

**Thomas Hawthorne and Emory Newman, Plaintiffs**  
**Andre Keith, Plaintiff Intervenor**  
**Randy Kelley, and Janet May, Proposed Plaintiff Intervenor**  
**vs. Thomas Perez, et.al.**

**BACKGROUND NARRATIVE**  
**By Joe L. Reed, Chair, Alabama Democratic Conference and**  
**Vice Chair for Minority Affairs, Alabama Democratic Party<sup>1</sup>**  
**Montgomery, Alabama**

This is a racial discrimination case under Section 2 of the 1965 Voting Rights Act as amended. It violates the Consent Decree in the Case of Thomas Hawthorne and Emory Newman vs. John Baker, approved by the U.S. District Court for the Middle District of Alabama on July 3, 1991.

This action is necessary because the former Chairman, Thomas Perez, and others discriminated against Black Democratic voters in Alabama because of their race. Perez and others denied Blacks their First, Fourteenth, and Fifteenth Amendments rights under the United States Constitution including but not limited to Freedom of Association, Equal Protection Rights, Due

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<sup>1</sup> Joe L. Reed was the first Black from Alabama to be elected as a Delegate to the Democratic National Convention in 1968. He was Chair of the Alabama Delegation to the 2000 and 2012 National Democratic Conventions. Joe L. Reed served on the Montgomery City Council for 24 years. He drafted Reapportionment Plans for Congressional, State Legislative, Alabama State Board of Education, Local boards of education, County Commission, and City Councils throughout the state of Alabama to increase Black representation. Joe L. Reed served as Executive Secretary of the Alabama State Teachers Association and Associate Executive Secretary of the Alabama Education Association for 47 years before retiring. Currently, he serves as Chair of the Alabama Democratic Conference (ADC) and as Vice Chair for Minority Affairs for the Alabama Democratic Party (ADP). For the last ten years, he has volunteered daily for the Alabama Democratic Conference and the ADP. He is recognized as an expert in Federal Court on Reapportionment and other matters.

Process of Law, and retaliation for the exercise of their Constitutional Rights to Liberty are a clear violation of our rights to participate in affairs of the Alabama Democratic Party and the Democratic Party of the United States as provided by the Charter and Bylaws.

If ever there were a wrong perpetrated on Black people, by a political party, this case is the “poster child.”

No state Political Party in the history of the Democratic Party has ever been abused like Alabama in the **plot to take control of the Alabama Democratic Party (ADP) from Blacks and give power to Whites**. The changes in the Party rules are a violation of the Consent Decree motivated by race.

The Alabama Democratic Party was established over 150 years ago by Whites for Whites. That lasted until the mid-1960s, even though Smith vs. Alright ending the White Primaries was decided some 20 years earlier. Black voters have been extraordinarily loyal to the Democratic Party, the National Chairman has no business participating in a scheme to reduce Black influence in the State Democratic Executive Committee (SDEC) in Alabama.

When the Alabama Democratic Party Delegates walked out of the Democratic National Convention in 1948 protesting the Civil Rights platform position and joined a Third Party in opposition to the Democratic nominee, Harry S. Truman, the ADP was not kicked out of the National Party. Four years later, in 1952, John Sparkman, the Junior Senator from Alabama, was placed on the National Democratic ticket for Vice President as Adlai Stevenson’s running mate. The idea of replacing the duly elected Party with a newly created Party Caucus is extreme indeed and unreasonable.<sup>2</sup>

Black citizens of Alabama have struggled “year in and year out” to have an effective voice through the political process in the ADP. Not until former ADP Chairman Robert S. Vance

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<sup>2</sup> Because of a question of legal standing in this case, Nancy Worley did not petition the Court for intervention.

arranged with Black Democratic leaders for the Alabama Democratic Conference (ADC), the Caucus of Black Democrats, to have a voice on the SDEC was there any recognition given to Blacks in the ADP. But it was this Case of **Hawthorne vs. Baker**, with the Consent Decree approved by this Court, that gave Blacks equity in the ADP. Now the Rogue Democrats are trying to obliterate the equity that Blacks fought so hard to get and are now continuously fighting like hell to keep!

If opponents of the Consent Decree do not like it, the appropriate action is to go to court and seek relief. They have not done this. They cannot ignore the Consent Decree simply because they do not like it.

According to the Bylaws, the SDEC is composed of the DNC members, ADP Chair, one General Vice Chair, four additional Vice Chairs, the Secretary, the Treasurer, 210 members elected in the Democratic Primary, two from each of the 105 Legislative Districts, plus 2 Ex-Officio, non-voting members, composed of the Democratic Governor, and all Congressional Democrats elected in Alabama who serve in the U.S. Congress. Black At-Large and other ethnic representatives are added to the SDEC based on numbers elected in the Democratic Primary, to reflect their percentages in the Democratic Electorate as achieved in the most recent Presidential Election. For this case, the most recent Presidential Election was 2016.

- For thirty years following the Consent Decree in the Case of **Hawthorne vs. Baker**, approved by this Court, Blacks have gradually moved up in the governance and leadership offices of the Alabama Democratic Party caused by two major factors.
  1. White citizens have consistently abandoned the Democratic Party and voted Republican.
  2. These two factors cited herein were prime contributors to Blacks becoming the majority members on the SDEC. As whites abandoned the Democratic Party, Black voters embraced it.

- Based on the 2016 Presidential Election, Blacks constitute approximately seventy percent of the Democratic Electorate in Alabama.
- When Barack Obama was elected President in 2008, the next state-wide election in 2010, saw every White Democrat who ran for state-wide office defeated, and every White Democratic member of the Legislature defeated except one Senator who represents a majority Black Senate district, and one House member who represents a majority Black House district. For the first time in the history of the State of Alabama, the Alabama Legislature is controlled by Republicans. Today, every Appellate State Judge is Republican.
- Even though Blacks held the majority votes on the SDEC, Blacks supported White candidates for leadership positions in the Alabama Democratic Party (ADP) with the hope that White voters would come back to the Alabama Democratic Party. That did not work!
- Prior to the election for State Party officers, including Chair and Vice Chair on August 11, 2018, newly elected, Democratic U.S. Senator Doug Jones called on me, Joe L. Reed, Vice Chair for Minority Affairs, to help him defeat Nancy Worley for Chair of the ADP, by my telling Worley she must step down as Chair. I refused, by telling Doug Jones that Worley was a friend of Blacks on the SDEC; and “of all crimes, the worst crime is ingratitude.” I told Jones that if he wanted Nancy to leave her position as Chair of the Party, he would have to tell her himself. Jones subsequently told Worley to leave, but she ignored him.
- When asked who he wanted for Chair of the ADP, Jones told me, (Reed) he wanted Peck Fox, a White, male lawyer.

- **Inherent in Doug Jones' demand that Peck Fox replace Nancy Worley as Chair of the ADP was a silent or unspoken requirement to replace Randy Kelley, the first Black Vice Chair ever elected. By operation of Party rules, if the Chair is male, the Vice Chair must be female and vice versa.**
- Doug Jones knew the results of his request because when Nancy Worley defeated his candidate, Peck Fox, for Chair, he then ran Peck Fox for Vice Chair against Randy Kelley who also defeated Peck Fox. **Even though Doug Jones was not a voting member of the SDEC, Nancy Worley, the Chair, allowed Doug Jones to nominate Fox.**
- The motion to replace Nancy Worley was seconded by Chris England, who was later installed by Doug Jones and the Rogue Democrats and blessed by Tom Perez as the new "Party Chair."
- Doug Jones has been trying to get control of the Alabama Democratic Party for many years. He ran for Chairman of the ADP a few years ago and got about ten votes.
- In 2018 Senator Doug Jones said because he was the only statewide Democratic official, he had a right to name the Chair of the Party.
- There is no case where a U.S. Senator, Governor, or statewide official has appointed the Chairman of the Alabama Democratic Party during the past 75 years. In fact, in 1974, Governor George C. Wallace tried to select the Chair of the ADP by running Attorney Burt Haltom (later Judge Haltom) against the sitting Chair, Robert S. Vance (later Judge Vance). But Governor Wallace's power grab was soundly rejected by the members of the SDEC. Senator Doug Jones tried to pick the Chair of the ADP on August 11, 2018. That power grab was also rejected.

- On August 10, one day before the organizational meeting of the ADP for the election of the Chair and other officers, the Chair of the Democratic National Committee (DNC), Tom Perez, called me, Joe L. Reed, and asked that I help him replace Nancy Worley as Chair of the ADP. I again refused Perez, as I had refused Doug Jones. I told Perez that “we” cannot leave Nancy because she has been a friend to Blacks. I also told Perez that Doug Jones could not muster enough votes to defeat Worley and he should leave the election alone.
- On August 11, the Alabama Democratic Conference (ADC), the 60-year-old Black Democratic Caucus, held a meeting, and endorsed a slate of candidates for the SDEC, including Nancy Worley and Randy Kelley for Chair and Vice Chair, respectively.
- On August 11, at the organizational meeting, the Challenging Democrats,<sup>3</sup> sponsored a slate of candidates for officers, which consisted of all Whites, except for the Vice Chair for Youth Affairs who was Black.
- The Rogue Democrats’ slate for SDEC officers was defeated along racial lines, 95 percent of the votes cast for Worley were Black and about the same percentage of votes cast for the Rogue Democrats’ slate were White.
- Following the Challenging Democrats’ slate being defeated at the August 11, 2018, organizational meeting, the Rogue Democrats collaborated, with the help of Senator Doug Jones, with the Chairman of the DNC, and accused Nancy Worley and Randy Kelley of allowing the At-Large Members who were Black to vote who had not “signed in” at the August 11, 2018, SDEC meeting, thus claiming that there were improper votes cast. No illegal votes were cast. Nothing in the ADP Bylaws requires At-Large Members to “sign in.” This was just one more ploy to give the National Chair an excuse

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<sup>3</sup> Note the change from Challenging Democrats to Rogue Democrats. They became Rogue Democrats once they started plotting to overthrow the election they lost.

to overturn the election of Nancy Worley and Randy Kelley as Chair and Vice Chair, respectively.

- The SDEC Bylaws do require that the Vice Chair for Minority Affairs certify to the Chair of the ADP the names of the persons elected At-Large in the ADP Minority Caucus meeting. At the organizational meeting, I, the Vice Chair for Minority Affairs certified a list of At-Large Members elected to the Chair of the ADP.
- In my report as Vice Chairman for Minority Affairs, I called the names of every At-Large Member elected in the ADP Minority Caucus meeting held immediately prior to the SDEC meeting. Read the Transcript; it is all there. After my report, the ADP Chair requested that all At-Large Members move to the center of the auditorium. No objections, no challenges, or points order were raised or filed!
- Aside from claiming that some of the At-Large Members voted improperly (but no evidence), the Rogue Democrats made other claims to the DNC that were referred to the DNC Credentials Committee.
- The real goal of the Rogue Democrats was to restore White control of the ADP and dilute Black influence within the ADP and Tom Perez, Chair of the National Democratic Party, bought into it.
- There was an official transcript of the August 11 meeting. Nowhere, nowhere at any point is there anything in the record to suggest that anything was wrong or otherwise inappropriate in carrying out the meeting. This is just another “**Big Lie.**”
- If Peck Fox had won the election for Chair, the challenge would not have been made to the DNC.

- The Credentials Committee whose members were appointed by Tom Perez, selected the Hearing Officer who heard the complaint on February 12, 2019, in Washington, D.C.
- At the February 12 hearing before the Credentials Committee, Senator Doug Jones, an Ex-Officio non-voting member of the SDEC, the newly elected U.S. Senator, though not a Party to the complaint, was allowed to speak to the Credentials Committee against the ADP and in support of the Rogue Democrats.<sup>4</sup>
- After the Hearing Officer reported certain findings to the Credentials Committee on February 14, 2019, the Credentials Committee ordered a new election of Chair and Vice Chair of the ADP. **This occurred even though the Hearing Officer made no findings that the actual vote count in the original election was inaccurate, nor that**  
**any ineligible person was allowed to vote, nor that any eligible voter was prevented from voting.** The order of the Credentials Committee was no surprise because the minds of most of the Committee members were already set to condemn Alabama because the “Condemnation Resolution,” to punish Alabama, had been drafted before the Credentials Committee concluded the hearing.
- The Credentials Committee ordered the Alabama Democratic Party to do three things: (1) have a new election for Chair and Vice Chair, (2) pursue an outreach program, and establish an Affirmative Action Plan, and (3) write Bylaws to enhance diversity.
- The Alabama Democratic Party, while taking **strong exception** to the punishment, and telling the Credentials Committee that requiring a new election of Chair and Vice Chair of the ADP was unprecedented, agreed to comply with the Credentials Committee Order.

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<sup>4</sup> Plaintiffs are not accusing former Senator Doug Jones of being a Rogue Democrat, but it is inescapable that he has allied himself and used his office to assist the Rogue Democrats in weakening Black influence in the ADP.



- The Credentials Committee ordered that the ADP Constitution be amended to ensure that minorities other than Blacks had fair representation. It never ordered a new Constitution and Bylaws for the Alabama Democratic Party! **For the record, in 2017 the ADP amended its Bylaws to ensure that non-Black minorities identified in the U.S. Census were represented on the SDEC, based on their numbers in the population, or Alabama Democratic Electorate, whichever is greater.**
- For the next several months the ADP leaders communicated back and forth with the DNC. At least three Affirmative Action Plans were submitted to the DNC, and amendments to the ADP's Constitution and Bylaws were proposed. But no proposal advanced by the ADP was deemed acceptable by the DNC. **Attorney Bobby Segall, who represented the Alabama Democratic Party, literally begged the DNC to tell the ADP how its proposed Bylaws supposedly conflicted with DNC rules, and what it must do to comply.** The leaders of the ADP worked throughout the Spring and Summer of 2019 to satisfy Perez and the Rogue Democrats, but nothing would please them. Alabama's Affirmative Action Plans exceeded all other states in the nation, yet Alabama's plan was consistently rejected because the National Chairman was looking for, and the Rogue Democrats yearning for, ways to gain control of the ADP, and to eliminate Black control of the ADP.
- In August 2019, the DNC, on the recommendation of the Credentials Committee and the DNC Chair, voted to remove Nancy Worley and Randy Kelley from the DNC. Nancy Worley, nor Randy Kelley, was given **individual due process**.
- **It is very strange and odd that Nancy Worley and Randy Kelley were the only ADP officers elected on August 18 who were required to stand for a new election. There were at least ten other persons elected by the SDEC at the same meeting.**

**A challenge to the election of Worley and Kelley and other claims were also made and filed with the DNC.**

- Because the duly elected officers, bona fide SDEC Black Members, and some White allies, could not be defeated in a legitimate election; to carry out the Rogue Democrats mission to get control of the ADP, several new bogus caucuses were created and given seats on the SDEC in Alabama in order to give the Rogue Democrats control of the Party and dilute Black influence. The DNC Bylaws do not mandate Youth Caucus representation on the DNC.
- The caucuses created were the Diversity Caucus composed of, Youth, LGBTQ, Veterans and Disability. While these groups are entitled to representation, they are not required in the Bylaws of other states. The DNC Bylaws has set goals for representation.
- ADP already has a Vice Chair for Youth, and some youth had been elected in the 2018 Democratic Primary, but the newly elected Youth Caucus was combined with the “Diversity Caucus” to prevent the existing Minority Black Caucus from expanding and uniting.
- Many new young persons were asked if they wanted to be active with the Democratic Party and they said yes. They were Captive and Innocent citizens. They were being used to cover the plot to take control of the ADP from Blacks. A total of 73 new members were “Rounded Up” and placed on the SDEC.
- At least one half of the Diversity Caucus was Black and assigned to the Youth Caucus instead of the existing Minority (Black)Caucus. This old “divide and conquer” trick is insulting to “the most stupid among us.”

- At the insistence of the DNC, the ADP, under duress, proposed Bylaws which also would have created new caucuses, and increased participation of these diversity groups, but would have done so in a way that did not dilute Black influence.
- The Rogue Democrats called a meeting for October 5, 2019, supposedly to adopt new SDEC Bylaws, after the ADP Chair had already set a meeting for October 12, for the same purpose.
- The Rogue Democrats special called meeting on October 5, 2019, was allegedly called by petition signed by 126 members of the SDEC, but at no time were those signatures served on, or verified by, the ADP Chair Nancy Worley or Secretary Valvier Bright, prior to the October 5 meeting.
- There was no verification of signatures of the 78 persons who attended the Rogue Democrats meeting on October 5.
- One hundred seventy-three (173) members attended and received credentials at the October 12 meeting called by the ADP Chair Worley. At this meeting, the SDEC carried out the DNC February 14 order to the ADP by adopting Bylaws suitable to the DNC Chair and the Rogue Democrats. The DNC Chairman tried to nullify the October 12 ADP called meeting.
- Bylaws adopted at the October 5 Rogue Democrats Caucus meeting were amended, by substitution, at the October 12 meeting of the ADP, SDEC and sent to the DNC Rules and Bylaws Committee at the DNC.
- There is nothing in the Bylaws of the DNC, or the ADP Bylaws, that allows the Chairman of the DNC to impose a Constitution and Bylaws on the Alabama Democratic Party, or any other state party. The Alabama Democratic Party, like other State Parties, is free and independent, makes its own rules, adopts its own Bylaws and

Constitution, and makes provisions for electing its own members. The Alabama Democratic Party is not a “Creature” of the DNC. The ADP recognizes that its Constitution cannot conflict with the DNC National Charter and Bylaws.

- At no time has the DNC ever ordered a new Constitution for the ADP. But even if it did order such, it does not have the authority to do it.
- In addition, some of the Constitutional requirements that Mr. Perez forced on Alabama, are totally different from all other state Constitutions and Bylaws in the country. Forty-eight states’ Constitutions were compared; not one of those is required to meet the standards imposed on Alabama.
- Nowhere in the Alabama Democratic Party Bylaws or the DNC Bylaws does the Chairman of the DNC have the authority to amend or suspend the ADP Constitution or to summarily nullify a meeting convened by the Chair of the Alabama Democratic Party or any other state party.
- On November 2, 2019, the Rogue Democrats held a supposed “election” for Chair and Vice Chair, following the Bylaws that they claimed to have adopted on October 5, even though (1) their October 5 meeting was invalid, and (2) any Bylaws adopted on October 5 were amended by substitution at the real ADP meeting on October 12.
- On November 16, 2019, the ADP held new elections based on the new, imposed Bylaws adopted on October 12. Both Nancy Worley and Randy Kelley “were Re-elected” as Chair and Vice Chair, respectively.
- **There was absolutely nothing irregular that Nancy Worley and Randy Kelley needed to do to be re-elected. They had the votes on Friday, they had the votes on Saturday, and they would have had them on Sunday, if necessary, to win the election!**

- The Rogue Democrats knew they did not have the votes and they knew they could not do anything to divide those members of the Committee who were supporting Nancy Worley and Randy Kelley. That is the reason why they had to come up with a “bogus caucus and a new party” because enough Blacks and some Whites were unified to withstand any plot they had hatched to remove Nancy Worley and Randy Kelley from Chair and Vice Chair, respectively.

### **Nancy Worley, Chair**

- Nancy Worley has served the ADP full time, for six years, with no salary because the ADP was “broke.”
- The indebtedness from money borrowed in the name of the ADP to fund the campaign to pass the lottery proposed by then Governor Don Siegelman was never paid, in addition to other outstanding debts left unpaid.
- Sex discrimination- Nancy Worley is the first female Chair of the ADP. She was arbitrarily removed from her position as Chair to make room for a male.
- Nancy Worley was removed because she enforced the ADP Bylaws that required county committees to ensure fair Black representation on County Democratic Executive Committees based on the percentages in the County Democratic Electorate.
- In an attempt to cover their plot to undermine, weaken, and dilute Black influence on the SDEC, the Rogue Democrats “rounded up” new people, many young Blacks, who were unaware of what the plot was, or the issues involved, and purported to place them on the SDEC. **These Blacks were not part of our existing Minority Caucus.** They were placed under the Diversity Caucus to divide and dilute Black influence in the ADP.

- The foundation and bedrock principles upon which the Hawthorne Case was settled grew out of the “Figures Amendments” which insured that Blacks who were elected or appointed to the SDEC were Blacks of Black choosing. This is consistent with the agreement that Chairman Robert S. Vance made with the Black leaders when the ADC was given representation on the SDEC. It is also consistent with the DNC Bylaws which allows all groups to select their own representation to serve on the DNC.
- Notwithstanding these provisions, the current Black Chair of the SDEC was selected by Doug Jones, installed by the Rogue Democrats, and recognized by Tom Perez. Nancy Worley who is White, was kicked out because she was fair to Blacks and replaced by a Black who was pleasing to Tom Perez, Chair of the DNC, and acceptable to the Rogue Democrats.
- Thus, the cornerstone upon which the Rogue Democrats plan rests is to weaken, dilute, undermine, and repeal the Consent Decree and turn the governing of the ADP over to Whites, notwithstanding their numbers in the Democratic Electorate which is approximately 28 percent.

#### **Randy Kelley, Vice Chair**

- The arbitrary and capricious manner in which Perez and the Democratic National Committee Summarily Dismissed Randy as Vice Chair cannot be justified under any circumstances or conditions. The Vice Chair of the ADP, like most Vice Chairs, has limited duties. There is not a shred of evidence to show that Randy Kelley did anything wrong at the organizational meeting or otherwise to sustain his removal from office. The only reason Randy Kelley was removed was to take him out of succession for the Chairmanship should Nancy Worley somehow vacate the Chairmanship position.
- Race discrimination- Randy Kelley is the first Black General Vice Chair of the Party.

- The Reverend Randy Kelley has been involved in the Alabama Democratic Conference for several decades, as Vice Chair. He is and has been a very strong, loyal, and consistent supporter of the Democratic Party and Civil Rights issues over the years. There have been no blemishes on his record for violating any ADP rules. Randy supported the same slate that the ADC supported on August 11, 2018. The DNC never accused him of any violation. Randy Kelley received more votes on August 11, 2018, than any other candidate nominated for election. After Peck Fox was defeated by Nancy Worley for Chair, Fox ran for Vice Chair and was defeated by Randy Kelley.
- By operation of the ADP rules, when Doug Jones wanted to replace Nancy Worley, (a female), with Peck Fox, (a male), that process would have eliminated Randy Kelley, a Black man, as Vice Chair, because the Party rules require that if the Chair is male, the Vice Chair must be female. All of this was part of the plot to restore White control of the ADP.
- When John Christopher England second the motion to elect Peck Fox as Chairman of the ADP, he also “made” the motion to reject Randy Kelley, the first Black Vice Chair of the ADP, because if Peck Fox had been elected, Randy Kelley could not serve as Vice Chair of the ADP due to the Equal Division Rule.
- Rev. Randy Kelley was serving as Vice Chair of the DNC Black Caucus, and the first Black Vice Chair for the Democratic Party of Alabama, when he was summarily denied recognition by Perez and the Rogue Democrats. He had established independent recognition with many of the national Democratic leaders and has been highly effective in helping Blacks gain their political influence at the national level.
- Randy Kelley was being retaliated against for his association with Nancy Worley and me, the Vice Chair for Minority Affairs. Randy Kelley’s First Amendment rights have been abrogated for that association. Vice Chair Randy Kelley was taken out of his

position by Thomas Perez when Perez illegally recognized the Rogue Democrats Caucus, as the “New Democratic Party in Alabama.”

- Randy Kelley was never personally charged with any offense, never offered a hearing, lost his seat on the Democratic National Committee and his Delegate seat to the Democratic National Convention. Therefore, he could not vote for the nominees for Vice President or President of the United States.
- Rev. Randy Kelley was replaced by a White woman as Vice Chair. Pursuant to the Party rules, Vice Chair Randy Kelley could have run for Chair of the Alabama Delegation to the Democratic National Convention and served on a Convention Committee. All of these opportunities were denied him simply because he is Vice Chair to Nancy Worley and a Black man.
- In short, the withdrawal of recognition of both Nancy Worley and Randy Kelley as Chair and Vice Chair, as members on the Democratic National Committee on the recommendation of Tom Perez, the governing body for the Democratic Party of the United States also caused them to lose their status as Delegates to the Democratic National Convention, damage their reputations in their communities, slandered their names before their peers, and deprived them of their liberty without due process of law, and embarrassed them before their families and friends.
- **Nancy Worley and Randy Kelley were elected for four-year terms by the SDEC in 2018. That election was reaffirmed in November 2019. Their terms have not expired.** They are entitled to serve their full terms in their positions as Chair and Vice Chair respectively which places them on the DNC and as Delegates to the 2020 Convention. The DNC had no authority to replace them directly or indirectly.
- Because the DNC summarily replaced Nancy Worley and Randy Kelley at one time, it should be made clear that the Chair and Vice Chair of the ADP are elected and do not



run as a team. They are elected separate and apart and one's term does not depend on the other. Therefore, if one's term expires or is otherwise vacated, it does not end the term of the other. Both these officers' terms ended without due process of law.

- When this challenge was filed with the DNC, the ADP had 256 members on the SDEC. Today, with the additional 73 new persons, whom the Rogue Democrats "rounded up" and added to the SDEC illegally, if allowed to be recognized, the SDEC will have 320 members. By adding a disproportionate number of Blacks and others to the SDEC by creating a "Youth Caucus" and adding more Blacks is for the purposes to divide Blacks on the SDEC in two separate groups does not purify the illegal actions of the Rogue Democrats.

#### **Janet May**

- Janet May, on behalf of herself and other women is right to challenge the election of the Alabama members to the DNC and ask the Court to set aside the election of November 7, 2020, and order a new election in which women run against women and men run against men for National Committeewoman and National Committeeman as in other states in the Democratic Party respectfully. The settlement in Hawthorne vs. Baker provides for at least two National Committee members be Black.
- The DNC elected new officers on January 21, 2021, and again Kelley, Worley, and May were not able to participate in the Business Session because they had been illegally shut out by Perez, et. al. Kelley and Worley had been abruptly removed from the DNC. May had been forced to run in a manipulated election that forced men and women to run against each other in violation of DNC Rules.
- May's claims, among other things, that Article II, Section 3, and Article 9 of the Charter, and Section 2, Article 2, of the Bylaws of the Democratic National Committee

(DNC) provide among other things, that there be a National Committeeman and National Committeewoman, elected by the state parties to represent each state on the DNC. Serving on the DNC gives the National Committeeman and National Committeewoman the right to attend meetings of the DNC, to serve as a Delegate to the Democratic National Convention, to make certain recommendations to the President of the United States and make policies for the Democratic Party of the United States.

When the Chairman of the DNC, Mr. Perez, single-handedly recognized the Rogue Democrat Caucus as the Alabama Democratic Party (ADP), his decision gave that group the opportunity to conduct the election to fill the Alabama seats on the DNC. For more than sixty years, the Democratic National Committeeman and Democratic National Committeewoman positions were filled by men and women, respectively. Under the Equal Division Rule, men ran against men and women ran against women. Throughout the Democratic Party election policies and procedures, except for officers, nowhere do men run for women's slots or women run for men slots. When officers of the ADP are elected, if a male is elected chair, a female must be elected Vice Chair. When Delegates to the Democratic National Convention run, men run against men and women against women. The DNC Rules and practices require that State Parties' National Committeemen and National Committeewomen be elected by gender.

During the previous four years, excluding the Chair and Vice Chair, Alabama had three seats on the DNC, one At-Large National Committeeperson-at-large which can be filled by anyone and, a National Committeeman, and a National Committeewoman. When the last election was held on November 7, 2020, the Rogue Democrats did not provide for women to run against women for National Committeewoman and men to run against men for National Committeeman. Instead,

the Rogue Democrats clustered all the Candidates together, resulting in women and men running against each other. This was designed to dilute the Black vote and undermine the re-election of Janet May, a Black woman. Before the Rogue Democrats election on November 7, there were three blacks on the DNC and two whites. After the election, there were three whites and two Blacks but no Black woman. This was no accident; it was calculated, thus fulfilling the scheme of the Rogue Democrats to reduce Black representation.

### **The Patronage**

- Another reason for the Rogue Democrats plot, is to take control of the ADP patronage that comes to Alabama with a Democrat elected President of the United States. Under the longstanding practice, dating back to 1789, if the U.S. Senator(s) from a given state is/are not members of the same Party as the President, then the Democratic leadership from that state controls the patronage by making recommendations to the President of the U.S. for certain job vacancies occurring in this state during the Democratic Presidential term of office. Recently, for example, in Alabama when Senator Howell Heflin retired, Jeff Sessions and Richard Shelby, two Republicans represented Alabama in the U.S. Senate, but they did not originate recommendations for Federal appointments to President Bill Clinton. Those recommendations were made by the Alabama Democratic Party Presidential Advisory Committee composed of and appointed by the Alabama Democratic Party Leadership. In addition, the Presidential Advisory Committee also recommends U.S. Marshalls, U.S. Attorneys, Federal Judges and some other federal officials. In short, not only is this a struggle to take control of the Party in Alabama from Blacks, but it is also an effort to steal the patronage power from the Black Democrats who carry the state Party on their backs during every election. Blacks are the most loyal group that make up the Alabama Democratic Party

constituency. The Democratic Electorate in Alabama is approximately seventy percent Black and twenty eight percent White.

- In an attempt to force the Alabama Democratic Party to accept the Constitutional Bylaws imposed upon it by the DNC Chairman, the DNC refused to approve the Alabama Delegate Selection Plan to the 2020 Democratic National Convention, even though the Party Delegate Selection Plan followed the DNC Rules and Bylaws Committee (RBC) Guidelines and requirements proposed by the RBC in 2019. The Rules and Bylaw Committee “carried the plan over” on more than one occasion even though it was up for adoption in early 2019. The ADP was threatened with a denial of seating its National Convention Delegates unless it accepted the Constitution and Bylaws advanced by Perez and the Rogue Democrats. In fact, the Alabama Delegate Selection Plan was not approved until after the Alabama Democratic Party Primary in February 2020.

#### **A Denial of One Person, One Vote**

- Currently, aside from the officers and At-Large Members, the ADP is composed of 210 members elected from the 105 House of Representatives Legislative Districts. One male and one female are elected from each district based on population. The result of this system allows for Republican majority districts to have the same number of votes on the SDEC as the Democratic majority districts. This is a denial of equal protection of the law for Blacks or any Democrats because those persons who are elected from Republican districts are not representing the Democratic Electorate, they are representing Republicans, Democrats, Independents, and others in the general population. To allow that to continue gives the Republican districts the same vote as the Democratic districts. Those persons who represent Republican House Districts have equal influence based on population than the Democrats have on voting

performance on the SDEC. **In the Democratic Party, Representation is allocated based on Democratic Ballot Box Performance** and personal service to the Party. An example of this in Alabama was the 2020 Presidential Preference Primary delegate allocation as compiled by the DNC which showed the 7<sup>th</sup> Congressional District receiving ten National Convention Delegates and the 6<sup>th</sup> Congressional District receiving three Convention Delegates. The allocation of Party representation should always be based on Democratic Performance instead of District population if possible.

The political, constitutional, and voting rights of Black Alabamians cannot be left in the hands of the Chairman of the DNC. Neither can these rights be metered out at will, rooted in the practice of gradualism. The Chairman of the DNC has no right to disband the duly Constituted Alabama Democratic Party which has been in existence for 150 years, despite all its maladies, **simply because Blacks are the majority of its governance.**

Plaintiffs will impress upon the Court that absolutely nothing occurred on August 11, 2018, at the organizational meeting of the Alabama Democratic Party that violated the Charter and Bylaws of the Democratic Party of the United States or the Bylaws of the Alabama Democratic Party. **Read the Transcript!** The Rogue Democrats lost! They concocted a scheme to give Tom Perez a false excuse to reverse the Election that Nancy Worley, Randy Kelley, and the majority Black Democrats won.

Before adjourning the ADP organizational meeting on August 11, 2018, the Chair, Nancy Worley, asked if anyone had any announcements that they needed to make? “No one said a word.” There was complete silence. At no point did the Rogue Democrats individually or collectively challenge the election or enter an objection to Nancy Worley or Randy Kelley election. The SDEC adjourned sine die, and we went home. Then several weeks later the Rogue Democrats fabricated a scheme to get Thomas Perez, Chairman of the DNC, to ignore the election of Chair and Vice

Chair without a shred of evidence to support his decision. Any claim of irregularity in the election of Nancy Worley and Randy Kelley the Rogue Democrats made was lost for their failure to raise it during the SDEC meeting before adjournment.

The time has passed when candidates lose an election and invent their own **“Big Lie”** and demand that they be installed in office notwithstanding their defeat! The Election held on August 11, 2018, was free and fair and should be upheld. Black votes count too! Might does not make right. Where there is no equality, there is no freedom. The racially motivated actions of Tom Perez, Doug Jones, and others may have Defenders, but their actions have no legal or moral defense. Thomas Perez should not be allowed to nullify our votes.

Contrary to what is implied in the Credentials Committee report that Black Democrats were getting representation on the SDEC and in the ADP generally that other Minorities were denied is misleading. Black Democrats gained their representation from the settlement of the Case of Hawthorne and Newman v. Baker that other minorities did not participate.<sup>5</sup>

Finally, it grieves me and pains me to acknowledge that the **“Big Lie”** that is being told about the 2020 Presidential Election mirrors the **“Big Lie”** that Perez, through the DNC, is telling to justify his scheme to help steal the election his candidates lost in the ADP Organizational Meeting held on August 11, 2018. A lie unanswered is a lie believed. **READ THE TRANSCRIPT.**

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<sup>5</sup> But these minorities identified in the Census are without doubt entitled to equitable representation based on their numbers in the Democratic Electorate. In 2017, the ADP Bylaws were amended to ensure that other ethnic minorities identifying in the U.S. Census were represented fairly.