

ORIGINAL

STOREY & MILLER
COURT REPORTERS
601 W. RIVERSIDE
SUITE 1030
SPOKANE, WA 99201

THE HONORABLE ROBERT H. WHALEY

1 DANIEL J. JUDGE, WSBA #17392
2 Attorney General's Office
3 Criminal Justice Division
4 PO Box 40116
5 Olympia, WA 98504-0116
6 (360) 586-1445

7 JEFFREY T. EVEN, WSBA #20367
8 General Counsel Division
9 Attorney General's Office
10 1125 Washington Street SE
11 PO Box 40100
12 Olympia, WA 98504-0100
13 (360) 586-0728

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 16 2000

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MUHAMMAD SHABBAZ
FARRAKHAN (AKA ERNEST S.
WALKER), et al.,

Plaintiff,

v.

GARY LOCKE, et al.,

Defendant.

NO. CS-96-076-RHW

DEFENDANTS'
CORRECTION TO
COUNTERSTATEMENT
OF MATERIAL FACTS

Defendants, by and through their attorneys, CHRISTINE O. GREGOIRE, Attorney General, and DANIEL J. JUDGE and JEFFREY T. EVEN, Assistant Attorneys General, submit the following Correction to their Counterstatement of Material Facts In Response to Plaintiffs' Motion for Summary Judgment. Accordingly, Paragraph 15 is corrected and should read as indicated below:

15. Defendants dispute the facts stated in paragraph 15. Plaintiffs misstate Dr. Taylor's testimony. Dr. Taylor testifies that Washington "developed a reputation among the nation's African-Americans as a 'liberal' state in terms of race issues affecting African-Americans." Taylor Affidavit, ¶ 14 (Defendant's Exhibit 47). Plaintiffs' rendition of Dr. Taylor's testimony reflects only the

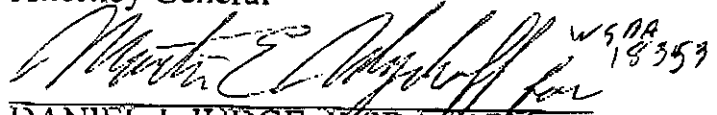
DEFENDANTS'
CORRECTION TO

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exceptions, and not Dr. Taylor's general conclusions. Additionally, Plaintiffs erroneously intermix Dr. Taylor's testimony regarding other Northwest states with his testimony regarding Washington, even though Dr. Taylor clearly distinguished Washington's history from that of the other states in the region, and did so in a positive manner. See paragraph 16 below. Most significantly for the issues raised in this case, Dr. Taylor testified that in his opinion, there has never been any organized effort in Washington to disenfranchise African-Americans or to deny voting rights to African-Americans. Defendants' Statement of Material Facts, ¶ 68. Indeed, African-Americans in this state have enjoyed significant electoral success. *Id.* at ¶¶ 69-71. A more complete discussion of the history of African-Americans in Washington is set forth in the Defendants' Statement of Material Facts, at ¶¶ 63-71.

RESPECTFULLY SUBMITTED this 16 day of August, 2000.

CHRISTINE O. GREGOIRE
Attorney General



DANIEL J. JUDGE, WSBA #17392
Assistant Attorney General
JEFFREY T. EVEN, WSBA #20367
Assistant Attorney General

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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON

11 MUHAMMAD SHABBAZ
12 FARRAKHAN (AKA ERNEST S.
13 WALKER), et al.,

NO. CS-96-076-RHW

14 Plaintiff,

AFFIDAVIT OF SERVICE
BY MAIL

15 v.

16 GARY LOCKE, et al.,

Defendant.

17 STATE OF WASHINGTON }
18 County of Thurston } ss.

19 Judy Lonborg, being first duly sworn upon oath, depose and say:

20 That I am a citizen of the United States over the age of eighteen and
21 competent to be a witness herein.

22 That on the 16th day of August, 2000, I overnight mailed, via United Parcel
23 Service, and addressed as follows:

24 DENNIS C. CRONIN
25 MAXEY LAW OFFICES
26 1835 WEST BROADWAY
SPOKANE WA 99201

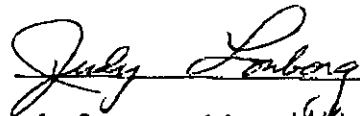
1 and

2 LARRY A. WEISER
3 UNIVERSITY LEGAL ASSISTANCE
4 721 NORTH CINCINNATI
5 PO BOX 3528
6 SPOKANE WA 99220-3528

7 a copy of the following documents in the above-referenced cause:

8 **DEFENDANTS' CORRECTION TO COUNTERSTATEMENT OF**
9 **MATERIAL FACTS; and AFFIDAVIT OF SERVICE BY MAILING.**

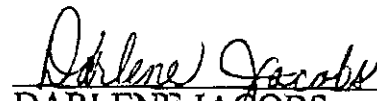
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12 SUBSCRIBED AND SWORN to before me this 16th day of August, 2000.

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15 DARLENE JACOBS
16 NOTARY PUBLIC in and for the
17 State of Washington.
18 Commission expires: 02/28/01.

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