SELECTED DEPOSITION EXCERPTS

CPE: Travis Powell and Gregory Rush

U.S. District Court, Eastern District of Kentucky | No. 3:26-CV-00035-CHB-EBA

September 14, 2026 | Original transcript page and line numbers shown below

Travis Powell on whom he warned

Transcript p. 130, lines 5–16

Q: All right. When you -- when this was being discussed, this restriction, did you raise concerns about the larger impact on the African American entrance into KSU based upon the higher GPA and ACT scores?
A: Yes. Yes.
Q: Who did you raise that to?
A: We talked about it internally with Mr. Rush and Dr. Thompson, and I mentioned it to Senator McDaniel.
Q: What was Senator McDaniel's response?
A: I don't recall exactly, but obviously, it stayed in the bill.

Powell’s qualification about possible impact

Transcript p. 131, lines 3–16

Q: Okay. And did you indicate that, that would lessen the enrollment of African Americans at the historically black college or university -- Kentucky State University?
A: I didn't know for sure. It certainly could. Obviously, there are plenty of qualified, you know, African American students that meet that requirement, so --
Q: I understand, but --
A: But then it could.
Q: But did you raise to Senator McDaniel your concern about the fact that it could reduce the African American population that could enroll at KSU?
A: Yes.

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Gregory Rush on eligibility at KSU and elsewhere

Transcript p. 283, lines 3–21

A: I remember discussions between myself and Mr. Powell about the -- the pool of African American students in Kentucky that would meet those admission requirements.
Q: And what were those discussions about the pool?
A: That it was -- it would be -- it would limit the pool. Fewer students would be -- would be eligible to attend KSU.
Q: Fewer African American students, correct?
A: Fewer African American students, that's correct. Although those other -- those students would be able to attend other Kentucky institutions, but they would not be able to attend KSU.
Q: They would not -- the Black students would be -- a larger percentage of Black students would be precluded from attending the Historically Black College and University KSU, correct?
A: That was our concern.