

Page 1

1 IN THE CIRCUIT COURT OF MONTGOMERY COUNTY,
 2 ALABAMA
 3 CIVIL ACTION NUMBER 03-CV-2016-900538
 4
 5 SPENCER COLLIER,
 6 PLAINTIFF,
 7 VS.
 8 ROBERT BENTLEY, et al.,
 9 DEFENDANTS.
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 20
 21 VIDEO DEPOSITION OF ROBERT BENTLEY
 22 SATURDAY, JUNE 23, 2018
 23 JOB NUMBER 233236

Page 2

1 S T I P U L A T I O N
 2 IT IS STIPULATED AND AGREED by and between
 3 the parties through their respective counsel,
 4 that the video deposition of ROBERT BENTLEY may
 5 be taken before Donna Winters, Commissioner and
 6 Notary Public, State of Alabama at Large, at the
 7 law offices of Maynard, Cooper & Gale, 2400
 8 Regions/Harbert Plaza, 1901 Sixth Avenue North,
 9 Birmingham, Alabama 35203, on the 23rd day of
 10 June, 2018 commencing at 10:00 a.m.
 11 VIDEO DEPOSITION OF ROBERT BENTLEY
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Page 3

1 IT IS FURTHER STIPULATED AND AGREED that
 2 the signature to and the reading of the
 3 deposition by the witness is waived, the
 4 deposition to have the same force and effect as
 5 if full compliance had been had with all laws and
 6 rules of Court relating to the taking of
 7 depositions.
 8 IT IS FURTHER STIPULATED AND AGREED that it
 9 shall not be necessary for any objections to be
 10 made by counsel as to any questions, except as to
 11 form or leading questions, and that counsel for
 12 the parties may make objections and assign
 13 grounds at the time of the trial, or at the time
 14 said deposition is offered in evidence or prior
 15 thereto.
 16 IT IS FURTHER STIPULATED AND AGREED that
 17 notice of filing of this deposition by the
 18 Commissioner is waived.
 19 In accordance with Rule 5(d) of Alabama
 20 Rules of Civil Procedure, as amended, effective
 21 May 15, 1988, I, Donna Winters, am hereby
 22 delivering to Kenneth Mendelsohn, Esquire, the
 23 original transcript of the oral testimony taken

Page 4

1 on the 23rd day of June, 2018, along with
 2 exhibits.
 3 Please be advised that this is the same and
 4 not retained by the Court Reporter, nor filed
 5 with the Court.
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1 E X H I B I T S

2 EXHIBIT PG DESCRIPTION

3 PX-1 26 Text messages

4 PX-2 41 2016 State of the State Address

5 PX-3 79 February 17, 2016 State's Top Cop Placed

6 on Leave Following Failure to Follow Governor's

7 Order article

8 PX-4 96 Attachment to 5-29-2016 at 5:21 p.m.

9 e-mail from Blake Hardwich to Stan Stabler

10 PX-5 100 January 6, 2016 Timeline Re: Spencer

11 Collier

12 PX-6 103 Alabama Law Enforcement Agency Integrity

13 Unit Case Report; Case Agent: April Bickhaus

14 PX-7 109 March 22, 2016 Press Release, Governor

15 Bentley Announces Termination of Spencer Collier

16 as Alabama Law Enforcement Agency Secretary

17 PX-8 3-1-2016 e-mails re: Draft ALEA Statement

18 PX-9 164 10-16-2015 e-mails re: Questions related

19 to ethics commission

20 PX-10 174 September and October 2015 e-mails re:

21 Dallas County Commission

22 PX-11 196 April 19, 2016 Press Release, Governor

23 Bentley Releases Statement on Collier Lawsuit

Page 6

1 article

2 PX-12 197 March 22, 2016 Press Release, Governor

3 Bentley Announces Termination of Spencer Collier

4 as Alabama Law Enforcement Agency Secretary

5 PX-13 198 WSFA article - Governor's Office:

6 Collier Investigation is "criminal"

7 PX-14 199 April 1, 2016 Letter to Kati Weis with

8 Fox 10 News from Carrie Ellis McCollum

9 PX-15 202 October 20, 2016 News Release,

10 Statement of Attorney General Luther Strange

11 regarding Former ALEA Secretary Spencer Collier

12

13

14

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16

17 I N D E X

18 EXAMINATION BY: PAGE NUMBER

19 Mr. Mendelsohn 9 - 210

20 230 - 237

21 240 - 242

22 Mr. Segall 210 - 229

23 237 - 240

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1 A P P E A R A N C E S:

2 JEMISON & MENDELSON, by Mr. Kenneth J.

3 Mendelsohn, 1772 Platt Place, Montgomery, Alabama

4 36117, appearing for the Plaintiff.

5 CONSTANGY, BROOKS, SMITH & PROPHETE, by Mr.

6 Richard E. Trehwella, Jr., Two Chase Corporate

7 Drive, Suite 120, Birmingham, Alabama 35244,

8 appearing for the Defendant, Michael Robinson.

9 COPELAND, FRANCO, SCREWS & GILL, by Mr.

10 Robert D. Segall, 444 South Perry Street,

11 Montgomery, Alabama 36104, appearing for the

12 Defendant, RCM.

13 MAYNARD, COOPER & GALE, by Ms. Stephanie H.

14 Mays and Mr. John C. Neiman, 2400 Regions/Harbert

15 Plaza, 1901 Sixth Avenue North, Birmingham,

16 Alabama 35203, appearing for the Defendants,

17 Governor Robert Bentley and Stan Stabler.

18 ALSO PRESENT: Ted Yost, Videographer;

19 Spencer Collier; Stan Stabler; Michael Robinson.

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1 I, Donna Winters, a Court Reporter of

2 Birmingham, Alabama, acting as Commissioner, and

3 a Notary Public for the State of Alabama at

4 Large, certify that on this date, as provided by

5 Rule 30 of the Alabama Rules of Civil Procedure,

6 and the foregoing stipulation of counsel, there

7 came before me, ROBERT BENTLEY, witness in the

8 above cause, for oral examination, whereupon the

9 following proceedings were had:

10

11 VIDEOGRAPHER: This begins disc number one

12 in the deposition of Robert Bentley in the matter

13 of Spencer Collier versus Robert Bentley, et al.,

14 case number 03-CV-2016-900538, in the Circuit

15 Court of Montgomery County, Alabama. We're on

16 the record at 10:02 a.m. on Friday, June 23,

17 2018. This deposition is taking place in

18 Birmingham, Alabama. My name is Ted Yost.

19 representing Freedom Court Reporting. Would

20 counsel identify yourself and state whom you

21 represent?

22 MR. MENDELSON: I'm Kenny Mendelsohn. I

23 represent the Plaintiff Spencer Collier.

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1 MR. SEGALL: Bobby Segall, I represent RCM,
 2 and I'm also covering for Bill Gray who
 3 represents Rebekah Mason.
 4 MR. TREWHELLA: Richard Trehwella, and I
 5 represent Michael Robinson.
 6 MR. NEIMAN: My name is John Neiman. I
 7 represent Defendants Bentley and Stabler.
 8 MS. MAYS: Stephanie Mays, representing
 9 Defendants Bentley and Stabler.
 10 VIDEOGRAPHER: Would the reporter swear in
 11 the witness?
 12
 13 ROBERT BENTLEY,
 14 having been first duly sworn, was examined and
 15 testified as follows:
 16
 17 COURT REPORTER: Usual stipulations?
 18 MR. MENDELSON: Yes, usual stipulations.
 19 VIDEOGRAPHER: Saturday, the 23rd. The
 20 correct date is Saturday, June 23rd.
 21
 22 EXAMINATION BY MR. MENDELSON:
 23 Q. State your full name for us, please, sir.

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1 A. Robert Julian Bentley.
 2 Q. And you were at one time the governor of
 3 the State of Alabama?
 4 A. I was.
 5 Q. And as I understand it, now you're back to
 6 practicing medicine again?
 7 A. I am.
 8 Q. And where is your office located?
 9 A. It's 900 Veterans Memorial Parkway in
 10 Tuscaloosa, Alabama.
 11 Q. Before I get into the basic stuff, I need
 12 to run something by you. I have read through
 13 documents indicating that at one time one or more
 14 of your sons were concerned that you might have
 15 Alzheimer's or some other form of dementia. Were
 16 you aware of that?
 17 A. Yes.
 18 Q. Did you ever go to a doctor to be tested
 19 for Alzheimer's or dementia?
 20 A. No, I did not.
 21 Q. In your personal and professional opinion,
 22 do you suffer from Alzheimer's or dementia?
 23 A. No, I do not.

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1 Q. So there's not any type of disease that
 2 would affect your ability to testify today?
 3 A. No.
 4 Q. Or any medications you're taking for
 5 that -- for any type of dementia or any other
 6 problems that could affect your testimony?
 7 A. No, not at all.
 8 Q. And your practice is what type of practice?
 9 A. I'm a dermatologist.
 10 Q. And in addition to dermatology, do you also
 11 do something, I think it's called CoolSculpting?
 12 A. Well, we have some aesthetics in our
 13 practice which includes CoolSculpting; it
 14 includes Ultherapy; I do Botox; and then I have
 15 an esthetician who does a lot of different
 16 procedures.
 17 Q. Does Rebekah Mason work for you?
 18 A. She does.
 19 Q. And what does she do for you?
 20 A. She's my office manager.
 21 Q. What hours does she work?
 22 A. She's usually there from 9:00 until 5:00.
 23 Q. Five days a week?

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1 A. Yes. Well, except on Friday. We take off
 2 Friday at noon.
 3 Q. How much is she being paid?
 4 A. She is paid \$5,000 a month.
 5 Q. And, of course, you know Spencer Collier?
 6 A. I do.
 7 Q. How did you first meet Spencer?
 8 A. Spencer and I served in the house of
 9 representatives together.
 10 Q. Do you recall the year that was?
 11 A. Yes. 2002.
 12 Q. Did y'all develop a friendship during that
 13 time?
 14 A. We did.
 15 Q. Spencer testified that y'all seemed to,
 16 many times, be aligned with each other
 17 philosophically on bills and the laws of the
 18 State of Alabama?
 19 A. We did, we certainly did.
 20 Q. And sometimes even outside the, let's
 21 say --
 22 A. Republican servants.
 23 Q. Yes, sir. Now, tell me about, if you could

Page 13

1 describe it, your personal relationship with
 2 Spencer.
 3 A. Well, Spencer and I really did get to know
 4 each other. I really respected Spencer. He
 5 worked with me when I ran for governor. He was
 6 one of the few that actually supported me. He
 7 worked with me down in his area, down around
 8 Bayou La Batre and the area that he represented
 9 with the fishermen. I voted many times to
 10 support the fishermen in the legislature against
 11 most of the other Republicans.
 12 Q. Spencer has often described the past
 13 relationship with you as almost like a father to
 14 him.
 15 A. Uh-huh.
 16 Q. Would you consider that to have been the
 17 same?
 18 A. Yes, Spencer and I were very close, we
 19 were.
 20 Q. Did your wives get to be close?
 21 A. My?
 22 Q. Your former wife and Spencer's wife.
 23 A. They knew each other, but not really that

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1 close.
 2 Q. Were there times where y'all would go to
 3 dinner together or socialize?
 4 A. Not usually.
 5 Q. It was more of a working relationship,
 6 then, with Spencer that developed into a
 7 friendship?
 8 A. It was, and it was a friendship.
 9 Q. And after you were elected governor in
 10 2010, you appointed Spencer to a position, did
 11 you not?
 12 A. Actually I talked with Spencer before I was
 13 inaugurated. One of my goals was to streamline
 14 government, and one of the agencies that I wanted
 15 to streamline was ALEA, DPS, and I had Spencer in
 16 mind to help me do that. I did not appoint him
 17 head of DPS. We put him head of Homeland
 18 Security.
 19 Q. Did you trust him?
 20 A. I did.
 21 Q. Did you have any reason to believe, in your
 22 mind, that he was unethical or criminal, or
 23 anything like that, in 2010?

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1 A. I did not.
 2 Q. And the Department of Homeland Security --
 3 well, all the departments, I would say, are
 4 important departments, but the Department of
 5 Homeland Security does deal with protection of
 6 people within the state, does it not?
 7 A. Yes, related to the federal government.
 8 Q. And it required a high level of security
 9 clearance?
 10 A. It did.
 11 Q. As I understand it, you were afforded a
 12 high level of security by virtue of being elected
 13 governor?
 14 A. That's true, top level.
 15 Q. It came with the office of governor?
 16 A. It did.
 17 Q. Spencer would have qualified to be given
 18 that level of security?
 19 A. That's right.
 20 Q. And there were certain things that Spencer
 21 and you would be informed about that were
 22 considered to be confidential information,
 23 protected classified information?

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1 A. That's true.
 2 Q. And certainly you wouldn't have appointed
 3 him to that position if you didn't have the
 4 utmost respect and confidence in him?
 5 A. That's true.
 6 Q. Did he do a good job as Homeland Security?
 7 A. He did.
 8 Q. Ever any problems with it?
 9 A. No.
 10 Q. Any accusations about misconduct, unethical
 11 things, or anything of that nature?
 12 A. No.
 13 Q. And at some point there was a decision by
 14 somebody, and I'll ask you who all was involved,
 15 but to consolidate law enforcement?
 16 A. Well, that was actually my idea.
 17 Q. And is that what you were talking about
 18 when you were first elected?
 19 A. That's right, and there were several
 20 agencies that I wanted to consolidate and really
 21 modernize. The government itself, I wanted to do
 22 that.
 23 Q. And as far as consolidating law

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1 enforcement, I know ultimately eleven or twelve
 2 were consolidated, but if you could just tell me
 3 in your words what areas of consolidation you
 4 were most interested in?
 5 A. Well, I think that -- first, I would say
 6 that DPS always felt that they were the premier
 7 law enforcement agency. There were other law
 8 enforcement agencies, like conservation; the
 9 water patrol, or whatever it's called right now,
 10 and then things in insurance; things in finance
 11 may have had some. But there were a number of
 12 pockets of law enforcement agencies that we
 13 wanted to really put them under the same head and
 14 the same organizational structure.
 15 Q. And was part of the concept of that is to
 16 combine the departments so that you didn't have
 17 as many top-level officials in each of the
 18 various departments?
 19 A. Well, that was partly it, but partly it was
 20 for efficiency, and partly it was to make law
 21 enforcement more efficient in the state so that
 22 each agency did not have their own people working
 23 on maybe the same project. Like maybe drugs, ABC

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1 working on drugs and DPS working on drugs; you
 2 know, so they really needed to be all under one
 3 head to really make government more efficient.
 4 Q. When did you first start working on
 5 consolidation?
 6 A. I started before I was inaugurated.
 7 Q. The first term?
 8 A. Yes, the first term.
 9 Q. When was it, if you recall, first proposed
 10 as some form of legislation or preparing for
 11 legislation?
 12 A. That, I had to talk to some of the
 13 senators, get them onboard, and I think Dale
 14 Marsh probably was the one that was most
 15 supportive of it. So I worked with some of
 16 those, but I had already -- I had already talked
 17 to Spencer. I talked with him in Tuscaloosa.
 18 Q. Was that before the inauguration?
 19 A. Yes, that was before the inauguration.
 20 Q. So Spencer was, in some form, assisting you
 21 with the consolidation project from the
 22 beginning?
 23 A. Actually, I felt like Spencer would be the

Page 19

1 one that I wanted to be in charge of that,
 2 working with the other agencies, and I put him
 3 there, yes, even at Homeland Security.
 4 Q. Tell me, just in general terms, about the
 5 process that it went through as far as involving
 6 you, up until the moment that the legislation was
 7 actually passed, the involvement you had.
 8 A. Well, I had talked with Spencer. I had
 9 drawn-out on a piece of paper what I really felt
 10 like that I wanted to see; and so we had spoken,
 11 Spencer and I had, and I had talked with Dale
 12 Marsh and some of the senators. So they drew
 13 up -- with our input and with our
 14 recommendations, they drew up what I felt like
 15 was a good plan. There was a lot of
 16 give-and-take in that, and there was a lot of --
 17 really a lot of conflict with other agencies.
 18 Q. Would it be fair to say that Spencer was
 19 like the front-man for your office on the
 20 consolidation?
 21 A. Yes, he was.
 22 Q. He spent a lot of time working on it, as
 23 far as development, lobbying with the

Page 20

1 legislature, working with the various
 2 departments?
 3 A. Right, he did.
 4 Q. Was J.T. Jenkins involved at any time with
 5 that?
 6 A. No. No.
 7 Q. Was there anybody else with your office
 8 that was --
 9 A. Not other than, obviously, my chief of
 10 staff, you know, through our office, and our
 11 liaisons who were working with the legislature.
 12 Q. Were you pleased with how Spencer handled
 13 that?
 14 A. Well, there was always conflicts, and we
 15 tried to resolve those conflicts, especially with
 16 conservation. Gunter Guy, Gunter and Spencer
 17 just were like oil and water, and they just
 18 didn't seem to get along, but it was more of a
 19 turf protection than anything else, and I always
 20 tended to side with Spencer.
 21 Q. Spencer did a good job for you?
 22 A. He did.
 23 Q. And you knew when you first started, there

Page 21

1 would be some flack between the other agencies?
 2 A. Oh, absolutely.
 3 Q. And again, it's kind of like a turf war?
 4 A. Sure.
 5 Q. But as far as Spencer doing the job that
 6 you tasked him with, he did it well?
 7 A. He did.
 8 Q. Never any problems with him, never any
 9 thoughts he was doing anything unethical or
 10 criminal, or anything like that?
 11 A. No, not at that time. I didn't know that
 12 he was -- I thought he did a good job, and I
 13 sided with him on most of these conflicts because
 14 we had to get it done.
 15 Q. And then when ALEA actually stood up, you
 16 appointed him as the secretary of ALEA?
 17 A. I did.
 18 Q. And that meant he was in charge of -- well,
 19 I guess it may not have been the only law
 20 enforcement branch, but it was certainly the
 21 primary and main law enforcement branch of the
 22 State of Alabama?
 23 A. Well, at first the law was not implemented,

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1 I don't believe, until January of -- at a later
 2 time. I can't remember the time frames exactly.
 3 So once he -- once we stood up the agency, it
 4 took us a little while to consolidate and get
 5 everything in place.
 6 Q. Right. There was a lot of work that went
 7 into that?
 8 A. Absolutely, yes.
 9 Q. And Spencer was in charge of that?
 10 A. He was.
 11 Q. And did a good job with it?
 12 A. He did.
 13 Q. And to make sure -- I feel confident me and
 14 you both understand what you're saying and what
 15 I'm asking about this, but just for the record,
 16 there was a time frame between when ALEA was
 17 actually created and when it started technically
 18 operating as a law enforcement agency?
 19 A. That's right.
 20 Q. And it was during that time that there was
 21 a lot that went into coordinating everything; and
 22 then when it finally went into effect or started
 23 operating, we use the term stood-up?

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1 A. Uh-huh.
 2 Q. So the act went into effect, or the law
 3 went into effect at one point, but the agency as
 4 an agency doing work didn't stand up for several
 5 months after that?
 6 A. I believe it was in January, but I'm not
 7 sure.
 8 Q. And we can get the details of that, but I
 9 just want to --
 10 A. Yes. It was awhile between the time the
 11 agency was, in principle, put together, and then
 12 the time it officially started.
 13 Q. Then when -- well, at some point, whether
 14 it was when the act went into effect or whether
 15 it was when the agency actually stood up, you
 16 appointed Spencer as the secretary?
 17 A. I did.
 18 Q. And he was the first secretary of ALEA?
 19 A. He was.
 20 Q. And let's say up until 2016, everything
 21 worked fine with Spencer?
 22 A. As far as I knew.
 23 Q. You didn't have any problems with him?

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1 A. No. What I tended to do is, I would put
 2 someone in charge of an agency, and I didn't
 3 micro-manage them; so I did not look at their
 4 everyday duties, I didn't look at their -- well,
 5 I knew what their duties were, but I didn't look
 6 at their everyday performance. I expected them
 7 to do the job and do it right.
 8 Q. And Spencer helped you again when you ran
 9 for re-election in 2014?
 10 A. He did.
 11 Q. Did you ever tell people, or even your
 12 security detail people, that Spencer was the only
 13 one that you knew that would take a bullet for
 14 you?
 15 A. No.
 16 Q. You never said anything like that?
 17 A. (Witness nodded no.)
 18 Q. Did you feel like he would, though?
 19 A. I do. I had the mayor of Selma tell me he
 20 would take a bullet for me. A lot of people
 21 would say that.
 22 Q. Darrio Melton told you he would take a
 23 bullet?

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1 A. No, not Darrio Melton, the previous mayor.
 2 I don't think Darrio would.
 3 Q. That's why I had to ask the question again.
 4 Now, let me ask it to you this way, just to see
 5 where we are. Do you now admit publicly that you
 6 did have an affair with Ms. Mason?
 7 MS. MAYS: Object to the form.
 8 A. No, I did not. I would not classify it as
 9 that, so I disagree with your classification as
 10 that.
 11 Q. Did you have a sexual relationship with
 12 her?
 13 A. I did not.
 14 Q. Did you have a romantic relationship with
 15 her?
 16 A. I had an affectionate friendship with her.
 17 Q. Have you seen the texts that Mrs. Bentley
 18 provided to the impeachment committee?
 19 A. I have. I've read over those texts, I
 20 certainly have.
 21 Q. Those are your texts to her?
 22 A. They are, uh-huh.
 23 Q. And Rebekah back to you?

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1 A. Yes.
 2 (Whereupon, Plaintiff's Exhibit Number 1
 3 was marked for identification, a copy of which is
 4 attached to the original of the transcript.)
 5 Q. Let me go ahead and mark as Exhibit 1 here,
 6 and I have extra copies if anybody needs them. I
 7 think I've got enough. And I'm not going to ask
 8 you to read it page-for-page, but what I'll
 9 represent to you is this is what I copied from
 10 the impeachment committee's report. Just
 11 thumbing through this, does this appear to be the
 12 texts that your wife had?
 13 A. Yes. She made copies of these off of my
 14 iPad.
 15 Q. And as I understand it, and if your
 16 understanding is different, please let me know,
 17 but your state cell phone was synced to your
 18 iPad?
 19 A. Yes.
 20 Q. And you didn't realize it at the time you
 21 were texting these?
 22 A. I did not. I did not.
 23 Q. And you know now that these texts here were

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1 popping up on the iPad that you had given to your
 2 wife?
 3 A. Yes.
 4 Q. And there are some tape-recordings that
 5 your wife made of conversation, or at least one
 6 conversation that you had with Ms. Mason. You're
 7 aware of that?
 8 MS. MAYS: Object to the form. You can
 9 answer.
 10 THE WITNESS: Okay.
 11 A. I am aware of that, yes.
 12 Q. Have you listened to the whole tape?
 13 A. I have not listened to the whole tape. I
 14 have read all the text, so I know what it says.
 15 Q. The transcript of it?
 16 A. Yes, I've read the transcript.
 17 Q. And that's stuff that we all saw on the TV
 18 news, late night TV about your --
 19 A. I guess. I didn't watch TV news.
 20 Q. To make sure, so as we sit here today, you
 21 deny you had any type of -- well, let me ask you
 22 this. How do you describe your relationship with
 23 Ms. Mason back in 2014-2015, yes, sir?

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1 A. Well, I think it has to go back further
 2 than that. I think it has to go back to the fact
 3 that -- first of all, Rebekah was a very
 4 accomplished individual. She had a lot of
 5 abilities, she had worked in the news industry,
 6 she had won a lot of awards; so in 2010 when I
 7 was running the campaign with college students
 8 and high school students, I knew that I needed
 9 someone with a little more experience. So I
 10 asked my oldest son to go talk with Rebekah and
 11 ask her if she would be my spokesperson. After I
 12 had won the runoff against Bradley Byrne, I
 13 needed someone, because I knew that we were going
 14 to be in a major campaign against Ron Sparks. So
 15 I asked John Mark to go and talk to her, and so I
 16 talked to her the next day, and she said she
 17 would; she said that she would come onboard and
 18 be my communications director. Then she came
 19 down to Montgomery afterwards, did an excellent
 20 job. She was the communications director for the
 21 governor's office, and for at least eleven months
 22 she performed that job with integrity, and
 23 everyone respected what she did, she did a great

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1 job. Then she felt like -- she actually moved
 2 down there. Jon, her husband, who was head of
 3 Serve Alabama, he would come home every night,
 4 and she stayed down there. She had an apartment,
 5 I think it was over in Prattville, I think that's
 6 where it was. So she stayed down there, and she
 7 did this for about eleven months; and she
 8 realized she just really had to get back home to
 9 her children, and so I told her, I said,
 10 "Rebekah, we really would like you to stay on
 11 somehow with communications, because we need
 12 you." So then she stayed on part-time until the
 13 summer of 2013, and in 2013 I asked her if she
 14 would come onboard and be for the campaign, 2014
 15 campaign, the spokesperson and communications
 16 director. So up until that time, I had not spent
 17 a lot of time with Rebekah, except I would see
 18 her when she was down there. I might see her
 19 once a week, but we didn't see each other on a
 20 regular basis. She would come in maybe -- I
 21 might see her for an hour once a week. In 2013,
 22 we saw each other more because she was part of
 23 the campaign; we were just getting that started.

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1 So during that time we did spend more time
 2 together. And while we spent time together, you
 3 know, we really became close friends. I
 4 recognized in Rebekah things that I couldn't find
 5 in Montgomery. For instance, you can't trust
 6 anybody in Montgomery, everybody has an agenda,
 7 so you truly can't trust many people down there.
 8 Rebekah was one that I could trust, I could
 9 totally trust her. I could tell her things that
 10 I could not tell anybody else. So because of the
 11 development of the friendship, and I felt safe
 12 with her, I felt comfortable with her when we
 13 would be together and talk; and, you know, with
 14 the closeness that developed, an affection
 15 developed. And so during that time, you know,
 16 when she would come, she would come in -- I may
 17 still have not seen her but two or three times a
 18 week; but when she would come, you know, she
 19 would come. I would embrace her, I would kiss
 20 her, because we really cared about each other.
 21 So -- and then when she would leave, I would do
 22 the same thing. We didn't spend a lot of time
 23 together. I mean, a lot of people obviously

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1 think that we were spending time together all the
 2 time. We didn't do that. I mean, I might
 3 spend -- I might be with her an hour during the
 4 day, because she had a job to do and so did I.
 5 And I had so many things to do, and she was
 6 working primarily on the campaign during that
 7 time. But that's when the affection became
 8 more -- more involved and, you know, it did
 9 involve touching and kissing, and I would hold
 10 her hand the times that I was with her, which was
 11 not a lot. But as far as what you imply as a
 12 sexual affair, it was not. We did not have
 13 sexual intercourse, we didn't have oral sex, we
 14 didn't have -- I never touched her in her genital
 15 areas or any place like that. So we didn't have
 16 what a lot of people think we had. Now, did I
 17 really care about her? Did I really love her? I
 18 did, and she did me, and we still do. It's a
 19 very close affectionate friendship, so that's how
 20 I describe it.
 21 Q. Just a little aside, you mentioned
 22 something about Jon, and that's her husband?
 23 A. Oh, Jon is her husband, yes. Yes.

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1 Q. And he was working for Serve Alabama?
 2 A. Jon -- I asked Jon, because of his
 3 background in meteorology and other
 4 organizational skills, I had asked him to serve
 5 as my -- it's an office of faith-based
 6 initiative. It's a federal-instigated office
 7 that's been in the governor's office and a lot of
 8 governor's offices around the country, so I asked
 9 him to head that up, and he did a great job.
 10 Q. I think you mentioned he commuted?
 11 A. He commuted, yes.
 12 Q. Daily?
 13 A. Daily; and, of course, she did, too, after
 14 then. It was four hours in the car for both of
 15 them.
 16 Q. Would they ride together or separate?
 17 A. No, they couldn't because their hours were
 18 different.
 19 Q. What was his hours?
 20 A. I think he would get there about 9:00, and
 21 he would probably stay until about 4:00.
 22 Q. It wasn't any set required hours?
 23 A. No. No.

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1 Q. He was appointed by you, right?

2 A. Yes, he was.

3 Q. But you didn't give him any set hours? You

4 gave him the freedom to come and go?

5 A. No, but I expected him to basically -- like

6 everyone else, I expected them to be there to get

7 their job done but still, you know, close to a

8 40-hour week. I think everybody should have done

9 that.

10 Q. Oh, sure. Was he provided a car?

11 A. No. He may have at first, but then he gave

12 it up and just came in his own car.

13 Q. Paid his own gas?

14 A. I think he did. In fact, I'm pretty sure

15 he did.

16 Q. Now, to make sure and to give you an

17 opportunity to make sure that I'm correct on this

18 and the record is correct, what you're saying is

19 that you did have a romantic relationship with

20 Ms. Mason?

21 A. I'm saying that I had a very affectionate

22 relationship. That's how I would describe it.

23 Q. Right. But that y'all never had sexual

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1 intercourse or oral sex?

2 A. We never did.

3 Q. Now, you knew, though, that many people

4 that worked for you, around you, believed that

5 y'all were having an affair?

6 A. No.

7 Q. You didn't know that?

8 A. Well, they may have thought we were

9 having -- we were close.

10 Q. Right.

11 A. They knew that. I mean, you know, I was --

12 I was happier when she was there, because I

13 thought she did a great job and she made my job

14 easier because she worked hard.

15 Q. Was there a time that you instructed Ray

16 Lewis to talk to the women in your office about

17 them gossiping about Rebekah?

18 A. Ray Lewis said he was going to do that,

19 okay?

20 Q. On his own? You didn't ask him to do it?

21 A. We talked about it. He knew that that was

22 going on because he had heard it; and so, yes, he

23 talked to them.

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1 Q. Was there a time that you put a lock on

2 your door?

3 A. The door had a lock on it.

4 Q. Before?

5 A. Before. It always had a lock on it.

6 Q. But then you started locking the door --

7 A. No.

8 Q. -- when Rebekah was in there?

9 A. Occasionally I would lock the door but --

10 MS. MAYS: Hold on, if you will wait until

11 he finishes his question so that we can make sure

12 that the record is clear, and give me an

13 opportunity to object.

14 THE WITNESS: I'm sorry. Okay.

15 Q. But there were occasions when Rebekah would

16 be in there that you would lock the door?

17 A. Rarely. Rarely.

18 Q. And you moved Wanda away from the door?

19 A. Actually, Seth Hammett did that.

20 Q. It didn't have anything to do with your

21 request?

22 A. Seth Hammett felt like he needed to

23 reorganize the entire office space, and he did.

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1 Where Wanda was really was a hallway, it was not

2 a place for a desk. And I was in favor of that,

3 and the reason I was is because Wanda would tend

4 to -- when we would have a meeting, regardless of

5 who was in there, even a top-secret-type meeting

6 or -- I shouldn't say top-secret, I should say an

7 important meeting maybe related to a job

8 creation, or I was meeting with mayors or things

9 like that, she would just open the door and come

10 in; and so, you know, that was -- and it really

11 had to do with her inexperience and her mothering

12 instincts of me, because she was my nurse for a

13 number of years.

14 Q. Up until February of 2016, you never had

15 any kind of doubts about Spencer Collier's

16 integrity or his work, did you?

17 MS. MAYS: Object to the form.

18 A. No, I don't think I did. I don't. I do

19 not believe I did.

20 Q. And in February of 2016, you put Spencer on

21 medical leave?

22 A. Yes.

23 Q. He didn't ask to go on --

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1 A. What date did you give?
 2 Q. I said February of 2016.
 3 A. February, yes.
 4 Q. He didn't ask to go on medical leave?
 5 A. He was going on medical leave anyway,
 6 because he was going to have back surgery.
 7 Q. Well, he had had three previous back
 8 surgeries?
 9 A. But he was going to have another one a week
 10 after we talked. He said, "I'm going to have one
 11 week after next."
 12 Q. But on the other three back surgeries, he
 13 never took medical leave?
 14 A. No.
 15 Q. You let him just go have the surgery,
 16 still -- I mean, he didn't actually file for
 17 medical leave, ask to be put on medical leave.
 18 You just gave him the ability to go have his
 19 surgeries on those other three occasions?
 20 MS. MAYS: Object to the form.
 21 A. As far as I know, he did not ask me. He
 22 just had to have them done and did it.
 23 Q. And you allowed him to do it?

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1 A. I guess you could say that, yes.
 2 Q. When he had the wreck, you were made aware
 3 of the wreck, were you not?
 4 MS. MAYS: Object to the form.
 5 A. I was.
 6 Q. And he was on the job at the time of the
 7 wreck?
 8 A. Which wreck are you talking about?
 9 Q. Not the one that happened a year ago, but
 10 I'm talking about the one that happened several
 11 years ago.
 12 A. I don't know a thing about that.
 13 Q. Well, he was serving as your Homeland
 14 Security director. You didn't know he had --
 15 MS. MAYS: Object to the form.
 16 A. I don't remember it.
 17 Q. Okay. Were you aware of his first back
 18 surgery?
 19 A. Vaguely.
 20 Q. But you weren't aware that -- or were you
 21 aware that the first back surgery was related to
 22 a car wreck that happened while he was on the
 23 job?

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1 A. Now that you say it, I may have some
 2 remembrance of that; but, no, that was not --
 3 that's not in the forefront of my mind. I don't
 4 really remember a lot about that.
 5 Q. Okay. Are you aware that he had three
 6 surgeries before the surgery in February of 2016?
 7 A. He told me that.
 8 Q. Okay. I'm trying to make sure we're on the
 9 same wavelength. I can understand that now, as
 10 we sit here today, you may not remember it, but
 11 would you have been aware of those surgeries when
 12 he had them before?
 13 MS. MAYS: Object to the form.
 14 A. I think some of those may have been before
 15 he was appointed to the places where I appointed
 16 him.
 17 Q. And I'm not talking to any prior to then.
 18 I'm talking to the ones that he had while he was
 19 serving either as the director of Homeland
 20 Security or the secretary of ALEA.
 21 A. I have only vague recollections of that.
 22 Q. And I'm not expecting you to remember
 23 everything that has happened in the past, but

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1 would you have been made aware of them at the
 2 time?
 3 A. It's possible, but I just don't remember
 4 them.
 5 Q. You're not saying that Spencer -- well, let
 6 me back up, because I want to make sure we're
 7 right on this, and my questions may be a little
 8 confusing. But Spencer has testified that prior
 9 to each of the surgeries, he informed you of it
 10 to let you know that he would be out. Would you
 11 have any reason to believe that that's not a true
 12 statement?
 13 MS. MAYS: Object to the form.
 14 A. I just have no remembrance of it.
 15 Q. That's what I wanted to make sure, you just
 16 don't remember?
 17 A. I do not remember that.
 18 Q. Now, on any of the other surgeries, you
 19 never appointed an acting secretary while he was
 20 out, did you?
 21 A. No.
 22 Q. And on any of the other surgeries, you
 23 never required him to take medical leave?

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1 A. No, but he should have. I assumed that he
 2 was going to. I mean, that's what you have sick
 3 time for. You're supposed to take sick time if
 4 you're out.
 5 Q. Do you know whether that's the same
 6 requirement to take sick leave as it's related to
 7 an on-the-job injury?
 8 MS. MAYS: Object to the form.
 9 A. I don't know.
 10 Q. Now, there's been reports, and I can show
 11 them to you if I need to, but there was a news
 12 article that came out by Chuck Dean after Spencer
 13 was placed on medical leave. Do you recall that?
 14 A. I do.
 15 Q. And did you provide or give an interview to
 16 Mr. Dean?
 17 A. I did.
 18 Q. Before I get into that, have you, by any
 19 chance, reviewed the State of the State Address
 20 that you gave on February 2, 2016?
 21 A. I memorized it, probably, even though I
 22 used a teleprompter.
 23 (Whereupon, Plaintiff's Exhibit Number 2

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1 was marked for identification, a copy of which is
 2 attached to the original of the transcript.)
 3 Q. I'll go ahead and mark this as Exhibit 2.
 4 And to make my question just a little bit
 5 clearer, I'm just wondering if you have looked at
 6 it lately or in preparation for this deposition?
 7 A. I have not.
 8 MS. MAYS: You're referring to the February
 9 State of the State Address, Kenny?
 10 MR. MENDELSON: Yes. Exhibit 2 is the
 11 February --
 12 A. February 2nd.
 13 MR. MENDELSON: -- is a transcript that I
 14 got off of the official site of the Office of
 15 Governor.
 16 Q. And just for the record, the State of the
 17 State would have been posted on the Office of
 18 Governor's website --
 19 A. That's right.
 20 Q. -- after the speech?
 21 A. Yes.
 22 MR. SEGALL: Kenny, have you marked this?
 23 MR. MENDELSON: Yes.

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1 MR. SEGALL: Is this Exhibit 2?
 2 MR. MENDELSON: Yes, that's Exhibit 2.
 3 Q. I don't think this has page numbers, but 1,
 4 2, 3, 4, 5, 6, 7, 8 as I count it, if you could
 5 look at page 8 of the document.
 6 A. (Witness complies.)
 7 Q. To reference it a little bit better --
 8 A. Well, mine are not numbered.
 9 Q. Mine aren't either, I just counted them.
 10 But the last full paragraph says, "Led by Spencer
 11 Collier."
 12 A. Yes, I have it.
 13 Q. If you would just look with me on that
 14 next-to-last paragraph, the next one where it
 15 says "Led by Secretary Spencer Collier, the
 16 Alabama Law Enforcement Agency works tirelessly
 17 to protect our people, whether it is increased
 18 security measures at large gatherings, or
 19 identifying and investigating potential terrorist
 20 threats, our men and women in law enforcement
 21 will always stand to protect the people of
 22 Alabama. One year after its full implementation,
 23 ALEA has become one of the most efficient and

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1 effective agencies in the state."
 2 A. Uh-huh.
 3 Q. Now, that would have been part of your
 4 speech?
 5 A. That's right.
 6 Q. And you delivered that to the people of the
 7 State of Alabama and the legislature on live TV?
 8 A. I did.
 9 Q. And then this was recorded?
 10 A. Yes.
 11 Q. And that was a true statement?
 12 A. That was a true statement.
 13 Q. And at that point in time, February 2,
 14 2016, you believed that ALEA was one of the most
 15 effective and efficient agencies in the state?
 16 A. I did.
 17 Q. And that Spencer was primarily responsible
 18 for that?
 19 MS. MAYS: Object to the form.
 20 A. I did.
 21 Q. And he had come in and consolidated eleven
 22 or twelve law enforcement agencies, and within a
 23 less than two-year period of time turned into one

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1 of the most efficient agencies in the state of
 2 Alabama?
 3 A. Well, along with many other people that had
 4 other agencies that were willing to do that, too.
 5 So it was not just Spencer, it was a lot of
 6 people.
 7 Q. But at that point in time, February 2,
 8 2016, you didn't have any doubts about Spencer's
 9 hard work in his job as secretary of ALEA, did
 10 you?
 11 A. That was not the reason this was put in the
 12 speech.
 13 Q. Why was it put in?
 14 A. It was put in the speech really to support
 15 Spencer, because he had had a very difficult feud
 16 with Senator Orr. So he was -- Spencer was
 17 trying to get more money for ALEA; Senator Orr
 18 was pointing out things that were taking place in
 19 the state as far as spending money that they
 20 didn't think should have been spent, and I was
 21 supporting Spencer here. In fact, this paragraph
 22 was put in actually by Rebekah Mason at her
 23 insistence.

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1 Q. But you believed that to be true?
 2 A. I did, but it was -- it was a general
 3 statement, but it was really to try to -- and I
 4 text Spencer that I supported him about that. He
 5 text me about having this feud and having this
 6 problem with Senator Orr; and I told him, I said,
 7 "Spencer, I support you," and he said, "That
 8 means a lot to me."
 9 Q. And wasn't part of Mr. Orr's concern or
 10 Senator Orr's concern, was that ALEA still had
 11 issues with the number of upper-level-type
 12 people?
 13 A. I think their problem was they -- and
 14 sometimes legislature will do this. They'll pick
 15 out small things that really look bad, and
 16 they'll use those as examples of an agency not
 17 being very efficient. Now, government in itself
 18 is not very efficient.
 19 Q. Right.
 20 A. But we were making it more efficient. Now,
 21 they pointed out, and in fact Spencer -- I mean,
 22 Senator Orr later gave me, came to my office and
 23 gave me a list of issues that the legislature was

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1 concerned about with ALEA. I later gave those to
 2 Blake Hardwich, my chief of staff, and she later
 3 passed those on to Stan.
 4 Q. Do you, by any chance, have a copy of that
 5 now?
 6 A. It's -- I don't have it with me, but we do
 7 have a copy of that, we sure do.
 8 Q. Of what Senator Orr brought to you?
 9 A. Yes, we do have a copy of that.
 10 Q. Do you recall what was in it?
 11 A. Well, I remember specifically two things.
 12 They were concerned about per diem pay on some of
 13 the employees who said that they commuted from
 14 their home site to Montgomery and got paid \$75 a
 15 day, when they did not commute. They may have
 16 commuted some, but they had a home base there in
 17 Montgomery, so that was one of the things. I
 18 think they may have mentioned during that time
 19 over-spending. I can't remember if clothing was
 20 part of that or not; but there were a number of
 21 issues, and we do have a copy of that memo that
 22 he gave me.
 23 Q. When did you receive that?

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1 A. It was in February, but it probably was
 2 late February.
 3 Q. And when you say you "gave it to Stan,"
 4 that would have been when he was either the
 5 acting secretary or the official secretary?
 6 A. I gave it to Blake Hardwich to give to
 7 Stan. She delayed somewhat, for some reason, I
 8 don't know why she did; she delayed a week or two
 9 before she gave it to him, and I think she didn't
 10 give it to him until after I had appointed him
 11 interim director or secretary.
 12 Q. As of February 2, 2016 -- 2016 -- would you
 13 say that you and Spencer were still on good
 14 terms, both professionally and personally?
 15 A. Yes.
 16 Q. Then there was at some point -- and we can
 17 get the exact dates off the timelines, if we need
 18 to, later -- where Spencer was informing you or
 19 updating you about the Baron Coleman complaints
 20 against Matt Hart?
 21 A. Yes.
 22 Q. And at some time there was a meeting where
 23 Spencer explained to you or briefed you that the

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1 investigation was closed and Mr. Hart wanted him
 2 to provide an affidavit or come to court?
 3 A. No, not the way you depicted it. That's
 4 not how --
 5 Q. How would you describe it?
 6 A. Which one? Now, what are you asking me?
 7 Q. Well, I'm asking you -- well, let me ask
 8 you this. When did you first find out that ALEA
 9 was looking into complaints that were made by
 10 Baron Coleman concerning Matt Hart?
 11 A. At the end of a meeting, I can't remember
 12 the exact date, it was in January. This was a
 13 meeting in January, and that meeting was closing,
 14 and Spencer just told me that Baron Coleman had
 15 been to his office and there was some
 16 investigation related to it. So that's when I
 17 first learned of something that was going on, and
 18 that was in January.
 19 Q. When was the next time you heard anything
 20 about it?
 21 A. When we met on February 8th.
 22 Q. Okay. Tell me about that meeting. Who was
 23 there, and what was said?

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1 A. Well, at the meeting we had David Byrne,
 2 me, Swann, and we had Jack Wilson, then we had
 3 Spencer.
 4 Q. And tell me, the best you recall, about
 5 that meeting.
 6 A. Well, they asked to actually come and meet
 7 with me. It was not -- I didn't know why they
 8 were coming to meet with me; and so when they
 9 came to meet with me, they told me -- really it
 10 was more about the affidavits that Matt Hart
 11 wanted Spencer to approve, or the affidavit that
 12 he had actually written that he wanted approved.
 13 Q. When you say "he actually had written" --
 14 A. Matt Hart actually wrote it and gave it to
 15 Spencer and wanted Spencer to sign it, but
 16 Spencer -- he knew he could not sign it.
 17 Q. Do you know why he couldn't sign it?
 18 A. Because it was a lie.
 19 Q. The affidavit was?
 20 A. Yes.
 21 Q. Tell me what you remember about the
 22 conversation, whatever else you remember about
 23 it.

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1 A. Well, the conversation, they came to me,
 2 and I was a little bit surprised why they would
 3 come and ask me about this. But they came to me
 4 and said -- you know, they told me the story
 5 about Baron Coleman coming again, and they talked
 6 about how Baron Coleman came and -- now, I was
 7 told that he wanted to come and talk to them,
 8 Baron Coleman. Of course, Baron Coleman says
 9 they wanted him to come, so I guess that really
 10 doesn't matter. So they told me about what Baron
 11 Coleman did. He came and he wanted to speak, he
 12 said, to Spencer, and Spencer, I think, told him
 13 that he didn't interview people, and so he sent
 14 him to Jack Wilson, because Jack was an
 15 investigator. So Jack Wilson interviewed him --
 16 this is what I was told. He interviewed him, and
 17 they talked about tapes. Well, I'm not sure they
 18 talked about it at that time. He really came to
 19 tell them that he thought that Matt Hart was
 20 doing something illegal, that he was leaking
 21 things to the public, he was leaking things to
 22 the press, he had obviously leaked things to him,
 23 that's what he said. So I think in the gist of

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1 the conversation, Jack Wilson must have asked him
 2 or talked about or maybe he mentioned himself
 3 that he had tapes; but I think when Jack pressed
 4 him, then he said that either he didn't or he
 5 wasn't going to give them to him. So that was
 6 the gist of that. And so what this was, was Matt
 7 Hart was going before Judge Walker on, I think,
 8 March 3rd for a hearing dealing with
 9 prosecutorial misconduct, because he had been
 10 accused of that by the Mike Hubbard team; he had
 11 been accused of that by a lot of people, that,
 12 you know, he was doing things he shouldn't be
 13 doing. So what happened was, then he had to have
 14 some support. So what he did is, he brought this
 15 affidavit that he wrote himself, he brought it to
 16 Spencer to sign, that said something along the
 17 lines that Spencer had reviewed all of this and
 18 basically found that Matt Hart had done nothing
 19 wrong. I mean, I don't know exactly what he
 20 said, but that was the gist of it. Well, Spencer
 21 came to me with that group, came to me and said,
 22 "Governor, what should I do about this?" and I
 23 said, "Well, Spencer, did y'all investigate it?"

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1 And basically, he said, "No, sir," he said, "We
 2 didn't investigate it because we didn't have
 3 anything to investigate. We could not do it."
 4 And I said, "Well, Spencer, you can't give them
 5 something you don't have." That was my exact
 6 words, "You cannot give them something you do not
 7 have," and so I said, "My suggestion is this.
 8 You asked me, my suggestion is this. I would
 9 just tell him you don't have anything, you can't
 10 give him anything, because you have not really
 11 learned anything; and if something continues,
 12 ALEA will be happy to continue to investigate if
 13 something is available to investigate." So
 14 that's how we left the meeting.
 15 Q. When was the next time you heard anything
 16 about the affidavits?
 17 A. When I talked with Rebekah. She was at
 18 home and she called me, and she said, "Governor,"
 19 she said, "Did ALEA give Matt Hart an affidavit
 20 or any affidavit?" I said, "No, they didn't."
 21 She said, "Well, that's not what the news report
 22 says." I think it's the Brian Lyman article.
 23 And I said, "I don't know a thing about it."

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1 When we left the meeting, my suggestion was that
 2 they didn't give him anything because he didn't
 3 have anything. So I later then called Spencer,
 4 and I said, "Spencer, did y'all give him
 5 something?" He said, "Yes, sir," he said, "We
 6 did." He said, "He said it was somewhat benign
 7 and it wasn't exactly the one that he wanted, it
 8 was somewhat benign, but we did." I said, "Well,
 9 Spencer, when we left that meeting, y'all were
 10 not to give them anything. Y'all asked me, and I
 11 didn't want y'all to give them anything," because
 12 basically that was dragging the governor's office
 13 into this problem over in Lee County, and I
 14 didn't want to be a part of that. So I said,
 15 "Well, Spencer, why did you do that?" and he
 16 said, "Well, Governor, he threatened me." I
 17 said, "What do you mean, he threatened you?" He
 18 said, "Well, Matt Hart threatened me." I said,
 19 how did he threaten you?" He said, "He
 20 threatened me. He said that he was going to drag
 21 me the next morning, at 8:00 the next morning he
 22 was going to take me to Lee County, and he was
 23 going to get me before that grand jury, and he

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1 was going to put me under oath, and he was going
 2 to get out of me what he needed." I said,
 3 "Spencer, he can't do that, that's illegal. He's
 4 using his office for personal gain, he can't do
 5 that." So that really kind of upset me that Matt
 6 Hart would threaten someone and try to get an
 7 affidavit to protect himself. So then the next
 8 day I had Spencer and me and David Byrne, and we
 9 had a meeting. I said, "Spencer," I said, "tell
 10 me again why y'all did this," and he said -- in
 11 front of David Byrne again -- he said, "Well, I
 12 felt threatened. He said he was going to" -- and
 13 he told me the same story again. And I pointed
 14 to David, and I said, "David, did you hear that?
 15 Did you hear what Spencer just said?" He said,
 16 "Yes, sir, I did." "He said he was threatened."
 17 I said, "Matt Hart can't threaten him and use his
 18 office to do that." So we left that meeting; and
 19 it just got more and more confusing to me, the
 20 whole process did. And I didn't know at that
 21 time -- I didn't know at that time that David
 22 Byrne had been involved with Swann, and he had
 23 kind of worked behind the scenes to get this more

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1 benign affidavit written-up. I didn't know it at
 2 that time. So what we did was, the more and more
 3 I -- I thought about it and I talked about it, I
 4 said, "I've got to get everybody together. I
 5 need to find out really what's going on here."
 6 So that's when we had the February 16th meeting.
 7 Q. Who all was in that meeting?
 8 A. Joe Espy, who was my personal attorney; we
 9 had David Byrne; we had Spencer; I think Jack
 10 Swann was -- is it Jack Swann?
 11 Q. Jason.
 12 A. Jason Swann, I'm sorry. Jason Swann, I
 13 think he was in the meeting. We had one
 14 investigator. It may have been Jack Clark -- not
 15 Jack Clark, the one that was there before. I
 16 can't think of the guy's name right now, the
 17 investigator.
 18 MR. SEGALL: Wilson?
 19 A. Wilson, Jack Wilson, yes. He was there;
 20 Jennifer was there; Rebekah was there; Hal Taylor
 21 was there; and I believe there was one -- I
 22 believe J.T. Jenkins was there, I believe he was.
 23 MS. MAYS: Kenny, when you get to a good

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1 place, can we take five?
 2 MR. MENDELSON: We can do it now, sure.
 3 VIDEOGRAPHER: We're going off the record
 4 at 10:57 a.m.
 5 (Whereupon, at this time a short break
 6 was taken.)
 7 VIDEOGRAPHER: This begins disc number two
 8 in the deposition of Robert Bentley. We're back
 9 on the record at 11:16 a.m.
 10 Q. I think when we broke off, you were telling
 11 us about the meeting where you, several of
 12 Spencer's folks that were involved with the
 13 affidavit or investigation, Joe, Rebekah and
 14 David were there, and I believe that's where we
 15 left, that you were fixing to tell us about that
 16 meeting.
 17 A. Right.
 18 Q. So if you could go ahead and tell us what
 19 happened.
 20 A. Do you want to ask me specifics, or what?
 21 Q. I can. I would like to know what your
 22 recollection of that meeting was. As I
 23 understand it, you called them in to this meeting

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1 after the affidavits --
 2 A. I did.
 3 Q. -- were made public, and Rebekah notified
 4 you?
 5 A. Right.
 6 Q. Tell me how the meeting started, what you
 7 said.
 8 A. Well, what I said in the meeting when I got
 9 everybody together is, I said, "If there's anyone
 10 in here who would like to talk to me personally,
 11 privately, I will be able and willing to set
 12 aside a time for you to do that."
 13 Q. Then how did the meeting go after that?
 14 What was said by you after you made that comment?
 15 A. Well, Spencer said, "Governor, I've got
 16 something to tell you and Rebekah." So when he
 17 did this, then everybody left the room except the
 18 three of us.
 19 Q. Tell me about that conversation.
 20 A. Well, it was a little bit strange
 21 conversation, I thought. Spencer primarily was
 22 looking at me and was talking to me. He may have
 23 looked at Rebekah one or two times, but not very

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1 often. He told me about something that had
 2 happened the day before. He said that he had
 3 gotten a call from Matt Hart.
 4 Q. Okay.
 5 A. And he said that Matt Hart had told him
 6 that -- he said, "Spencer," he said, "the
 7 governor is a good man." He said, "He's salt of
 8 the earth, he's a good man." He said, "David
 9 Byrne, I think, is a good man," he said, "but the
 10 governor has some felons working for him."
 11 Spencer said, "I've investigated all the people
 12 that work, we've done background checks on them,
 13 and there are not any felons that work in the
 14 governor's office." Matt Hart said, "Well, it's
 15 since that time that you investigated them."
 16 Q. And was that the extent of the
 17 conversation?
 18 A. No.
 19 Q. Tell me about the rest of it.
 20 A. So after Spencer said that, he said, you
 21 know, "I talked to Melissa about this yesterday,
 22 and I didn't know if I should tell you about it."
 23 He said, "Melissa and I prayed about it, and"

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1 said, "I thought that I should tell you." And he
 2 looked at Rebekah and he said, "Rebekah, he was
 3 talking about you." That's what he said.
 4 Q. And what did you say to Spencer and what
 5 did she say?
 6 A. I said, "Spencer, that's crazy." I said,
 7 "I don't know what he's talking about." So I
 8 asked Spencer again in that meeting about being
 9 threatened, and he again -- that's the third time
 10 that he told me that he felt like he was
 11 threatened. He also said in the meeting,
 12 "Governor," he said, "Matt Hart is not a good
 13 man." He said, "Matt Hart needs to be removed.
 14 He's bad for the state, and the state would be
 15 better off if you got rid of him." He also told
 16 me in that meeting, he told me that Hal Taylor
 17 had been talked to the night before until
 18 midnight, and he was afraid that Hal Taylor was
 19 going to be indicted. So that was basically the
 20 gist of the meeting. I said, "Well, Spencer,
 21 bring everybody else in," and so he did. And
 22 when he did, I looked at Rebekah, and I said, "I
 23 don't believe that."

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1 Q. Did you have the authority to remove Matt
 2 Hart?
 3 A. I did not have the authority to remove Matt
 4 Hart, no.
 5 Q. He didn't work for you?
 6 A. He did not.
 7 Q. You were not his hiring authority?
 8 A. No. The only way I -- no, I did not have
 9 the authority to do that.
 10 Q. But you're saying Spencer told you you
 11 needed to?
 12 A. Well, in the gist of that, he said, "He
 13 should be removed from office." I don't know if
 14 he basically said for sure that I should do it,
 15 or he just said, "The state would be better off
 16 without Matt Hart." And I'll tell you another
 17 thing he said. He said, "Governor, he threatened
 18 me" -- this is what he said, "He threatened me to
 19 put me under oath." He said, "I don't want to go
 20 under oath," and he looked at me and he said,
 21 "Governor, you don't want to go under oath." I
 22 said, "Well, why not, Spencer? I'm going under
 23 oath. I'm going to testify in that trial." He

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1 said, "I forgot about that."
 2 Q. And your understanding was that Matt was
 3 threatening to put Spencer in front of a grand
 4 jury?
 5 A. Yes.
 6 Q. It wasn't just to show up at the hearing on
 7 the motion that Hubbard's lawyers had filed to
 8 have Hart removed?
 9 A. That's right, it had nothing to do with
 10 that. It was to make Spencer do something that
 11 he wanted.
 12 Q. And that was testify before a grand jury?
 13 A. No. Well, he wanted that, but what he
 14 wanted was those affidavits.
 15 Q. Have you read the affidavits?
 16 A. Uh-huh.
 17 Q. Did you see anything wrong about the
 18 affidavits?
 19 A. Yes, I did the first one.
 20 Q. The one that Matt submitted?
 21 A. Yes.
 22 Q. Okay. But the one that Spencer signed?
 23 A. It was more benign, but it was still an

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1 affidavit. It was still supporting him, and it
 2 was still an affidavit.
 3 Q. Did you find anything untruthful in the
 4 affidavit?
 5 A. Not necessarily. It wasn't whether or not
 6 it was truthful or not, it was just the act of
 7 doing it.
 8 Q. You didn't want him to give one?
 9 A. I did not. I didn't want the governor's
 10 office -- and ALEA is under the governor's
 11 office, I did not want the governor's office to
 12 be involved in the Lee County trial. I wanted to
 13 stay neutral, because I had been getting pressure
 14 to do other things.
 15 Q. Who was pressuring you to do what?
 16 A. A lot of people were pressuring me to
 17 appoint a special prosecutor to investigate the
 18 Attorney General's office.
 19 Q. Who was doing that?
 20 A. They were individuals that were doing that.
 21 Q. Give me the names of them, please.
 22 A. One was Jimmy Rane, twice he asked me about
 23 that, and we had three legislators that came to

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1 me and wanted that done.
 2 Q. Who were they?
 3 A. I don't remember. I just remember there
 4 were three legislators. We had people that
 5 contacted my office through David Perry, my chief
 6 of staff. Rob Riley was one. Then we had
 7 Augusta Dowd, and I can't think of the guy's
 8 name up in --
 9 Q. Mark White?
 10 A. No, not Mark White, it was Lance Bell.
 11 Lance Bell had talked with the legal office about
 12 that. But I had told them that I had no plans to
 13 do that. In fact, two of them, I just told them
 14 to leave me alone, that was my decision, but
 15 right now that was not in my plans. So I was
 16 pushing on both sides, pushing back.
 17 Q. Now, those folks, let's go through some.
 18 Augusta Dowd is partners with Mark White?
 19 A. Yes.
 20 Q. And they represented Mike Hubbard?
 21 A. Yes.
 22 Q. And they were trying to get you to get Matt
 23 Hart off the case?

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1 A. Yes.

2 Q. Lance Bell represented Mike Hubbard?

3 A. That's right.

4 Q. And he was trying to get you to get Matt

5 Hart off the case?

6 A. Yes.

7 Q. Jimmy Rane, he's the Yella Fella, right?

8 A. Yes.

9 Q. And he's real close with Mike Hubbard?

10 A. Uh-huh.

11 Q. And he also was in business with Mike

12 Hubbard?

13 A. I don't know about that.

14 Q. And Rob Riley, that, of course, is former

15 Governor Bob Riley's son?

16 A. Right.

17 Q. And Bob Riley and Hubbard were doing

18 certain business things together, were they not?

19 A. I don't know about that.

20 Q. You don't know about what the testimony was

21 in court about Hubbard and Riley, you didn't know

22 about that?

23 MS. MAYS: Object to the form.

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1 A. I did not -- I was not involved in that. I

2 did not go into detail on all that. I knew the

3 general essence of it.

4 Q. Now, did you know that Lance Bell is the

5 one who arranged for Baron Coleman to go to ALEA

6 to make the complaint against Hart?

7 A. No, I did not know that.

8 Q. Were you aware -- and I'm talking about at

9 the time of these meetings in February -- that

10 ALEA did initiate an investigation into the

11 accusations by Baron Coleman?

12 MR. SEGALL: Object to the form.

13 Q. Did you know that?

14 A. You're saying that they --

15 Q. ALEA -- well, let me back up. You were

16 aware that Baron Coleman came to ALEA and

17 insisted on talking to Spencer?

18 A. Yes.

19 Q. And that Baron Coleman was making

20 accusations against Matt Hart for misconduct, for

21 crimes for releasing grand jury information?

22 A. Right, I did know that.

23 Q. And you know Spencer assigned Jack Wilson

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1 to interview Coleman?

2 A. Yes.

3 Q. Were you aware that he interviewed him

4 twice?

5 A. No.

6 Q. Were you aware that Coleman claimed there

7 were tapes, but he wouldn't produce the tapes?

8 A. Yes, I've already testified to that.

9 Q. And were you made aware that based on the

10 lack of any evidence, or credible evidence, that

11 ALEA closed its investigation?

12 MS. MAYS: Object to the form.

13 A. I was not part of that. I was just told

14 what happened.

15 Q. Well, were you told that, that they had

16 closed the investigation?

17 A. No, I didn't know. I was not told that

18 specific thing. I was told they couldn't find

19 anything.

20 Q. And were you made aware by Spencer that

21 what Hart wanted was for Spencer to provide

22 testimony that ALEA had not found any evidence

23 concerning misconduct?

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1 A. That's what the affidavit said.

2 Q. Right. And at that same time frame, while

3 all these Hubbard supporters were trying to get

4 you to get Matt Hart off the case, his lawyers

5 were also filing motions in court trying to get

6 him off the case?

7 A. I know there was a conflict there.

8 MS. MAYS: Object to the form. Wait for

9 him to ask you a question.

10 THE WITNESS: I'm sorry.

11 Q. You did know that, though, that Hubbard's

12 lawyers had filed a motion trying to get Matt

13 Hart removed from the case?

14 MS. MAYS: Object to the form.

15 A. That was what was going before Judge

16 Walker.

17 Q. Right. And what Matt was seeking from

18 Spencer was verification that the investigation

19 by ALEA on the complaints by Baron Coleman were

20 over?

21 MS. MAYS: Object to the form.

22 A. I'm not sure they were over.

23 Q. Well, wouldn't Spencer have been the person

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1 who would know whether the ALEA investigation was
 2 over?
 3 MS. MAYS: Object to the form, to the
 4 extent you know what Spencer knows.
 5 A. I don't know what Spencer knows. I don't
 6 know.
 7 Q. Well, I know you're saying you didn't know
 8 the investigation was over?
 9 A. I did not.
 10 Q. You didn't know whether it was ongoing?
 11 A. There was no investigation.
 12 Q. Right.
 13 A. Yes.
 14 Q. That they had listened to Baron Coleman --
 15 A. Yes.
 16 Q. -- and didn't have anything else to
 17 investigate?
 18 MS. MAYS: Object to the form. Wait for
 19 him to ask you a question.
 20 THE WITNESS: Okay.
 21 MR. SEGALL: Object to the form.
 22 Q. Or did you know?
 23 A. Did I know what?

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1 Q. That the investigation had been completed
 2 by ALEA?
 3 MR. SEGALL: Object to the form.
 4 A. No.
 5 Q. But you would agree with me that Spencer
 6 Collier would have been the person who would know
 7 most about the status of any investigation by
 8 ALEA of Matt Hart?
 9 A. He should.
 10 Q. Yes, okay. And you thought it was wrong
 11 for Spencer to give a truthful affidavit to Matt
 12 Hart to be used in a proceeding before Judge
 13 Walker?
 14 MS. MAYS: Object to the form.
 15 A. That's not what the affidavit said.
 16 Q. I'm talking about the affidavit that he
 17 signed.
 18 A. I'm talking about the affidavit that was
 19 presented to him.
 20 Q. Well, I'm talking about the one that was
 21 signed.
 22 MS. MAYS: Object to the form.
 23 Q. Do you find anything untruthful about that

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1 affidavit?
 2 A. It was not whether it was truthful or not,
 3 it was the act of doing it.
 4 Q. Because you ordered him not to?
 5 A. I did.
 6 Q. And you understood at the time, though,
 7 that Matt Hart certainly had the authority to
 8 issue a subpoena for Spencer to show up at the
 9 hearing that Mike Hubbard had filed on his
 10 motion; that there was going to be a hearing, and
 11 that Matt had the authority to subpoena Spencer
 12 to come and testify that the investigation was
 13 over?
 14 A. That was not the threat.
 15 Q. Well, I understand you say that, but I'm
 16 asking you, as we sit here today, you do know
 17 that Matt Hart had the authority to subpoena
 18 Spencer and ask him under oath, in front of Judge
 19 Walker, "Is there an ongoing investigation into
 20 my office," Matt could have done that?
 21 MS. MAYS: Object to the form.
 22 A. He did have the authority to do that, issue
 23 a subpoena, yes.

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1 Q. And if Spencer had been brought into court
 2 to testify, then he certainly would have been
 3 subjected to cross-examination by Mr. Hubbard's
 4 lawyers?
 5 A. Should have been.
 6 Q. And that the idea of providing an affidavit
 7 would make more sense than putting a cabinet
 8 level official, the head of ALEA, up in a
 9 courtroom to be subjected to any kind of
 10 cross-examination?
 11 MR. SEGALL: Object to the form.
 12 MS. MAYS: Object.
 13 Q. Did you not consider that?
 14 MS. MAYS: Object to the form.
 15 A. No.
 16 Q. Did David Byrne not tell you that?
 17 A. No.
 18 MS. MAYS: Kenny, we object to any
 19 questions regarding conversations between the
 20 governor and David Byrne.
 21 MR. MENDELSON: Yes, I'm sorry. You're
 22 right.
 23 Q. But nobody presented to you that it would

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1 be better to give an affidavit than for Spencer
 2 to go to court?
 3 A. No.
 4 Q. Now, going back to that meeting that we
 5 last talked about here after you had the
 6 conversation that you say you had with Spencer
 7 and Rebekah about Matt Hart accusing your office
 8 of crimes, tell me about the conversation, who
 9 said what about Spencer and his folks giving the
 10 affidavit. Now, I've been told that Rebekah
 11 criticized Spencer for disobeying your order. Is
 12 that true?
 13 MR. SEGALL: Object to the form.
 14 MS. MAYS: Object to the form.
 15 A. So what are you asking me?
 16 Q. Did Rebekah say anything during that
 17 meeting to Spencer Collier about giving the
 18 affidavit?
 19 MS. MAYS: What meeting are you referring
 20 to, Kenny?
 21 MR. MENDELSON: The one we've been talking
 22 about.
 23 MS. MAYS: February 16th.

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1 MR. MENDELSON: February 16th.
 2 A. She did say one thing.
 3 Q. What did she say?
 4 A. She said, "Apparently so."
 5 Q. "Apparently so," in response to what?
 6 A. Spencer said, "Governor, I" -- he hit his
 7 chest, he said, "It's on me." He said -- he
 8 said, "I didn't realize that." He said, "I
 9 didn't -- I didn't realize -- when I was upset in
 10 the meeting and talking about bringing the
 11 governor's office into this issue dealing
 12 with" -- over in Lee County. One of the things
 13 that Spencer said, he said, "I'm sorry about
 14 that." He said, "I didn't" -- he said, "I
 15 obviously didn't know that," or something along
 16 that line, and she responded to that, and she
 17 said, "Apparently so." That's the only thing
 18 that Rebekah said.
 19 Q. So she never made any criticism to Spencer
 20 or his staff about giving the affidavit?
 21 A. She said, "Apparently so." That's the only
 22 words she spoke.
 23 Q. That's the only words that came out of her

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1 mouth?
 2 A. Yes. Yes.
 3 Q. Now, tell me what you said to Spencer and
 4 to his guys about the affidavit.
 5 A. Well, I was trying to get to the bottom of
 6 why all this took place, because I still was not
 7 totally sure of what happened, even whether or
 8 not David was involved, my legal person. So I
 9 was trying to really put the entire story
 10 together; and because I couldn't get to the
 11 bottom of it -- I was firm at the meeting, and I
 12 was upset at the meeting, because we were trying
 13 to put this behind us, but I was trying to get to
 14 the bottom of why all this happened.
 15 Q. Tell me, as best you recall, what you said.
 16 A. Well, I just told the story of why I did
 17 not want affidavits given. I told the story
 18 again about what happened, about Spencer and Jack
 19 Wilson and Swann coming in and talking with David
 20 Byrne. So I reiterated that, I went over that.
 21 Again, I talked about why I was upset about it,
 22 why I was concerned about it.
 23 Q. I hate to interrupt you. Tell me what you

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1 said.
 2 A. Well, that's what I said, "I'm concerned
 3 about this," okay?
 4 Q. And I'm understanding what you're saying.
 5 I'm really not trying to be argumentative about
 6 this; but when you say "I explained to them"
 7 about your concern, I need to know, really, the
 8 words you said to them.
 9 A. Well, I can't remember the exact words.
 10 Q. Tell me the best you can remember.
 11 A. Okay. I told the story again of Spencer
 12 and the people that I just said on February 8th
 13 coming to my office, talking to me about the
 14 affidavits. So I told them why I was concerned
 15 about that, and that I didn't want to be brought
 16 into the Lee County situation over there, I was
 17 trying to stay neutral.
 18 Q. At any time during that meeting did David
 19 Byrne speak up to explain about how he was
 20 involved in the affidavits?
 21 MS. MAYS: Object to the form.
 22 A. Yes.
 23 Q. And what did you say to him?

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1 A. I had already spoken with David earlier
 2 that afternoon.
 3 Q. I'm just asking about at the meeting,
 4 because I don't want to get into --
 5 A. I think that I told David that "We've
 6 already talked about that," which we had.
 7 Q. Did you say anything to him about "Shut up,
 8 I haven't decided what I'm going to do with you"?
 9 A. No, I never said "shut up" to anybody.
 10 Q. Let me make sure I'm right about this. You
 11 did, prior to that February 16th meeting, order
 12 Spencer Collier to not give an affidavit to Matt
 13 Hart?
 14 A. It was a suggestion at that February 8th
 15 meeting. I said, "Spencer, you don't have
 16 anything, do you?" "No, sir, we don't. We
 17 couldn't get any information." I said, "Well,
 18 you can't give him something you don't have."
 19 Those are my exact words.
 20 Q. Are you saying, then, is that all you did
 21 was suggest it, you did not order him not to give
 22 the affidavit?
 23 A. I don't remember it being an order. It was

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1 a suggestion and an agreement, I felt, as we left
 2 the room that that was what would take place.
 3 Q. And then you were upset when you found out
 4 he had given the affidavit?
 5 A. I was. I was upset about several things.
 6 Q. What else were you upset about?
 7 A. I was upset that David Byrne was involved
 8 in it without my knowledge.
 9 Q. And the involvement you know now is that
 10 Jason Swann was e-mailing draft copies to David
 11 to get David's input into the affidavit?
 12 A. I was upset because Matt Hart called David
 13 the afternoon after that meeting, and he said,
 14 "David," he said, "we're on the same team here."
 15 And I told David, "David, we're not on his team."
 16 He said, "Can't we get this thing worked out,"
 17 Matt Hart did, and he said, David said, "No, I
 18 cannot" -- he wanted him to contact Spencer. He
 19 said, "I can't contact Spencer, but I'll contact
 20 Jason Swann." And over the next couple of days
 21 Jason Swann and David obviously worked on this
 22 affidavit that was finally filed, without my
 23 knowledge.

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1 (Whereupon, Plaintiff's Exhibit Number 3
 2 was marked for identification, a copy of which is
 3 attached to the original of the transcript.)
 4 Q. Now, after that February 16th meeting, you
 5 decided to put Spencer on medical leave, correct?
 6 A. I did.
 7 Q. Was that the same day or the next day?
 8 A. Next day.
 9 Q. And how did Chuck Dean find out about it?
 10 MS. MAYS: Object to the form, to the
 11 extent you know.
 12 A. I don't know how he found out about it.
 13 Q. But you granted him an interview?
 14 A. I did the next day. I believe it was the
 15 next day.
 16 Q. Okay. You didn't call Chuck?
 17 A. I did not.
 18 Q. Did anybody in your office call him, to
 19 your knowledge?
 20 MS. MAYS: Objection.
 21 A. Not that I know of.
 22 Q. Let me show you what I've marked as Exhibit
 23 3. This is an article that was posted on AL.com

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1 on February 17, 2016, the day after the meeting.
 2 Do you recall this article?
 3 A. I do.
 4 Q. The headline is State's Top Cop Placed on
 5 Leave Following Failure to Follow Governor's
 6 Order. Do you see that at the top?
 7 A. I do.
 8 Q. Is that a correct statement?
 9 A. Partially.
 10 Q. And in this article, Mr. Dean is reporting
 11 that Collier -- and we're looking where it says
 12 1, 2, 3, 4, the fourth paragraph, "But Bentley's
 13 decision also comes after news that Collier had
 14 failed to follow Bentley's orders not to submit a
 15 sworn statement in a court filing in the ongoing
 16 battle of prosecutors and lawyers for indicted
 17 House Speaker Mike Hubbard." Did you tell Chuck
 18 Dean that you were putting him on medical leave,
 19 Spencer on medical leave, partly because he
 20 failed to follow your order not to give an
 21 affidavit?
 22 A. Yes.
 23 Q. So did you, in fact, order Spencer not to

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1 give an affidavit?
 2 A. I don't remember the term "order." He may
 3 have said that. He said it in his article. I
 4 don't remember saying "article." I mean, I don't
 5 remember ever saying "order."
 6 Q. Well, let's look on the next page,
 7 next-to-last paragraph. It's a quote where he's
 8 quoting you. "No, I don't find his explanation
 9 acceptable. I don't accept the fact they did
 10 what I asked them not to do, so I will be dealing
 11 with that"?
 12 A. That's right.
 13 Q. And part of the punishment -- when you put
 14 Spencer on medical leave, you were, in part,
 15 punishing him for giving the affidavit?
 16 A. He was going to have surgery anyway. I fit
 17 it into that time frame.
 18 Q. Oh, I understand that. But you -- is it
 19 true or is it not true that you put Spencer on
 20 medical leave, in part, to punish him for giving
 21 that affidavit?
 22 MS. MAYS: Object to the form.
 23 A. Spencer was going to go on medical leave,

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1 and so part of it I just fit into that time
 2 frame, yes.
 3 Q. But part of it was as a form of punishment?
 4 MS. MAYS: Object to the form.
 5 A. You mean him to have surgery was a form of
 6 punishment?
 7 Q. No, sir. That publicly coming out and
 8 telling Chuck Dean that you were punishing him
 9 for giving the affidavit?
 10 A. I did say that.
 11 Q. Uh-huh, okay.
 12 A. Yes.
 13 Q. Well, let me go to this question just to
 14 represent something to you. I didn't bring a
 15 copy of it, but there's a copy of an actual
 16 report of 3-21-12, when Spencer and Gene Wiggins
 17 were involved in a wreck in a Department of
 18 Public Safety vehicle, okay? And I'll represent
 19 to you that that was the date of the wreck.
 20 A. What was the year?
 21 Q. 2012.
 22 A. Okay.
 23 Q. And that would have been while you were

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1 governor?
 2 A. Uh-huh.
 3 Q. And that would have been while Spencer was
 4 director of Homeland Security.
 5 A. Okay.
 6 Q. And you may not remember the wreck or the
 7 fact that he had surgery as a result of the
 8 wreck, but if you'll accept for me that that's
 9 when the wreck occurred, okay?
 10 A. Okay.
 11 Q. And that Spencer had three surgeries before
 12 this February 16th surgery, okay? In any of
 13 those three other times, you never told a
 14 reporter that Spencer Collier was going on
 15 medical leave?
 16 A. I was never asked.
 17 Q. But you never said anything about those
 18 surgeries?
 19 A. No.
 20 Q. And you're saying you didn't know he was
 21 undergoing the surgeries?
 22 A. I didn't say that. I may have known that
 23 he was undergoing surgeries because he may have

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1 told me.
 2 Q. Right.
 3 A. But I do not remember the wreck.
 4 Q. Okay. Up until the time that you found out
 5 about Spencer giving the affidavit, you had never
 6 had a problem with Spencer Collier, had you?
 7 MS. MAYS: Object to the form.
 8 A. I mean, I can't say that I hadn't
 9 questioned, but I can't say definitely. I would
 10 say as far as I recall, I had not.
 11 Q. Y'all continued to have a close personal
 12 relationship?
 13 A. Yes.
 14 Q. And he was doing a good job as ALEA
 15 secretary?
 16 A. As far as I knew, he was.
 17 Q. Right. And to make sure I'm right on this,
 18 part of what you were worried about Spencer was
 19 him appearing at a grand jury with Matt Hart?
 20 A. I didn't care if he did or not. That was
 21 not the question. The question is, they should
 22 not have brought the governor's office into the
 23 Matt Hart situation where he was being -- going

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1 to go before Judge Walker about prosecutorial
 2 misconduct. That's totally different than being
 3 brought before the grand jury over there.
 4 Q. To the extent it was bringing the
 5 governor's office into the Matt Hart case, it was
 6 only because the governor's office appoints the
 7 ALEA secretary?
 8 A. That's right.
 9 Q. Because it was ALEA that was being brought
 10 into the middle of it?
 11 A. ALEA is part of the governor's office, yes.
 12 Q. I understand that. But it wasn't really
 13 involving Robert Bentley into the Hubbard case
 14 any more than you already were?
 15 MS. MAYS: Object to the form.
 16 A. It was involving -- I'm sorry. It was
 17 involving the governor's office, and I was the
 18 governor.
 19 Q. But you had already testified to the grand
 20 jury in the Hubbard case?
 21 A. Yes.
 22 Q. And you were going to be a witness in the
 23 Hubbard case?

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1 A. Yes.
 2 Q. So you were already involved in the Hubbard
 3 case?
 4 A. I was involved as a witness.
 5 Q. Right.
 6 A. But I was not supporting either side.
 7 Q. And you're saying that by Spencer giving
 8 the affidavit he gave the appearance that you
 9 were supporting the prosecution?
 10 A. That's right.
 11 Q. And that comes on the heels of all -- well,
 12 not all, but several of Hubbard's friends and
 13 lawyers trying to get you to be on Hubbard's
 14 side?
 15 A. That's right, and I resisted that.
 16 Q. Did you have an absentee policy for your
 17 cabinet officials?
 18 A. No. I would take it case-by-case.
 19 Q. But there was no actual policy about what
 20 hours your officials, your cabinet officials
 21 worked?
 22 A. They were just expected to work full-time.
 23 Q. And do their job?

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1 A. Do their job.
 2 Q. Right. And some of the cabinet-level
 3 officials, various, not just ALEA, had to be
 4 involved in things on weekends or nights?
 5 A. Uh-huh, that's right.
 6 Q. But it wasn't anything like they would get
 7 comp time or anything of that nature?
 8 A. No, they would not get that.
 9 Q. So the main thing is that the job got done?
 10 MS. MAYS: Object to the form.
 11 A. Well, I expected them -- first of all, the
 12 job could not get done if they were not there.
 13 Q. Right.
 14 A. And I expected them to do their job, and
 15 that's what I told all of them. They knew I
 16 expected people to do their job.
 17 Q. But a cabinet-level official's role is not
 18 necessarily to work 8:00 to 5:00 in the office?
 19 A. Yes, it is.
 20 Q. It is?
 21 A. Well, not exactly that, but they're
 22 expected to be there. They're expected to do
 23 their job. If they're not in the office, they're

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1 not going to do their job. They've got to manage
 2 their office, they've got to do a lot of things.
 3 Q. Well, what if they're appearing in front of
 4 a budget committee?
 5 A. They're doing their job.
 6 Q. Right. But that's not in the office?
 7 A. Well, I don't necessarily mean exactly in
 8 the office.
 9 Q. Right. Well, that's what I was trying to
 10 ask, because --
 11 A. You mean sitting in the office?
 12 Q. Yes.
 13 A. No.
 14 Q. That's what I mean. Just because a
 15 cabinet-level official is not in his office at
 16 his desk doesn't mean he's not working? You
 17 would agree with that?
 18 A. In general, that's true.
 19 Q. Right. Let's just talk about Spencer and
 20 not the other ones. There were times that he
 21 would have to meet with the finance director or
 22 the acting finance director when Bill Newton was
 23 acting finance director, that would be part of

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1 his job?
 2 A. Yes.
 3 Q. And sometimes Spencer would get called at
 4 night because of crimes being committed that he
 5 had to be kept abreast of?
 6 A. Should have, yes.
 7 Q. Right. And there were times that -- well,
 8 just like with you, you weren't always at your
 9 desk? Sometimes Saturdays and Sundays you were
 10 doing functions, sometimes early morning,
 11 sometimes at night?
 12 A. That's right.
 13 Q. That's all I'm saying. To measure whether
 14 Spencer was doing his job, would not be based on
 15 sitting behind a desk 8:00 to 5:00 five days a
 16 week, would it?
 17 MS. MAYS: Object to form.
 18 A. They're expected to manage their agency,
 19 and you cannot manage the agency without being
 20 present.
 21 Q. Well, as of February 2nd of 2016, you said
 22 it was one of the most efficient agencies in the
 23 state, didn't you?

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1 A. And as far as I knew at that time, it was.
 2 Q. Uh-huh. You are aware that there's a law
 3 that's been in effect for numerous years -- I can
 4 get the exact date, if we need to, but it was in
 5 effect before you became governor -- that allows
 6 the State to hire retired State employees?
 7 A. Yes. They could make \$30,000.
 8 Q. Right. But that law, you know, was in
 9 effect before you became governor?
 10 A. I don't know that.
 11 Q. But are you aware of the purpose behind the
 12 law?
 13 A. Yes. You didn't have to pay benefits, and
 14 you would have people who were experienced.
 15 Q. You had the institutional knowledge of
 16 those people?
 17 A. That's right.
 18 Q. And they could help pass on that knowledge
 19 to younger employees?
 20 A. Well, they were expected to do a job.
 21 Q. Right. And there were actually forms
 22 filled out when someone took one of those jobs?
 23 A. Right.

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1 Q. Do you know how many are employed in the
 2 state that way?
 3 A. No, I don't.
 4 Q. Would it surprise you to know that more
 5 than 1,000 across the state?
 6 A. No, it wouldn't surprise me. We had 28,000
 7 state employees when I left, we had 37,500 when I
 8 got there.
 9 Q. And you don't see anything wrong with any
 10 cabinet-level official hiring retired employees
 11 to do the job, as long as they're doing the job?
 12 MS. MAYS: Object to the form.
 13 A. No, I don't have any problem -- I didn't
 14 micro-manage agencies.
 15 Q. Right.
 16 VIDEOGRAPHER: Going off the record at
 17 11:55 a.m.
 18 (Whereupon, at this time a lunch break was
 19 taken.)
 20 VIDEOGRAPHER: This begins disc number
 21 three in the deposition of Robert Bentley. We're
 22 back on the record at 12:46 p.m.
 23 Q. Do you know when an investigation of

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1 Spencer was first started?
 2 A. Yes, basically I do. I don't know the
 3 exact date. It occurred -- as far as I know, it
 4 occurred after Stan became the acting director,
 5 and then people began to bring things to him, and
 6 I think that's when it began.
 7 Q. Did you instruct Stan to investigate?
 8 A. Never.
 9 Q. So Stan would have started the
 10 investigation on his own?
 11 A. He started it after he received some
 12 information from some of the other employees.
 13 Q. And that would have been while he was
 14 acting ALEA secretary?
 15 A. That's right.
 16 Q. And before you appointed him as secretary?
 17 A. That's right.
 18 Q. When were you first made aware of it?
 19 A. It was four or five days later, after we
 20 had made him as the acting director, or acting
 21 secretary.
 22 Q. Okay. Do you recall your first
 23 conversation with Stan about the investigation?

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1 A. I did. They gave me not real specifics.
 2 They gave me some general things that had been
 3 brought to their attention. At first I was told
 4 by David Byrne that Stan and Michael were going
 5 to come over, and there were some things that I
 6 needed to hear.
 7 Q. Do you know whether an investigation had
 8 begun, or whether it was just people telling Stan
 9 about possible problems?
 10 A. I don't think the framework for an
 11 investigation using the integrity unit, it had
 12 not been set up at that time.
 13 Q. When he came to you at that meeting -- and
 14 you said "they," I'm assuming that's Stan and
 15 Michael?
 16 A. Stan and Michael and David Byrne was there.
 17 Q. Did they present you with any documentation
 18 or anything to support what they were saying?
 19 A. Not at that time.
 20 Q. Did you instruct Stan to initiate an
 21 investigation?
 22 A. I did not.
 23 Q. Did he ask you whether to initiate one?

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1 A. No, he did not.
 2 Q. So the investigation of Spencer Collier,
 3 then, would have been something that Stan and
 4 Michael did on their own?
 5 MR. TREWHELLA: Object to the form.
 6 MR. SEGALL: Object to the form.
 7 A. Not on their own, no. They were given
 8 authority by me. When I appointed him as the
 9 secretary, as interim secretary, I said, "Stan,"
 10 I said, "I want you to go in and be the acting
 11 secretary, and you have all the authority to do
 12 whatever is necessary. Whatever you find or
 13 whatever is there, or if you find anything, I'm
 14 giving you the authority to do your job just like
 15 if you were the regular director," or the
 16 secretary.
 17 Q. So that would have been on the date of his
 18 appointment?
 19 A. That's right. That's right.
 20 Q. Which would have been the date that Spencer
 21 was placed on medical leave?
 22 A. Yes.
 23 Q. And you told Stan to -- tell me again what

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1 you told him to do.
 2 A. I just told him to do his job.
 3 Q. Okay.
 4 A. I told him to act as if he were the
 5 secretary.
 6 Q. Did you have any discussions with him about
 7 investigating Spencer or the department?
 8 A. No. No.
 9 Q. Or to look into anything about the
 10 department?
 11 A. No. That was -- that was all news to me
 12 when I heard it the first time.
 13 Q. Okay. And I understand he had the
 14 authority to investigate; but what I'm asking,
 15 the question now is, did you -- did he ever ask
 16 your permission or seek your authority on
 17 actually investigating Spencer?
 18 A. No.
 19 Q. So I go back to this again, any decisions
 20 to investigate Spencer for -- whether it be the
 21 clothing allowance or not following procedures,
 22 that would have been something Stan did or began
 23 without your knowledge?

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1 A. That's right.
 2 Q. So when you first found out about it, Stan
 3 already had information?
 4 A. He did.
 5 Q. And he and Michael were doing some type of
 6 investigation on their own?
 7 A. They were just reporting to me what had
 8 been brought to them.
 9 Q. Okay. And then -- let me go ahead and mark
 10 this, it may make it easier. Am I up to 4?
 11 (Whereupon, Plaintiff's Exhibit Number 4
 12 was marked for identification, a copy of which is
 13 attached to the original of the transcript.)
 14 Q. This is what I believe to be -- well, let
 15 me back up and say this. I don't have the first
 16 page of this, but it comes from the impeachment
 17 committee report. It is Exhibit 5P00206, and
 18 this begins at 07, but I'll represent to you that
 19 what I'm looking at is an e-mail from Blake
 20 Hardwich.
 21 A. That's correct.
 22 Q. Blake Hardwich to Stan Stabler, dated
 23 5-29-2016 at 5:21 p.m. And it says, "Please see

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1 attached, Senator Orr requested the governor look
 2 into," and this is -- this Exhibit 4 is attached
 3 to it?
 4 A. That's right.
 5 MR. SEGALL: Exhibit 4?
 6 MR. MENDELSON: Yes. I don't have the
 7 cover e-mail with it, but the Orr memo or notes
 8 is Exhibit 4.
 9 Q. Now, according to this, Blake would have
 10 sent that to Stan on the afternoon of
 11 February 29, 2016. Do you know when you first
 12 got this from Orr?
 13 A. It was earlier in the month, and I gave it
 14 to Blake earlier in the month, and she just had
 15 not transferred it at that time.
 16 Q. Do you recall whether you had any
 17 conversations with Stan on the 29th? And to give
 18 you a reference of what I'm talking about is, on
 19 the 29th is the same day that Stan fired or
 20 transferred several people at ALEA, including
 21 J.T. Jenkins, Jay Howell, Camilla Gibson Merritt,
 22 all those folks. You became aware that he had
 23 either transferred or fired several people with

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1 ALEA on the 29th?
 2 MS. MAYS: Object to the form.
 3 A. Not until I believe we had our meeting on
 4 March 1st.
 5 Q. Stan didn't talk to you before he fired
 6 those people?
 7 A. No, he did not.
 8 Q. And I understand what you're saying, by
 9 being the acting secretary, he had the authority
 10 to do what a secretary would do, but he did not
 11 talk to you first before firing or transferring
 12 those people on the 29th?
 13 A. That's correct, he did not.
 14 Q. Do you recall talking to Spencer on the
 15 29th and his mentioning to you that his folks
 16 were being fired?
 17 A. I don't know what the date was. I remember
 18 calling Spencer to see how he was doing, so I
 19 remember -- I do remember talking to him after he
 20 had his surgery.
 21 Q. But the best of your recollection is, you
 22 did not find out about the terminations until the
 23 following day when you talked to Stan?

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1 A. The best of my remembrance, I did not.
 2 Q. Then on the 1st of March, some public
 3 statements were released by Stan concerning the
 4 terminations of those people. Are you aware of
 5 that?
 6 A. I am.
 7 Q. And as I understand, and I'll ask Stan more
 8 about it at his deposition, but the statement he
 9 gave to the press was actually written by
 10 Jennifer and Rebekah. Were you aware of that?
 11 MR. SEGALL: Object to the form.
 12 MS. MAYS: Objection.
 13 A. No.
 14 Q. Do you know why Stan gave the --
 15 A. Well, you're making that statement. I
 16 don't know that. That generally would not have
 17 been the case.
 18 Q. Well, I don't think it's worth arguing
 19 about. I just want to represent to you, I've
 20 seen the e-mails between Jennifer and Rebekah
 21 preparing the statement.
 22 A. Did you see the e-mail with the
 23 communications person at ALEA?

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1 Q. No, I've just seen the one with Jennifer
 2 and Rebekah, and Rebekah making changes to it.
 3 Did you instruct Stan to give the statement?
 4 MS. MAYS: Object to the form.
 5 A. That was discussed at the March 1st
 6 meeting, yes.
 7 Q. About him giving the statement?
 8 A. Yes, they discussed that at the meeting.
 9 Rebekah was on the phone, and Jennifer was there,
 10 and Espy and several of them, David Byrne,
 11 because there had been an article the night
 12 before by Brill Britt about massacre in ALEA, or
 13 something along that line.
 14 (Whereupon, Plaintiff's Exhibit Number 5
 15 was marked for identification, a copy of which is
 16 attached to the original of the transcript.)
 17 Q. Let me go ahead and give you this, because
 18 I'm reading some of this stuff that you're
 19 referring to. This is Exhibit 5; and if you
 20 recognize that, please just tell us and tell us
 21 what it is.
 22 A. This is the timeline that a number of us
 23 worked on of what happened from January 6th, but

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1 this particular one has been redacted many times,
 2 and it really doesn't tell the whole story.
 3 Q. Who redacted it?
 4 A. David Byrne.
 5 Q. Do you know why it was redacted?
 6 A. No, I do not.
 7 Q. Do you know where there may be an
 8 unredacted copy of it?
 9 A. We can get one for you.
 10 Q. How would I go about getting one in my
 11 hands?
 12 A. I can get one to my lawyers and they can
 13 get it for you.
 14 Q. Do you have an unredacted copy?
 15 A. Yes.
 16 MR. MENDELSON: Will y'all do that?
 17 MR. NEIMAN: We need to find out the
 18 purpose of the redactions, make sure there's not
 19 some privilege involved.
 20 MR. MENDELSON: Oh, yes, sure. I mean, if
 21 I need to do a formal request, I will, but I'm
 22 not asking you just to get it and turn it over to
 23 me. Y'all get the unredacted copy, look at it,

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1 determine if it's permissible; or if we need to
 2 do a protective order, I would certainly consent
 3 to one.
 4 MR. NEIMAN: Okay.
 5 MR. MENDELSON: If y'all will just do
 6 that. Or if you need me to file a formal request
 7 next week, I will.
 8 MR. NEIMAN: No need for a formal request.
 9 You may need to remind me after the deposition.
 10 MR. MENDELSON: Okay.
 11 Q. And if you're looking at the last part of
 12 the March 1, it's in there where it's saying that
 13 Jennifer worked with ALEA PIO Anna Morris, that's
 14 what you were referring to?
 15 A. That's what I was talking about, yes.
 16 Q. Was it like a joint decision for Stan to
 17 give a statement, or was Stan requested to give a
 18 statement? How did that come about?
 19 A. No. We were -- in response, really, to
 20 this article that came out by Brill Britt, so it
 21 was really how to respond to that. Because we
 22 wanted to be more truthful -- not more truthful,
 23 we wanted to be truthful about what happened.

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1 Q. Okay.
 2 (Whereupon, Plaintiff's Exhibit Number 6
 3 was marked for identification, a copy of which is
 4 attached to the original of the transcript.)
 5 Q. Let me show you Plaintiff's Exhibit Number
 6 6. This is the ALEA report that I e-mailed
 7 y'all. I didn't bring copies for everybody, but
 8 it's the ALEA report. Have you seen that before?
 9 A. I have. Is this the one that was released,
 10 at what time?
 11 Q. Well, there were actually two reports that
 12 I obtained copies of and that are contained in
 13 the Bentley impeachment file. One is 61 pages
 14 and one is 63 pages, this is the 63-page one?
 15 A. This is the second one?
 16 Q. Yes. Do you know when the first one was
 17 done?
 18 A. I really do not. It had to be -- the dates
 19 would have been probably late March, but I'm not
 20 a hundred percent sure on that. I actually never
 21 saw the first one, I never read the first one.
 22 Q. Did you ever read the second one?
 23 A. I saw it when it was released, after it was

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1 released from a FOIA request. I picked up the
 2 disc, I took it home with me Friday afternoon and
 3 I looked at it, and that's the first time I'd
 4 seen it.
 5 Q. And that would have been after Spencer was
 6 terminated?
 7 A. Oh, that was in September.
 8 Q. Several months?
 9 A. Yes.
 10 Q. Now, according to this report, in the first
 11 part of it -- again, I'll ask Stan more about
 12 it -- but there, it's saying that he is assigning
 13 the case to Special Agent Bickhaus with the
 14 Integrity Unit?
 15 A. Yes.
 16 Q. When did you find out he was going to open
 17 an investigation into Spencer?
 18 A. On the March 1st meeting.
 19 Q. So it would have been after he had already
 20 met with Special Agent Bickhaus?
 21 A. No, I don't think he had at that time. I'm
 22 not sure.
 23 Q. Yes, I'm not either, and I may have to ask

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1 him. But assuming it was on the 29th of
 2 February -- regardless, you didn't know until the
 3 1st?
 4 A. I did not know until the 1st. We discussed
 5 it on the 1st on how to -- this mainly, and we
 6 may not be able to go into this, a lot of this
 7 came from David Byrne on how we should turn it
 8 over to what agency.
 9 Q. There was discussion about turning it over
 10 to a separate agency?
 11 A. Yes, there was.
 12 Q. And the decision was made to keep it
 13 in-house at ALEA?
 14 A. The investigation was kept in-house; but if
 15 there were any charges of any type, it was to be
 16 not investigated by the SBI, I guess. It was to
 17 be turned over to the Attorney General's office.
 18 Q. And who made the decision for Stabler to
 19 conduct this investigation? Was that something
 20 authorized by you, or is that something Stan did
 21 on his own?
 22 MS. MAYS: Object to the form.
 23 A. Stan began the investigation, and at that

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1 meeting on March 1st there were discussions on
 2 how to best handle it.
 3 Q. And did you ultimately make the decision it
 4 would be best if Stan and Michael handled it?
 5 MS. MAYS: Object to the form.
 6 A. I think that was more of a legal decision
 7 on how -- the decision on how to investigate, I
 8 did not have anything to do with. I left that up
 9 to ALEA.
 10 Q. And as far as authorizing Stan and ALEA to
 11 investigate Spencer, did you make that decision?
 12 A. I do not recall specifically doing that.
 13 It was discussed at the meeting, and I agreed to
 14 it.
 15 Q. Now, just so you know, I'm trying to get
 16 through this so we're not here all day, all night
 17 and another time, and going through all the
 18 documents; but if I need to show you documents,
 19 I'm happy to. There was a point a few months
 20 later where you made the decision to terminate
 21 Spencer, based upon the ALEA investigation; is
 22 that correct?
 23 MS. MAYS: Object to the form.

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1 A. I believe I had terminated him before I
 2 even saw the -- was even briefed by April
 3 Bickhaus, Stan, Michael, David Byrne, my chief of
 4 staff was there at the meeting. That was around
 5 the first of April, so that had already occurred.
 6 I based my decision on reports that I had
 7 received.
 8 Q. And those reports were from Stan and
 9 Michael?
 10 A. That was one of the reasons, yes.
 11 Q. And before terminating Spencer, you are
 12 aware that David Byrne came to my office to talk
 13 to me about Spencer resigning?
 14 A. Yes. Yes.
 15 Q. Was that done with your authority?
 16 A. He brought to me letters that morning, two
 17 letters that you probably saw both of them; and
 18 at my decision to terminate Spencer, he gave you
 19 two letters -- at least this is what I was told,
 20 he gave you two letters; one that allowed Spencer
 21 to resign, and then the other, if he did not
 22 resign, then the other was to terminate him.
 23 Q. Were you aware that he also brought me a

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1 manila envelope with documents that he
 2 represented were from Michael Robinson?
 3 A. I didn't know that.
 4 Q. And I'll represent this to you, and I'm
 5 doing it for the purpose of seeing if you were
 6 aware of this; believe me, not believe me, I just
 7 want to know if you were aware. David presented
 8 me a sealed envelope that he said had only been
 9 opened to copy the documents contained in it, and
 10 that you were not aware of what the actual
 11 documents showed.
 12 MS. MAYS: Wait for a question.
 13 Q. Do you recall that? Did you know he was
 14 going to bring me that?
 15 A. The only thing I knew that he was going to
 16 bring you were two letters.
 17 Q. Okay. But I'm assuming you would agree
 18 with the fact that you had not read the documents
 19 that Michael Robinson had put together which
 20 David provided to me?
 21 MS. MAYS: Object to the form.
 22 MR. TREWHELLA: Object to the form.
 23 A. I do not remember.

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1 (Whereupon, Plaintiff's Exhibit Number 7
 2 was marked for identification, a copy of which is
 3 attached to the original of the transcript.)
 4 Q. Let me show you what is marked as Exhibit
 5 7, and I'll just first ask you, without knowing
 6 what the details are, you would recognize this as
 7 being an official press release from your office,
 8 would you not?
 9 A. Did that come from my office?
 10 Q. Yes. That's my question to you.
 11 A. We released a statement that night. What
 12 time was this released?
 13 Q. I pulled this off of your office before you
 14 resigned. I don't think it's up there anymore,
 15 but it appears to be released sometime on
 16 March 22nd.
 17 A. It would have been, but it would have been
 18 released late in the day.
 19 Q. Right.
 20 A. Yes, this is the one.
 21 Q. And in that statement, and I'm looking at
 22 the last full paragraph, in the middle of it,
 23 "After an internal review, the ALEA integrity

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1 unit found a number of issues, including possible
 2 misuse of state funds." Do you see that?
 3 A. Which paragraph?
 4 Q. It's the last full one on the first page,
 5 I'm sorry. It appears to be in quotations, or it
 6 is in quotations.
 7 A. Right.
 8 Q. And this would have been a statement
 9 attributed to you?
 10 A. Yes.
 11 Q. And that middle sentence in that paragraph
 12 says, "After an internal review, the ALEA
 13 integrity unit found a number of issues,
 14 including possible misuse of state funds"?
 15 A. That's right.
 16 Q. And as I understand it from you, you had
 17 not seen that ALEA report as of that day?
 18 A. It had been reported to me --
 19 Q. Right.
 20 A. -- in meetings and in briefings.
 21 Q. Right. Which would have been coming from
 22 Stan and Michael?
 23 A. Yes.

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1 Q. But you hadn't reviewed any of the
 2 documents yourself?
 3 A. I had not.
 4 Q. And you didn't reach out to Spencer to ask
 5 him any questions about what they were saying,
 6 did you?
 7 A. No.
 8 Q. Did you ever ask Stan or Michael "What did
 9 Spencer say?"
 10 A. No.
 11 Q. Now, you were aware that when the
 12 investigation started, there were a lot of
 13 complaints about the internal paperwork and
 14 accounting system, were you not? Or what did you
 15 think that Stan was investigating about Spencer
 16 when he started the investigation when they took
 17 over?
 18 A. He was investigating reports that came to
 19 him from the accountants primarily; and then
 20 other people that actually worked in the office,
 21 he had some reports maybe of Spencer not being at
 22 work, things like that.
 23 Q. Did you ask Stan to investigate Spencer's

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1 alleged absenteeism?
 2 MS. MAYS: Object to the form, asked and
 3 answered.
 4 A. I let Spencer -- I let Stan do the
 5 investigation. I did not tell them -- I did not
 6 steer them in any particular direction.
 7 Q. Okay. Now, when you appointed Stan, he had
 8 a solid law enforcement background. Do you agree
 9 with that?
 10 A. Yes.
 11 Q. But he had never participated in running a
 12 state agency, had he?
 13 A. Not a state agency.
 14 Q. Yes, sir. I mean an area like the
 15 Dignitary Protection Unit?
 16 A. Right.
 17 Q. But otherwise, he was a trooper and an ABI
 18 investigator?
 19 A. That's right.
 20 Q. So he had never handled the budget before?
 21 A. No.
 22 Q. Never met with legislatures before about
 23 budget hearings, budget meetings, anything like

Page 113

1 that?

2 A. No.

3 Q. Was not intricately familiar with the

4 accounting procedures at ALEA?

5 A. I don't know about that.

6 Q. In any event, when you terminated Spencer,

7 you were doing it based upon what Stan and

8 Michael had represented to you?

9 A. Two reasons. That was one of them.

10 Q. Okay.

11 A. The other was the fact that he was not

12 truthful with me about being threatened by Matt

13 Hart, because he told me three times that he had

14 been threatened, and that was very, very serious.

15 In fact, it was illegal, I thought. And then he

16 recanted that about two or three days later and

17 said, "No, that was just Matt being Matt." So he

18 was not truthful with me about that; and

19 honestly, I was more upset about that than I was

20 the other.

21 Q. You were upset with Spencer because you say

22 he told you that Matt Hart had threatened him --

23 A. That's right.

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1 Q. -- and then he recanted that?

2 A. He did. That's right.

3 Q. And that was a part of the reason that led

4 you to fire him?

5 A. That's right.

6 Q. And you never once said that, though, did

7 you?

8 A. Yes.

9 Q. In a public release?

10 A. I'm not sure I said it in a public release.

11 No, I don't think I have in a public release.

12 Q. So are you saying, then, that the stuff

13 about the findings that Stan and Michael came to

14 really didn't bother you that much?

15 A. Yes.

16 Q. It did?

17 A. There's two things. I told you, there are

18 two reasons that I relieved him of his duty. One

19 had to do with not being truthful with me, the

20 other one had to do with these reports that I had

21 received.

22 Q. Were you ever made aware that Special Agent

23 Bickhaus wanted to interview you?

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1 A. Yes. After the fact, I read that, yes.

2 Q. Right, I'm sorry; that's a bad question,

3 good answer. But during the time of the

4 investigation, before Spencer was terminated, you

5 were never made aware that she wanted to

6 interview you?

7 A. No.

8 Q. Were you ever submitted any written

9 questions by her --

10 A. No.

11 Q. -- before Spencer was terminated?

12 A. I don't remember that, I don't.

13 Q. There has been some information, I think

14 it's in the ALEA report, that Michael Robinson

15 told her to just submit questions, and he would

16 have you answer the questions; but to your

17 knowledge, you were never furnished any questions

18 from Special Agent Bickhaus?

19 A. I do not recall either way. I do not

20 recall if I did or not.

21 Q. Okay. When you terminated Spencer on

22 March 22nd, was it your understanding, one way or

23 the other, about whether the investigation had

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1 been completed?

2 A. As far as I know, the investigation had not

3 been completed.

4 Q. I know there's a quote by Stan in one place

5 about after a thorough investigation, he reached

6 the conclusions about the possible misuse of

7 state funds. But you didn't know whether it was

8 completed or not completed?

9 A. I did not.

10 Q. Did you understand that Special Agent

11 Bighouse's investigation was an administrative

12 investigation?

13 A. Yes.

14 Q. And on the 22nd, the matter was referred to

15 the Attorney General's office?

16 A. Yes.

17 Q. Who made that decision, to turn it over to

18 the Attorney General's office?

19 A. We made a decision in the governor's office

20 on where to send this. Actually, it was at the

21 March 1st meeting.

22 Q. On March 1st, y'all determined that you

23 needed to get the Attorney General's office

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1 involved?

2 A. That's right.

3 Q. And the Attorney General's office would

4 have been investigating criminal matters?

5 A. Yes.

6 Q. And Special Agent Bickhaus, did you know,

7 was doing it from an administrative standpoint?

8 A. That's right.

9 Q. And that she continued to investigate

10 Spencer even after he was terminated?

11 A. Yes.

12 Q. Do you know why she still would have been

13 investigating him from an administrative

14 standpoint?

15 A. No.

16 Q. Because after all, once you fired him,

17 there was nothing else to do administratively,

18 wouldn't you agree?

19 MR. TREWHELLA: Object to the form.

20 MS. MAYS: Object to the form.

21 A. I was not involved in the investigation.

22 Q. That would have been Stan?

23 A. Or April and Stan. It would be ALEA, yes.

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1 Q. But you understand regardless of whether

2 Spencer -- well, I'm not, for this next question,

3 asking about, you know, rights that are available

4 to Spencer, but you know enough about management

5 of people within the state government, about

6 there's different forms of punishment that you

7 can administer, such as reprimand, suspension,

8 suspension without pay, things like that, right?

9 A. That's merit system.

10 Q. Well, regardless, I'm not saying Spencer

11 was entitled to it, but there are certain other

12 forms of punishment?

13 A. Yes. Right.

14 Q. So once Spencer was terminated, you

15 couldn't terminate him again as a form of

16 punishment, could you?

17 A. No.

18 Q. You couldn't reprimand him, because he was

19 terminated? Whether he was entitled to

20 progressive discipline or not, he's gone, there's

21 nothing else that you can do to him from an

22 employment standpoint, was there?

23 A. That's true.

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1 Q. Do you know of any reason why ALEA should

2 have been continuing to investigate Spencer after

3 he was terminated?

4 MR. TREWHELLA: Object to the form.

5 MS. MAYS: Object to the form.

6 A. That was up to ALEA.

7 Q. That would have been left up to Stan to

8 make that decision?

9 A. Yes, and his team.

10 Q. Going back to Orr's thing, and I did mark

11 it, I think?

12 MS. MAYS: Exhibit 4, is that what you're

13 referring to?

14 MR. MENDELSON: Orr's? Yes. I'm sorry, I

15 forgot the number.

16 A. That's 4.

17 Q. Now, in this report, or whatever it is,

18 memo, letter from Senator Orr, he was also making

19 criticism of the Department of Corrections,

20 Department of Youth Services, and ALDOT? If you

21 don't recall it, you can look in paragraph number

22 5 on the second page.

23 A. Okay.

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1 Q. Did you have any agency within the State

2 investigate the commissioner of the Department of

3 Corrections, of Youth Services, or of ALDOT?

4 MS. MAYS: Object to the form.

5 A. I did not.

6 Q. Do you know if anybody did?

7 A. I gave this to my chief of staff, and she

8 sent it to Stan. As far as I know, that's all

9 she sent it to. I wanted it to go to Stan, but

10 I'm not sure that she did it with the others. I

11 don't know.

12 Q. As we sit here today, do you know if

13 anybody investigated those other three agencies?

14 A. I do not.

15 Q. Would that have been something that Stan,

16 in his authority as acting secretary, and then

17 later as secretary, had the authority to

18 investigate those agencies?

19 A. I don't know.

20 Q. Now, one of the complaints, going back to

21 paragraph 1, that's talking about two retired

22 part-time employees earning extra money for their

23 work in Montgomery County, although they lived

Page 121

1 outside of Montgomery County. When you read
 2 that, did you know that pertained to ALEA?
 3 A. You know, honestly, I didn't read this. I
 4 talked to Orr just briefly, he told me that he
 5 had some problems -- not problems, but some
 6 complaints from other legislators. And these are
 7 the ones that he brought to me, and I just gave
 8 it to my chief of staff.
 9 Q. And you didn't read this?
 10 A. I do not remember reading it in any detail,
 11 I do not.
 12 Q. Were you familiar, before this, with a
 13 clothing allowance policy at ALEA?
 14 A. I was familiar with that, yes.
 15 Q. What was your understanding of why there
 16 was a clothing allowance?
 17 A. Well, there was a clothing allowance -- I
 18 really think it was the past legislature just to
 19 give law enforcement some more money; but, you
 20 know, because of the salary levels that were
 21 there. It really, I think, was for people who
 22 were in special areas where they needed more
 23 clothing allowance. For instance, my security

Page 122

1 had to wear suits all the time. Basically,
 2 that's kind of the only ones I thought of, but
 3 everybody had it, and I think some of them --
 4 honestly, I think they just used it because they
 5 could buy more clothes when they needed them.
 6 Q. But it was something that you were aware of
 7 before Arthur Ward brought it up here?
 8 A. I was, yes.
 9 Q. And maybe some people disagree with it, but
 10 there's also the side that says that you want
 11 your ALEA officials, at the time it was ALEA, to
 12 be dignified if they had to go to court, had to
 13 attend functions with you, to be able to have
 14 suits and dress appropriately? Do you understand
 15 that? You don't disagree with it?
 16 A. No, I don't disagree with it. Whether or
 17 not they should take it out of their own salary
 18 or whether they should take it out of this, I
 19 might disagree with you.
 20 Q. But take a young investigator like in the
 21 Rural Crimes Division who is wearing jeans and,
 22 you know, Polo-type shirts and stuff like that,
 23 if he goes to court, you, when you were governor,

Page 123

1 would want him to be presentable in court,
 2 wouldn't you?
 3 A. I think all state employees should be
 4 presentable.
 5 Q. Right. And so the idea of furnishing money
 6 so that he could buy a couple nice suits and
 7 shirts was something that had been done for
 8 years, actually, hadn't it?
 9 MS. MAYS: Object to the form.
 10 A. I have no argument about the \$850. I may
 11 disagree. I didn't disagree enough to say
 12 anything about it.
 13 Q. Right. And I see argument if it's not as
 14 many people or if it's only \$750, it could save
 15 money; but also, you didn't have a problem with
 16 ALEA having clothing allowances?
 17 A. I didn't, because I thought it was really
 18 more of their salary, because I didn't think they
 19 were paid enough.
 20 Q. Are you aware of whether that policy
 21 existed with public safety before the
 22 consolidation?
 23 A. Yes.

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1 Q. It did exist?
 2 A. Yes, I think it existed. You said it
 3 existed a long time.
 4 Q. Right.
 5 A. So I'm quoting you.
 6 Q. Well, is that your understanding, too?
 7 A. Yes.
 8 Q. Okay. I'm just trying to make sure,
 9 because you're not here to suggest that Spencer
 10 Collier is the one who just created a clothing
 11 allowance?
 12 A. No, he did not. It had been present for a
 13 long time. And anyone in ALEA had it. I think
 14 even the part-time people may have had it.
 15 Q. Now, as far as that paragraph number 1
 16 about the two part-time people traveling, those
 17 certainly weren't the only two folks in state
 18 government that traveled to Montgomery on a daily
 19 basis, were they?
 20 A. I don't know.
 21 Q. As far as overtime, one of the people who
 22 got a lot of attention for overtime pay was Ray
 23 Lewis?

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1 A. Right.

2 Q. And he was sure augmented?

3 A. He was.

4 Q. And did you order Kevin Wright and Hugh

5 McCall to pay Ray Lewis dollar-for-dollar for

6 overtime?

7 A. I did not.

8 Q. You didn't have anything to do with

9 overtime?

10 A. I know who did it.

11 Q. Who?

12 A. Chief of staff.

13 Q. Who was that?

14 A. Chuck Malone.

15 Q. He is the one who told Kevin and --

16 A. As best as I have been able to find out,

17 yes.

18 Q. But you were not aware of that?

19 A. I really was not aware of it until all

20 these reports came out.

21 Q. Were there occasions where you requested

22 that other members of your Dignitary Protection

23 Unit be allowed to work overtime, like at the

Page 126

1 capitol on weekends or on construction sites?

2 MS. MAYS: Object to the form.

3 A. I went by the rules and regulations that

4 were put in place by ALEA. It was not me that

5 decided, it was ALEA.

6 Q. But my question is, did any -- let me ask

7 it a different way. Did any of your security

8 detail ever ask you to help them obtain overtime

9 because they were financially strapped?

10 MS. MAYS: Object to the form.

11 A. They would maybe tell me that, but I do not

12 ever remember passing that on to someone.

13 Q. Are you aware that some of them did work

14 overtime?

15 A. I am aware of that.

16 Q. And that they had to actually be provided

17 uniforms?

18 A. I do know that.

19 Q. When they became Dignitary Protection

20 detail, they gave up the uniforms they wore,

21 dressed appropriate to you as the protecting --

22 A. That's right.

23 Q. So you were aware that they were furnished

Page 127

1 uniforms and allowed to work construction sites

2 and at the capitol to pick up extra money?

3 A. Yes.

4 Q. And were you not aware that the overtime

5 for stuff like that generally went to the lower,

6 younger uniform state troopers?

7 A. Yes.

8 Q. And that that created problems among the

9 rank, because they were seeing folks from DPU who

10 made a lot more money, also getting their

11 overtime?

12 A. Are you making a statement, or are you

13 asking me a question?

14 Q. I'm asking if you knew that?

15 A. I did not know that there was any problem.

16 Q. But when the Dignitary Protection Unit guys

17 were working overtime, their extra pay was based

18 upon the DPU salary, correct?

19 MS. MAYS: Object to the form, to the

20 extent you know.

21 A. What is DPU?

22 Q. Dignitary Protection Unit.

23 A. Okay. They have different categories.

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1 Some were classified at different levels because

2 they had certain classifications. There were

3 some that did not have that classification.

4 Q. Right. But whatever their classification

5 was, their overtime would be based upon their pay

6 level?

7 A. Probably, yes.

8 Q. Whereas a new, young state trooper, his

9 overtime would be based upon his salary?

10 MS. MAYS: Object to the form, to the

11 extent you know.

12 A. I don't know for sure. I don't know how

13 that works exactly.

14 Q. Well, you would understand that the expense

15 of having DPU guys working overtime would be a

16 greater expense to the State than having the

17 lower-level state troopers doing it?

18 A. If their salary was higher and it was based

19 on that, yes.

20 Q. Okay. You wouldn't consider authorizing

21 that to be a crime, would you?

22 A. No.

23 Q. Who made the decision to release the ALEA

Page 129

1 report to the press?

2 A. The decision was made -- ultimately it had

3 to be made by Legal. So ultimately it would have

4 to be made by my Legal Department, based on

5 whether or not they felt it was already public

6 record.

7 Q. Now, you mentioned earlier about a FOIA

8 request for it. You're aware that the press was

9 trying to get copies of that since the day

10 Spencer was terminated?

11 A. Yes.

12 Q. And your office never would produce it?

13 A. That's right.

14 Q. Took the position it was criminal and

15 couldn't produce it?

16 A. Right.

17 Q. In fact, one of your assistant lawyers,

18 Carrie McCollum, wrote letters citing the statute

19 of the law that it was criminal and couldn't be

20 produced?

21 A. Right.

22 Q. And you didn't produce it?

23 A. No.

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1 Q. It was only produced -- well, let me ask it

2 a different way. If it gets into attorney-client

3 privilege, don't tell me, although I have a

4 dispute about some of that. But at some point

5 you're saying your legal team made the decision

6 that it could be released?

7 MS. MAYS: Object to the form.

8 A. Yes.

9 Q. And that wasn't your decision?

10 A. I was aware of it just because this was a

11 major issue, and so I was aware of it. But it

12 had to go through Legal, and it was released

13 based on the impeachment committee's rules.

14 Q. Well, you didn't produce everything that

15 the impeachment committee asked?

16 A. We did not. And even later, we did not

17 produce anything that was not public record.

18 Q. Well, when and how did the ALEA report

19 become public record?

20 MS. MAYS: Object to the form, to the

21 extent you know.

22 A. It was asked for, because it was -- ALEA

23 says it was public record.

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1 Q. Who told you that?

2 A. Well, I was told by the legal people that

3 it was.

4 Q. The legal people at ALEA?

5 A. No, my legal people.

6 Q. Your legal people told you that ALEA said

7 it was public?

8 A. They discussed it. I did not -- I knew

9 that they were going to release it based on the

10 request of numerous documents. This was just

11 part of it, because the impeachment committee

12 asked us specifically for anything that we had or

13 could get in our possession that had to do with

14 my relationship with Spencer.

15 Q. And your legal team made the decision to

16 release the ALEA report to the impeachment

17 committee?

18 A. Yes, because they felt like it was public

19 record.

20 Q. So they felt like it was public record

21 before they released it to the impeachment

22 committee?

23 A. Yes, that's right.

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1 Q. And that was after consulting with somebody

2 at ALEA?

3 A. As far as I know. I don't know who talked

4 about it; but as far as I know, it was discussed,

5 and it was released to our Legal Department. And

6 that, along with numerous things -- and that's

7 the first time I ever saw it, because I got this

8 disc that contained all of this material, and

9 that's the first time I had ever seen the 63-page

10 ALEA report.

11 Q. If I wanted to try to find out who your

12 legal team talked to about this being a public

13 record at ALEA, to find out who at ALEA did that,

14 who on your legal team would know the most about

15 this?

16 MS. MAYS: Object to the form. It seems to

17 borderline on asking him attorney-client

18 privileged information. To the extent that he

19 knew that, would that be a discussion between him

20 and his lawyer about that topic?

21 MR. MENDELSON: I'm not trying to get into

22 advice, but he has testified that his legal team

23 concluded it was public record, because folks at

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1 ALEA told him, and I want to find out who at ALEA
 2 may have told him that. That's why I'm wondering
 3 if he can tell me who I need to subpoena from his
 4 legal team that would know about this, because I
 5 want to know who at ALEA -- I mean, I'll ask Stan
 6 and I'll ask Michael, but I'm just trying to find
 7 out who at ALEA told the governor's office this
 8 was a public record, and so I'm just trying to
 9 figure out who on his legal team would be the one
 10 to ask. If y'all say it's attorney-client -- I'm
 11 not -- what's y'all's position?
 12 MS. MAYS: If you know the name of the
 13 person or the persons.
 14 A. Well, I was just told by Legal that they
 15 were going to include this. Legal means David
 16 Byrne; Carrie, I don't know if she was still
 17 there at that time; Jason Paulk, he was there.
 18 But I was told by my legal people that they had
 19 asked for it and had received it, and I would
 20 assume, if it had been confidential, that ALEA
 21 would not have sent it or they would have
 22 protested about it. But I was not intimately
 23 involved in that. I knew that they were going to

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1 possibly release it, but I do not honestly
 2 remember the sequences of talking to specifically
 3 anyone until they had it all ready and they had
 4 had a FOIA request, and they were going to --
 5 since they considered it public record, they were
 6 going to release that and all the other documents
 7 that were sent to the impeachment committee. I
 8 can't tell you definitely who it was. I think
 9 David Byrne is in charge of it, but, you know, I
 10 know that -- I'm sure that I had talked with
 11 David and probably other attorneys, maybe Ross
 12 Garber and maybe even Joe Espy. I probably
 13 talked to all of them about this, but I remember
 14 that it was going to be released. I just did
 15 not -- I was not ultimately involved in that
 16 process, even though I knew that it was going to
 17 take place. And surely something that important,
 18 they would have told me that it was going to take
 19 place.
 20 Q. You're familiar with the PDMP, are you not?
 21 A. The what?
 22 Q. The PDMP, Prescription Drug Monitoring
 23 Program?

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1 A. Oh, yes. Yes. In fact, I encouraged that
 2 to be set up.
 3 Q. Did you ever access Spencer Collier's
 4 information in PDMP?
 5 A. No, I did not.
 6 Q. Did you ever instruct anybody to do that?
 7 A. No, I did not.
 8 Q. Do you know if anybody did it?
 9 A. No, I do not. I don't even know how to
 10 access it. I've never done that on anybody.
 11 Q. At some point during your campaign for the
 12 2014 election, you leased an airplane, did you
 13 not?
 14 A. I did, several, several airplanes.
 15 Q. When did you first start leasing a plane?
 16 A. It was on the advice of Bill O'Connor, who
 17 was one of the consultants for the campaign. It
 18 also was on the advice of Heath Garrett, who was
 19 my campaign chairman. And that's why we leased
 20 them.
 21 Q. When did you start leasing?
 22 A. I don't remember the date.
 23 Q. Prior to leasing, had you flown on a state

Page 136

1 airplane for political purposes?
 2 A. No.
 3 Q. You know there is a procedure where a
 4 sitting governor can use state airplanes and then
 5 reimburse it from the campaign?
 6 A. No, that's not true.
 7 Q. That's not true?
 8 A. That's not true.
 9 Q. Do you know of any other governor that
 10 leased airplanes?
 11 A. Well, if they did, they did it illegally,
 12 because they do not name airplanes in the law.
 13 It names vehicles, but it does not name
 14 airplanes. We actually leased the black SUV, we
 15 leased it's from the State, but we could not
 16 lease airplanes. And we did not want to cross
 17 that line, and that's why we leased airplanes, so
 18 that we would never break the law.
 19 Q. Do you know of any other governor who
 20 leased airplanes when they were running for
 21 election?
 22 A. I don't know, but we intentionally did it
 23 so that we would make sure that we did it the

Page 137

1 correct way. We did that on vehicles. We paid
 2 back the State mile-for-mile when we would use
 3 the state vehicles.
 4 Q. And you're saying that procedure did not
 5 apply to airplanes?
 6 A. Airplanes, it did not.
 7 Q. Okay. Let me ask you this a different way.
 8 Did you actually lease an airplane, or did you
 9 have a contract with a service that provided
 10 planes?
 11 A. No, it was a service that owned the planes
 12 that the head of the campaign, Heath Garrett, he
 13 would lease it from some company who had several
 14 planes.
 15 Q. Right. And when a decision was made for
 16 you to fly to a political event, then they would
 17 bring the plane to Montgomery?
 18 A. That's right.
 19 Q. So your security folks didn't know what
 20 plane was coming at which time?
 21 A. They did not. Well, they probably were
 22 made aware of it, but they didn't have control
 23 over it.

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1 Q. They didn't have control over who the
 2 pilots were?
 3 A. They did not.
 4 Q. So you were flying on a plane that had not
 5 been secured by the State of Alabama or by ALEA,
 6 right?
 7 A. They secured them as best they could.
 8 Q. For pilots that you wouldn't even know who
 9 they were until you showed up at the plane?
 10 A. We had pretty much the same pilots all the
 11 time. They use some different aircraft.
 12 Q. Right. But these weren't state employees
 13 who had been screened and monitored for their
 14 airplane piloting?
 15 A. You know, I don't know how much screening
 16 ALEA did about that DPS, I kind of left it up to
 17 them, but it was not as tight as it was when I
 18 was flying at other times as governor.
 19 Q. Was it Hugh or Ms. Mason or a combination
 20 decision to close the driver's license offices?
 21 A. Neither one.
 22 Q. Who made that decision?
 23 A. Spencer did.

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1 Q. On his own?
 2 A. Yes, he brought them to me. We were short
 3 of funds, and there was a subcommittee that was
 4 made up of Jennifer, Rebekah, John Barginier,
 5 maybe the people in finance, I'm not sure, but it
 6 was a subcommittee that was helping the different
 7 agencies on how to basically communicate that
 8 when we had to cut things. We did it by closing
 9 down some of the parks. Spencer brought to us
 10 the idea, he brought that to me, presented it to
 11 me about closing down the driver's license
 12 offices. What he presented to me that day, he
 13 showed it to me. What he said was, "These are
 14 the ones that we're going to close." I don't
 15 know if he told me that day how much was going to
 16 be saved, but he presented it to me, and I said,
 17 "Well, Spencer, at least you can't make these
 18 people travel across two counties to get their
 19 driver's license; so if they're not contiguous
 20 counties with one open, one closed, then you need
 21 to change that," and he did change one county.
 22 It was the county that was represented by Senator
 23 Dial, and so he did change that. Then he

Page 140

1 presented his case on how to market this to the
 2 public, he presented that to this subcommittee,
 3 which Rebekah was a part of.
 4 Q. Who made the decision to close the state
 5 parks?
 6 A. Gunter Guy.
 7 Q. And you're saying Rebekah had nothing to do
 8 with it?
 9 MS. MAYS: Object to the form.
 10 A. Had nothing to do with it. She was part of
 11 this subcommittee that was going to market it and
 12 at least put it out to the people so it would be
 13 palatable. Of course, it's never palatable when
 14 you do things like that.
 15 Q. Right. Do you recall in August of 2014,
 16 going to Greenville with Spencer and Ray Lewis?
 17 A. Yes, I do.
 18 Q. And they came and relieved your security
 19 detail and drove you to Greenville?
 20 A. Yes. Yes.
 21 Q. Tell me what you remember about the
 22 conversation.
 23 A. The conversation primarily was the fact

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1 that they had to listen to snippets, they told
 2 me, of a tape that had been recorded supposedly
 3 of me. They were concerned about it, and of
 4 course I was concerned about it, too, because we
 5 didn't even know for sure that any tapes actually
 6 existed until this time. So Spencer sat in the
 7 backseat, Ray drove, and we talked about it all
 8 the way down. Everyone was concerned about the
 9 tapes.
 10 Q. Did you know what was on the tapes?
 11 A. No, because they didn't tell me what was on
 12 the tapes. I never knew what was on the tapes.
 13 The only thing I ever heard about the tapes was
 14 what you asked me about earlier.
 15 Q. So it wasn't discussed of what was on the
 16 tapes?
 17 A. Vaguely. I think Spencer said, "Governor,"
 18 he said, "most of the stuff, there's nothing to
 19 it," even though I was told by my son Paul that
 20 they only got snippets, because I know who gave
 21 them the snippets. So if they listened to a full
 22 tape, it was not the full tape that was given to
 23 them by my daughter-in-law. Somebody else may

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1 have given it to them.
 2 Q. Who gave them the tapes?
 3 A. My daughter-in-law Melissa.
 4 Q. She had the full tapes?
 5 A. She had the full tapes.
 6 Q. And she got that from your ex-wife?
 7 A. I don't know. That's not the story that my
 8 son Paul told me.
 9 Q. What did Paul tell you?
 10 A. Well, in May of 2014, he came -- I thought
 11 he was coming down to eat supper with me. He
 12 came down, and he said, "Daddy," he said, "I've
 13 just got something to tell you." He said,
 14 "Someone has recorded you." I said, "Paul, what
 15 are you talking about?" He said, "Well" -- I
 16 said, "How do you know this?" So he tells me
 17 this extravagant story -- looking back on it, he
 18 was probably trying to protect his mama, because
 19 he never said it was his mama that recorded them.
 20 But he said that an SBI agent named Al Maddox,
 21 they inadvertently picked up some recordings that
 22 they were recording other people, and they picked
 23 up this recording on me. Well, it sounded a

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1 little -- it sounded fishy, but he was very
 2 convinced that that's where these tapes came
 3 from. And I said, "Paul, this is serious that
 4 the governor is being recorded." I was not as
 5 much concerned about what was on it as I was the
 6 fact that there was a security breach, that the
 7 governor was being recorded. Ray was concerned
 8 about that, too, because I met with him the next
 9 day. Paul actually didn't want me to meet with
 10 Ray, because he knew more about it than he told
 11 me. But I met with Ray the next morning, and
 12 Rebekah was coming down, so she came in --
 13 knocked on the door, and I invited her to come
 14 into the room that day, too. And so I told Ray
 15 about it, and Ray said, "Governor, let me tell
 16 you what you've got to do." He said, "You've got
 17 to get you some more phones, so you change your
 18 phone, you change your cell phone" -- I called
 19 Cleave Hightower, and he did that for me. He
 20 said, "You need to get you a different personal
 21 phone," and I did that. And so as Ray was
 22 sitting there talking about it, and he knew that
 23 Paul had been the one that had talked to me about

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1 this, Ray suddenly jumped up -- this was on
 2 Monday. Ray suddenly just jumped up. He said,
 3 "I know who's been doing this." I said, "Who,
 4 Ray?" He said, "DPS." He said, "That bunch over
 5 there, they're all upset about this
 6 consolidation." He said, "That's who's doing
 7 it." And he said, "Paul is involved in something
 8 he shouldn't be involved in, so I am going to
 9 Tuscaloosa, and I'm going to talk to Paul," so he
 10 does. All right, he doesn't come back until
 11 Thursday. When he comes back Thursday, the story
 12 was totally different. He was not concerned
 13 about the fact that the governor was being
 14 recorded, he was more concerned about firing
 15 Rebekah. I mean, that always became an issue,
 16 they wanted to fire Rebekah. So the story kind
 17 of changed.
 18 Q. When did you find out what was the contents
 19 of the recordings?
 20 A. When they were released. That's the first
 21 time I had ever known.
 22 Q. And that would have been on March 22, 2016?
 23 A. That's right, after Spencer had his press

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1 conference. Or before that. I think they were
 2 released before that.
 3 Q. They were. But it was that date, and you
 4 never knew what was on the recording?
 5 A. Never did. I asked people, and I didn't
 6 know that my wife did it until I heard testimony
 7 from Heather Hannah. Ex-wife.
 8 Q. On the night of the election, did Spencer
 9 or anybody tell you that there was a threat that
 10 Parker Griffin was going to release the tapes?
 11 A. Well, that's not exactly what happened.
 12 Q. Okay. What happened?
 13 A. As I was getting out of the car at the
 14 hotel, Stan came up and he opened the door, and
 15 he said, "Governor," he said, "Spencer has got
 16 something he really needs to talk to you about,"
 17 and I said, "Okay." So Spencer then got out of
 18 the car, and he said, "Governor, I've got to talk
 19 to you about something." I said, "Spencer, come
 20 on upstairs," and in the suite that we had,
 21 "we'll go over to one side or to another room,
 22 and you can tell me." So what happened is, we go
 23 into the room and Spencer said, "Governor, I've

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1 got something I'm really concerned about." I
 2 said, "Spencer, what is it?" He said, "Those
 3 tapes have been released." I said, "What are you
 4 talking about, Spencer?" He said, "Those tapes
 5 have been released." I said, "How do you know
 6 that?" Spencer said, "Well, somebody in my
 7 campaign, some girl in my campaign told me" -- I
 8 never asked him who it was, but "in my campaign
 9 told me that Heather Hannah had released them to
 10 Linda Adams, who had released them to Chip Hill,"
 11 who was a political operative that worked for
 12 AEA, and may have worked for whoever the guy I
 13 ran against. So this is the story he tells me,
 14 this is what Spencer tells me. Spencer said --
 15 we talked a little bit longer, and I said, "Well,
 16 Spencer, they're fixing to call this election.
 17 I've got to stay here. We just got through with
 18 election, and, you know, I can't really worry
 19 about this right now." And Spencer said, "Well,
 20 I'm going down and talk to Linda Adams." She
 21 lived in Greenville, and he said, "I'm going down
 22 and talk to Linda Adams." I said, "You do what
 23 you need to do." So he goes down and talks to

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1 Linda Adams, I think he asked her questions about
 2 Chip Hill and some other things, and Linda told
 3 me two or three days later that it really just
 4 upset her and kind of scared her because she
 5 didn't know what to expect, or what was going on.
 6 He comes back that night after he had talked to
 7 her and he said, "Governor, everything is fine."
 8 So that's the story.
 9 Q. And you didn't even know what was on these
 10 tapes?
 11 A. I did not.
 12 Q. And you never knew about what was on the
 13 tapes until March of 2016?
 14 A. That's right.
 15 Q. And you never threatened Heather Hannah
 16 about the tapes?
 17 A. Never.
 18 Q. You never sent law enforcement to talk to
 19 your daughter-in-law Melissa about any tapes?
 20 A. Never did. Ray went up and talked to Paul.
 21 Q. You never complained to anybody about the
 22 tapes?
 23 A. Oh, yes, we discussed the tapes. Spencer

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1 and I discussed the tapes.
 2 Q. But not to the extent of what was on the
 3 tapes?
 4 A. No. Nobody ever told me what was on the
 5 tapes.
 6 Q. And when Spencer and Ray drove you to
 7 Greenville, y'all didn't talk about what was on
 8 the tapes?
 9 A. Huh-uh. Spencer told me, he said,
 10 "Governor, there are some things that are
 11 embarrassing on the tapes, but a lot of the
 12 things that are on the tapes are just you talking
 13 to somebody."
 14 MR. MENDELSON: He needs a break and I
 15 need a break, it's been an hour-and-a-half.
 16 VIDEOGRAPHER: We're going off the record
 17 at 1:57 p.m.
 18 (Whereupon, at this time a short break
 19 was taken.)
 20 VIDEOGRAPHER: This begins disc number four
 21 in the deposition of Robert Bentley. We are back
 22 on the record at 2:30 p.m.
 23 Q. Did Ray Lewis or anyone else on your

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1 protection detail ever complain to you about
 2 Rebekah flying on the state airplane with you?
 3 A. Yes, Ray did.
 4 Q. And you continued to order him to allow her
 5 to ride with you on the state plane?
 6 A. I continued to order him to let her do her
 7 job, which some of the time she was on the state
 8 plane. During the campaign, she was not on the
 9 state plane.
 10 Q. Did you ever receive complaints from Ray or
 11 anyone else about her riding in a vehicle with
 12 you, as opposed to in a trail vehicle?
 13 A. Yes.
 14 Q. And you continued to order that they allow
 15 Rebekah to ride with you?
 16 A. The times that I remember was when it was
 17 during the campaign, and we had basically leased
 18 the vehicle from the State.
 19 Q. But were there any complaints made about
 20 trips, either by plane or by car, with Rebekah,
 21 that were not campaign-related?
 22 A. One, that I remember.
 23 Q. And I'm not saying it wasn't related to her

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1 job as senior political adviser, but non-campaign
 2 related function?
 3 A. No, no, that never happened, not if it were
 4 not related to her work or if it related to the
 5 campaign.
 6 Q. That's what I'm asking now. It could be
 7 related to her work, but the security folks were
 8 complaining about her riding in the vehicle with
 9 you, and the security risks that were posed by
 10 her being in the vehicle?
 11 A. It was their belief -- and it was difficult
 12 for them to handle this, I think, during the
 13 campaign, because it was different.
 14 Q. What was her job, by the way?
 15 A. Which time? She had a number of jobs.
 16 Q. Okay. Well, the last job.
 17 A. The last job, she was a senior political
 18 adviser, which was a senior member of my
 19 leadership team. I put together a leadership
 20 team of about four or five people, and she was a
 21 member of that. It really was an office that I
 22 had set up in the first campaign -- not the first
 23 campaign, the first administration, and the one

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1 that held that office at that time was Angie
 2 Smith.
 3 Q. Rebekah was not paid by the State?
 4 A. No, not at that time.
 5 Q. As senior political adviser?
 6 A. Right, she was not.
 7 Q. And how was she paid? After the election
 8 in 2015 and '16, how was she paid?
 9 A. She was paid through the campaign, just
 10 like Angie Smith was the first time. So she was
 11 paid, and also she was paid minimally through the
 12 501(c)(4) that we set up to push my agenda in the
 13 second term.
 14 Q. Did you ever tell anyone that the reason
 15 why you were setting up the 501(c)(4) was to pay
 16 her?
 17 A. No, I did not.
 18 Q. When did she stop being paid by the
 19 campaign?
 20 A. When she resigned.
 21 Q. Which would have been in 2016?
 22 A. Yes.
 23 Q. So in 2015 and 2016, the Bentley for

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1 Governor campaign was paying Rebekah Mason a
 2 salary?
 3 A. That's right. That's right.
 4 Q. What was the campaign doing at that time?
 5 A. The campaign just had extra funds, and we
 6 were doing things to -- well, what you have to do
 7 as governor is, there are political things that
 8 still go on, even though you're not running. For
 9 instance, we had relationships with the party.
 10 She's the only one that could do that. You
 11 couldn't have somebody that's paid by the State
 12 to do those functions, so we had to have someone
 13 outside of the government and not being paid.
 14 This was precautionary reasons. So she handled
 15 that; she handled RGA, NGA, and various projects,
 16 especially if it had some political implication.
 17 So that's what she did.
 18 Q. As of the election in 2014, though, you
 19 were were turned-out? You couldn't run for
 20 governor again?
 21 A. No, I couldn't run again, but I still had
 22 to do political things.
 23 Q. For what purpose were you doing political

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1 things?

2 A. I just told you. We had dealings with the

3 party; we had dealings with the National

4 Governors Association; we had dealings with

5 Republican Governors Association. Anytime that

6 we dealt with a candidate or anything that was

7 possibly unrelated to government function, we

8 needed someone who could do that; and that way,

9 you didn't cross the line. She could volunteer

10 for the state, but a state employee could not do

11 those things that she was doing.

12 Q. I understand that. Let me say it a

13 different way, then I'll move on to something

14 else. What function, in your second term, would

15 the campaign have with the National Governors

16 Association?

17 A. Well, I was a member. I was chairman of

18 the educational committee, I was chairman of that

19 for the National Governors Association. I was

20 chairman at one time of the Economic Development

21 Committee for the National Governors Association.

22 At one time, I was chairman of the Appalachian

23 Regional Commission. I was chairman, before I

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1 left, of the Delta Regional Authority. All of

2 those are not related to state government.

3 Q. I understand that.

4 A. Okay.

5 Q. Just a couple of quick little things, if

6 you could turn back to the last page of the

7 timeline --

8 A. Is that the timeline that we all prepared?

9 Q. Yes, the one that Ms. Mason prepared and

10 sent.

11 A. Well, Ms. Mason wasn't the only one that

12 prepared that.

13 MS. MAYS: Are you referring to Exhibit

14 Number 5?

15 MR. MENDELSON: Yes, Number 5, I'm sorry.

16 A. Okay, I got you.

17 Q. If you look at the last page --

18 next-to-last page, I'm sorry, next-to-last page,

19 do you see the March 18th date?

20 A. Right.

21 Q. In that, it says, "In a phone conversation,

22 Governor Bentley indicated to Mason that he

23 believed the ALEA investigation was complete."

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1 A. Okay.

2 Q. Do you agree with that statement?

3 A. I have no reason to doubt that.

4 Q. And then just on March 21, 2016, if you

5 could just read through that, and I'll ask you if

6 you have any reason to disagree with that

7 statement?

8 A. It's been redacted so much, I'm not too

9 sure I --

10 Q. I'm sorry, the March 21.

11 A. Oh, okay.

12 MS. MAYS: So there are two March 21st

13 entries.

14 Q. I'm sorry, you're right. The second one,

15 then, talks about the ALEA review?

16 A. Okay.

17 Q. Do you disagree with that statement?

18 A. I have no reason to.

19 Q. And I'm not trying to be argumentative, I'm

20 just trying to clear up and make sure I

21 understand your testimony, because we had a

22 discussion earlier about Ms. Mason helping

23 prepare a statement for Stan Stabler. I just

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1 want to make sure that I understand it. You

2 don't disagree with the fact that Ms. Mason did

3 work to prepare that March 22nd statement for

4 Stan?

5 MR. TREWHELLA: Object to the form.

6 MS. MAYS: Object to the form.

7 A. I honestly don't know that. I know she

8 helped with the second one that we put out, but I

9 don't know about the first one.

10 Q. Did you ever tell anyone that you were

11 leasing a plane to get around the manifest law?

12 A. No.

13 Q. Or that you were doing it so that you

14 didn't have to disclose that Rebekah was

15 traveling with you?

16 A. Absolutely not. We did it to not break the

17 law, that's why we did it.

18 Q. But you never told Zach Lee that it

19 happened?

20 A. Absolutely not.

21 Q. And if Zach Lee says that you told him

22 that, you would say he was lying?

23 A. I'm just saying that he was mistaken. I

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1 never told him that. He knows that I didn't do
 2 that.
 3 Q. And if Ray Lewis testified that you told
 4 him it was to get around the manifest law, he --
 5 A. Well, he would be lying.
 6 Q. How about Heath Garrett?
 7 A. I don't remember telling -- I never told
 8 anybody that, because that's not the reason we
 9 did it.
 10 Q. In the impeachment report on page 105, for
 11 everybody's reference, there's a paragraph there
 12 relating to a March 8th meeting with April
 13 Bickhaus, Stan, Michael, John Barganier, Blake,
 14 David and you, and it's reflecting related to a
 15 briefing from Special Agent Bickhaus. Do you
 16 recall anything about that meeting?
 17 A. I do.
 18 Q. And in it, it says that you asked her about
 19 whether there was evidence or anything related to
 20 substance abuse issues with Collier or any
 21 symptom of poor mental health. Do you recall
 22 that?
 23 A. I don't recall that specifically.

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1 Q. Again, I'm not trying to be accusatory
 2 about anything, I'm just trying to gather
 3 information. I noticed that there's nothing in
 4 the timeline that we're referring to that's
 5 Exhibit 5, related to a March 8th meeting. Do
 6 you know why that's --
 7 A. I don't. The timeline could possibly have
 8 been prepared before the March 8 meeting. I'm
 9 not sure. I'm not sure why that's not in there.
 10 Q. Well, not that it has March 22nd and
 11 March 21st?
 12 A. No, that's true. That's true. I really
 13 don't know why it was not in there.
 14 Q. But you don't dispute that there was a
 15 March 8th meeting?
 16 A. I do not dispute that. There was one.
 17 Q. Did you ask Ms. Bickhaus or any of the
 18 others about any substance abuse issues related
 19 to Spencer?
 20 MS. MAYS: Object to form.
 21 A. I do not remember that.
 22 Q. How about anything related to poor mental
 23 health?

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1 A. I do not remember that either.
 2 Q. It's just you don't recall?
 3 A. I don't recall.
 4 Q. You're not saying Special Agent Bickhaus
 5 was lying to the impeachment committee?
 6 A. No, I can't say that. And the other thing
 7 is, I can't say what I asked, because I don't
 8 remember exactly what I asked. I listened more
 9 than I asked.
 10 Q. Did you or anyone on your behalf tell
 11 members of the press that Spencer had a substance
 12 abuse problem or had a mental health problem?
 13 A. Not that I ever recall. I do not ever
 14 recall publicly saying that to anyone.
 15 Q. Do you know how Special Agent Bickhaus
 16 would have come up with anything about a
 17 substance abuse issue or poor mental health
 18 issue, if it didn't come from you?
 19 A. I don't know. I don't know if it was
 20 discussed or not. I mean, I really don't.
 21 Q. When David Byrne came to see me, he was
 22 doing that with your authorization and
 23 instruction; is that correct?

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1 A. I had made the decision to terminate
 2 Spencer.
 3 Q. Or give him a chance to resign?
 4 A. Yes. Yes, first give him a chance to
 5 resign.
 6 Q. And I can take David's deposition. I know
 7 you weren't in conversation with me and David,
 8 but I'm trying to find out what you knew and what
 9 you authorized about the meeting. You were going
 10 to give Spencer the option of resigning or being
 11 fired, correct?
 12 A. Right.
 13 Q. And if he had resigned, all of this
 14 investigation or attempts to charge him with
 15 crimes would have gone away?
 16 MS. MAYS: Object to the form.
 17 A. That was up to ALEA.
 18 Q. That wasn't a part of any deal about --
 19 A. Never.
 20 Q. -- if he'll resign, that will go away?
 21 A. Absolutely not.
 22 Q. And you were going to allow Spencer's wife,
 23 Melissa, to keep working for the State?

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1 MS. MAYS: Object to the form.
 2 Q. Not necessarily in your office, but you
 3 were going to find her another state job where
 4 they could keep Blue Cross insurance?
 5 A. Yes.
 6 Q. And by March 22nd, there had been reports,
 7 out of ALEA at least, about mis-spending the
 8 money or problems within ALEA as a result of
 9 Spencer Collier, isn't that true? I mean,
 10 March 1st --
 11 A. March 1st, we knew that.
 12 Q. Yes, that's what I mean.
 13 A. Yes.
 14 Q. So when Spencer was given the opportunity
 15 to resign or be fired, it was already public
 16 knowledge that he was being accused of
 17 misconduct?
 18 MS. MAYS: Object to the form.
 19 A. That didn't come from us. It may have come
 20 from ALEA.
 21 Q. I don't know that I have an extra copy of
 22 this, but it's from the impeachment committee,
 23 page 1690. It's also marked by them as 5-CC, and

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1 I'm going to need to mark it as my next exhibit.
 2 I'm sorry, I'm not sure I have copies, guys.
 3 MR. NEIMAN: How did you say it's marked,
 4 Kenny?
 5 MR. MENDELSON: They have it marked as
 6 Exhibit 5-CC or Bates number 1690. This appears
 7 to be an e-mail from Jennifer Ardis to several
 8 people, and then Rebekah back to Jennifer and
 9 others, about a statement for Stanley.
 10 Q. I'll ask you to look at that, and tell me
 11 if you've ever seen that before.
 12 MS. MAYS: Can we take a look at it before
 13 he does?
 14 MR. MENDELSON: Yes, I'm sorry.
 15 Q. Were you, by any chance, aware of that
 16 e-mail?
 17 A. I was not aware of the e-mail.
 18 Q. Were you aware that Ms. Mason was assisting
 19 in preparing a statement for Stan to give to the
 20 press, to the public?
 21 MR. SEGALL: Kenny, I'm sorry, I couldn't
 22 hear the end of your question. Are you aware
 23 that she was involved with?

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1 MR. MENDELSON: Preparing the press
 2 release for Stan.
 3 MR. SEGALL: On March 1?
 4 MR. MENDELSON: Uh-huh, yes. I think the
 5 statement was released on the 2nd.
 6 MR. SEGALL: March 2?
 7 MR. MENDELSON: I think so.
 8 A. I was aware that Rebekah was involved with
 9 this. So was Jennifer, so was Anna Morris, I
 10 think she was, and this came from Blake Hardwich.
 11 This was a culmination of things and a decision
 12 to release something after the March 1st meeting.
 13 That March 1st meeting was in relationship to an
 14 article that came out the day before talking
 15 about a massacre that had taken place in ALEA, so
 16 this is a meeting that Joe Espy was there, David
 17 Byrne was there, Rebekah, Jennifer, Blake
 18 Hardwich. So, yes, this came out of that
 19 meeting, so Rebekah certainly would have been
 20 involved in that, even though she talks about, I
 21 think it says minor edits. But they had already
 22 talked about what was going to be put out in it.
 23 Q. And I'm not trying to be argumentative, I

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1 just want to make sure the record is straight. I
 2 thought you said that this e-mail came from Blake
 3 Hardwich?
 4 MS. MAYS: Object to the form.
 5 A. No. That says Blake Hardwich right there
 6 at the top.
 7 Q. Yes, she printed this out. But the e-mail
 8 exchange itself, the bottom e-mail was from
 9 Jennifer, and the top e-mail was from Rebekah?
 10 A. Yes.
 11 Q. And that's what I wanted to make sure of.
 12 And I see what you're saying, it came from Blake
 13 Hardwich, but the e-mails were not written by
 14 Blake?
 15 A. No, no, no, but Blake was involved. She
 16 was involved -- everybody was involved in it that
 17 day. It was an hour-long meeting that day.
 18 Q. Sure.
 19 (Whereupon, Plaintiff's Exhibit Number 9
 20 was marked for identification, a copy of which is
 21 attached to the original of the transcript.)
 22 Q. Let me show you what I'm marking as Exhibit
 23 Number 9, and I'll ask you to look at it.

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1 A. (Witness complies.) Okay.

2 Q. This e-mail, the initial one at the bottom

3 purports to be an e-mail from Pam Chesnutt. Do

4 you know Pam?

5 A. Yes, uh-huh.

6 Q. And she was David Byrne's secretary?

7 A. Right.

8 Q. And it was to Jennifer and Rebekah, and

9 it's in reference to questions related to the

10 Ethics Commission?

11 A. Uh-huh.

12 Q. What was going on with the Ethics

13 Commission back in October 16, 2015?

14 A. Well, I had had an ethics complaint against

15 me; and because they had subpoena power, you

16 know, they would ask questions and we would

17 respond to them.

18 Q. Was a part of the ethics complaint dealing

19 with Ms. Mason and her job?

20 A. She was not being charged with anything.

21 I'm sure she was part of the overall process,

22 yes.

23 Q. And this was providing information about

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1 where her salary was coming from?

2 A. That's right.

3 Q. And of course, just to make it clear for

4 the record, this was several months before the

5 issue about Baron Coleman ever came up?

6 A. Yes.

7 Q. So there was an investigation going on

8 before Spencer gave his press release, or his

9 press conference the day he was fired. And you

10 were under investigation at that time?

11 MS. MAYS: Object to the form.

12 A. They were investigating me based on Jim

13 Zeigler's illegal complaint against me.

14 Q. Okay.

15 A. But they were doing that for a year, yes.

16 Q. And I notice here at the bottom, Pam is

17 saying -- or David was reporting that they may

18 want to also check with Bobby Segall?

19 A. Right.

20 Q. And Bobby was Ms. Mason's lawyer?

21 A. That's right.

22 Q. I know that there was a bill that the

23 campaign paid for Mr. Segall, that actually is

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1 one of the things you ended up pleading guilty

2 to, correct?

3 A. That's correct.

4 Q. What about the earlier payments to

5 Mr. Segall, where did they come from?

6 A. Oh, they paid them.

7 Q. Who?

8 A. Rebekah and Jon.

9 Q. Do you know Franklin Haney?

10 A. I do.

11 Q. Did he make any contributions to ACEGOV?

12 A. He did.

13 Q. Do you know how much it was?

14 A. Can I reveal that? I'm not sure I can

15 reveal that. That's a 501(c)(4)? Without a

16 subpoena, I'm not too sure I can reveal that.

17 I've already said that he did, but I'm not going

18 to reveal the amount, because I don't think I can

19 reveal it.

20 MR. MENDELSON: Guys? Nothing? No one?

21 THE WITNESS: I mean, I don't mind telling,

22 if you think that I can legally say it.

23 MS. MAYS: I don't know that he can testify

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1 to that.

2 MR. MENDELSON: Well, let me ask you a

3 couple of questions, and I'm not trying to argue

4 with y'all either, but let me just set the table.

5 Q. You were not the incorporator of the

6 501(c)(4)?

7 A. I was not.

8 Q. Never served on the board of the 501(c)(4)?

9 A. I did not.

10 Q. You never represented the 501(c)(4)?

11 A. No.

12 Q. There was some ideas of raising money for

13 the 501(c)(4)?

14 A. That's right.

15 Q. And you were trying to raise money for the

16 501(c)(4)?

17 A. There were certain people I could raise it

18 from.

19 Q. And you actually hired somebody, I can't

20 think of his name right now?

21 A. Randy Willingham.

22 Q. Yes, you hired him to be like a fund-raiser

23 and assist with it?

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1 A. That's right, but we really raised very
 2 little.
 3 Q. But your knowledge about how much Franklin
 4 gave, who did that come from? Did he tell you,
 5 or did Randy tell you?
 6 A. No, I know how much he gave. I know who
 7 the contributors were, I know how much they gave.
 8 Q. And you were provided with that information
 9 from ACEGOV people?
 10 A. Yes.
 11 MR. MENDELSON: I don't know that he's got
 12 any privilege. Maybe Cooper Shattuck and the
 13 other guys do; but if they revealed confidential
 14 information to Mr. Bentley, I don't know that
 15 he's got ACEGOV's privilege.
 16 MR. NEIMAN: Well, it may be helpful -- I
 17 realize you're in the middle of a question, but
 18 it may be helpful for us to confer with the
 19 client and figure out the best way to proceed
 20 with this, okay?
 21 MR. MENDELSON: Yes.
 22 MR. NEIMAN: Give us five minutes or so?
 23 MR. SEGALL: Why don't we do it after the

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1 deposition? Can't they tell you later the
 2 amount, if they determine it's not privileged?
 3 MR. MENDELSON: Yes. Let me tell you, I
 4 am trying to wrap it up, and then I was going to
 5 ask for five or ten minutes just to look over
 6 notes again and talk to Spencer and take a break.
 7 Maybe y'all can talk again; and if y'all need
 8 time to research it, we'll figure out a way to
 9 get to the bottom of it.
 10 THE WITNESS: I'm not opposed to answering
 11 it; so, I mean, if it's -- I really am not.
 12 MR. SEGALL: He suggested a good idea.
 13 Let's just wait.
 14 MS. MAYS: We'll talk about it when we go
 15 off the record.
 16 THE WITNESS: Okay.
 17 Q. You were made aware that other issues that
 18 the legislature was concerned about expenditures
 19 from ALEA, not just what we discussed before, but
 20 one of them was related to the number of
 21 assistant directors of Homeland Security. Were
 22 you aware of that?
 23 A. Yes.

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1 Q. And actually, Spencer was chastised at a
 2 meeting, budget-type meeting for having a number
 3 of these?
 4 A. Right.
 5 Q. And many of those folks were people you
 6 wanted appointed to those positions?
 7 A. That's right.
 8 Q. And I think, was it Chuck Malone who told
 9 you that you had -- well, I probably ought not
 10 ask that, because that would be attorney-client
 11 privilege. But let me ask you about some folks
 12 that did serve in those capacities. Did Chuck
 13 serve as assistant director of Homeland Security?
 14 A. I don't know.
 15 Q. How about Cooper Shattuck?
 16 A. I don't know that.
 17 Q. John Cooper?
 18 A. I don't know who actually served in that
 19 capacity, I really do not.
 20 Q. Did you know David Byrne was?
 21 A. I did not.
 22 Q. And there was a limit of what David's
 23 salary would have been as your legal advisor, you

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1 knew that?
 2 A. I don't.
 3 Q. And the same thing with Chuck when he was
 4 your legal advisor?
 5 A. Chuck never was my legal advisor.
 6 Q. Chief of staff?
 7 A. Chief of staff.
 8 Q. But did you realize that David's income as
 9 assistant director of Homeland Security was
 10 substantially higher than what the set pay would
 11 have been as ALEA secretary? I mean, not as ALEA
 12 secretary, as your legal advisor?
 13 A. I did not know that.
 14 Q. And you didn't know that about Chuck Malone
 15 either?
 16 A. Huh-uh.
 17 Q. Or Cooper Shattuck?
 18 A. Huh-uh.
 19 Q. Who made the decision to appoint these
 20 people?
 21 A. Well, I appointed them.
 22 Q. As assistant directors of Homeland
 23 Security?

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1 A. I do not remember where their salary came
 2 from. We didn't -- well, you didn't ask me that.
 3 This was not Spencer's fault.
 4 Q. Yes, that's what I mean.
 5 A. No.
 6 Q. Actually, the payment of for these people
 7 were not actually coming out of ALEA? They were
 8 getting reimbursed by other agencies?
 9 A. Yes.
 10 Q. I mean, the governor's office would
 11 reimburse ALEA for David's salary? That's
 12 correct?
 13 A. Look, I let the finance director handle
 14 that.
 15 Q. And what Spencer was getting called for, it
 16 showed all these high salaries that weren't a
 17 part of a budget; but in reality, ALEA wasn't
 18 paying their salaries?
 19 MS. MAYS: Object to the form. Wait and
 20 let him ask you a question.
 21 Q. ALEA wasn't having to pay out of ALEA's
 22 appropriation for these salaries, isn't that
 23 true?

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1 A. That's true.
 2 Q. And this appointment of these people was a
 3 way for you to get around salary caps and pay
 4 these people more money, wasn't it?
 5 MS. MAYS: Object to the form.
 6 A. I don't know. I don't know if that's the
 7 reason or we just didn't have enough money. We
 8 may have had enough money, I don't know. The
 9 governor's office was allotted a certain amount
 10 of money, and they usually would cut it every
 11 year. I don't know exactly why we did that.
 12 Q. When you say "we," who else besides you?
 13 A. Well, it would be me and the finance
 14 director and whoever was in charge of the
 15 salaries.
 16 (Whereupon, Plaintiff's Exhibit Number 10
 17 was marked for identification, a copy of which is
 18 attached to the original of the transcript.)
 19 Q. Let me show you what I'm marking Exhibit
 20 10, and I'm referencing really the bottom line,
 21 the bottom e-mail and the next page. The top
 22 part is just the way it got printed. I'm not
 23 going to ask you any questions yet; but just so

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1 everybody in the room can understand, I'm
 2 referring to the e-mail at the bottom from Ms.
 3 Mason to you dated September 19, 2015.
 4 A. What was the date?
 5 Q. It says September 19, 2015.
 6 A. Yes.
 7 Q. Do you recall this e-mail attachment?
 8 A. I do.
 9 Q. And that was a joint statement that Ms.
 10 Mason drafted for you and your wife to give
 11 pertaining to your divorce situation?
 12 A. Well, it was a statement that I considered
 13 releasing and asking my ex-wife to release,
 14 really, for the State of Alabama, and I asked
 15 Rebekah to draft it for me. I told her what to
 16 put in it, and she just drafted it so it would
 17 sound good.
 18 Q. And in this, y'all were asking Mrs. Bentley
 19 to support the Caldwell-Mason family?
 20 A. Where does it say that?
 21 Q. Well, it says, "The erroneous and
 22 unsubstantiated media reports of the last few
 23 weeks have been hurtful to our family and to (the

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1 Caldwell and Mason families)"?
 2 A. Yes. You see that's in parenthesis?
 3 Q. Yes. Ms. Bentley never gave this release?
 4 A. No, she did not.
 5 Q. But you and Mrs. Mason were looking for her
 6 to give a release talking about how hurtful this
 7 had been to the Caldwell and Mason families?
 8 A. That's in parenthesis. That was whether I
 9 wanted to put it in there or not; and, of course,
 10 the entire thing was never released, so it's just
 11 a moot point.
 12 Q. Was the relationship between you and
 13 Rebekah Mason the reason for the divorce?
 14 MS. MAYS: Object to the form.
 15 A. It was one of the reasons, yes.
 16 Q. And I understand you say that there was no
 17 consummation of your love, but Mrs. Bentley did
 18 not like the relationship that you had with Mrs.
 19 Mason?
 20 MR. SEGALL: Object to the form.
 21 A. No, she did not.
 22 Q. And she believed that as a married man, and
 23 certainly a man that had been married for right

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1 around 50 years, that having such a relationship
 2 with Ms. Mason was inappropriate?
 3 MR. SEGALL: Object to the form.
 4 A. I'm sure that she did.
 5 Q. Do you consider the relationship
 6 inappropriate?
 7 A. No.
 8 Q. And there have been a couple of occasions
 9 where you apologized to the people of the state
 10 of Alabama. Do you recall those?
 11 A. I do.
 12 Q. What were you apologizing for?
 13 A. The first time I apologized was in a press
 14 conference, that was the day that Spencer had his
 15 press conference; but at that time, I don't know
 16 what I was apologizing for, because I didn't know
 17 what I was even talking about. I didn't know
 18 what was released. You know, I apologized for
 19 inappropriate things that I may have said, but at
 20 that time I didn't know what those things were.
 21 And if I had it to do over again, I probably
 22 would not have had a press conference that day.
 23 But the second time that I apologized, then all

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1 of this had been brought out. I mean, I still
 2 didn't know what was on the tapes, I never knew
 3 that until they were actually released. So the
 4 second time that I apologized, it was up in
 5 Huntsville, and I wanted an opportunity to do
 6 that, I did do that. I said, "I own these. If
 7 it's my voice, I own them. I do not deny it, and
 8 I want to apologize to the people of the state
 9 and to anybody that was hurt from them."
 10 Q. Let me see if I understand this right. On
 11 March 22nd, you officially fired Spencer?
 12 A. Right.
 13 Q. You actually notified the press the evening
 14 before, didn't you?
 15 MS. MAYS: Object to the form.
 16 A. I don't know.
 17 Q. And then you became aware on March 22nd
 18 that Spencer was going to hold the press
 19 conference at 1:00 p.m.?
 20 A. That's right.
 21 Q. And you, or people on your behalf, set up a
 22 press conference for you?
 23 A. That's right.

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1 Q. And you called on Stan Stabler?
 2 A. That's right.
 3 Q. And he had the typed statement that you
 4 read from?
 5 A. Right.
 6 Q. Who prepared that, do you know?
 7 A. I don't.
 8 Q. Did you watch Spencer's press conference?
 9 A. I did not.
 10 Q. So you came to give a press conference that
 11 was in response to Spencer's press conference?
 12 A. Partially, yes.
 13 Q. I mean, it hadn't been planned days before
 14 or anything like that?
 15 A. No, no, no. No.
 16 Q. So you go into a press conference, and
 17 you've not ever heard the tapes between you and
 18 Mrs. Mason, correct?
 19 A. That's right.
 20 Q. You didn't know what was on the tapes?
 21 A. I did not.
 22 Q. And you didn't know what Spencer had said
 23 in his press conference?

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1 A. No.
 2 Q. And I guess that's why you said just a
 3 second ago you really didn't know what you were
 4 talking about when you gave the conference?
 5 A. Well, we were told that night from
 6 Archibald that they had some tapes. We also were
 7 told by -- well, I was not told. Rebekah was
 8 told by Cliff Sims that he had the tapes. The
 9 afternoon before, Spencer had sent an e-mail to
 10 Chuck Dean, saying that he had tapes, audio
 11 recordings; and then before our press conference,
 12 he called Stan about two hours before and said
 13 that he had an audiotape of Stan, a racist tape,
 14 and he said that he had the audiotapes of me, and
 15 he was going to release those to embarrass the
 16 governor.
 17 Q. Whose idea was it to hold that press
 18 conference?
 19 A. I really think it was an accumulation of
 20 several people. Joe Espy; Bill Espy was there.
 21 David Byrne was not involved in this very much,
 22 because it was more of a political issue.
 23 Jennifer. So basically, they were the ones that

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1 were more involved in that than anybody else.
 2 Q. Was Ms. Mason involved in it?
 3 A. Not very much, she wasn't involved in that.
 4 Q. The first you learned about the tapes from
 5 Spencer Collier was in August of 2014, the
 6 existence of any tapes?
 7 A. No. The first time I heard about the
 8 existence of tapes was when Paul came down in May
 9 of 2014.
 10 Q. Did you ever talk to Mrs. Mason about what
 11 was on the tapes?
 12 A. Yes, we talked about it. She didn't
 13 remember those tapes.
 14 Q. You don't deny that that was you and her
 15 talking on those recordings, do you?
 16 A. I do not deny that it was me, because it
 17 does sound like me, I cannot deny that. I don't
 18 think, other than me -- I may have said "Rebekah"
 19 one time on the tapes; but as far as I can tell,
 20 you couldn't hear her on the tapes.
 21 Q. Well, sir, who else would you have been
 22 talking to about wanting to come up behind and
 23 touch their breasts --

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1 A. I don't know.
 2 Q. -- and locking the door to your office?
 3 MS. MAYS: Object to the form.
 4 Q. If it wasn't her, who would you have been
 5 talking to?
 6 MS. MAYS: Object to the form.
 7 A. I'm not denying that it was her. I'm just
 8 saying, there's no concrete evidence that it was
 9 her; but most likely, it was. But I don't think
 10 you can prove that with the tapes.
 11 Q. Well, I'm asking you as we sit here today,
 12 was it her?
 13 A. I don't remember doing that. I don't
 14 remember the tapes.
 15 Q. Is there anybody else that you would have
 16 been talking to about holding their breasts and
 17 pulling them up close to you, like what's in the
 18 tapes?
 19 A. I don't remember. I don't remember the
 20 tapes, I do not remember doing what it says on
 21 the tapes.
 22 Q. Do you recall giving an interview with a TV
 23 reporter out of Birmingham, where they walked

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1 through your office clinic and they were
 2 interviewing you?
 3 A. I do. I do remember that.
 4 Q. And in the course of it, you made a comment
 5 like that you were the best governor in the
 6 history of the state of Alabama?
 7 A. Yes, I remember that.
 8 Q. Do you remember in there talking about
 9 basically your downfall, resignation in the
 10 criminal plea was because of special interests?
 11 A. Yes.
 12 Q. What special interests?
 13 A. I'm not going to name them, but there are
 14 special interests in Montgomery that never liked
 15 me, and they used much of this -- they used
 16 Spencer, they used my family, they used a lot of
 17 people to get rid of me.
 18 Q. And in there, you also mentioned that you
 19 had bad advice from your legal team.
 20 A. I don't remember that.
 21 Q. Do you feel like you got bad advice from
 22 your legal team?
 23 A. Well, everybody makes mistakes, and the

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1 legal team made some mistakes, yes. I can't tell
 2 you specifically, but they -- obviously, I think
 3 they did.
 4 Q. And then you made a comment that you should
 5 have fought harder, and that the State is now
 6 being run by special interest groups?
 7 A. Yes, I agree with that.
 8 Q. And you don't wish to tell me what special
 9 interest groups are running the State?
 10 A. I don't.
 11 MR. MENDELSON: If y'all don't mind, why
 12 don't we take a break, give me about ten minutes
 13 or so. I may have a few more questions, but it's
 14 a re-group for me.
 15 MR. NEIMAN: Sure.
 16 VIDEOGRAPHER: We're going off the record
 17 at 3:21 p.m.
 18 (Whereupon, at this time a short break
 19 was taken.)
 20 VIDEOGRAPHER: This begins disc number five
 21 in the deposition of Robert Bentley. We're back
 22 on the record at 3:57 p.m.
 23 MR. MENDELSON: Let me go ahead with the

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1 question; and before we shut down, we'll put that
 2 on the record, if that's all right.
 3 Q. You knew Cam Thomas, right?
 4 A. I did.
 5 Q. And at one time he was the commissioner of
 6 the Department of Corrections?
 7 A. That's right.
 8 Q. And he was investigated for sexual
 9 harassment. Are you aware of that?
 10 A. Vaguely, but I don't know any details about
 11 it.
 12 Q. You weren't advised of the details when it
 13 was going on?
 14 A. No.
 15 Q. But you removed him from his position?
 16 A. Yes, but that wasn't the reason.
 17 Q. What was the reason?
 18 A. The reason was he just was not doing the
 19 job that he should have been doing in the prison
 20 system.
 21 Q. And it had nothing to do with him putting
 22 up girlfriends in wardens' houses?
 23 A. I do not remember that at all.

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1 Q. When he was removed, though, you put him on
 2 the domestic violence task force at some point,
 3 didn't you?
 4 A. I do not remember those charges against
 5 him.
 6 Q. You don't remember some of the victims
 7 coming forward and publicly making accusations?
 8 A. I do not.
 9 Q. Do you recall taking him off the domestic
 10 violence task force?
 11 A. I don't.
 12 Q. Well, were you aware of an ALEA
 13 investigation of Mr. Thomas going on?
 14 A. No, I was not.
 15 Q. You're saying Spencer didn't keep you
 16 abreast of the investigation?
 17 A. No.
 18 Q. Were you aware -- I'm not asking now, but
 19 did you become aware that right after Spencer was
 20 placed on medical leave and before he had his
 21 surgery, that he had a meeting in Prattville with
 22 Matt Hart, Van Davis, and two of the special
 23 prosecution's investigators?

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1 A. I didn't know that at that time. I've
 2 learned it since then.
 3 Q. When you say "since then," would that have
 4 been like after the lawsuit was ongoing?
 5 A. Yes, recently. Well, from his testimony.
 6 Q. Okay. As far as the scope of the
 7 investigation of Spencer, that was all left up to
 8 ALEA; is that correct?
 9 A. It was, yes.
 10 Q. You didn't try to interject into what they
 11 should investigate or what they shouldn't
 12 investigate?
 13 A. I did not.
 14 Q. Or how to go about investigating it?
 15 A. No, not at all.
 16 Q. Was there a time -- well, let me back up.
 17 That August trip to Greenville with Ray and
 18 Spencer, did they discuss with you about the
 19 tapes, about the inappropriate nature of the
 20 tapes?
 21 A. The only thing I remember was I asked what
 22 was on the tapes, and I just remember the
 23 response from Spencer that said -- or Ray, both

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1 of them listened to them, that they were
 2 inappropriate; that some would be somewhat
 3 embarrassing to me, and they said, "but other
 4 parts of it were just conversation."
 5 Q. Was there any discussion that night with
 6 Spencer or Ray about you ending your relationship
 7 with Rebekah?
 8 A. There was discussion when we were in the
 9 car, in the truck.
 10 Q. And tell me your best recollection of that
 11 discussion.
 12 A. Well, you know, we were all upset about
 13 those tapes, I was and they were, too. So
 14 Spencer told me, he said, "You're just going to
 15 have to cut it off," you know. Or maybe he told
 16 me about -- now, I don't know if he told me at
 17 that time or later or before then about an affair
 18 he had had, and I think I may have said,
 19 "Spencer, how did you -- how did you do that?
 20 How did you take care of that?" Not admitting
 21 that I was having an affair, but "How did you end
 22 a relationship like that?" So he told me.
 23 Q. And did you tell Spencer and Ray that you

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1 were going to end your relationship with Rebekah?
 2 A. I don't remember that.
 3 Q. Did you ever have Ray break up for you?
 4 A. Absolutely not. That is totally untrue.
 5 Q. And you're aware when I'm talking about he
 6 has made statements about --
 7 A. I know what he said, but that is totally
 8 untrue.
 9 Q. And the thing about not just that day at
 10 the Capitol, at the office building, but also
 11 that you instructed them to drive down to the
 12 coast to break up with her, and then called them
 13 and told them to come back?
 14 A. No. He asked me questions about where
 15 Rebekah was, I told him that she had gone to the
 16 beach; and he may have suggested he was going to
 17 do it, and I'm sure I said, "No," and he did not
 18 do it.
 19 Q. Were you aware that Spencer actually
 20 disciplined Ray for getting involved with trying
 21 to end the relationship?
 22 A. No, but I'm glad he did.
 23 Q. Are you aware that he also talked with Ray

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1 about him calling the women in your office
 2 together and telling them to stop gossiping about
 3 Rebekah? First of all, were you aware that Ray
 4 did that?
 5 A. I was not aware -- yes, I was aware that
 6 Ray did that.
 7 Q. Did you instruct Ray to do that?
 8 A. We discussed it, but it was Ray's idea to
 9 do that. He thought that would be a way to
 10 handle basic gossip in the office, so it really
 11 was -- it was really his idea about it.
 12 Q. You mentioned earlier about the suggestion
 13 to change your phone, and I think you were doing
 14 it in the context that you had been recorded?
 15 A. That's right.
 16 Q. But you weren't recorded on your own phone?
 17 Your phone wasn't involved?
 18 MS. MAYS: Object to the form.
 19 A. I don't know. I believed that I was not
 20 recorded and it was not bugged, but that was only
 21 after I was told -- or I heard these tapes or I
 22 was told that the woman's voice, if it was
 23 Rebekah's, which it obviously was, could not be

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1 seen, could not be identified. So if that were
 2 the case, if it were bugged, both voices would
 3 have been on the tape.
 4 Q. And did you get another state-issued phone?
 5 A. I did. I did.
 6 Q. And at some point you started buying
 7 temporary phones or what people refer to as
 8 burner phones?
 9 A. No, I've never heard -- I don't know what a
 10 burner phone is.
 11 Q. You didn't buy any extra phone?
 12 A. I bought two extra phones, but they were
 13 not burner phones. They cost me \$1,800. Burner
 14 phones are the ones you throw away.
 15 Q. Were these private phones that you paid
 16 for?
 17 A. They were. They were the private phones
 18 that Ray suggested that I get.
 19 Q. Were those phones so that you could
 20 communicate with Rebekah?
 21 A. They were phones so I could communicate
 22 with everybody.
 23 Q. You have seen the text messages where you

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1 and Mrs. Mason are referring to the "Rebekah
 2 phone"?
 3 A. We -- I don't know. Yes, I've seen that.
 4 Obviously, I would contact her more on that
 5 phone, but I contacted everybody on that phone.
 6 One of them is the same phone that I have.
 7 Q. Did you text her on that phone?
 8 A. I did.
 9 Q. And was part of the reason to get that
 10 phone was so you could text Rebekah without fear
 11 of somebody seeing what your text messages
 12 actually said?
 13 A. Well, it was a personal phone, but it was
 14 used for many things other than Rebekah.
 15 Q. One thing I want to ask you about that,
 16 though, there were times, as I recall -- and I'm
 17 not really trying to get into the gritty details
 18 of all the texts today or spend a lot of time
 19 going over them, but do you recall that there
 20 were some texts between you and her which she was
 21 asking you if you were on the private phone?
 22 A. Yes, I'm sure she did.
 23 Q. And y'all had actually kind of nicknamed

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1 y'all's self as Rocky?
 2 A. No. Rocky is her dog.
 3 Q. Well, do you recall the one that said,
 4 "Poor Rocky," then you responded, "Poor Robert,
 5 Poor Rebekah"?
 6 A. No, I don't remember that.
 7 MS. MAYS: Object to the form.
 8 Q. Okay. Were you aware, not now but back in
 9 2015-2016 before Spencer was fired, about an
 10 investigation of Senator Phil Williams?
 11 A. Spencer told me about that.
 12 Q. Do you know what the accusations were?
 13 A. Yes, I do.
 14 Q. What were those?
 15 A. It has something to do with clients that he
 16 had secured. I think he had secured about 43
 17 clients, if I remember the correct number, and
 18 ALEA was investigating them probably at the
 19 request of Matt Hart, or it might have been some
 20 other reason. I don't know.
 21 Q. But you don't know that it was Matt Hart,
 22 do you?
 23 A. I don't know for sure, but I think that we

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1 talked about that it was the Attorney General's
 2 office that was working with Spencer.
 3 Q. But the Attorney General's office is fully
 4 capable of investigating crimes like that without
 5 ALEA?
 6 MS. MAYS: Object to form.
 7 A. Yes, but sometimes they don't want to do
 8 it. They want somebody else to do it or do it in
 9 a different way.
 10 Q. Do you know what the results of that
 11 investigation were?
 12 A. I think that actually Phil Williams knew
 13 about the investigation, and he was in my office
 14 at a certain time -- I don't remember the exact
 15 date, it was the early part of the year -- and he
 16 told me that he had asked the Attorney
 17 General's -- not Attorney General, I'm sorry,
 18 ethics to investigate him, and he gave all the
 19 information to them, he said, and that they had
 20 cleared him.
 21 Q. Did you have any other discussions with
 22 Phil Williams about the investigation of him?
 23 A. It seemed like I did, but I can't remember

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1 the exact date. But it wouldn't be anything in
 2 detail.
 3 Q. Did anybody else reach out to you about the
 4 investigation of Phil Williams, like any other
 5 senators, house members, anybody; anybody else
 6 contact you, outside of law enforcement, asking
 7 you about the Phil Williams incident?
 8 A. I don't remember that.
 9 Q. What about David Standridge, do you know
 10 David?
 11 A. I do know David.
 12 Q. Did he ever meet with you about Phil
 13 Williams?
 14 A. I don't remember that.
 15 Q. Was there a time, other than the August
 16 trip to Greenville with Spencer, that Spencer
 17 came to talk to you about ending the relationship
 18 with Rebekah?
 19 A. No.
 20 Q. Were you aware that your family had called
 21 him on numerous occasions asking him to talk to
 22 you?
 23 A. Spencer did not -- he did not get involved

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1 in my family situation. Ray did, but he didn't.
 2 Q. Just to make sure I have certain things in
 3 the record, I want to show you some press
 4 releases.
 5 (Whereupon, Plaintiff's Exhibit Number 11
 6 was marked for identification, a copy of which is
 7 attached to the original of the transcript.)
 8 Q. Real quick, if you could look at Exhibit
 9 11, are you familiar with that press release?
 10 A. I am.
 11 Q. Would that be an accurate statement as of
 12 that date and time?
 13 MS. MAYS: You're asking about his
 14 statement in the press release?
 15 MR. MENDELSON: Yes.
 16 A. What are you asking? I'm sorry.
 17 Q. This is legal, technical things, but I may
 18 want to use this exhibit at some time about what
 19 your comment was, and I'm just asking you, do you
 20 deny that that comment was even made by you or
 21 made on your behalf by your office?
 22 A. I do not deny that.
 23 Q. And these official press releases that were

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1 placed on your website were sent to reporters.
 2 If there's a comment attributed to you, you would
 3 agree that you would be bound by those comments?
 4 A. Yes. I would have been the final one to
 5 see it, yes.
 6 Q. Right. And I understand that sometimes a
 7 press agent or somebody working for you would
 8 have drafted it, but it wouldn't have gone out
 9 without your approval; is that correct?
 10 A. No. Five or six people would draft it.
 11 (Whereupon, Plaintiff's Exhibit Number 12
 12 was marked for identification, a copy of which is
 13 attached to the original of the transcript.)
 14 Q. Exhibit 12, same thing. This is one from
 15 March 22nd. Let me see if I've got extra copies.
 16 I thought I did, but I may not. I apologize.
 17 Would the same thing be true, that you would have
 18 reviewed that press release before it was
 19 published?
 20 A. I would have.
 21 MR. SEGALL: What exhibit number is that?
 22 MR. MENDELSON: That's 12, and it's the
 23 March 22nd.

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1 MR. SEGALL: It's already in evidence?
 2 MR. MENDELSON: No, it is now.
 3 MR. SEGALL: Because Exhibit 6 was a
 4 March 22.
 5 MR. MENDELSON: Was it? May be. I don't
 6 know.
 7 A. That was the first one, this is the second
 8 one.
 9 Q. Well, it may be. It's Exhibit 7. I think
 10 Exhibit 7 is the same.
 11 MR. SEGALL: It's the same one?
 12 MR. MENDELSON: Yes, I think so. I
 13 couldn't remember. I just wanted to make sure I
 14 covered everything.
 15 A. Yes, that's the same one.
 16 Q. Again, the statements attributed to you,
 17 you would stand behind those statements, correct?
 18 A. Yes.
 19 (Whereupon, Plaintiff's Exhibit Number 13
 20 was marked for identification, a copy of which is
 21 attached to the original of the transcript.)
 22 Q. Let me show you Exhibit 13, which is a
 23 report on WSFA, and ask you, are you familiar

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1 with that report?
 2 A. Okay.
 3 (Whereupon, Plaintiff's Exhibit Number 14
 4 was marked for identification, a copy of which is
 5 attached to the original of the transcript.)
 6 Q. And to show you what goes along with it, I
 7 believe, and I'll ask if you know Exhibit Number
 8 14 was a letter from one of your assistants or
 9 deputy legal advisors?
 10 A. Right. Okay.
 11 Q. It appears to me, if you know, I would like
 12 to know if Exhibit 13 refers to the letter, it
 13 appears to me that that would be Exhibit 14?
 14 A. That's the letter, yes.
 15 Q. Were you aware that Ms. McCollum was
 16 writing this letter?
 17 A. Huh-uh, I don't ever remember seeing that
 18 letter.
 19 Q. Would that have been something that would
 20 have been handled by your legal department?
 21 A. It would be.
 22 Q. And not necessarily that you would know
 23 about it or not?

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1 A. Huh-uh.
 2 Q. But it does, in this letter, point out that
 3 the -- report that they were looking for, this
 4 ALEA Integrity Unit report, was criminal?
 5 A. That's what she said in this letter.
 6 Q. And that's what the article said?
 7 A. Yes.
 8 Q. And do you agree with that?
 9 A. I don't know at that time. I know she
 10 wrote this. I did not see this or do not
 11 remember seeing this. And if it had been turned
 12 over at that time to the Attorney General's
 13 office, then it would be considered that.
 14 Q. And not to be argumentative, again, but on
 15 March 22nd when you fired Spencer, I believe that
 16 you mentioned in some press statements that it
 17 was turned over to the Attorney General's office?
 18 A. If that's the case, then it would be
 19 considered criminal, yes, criminal investigation.
 20 Q. Right. And when the decision was made to
 21 turn the matter over to the Attorney General's
 22 office, that was in view of possible crimes by
 23 Spencer?

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1 MR. SEGALL: It was what?
 2 MR. MENDELSON: Possible crimes.
 3 Q. I mean, y'all had reason to believe Spencer
 4 committed a crime, and that's why y'all turned it
 5 over to the Attorney General's office?
 6 MR. SEGALL: Object to the form.
 7 MS. MAYS: Object to the form.
 8 A. We felt like some misuse of state funds,
 9 and if that's considered crimes, yes. I don't
 10 believe, even though we said that we were
 11 disappointed in Spencer in this, but he was head
 12 of ALEA. And I don't know, I may be splitting
 13 hairs, but we didn't actually say, "Spencer
 14 Collier has done such-and-such." At least, I
 15 don't recall that. I think that we may have
 16 split hairs and said that we were disappointed,
 17 and that things, we felt, had occurred in ALEA
 18 that may be of a criminal nature or misused
 19 funds, and that's why we turned it over to the
 20 Attorney General.
 21 Q. But the purpose of turning it over to the
 22 Attorney General was seeking an investigation of
 23 possible crimes by Spencer, was it not?

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1 MS. MAYS: Object to the form.
 2 A. That's right. That's right. Or someone
 3 else in ALEA. I mean, it was an investigation of
 4 ALEA. I mean, it wasn't just Spencer.
 5 Q. Right. Did anybody else get investigated?
 6 A. I don't know.
 7 Q. And you do know that ultimately on
 8 October 20th of 2016, the Attorney General issued
 9 a press statement regarding the grand jury's
 10 finding?
 11 (Whereupon, Plaintiff's Exhibit Number 15
 12 was marked for identification, a copy of which is
 13 attached to the original of the transcript.)
 14 Q. Have you ever seen that?
 15 A. Yes.
 16 Q. And this would have been issued, it says,
 17 by Luther Strange?
 18 MS. MAYS: Exhibit 15?
 19 MR. MENDELSON: Yes.
 20 A. Yes.
 21 Q. And did you observe at the time, and you're
 22 aware now, that he made the statement that "No
 23 witness provided credible evidence of misuse of

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1 state funds"?)
 2 MS. MAYS: Object to form.
 3 A. That's what this says, yes.
 4 Q. Right. And "No witness provided credible
 5 evidence of any other criminal violation on the
 6 part of former Secretary Collier"?)
 7 A. Yes, that's what they said.
 8 Q. Do you disagree with Luther Strange?
 9 A. Luther didn't write this.
 10 Q. Well, it's on his name.
 11 A. I know.
 12 Q. Who wrote it?
 13 A. Alice Martin wrote it.
 14 Q. Did she tell you that?
 15 A. Luther did.
 16 Q. Did Luther deny this to you?
 17 A. He told me he wished he never had written
 18 that.
 19 Q. That he had never written it?
 20 A. Or wished it had never been written or
 21 released.
 22 Q. Was that during the time he was talking to
 23 you about being appointed senator?

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1 A. No. He had already been appointed senator.
 2 Q. That never came up during the course of --
 3 A. Huh-uh, we didn't talk about that. We
 4 talked about what kind of senator he would be.
 5 Q. But after he became senator, he told you he
 6 wished this had never been written?
 7 A. He told me on the plane going to
 8 Washington.
 9 Q. Did Luther tell you that this statement
 10 that came from his office was a false statement?
 11 A. I think Luther regretted that going out,
 12 because Luther was somewhat of an absentee
 13 Attorney General, and he let Alice Martin and
 14 Matt Hart run that unit, and I think he regretted
 15 that.
 16 Q. Well, didn't he sit in on the grand jury
 17 when you testified?
 18 A. No, he was not there.
 19 MS. MAYS: Object to the form.
 20 MR. NEIMAN: Objection.
 21 A. I can't talk about that.
 22 MR. MENDELSON: I'm not talking about his
 23 testimony but whether Luther was there that day.

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1 MR. NEIMAN: You're asking him about things
 2 he observed in the grand jury, and when I asked
 3 Mr. Collier about whether he testified on the
 4 grand jury, you objected and said he couldn't
 5 even talk about that.
 6 MR. MENDELSON: Fair enough.
 7 Q. Let me try to make sure I'm right on this.
 8 As I understand it, Luther told you he regretted
 9 that this statement came out?
 10 A. Yes.
 11 Q. Did he ever tell you that that was a false
 12 statement?
 13 A. I don't remember him saying that.
 14 Q. Have you read the entire report from the
 15 impeachment committee general counsel?
 16 A. I have.
 17 Q. And I'm not asking you to recall everything
 18 off the top of your head, but the reference on
 19 page 3, there was a statement that "Governor
 20 Bentley prematurely and publicly accused Spencer
 21 Collier of criminal conduct, and during the
 22 course of the investigation publicly released an
 23 incomplete investigative report." Do you agree

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1 with that?
 2 A. No, I don't. I agree with very few things
 3 in that report.
 4 Q. Another point was that you directed law
 5 enforcement to advance your personal interests.
 6 A. That's a lie.
 7 Q. Did you read the reports about Scott Lee
 8 being brought in to investigate certain matters?
 9 A. I did.
 10 Q. Do you disagree with what was reported by
 11 Special Agent Lee?
 12 A. What was reported?
 13 Q. About him being called on to investigate a
 14 letter that was written to Rebekah Mason.
 15 A. I do not disagree with that, because I was
 16 listed in it also, and the letter was brought by
 17 Rebekah, and I saw the letter. We met with
 18 Spencer; Spencer looked at the letter very
 19 quickly, put it in a plastic bag and said, "This
 20 appears to be a threat, and we're going to
 21 investigate it, and we'll get fingerprints on
 22 it," and they did that.
 23 Q. Did you ever ask Spencer or Scott Lee to do

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1 a background check on Donald Watkins?
 2 A. Spencer and I talked two or three times
 3 about all these things that had transpired, you
 4 know, the things that were on blogs and things
 5 like this. The thing about Donald Watkins, so
 6 much of that had been fed to him by, obviously,
 7 somebody, and so he was one of the ones that was
 8 putting out some of this material that I felt was
 9 somewhat threatening. So Spencer told me -- I
 10 remember on three occasions, Spencer said, "Now,
 11 Governor, you're not telling me to investigate
 12 this, because I don't know how they investigate
 13 things," but he said, "I am going to investigate
 14 this." He investigated -- I don't know how much
 15 they did on Donald Watkins, I don't know what
 16 they looked into it on it, I don't know what they
 17 used, but he was one of the ones that we talked
 18 about. The guy at Legal Schnauzer, whatever his
 19 name is, he was one of the others. I also gave
 20 Spencer some e-mails from my former accountant
 21 that Spencer felt like were extortion. So
 22 Spencer investigated some things. I don't know
 23 exactly how much was investigated, though.

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1 Q. And the things on Donald Watkins, Legal
 2 Schnauzer, and Mike Echols are all things that
 3 Spencer did on his own?
 4 A. No. We had talked about it, but Spencer
 5 said, "If you feel threatened" -- basically, if
 6 we feel like that was a threat, if the governor
 7 feels threatened, then it's the duty of the law
 8 enforcement to do whatever they need to do. I
 9 don't know how much investigation was done.
 10 Q. And what Donald Watkins was posting on his
 11 blog, or whatever you call it, his Facebook
 12 page --
 13 A. Right.
 14 Q. -- was matters concerning your relationship
 15 with Rebekah Mason?
 16 A. Primarily, yes.
 17 Q. The same thing with Legal Schnauzer?
 18 A. I guess, yes.
 19 Q. And Mike Echols, at one time, had been your
 20 CPA?
 21 A. That's right.
 22 Q. Friend?
 23 A. He was.

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1 Q. And you felt like he sided with your wife
 2 during the divorce?
 3 A. Well, he did, but I'm not sure that's --
 4 yes, I guess -- I guess -- but I relieved him of
 5 his job before then, as far as doing my
 6 accounting for the campaign. That's not the
 7 reason that I relieved him of his job, because
 8 that happened later.
 9 Q. And there was either a letter, or I think
 10 it was a text by your daughter-in-law Melissa to
 11 Rebekah, saying if she didn't stop lying, that
 12 Melissa was going to start telling the truth?
 13 A. That was not to Rebekah.
 14 Q. Who was that to?
 15 A. It was to me.
 16 Q. Oh, to you?
 17 A. And it was not my daughter-in-law. It was
 18 a daughter-in-law, but it was not the one that
 19 had the tape. It was the one that lived in
 20 Mississippi.
 21 Q. And did you ask Spencer to go talk to her?
 22 A. No. I gave him all of the tapes -- all the
 23 e-mails and all the texts that I had received

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1 that I felt were somewhat threatening, even those
 2 from my own family. No, I never asked him to go
 3 to Mississippi and investigate that.
 4 Q. Do you have any information, other than
 5 what you just referred to about your
 6 conversations with Spencer, that he ever did any
 7 background checks on Donald Watkins or Legal
 8 Schnauzer?
 9 A. I don't.
 10 MR. MENDELSON: That's all I've got now.
 11 MR. SEGALL: May I go now?
 12
 13 EXAMINATION BY MR. SEGALL:
 14 Q. Governor, I'm Bobby Segall. I represent
 15 Rebekah -- well, I represent -- oh, I'm sorry.
 16 Thank you. I represent RCM, but for today's
 17 purposes I'm covering for Bill Gray, who
 18 represents Rebekah Mason. I think you've
 19 testified to some of this, but I just want to
 20 make certain it's clear on the record. Do I
 21 understand correctly that you wanted yourself and
 22 the governor's office and your administration to
 23 be neutral in the matter of the prosecution of

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1 Speaker of the House Mike Hubbard?
 2 A. Yes.
 3 Q. That was a politically sensitive
 4 prosecution, is that true?
 5 A. Yes.
 6 Q. The Speaker of the House, for a governor to
 7 get through his legislative package, the Speaker
 8 of the House is an important person; is that
 9 correct?
 10 A. Yes.
 11 Q. And by the same token, you had positive
 12 feelings towards law enforcement generally,
 13 correct?
 14 A. That's right.
 15 Q. You were going to be a witness in that
 16 prosecution, correct?
 17 A. That's true.
 18 Q. You did not mind, or you were certainly
 19 willing to testify, if subpoenaed, to the trial
 20 of that case, correct?
 21 A. That's right.
 22 Q. You were going to be as honest as anyone
 23 could possibly be in answering the questions that

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1 you were subpoenaed to testify about; is that
 2 correct?
 3 A. That's correct.
 4 Q. Didn't want to volunteer, because you
 5 wanted to be neutral; is that correct?
 6 A. That's correct.
 7 Q. And people -- you were caught in the
 8 middle, correct?
 9 A. That's correct.
 10 Q. People who supported the Speaker of the
 11 House were trying to get you to do something to
 12 help the Speaker of the House in connection with
 13 that prosecution; is that correct?
 14 A. That's correct.
 15 Q. You declined to do that?
 16 A. I did.
 17 Q. You declined to help the Speaker of the
 18 House, correct?
 19 A. I did.
 20 Q. If the Speaker of the House's lawyers had
 21 subpoenaed you to the trial of the case, you
 22 would have honored that subpoena?
 23 A. Yes.

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1 Q. Would have testified truthfully with
 2 respect to any questions they asked of you,
 3 correct?
 4 A. That's correct.
 5 Q. Same is true with respect to prosecution
 6 subpoenaing you?
 7 A. That's correct.
 8 Q. And with respect to at that time Secretary
 9 Collier, you did not want him to volunteer to
 10 give an affidavit, correct?
 11 A. That's correct.
 12 Q. You didn't want him to do that because that
 13 would reflect negatively on the governor's
 14 administration's neutrality in the matter of the
 15 prosecution of the Speaker of the House; is that
 16 correct?
 17 A. That's correct.
 18 Q. And you made it clear? That had been your
 19 long-held view, had it not, for several months?
 20 A. Yes, it had.
 21 Q. And had you made that clear and did you
 22 make that clear to Secretary Collier in your
 23 meeting of February 8th of 2016, that "We want to

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1 be neutral, and we don't want to give any
 2 affidavits"? Did you make that clear?
 3 A. I'm not too sure how much of an emphasis I
 4 did at that time. In subsequent meetings, I did
 5 on several occasions, yes. I mean, in close
 6 proximity. Whether it was the one where we met
 7 with David Byrne or whether it was one on the
 8 16th, we made it perfectly clear that we wanted
 9 to stay neutral.
 10 Q. Well, but on the 16th the affidavit had
 11 already been given, hadn't it?
 12 A. That's right.
 13 Q. So I'm saying, prior to the giving of the
 14 affidavit, you had made it crystal-clear to
 15 Secretary Collier that it would be contrary to
 16 your wishes and your objective of maintaining
 17 neutrality for him to give an affidavit, correct?
 18 A. Well, I think that the reason I didn't want
 19 the affidavit to be given is because they could
 20 not get it.
 21 Q. Well, I'm not asking about that, now.
 22 A. Okay.
 23 Q. But assuming they could get it --

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1 A. Yes.
 2 Q. -- it's been your testimony you wanted to
 3 be neutral?
 4 A. That's exactly right.
 5 Q. Volunteering to give an affidavit would not
 6 be neutral, would it?
 7 A. That's correct.
 8 Q. Did you have any problem in this world,
 9 just like you were going to be subpoenaed to
 10 testify at the trial of the Speaker of the House,
 11 did you have any problem with Spencer Collier
 12 responding positively to a subpoena to appear
 13 before Judge Walker on the issue of prosecutorial
 14 misconduct, did you have any problem with that at
 15 all?
 16 A. I did not.
 17 Q. In fact, would you have expected, had Matt
 18 Hart or anybody else working for the Attorney
 19 General's office decided to subpoena Secretary
 20 Collier, to testify to everything he knew about
 21 the allegations being made by Baron Coleman,
 22 would you have had any problem with that at all?
 23 A. No.

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1 Q. And would you, in that event, have expected
 2 him to have testified fully and honestly to
 3 anything that fell within his knowledge?
 4 A. That's right, yes.
 5 Q. You didn't mind providing information or
 6 Secretary Collier providing information pursuant
 7 to a subpoena, did you?
 8 A. No.
 9 Q. You wanted to maintain neutrality, correct?
 10 A. I did. I did.
 11 Q. That was important to you?
 12 A. Very important.
 13 Q. Important to the conduct of your office; is
 14 that correct?
 15 A. That's right, yes.
 16 Q. And that had been made clear to Mr. Collier
 17 prior to the time that he gave that affidavit; is
 18 that correct?
 19 A. I can't remember how -- I really can't
 20 remember how much we talked about it in that
 21 first meeting; but, you know, David Byrne knew
 22 it, he knew my policy, and so obviously I was
 23 told that. I mean, I told them that later. I'm

<p style="text-align: right;">Page 217</p> <p>1 not too sure how much we actually discussed it. 2 I think we did, but I can't be certain that we 3 discussed it that much in the first meeting. 4 Q. But prior to the time that he gave the 5 affidavit, you had discussed it? 6 A. Yes. 7 Q. With Mr. Collier? 8 A. Here again, I can't remember if I did or 9 not on that first meeting of February 8th. 10 Q. I'm saying before he gave the affidavit? 11 A. My recollection is that the agreement was, 12 they asked me the question about what they should 13 do, and I said, "You can't give them something 14 you don't have, and so you can't give them an 15 affidavit." It was more on whether or not they 16 could give them the affidavit or not, and I felt 17 certain they could not because they didn't have 18 one. 19 Q. Because you didn't feel they had really 20 done an investigation? 21 A. They had not. They had not. 22 Q. Let me ask you this. Am I correct that 23 Rebekah Mason had nothing to do with your</p>	<p style="text-align: right;">Page 219</p> <p>1 resign." That's what he said. And I said, 2 "Spencer," I said, "no, I don't think that's 3 going to be necessary." I said, "Let me think 4 about it overnight, and I'll let you know the 5 first thing in the morning what we're going to 6 do." 7 Q. When you talked to then Secretary Collier 8 about his going on medical leave, did you have 9 any discussion with him about who would be 10 appointed acting secretary of ALEA? 11 A. I did. We talked about that. In fact, he 12 may have asked me who I was considering, and we 13 talked about Jack Clark, Jack Clark, and I told 14 him that I didn't want Jack Clark because I felt 15 like he was too close to DPS, or the old DPS, and 16 that I had already had some problems with him 17 when he was head of security. So then I said, 18 "Well, I think I'm going to appoint Stan," and 19 Spencer said, "I like Stan. Stan is a good man, 20 and he gets along well with people. I think 21 he'll do a good job." 22 Q. To your knowledge, based on anything you 23 know or heard, whatever the source of your</p>
<p style="text-align: right;">Page 218</p> <p>1 decision to put Spencer Collier on medical leave? 2 A. She had nothing to do with that. 3 Q. Did she have anything at all to do with 4 your talking to Chuck Dean about Spencer Collier 5 going on medical leave, did Rebekah have anything 6 to do with that? 7 A. Rebekah had nothing to do with that. In 8 fact, Jennifer Ardis is the one that set it up. 9 Q. In the meeting of February 16, after the 10 affidavit had been given and you were trying to 11 figure out how that came about -- 12 A. Right. 13 Q. Do you remember that? 14 A. Yes. 15 Q. -- did Mr. Collier apologize to you at any 16 point that day? 17 A. Yes, he did. 18 Q. Where did he apologize to you? 19 A. He apologized to me in a private meeting 20 after everyone left the room, and he said, 21 "Governor," he said, "you know, I'm sorry about 22 all this." He said, "I'm sorry the way this has 23 happened." He said, "If you want me to, I'll</p>	<p style="text-align: right;">Page 220</p> <p>1 knowledge is, to your knowledge, did Rebekah 2 Mason have anything at all to do with the 3 initiation of the investigation or inquiry 4 conducted by ALEA that related to Spencer 5 Collier? 6 A. Absolutely not, and neither did I. 7 Q. To your knowledge, did Rebekah Mason play 8 any role whatever at all in the conduct of the 9 ALEA investigation that related to Spencer 10 Collier? 11 A. No. 12 Q. Again, to your knowledge, did Rebekah Mason 13 play any role at all in the drafting of the ALEA 14 report that related to Spencer Collier? 15 A. No, she did not. 16 Q. Did she have anything at all to do with 17 editing the report, the ALEA report that related 18 to Spencer Collier? 19 A. No. 20 Q. To your knowledge, based on everything you 21 know and have heard up to this minute, did 22 Rebekah Mason have anything at all to do with the 23 release of the ALEA report?</p>

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1 A. No.

2 Q. There has been made an exhibit twice to

3 your deposition Exhibit 7 and 12, maybe, another

4 number, a press release. See if you've got

5 Exhibit 7?

6 A. I do. I've got it.

7 Q. It's dated March 22. To the extent that

8 that press release refers to a possible misuse of

9 state funds, am I correct that you were saying

10 simply what you had been told by law enforcement?

11 A. That's correct.

12 Q. Including the phrase "possible misuse of

13 state funds," you were relying on what ALEA had

14 told you; is that correct?

15 A. That's correct.

16 Q. Those words were not your words? You

17 didn't come up with that concept, is that

18 correct?

19 A. No, I didn't.

20 Q. Did you come up with those words, those

21 terms being used?

22 A. Actually, that was somewhat of a copy of

23 the original press release that ALEA put out that

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1 morning.

2 Q. All I'm asking, whatever it was a copy

3 of -- you didn't come up with it?

4 A. I did not.

5 Q. Did you make any finding or determination

6 that there was a possible misuse of state funds?

7 A. This is what ALEA reported to me.

8 Q. And you understand that the word "possible"

9 does not mean anybody is being accused of a

10 misuse of state funds, correct?

11 A. That's right.

12 Q. All it means is that there is a possibility

13 that that may have occurred. Do you understand

14 that?

15 A. I do. That's correct.

16 Q. To your knowledge, based on anything you've

17 heard up to this second, did Rebekah Mason have

18 anything to do with coming up with the concept or

19 the language "possible misuse of state funds"?

20 A. I think that -- no, I do not think she had

21 anything to do with that. I think that she --

22 this final one, and she may have worked a little

23 bit on the first one, she worked a little bit

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1 with the terminology. And in fact, as far as

2 I've been told, she put in the part about Spencer

3 Collier and I have served together for a long

4 time, the positive things at the front.

5 Q. You know, you've testified in response to

6 Mr. Mendelsohn, I think you said at one time that

7 maybe six or seven people worked on a press

8 release?

9 A. They always do.

10 Q. Just hypothetically, as a general matter,

11 when a public official puts out a press release,

12 a public official indicates what should be said

13 in the press release, correct?

14 MS. MAYS: Object to the form.

15 A. Correct.

16 Q. Staff works on putting on paper the message

17 that the public official wants to send; is that

18 correct?

19 A. That's correct.

20 Q. Hypothetically, if Kenny Mendelsohn --

21 well, let's say Spencer Collier, he is a public

22 official. If Spencer Collier wanted to put out a

23 press release about some investigation, and he

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1 said, "Bobby Segall, write out this for me," and

2 that press release was released, do you

3 understand that the words in that press release

4 would be Spencer Collier's message, not the

5 person who drafted it? Do you understand that?

6 A. That's correct.

7 Q. So whether one person drafts what the

8 public official asks, or 16 people have input

9 into it, the publisher of those words is the

10 public official, the person who is putting out

11 the press release, not the folks who did the

12 grunt work of writing it out for them. Do you

13 understand that?

14 MS. MAYS: Object to the form.

15 A. I do.

16 Q. And of course, the public official may be

17 relying on somebody else for the information that

18 he or she is stating in the press release,

19 correct?

20 A. That's correct, yes.

21 Q. I think what you were saying with respect

22 to Exhibit 7, that your understanding is that the

23 involvement of Rebekah Mason really related to

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1 the second paragraph?
 2 A. That's what I've been told, yes.
 3 Q. And the second paragraph, being the things
 4 that were positive that were said about Spencer
 5 Collier; is that correct?
 6 A. That's correct.
 7 Q. But whoever may have drafted or worked on
 8 the draft that included the words, [quote],
 9 "possible misuse of state funds," whoever may
 10 have worked on that draft, those were not their
 11 words, "possible misuse of state funds," were
 12 they?
 13 A. No.
 14 Q. And those were not the publishers of those
 15 words, correct? They were not the people who
 16 were stating those words and making them whole?
 17 MS. MAYS: Object to the form.
 18 A. Bobby, I don't know who you're talking --
 19 explain that again.
 20 Q. You've already answered it and made it
 21 clearer, so I won't ask that again.
 22 A. Okay.
 23 Q. Are you aware that excess campaign funds

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1 can be used for the operation of the governor's
 2 office?
 3 A. Yes.
 4 Q. And at the time you used campaign funds for
 5 any purpose, whether to pay an independent
 6 contractor or anything else, do you recall that
 7 you sought legal advice from an expert on The
 8 Ethics Act before you did that?
 9 A. I did.
 10 Q. And would it be true that you relied on
 11 that expert legal advice that you received from
 12 an expert on The Ethics Act?
 13 A. Yes.
 14 Q. With respect to any money paid out of your
 15 campaign account, do you recall that?
 16 A. That's true, I did.
 17 Q. With respect to press releases or the press
 18 release that related to the termination of
 19 Secretary Collier's position as Secretary, would
 20 those press releases have been reviewed by the
 21 legal staff?
 22 A. Yes.
 23 Q. Was that true even of the press release

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1 that's in evidence dated March 1 of 2016?
 2 A. Yes. Even my private attorney did that,
 3 reviewed it also.
 4 Q. And if your lawyer, your lawyers either on
 5 the governor staff or your lawyers, your private
 6 lawyers, lawyers you were paying, had indicated
 7 to you that there was anything at all wrong with
 8 that press release, the March 1 or the March 22
 9 press releases, would you have let them go out?
 10 A. No. If they had said there was something
 11 wrong with them, we would not have put them out.
 12 MR. SEGALL: That's all.
 13 MR. TREWHELLA: I don't have any questions.
 14 Thank you.
 15 MS. MAYS: We don't have any questions at
 16 this time.
 17 MR. MENDELSON: I've got just a couple of
 18 things.
 19 MR. SEGALL: Does "a couple" mean two?
 20 MR. MENDELSON: I don't know. First, is
 21 the former governor raising an advice of counsel
 22 defense? Now, I know that's cross-examination by
 23 Bobby, but if he's raising an advice of counsel

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1 defense, then I'm entitled to know what all he
 2 communicated with his lawyers now.
 3 MR. SEGALL: On those issues.
 4 MR. MENDELSON: Well, on those, yes.
 5 MR. SEGALL: And you're not called upon to
 6 decide that right this second.
 7 MR. NEIMAN: Right. Right. There's not
 8 one asserted in the Answer, but there is time to
 9 amend the Answer.
 10 MR. MENDELSON: Well, if there is, then I
 11 would reserve the right to question him further
 12 about the comments. I mean, I'm not pushing it
 13 further, but this is the first I've heard, was
 14 through Bobby's cross-examination, that he's now
 15 apparently saying he was relying on his lawyers
 16 before the press releases went out. And if he's
 17 going to claim in court that he's not responsible
 18 for invasion of privacy or defamation because of
 19 his lawyers, then I want to re-depose him about
 20 that issue at some time.
 21 MR. SEGALL: Let me say this. Whether
 22 or -- I have no idea, obviously, whether he
 23 claims that as a defense, but it's relevant

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1 whether he claims it as a defense or not, and
 2 that's why I asked him about it.
 3 MR. MENDELSON: Well, it may, but I don't
 4 think --
 5 MR. SEGALL: It goes to intent, it goes to
 6 all kinds of --
 7 MR. MENDELSON: Sure. And I'm entitled to
 8 know more about what actually went on with his
 9 lawyers and what information they had. I mean,
 10 even though it's coming from you and not from his
 11 own lawyers in this case, I think I'm still
 12 entitled to know.
 13 MR. SEGALL: Anyway, y'all can decide that.
 14 MR. MENDELSON: Yes. But what I'm trying
 15 to do is avoid other days of depositions like we
 16 were talking about with the ACEGOV matter; but
 17 I've got to put on the record that if there is
 18 going to be an advice of counsel defense raised,
 19 then I intend to redepose him on those issues.
 20 Other than that, let me just follow-up one thing
 21 about what Bobby was asking.
 22
 23

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1 RE-EXAMINATION BY MR. MENDELSON:
 2 Q. You were getting pulled by the Hubbard team
 3 to try to get involved in the matter and get rid
 4 of Matt Hart?
 5 MS. MAYS: Object to the form.
 6 A. That's right.
 7 Q. And then on the other hand, Spencer got
 8 involved with the accusations from Baron Coleman
 9 of misconduct by Matt Hart in investigating?
 10 A. That's true.
 11 Q. And you would agree with me, Spencer just
 12 got thrown into that?
 13 MS. MAYS: Object to the form.
 14 A. So did I. He did, he got thrown into it,
 15 so did I.
 16 Q. And you don't know whether Baron Coleman
 17 came in on his own or whether he was put up to it
 18 by Hubbard's team?
 19 A. I don't know.
 20 Q. Did you not think it was inappropriate for
 21 all these people, including Hubbard's lawyers and
 22 contributors and friends contacting you to get
 23 you involved?

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1 MS. MAYS: Object to the form.
 2 A. Yes, I did, and that's what I told them.
 3 Q. And now when Spencer ended up getting
 4 involved, they looked into the accusations?
 5 MR. SEGALL: Object to the form.
 6 A. Yes, I don't know how much they looked into
 7 it.
 8 Q. But you do know that -- well, would you
 9 agree that there is a responsibility for ALEA to
 10 cooperate with other law enforcement authorities,
 11 including the Attorney General's office?
 12 MR. SEGALL: Object to the form.
 13 MS. MAYS: Object to the form.
 14 A. Not when he was asking for something
 15 personally himself, and that's what he was asking
 16 for. This was not related -- it was indirectly
 17 related to the case over there, because he was
 18 being investigated. He wanted something for
 19 himself, and he was putting pressure on Spencer
 20 to sign an affidavit that Spencer hadn't done.
 21 So Spencer would not have been truthful had he
 22 signed that affidavit, and they should have
 23 stayed out of it completely and just told Matt

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1 Hart, "Matt, we can't do it because we have not
 2 gotten any evidence, we haven't gotten anything
 3 from Coleman," and I would not have given him
 4 anything, and that's what we talked about. They
 5 didn't have to give him anything. They could
 6 have said, "Mr. Hart, we can't give you
 7 anything," and just ended it at that. He
 8 couldn't have forced him to do that.
 9 Q. But according to what Spencer communicated
 10 to you, ALEA had closed the file on the Baron
 11 Coleman matter?
 12 MS. MAYS: Object to the form.
 13 Q. Weren't you made aware of that?
 14 A. Well, obviously they hadn't closed it.
 15 They gave him an affidavit.
 16 Q. Were you aware that Baron Coleman was a
 17 confidential informant for Matt Hart?
 18 MS. MAYS: Object to the form.
 19 A. No, I'm not aware of that, but I know one
 20 said one thing and one said the other, so I don't
 21 know.
 22 Q. But you were saying Matt Hart was doing
 23 this -- as I understand it, you're saying Matt

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1 Hart was getting the affidavit for his own
 2 personal reasons?
 3 A. I do say that, yes.
 4 Q. You don't think he had an obligation to the
 5 Court to report the truth about the ALEA
 6 investigation?
 7 MS. MAYS: Object to the form.
 8 A. He did not have a right to threaten my law
 9 enforcement people to get an affidavit for
 10 himself, which was using his office for personal
 11 gain, and you can't do that.
 12 Q. What was the personal gain to Mr. Hart?
 13 A. The personal gain was to keep him from
 14 being thrown out of that case by Judge Walker.
 15 Q. And that was a benefit to the Attorney
 16 General's office, was it not?
 17 A. For him to be thrown out?
 18 Q. For him to stay on.
 19 MS. MAYS: Object to the form.
 20 A. Was it --
 21 Q. Yes. I mean, you're trying to say this was
 22 some personal gain to Matt Hart by trying to stay
 23 on the case as the prosecutor.

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1 MS. MAYS: Object to the form.
 2 A. It was, because that was his life. That
 3 was -- that was his star in his crown, was the
 4 Matt Hubbard -- I mean, the Mike Hubbard
 5 situation.
 6 Q. Have you thought about what would have
 7 happened to the prosecution of Mike Hubbard if
 8 Matt Hart was taken off the case by Judge Walker?
 9 MS. MAYS: Object to the form.
 10 A. That's not my call.
 11 Q. That, in fact, is what Mike Hubbard's
 12 lawyers and friends and former Governor Riley
 13 wanted you to do, was to get Matt Hart off the
 14 case?
 15 MS. MAYS: Object to the form.
 16 A. Well, they thought he was a criminal.
 17 Q. But nevertheless, to try to help Mike
 18 Hubbard, who is now a convicted felon, they were
 19 calling on you to try to get Matt Hart off the
 20 case?
 21 MS. MAYS: Object to the form.
 22 A. They were, but I rejected that.
 23 Q. And when that didn't work, they filed a

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1 motion in court trying to get Matt Hart off the
 2 case?
 3 A. That may be true.
 4 Q. And then Spencer's office, through Jack
 5 Wilson, interviewed Coleman twice and determined
 6 there was no evidence to support any probable
 7 cause that Matt Hart had committed a crime?
 8 MS. MAYS: Object to the form.
 9 MR. SEGALL: Object to the form, misstates
 10 the evidence horribly.
 11 Q. Well, do you --
 12 A. Would you repeat it?
 13 Q. Well, let me ask it another way. You don't
 14 know what ALEA did to investigate Coleman's
 15 accusations against Hart?
 16 MS. MAYS: Objection, asked and answered.
 17 A. I don't, but I know what I asked them and I
 18 know what they told me.
 19 Q. And you told them not to give an affidavit?
 20 A. I told them they couldn't give an affidavit
 21 because they had no -- they presented me with
 22 nothing to say that they could even give an
 23 affidavit.

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1 Q. But to make sure I'm right, and I'm not
 2 trying to be repetitive because I know we all
 3 want to go home on a Saturday night, but you
 4 didn't find anything untruthful about the
 5 affidavit that Spencer Collier gave to Matt Hart
 6 and the Attorney General's office?
 7 MS. MAYS: Object to the form.
 8 A. And I've already answered this. It was not
 9 what was given, it was the giving of one that
 10 tipped the scales of neutrality in this case.
 11 Q. And that was your concern about maintaining
 12 your neutrality in the case?
 13 A. Absolutely. It was the governor's office
 14 neutrality.
 15 Q. And it had nothing to do with law
 16 enforcement or obligations of the secretary of
 17 ALEA to the Attorney General's office?
 18 A. He came and asked me what to do.
 19 Q. But your concern was you and your office
 20 and how you looked, because you perceived that
 21 because it was Spencer, that you were siding with
 22 the prosecution?
 23 MS. MAYS: Object to the form.

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1 A. Yes.

2 MR. MENDELSON: That's all.

3 MR. SEGALL: I've got another question.

4

5 RE-EXAMINATION BY MR. SEGALL:

6 Q. Whatever obligation ALEA had to the

7 Attorney General's office in connection with that

8 prosecution, it could have been fully satisfied

9 by Spencer being subpoenaed up there before Judge

10 Walker and answering every single question they

11 had?

12 A. That's correct.

13 Q. Isn't that true? You didn't want Spencer

14 to fail to meet any obligation at all, did you?

15 A. I did not ask him to do that. I was trying

16 to do it in a way that was truthful, because they

17 could not give him something they did not have.

18 Q. And let me ask you this. Spencer told you

19 that Baron Coleman said he had tapes that proved

20 what Matt Hart had done wrong?

21 A. Yes, he did.

22 Q. Did he tell you that although we've been

23 made aware of tapes that prove what Baron Coleman

Page 238

1 said, that we have not even bothered to subpoena

2 those tapes?

3 A. He did not tell me that.

4 Q. Well, do you agree with me that if you are

5 aware of evidence of tape recordings that prove

6 something, the minimum you would do, if you were

7 doing an honest investigation, is subpoena the

8 tapes? That's the minimum you would do, do you

9 agree with that?

10 A. Yes. That would have been part of the

11 investigation.

12 Q. And can you imagine, when you know there

13 are tapes, they were told there were tapes, even

14 told you there were tapes, can you imagine

15 putting in an affidavit that there is no

16 investigation, the investigation is closed, when

17 you never have done the very basics that would be

18 expected in any investigation, can you imagine

19 saying such a thing?

20 A. No, I can't.

21 Q. You were asked questions about the effect

22 of Mr. Hart being removed from the criminal

23 prosecution. Mr. Hart is a very good lawyer. Do

Page 239

1 you know how many excellent criminal lawyers they

2 have in the Attorney General's office? A bunch?

3 A. They do. And he was not the one that

4 actually -- when I testified, he didn't even

5 question me.

6 Q. And if you read the newspaper, there was

7 another lawyer who carried the load on the

8 prosecution?

9 A. That's right.

10 Q. Are you aware of that?

11 A. Yes.

12 Q. Let me ask you this. Did Secretary Collier

13 explain to you -- because I would like you to

14 explain it to me, because I don't understand it.

15 How -- before Baron Coleman came with some

16 allegations about Matt Hart, two other folks came

17 to him, Mark White, and I think you said one

18 other person came to him, wanted to make a

19 complaint about what Matt Hart had done, and they

20 sent him -- they wouldn't even talk to them, sent

21 them to the FBI in Mobile. Did Spencer tell you

22 that?

23 A. No.

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1 Q. Did he explain to you why he sends those

2 folks off, don't even talk to people who say

3 they've got information we want to tell you about

4 the prosecutor, wouldn't even talk to them; and

5 then when Baron Coleman comes in, they don't send

6 him to the FBI in Mobile. They do a little

7 interview with him, they don't even subpoena his

8 evidence; but they don't send him to the FBI,

9 they want to talk to him and pretend like they

10 did an investigation. Did they explain that to

11 you, why they send one group to the FBI in

12 Mobile, but don't send Baron Coleman to the folks

13 in Mobile, the FBI, did they explain that

14 inconsistency to you?

15 A. No, they did not.

16 MR. SEGALL: That's all the questions I

17 have. Thank you.

18

19 RE-EXAMINATION BY MR. MENDELSON:

20 Q. I understand the point Bobby is making, but

21 I need to find out whether it is your point,

22 okay? The tapes were supposedly Baron Coleman's

23 tapes?

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1 A. They were.

2 Q. Yes. And he wouldn't produce them?

3 A. No.

4 Q. So here's a guy coming in complaining about

5 Matt Hart, accusing him of crimes, saying he's

6 got evidence, but he won't produce the evidence?

7 A. Okay. That's right.

8 Q. And you're saying Spencer should have

9 subpoenaed the tapes?

10 A. If he was doing a thorough investigation,

11 they should have.

12 Q. What authority does Spencer Collier, as

13 ALEA secretary, have to issue subpoenas?

14 A. They would have to go through a grand jury.

15 Q. Right. And you only start a grand jury if

16 you have more evidence than just some guy coming

17 in who's a confidential informant, who's saying

18 that he's got tapes and won't produce them. Are

19 you saying they should have impaneled a grand

20 jury over that complaint?

21 MS. MAYS: Object to the form.

22 A. I do, because the prosecutor for the

23 Attorney General's office, I personally think was

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1 doing something illegal.

2 Q. And what was that?

3 A. I just told you, he was using his office

4 for personal gain.

5 MR. MENDELSON: That's all I've got.

6 MR. SEGALL: I don't have anything.

7 MR. MENDELSON: Do we need to put on the

8 record about --

9 MS. MAYS: Yes.

10 MR. MENDELSON: Do you want me to go, or

11 do you want to go?

12 MS. MAYS: On the ACEGOV issue?

13 MR. MENDELSON: Yes.

14 MS. MAYS: You can state our agreement.

15 MR. MENDELSON: I've asked some questions

16 today about contributions made to ACEGOV, and

17 Dr. Bentley objects to it and his lawyers did so.

18 At this point they don't know if it's appropriate

19 to be commenting because, as I understand it,

20 contributions to a 501(C)(4) are supposed to

21 remain confidential. And we have decided

22 mutually between the lawyers to give them time to

23 further investigate the matter, and will get back

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1 with me, and we will either decide on our own or

2 perhaps in a motion with the Court as to whether

3 former Governor Bentley can answer questions

4 about contributions by not just Franklin Haney

5 but anybody else to ACEGOV, or as a part of it

6 his involvement in soliciting money or asking for

7 contributions to ACEGOV, if any; and that it is

8 my hope that if we agree to it, that we can do it

9 without a deposition, that y'all will provide a

10 list based upon his knowledge, nobody else. I'm

11 not asking anybody to go into ACEGOV and get

12 their records, but more of just what former

13 Governor Bentley knows about the contributions,

14 and that we could do that through an affidavit or

15 something, if we agree to do that.

16 MR. NEIMAN: So we're clear about the

17 information you would be seeking, for the record,

18 you would want the amount of contributions, the

19 identity of contributors?

20 MR. MENDELSON: Right.

21 MR. NEIMAN: Anything else?

22 MR. MENDELSON: Whether former Governor

23 Bentley, I hate to use the term "solicited," but

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1 approached these people about it, or whether it

2 was just that fund-raiser that he mentioned that

3 I still can't remember its name. You know, if

4 there were other people that were raising money

5 for him, that might not be; but if he called on

6 people like Franklin Haney, or anybody else, and

7 asked for contributions, that I would know which

8 ones were the people that, again, for lack of a

9 better term, solicited those contributions.

10 Again, I'm not asking from ACEGOV, but my

11 position is that since former Governor Bentley

12 was not an officer of ACEGOV, not an employee of

13 ACEGOV, not an organizer or -- I think there were

14 three people that served on the board that

15 created it, that any information that he received

16 would not be protected; and if anybody, you know,

17 from ACEGOV reported to him, that that would not

18 be protected information. Again, I don't see

19 that we would need to go through another

20 deposition to ask those questions.

21 MR. NEIMAN: Okay.

22 VIDEOGRAPHER: We're going off the record

23 at 5:11 p.m. This concludes the deposition.

1 MR. MENDELSON: Oh, yes, the only other
 2 thing was the advice of counsel thing that y'all
 3 are going to check on that and let me know the
 4 position; and that if there becomes an advice of
 5 counsel defense -- I know Bobby thinks it's
 6 relevant, but that's something I think y'all have
 7 got to decide, too. If Bobby is making an issue,
 8 then my position is I get to ask him what he told
 9 the lawyers, I get to question the lawyers about
 10 what knowledge they have, regardless of who
 11 raised it. And if, in fact, y'all agree -- I
 12 mean, if y'all take the position that "Yes, it's
 13 relevant," then I need to re-depose former
 14 Governor Bentley on those issues.

15 MR. NEIMAN: We understand.

16 MR. MENDELSON: Okay.

17 (Whereupon, at this time the deposition
 18 was concluded at 5:10 p.m.)

19 FURTHER DEPONENT SAITH NOT.
 20
 21
 22
 23

1 C E R T I F I C A T E
 2

3 STATE OF ALABAMA)
 4 JEFFERSON COUNTY)
 5

6 I hereby certify that the above and
 7 foregoing proceedings were taken down by me in
 8 stenotype, and the questions and answers thereto
 9 were reduced to computer print under my
 10 supervision, and that the foregoing represents a
 11 true and correct transcript of the testimony
 12 given by said witness upon said proceedings.

13 I further certify that I am neither of
 14 counsel nor of kin to the parties to the action,
 15 nor am I anyway interested in the result of said
 16 cause.
 17
 18

19 /s/Donna L. Winters
 20 Donna L. Winters, ACCR #373
 21 Expires 9-30-2018
 22 Donna L. Winters, Commissioner
 23 My Commission Expires 10-10-2021