 20:10 128:24 129:15 130:18 132:18 138:25 chaired 22:20 chairman 22:22 35:12 108:11 117:20 challenged 113:5, 8, 16 challenging 113:12 chance 105:9 116:6 126:21 change 23:20 62:11, 14 67:19 70:20, 22 71:15 74:25 81:9 90:9 changed 36:2 37:1 65:7 71:2, 7 108:5 110:24 changes 36:17 53:16, 19 55:3, 15, 18 56:13 57:19, 22 61:15 63:8, 9, 17, 19, 22, 23, 24 71:10 76:11 81:16 changing 90:13 channel 43:7, 8, 12, 13 44:21, 22 characteristics 26:20 check 105:10 116:7 choice 98:10, 15 102:22 118:15, 21 choose 58:12 91:18 98:14 choosing 134:10 136:10 chosen 55:11, 17 118:4</p>	<p>CHRIS 1:10, 20 5:17 7:7, 12 8:1 9:4 17:25 141:4 chrispringle@south erntimberlands.com 14:25 Christopher 9:18 circumstances 85:12 citizens 71:5 98:9 102:21 134:9 136:9 CIVIL 1:7 4:4, 12 7:5, 14 claim 129:3 clarify 95:23 124:10 Clarke 42:6 44:3, 12 class 98:9 102:20 134:8 136:8 clear 110:24 122:12, 17 clearly 13:8 clerk 8:25 closely 59:4 closer 27:10 closest 39:20 cochair 22:11 30:7, 10 32:5 56:16 cochairman 19:9, 10 22:14 35:17 coding 96:3 cohesive 86:14 colleagues 35:16 color 96:3 columns 95:22 come 17:1 28:14 35:2 43:7 60:9, 10 64:19 79:13, 16 84:1 88:16 100:9 comes 28:5 90:5 122:2, 9 123:13, 24 124:6, 14, 24</p>
---	---	--	---

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

comfortable	132:25 133:21	computer-aided	67:4, 11, 15, 18
119:7	137:2	142:6	68:5, 6, 7
coming 47:11	communications	computers 94:2	72:20 73:4
77:19 91:5	16:12	conceded 128:8	74:20, 22 77:4,
92:15	communities	concerned 77:5	16, 18 78:6
commencing 1:24	31:4 32:13	concerns 66:4	79:10 81:18,
commercial 17:12	61:17 62:3, 6,	69:3, 4 77:2	22 83:19 88:9,
commissioner	21 65:5 66:17	80:4	15, 24 89:11
7:3 142:22	80:14 83:5, 14,	concise 45:2	90:10, 19 91:9
commissions 20:6	19	conclusion 139:8	95:25 108:6,
committee 19:8,	community 45:2	concur 139:12	17 109:13
10, 12 21:2, 19	62:23 65:4	concurred 139:11	110:6 112:4,
22:17 30:8, 11,	66:9 83:2, 7,	condensed 101:3	14 117:3
24 31:3, 14, 23	21 84:13, 23	conduct 36:6	118:16, 23, 25
32:1, 6 33:11	85:1, 4, 6, 9,	114:4	128:20 129:5,
35:14 37:23	11, 16, 22 86:8	conducted 73:10	16 131:15
39:14 40:5, 18,	compact 45:2	81:18 105:14	132:6 133:24
23, 25 41:8, 16	86:14	106:20 109:22	138:8, 12, 17,
45:21 47:13	Compactness 62:3	110:5	19 139:4
48:20, 24 49:2,	company 17:17,	confederate	140:12, 24
22, 23 50:6, 7,	22	122:2	Congressman
11, 19, 21, 22	compare 62:18	confer 99:17	21:17 24:1
51:1, 20 52:4,	compared 89:13	139:25	29:2 34:1
7, 18 53:11, 16	compensated	confess 126:5	43:9, 22
54:22 56:12,	14:12, 18	conform 35:19	Congresswoman
17 58:3 59:4	compensation	48:21	114:15 119:6
60:8 63:24	14:19	congress 24:6	conjunction
64:2 80:7	competing 91:17	30:15, 19, 22	53:5 80:12
83:18 85:5	complaint 13:12	31:11 32:16	88:12 107:21
87:2 88:6	126:22 127:17	39:10, 17, 22	conservatives
100:17, 24	128:7	67:2 70:7	124:8
101:13, 18, 19	completed 16:7	76:3, 20 77:13	consider 44:22
103:25 104:3,	completely 49:7	86:23 87:9	45:1 80:19
4 105:3	compliance 2:4	88:12 90:18	85:9 89:10
107:13 108:8	54:17	96:14 107:21,	93:7, 9 95:4
111:23 128:25	complied 35:21	23 114:18	96:9, 19 111:10
129:2, 6, 9, 16	54:2 59:16	119:9, 11	considerable
130:15, 19, 24	60:3	135:9, 12	102:3
132:19 137:10,	complies 54:13	Congressional	consideration
16, 23, 24	comply 54:7	6:25 23:2	91:15
138:3, 7, 11, 25	57:20 59:18,	24:3, 8 25:3,	considered
140:19	23 60:14	4, 7, 17 27:2,	27:25 30:4
committees 19:5	67:19 68:8	5, 12 28:22	35:19 96:24
20:2, 11, 17	132:5, 20	29:21, 25 30:3,	121:21
committee's	133:9, 17	4, 5, 9, 17, 25	considering
64:10	Complying 60:19	31:15, 24 32:9,	123:17
common 78:21	133:8	15, 23 33:3, 4,	constantly 36:19
84:3, 8 125:20	compressed 72:8	14, 25 38:23	constitute
communicate	computer 28:9	39:9, 12, 19	85:22 86:8, 15
108:25	94:18, 23	40:22 42:3, 10	constitution
communication	137:16	43:14 44:2	19:11 20:7
127:11 131:25		58:24 66:18	54:4, 8 96:13

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

constitutional	25:9 27:2	102:17	day 40:13, 15
128:21	33:15, 20 34:9	COVID 72:6	51:9 79:9, 22
construction	38:16 45:22	COVID-19 36:2	101:4, 7
40:14	51:10 53:12	64:17	days 14:10, 11
consultant	57:13 71:8, 11,	created 25:3,	28:8, 12 79:15
110:20	12 76:17, 20	17 60:24 61:5	93:23 94:6, 7,
consulted 131:3	80:8 129:3, 10,	69:15 75:2	14, 15 122:13,
contact 24:1, 2	18 131:22	119:25 127:2	18
contained 29:9	132:7 135:20	creation 57:4	daytime 79:16
101:24	136:6 139:2	criminal 124:6,	DC 3:22 5:6
contended 127:5	142:7	9, 14	13:4
128:19	correctly 26:6	criteria 106:19	deadline 38:11
content 12:11	37:10 52:3	crunch 113:1	dealing 32:8
contests 54:15	76:1 77:22	curious 67:23	35:20 40:9, 11
contiguity 62:3	134:20 137:14	current 18:12	75:25
contiguous 86:14	counsel 1:18	36:13 46:11	deals 54:10
continue 45:10	2:10, 11 7:6	65:17 69:2	debate 115:23
131:20	100:3 104:4	87:18	decades 131:14
continued 45:15,	132:2 142:10	currently 19:5	138:16
17	counties 82:1,	22:23 65:11	December 1:24
contract 19:13	12, 13 83:12,	cut 116:17	7:7, 16 142:17
20:8	22 84:1 85:13,	117:24	decide 22:18
contracting	15 92:9 97:8,	cycle 22:24	50:14 103:5
17:24	9 127:2	36:16, 23	104:6, 14
contractor	counts 96:15	42:22 45:20	140:22
16:17 17:11,	County 42:6, 8,	112:8	decided 20:20
16 18:10	9 43:22 44:4,	cycles 112:5	decides 103:1
contractual	7, 12 45:3, 4	< D >	deciding 104:9
40:13	84:7, 8, 10, 21	DAN 5:2 8:14,	decision 103:16
control 16:18,	91:24 92:7	17 122:11	104:8 115:3
20, 21 64:10	94:3 95:13	Daniel 121:3	decisions 81:21
conversation	126:16 135:16	125:7	deemed 111:25
114:20	136:17 137:12	data 24:25	defeat 119:3
conversations	142:2	94:23 106:3	defeated 20:21
35:23 51:22	couple 14:10	107:25 108:3	defeating 98:10
75:24 123:2	140:9	128:20	102:21 134:9
Cooper 17:21	course 45:8	date 7:4, 16	136:9
copies 105:6	74:19 105:11	36:11 108:2	DEFENDANT 5:9
copy 52:20	107:6 112:25	DAVIN 4:2 8:19	Defendants 1:12
core 25:20, 21	COURT 1:1 2:5	DAVIS 5:10	5:17 7:25
26:21 32:25	7:1, 15 9:2	6:10 8:3	10:6, 11
33:10, 12, 13	11:15 36:13	12:19 13:16	Defense 3:13,
44:1 70:16	46:11 54:4, 8	35:15, 24 46:1,	20 99:24
81:14 119:24	62:8 106:24	7, 16 47:4	define 97:17
133:2, 24	113:5, 12	48:3 58:2	definition 62:9,
134:14	128:8 137:20	99:4, 12, 18	21, 23 85:3, 6,
cores 26:3	142:14, 15	100:5 128:1, 3,	8, 11 123:14
134:18	courteous 99:23	5, 11 136:23	definitions
corner 127:14	courtrooms 55:18	140:6, 8 141:1	63:4, 6
correct 10:16	courts 36:18		degree 16:11, 12
15:25 17:17	54:4 55:12		delayed 35:3
21:6, 13, 25			delegation 24:3

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

democratic 22:9	138:9, 13, 17,	56:5 120:23	14 68:6, 18
24:13 117:20	19, 21 139:1, 2,	126:4	69:4, 16 70:13,
121:25 122:8	5, 11	discussions	16 71:7 72:19
123:11 124:4,	deviations	12:12 57:3	74:22 76:12
12, 22	76:12 77:5	dislike 65:6	81:14 85:15
democrats 24:11	91:25 92:3	dissatisfied	90:18, 20 91:9
123:2, 19	94:3 95:4, 13	87:9, 15	93:16 95:25
demographic	96:2 130:1	DISTRICT 1:1, 2	97:11, 13, 14,
74:7, 15 76:13	diem 14:15	7:15, 16 18:15,	15, 20 106:4, 9
94:23 96:8, 25	differ 121:25	17 19:22, 25	109:19 112:24
demographics	122:8 123:7,	21:20, 21 25:4,	113:2, 5, 7, 15
26:11 76:11	11 124:4, 23	5, 17 26:12, 16,	115:19 117:2,
94:9 140:16	difference	21 27:14, 17	3 119:25
denied 102:20	76:25 96:3, 5	28:1 29:3	127:3 129:5
department	124:11	33:20 42:1, 3,	133:3, 25
58:23, 25	differences	10, 12, 21, 23,	135:4, 10
depends 115:15,	63:16	24 43:15 44:2,	139:6 140:16
18	different 19:19	8, 16, 19, 21	divide 124:7, 16
Depo 6:15	34:21 66:4	45:9, 14 67:11,	division 17:21
deposed 10:23	78:18 79:21,	19 68:5, 8	doctor 13:6
13:21	22 84:5 124:1,	69:1, 2 70:19,	document 12:9
DEPOSITION 1:9,	18 127:9	20, 22, 23	52:22 53:1, 3,
19 2:2, 3, 13	differently	71:10, 15	11, 16 55:25
7:12 11:25	66:23	95:15 96:12	56:7, 20, 24
12:13, 15	digits 117:2	97:18 98:4, 11,	57:4, 8, 17
13:19 14:5	diminish 98:8,	20 103:3, 18	58:7 62:14
27:4 99:6	14 134:7	104:6, 10	75:2
141:4, 7	diminishing	106:21 109:12,	documents 13:9
depositions 2:6	136:8	16 110:5	58:21 75:9
describe 82:16	direct 73:24	113:21 114:2,	Dog 43:8, 12
119:22	132:16	5, 12, 25 115:7,	doing 17:7
determination	directed 74:1	11, 15, 18	79:1 99:4
106:16	107:12 129:5	116:15 118:22,	108:14 111:20
determine 91:22	director 48:14	23, 24, 25	DORMAN 5:18
92:14 102:17	disagree 115:14	119:16, 17, 19,	7:24 10:4
106:23	disclosing 12:11	20, 23, 25	35:24 92:25
determining	discovery 99:20	132:7, 12, 21,	122:14 139:21
106:19	discrimination	22 133:18	doshier@elias.law
DEUEL 3:18	125:1	134:4, 12, 13,	5:7
8:10	discuss 12:14	15, 20 135:2, 6	Dothan 43:15,
developed 86:5	46:17 50:16	136:5, 19	19, 22 45:4
107:15, 16	56:23 66:25	140:13, 23	double-check
deviation 44:13	78:5 88:13	districts 25:20,	51:4 120:4
57:10 67:14	118:9 137:2	21 26:4 27:14,	draft 53:7, 8,
74:21 75:1	discussed 13:15,	25 28:19	11 65:8 67:4
76:14 77:1	19 46:17	29:10 30:13,	74:11
92:10 94:22	52:24 63:8	14, 22 31:12	drafted 53:3
97:1, 7 129:17,	76:21 82:19, 23	32:10, 12 33:1,	57:1
21, 24 130:5, 8,	discussing	10, 12, 13	drafting 52:21
10, 12, 16, 21	77:11 90:1, 17	34:16, 19	53:1 56:19
131:9, 15, 20	Discussion	38:10, 22 39:4,	57:17 81:18
133:4 135:19	27:11 46:10	12 54:2, 10, 12,	dragging 99:9

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

draw 21:20, 21 23:4 24:18, 21, 23 25:1 28:6 30:19 31:9, 20 34:15 44:20 54:2 96:6 98:20 107:13 129:5 133:3 135:3	94:10 earth 81:15 ease 60:12 EBENSTEIN 4:1 8:20 economic 85:18 edges 81:16 education 16:7 32:9 Educational 3:13, 20 effect 2:4 46:13 59:17 effort 129:1 eight 117:2 either 15:10 73:15 102:18 109:7 118:10 elect 115:20 118:14, 21 elected 18:24 22:16 45:8, 16 70:10 121:8, 17 electing 98:9 102:21 134:9 136:9 election 35:13, 16 38:14 119:3 elections 19:11 20:8 electronic 105:6 electronically 73:16 Elias 5:4 8:15 eliminate 62:20 eliminating 54:14 Elizabeth 6:3 8:24 email 14:21, 23 15:4, 5, 7 101:23 102:1 109:4, 5 emailed 80:4 employees 14:15, 20 employer 17:13 employers 18:1 enacted 105:20 127:5, 18 encounter 107:5	ended 21:24 141:7 ends 141:3 engage 37:18 England 113:19, 23 116:13 117:19 enrolled 56:13 62:19 entered 77:24 entirely 61:14, 22 entirety 62:7 entitled 14:16, 20 equal 96:13 err 48:11 Escambia 42:6 44:3, 11 estate 17:8, 20 et 1:6, 10 7:13, 14 17:16 ethnic 85:17 EVAN 1:6 7:13 evening 80:20 event 137:9 events 40:3 eventually 40:21 everybody 11:16 13:5 38:4 54:20 77:25 Everyone's 49:6 evidence 2:14 75:8 evidenced 142:15 exact 36:10 50:2 55:4 exactly 28:11 80:3 99:16 examination 7:8 9:12 120:24 125:13 140:6 examined 9:5 examiners 19:13 example 15:8 exchanged 132:13 excuse 129:8 Exhibit 6:14, 16, 18, 20, 22, 24 11:24 12:4, 6 52:14, 18 55:20, 23	63:18 104:24 105:2 115:22, 23 116:1 119:11, 13 existing 25:20, 21 32:25 33:10, 12, 13 44:1 48:21 56:12 65:6, 9, 22 68:2, 11 70:16 81:14 119:25 133:2, 24 134:15 exists 119:2 expect 14:17 31:2 experience 22:22 84:13, 21 124:21 expire 16:18 Expires 142:23 explain 23:10 41:4 56:4 66:5 83:16 explained 52:3 53:14 express 65:16 88:19 89:20 90:6 extemporaneously 92:20 93:12 extensive 35:23 extent 13:22 131:24 132:24 133:3, 20 137:2 eye 13:6 < F > face 126:9 Facebook 15:15, 23 fact 139:5 factor 92:4 factors 92:2 fair 11:13 25:22 33:2 44:14 45:12 58:9 73:11 fairly 59:3 familiar 81:25 families 84:1 far 100:25
--	--	---	--

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

fast 101:2	flip 61:12	84:22 87:1, 8,	92:11 99:12,
116:25 117:17	116:4	17 88:20 89:4,	20 100:4
118:11	floor 41:9, 10,	12 113:2	106:15 111:24
FAULKES 4:10	17 115:22	122:22 123:4	117:16 126:6
7:22 49:8	117:13 132:14	124:11 128:8	127:7 131:4,
120:20 125:8	focused 99:22	generally 60:9	13 137:18
139:21	follow 31:19	66:14 123:11,	Good 8:16, 17,
favor 57:9	54:20 107:13	13 124:4, 5, 23,	18 138:23
124:9	108:12, 21	24	GOTELL 4:10
Federal 7:4	following 7:9	General's 8:4	7:22
54:17 60:3	31:10 142:16	127:23 130:20	government 15:1
99:11 128:8	follows 9:6	geographic 85:18	19:9 41:8
felt 66:12	60:9	getting 14:14	50:10
fight 17:2	follow-up 140:9	35:4, 12 96:21	governor 40:22
figures 74:15	fond 63:6	118:11	41:17
filed 7:15	force 2:4	gifted 117:21	graduate 16:8
13:24, 25	foregoing 7:5	Gingles 45:1	great 98:20
110:14, 15, 16	form 2:10	46:12, 13	121:14
111:13 126:9,	41:3 84:22	61:25 62:2	grounds 2:12
19 127:17	89:21 94:19	give 37:2	131:5
128:7	95:3 107:8	89:3 90:8, 12	Group 5:4
final 37:12	122:11 128:1,	91:15 94:24	8:15 92:24
63:18 119:11	3, 11, 12	98:19 108:19	102:20
finally 37:20	131:23 136:23,	129:20 136:20	groups 94:17
finals 37:7	24	given 31:8	guarantee 119:3
financially	forth 41:24	38:10 41:9	guess 53:20
142:11	found 142:16	46:16 79:8	63:15 64:1
find 94:20	Foundation 4:4	105:21 117:3	66:6 67:23
fine 19:18	four 113:15	123:18	69:3, 20, 25
130:13	frame 117:4	glad 41:21	70:17 83:17
finish 11:21,	free 90:5	109:10	84:11 88:7
22 40:14	Friday 125:18	go 11:8 41:24	98:6
finished 31:25	friend 26:1	65:21 67:17	Guidelines 6:17,
112:15 120:3,	front 74:6, 7	71:23 72:17	19 24:20
14	136:12	83:11 84:10	25:19 26:3, 5
fire 16:22	fruition 90:6	89:17 91:20	28:16 31:1, 2,
17:4 117:17	92:22	96:16 100:9	6, 9, 10, 16, 19
118:12	full 2:4 9:16	107:24 120:7	32:19, 24, 25
fires 17:2, 3	41:19 96:19	125:25 126:6	33:9 35:6, 19,
first 11:24	Fund 3:13, 20	goal 26:10, 15	21 36:9, 12, 15,
13:23 14:4	FURTHER 2:1, 8	48:19	18, 22, 25
19:14, 15, 16	142:9, 13	goes 15:10	45:22 46:3, 9
21:3 25:4, 15		61:24 86:3	47:14 48:20
34:24 35:10,	< G >	going 27:21	51:9, 12, 18, 25
11 36:7, 11	gain 67:12	29:23 33:17	52:2, 7, 19
40:17 44:12	gap 121:13	36:1, 5, 25	53:7, 25 54:19
45:19 46:13	gathered 32:17	37:7 41:24	55:1, 14, 24
108:15 110:4	General 5:11,	45:25 46:15	56:6, 24 57:7,
121:8	12 16:17	48:6 49:11	19 58:5, 8, 10,
Five 47:23	17:11 24:17	64:16, 21	13, 15 59:4, 7,
fix 16:24	64:9 66:8	67:14 70:23	12, 14 60:1, 5,
FL 3:14	67:8 69:11	79:20 84:19	23 61:4 62:19,

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

20 63:18 64:9, 10, 24 70:15 81:13 86:7 91:11, 16, 18, 21, 23 104:14, 19 107:13 108:12, 21, 24 129:6 133:2, 7, 9, 14, 23 138:14, 18, 25 Guys 16:22 < H > Hale 82:15 Hall 37:25 38:3 80:13 handed 54:5 55:13 handful 50:3 55:3 handing 36:19 handle 64:16, 20 handout 6:19 55:24 handwritten 75:8 happen 30:2 45:24 happened 39:1, 13 40:2, 6, 17, 20, 24 41:13 51:24 64:5, 13 75:17, 21 80:22 81:1, 6 112:8 happens 94:17 happy 39:5 70:9, 17 71:13, 18 86:22 87:17 88:20 89:5 90:2 92:12 99:16 hate 47:21 71:17 head 45:23 health 20:7 hear 46:5 47:9, 10 49:17 79:16 120:22 126:8 128:2 heard 64:25 86:20 92:18, 21 102:7, 8	112:11 131:10 134:1 hearing 68:22 77:15, 22 99:18, 21 104:21 134:20 hearings 32:8, 18 35:5 36:1, 2 37:17, 19, 22, 24 38:1, 3, 6, 16 39:13 64:16, 17, 20 67:24 68:12, 24 70:2, 6 71:21 73:13 75:17, 25 76:19 77:8, 19 78:1 79:5 80:22 81:6, 19, 23 82:20 86:17, 20 88:8, 25 90:10, 14, 16 held 17:20, 24 27:11 64:25 65:20 66:1, 15 72:4, 12 78:10 79:9 120:23 help 30:19 99:17 135:4 helpful 61:19 helping 23:4 Henry 43:22 45:4 Hi 8:14 higher 20:20 highest 16:6 highlights 54:16 Hinaman 23:24 24:7 30:18 31:8, 18 32:16 33:6 38:20, 24 39:9, 16 75:20 76:18 77:4, 9 88:11, 14, 19 90:9 107:12 108:9, 12, 20 109:1 114:17 117:11 118:2, 8, 10 129:4, 22, 23 130:4, 6, 15 131:21 133:1	135:8, 25 139:10 140:11 hired 24:6 110:20, 22 historical 85:18, 25 102:23 history 25:5 123:18 139:3 hit 43:8 Hogan 3:6 hold 64:21, 23 67:24 70:1 124:18 holding 38:6 68:24 80:19 81:23 homebuilder 16:17 17:10 honest 25:10 hope 17:3 99:13 125:14 139:17 hour 12:21 hours 12:21 78:10, 14, 18, 20 79:2 99:11 House 18:2, 14, 17 19:9 20:22 21:11 22:14, 17, 20, 22 23:9, 14 30:12 32:10, 12 35:12, 17 38:21 39:11 41:7, 11 43:14 44:6, 21 51:21 72:11, 18, 19 98:2 101:13 houses 17:11 Houston 45:4 huh 60:20 hunting 17:11 Huntsville 43:18, 21 < I > idea 87:17 ideal 43:24 identification 12:7 52:15	55:21 104:25 116:2 119:14 identities 85:19 imagine 36:24 immediately 37:21 impact 78:23 79:3 implementing 123:16 importance 89:6 98:5 important 11:19 60:17, 18, 20 89:11 92:2, 4, 7 93:10 98:6 114:13 inaccurate 105:9 116:8 include 85:12 140:12, 15 included 80:17 includes 85:17 including 40:22 Incorporated 17:22, 25 increase 42:23 increases 119:21 incumbent 134:24 135:4, 6 incumbents 31:4 33:1 54:13, 15 134:22 independently 139:8 individual 38:21, 22 individuals 123:17 125:1 influence 88:8 informal 104:18 information 32:17 38:9 87:21 88:4 94:3, 24 95:5 96:25 97:1 101:14 112:2 135:23 informed 126:18 129:7 initial 37:5, 9,
---	--	--	---

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

11 110:2	31:23 131:12	81:13 130:10,	17, 20, 22
injunction 99:21	involvement 23:4	16	111:17, 20
input 30:21	issue 106:5, 10,	keeping 26:20	112:3, 13
31:14 52:1	14, 18 107:1	keeps 47:11	115:2, 6, 16
65:4 72:7	122:24 123:5	83:19	116:21 117:8,
instruct 33:7	issues 13:7	kept 44:1, 2	25 123:15
46:15 140:11,	49:10 107:6	71:4, 5	124:8 129:11
15	122:25 123:7	key 11:8	131:8 136:12
instructed 31:9	its 82:10	kicked 76:8	138:15, 22
92:25 133:1	89:5 135:19	kin 142:10	knowledge 112:6
instructions		kind 74:19	130:17 139:3
90:8, 12 108:9,	< J >	kinds 77:12	known 78:1
19 140:20	JAMES 4:18	knew 27:19	ksadasivan@naacpld
intact 44:2	January 22:1, 5	68:5, 25	f.org 3:16
81:14	37:6, 11, 12	111:11, 13	kwelborn@aclualaba
intentionally	JEFFERSON 142:2	131:8	ma.org 4:15
102:18 134:7	jerrymandered	know 11:5, 10	
interest 31:4	119:18 127:6,	13:1 16:21	< L >
32:14 45:2	20, 25 128:10	20:5 23:18	laid 37:21
61:18 62:4, 6,	jerrymandering	24:9, 11, 15, 17,	lands 85:14
20, 21, 23 66:9	128:22 129:2,	22, 25 25:5, 10,	Large 1:22
83:2, 5, 7, 15,	10, 12	11, 19, 23, 24	7:3 65:5
20, 21 84:14,	JIM 5:10, 17	26:8, 13, 14, 19	119:19 135:20
23 85:2, 4, 6,	8:1, 3, 22	27:13, 16, 24	late 35:4
10, 11, 16, 22	125:11 127:9	28:16, 17 30:2	117:18
86:9	128:2, 3 131:4	35:1 36:23, 25	LaTISHA 4:10
interested	140:7	43:2 48:10	7:22
91:11, 13	jim.davis@alabamaa	50:18 52:8	law 1:22 3:5,
142:11	g.gov 5:15	53:5, 19 55:10,	12, 19 4:3, 11,
interests 62:22	JOHN 1:10 5:9	16 56:9 57:3,	19 5:3, 4, 19
interjected 79:9	7:13 8:5	6, 9, 16 60:13,	8:15, 25 35:20,
internal 19:12	jublacksher@gmail.	23 61:4, 22	22 36:13, 17,
interpret 71:17	com 4:22	62:4, 9, 13, 24	21 37:1 41:5
138:20, 21	JULIE 4:1 8:20	63:1, 9 65:1	46:11 48:22
interpreted	jump 126:5	66:7 67:13	54:25 55:15,
139:1	jumping 11:23	69:5 70:21	18 57:21 60:3,
interrupt 27:8	41:23	74:1 75:4	14, 19
intervenor 7:25	justice 58:23	76:7 78:9, 17,	laws 2:5 54:18
intervenor	59:1 124:6, 9,	24 81:2, 17, 21	lawsuit 10:6
sors	14	83:12, 19, 20,	13:24 110:14,
10:13, 14		22, 24 84:6, 9,	15 111:12
introduce 11:24	< K >	24 85:3, 23	113:16 126:9,
52:17 55:23	KAITLIN 4:9	89:15 92:13,	15, 25 127:4,
94:21 105:2	7:20 9:9, 14	15 93:8, 15, 19	23 128:19
115:21 119:10	116:5	95:20, 22	140:9
introduced 14:1	KATHRYN 3:11	96:11, 25 99:5	lawsuits 16:3
28:8 41:2, 6	8:8 47:9	102:1, 24	105:18
93:23 94:10	keep 26:11, 15	103:5, 22	lawyer 10:1, 3,
95:9 97:25	41:23 44:15	104:13, 18	5, 18, 21
98:2 137:17	49:11 70:7, 13,	105:13 107:22,	lawyers 63:5
involved 16:2	20, 23 71:9	25 108:4	131:3
21:6, 15 22:24		110:4, 10, 12,	

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

lay 31:2	Liberties 4:4,	looked 31:25	112:20 114:10
laying 36:3	12	74:21 94:4	115:1, 5, 9
LDF 8:9	license 17:20,	97:6 106:4, 9	Macon 83:11
leadership 22:9	24	107:17, 18, 22,	84:8
leading 2:11	licensed 16:16,	25	magic 119:2
League 66:24	17 17:10	looking 85:8	maintain 26:3
69:9 77:21	142:14	91:11, 14	119:24
78:1, 6 87:3	liked 67:1	106:18 107:14	maintained
88:17, 25 89:8,	70:6	136:13	134:14
14, 24 98:1	line 43:9, 10,	looks 56:1	maintaining
126:12, 14, 15	12 71:10	61:21	134:18
135:16 136:3,	91:21, 23 92:20	Los 3:8	major 122:23
17 137:11, 15	lines 54:21	lose 67:13	123:5, 22
138:4	65:23 71:6	lost 42:8	majority 25:4,
LeAnn 1:21	81:9, 22 123:21	127:12	16 28:19
7:1 142:22	links 79:5	lot 44:20	29:10 69:15
learn 86:16, 19	Linwood 4:20	45:3 68:14	90:17, 19 91:8
learned 88:8, 13	list 31:5	78:17 99:18,	93:15 95:24
leave 20:19	38:4 80:13	19 102:11	97:11, 12
120:6	listen 72:17,	125:20	115:19 132:7,
leaving 22:21	21 79:17	Lovells 3:6	12, 21, 22
106:22	137:18	Lowmides 82:15	133:6, 12, 18
left 18:25	listened 72:19,	lunch 120:16	134:4, 11, 19
121:9	23 79:9 87:23	139:22	135:1, 5 136:5,
Legal 3:13, 20	89:7	< M >	19 140:13, 23
63:4, 6 104:4	litigation 121:4	ma'am 12:10	makeup 27:14,
legislative	little 23:3	21:23 22:6	16 42:12 95:14
14:14 15:2, 11	27:9 66:7	24:12, 24 25:2	making 36:12
26:3 30:13	84:3 99:22	26:24 33:16	man 59:24
34:16, 19	live 65:5	35:9 38:17	67:19 68:8
36:22 57:13	70:19, 22	39:20 42:13,	96:17
66:21 74:19	living 17:5	15, 17 44:17	manner 31:10,
75:25 93:17	LIP 3:6	46:24 47:2	21 133:23
109:19 117:2	location 79:15	48:18 51:15	map 6:25 23:2,
legislators	locations 72:7	52:8, 12 53:2	4, 21 24:10, 18
28:18	log 79:12	56:2, 18, 21, 25	25:3, 6, 7, 16,
legislature	80:18	57:2 61:3	23 27:13 28:6,
18:13 19:15	logged 79:7, 25	62:12, 25 67:6	22 29:9, 21
21:5 23:16	long 12:20, 22	72:14 73:8, 22	30:4, 5, 17, 25
26:7, 11, 19	18:6, 9, 22	75:15, 22 80:9	31:24 32:23
27:24 28:7, 9	86:4 99:5	81:20, 24	33:3, 4, 7, 14,
29:20 34:7, 8	111:17 121:6	84:16 86:2	25 38:23
39:7 83:17	139:22	87:15, 19	39:19 40:22
84:15 94:20	longer 99:16	90:20 92:6	54:20 65:13
121:7, 13, 24	longstanding	93:18 94:15	66:24, 25 67:5,
122:7, 21	26:6	101:6 102:25	15, 22, 25 68:2,
123:10, 19	look 29:14	107:20 108:1,	11, 13 71:1
124:3, 21	31:3 54:11	7, 17, 18 109:5,	73:4 77:4, 18
128:21 132:15	66:25 76:11	15, 17, 20, 24	78:2, 6, 7
letter 37:25	95:6, 12, 13, 14	110:19 111:19	81:18 83:19
letting 96:4	96:18, 23		84:12, 15 88:9,
level 16:6	112:19		11, 24 89:6, 8,

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

11, 14 90:10,	114:8	100:17, 19, 21	123:10, 12
13 93:11, 15	McDonald's 79:18	101:5, 11, 15,	124:1, 3, 5, 12,
95:24 96:3, 7,	mean 15:20	24, 25 102:4	13, 17, 18, 22,
25 108:6, 15,	19:1 27:18	105:4 109:14	23 135:9, 12
17 109:13	30:10 33:9	111:23 137:17	memory 24:4
110:2, 6	36:18 38:19,	meetings 36:4	137:14
112:14 114:18	24 43:5 44:18,	38:8 40:1	mention 133:6
119:11	20, 25 45:5	47:16, 19, 24	mentioned 21:1
maps 23:7	50:10 51:11	48:2, 19 49:1	33:18 45:19
24:8, 23 25:1	54:8, 10 59:19	50:6, 21 51:1,	63:7 65:25
27:18 28:4, 11	65:9, 13 66:5,	2, 16 64:23	70:5 90:21, 23
30:19, 25	17 70:8, 12, 18	65:3, 15, 20	94:22
31:15, 20	71:18 73:9	66:1, 12, 13	MERRILL 1:10
32:10 38:15	74:9 77:14, 17	67:5, 7 69:18	5:9 7:14 8:5
40:21 57:13	78:25 79:12	70:6 72:3, 16	140:8
66:8, 22 67:2	83:24 86:18	73:7 74:5, 8	met 12:14
69:6 74:6, 9,	87:1, 22 91:13,	75:6, 14, 21	39:9, 16 40:6
11, 12 80:23	15 95:17	76:15 78:9, 23	49:23 57:18
81:22 91:17	98:17, 25	79:20, 21 80:8,	91:11, 16
97:11 100:20	99:10 100:22	14, 17, 19	107:23 135:9
101:16 108:13	101:21 105:15	82:23 87:11	method 24:17
109:22 110:25	107:9 113:13	88:3, 14, 15	MICHAEL 3:4
111:1, 6, 8	114:16 115:17	92:24	8:12
112:4 118:16	116:21 122:4	meets 50:11	michael.turrill@ho
Marengo 82:15	130:9 134:11	member 20:17	ganlovells.com
83:11	Meaning 87:10	21:10 22:20	3:9
margins 70:21	139:2	31:13 39:21	microphone 27:9
mark 95:25	means 9:9	48:6 56:11	middle 37:15,
97:2	23:11 107:2	58:3 88:11	21 61:14 82:9
marked 12:7	108:14 109:6	94:20 96:14	MILLIGAN 1:6
52:15 55:21	134:13 139:11	103:24 104:2	3:3 7:13 8:9,
104:25 116:2	meant 116:22	121:15, 18	10, 13, 19, 21
119:14	134:19 135:5	140:18	9:1, 15 120:13
marks 7:11	media 15:14	members 22:16,	mind 80:4
Maroney 1:21	38:5	17 24:3, 6	mine 26:1
7:1 142:22	meet 12:20, 24	30:12, 18, 21	106:3
materials 46:25	32:16 91:17	31:11, 22	minimal 138:19
60:10 101:17	meeting 38:21	32:11, 16	139:1
math 103:11	39:3, 14 46:17,	37:23 38:21	minimum 139:11
matter 7:13	18, 20 47:1, 12	39:3, 4, 10, 16	minor 16:13
112:25	48:16, 23	41:11 51:21,	minorities
McCLENDON 5:17	50:15, 19 51:5,	25 52:4, 7	118:14, 20
8:1 12:19, 23	6, 19, 23 52:1,	53:10 54:22	minority 21:10,
13:3, 17 35:24	2, 9, 11 53:17,	56:17 67:1	12 25:16
46:2, 8 47:5	20 56:14 58:5	70:7 71:4	69:16 93:16
48:3 51:17	63:7, 10, 17	73:23 80:12	95:24 97:16,
58:2 61:11	64:2, 5 69:13	87:9 88:12	21, 23 98:5, 9,
74:2 80:10, 23	72:5, 14 73:10	100:21 101:12,	13, 22 102:21
81:4 106:1	77:3 78:4	13, 17 107:21,	115:19 119:3
107:4 108:11	79:7 80:2	23 114:17	134:8, 15
113:19, 25	87:2 88:16	119:9 121:24	minute 28:12
	89:15 91:4, 6	122:1, 7, 8	

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

39:3, 23	neutral 54:11	22, 24 70:2	15:13, 19, 23
minutes 12:21	107:14	76:5, 14 96:8,	16:2, 6, 14, 24
missing 72:2	never 15:22	18 97:4	17:15, 23 18:1,
Mobile 18:15,	29:17, 19	numerous 66:23	6, 9, 19, 22
21 42:5 43:7,	103:13 112:11	123:1	19:3, 14, 17, 22,
13, 19 44:3, 7,	121:18 129:9	< O >	25 20:10, 13
10 45:3 83:24	New 3:15 4:6	oath 9:20	21:1, 12 22:2,
84:1 125:15, 18	46:11 67:13	Object 128:1,	4, 7, 15, 18
moderator 73:8	80:23 128:19	11, 12 131:4	23:6, 15, 25
Monroe 42:6	night 79:25	132:23 136:23,	24:13 25:14,
44:3, 11	125:15, 19	24	22 26:2, 8, 14,
Montgomery 1:23	nine 41:20	Objection 107:8	25 27:12, 20
4:14 5:14, 22	nitty-gritty	122:11 128:3	28:17 29:4, 16
125:17	66:7	131:23 132:8	30:2, 20 31:17,
monuments 122:2	nods 45:23	133:19 134:5	22 32:2, 4
morning 8:18	nonminorities	objections 2:9,	34:2, 11, 22
136:13	115:20	12 100:4, 7	36:7 38:18, 23
motions 99:7, 25	nonpartisan	obligation	39:12, 24
motivation 34:12	22:15	40:13 128:21	40:16 41:4, 15,
move 27:9	normal 53:6	obtain 16:11	21 42:7, 11
68:17	North 142:23	occasionally	43:3 44:5, 9,
municipalities	NORTHERN 1:2	76:2	18 46:19
85:14	7:16 84:1	occur 38:14	47:25 48:2
< N >	Notary 1:21	46:20 67:7	49:1 50:5, 17
N.W 3:21	7:2	occurred 41:20	51:3, 13 52:25
NAACP 3:13, 20	note 116:8	48:17 67:5	53:15 56:23
name 9:13, 16	notes 52:10	o'clock 50:11	57:6, 16 59:2,
15:22, 24	75:5, 7, 12, 13	October 39:15	13, 25 61:7, 9,
82:10 93:1, 5	101:22	40:6, 18 50:20	20 63:3 64:4,
121:2 142:16	notice 6:15	51:2 100:16	18 68:3, 9, 23
names 7:19	11:25 37:22	105:4 109:14,	69:25 70:5
NE 5:5	101:20	23	71:20 72:3, 15
necessarily	noticed 14:8	offered 2:14	73:9, 11, 17, 23
84:20	99:7	Office 5:12	74:14, 24
necessary 2:9	notification	8:4 18:23	75:12 78:13,
67:21, 24	101:25	20:19, 21, 24	22 80:6 82:4
68:23 111:25	notifying 101:23	23:13 28:7	86:3 87:16, 20
116:17 117:8	November 38:11	35:25 46:7	92:1 93:7
need 16:24	115:23	48:8 76:10	94:16, 22 95:5
54:23 63:13	Number 7:14	93:22 109:3	96:5 97:5, 10
68:17 90:17	12:4 47:21	127:23 130:20	98:3, 24 99:3
99:8 113:4, 10,	50:2 67:14	137:4	100:25 101:8
13 114:7 115:7	76:16 91:2, 24	offices 1:22	102:3 103:15,
needed 22:21	98:6 113:20	official 88:5	21 104:13
54:25 57:20	118:3 119:2	121:18 137:15	105:19, 22
68:7 76:16	142:16	Oh 127:13	107:5 109:4, 9
130:4, 21	numbering 12:2	okay 9:10	111:7 112:13,
131:19, 20	numbers 35:4	10:12, 16 11:4,	19 113:9, 15,
134:19 135:1, 3	37:6, 11, 13, 15,	23 12:20, 23	17 116:11
needs 99:21	19, 20 67:9, 16,	13:9, 12, 23	117:7, 12
neither 142:9	22, 24 68:4, 17,	14:3, 9, 21	121:11 123:9
	19, 24 69:5, 7,		124:2 125:4

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

126:18 127:12, 22 128:24 129:14 130:9, 13 131:18 132:3 133:5, 12 135:15 136:2 137:18 138:2, 18, 23 139:7 old 57:19 79:15 Once 31:25 90:25 94:16 112:10 ones 19:7 20:4 63:10 74:22, 23 111:25 operating 65:12 101:6 opinion 69:21, 23 84:22 89:20 90:4, 7 92:5 93:10 114:9, 24 115:1 131:3 opinions 66:8 69:6 124:1, 19 opportunities 79:12 80:16 opportunity 97:14, 18, 20 122:22 127:2 134:21 opposed 123:5 option 111:10 oral 7:8 order 38:12 54:2 67:19 68:8 75:1 92:9 98:20 132:5, 19 OSHER 5:2 6:8 8:14 27:8 46:5 120:22, 24 121:3 122:14, 19 125:4 outcome 43:24 outside 28:6 93:22 94:5, 17	95:9 overall 97:7 overnight 125:18 overpopulated 67:11 74:23 overpopulation 68:18 oversaw 32:7 oversight 19:12 Overton 48:12 overview 37:2 overwhelmingly 45:11, 17 < P > p.m 100:15 120:9, 12 140:2, 5 141:5, 7 P.O 4:13 PAC 15:8 PAGE 6:13 15:15 105:24, 25 113:18 116:4, 16 Pages 61:12, 15 paid 41:21 Paige 6:2 paper 39:22 89:21 92:17 parameters 54:1 part 32:24 62:22 64:24 66:2 84:24 87:22 92:24 95:19 110:25 119:19 130:6 participate 39:25 71:21 particular 62:10, 13 83:22 92:24 103:3, 17 106:21 114:12 118:21, 23 137:3 140:16 particularly 102:17 parties 1:18 2:11 122:23 123:23 142:10	partisan 62:20, 22 parts 38:2 83:15 party 21:10, 13 24:13 117:20 121:16, 19, 25 122:1, 8, 9 123:5, 6, 11, 12 124:4, 5, 12, 13, 17, 22, 24 passed 22:10 27:18 38:12 40:21 41:7, 8, 11, 17 52:4 58:22 105:17 111:2, 6, 9 126:10 passing 11:22 Paul 9:18 paying 10:17, 21 people 13:21 45:9, 10, 16 65:5, 16 66:11, 22, 23 67:1, 10, 12, 17 68:7, 11, 17, 25 69:1, 3, 4, 12, 17 70:6 71:1, 13 73:14 74:18, 25 76:2 78:13, 17, 19 81:10 84:3, 7, 8, 9 86:21 87:10 89:7, 19 90:1 92:12 97:25 117:22 122:5 people's 66:3 percent 26:15 42:16, 21, 24 57:9, 23 97:15, 21, 22 98:4, 11, 12, 21, 22 113:20, 22 114:3, 6, 12, 25 115:3, 6, 12 116:18, 19 117:5, 25 118:3 perform 111:17, 24 performed 104:1	period 69:6 72:8 79:13 permanent 87:22 Perry 82:15 83:11 person 11:20 16:25 71:23 72:10 96:15 109:5 personal 14:24 15:11, 13, 17, 23 26:1 84:13, 20 90:7 personally 83:20 PI 99:7 picked 39:22 piece 89:21 92:17 pit 31:4 33:1 Plaintiffs 1:8 3:3 4:17 5:1 7:21, 23 8:9, 11, 13, 15, 19, 21, 23 9:1, 15 10:6 120:13, 15, 20 121:3 125:8 Plaintiff's 6:14, 16, 18, 20, 22, 24 12:4, 6 52:14, 18 55:20, 23 104:24 115:23 116:1 119:10, 13 plan 24:21 25:8, 13, 25 27:2 42:9 43:6 58:24 65:6, 9, 11 69:15 77:16, 20 79:10 87:4, 5 91:10 93:21 94:5, 8, 10, 12, 16 95:4, 6 96:1, 4, 9, 18, 19, 24 97:7 107:15, 16, 19, 20 114:15 119:7, 8 120:1 126:10, 16 127:1, 5, 18, 24
--	--	---	--

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

128:9, 20	105:14, 17	prepared 67:5	Procedure 7:5
129:17, 23	106:7, 8, 12, 13,	93:8 118:7	99:11 101:7
130:2, 7, 15	20 109:12, 18,	PRESENT 6:1	proceedings 7:9
131:19 132:6,	21, 25 110:5,	7:18 66:24	142:5, 8
20 134:19	18, 25 111:8,	73:6	process 21:6, 9,
135:11, 16, 18	18, 21 112:3,	presented 29:17	24 22:13, 25
136:4, 17	14, 24 113:24	63:17 68:11	26:10 28:18
137:12, 16	114:1, 5 115:4,	119:8 135:11	29:25 30:9
138:8, 12, 19	8, 12 116:14	137:11, 23, 25	33:18 34:24,
140:12, 24	Policies 123:16	138:3, 7	25 35:18 36:3,
planning 34:24	political 16:13	preserve 32:25	25 37:3 41:19,
plans 22:9	85:12 123:21	33:9 133:24	25 46:3 57:16
27:5, 6 31:3,	politically	press 80:17, 23	64:14 66:2
7, 9 38:12	86:14	pretty 25:12	93:17 96:17
40:8 58:22	population	60:20 63:5	101:3 105:15
64:11 65:22	26:16 42:22	99:22 123:20	107:7, 11
76:5, 8 77:6	65:22 76:11	prevent 9:22	produced 43:6
107:14 130:1,	95:3, 12, 18	previous 112:5	68:13 77:20
11 133:22	96:11 97:23	previously	80:13
play 28:6, 14	98:5, 12, 13, 22	21:18 42:21	program 94:23
29:24 46:12	102:8 113:21	primarily 38:24	project 40:14
104:9	119:21	73:12 80:10	prompted 89:17
please 7:18	populations 96:2	primary 26:10,	property 43:9,
9:3, 16 118:19	portion 18:19	15	10, 11
137:21	82:17 102:3	principle 60:8	Proposed 6:19
pleasure 139:16	possible 27:9	PRINGLE 1:10,	37:24 51:11
plus 18:8	39:2 69:21	20 5:17 7:7,	52:6 55:24
point 25:6	92:9 107:5	12 8:2 9:4,	56:13 57:19
30:5 32:22	117:1 133:3	13, 18 17:25	61:15 63:8, 10,
33:3, 8 34:16	possibly 49:10	125:14 126:3	16, 22 77:6
39:1 40:7	106:4, 9, 14, 18,	127:16 131:11	93:16, 19
64:12 88:15	25	133:5 139:14	100:20
93:16 94:1	potentially	140:7 141:4	protect 33:19
95:6, 7 97:10	136:7	prior 2:14	34:1, 9 45:6
99:16 105:14	practicable	22:20 26:4	70:15 98:9
109:22 116:24	81:15	40:13 52:1, 8	133:2 134:22
118:6	precincts 85:13	56:11, 13, 22,	135:4
points 69:13	preclearance	24 58:5 81:18	protected 29:2
77:15, 23 87:3,	112:10	95:25 100:21	102:20 134:8
6 88:17 89:1,	precleared	109:13 111:21	136:8
16, 25 92:14,	58:25 59:21	priorities 33:25	protecting 43:4
18, 21 93:9	112:11	prioritize 54:23	44:19 135:6
117:14, 17	predominantly	priority 33:19	protection 96:14
118:7, 9	85:23	prison 40:11	provide 101:17
132:10, 13	prefer 19:21	prisons 40:9	105:5
135:17, 24	preference	private 14:24	provided 55:5
136:2, 11, 15,	123:16	privilege 63:14	56:7, 9
16, 22 137:5	preliminary	127:8 131:5	Public 1:21
polarization	99:21	132:9	7:2 19:12
102:4, 11, 15	prepare 12:13	privy 114:20	20:23 32:7, 8,
103:2, 17	51:6, 14 74:4	Probably 35:1	17 35:5, 25
104:7, 10, 15	100:18 106:23	136:13	36:1 37:16, 18,

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

22, 24 38:1, 3, 5, 16 39:13 41:1 64:11, 15, 16, 20, 23 65:2, 15, 19, 21, 25 66:12 67:5, 7, 24 68:12, 16, 21, 24 70:2, 6 71:20 72:3, 16, 25 73:7 74:4 75:6, 14, 17, 21, 24 76:14, 19 77:3, 7, 8, 12, 15, 19, 22 78:1, 23 79:4, 5, 6 80:22 81:6, 19, 23 82:20, 22 86:17, 20 87:1, 8, 11, 17 88:8, 14, 20, 25 89:4, 12 90:10, 13, 16 92:23 122:2 publicize 36:6 published 38:4 pure 69:5 purpose 16:23 65:2, 15 102:18 pursuant 7:4 put 28:9 31:6 41:9 47:21 54:25 88:1, 5 89:18 90:3 94:2, 18 116:5 putting 54:13 < Q > question 10:10 11:10, 12, 13, 23 25:11 40:19 53:23 57:5 63:13 66:5 70:25 73:2, 15 80:21 86:10 93:13 98:16 103:23 106:2 118:18 119:1 124:20 127:9 130:3 132:3, 23 133:8, 16 134:2, 23	137:19, 21 138:10 questions 2:10, 11 9:23 11:9, 21 72:24 73:13, 18, 20, 24 74:2 80:4 117:22 120:14, 15, 21, 25 125:9 126:2 139:15 140:10 141:2 quick 121:1 quicker 43:18, 20 quickly 33:17 41:25 49:10 92:11 quit 17:7 quite 86:3 117:21 quote 80:24 quoting 133:1 < R > race 27:25 54:11, 12 107:10, 14, 16 108:5 110:3 123:17 race-neutral 31:10, 20 108:15 133:23 134:16, 18 races 75:25 131:15 racial 26:11 27:13, 16 42:11 85:17 95:14 102:4, 8, 10, 14 103:1, 16 104:7, 10, 15 105:13, 17 106:5, 6, 7, 10, 12, 14, 18, 19 107:1, 6 109:11, 18, 21, 25 110:4, 17, 25 111:8, 18, 21 112:3, 13, 23 113:24 114:1, 5 115:4,	8, 12 116:14 128:22 129:2, 10, 12 racially 119:18 127:6, 19, 24 128:9 ran 45:11 Randy 23:24 38:20 range 119:5 ranking 20:16 21:10 rapid 117:17 118:12 rapidly 116:25 reach 131:3 reached 139:7 reaches 95:2 read 31:1 51:11 60:4 61:18 69:14 74:8 77:24 87:4 88:17 92:19 101:14 106:15 126:21 132:14 137:21, 22 139:13 reading 2:2 41:9 87:3 92:17 118:5 137:5 readings 139:12 reads 89:16 ready 38:13 99:24 real 17:7, 20 really 11:19 33:17 34:11 41:25 69:25 77:18 83:12 99:9, 14, 15 116:23 118:18 119:1 realtor 16:16 17:15 18:5 Reapportionment 6:17 19:10 20:5 21:2 23:13 28:7 30:8, 10, 24 31:13, 23 32:6 35:20, 25 36:8,	13 39:14 40:5, 18, 23 45:21 46:7 47:13 48:7, 8, 15, 22, 24 49:2, 22, 23 50:6, 7, 13, 19, 22, 25 52:18 53:10, 15 55:14 56:17 58:3 76:6, 10 80:7 83:18 85:5 93:22 100:17, 23 102:2 103:25 104:3 105:3 109:2 128:25 129:1, 16 132:19 139:4 140:19 reason 21:22 28:5 58:20 59:8, 25 60:15 62:5 65:19 96:16 105:8 108:23 116:7 reasonable 44:23, 24 reasons 54:18 59:13 recall 27:22 36:7 47:17, 18 49:24 51:7, 21 54:24 55:2 57:15, 25 58:6 63:20 64:6, 7 66:3 75:18 76:23 77:11 78:7, 8 82:19 86:24 89:2 90:11, 15, 16, 22 104:17, 20 133:14 receive 14:19 37:5 received 135:22 137:3 receiving 70:10 Recess 49:14 100:13 120:10 140:3 recognize 55:25
--	---	---	--

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

recollection	referring 27:5	remodeling 17:12	21 122:1, 9
14:3 26:18	69:9 106:6	remotely 72:9	123:12 124:5,
28:20 29:1, 7	108:9 117:8	removing 122:2	13, 24
47:6 132:16	118:1 126:10	repeat 18:16	republicans
138:1	reflect 55:15	118:19	21:12 123:2
record 9:17	reform 124:6, 9, 14	repetition 99:19	request 38:2
27:11 49:13,	refrain 100:4, 6	Reporter 7:1	50:22 104:5
16 64:11	refresher 11:9	9:2, 7 11:15	110:12
77:24 87:4, 23	regarding 40:16	16:20 97:22	requested 14:5
88:1, 5 89:18	regardless 69:7	100:6 137:21	110:10
90:4 95:17	region 82:9	142:15	requesting 38:1
100:9, 12, 15	register 79:19	Reporting 142:14	required 36:15,
116:6, 8 120:7,	regular 50:5, 8	represent 7:19	21 134:3
9, 12, 23	related 78:6	9:15 19:23	requirement
137:22 140:1, 5	79:1	24:7 42:2	131:8 132:11
recordings 50:23	relating 2:5	45:10, 16	134:17
records 50:23	relationship	50:24 80:25	requires 115:12
Rector 3:14	115:2	140:8	134:6
redistricting	relay 77:2, 9	representation	reservations
11:3, 5 16:3	released 79:5	70:9 80:15	85:14
21:6, 9, 16, 24	releases 80:17	86:23 87:18	residence 44:16
22:8, 12, 24, 25	rely 58:12, 21	88:21 89:5, 13	resolve 49:10
26:9 29:25	remained 45:13	90:2, 7 92:13	respect 30:24
30:9 33:18	remedy 128:22	Representative	31:3 39:19
34:23, 25	129:2, 9	8:1 9:13	88:15
35:21 36:16	remember 14:7	18:14, 17	respecting 54:14
37:3 40:16, 17	20:4, 9 26:5,	25:25 37:25	respective 1:18
41:2 42:22	17 32:3 35:7	42:1, 12, 20	respond 99:24
45:20, 21	36:10 37:10	43:4 44:5	response 43:17
46:10 47:14	42:11 46:1, 6,	45:6, 13 46:2	91:7
52:19 54:5	24 48:3, 16	70:18, 20, 24	responsibilities
64:14 66:2	49:4, 5, 25	71:9, 14, 19	32:5, 20
96:12 107:7,	50:2 52:3, 6	113:19, 23	responsibility
11 112:5	53:18 55:4	116:13 121:2,	98:18
129:17 131:13	58:24 59:9	6 122:20	rest 70:19, 21
132:6	60:5, 6 64:3	125:5, 14	result 11:5
redrawing 24:8	72:2 73:3, 5,	126:3 127:15	22:7 142:11
Reed 25:8, 13,	25 74:3 76:1	131:11 133:5	retained 24:12
22, 24 42:9	77:10, 21 78:4	139:14 140:7	reusing 60:15
119:20 120:1	82:25 87:8, 14	Representatives	review 13:9, 12
reelect 45:17	88:22, 23	18:2 20:23	19:13 20:8
reelected 35:12,	90:24 91:2, 5	41:12 70:11,	52:1 56:14
16 121:9	94:9, 12 97:12,	13 71:6	100:21
re-elected 18:25	13 98:1	represented	reviewed 52:23
reelection	100:18, 25	10:1 93:1, 6	53:13 56:21
45:11, 14	101:2 112:7, 9	representing	reviewing 46:9
134:22 135:13	114:23 116:23	7:21, 23, 25	revised 51:18
refer 19:16	117:17	8:4, 15	revising 47:13
25:12 27:5	remembered	represents 10:5,	58:4
102:5, 10	59:11 87:23	13	revisions 56:23
126:12		republican	rewritten 61:22
referred 25:24		121:16, 17, 19,	62:7

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

rich 82:10	ROSBOROUGH 4:2	second 19:1	107:3 113:18,
86:5	8:18, 19 49:6	41:9 98:3	25 114:7
right 9:20	100:3	105:12 135:15	send 45:3
14:17 18:3, 6	ROSS 3:18 8:10	secondhand	sense 42:14
20:9, 16 27:3	roughly 121:11	114:21	46:22 47:19
28:3 32:3, 21	RP 102:6	seconds 139:25	89:19 123:4
33:24 34:4, 20	RPV 102:5, 7	Secretary 8:4	sensitive 99:22
39:2, 8 48:24	rule 28:5, 14	38:10 140:8	sent 37:22, 25
49:19 50:12	36:22 60:6	Section 58:23	41:14 43:15
53:22 58:16	76:8 93:21	59:1, 16, 18, 19,	51:25 52:7
59:22 66:20	rules 2:5 7:5	20, 21 61:17	69:10 92:19
68:15 70:24	11:8 99:11	62:6, 18 98:7,	93:3 100:20
71:2, 7 72:13	ruling 62:8	15 99:1	101:1, 19, 23
76:3, 15 78:2,	rulings 36:19,	102:19 103:10	102:1 110:7
15 80:11	20 46:11 54:4,	112:9 136:7	sentences 11:21
83:15, 23	8 55:13	see 8:16, 17	sentiment 88:20
84:11, 14, 17	run 20:20	16:21 21:22	89:4 92:12
85:6 86:1	83:25 99:1	31:7 34:15	separate 66:18
87:25 96:21,	123:25	56:15, 16	September 127:18
23 99:15, 17	rural 84:24	61:12, 13 65:7,	sequentially
101:5 103:12		23 66:22	12:2
105:20 108:16	< S >	67:18 74:22	series 37:22
111:2 115:24	SADASIVAN 3:11	89:8 95:23	serve 19:11
126:11 131:14	8:8, 9 47:7,	96:1, 4 97:6	21:19 35:17
133:10, 13, 16	10 49:9, 19	109:2 113:4,	served 18:24
139:9	safe 48:11	10, 13 125:20	20:5, 6, 7, 8,
Rights 54:3, 7	sales 17:9	127:12 139:17	23 25:6 26:1
59:16, 19, 20	satisfied 89:12	seeing 94:9, 12	33:3 50:8
98:7 99:2	saw 56:1 3, 12	97:12, 13	121:7, 8
102:20 132:5,	59:10 76:7	104:17, 20	serves 137:14
20 133:10, 17	138:24	seek 22:18	service 122:21
134:3, 6 136:4,	saying 63:15	130:19	serving 20:22
18 137:13	69:8 71:13, 14,	seeking 134:22	21:23 121:23
River 43:8, 12	16 84:11	135:13	123:9 124:21
83:25 84:2	100:2 123:22	seen 12:9	session 22:3, 4
rivers 84:10	124:10 133:15	29:19 76:4, 5	28:13 40:9, 10
Road 4:20	says 11:17	95:21 112:16,	41:2 93:18, 20
11:9 43:10, 11	106:1 113:25	17, 18 115:19	94:6 110:9
54:20	scenes 38:13	sell 82:2	117:18
Rock 41:5, 22	schedule 35:3,	senate 21:11	set 32:7 80:7
role 18:12	5 37:16 50:5,	32:10 41:14	93:9 106:3
21:8 22:12, 15,	8 79:4	72:20	setup 65:17
19 29:24	school 72:20	Senator 8:1	seven 19:1
30:23 48:13	85:15 117:2	12:19, 23	113:15 117:3
52:21, 25	Schoolhouse	13:17 33:19	129:5
56:19 62:10	41:5, 22	35:24 44:15	Sewell 114:15
72:15 104:9	science 16:13	46:7 47:5	119:7
room 11:18	scratch 58:13	48:3 51:17	shape 119:22
39:21, 23 90:3	screen 127:13	58:2 61:10	share 45:3
120:6	seat 34:9	74:2 80:10, 23	69:18
	43:4 45:7	81:4 106:1	shattering 81:15

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

she'll 11:17	91:10 93:3	76:23 77:9, 12	15 116:22
shift 76:13	102:2 110:22	86:24	137:11 138:4,
shifted 65:23	Sonny 21:17	spectrum 123:20	8, 12
shifts 74:7	29:2 33:21	speculation 43:2	statements 90:4
ship 43:7, 12,	soon 38:7, 8	spelled 54:15	STATES 1:1
13 44:21	67:9 139:17	spend 82:14	7:15 58:25
short 120:3	sorry 13:1	spent 82:5	stay 40:14
Shortly 14:8	17:13 18:16	split 44:13	67:2 74:18
show 65:21	20:13 22:12	92:8 97:9	125:17
91:10 109:10	27:8 34:18	splits 91:24	Ste 3:7, 21
side 43:11	37:8 41:23	92:7 94:4	5:5, 21
48:11 83:4, 12	49:6 53:23	95:13 97:8	step 22:22
99:24	59:19 73:19	spoken 80:3	35:10, 11
signature 2:2	75:4 89:23	126:7	stepped 35:15
signed 40:21	94:11 98:3, 12	spring 37:17	steps 41:20
41:17 114:18	101:21 105:25	staff 48:7, 15	45:20
significant	111:4 128:14	100:23 102:2	stint 19:14, 16
124:25	137:8 138:5	standard 101:6	21:5
similar 60:5	sort 41:4	standing 87:2	stipulate 116:9
similarities	sorts 66:16	stands 89:16	STIPULATED 1:17
59:10	sought 20:20	Stars 3:7	2:1, 8
single 67:8	sounds 16:25	start 12:3	stipulation 7:6
77:22 84:13, 21	source 95:10	33:11, 12	stipulations 9:7
single-member	Southern 17:8,	34:24 61:13	stood 77:23
54:14	14, 21 18:3	138:5	stopped 47:7
SINGLETON 4:17	spaces 122:3	started 33:6	story 34:21
8:23 120:15	speak 29:23	35:8 36:8	straight 40:10
125:8 126:11	58:4 93:5, 11	38:15	Street 1:23
127:17 128:7	speaking 56:14	starting 25:6	3:14, 21 4:5
sir 121:22	100:4, 6	30:5 32:22	5:5, 21 142:23
126:13, 17, 20,	speaks 11:20	33:3, 8 58:13	stretches 83:3
23 130:25	special 22:3, 4	State 1:22	strike 138:5
133:11 134:1	28:12 40:9, 10	7:3, 19 8:4	strided 61:14
139:6	41:1 93:20	9:16 10:20	subdivisions
sitting 46:1, 6	94:6 110:8	14:15, 20, 25	85:13
situation 43:25	specialist 16:19	18:14, 17, 19	submit 28:8
six 38:1, 3	specialize 17:9	19:8 23:8, 14	73:15
80:14, 16	specialties	32:9, 10 34:19	submitted 76:6,
skilled 117:19	16:15	38:2, 6, 10	9 94:5, 13, 16
smile 126:8	specific 23:3	39:6, 11 41:8	subsection 61:21
social 15:13	27:7 51:22	42:4 50:10	substance 109:8
85:18	77:2 79:7	57:11 72:11,	suggest 57:22
software 24:22	87:5 123:7	18, 20 75:25	63:2, 19 111:7
soil 86:2, 6	specifically	82:9, 17 83:4,	suggested 111:20
soils 82:11	60:6 73:24	15 84:5, 15, 25	suggestion 91:7
somebody 22:21	74:2 82:25	86:22 93:1, 5	suggests 77:17
23:12, 15	90:22 108:10	96:15 109:19	suit 126:19
24:15 69:10	127:21	122:23 125:2	Suite 142:23
77:23 78:3	specifics 40:4	127:22 128:8	summer 37:17
87:2 88:16	55:2, 4, 6, 11,	142:1	supermajority
89:15 90:3, 5	16 75:19	statement 81:3,	123:20
		5, 12 115:10,	

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

superminority	100:9, 16	terms	18:25	100:3 116:17
20:14	101:10 135:15	19:15 89:5	121:9	117:7
support 119:8, 9	talked 51:20	test 45:1	three 60:16	99:7
supported 42:25	52:2 64:7	46:12 61:25	three-week 79:13	tight 111:11
suppose 109:6	72:18 76:2, 21, 24 87:5	62:2	timberland 17:9	82:2
supposed 37:5, 9, 10	112:21 135:9	testified 9:5	Timberlands	17:8, 14, 21
supposing 61:24	talking 26:9	129:4	18:3	time 2:12, 13
sure 10:9	27:1 36:4	testify 14:18	7:17 10:24	11:20 19:23
24:5 25:12	39:6 49:21	128:25	20:15 25:15	34:3 39:19
27:6 35:21	64:1 66:6	testifying 9:20	42:5 44:12	45:11 46:22
36:12 39:4	69:11, 13	testimony	49:13, 16	51:19 59:5
41:18 45:13, 15 58:1 64:6	74:16, 19 77:7, 15, 23 82:17	129:15 134:1	68:14 72:8	73:14 74:14
75:3, 18 77:14	87:3, 6 88:17	text 109:6	79:8, 17 80:5	81:9 82:5, 14
86:13 96:20	89:1, 16, 25	texts 109:10	86:4 99:5	100:12, 15
101:13, 14	92:11, 14, 18, 20, 21, 22 93:9	Thank 34:22	101:9 105:23	110:4 111:14
103:19 104:2	106:25 112:25	49:19 51:3	112:10 113:1	117:1, 3, 13
107:9 117:14	116:24 117:14, 16 118:5, 7, 9, 25 132:10, 13	121:2, 14	120:9, 12	121:2, 16
118:5 120:14	135:17, 24	125:5, 6, 12, 16	125:5 132:17	137:16 140:2, 5 141:4
122:12, 16, 19	136:2, 11, 15, 16, 21 137:5	138:2 139:14	timeline 37:3	40:3 105:21
123:7 139:18	Tallapoosa 1:25	141:1	111:11	times 49:22
surprise 81:10	5:21	thereto 2:14	79:22 80:7	91:2
surprises 80:24	tasked 83:18	thing 40:17	title 18:4	today 9:24
81:7	team 39:21	68:10 69:14	10:1, 18 12:13	13:10 14:13
swear 9:3	telephone 109:3	things 17:6	34:17 71:2	today's 34:23
sworn 9:5	127:13	31:5 36:11	told 13:21, 23	14:4 31:19
system 40:11	tell 15:1	79:1 132:12	33:11 80:23	108:12 113:25
83:25 84:2	29:18 35:14	think 29:20		
< T >	67:10 75:23	32:21 37:11, 23 40:6 43:20		
table 46:1, 6	89:17 99:15	46:12, 13 49:9		
take 32:17	117:5 118:14, 20 126:24	60:2, 22 62:5		
49:8 52:10	127:4 128:18	63:12 66:2, 11		
61:10 65:4	telling 36:19	69:20 71:16		
75:5, 10, 13	88:23	78:22 79:2		
86:16 99:12, 17 100:8	ten 28:8, 11	81:9 82:13		
107:10 120:2	47:25 93:23	101:4 111:5		
taken 1:21	94:7, 14, 15	114:7, 11		
49:14 100:13	tend 78:25	115:15 116:18, 23 119:2, 19		
108:5 110:1	ten-day 28:5	123:18 124:7, 18 127:9		
120:10 140:3	60:6 76:8	130:7 132:1		
142:5, 8	95:25 97:1	137:17 139:19, 21		
takes 111:17	term 19:2, 19	thinking 36:8		
talk 47:13	82:1, 24 85:25	86:21 122:5		
51:17, 18	86:3 102:7	third 61:14		
62:15, 16 63:2	112:12	thought 48:21		
64:4 67:17		54:2 57:20		
75:16, 20		59:23 80:15		
76:18 78:4				

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

114:21, 22	12, 13 121:9	update 36:15,	voted 29:3, 10
119:6	123:22 127:2	18, 20, 22 46:4,	31:16, 17 51:9
total 121:12	two-hour 99:6	10 55:3 57:20	53:21 84:17
totally 84:4	type 11:17	updated 36:12	Voter 89:25
tradition 26:6	35:2	55:15	voters 42:23
60:12 64:25	typing 11:16	updates 54:24	66:24 69:10
transcribed		57:6	77:21 78:2, 7
142:5, 8	< U >	updating 35:18	80:25 81:8
Transcript 6:21,	Uh-huh 61:16	36:8, 24 45:20	87:4 88:17
23 105:3	95:8	URIAH 4:18	89:1, 8, 14
115:22 142:7	ultimately 24:9	use 15:17, 21	98:1 126:13,
transcription	98:17	25:20, 21 33:7	14, 16 135:16
142:6	unconstitutional	60:9, 12 102:13	136:4, 17
transcripts	127:19 135:19	Usual 9:7	137:12, 15
116:10	underpopulated	14:14	138:4
travel 14:15, 20	67:12 68:6	usually 101:7, 9	Voting 54:3, 7
trial 2:13	74:23		59:16, 19, 20
14:18	underpopulation	< V >	85:13 95:18
tribal 85:14, 18	68:19	various 18:1	98:7, 12 99:2
trick 111:4	underpopulations	122:25	102:19 113:21
tried 92:8	74:17	varying 124:1	132:5, 20
true 81:12	understand 9:11,	version 63:18,	133:10, 17
83:14 89:19	19 11:10	21	134:3, 6 136:4,
142:7	40:19 63:5	versus 7:13	18 137:12
truthfully 9:24	69:7 86:12	VIDEO 1:9	VS 1:9
try 70:15	100:1 105:7	Videographer	
102:10 119:24	113:1 118:18	6:2 7:11 8:6	< W >
trying 21:19,	121:20 135:1	9:2 49:12, 15	wait 70:1
21 34:15 35:2	138:10	100:11, 14	139:24
37:16 39:3	understanding	120:8, 11	waived 2:3
40:2 64:15	9:23 54:6	140:1, 4 141:3	walked 39:20,
76:25 96:21	55:12 62:1	view 69:18	22 86:21
111:4 116:25	70:1 82:7	77:18 121:24	WALKER 5:18
131:7	97:17 102:14,	122:22 123:24	7:24 8:17
turn 105:24	16 106:11, 17	124:16, 25	9:9 10:4, 9,
113:18	107:1, 16	views 66:15, 16	17, 21 12:1, 16
turned 43:7	110:7 114:14	121:24 122:7,	13:6 46:2, 8,
75:7 89:9	118:13 122:12,	22 123:5, 10	15 47:4 48:4
93:23, 25 94:1,	17 129:14	124:3, 11, 22	50:20, 24
18	134:17	violate 136:4,	52:23 53:4
TURRILL 3:4	understands	7, 18	55:8 56:8
8:12	103:10	violated 102:19	58:2 61:6
twice 91:1	understood	137:12	62:16, 17 63:8,
Twitter 15:16,	11:12 135:3	Virtually 23:5	11, 12 73:6, 12,
20	unintentionally	69:10 72:5, 13	20 82:21
two 12:21	102:19 134:7	78:3	105:7 107:8
18:24 19:15	Union 4:4, 12	volition 92:16	108:2 110:11
28:19 29:9	UNITED 1:1	vote 28:21, 22	114:1 116:5,
69:15 90:17,	7:15 58:25	29:18 59:24	11 117:10
19 91:8 93:15	University 16:8	67:20 68:8	118:2, 8, 10
95:24 97:11,	unnecessary	96:14, 16, 17	120:5, 18
	114:2, 4	102:23	122:11, 16

Evan Milligan, et al v. John H. Merrill, et al.

Chris Pringle
12/17/2021

125:6, 11, 25	13:1, 4, 8	46:19 49:17	23 122:6, 20
126:19, 24	47:9 50:18	99:19 136:25	123:9 124:2
127:7 128:2,	51:3 82:22	Women 66:24	130:7 138:15
12, 14 129:15	99:10, 13	69:10 77:21	year's 30:8
130:14 131:2,	100:1, 8 105:5,	78:2, 7 87:3	yesterday 12:14
4, 21, 23 132:4,	11 108:3	88:17 89:1, 8,	yield 45:25
8, 23 133:19	116:9 120:2, 7,	14, 25 98:1	York 3:15 4:6
134:5 136:1,	13, 19	126:12, 14, 15	
24 137:1, 24	Well 13:8	135:16 136:3,	< Z >
139:10, 19, 24	16:24 17:3	17 137:12, 15	zero 44:13
want 35:14	20:16 25:23	138:4	67:14 74:21
58:20 70:13	28:21 30:15	won 45:11	75:1 76:14
71:15 72:1	36:17 38:20	woods 16:22	77:1 92:9
96:7, 20 120:3	40:20 41:21	words 102:12	129:17, 21, 24
125:17 139:22	44:20, 25 45:8	138:24	130:1, 4, 8, 10,
wanted 21:18	49:1 60:4	work 17:12	12, 16, 21
30:22 31:6, 11	64:1 65:21	23:20 30:12	131:8, 15, 20
32:13 34:8	66:6 69:3, 4,	31:11 32:12	133:4 138:9,
41:18 45:6, 9,	17, 23 70:17	37:16 38:12	13, 16, 21
12, 15 51:4	71:1 76:13	64:15 78:18,	139:2, 5, 11
57:7 66:17, 22	77:7, 20 79:4,	19, 25 79:1, 2,	Zoom 3:18
67:2, 18 69:14	11, 23 81:13	18 81:17 82:2	4:17 5:1 8:7
70:7 104:3	84:17 85:5, 17	83:10 99:8	11:18
135:10, 11	86:19 92:8	worked 18:7	
wanting 89:19	96:6 98:17	21:18 30:18	
Washington 3:22	99:10 103:24	32:11 34:3, 4	
5:6, 13 21:18	105:21 113:7	39:2, 10 114:17	
42:5 44:2, 11	118:24 125:12	working 35:2, 4,	
watched 79:14	129:25 130:3	5 39:11 46:3	
80:1	132:10 135:8	78:10, 13, 14	
way 14:18	139:10	works 19:20	
31:22 41:5	went 40:10	30:17	
43:15 63:12	41:1, 16 43:10	wrap 137:9	
64:11, 20	51:12 57:4, 18	write 48:20	
66:12 67:2	69:1 74:8, 21	writing 137:11,	
83:21 84:2	we're 26:9	25 138:4, 8, 11	
86:23 117:21	27:1, 4 54:21	written 89:21	
127:9, 15	99:4 118:25	104:14	
131:2, 6, 12	140:1, 4	wrote 135:24	
134:7, 16	We've 99:7, 23		
137:10	138:16	< Y >	
ways 45:5	wide 123:20	y'all 14:8	
Wednesday 50:11	Wilcox 42:8, 9	Yay 120:18, 19	
week 40:12, 15	82:15 83:10	Yeah 9:9	
weekdays 78:10,	84:7, 9	37:12 60:21	
14, 19	willing 94:20	69:19 122:16	
weight 89:3, 18,	win 45:14	125:22 129:7	
24	Wiregrass 84:4	year 46:23	
WELBORN 4:9	witness 2:3	50:1 66:13	
6:7 7:20 9:8,	7:7 9:3	years 18:8	
11, 12, 14	27:10 45:23	19:1, 4 45:18	
10:12 12:3		121:11, 12, 13,	

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

MARCUS CASTER, LAKEISHA
CHESTNUT, BOBBY LEE DUBOSE,
BENJAMIN JONES, RODNEY ALLEN
LOVE, MANASSEH POWELL,
RONALD SMITH, and WENDELL
THOMAS,

Plaintiffs,

v.

JOHN H. MERRILL, in his official
capacity as Alabama Secretary of State,

Defendant,

and

CHRIS PRINGLE and JIM
McCLENDON,

Intervenor-Defendants.

Case No. 2:21-CV-1536-AMM

**DECLARATION OF LALITHA MADDURI IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Lalitha Madduri, hereby declare as follows:

1. I am over 18 years of age and am competent to make this declaration. I am a counsel with the law firm of Elias Law Group LLP and one of the attorneys for Plaintiffs in the above-captioned matter.

2. Attached to Plaintiffs' Reply in Support of Motion for Preliminary Injunction are the following exhibits:

Exhibit	Document
1	Alabama Voter Registration Form, available at https://www.sos.alabama.gov/sites/default/files/voter-pdfs/nvra-2.pdf
2	Supplementary Declaration of Joseph Bagley, <i>Milligan v. Merrill</i> , No. 2:21-cv-1530 (N.D. Ala.), ECF No. 76-2
3	Deposition of Senator Jim McClendon
4	Deposition of Representative Chris Pringle

3. The exhibits listed above are true and correct copies of what they purport to be.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 27, 2021

/s/ Lalitha Madduri
Lalitha Madduri

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2021, a copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which will provide electronic notice of filing to all counsel of record.

/s/ Lalitha Madduri

Lalitha Madduri

Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM