

# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

MARTIN CROMARTIE, et al., )  
 )  
Plaintiffs, )  
 )  
v. ) No. 4:96-CV-104-BO(3)  
 )  
JAMES B. HUNT, in his official )  
capacity as Governor of the )  
State of North Carolina, et al., )  
 )  
Defendants, )  
 )  
and )  
 )  
ALFRED SMALLWOOD, et al., )  
 )  
Defendant-Intervenors. )

COPY

DEPOSITION OF ROY ASBERRY COOPER, III

THURSDAY, SEPTEMBER 9, 1999

Conference Room 301  
Sam Ervin Justice Building  
114 West Edenton Street  
Raleigh, North Carolina  
1:30 p.m.

Volume 1 of 1  
Pages 1 through 160

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**A P P E A R A N C E S**  
(continued)

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P R O C E E D I N G S

(This deposition was taken by agreement and pursuant to the Federal Rules of Civil Procedure.)

(Whereupon,

ROY ASBERRY COOPER, III

was called as a witness, duly sworn, and testified as follows:)

Ms. Smiley: Before you start the questions, I want to make one statement for the record. Senator Cooper has agreed to waive his legislative immunity, and that is a personal waiver.

Mr. Everett: Thank you very much, Senator. Let me note how pleased we are that you have waived it because that will enable us to get to the facts a little bit more readily. Shall I go ahead and begin now?

Ms. Smiley: Uh-huh.

D I R E C T E X A M I N A T I O N 1:31 p.m.

By Mr. Everett:

Q Please state your full name, residence, and occupation.

A Roy Asberry Cooper, III; I live at 308 Gravely Drive, G-r-a-v-e-l-y Drive, in Rocky Mount, North Carolina. I am an attorney.

Q Are you in Nash County or Edgecombe?

A I am in Nash County.

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1 that one specifically.

2 Q And you said Senator Leslie Winner. In order to avoid  
3 any confusion, is she--was she then a state senator and  
4 someone different from Dennis Winner?

5 A Yes, she was a state senator, and like in some ways  
6 and in some ways not.

7 Q And Dennis Winner, was he still serving in the Senate  
8 or had he finished his service?

9 A No, he had not. He was no longer serving.

10 Q Had Leslie Winner previously been involved actively in  
11 the redistricting process--that is, say back in 1991, 1992?

12 A I don't know personally what her role was. I know  
13 that she was an attorney involved in the case before she was  
14 a state senator.

15 Q I see.

16 A But I don't--I am not quite sure what her role was.

17 Q Do you know whether in that connection as an attorney  
18 she had been an attorney with the Legal--had worked with the  
19 Legal Defense Fund of the NAACP?

20 A I am really not sure who her employer was. I know  
21 that she was involved as an attorney in the case.

22 Q What was her role in preparing any of the plans that  
23 may bear the designation Cooper/Winner?

24 Ms. Smiley: I am not sure that Senator Cooper can  
25 waive Senator Winner's legislative immunity. If you want to

1 ask him not anything she said---

2 Mr. Everett: (interposing) Sure.

3 Ms. Smiley: ---but you need to be very careful  
4 that he can't waive her immunity.

5 Mr. Everett: That's fine.

6 Ms. Smiley: In terms of his perception of maybe  
7 what she did or something or her role, but her actual acts or  
8 conversations would not be open for disclosure.

9 Mr. Everett: Okay.

10 By Mr. Everett:

11 Q What did you do in relation to the formulation of this  
12 plan?

13 A Well, she is one of the brightest senators in the  
14 Senate and she was one of the senators that I talked to about  
15 redistricting.

16 Q And she had had a lot of experience with it; correct?

17 A She had had experience with it, yes.

18 Q And we won't ask you to refer to her attitudes in that  
19 regard since that might waive her privilege, but did you find  
20 that she had some input that was significant?

21 A I would say that yes, she played a significant role in  
22 the redistricting process; yes.

23 Q And in playing that role, were there situations where  
24 you and she were together with Garry Cohen working on a plan?  
25 Were there situations of that sort?