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REBECCA JOHNSON,

having been first duly sworn or affirmed by the
Certified Shorthand Reporter and Notary Public
to tell the truth, the whole truth and nothing
but the truth, testified as follows:

EXAMINATION

BY MR. PENCOOK:

Q. Good morning. Could you please state your name
for the record.

A. Rebecca Kay, K-A-Y, Johnson.

Q. Ms. Johnson, my name is Nate Pencook. I am an
attorney with the Shanahan Law Group based out
of Raleigh, and I represent the intervenor
defendants, and I'm here today just to learn
more about the claims and allegations you've
made in this lawsuit and the facts that you're
aware of that relate to those.

Have you ever been deposed before?

A. No.

Q. Okay. This is the first time?

A. This has been intimidating. Yes.

Q. Well, I don't want you to be intimidated.

Again, I'm just here to learn from you, but with
that said, I want to talk about the ground
rules.

1 The first one is that it's important
2 that we don't talk over one other. I'm going to
3 ask you questions. If you would allow me to
4 finish my question, and then I'll allow you to
5 finish your answer, and that way we have a clean
6 record.

7 Is that fair?

8 A. Absolutely. And it's good manners.

9 Q. Absolutely. I agree with you.

10 If there's a question that I ask that
11 you don't understand, please let me know and
12 I'll do my best to rephrase it so you do
13 understand it. If you do answer my question, I
14 am going to presume that you understood it.

15 Is that okay?

16 A. (Witness nodding head up and down.)

17 Q. If you need a break at any time -- I don't think
18 we're going to be here for very long, but all
19 you have to do is ask for one. I'm happy to
20 take a break whenever you'd like. The only
21 thing that I'll ask of you is that if I've got a
22 question on the table that you answer that
23 question and then we can take a break.

24 Is that fair?

25 A. Sure.

1 Q. Do you understand that you're here today
2 testifying under oath?

3 A. Yes.

4 Q. And do you understand that means that you're
5 sworn to tell the truth as though you were
6 testifying in open court?

7 A. Absolutely.

8 Q. Okay. We ask this question in every deposition.
9 Are you under the influence of any medication,
10 drugs, or are you suffering from any illness
11 that would prevent you from being able to
12 testify truthfully?

13 A. Two calcium pills, a vitamin D, and my
14 hypertension this morning.

15 Q. And I don't want to know all of your personal
16 medical information.

17 A. Well, I just want you to know that it's so
18 boring, it doesn't really matter.

19 Q. Okay. That's fine. So I guess, in short, no,
20 you're not --

21 A. No.

22 Q. -- taking anything else that you think would
23 make you not able to testify truthfully?

24 A. Huh-uh.

25 Q. I'm a little flustered here. I don't want to

1 know about your personal health information.

2 A. That's over the counter, basically.

3 Q. Sure. Well, anyway, can you tell me your
4 birthday?

5 A. 5/19/47.

6 Q. And where were you born?

7 A. Roseboro, and I think it was a Monday.

8 Q. That's great. And have you lived in
9 North Carolina your whole life?

10 A. No.

11 Q. Where have you lived other than North Carolina?

12 A. Virginia Beach and Charlottesville.

13 Q. I'm from Virginia Beach. It's a small world.

14 When did you live in Virginia Beach?

15 A. From '69 to '72.

16 Q. And then where is the other place you said you
17 lived?

18 A. Charlottesville.

19 Q. And when did you live there?

20 A. '72 to '73.

21 Q. And so in '73 you moved back to North Carolina?

22 A. Uh-huh.

23 Q. Where did you move to in '73?

24 A. Whiteville.

25 Q. Whiteville. You know how to say it right.

1 A. I don't know if everybody else would, though.

2 Q. When did you move from Whiteville to
3 Winston-Salem?

4 A. I had -- I had a stop between Whiteville and --
5 I went to North Wilkesboro, and then I went to
6 Winston-Salem.

7 Q. When did you live in North Wilkesboro?

8 A. From '77 to '87.

9 Q. And so North Wilkesboro and then Winston?

10 A. (Witness nodding head up and down.)

11 Q. And moved to Winston '87. What was your address
12 when you moved to Winston?

13 A. 809 Clovelly, C-L-O-V-E-L-L-Y, Road, and the zip
14 is 27106.

15 Q. And that's where you currently live?

16 A. That's my permanent residence, yes.

17 Q. And you didn't move from there in between when
18 you moved there and when you live there now?

19 A. No, but I do have a condo in Raleigh that I
20 spend some time in.

21 Q. What's the address of your condo in Raleigh?

22 A. 1021 Brighthurst, Number 201.

23 Q. Zip code is?

24 A. 27605. It's going to be on the market soon if
25 anybody's interested.

1 Q. Noted.

2 A. Good location right across from The Wade.

3 Q. That's good. Inside the beltline?

4 A. Absolutely, on Wade Avenue.

5 Q. That's great. So what's the -- can you tell me
6 the name of the neighborhood you live in in
7 Winston-Salem.

8 A. Sherwood Forest. Old Sherwood. There are two
9 Sherwoods. The old Sherwood was built for
10 middle management Western Electric in
11 Winston-Salem, whenever that was, I think maybe
12 '50s. It was before my time. But that was a
13 big part of the buildup.

14 Q. Are you married?

15 A. No.

16 Q. Were you ever married?

17 A. No.

18 Q. Do you have a high school diploma?

19 A. Yes.

20 Q. Do you have an undergraduate degree?

21 A. Yes.

22 Q. Where did you get your undergraduate degree
23 from?

24 A. Duke.

25 Q. And what was your degree in?

1 A. Education.

2 Q. Any focus on a certain aspect of education?

3 A. History. And I have a -- graduated with a
4 teaching certificate for elementary.

5 Q. And when did you get your undergraduate degree?

6 A. 1969. 50 reunion this year.

7 Q. That's great.

8 Do you have any graduate degrees?

9 A. Yes.

10 Q. What graduate degrees do you have?

11 A. I have a Master's in Education, University of
12 Virginia.

13 Q. When did you get that?

14 A. I think it was '73.

15 Q. And so I guess with your degrees, I'm assuming
16 you were a teacher at some point.

17 A. Yes. You're from Virginia Beach. I taught at
18 Hermitage Elementary. I don't know if you know
19 that area. It's across from the Hermitage
20 House, and the kids were from the officers'
21 quarters, the enlisted quarters at Little Creek
22 and one of the housing areas.

23 Q. I know exactly where that is.

24 Well, so, I guess, are you currently
25 employed?

1 A. No.

2 Q. Okay. Retired?

3 A. Yes.

4 Q. When did you retire?

5 A. 2000.

6 Q. Okay. And what was your job before you retired?

7 A. I was a consultant with Department of Public
8 Instruction.

9 Q. And how long were you in that position?

10 A. 23 years.

11 Q. Who hired you for that position?

12 A. You know, those hirings are really kind of
13 squirrely. I was -- my immediate supervisor
14 was Mary Purnell. Craig Phillips was the state
15 superintendent at that point. I was at a
16 regional center in North Wilkesboro, and the
17 director of that center was Jim Stanley.

18 Q. What led to your retirement in 2000? Were you
19 ready to retire? Was there anything that
20 triggered that retirement?

21 A. I wanted more freedom to do the things that I
22 really cared about.

23 Q. What are those things that you really cared
24 about?

25 A. I served on the board of the ballet for almost

1 20 years, Carolina Ballet. I've been on the
2 board of NC Child for a number of years. Well,
3 I was on once, rotated off. I'm back on now.
4 It's been through several incarnations. And I
5 served on the boards of both Methodist Homes for
6 Children, the one in Winston-Salem and the one
7 here in Raleigh. I had at least a ten-year
8 stint with all of those. And you can't do any
9 of that if you work for DPI.

10 So I felt I could make a greater
11 contribution by doing those sorts of things. I
12 served on the -- I was the citizen rep for the
13 opticians board, the regulatory board. I did
14 leadership at St. Mary's United Methodist Church
15 in Winston-Salem. You get the picture.

16 Q. I think I do.

17 You mentioned the opticians board. Who
18 appointed you to that board?

19 A. That was a Purdue appointment, I think.

20 Q. So it was a political appointment?

21 A. Those are all political, my understanding.

22 Q. How did you go about or how did you get on that
23 board? I mean, I understand it was an
24 appointment, but why were you selected for the
25 opticians board?

1 A. I think it may have been because I had a good
2 friend who was chair of the board.

3 Q. Okay. Who was your friend that was chair of the
4 board?

5 A. Jennifer Hawkins.

6 Q. Do you have any idea why she wanted you to be on
7 that board?

8 A. Because I'm a good, clear thinker, and I'm
9 articulate.

10 Q. I agree with that so far. I'm sure I won't
11 disagree with it at any point.

12 So before you served as a consultant,
13 what was your role? What was your job?

14 A. I was an instructor at Southeastern Community
15 College. I taught reading to community college
16 students. I worked with a project for minority
17 and disadvantaged students in Whiteville. And
18 that's an interesting area because it's a
19 tri-cultural area. It's Native American,
20 African American, as well as white. And so it
21 was a prime target for federal funds in the '70s
22 because it was one of the few tri-cultural areas
23 in the state.

24 Q. Okay. And what was your job before that?

25 A. Hermitage Elementary.

1 Q. All right. There you go.

2 A. And I had a year out when I went to graduate
3 school in Charlottesville.

4 Q. Do you have any email addresses?

5 A. Yes.

6 Q. What are they?

7 A. Rjohnson10@triad.rr.com, and
8 10rebecca.johnson@gmail.

9 Q. Do you have -- are those your only email
10 addresses?

11 A. There may be an iCloud one, but I don't
12 understand how that works, the Apple one.

13 Q. Do you have any social media accounts?

14 A. Facebook.

15 Q. Anything else?

16 A. Instagram. I rarely post. I'm a lurker. And
17 most of the things that come in on my posts are
18 The Times, the Post, the Huffington, you know,
19 the news feeds.

20 Q. Well, let me -- and just really quickly, you
21 have a LinkedIn or Twitter?

22 A. Yes. I'm sorry. I do have a LinkedIn, and I do
23 have Twitter. You have to have them so you can
24 lurk.

25 Q. I suppose that's right.

1 Well, so what did you do to prepare for
2 your deposition today?

3 A. I had a conversation with John and that was
4 about it.

5 Q. When was your conversation with John?

6 A. Yesterday.

7 Q. Where was it?

8 A. Here.

9 Q. How long did you all meet?

10 A. Less than an hour.

11 Q. Was anybody else there in the room with you?

12 A. No.

13 Q. Did you have any phone conversations with him to
14 prepare for this?

15 A. Only to set up the appointment.

16 Q. Okay. Did you review any documents in
17 preparation for today?

18 A. I did, but it was a while ago.

19 Q. You don't recall which documents you took a look
20 at?

21 A. Well, there was the original filing back in
22 whenever, but that's kind of a distant memory
23 because I didn't go back and review it.

24 Q. Well, and I guess by the original filing, do you
25 mean the complaint or the amended complaint?

1 A. I think it was the amended complaint.

2 Q. Because you understand there was a complaint
3 before that that you were also a plaintiff in?

4 A. (Witness nodding head up and down.)

5 Q. How did you become involved with this
6 litigation?

7 A. Well, you know, sort of like how did I get to
8 DPI. I'm not really sure. I was contacted --
9 it's like all board -- you know, if you're going
10 on a board, the procedure is somebody reaches
11 out to see if you might be interested in doing
12 it, and once you say, yes, I might be
13 interested, then somebody who can offer it to
14 you calls you and says "Are you really sure
15 you'd be interested in it," and then you -- they
16 take the, yes, she's really interested and then
17 it popped up to Arnold and Porter at that point.

18 Q. Who reached out to you to see if you were
19 interested?

20 A. I don't remember.

21 Q. Do you remember how that individual or entity
22 reached out to you? By email?

23 A. Email.

24 Q. And you responded to that email?

25 A. Yes.

1 Q. And do you recall what you said in response to
2 that email?

3 A. Just I'm interested, sure. If you need me, if I
4 can help, let me know.

5 Q. If you can help with what?

6 A. If I can be part of the case or if you need me
7 to testify or whatever.

8 Q. Okay. And so then was it Common Cause that
9 reached out to you?

10 A. I think it may have been the subset of
11 Common Cause, the NC lobbying for whatever.
12 There's another little group in Common Cause
13 that's specifically for the -- for lobbying.

14 Q. Do you know if it was Jane Pinsky?

15 A. Jane herself did not reach out.

16 Q. So you believe the subset of Common Cause
17 reached out to you, you responded to that via
18 email and then they reached out to you again?

19 A. (Witness nodding head up and down.)

20 MR. ROBINSON: Objection to form,
21 "they."

22 BY MR. PENCOOK:

23 Q. Do you know what I mean? Did the Common Cause
24 subset reach out to you again?

25 A. I think so.

1 Q. Okay. And then at some point you were contacted
2 by your attorneys?

3 A. (Witness nodding head up and down.)

4 Q. Was it John who contacted you?

5 A. This John?

6 Q. Yes.

7 A. No.

8 Q. Which John was it?

9 A. It was neither John. I think it was Sara.

10 Q. Okay. Sara who?

11 A. Sara -- I can pull out my phone -- D'Amico.

12 Q. Okay. That sounds right to me.

13 A. May I say something.

14 Q. Absolutely.

15 A. I don't go to the office every day. I don't
16 read my email every day. That's one of the joys
17 of being retired, so that makes for a little
18 difference in how you keep up with everything
19 and have benchmarks for when you call and who
20 you called and that sort of thing. Just a
21 little disclaimer.

22 Q. I understand.

23 And so do you know any of the other
24 plaintiffs in this lawsuit?

25 A. I know one.

1 Q. Who?

2 A. Jim Nesbit, but let me say I only know him
3 because he reached out to John Cella to see if I
4 was the same person he knew in 1977.

5 Q. Okay. How did you guys know each other in 1977?

6 A. When I was in North Wilkesboro, we did training
7 for kindergarten teachers, and at that time he
8 was the kindergarten teacher of one of the
9 people I was working with, and we identified
10 teachers to serve in leadership positions, since
11 I know the teachers, and so I was involved in
12 that project with him.

13 Q. And so Jim reached out to you at any point?

14 A. Yeah. We exchanged emails in the disclosures,
15 and it was, basically, you know, do you know
16 what happened to Laura, and I replied that sadly
17 she's deceased. It was all personal.

18 Q. Okay. I actually have that email if we can take
19 a look at it briefly.

20 (WHEREUPON, Johnson Exhibit 1 was
21 marked for identification.)

22 BY MR. PENCOOK:

23 Q. So take a look at this and let me know when
24 you've reviewed it.

25 A. Okay. It shows a little of my bias.

1 Q. What do you mean by that?

2 A. Just that I made a political mention which I
3 shouldn't have done in email, but --

4 Q. So you think you're biased?

5 A. No.

6 Q. Well, you just said it shows a little bit of
7 your bias.

8 MR. ROBINSON: Objection;
9 mischaracterizes.

10 BY MR. PENCOOK:

11 Q. Did you not just say this shows a little bit of
12 my bias?

13 A. Well, if you -- I did say that, but what I meant
14 is that if you indicate -- in this culture, in
15 this time, if you indicate which party you
16 favor, that is often perceived as bias, and
17 that's what I meant by that.

18 Q. Well, let's talk about it for a second. So you
19 recognize that document.

20 A. Uh-huh. It's an email that I sent -- it's an
21 email chain from -- between Jim Nesbit and me
22 about our life history since the mid '70s.

23 Q. When I look back through this, it looks like
24 there's one, two, three separate emails that are
25 reflected in this chain, and this third email,

1 which would appear to be, or ought to be, the
2 first email in the chain, looks like it's in
3 response to something that Jim had sent you, but
4 I don't have the email that Jim sent you.

5 A. He did not send it to me. John sent me Jim's
6 email and said -- and left the contact to me
7 because he didn't feel it was fair for him to
8 give Jim my email, and if I wanted to contact --
9 if I wanted contact to happen, I needed to make
10 it happen, and that's why I initiated this one.

11 Q. Okay. So you sent an email to Jim before Jim
12 sent an email to you?

13 A. Yes because John had -- because Jim had --

14 Q. And I don't want to hear anything about your
15 communications with your attorneys at all. I
16 just want to know whether Jim sent you an email
17 before you emailed him.

18 A. No.

19 Q. Okay. That's fine.

20 So I want to take a look here at the
21 last part of this. It says:

22 "Thanks for making the connection.

23 I had skimmed the plaintiffs on my
24 phone, not a good way to read. I am
25 now printing and will do my homework."

1 What do you mean you skimmed the
2 plaintiffs on your phone?

3 A. I looked at the list.

4 Q. Just who the plaintiffs were?

5 A. Who they were, if I recognized any names.

6 Q. And what do you mean by do your homework better?

7 A. Read it more carefully than on my phone. I
8 still have a baby phone, because it fits in my
9 prissy, little pocketbooks, and it's really hard
10 to read on prissy, little phones.

11 Q. I understand that.

12 Well, so let's take a look at the next
13 email in the chain which was Jim's response to
14 you. You guys are talking about, you know,
15 personal things, catching up, and then it just
16 says "So interesting that we should meet again
17 on the gerrymandering suit." You see where it
18 says that?

19 A. Yes.

20 Q. What do you think he means by the gerrymandering
21 suit?

22 A. Well, I would assume that it's this particular
23 suit because he skimmed the names and saw mine.
24 And I don't know what else it could be.

25 Q. Were you ever involved in any political activity

1 with Jim?

2 A. No.

3 Q. So this was merely coincidence that you guys
4 were together in this lawsuit?

5 A. Yeah. It was one of those, whoa, small world,
6 somebody I haven't seen, heard or thought about
7 in 40 years. You know, back to my childhood,
8 actually.

9 Q. All right. So let's move to the next email.
10 And again, you know, exchanging personal
11 information, and then the last part of it says:

12 "Will be interesting to see where
13 this case goes. Love that the new
14 Democratic majority is going for
15 election reform and ethics. Maybe this
16 is the nadir."

17 Did I say that right?

18 A. (Witness nodding head up and down.)

19 Q. Why do you think it's going to be interesting to
20 see where this case goes?

21 A. I just think it's interesting that we're going
22 to be having a conversation. One of the things
23 that concerns me most about our world right now
24 is that conversations are difficult. In your
25 ground rules, you mentioned that you had --

1 there had to be a ground rule that we didn't
2 talk over each other, and I think that's an
3 unfortunate thing that we have lost our sense of
4 respect for each other and each other's
5 opinions, and it's just a chance to have a
6 conversation about some things that may need to
7 be discussed.

8 Q. And what are those things that you think need to
9 be discussed?

10 A. Well, I think it needs to be discussed about
11 whether or not -- one thing -- would you repeat
12 the question.

13 Q. Sure. You said that we need to have
14 conversations about some things. What are the
15 things that you think we need to discuss?

16 A. Well, I think, you know, we can discuss
17 education. We can discuss environment. We can
18 discuss environment. We can discuss women's
19 rights. There are just all sorts of things that
20 we need to have intelligent conversations about
21 that -- and we listen to each other, and I hope
22 that, you know, this is one of those things that
23 has a formula or a format and an audience and a
24 procedure for those conversations to happen.

25 Q. Why would -- I would be happy to have a

1 conversation with you about all of those
2 different policy issues. Do you understand that
3 this lawsuit is specifically about
4 redistricting?

5 A. Yes.

6 Q. Is that something you think there needs to be a
7 conversation about?

8 A. Yes.

9 Q. And what is the substance of that conversation,
10 do you think?

11 A. The substance of the conversation is whether or
12 not our districts are drawn to act -- to
13 represent our communities as best they can.

14 Q. Let's take a look at the next sentence there.
15 "Love the new Democratic majority is going for
16 election reform and ethics."

17 You weren't being sarcastic when you
18 said that, were you?

19 A. I truly believe that I'm happy that we're
20 looking at it in and it's coming to the fore.

21 Q. And nadir, I have to look that one up. What
22 does nadir mean?

23 A. It's either the top or the bottom. I forget
24 which.

25 Q. Okay. Well, what --

1 A. I throw big words out and I'm not actually sure
2 what they are.

3 Q. What did you mean by nadir in this context?

4 A. Well, either. It's either the beginning or the
5 end.

6 Q. The beginning or the end of what?

7 A. Whether or not we have what I would like to
8 think might be fair and equitable districts.

9 Q. Okay. And you think this is the beginning of
10 fair and equitable districts or the end of fair
11 and equitable districts?

12 A. I hope it's the beginning.

13 Q. All right. Other than your attorneys and Jim --
14 we're done with this. You can set this to the
15 side -- who have you spoken to about this
16 lawsuit?

17 A. I've spoken to my neighbors and some friends
18 that I am a plaintiff with no content.

19 Q. So when you have conversation -- well, so who
20 are your neighbors that you spoke with?

21 A. Well, my neighbor in Winston-Salem is Carol
22 Strittmatter.

23 Q. And when did you tell her that you were a
24 plaintiff in this lawsuit?

25 A. Maybe in December.

- 1 Q. Do you recall the context in which that came up?
- 2 A. The context was that "You're never at home,
3 Becky. What are you doing?" And I said -- I
4 laid out what I was going to be doing this
5 spring because I'm also on the music board of
6 the Museum of History, and we had a fundraiser
7 and a gala and a lot of meetings, and that was
8 one of the things that I was going to be doing,
9 and I was doing this, and I didn't know how the
10 calendar was going to fall with it, and I
11 couldn't give her much indication of when I
12 would be home.
- 13 Q. Did she give any indication to you of her
14 thoughts on your participation in the lawsuit?
- 15 A. Well, most of my friends just encourage the fact
16 that I'm involved in things. They're not
17 necessarily specific. And very few people
18 really understand the nuts and bolts, I think,
19 so, you know, it's not an informed conversation.
- 20 Q. And you said you spoke to some friends about
21 this lawsuit as well?
- 22 A. Well, the same thing: I may be in town more,
23 here in Raleigh.
- 24 Q. In Raleigh. So your friends in Raleigh you
25 told?

1 A. Uh-huh.

2 Q. Who are your friends in Raleigh that you told?

3 A. I told Jane Pope.

4 Q. Who is she?

5 A. She's just a friend. And it was purely in the
6 context of -- and I said, "I cannot say anything
7 except that I am a plaintiff, and I will not say
8 anything." That was the end of that
9 conversation.

10 Q. Did you tell her that it was a lawsuit that
11 involved redistricting?

12 A. I told her it was a lawsuit that she could read
13 about in the newspaper.

14 Q. So she didn't even know the case caption of it?

15 A. (Witness shaking head from side to side.)

16 Q. Did you tell any of your other friends about it?

17 A. I don't think -- I don't remember the -- but
18 every time I said anything about it, I said "You
19 can read about it in the paper. I can't talk
20 about it. I'm not going to talk about it. I
21 just want you to know that this is one of the
22 things that I'm adding to my list of causes and
23 concerns."

24 Q. Are you paying your attorneys for their work in
25 this matter?

1 A. No.

2 Q. Do you know who is paying your attorneys?

3 A. No.

4 Q. Is it important to you to know who's paying your
5 attorney's fees?

6 A. No.

7 Q. Why not?

8 A. I think it may be like making sausage. If I
9 know too much -- no, it's not important.

10 Q. Well, what do you mean by it might be like
11 making sausage?

12 A. Can I strike that.

13 Q. Do you not think it's like making sausage?

14 A. No. No. That was an ill-timed comment.

15 Q. Okay. That's fine.

16 Do you follow politics closely?

17 A. Yes.

18 Q. Are you -- where would you say you fall on the
19 scale of casual observer to political junkie,
20 for lack of a better term?

21 A. Casual observer. Political junkie.

22 Q. Yeah.

23 A. [Indicating.]

24 Q. Somewhere -- and you're showing somewhere right
25 in the middle of those two?

1 A. (Witness nodding head up and down.)

2 Q. So more than a casual observer, but you're not
3 fully obsessed with it?

4 A. No.

5 Q. So do you follow North Carolina politics
6 specifically?

7 A. Yes.

8 Q. Where do you get your news about politics?

9 A. I do news feeds on my phone.

10 Q. And what's in your news feed usually?

11 A. The Post, The Times, the News & Observer, some
12 of the things that pop up on Facebook. And I
13 usually chase things down to two sources when I
14 read them.

15 Q. So given how much you follow the news, would you
16 say that you're an informed voter?

17 A. Yes.

18 Q. And how do you inform yourself on how you're
19 going to vote?

20 A. I do it daily. I don't make a specific effort
21 to inform myself before I vote. I have usually
22 followed things to the point I've made the
23 decision well ahead.

24 Q. Do you vote -- do you give any consideration to
25 party affiliation when you decide what you're

1 going to vote for?

2 A. Sometimes, yes.

3 Q. Which times would you consider partisan
4 affiliation?

5 A. Perhaps -- I'm not sure because -- maybe if I
6 don't know the other -- maybe if I don't know
7 both candidates.

8 Q. Okay. But if you know both candidates, then you
9 don't consider partisan affiliation?

10 A. (Witness shaking head from side to side.)

11 Q. What would be an example of a race where you
12 knew both candidates?

13 A. Well, my local -- my House district this time
14 when Terri LeGrand ran against Debra Conrad
15 Schrader, I knew both candidates, and the choice
16 did not come down to political -- it was not a
17 political decision. It was a decision knowing
18 both candidates.

19 Q. What was it about representative -- I'm sorry --
20 Ms. LeGrand's --

21 A. She didn't win.

22 Q. -- Ms. LeGrand's opponent that you didn't like?

23 A. I don't remember what her specific positions
24 were, but over -- I've lived in Winston-Salem
25 for over 30 years and I have developed the

1 perception that she did not speak for
2 Winston-Salem as clearly or as strongly as I
3 would like for her to.

4 Q. What do you mean by speak for Winston-Salem?

5 A. Speak for issues -- and I don't have a specific
6 example so I don't know if I can answer that
7 question.

8 Q. Well, why did you think that she didn't speak
9 for Winston-Salem as strongly as you would have
10 liked?

11 A. I would -- I need a specific example. I've had
12 specific examples that formed my opinion and
13 they just sort of sluffed off into the I don't
14 need to remember the specifics of this because
15 I've made my decision.

16 Q. I can't give you an example --

17 A. I know.

18 Q. -- because I'm asking you if you know.

19 A. I understand that.

20 Q. But you can't recall any examples that would
21 support why you say you felt that she didn't
22 represent Winston-Salem as strongly as you would
23 have liked?

24 MR. ROBINSON: Objection to form.

25 You can answer.

1 THE WITNESS: I think there was a
2 recent example in Winston-Salem that the
3 legislators decided that they would restructure
4 how the city council districts were drawn, and I
5 was not real happy about how that was shaking
6 out.

7 BY MR. PENCOOK:

8 Q. Why were you unhappy with it?

9 A. Because I don't think the General Assembly
10 should make the decision on how a city council
11 district is drawn.

12 Q. Why not?

13 A. I just don't. I think -- I think decisions
14 about local politics need to be made at the
15 local, grassroots level.

16 Q. And do you think that the city council should be
17 in charge of drawing its own districts?

18 A. It's worked. Yes.

19 Q. You don't -- you're not concerned about any
20 biases that the city council members who draw
21 districts might bring to the table?

22 MR. ROBINSON: Objection to form.

23 You can answer.

24 THE WITNESS: Repeat the question.

25 BY MR. PENCOOK:

1 Q. Are you concerned about any biases that city
2 council members may bring to the table when
3 they're drawing the maps?

4 A. No.

5 Q. Are the city council races partisan?

6 A. Yes.

7 Q. Who's in control of the Winston-Salem city
8 council from a party perspective?

9 A. I'm going to play real ignorant. I'm not sure
10 because I haven't been in town that much since
11 the last election. I just see the bits and
12 pieces. There was a big brouhaha about the city
13 council districting.

14 Q. Do you think the Democrats might be in control?

15 A. Possibly.

16 Q. Do you think that the Republicans are in
17 control?

18 A. Possibly.

19 Q. So you just don't know?

20 A. I don't remember.

21 Q. But regardless of who's in control, you don't
22 have a problem with the city council drawing the
23 maps?

24 A. No.

25 Q. So how do you inform yourself on kind of the

1 logistics of your voting? Like where do you go?
2 Which precincts are you in? Which races do you
3 vote in?

4 A. I'm in Sherwood Forest Elementary precinct. I
5 usually do one-stop early.

6 Q. It's a lot quicker than going the day of.

7 A. Actually not.

8 Q. No.

9 A. No. In Winston, it's very often there's a line
10 at one-stop, and if you go to your precinct, you
11 can walk right in.

12 Q. My experience it's a bit quicker, but there's
13 different places --

14 A. I think it depends on the day too.

15 Q. Sure. Well, do you -- when did you first
16 register to vote? Let me ask you that.

17 A. When I could.

18 Q. Do you recall when that was?

19 A. It was when I was 21 in Sampson County. And it
20 was a Democratic precinct, my father was
21 Republican, and the guy who -- the party,
22 whatever, registered me in his pickup truck.

23 Q. Do you recall if you selected a party
24 affiliation when you registered?

25 A. That's an interesting story. I vaguely remember

1 that I thought I registered Republican, because
2 my father was Republican, and when I changed my
3 registration from Sampson County and had it
4 pulled to whatever, it showed Democratic. So I
5 think the guy in the pickup put it down for what
6 he wanted.

7 Q. Are you okay with that?

8 A. It hadn't made any difference. When I saw it, I
9 could put whatever I wanted to.

10 Q. Right. Have you been registered as a Democrat
11 ever since?

12 A. Uh-huh.

13 Q. Did you consider yourself a Democrat at the time
14 you registered?

15 A. No because my daddy was Republican.

16 Q. So you considered yourself a Republican until
17 you kind of formed your own thoughts about
18 politics and decided you wanted to be a
19 Democrat?

20 A. It's probably too much information, but my
21 father was Republican, my mother was a Democrat.
22 In North Carolina, if you wanted a voice, you
23 needed to be a Democrat so you could vote in the
24 primary at that particular point in time.

25 Q. Okay. Can you explain that a little more. What

1 do you mean by if you wanted to have a voice?

2 A. The choices were made at the primary level, not
3 in the general election, because the Democrats
4 won -- generally won at that point.

5 Q. Okay. So since -- so you've never been
6 registered as anything other than a Democrat?

7 A. No.

8 Q. Did you have -- did you -- when you were in
9 Virginia, did you register there?

10 A. Yes.

11 Q. And were you registered as a Democrat there too?

12 A. Yes.

13 Q. And you came back and you returned to
14 North Carolina in '89. Am I remembering that
15 right?

16 A. No. I returned to North Carolina in '76.

17 Q. I'm way off.

18 A. Wait a minute. Wait a minute. I returned in
19 '73. I went to North Wilkesboro in '76, '77.

20 Q. But you were registered as a Democrat then too?

21 A. Uh-huh.

22 Q. Do you consider yourself a Democratic activist?

23 A. Not really.

24 Q. Well, which political organizations are you
25 involved in?

1 A. What do you mean by political organizations?

2 Q. Well, let's, I guess, run down the list.

3 Are you a member of any county party?

4 A. I'm registered. I don't do much with party in
5 Forsyth County. No.

6 Q. Have you ever gone to any Forsyth County party
7 meetings?

8 A. It's been so long ago.

9 Q. When do you think the last time you went was?

10 A. Oh, probably 15 years ago.

11 Q. Are you involved in Common Cause?

12 A. I have been to some of their meetings, and I
13 have made some contribution.

14 Q. When did you make a contribution to
15 Common Cause?

16 A. Probably two years ago.

17 Q. Do you remember how much that contribution was?

18 A. It was a fundraiser, so I think it was \$250.

19 Q. And that was the cost of attendance essentially?

20 A. Uh-huh.

21 Q. What kind of events have you gone to for
22 Common Cause?

23 A. I went to the fundraiser. I went -- I sat in on
24 the sessions that they did when the four Supreme
25 Court judges -- two sets of Supreme Court judges

1 drew maps for the congressional districts.

2 Q. Any other events?

3 A. Maybe one other social but non-paying.

4 Q. When was that fundraiser you went to?

5 A. Last year maybe. In the spring.

6 Q. Okay. And then the Supreme Court map-drawing
7 event that you went to, when was that?

8 A. That's been about three years ago.

9 Q. What about are you involved with Democracy
10 North Carolina at all?

11 A. I think I get their email.

12 Q. Have you made any contributions to them?

13 A. (Witness shaking head from side to side.)

14 Q. Do you know how you got on their email list?

15 A. No. I think they're shared.

16 Q. Between whom?

17 A. I don't know. I don't know.

18 Q. Well, who do you -- do you have any idea who
19 they might have gotten your email address from?

20 A. I don't know how these things work. I just know
21 that lots of things are shared.

22 Q. Are you on the North Carolina Democratic Party
23 email list?

24 A. Yes.

25 Q. And then what about any other organizations?

1 Are you active with ACLU?

2 A. No.

3 Q. Are you involved with any Republican or
4 right wing-type organizations?

5 A. No.

6 Q. Have you voted in every state legislative race
7 that's been held since you registered in
8 North Carolina? And I say back to '73.

9 A. It's possible that I missed a few, but I don't
10 know. I mean, that's a -- I'm old. That's a
11 long time.

12 Q. Do you recall missing any?

13 A. I don't specifically recall missing some, but I
14 do think I may have missed some.

15 Q. Okay. Why might you have missed some?

16 A. I forgot it. I was out of town. I missed early
17 voting. I don't remember.

18 Q. Is it because that particular election wasn't
19 important to you?

20 A. It could have been because the -- one of the
21 elections in Forsyth County this year was only
22 one -- it was only -- there was only one race,
23 and it's tempting to not show up for one race,
24 but I don't remember.

25 Q. When you vote in those races, do you prefer

1 Democrats or Republicans?

2 A. Depends on the candidate.

3 Q. All right. Well, generally speaking, do you
4 vote for Democrats?

5 A. General -- that's the trend, yes.

6 Q. Have you ever voted for a Republican --

7 A. Yes.

8 Q. -- for a state legislative race?

9 A. Yes.

10 Q. Do you recall when that might have been?

11 A. (Witness shaking head from side to side.)

12 Q. Do you recall who you might have voted for?

13 A. (Witness shaking head from side to side.)

14 Q. Do you recall whether there was a Democrat
15 running against the Republican?

16 A. I'm sure there was, yes.

17 Q. Can you think of any reason why you might have
18 preferred the Republican candidate over the
19 Democrat candidate?

20 A. It could have been personal because sometimes
21 you vote for your friends whether you agree with
22 them or not. If they're your friends, you vote
23 for them.

24 Q. You've got Republican friends, right?

25 A. Yes.

1 Q. That's great.

2 A. Lots of them.

3 Q. That's great. But I guess, generally speaking,
4 more often than not, you vote for Democrat?

5 A. Generally speaking, more often than not, I do.

6 Q. Can you put a percentage on, you know, the
7 probability that you're going to vote for a
8 Democrat?

9 A. 70.

10 Q. Where does that 30 percent Republican lean fall
11 in -- strike that.

12 How do you come up with that figure?

13 A. Well, I guess I just sort of move my little
14 slide over like this and that's where it fell.
15 Those things are terribly hard to quantify.

16 Q. So if you voted in -- if you voted in 30
17 legislative elections -- let's say 20
18 legislative elections, okay, over the course of
19 40 years, that would mean you've got 80
20 different state legislative races that you voted
21 in, your state house and your state senate,
22 right. Out of those 80 races that you voted in,
23 how many Republicans do you think you voted for?

24 MR. ROBINSON: Objection to form; asked
25 and answered.

1 You can answer.

2 THE WITNESS: I don't know.

3 BY MR. PENCOOK:

4 Q. Other than the legislative races, do you ever
5 vote for Republicans in any other statewide
6 race?

7 A. Absolutely.

8 Q. Who would be a Republican that you voted for?

9 A. Steve Troxler.

10 Q. Do you know Steve?

11 A. I know his son.

12 Q. Do you like Steve?

13 A. Uh-huh.

14 Q. Have you ever voted for a Democrat for
15 agriculture commissioner?

16 A. Yes. That was --

17 Q. Any other Republicans you voted for in statewide
18 races?

19 A. John Faircloth.

20 Q. Have you ever voted for a Republican for
21 governor?

22 A. Jim Holshouser, but those are friends.

23 Q. Right. So you know Jim Holshouser and John
24 Faircloth?

25 A. The email here, the Laura here that we mentioned

1 is his sister.

2 Q. Okay. There you go.

3 All right. So just to kind of sum it
4 up, what influences how you vote?

5 A. If the position is in line with what I feel is
6 important for the quality of life in
7 North Carolina, that's who I vote for.

8 Q. Which state House district do you live in?

9 A. 74.

10 Q. And who is your representative?

11 A. Debra Conrad Schrader.

12 Q. Do you know Debra Conrad?

13 A. I worked polls with her this year.

14 Q. And let me take a step back here for a second.

15 You worked the polls with her. Were you working
16 for a campaign at that time?

17 A. No. I was working for Terri LeGrand, but I was
18 at the polls with her.

19 Q. Were you working for Terri LeGrand in a paid
20 capacity or volunteer?

21 A. No. Volunteer.

22 Q. Have you worked for any other campaigns?

23 A. No.

24 Q. Never volunteered for any campaigns?

25 A. My own.

1 Q. Your own. You ran for office?

2 A. (Witness nodding head up and down.)

3 Q. When did you run for office?

4 A. 2002.

5 Q. Which office did you run for?

6 A. State House.

7 Q. Which district did you run in?

8 A. The -- whatever the district was in 2002 that
9 Sherwood Forest Elementary precinct is in. It
10 changed four times during the time I was
11 running.

12 Q. Okay. Can you tell me why you decided to run
13 for office?

14 A. It was an open seat.

15 Q. What do you mean by open seat?

16 A. The open seat is when there's no incumbent, I
17 think, but I may not have the right definition.

18 Q. Okay. So you ran as a Democrat?

19 A. Yes.

20 Q. And who did you run against?

21 A. Bill McGee.

22 Q. And tell me about that experience.

23 A. It's life changing because the discipline it
24 takes to be a candidate, that every minute that
25 you're -- you exist you have to tell yourself

1 that you aren't -- if you aren't raising money
2 and you aren't getting votes, you don't count,
3 and so it tells you a lot about your own stamina
4 and your own focus.

5 Q. How did that race end up?

6 A. I lost to Bill McGee, but I won the primary
7 before that.

8 Q. Who was in the primary with you?

9 A. Tommy Brandon.

10 Q. Why do you think you won the primary?

11 A. Because I had a more organized campaign, and
12 Tommy Brandon had been a commissioner in Yadkin
13 County and had just recently moved to Forsyth.
14 I don't know that had anything to do with it or
15 not, but I worked like a dog.

16 Q. Sure. Well, and do you think it had anything to
17 do with your policy positions at all?

18 A. No.

19 Q. Or was it all ground game?

20 A. It was ground game.

21 Q. And so you lost to Bill McGee?

22 A. Uh-huh.

23 Q. Do you recall what the percentage was?

24 A. I think it was something like 63/37.

25 Q. Do you recall, was it -- you were in

1 Winston-Salem at that point, right?

2 A. I've been in Winston-Salem since '87.

3 Q. Do you recall -- is it -- were you in state
4 House District 74 when you ran?

5 A. It changed. It was 73, 72 -- I think it may
6 have been 72. And there was difficulty at that
7 point in, actually, the lines were being
8 litigated and they -- you know, we'd wait, every
9 few weeks we'd get a new slightly tweak on which
10 precincts were in the district.

11 Q. Do you know what litigation was going on at that
12 point?

13 A. No. I was too busy ground-gaming.

14 Q. Do you know whether the district that you were
15 running in was drawn by Democrats -- a
16 Democrat-controlled legislature or a
17 Republican-controlled legislature?

18 A. I think it was a Democratic-controlled
19 legislature.

20 Q. Did you have any complaints about how the
21 Democrat legislature had drawn the maps?

22 A. I knew that there were districts that -- it was
23 the same situation. It's a situation that some
24 districts were considered Republican leaning and
25 some districts were considered Democratic

1 leaning, and I was in one that was Republican
2 leaning and it was a long shot.

3 Q. Did you have any complaints at how -- did you
4 ever complain to anybody in the legislature
5 about how that map was drawn?

6 A. I'm sure I did, but not -- not formally.

7 Q. Why are you sure that you did?

8 A. Because I didn't like it, and I realized that I
9 was at a disadvantage because the DPI was such
10 that it was very difficult to raise money.

11 Q. What do you mean by DPI?

12 A. Democratic Performance Index.

13 Q. What's that?

14 A. It means the chances of a Democrat winning.

15 Q. Where did you come up with that term?

16 A. It's a pretty standard accepted term.

17 Q. Did you learn that term when you were running
18 for office?

19 A. Yes.

20 Q. Who did you learn that term from?

21 A. It was -- I don't know.

22 Q. Might it have been from the Democratic Party?

23 A. No, it wasn't from the Democratic Party. It was
24 from a lobbyist.

25 Q. Which lobbyist?

1 A. Roger Bone.

2 Q. Who's Roger Bone?

3 A. He's dead.

4 Q. Okay.

5 A. He was a state senator from Rocky Mount. He
6 was -- he was a very well respected state
7 senator and lobbyist.

8 Q. Was he Democrat or Republican?

9 A. Democrat.

10 Q. And how did you know him?

11 A. He was my downstairs neighbor.

12 Q. Okay. Did you ever consider suing the
13 legislature for the way that your district was
14 drawn?

15 A. No.

16 Q. All right. So I want to go back to your
17 representative. It's Debra Conrad, right?

18 A. Uh-huh.

19 Q. I know you worked the polls with her. Have you
20 had any conversations with her about
21 redistricting?

22 A. No.

23 Q. Any conversations with her about politics?

24 A. No.

25 Q. Have you had any conversations with her at all?

1 A. Chitchat at the polls.

2 Q. But that's just small talk, pleasantries?

3 A. (Witness nodding head up and down.)

4 Q. Okay. Now, what about your state Senate
5 district, which state Senate district are you
6 in?

7 A. 30 something. Joyce Krawiec is the state
8 senator.

9 Q. And do you know Joyce?

10 A. I've met her, yes.

11 Q. Have you had any conversations with her?

12 A. One brief one.

13 Q. Do you recall the substance of that
14 conversation?

15 A. It was gerrymandering.

16 Q. Okay. Can you elaborate on what that
17 conversation was like?

18 A. I'd like for you to think -- I'd like for you to
19 support the legislation for redistricting, and
20 she said, sure, I'll think about it, and that
21 was the extent of it.

22 Q. And what do you mean by legislation for
23 redistricting?

24 A. I'm not sure. Let me say that -- ask the -- you
25 want to know what I meant by legislation for

1 redistricting?

2 Q. Yes, ma'am.

3 A. Perhaps legislation is not the right term.

4 Perhaps I should say I'm concerned that we have
5 13 representatives in a state that votes 50/50,
6 or there about, and we have ten Republicans and
7 three Democrats. That's a concern I have. And
8 however you -- I just share that concern, and
9 however it plays out in legislation in how a
10 commission is chosen to draw districts, but, to
11 me, I feel that it's -- there's a certain amount
12 of unfairness just from my fourth grade math.

13 Q. Do you know of any legislation about
14 redistricting that you support?

15 A. I haven't kept up -- there are several bills
16 that are floating around, and they're
17 variations, but I haven't chosen one to support.

18 Q. Do you have a particular policy that you'd
19 prefer to be in place regarding redistricting?

20 A. What do you mean by policy?

21 Q. Do you support the legislature drawing the maps?

22 A. Possibly.

23 Q. When would you not support the legislature
24 drawing the maps?

25 A. I don't think I support the legislature drawing

1 the maps.

2 Q. Okay. If a legislature doesn't draw the maps,
3 who do you think should draw the maps?

4 A. Well, there are several proposals.

5 Q. Okay. Which proposals are you aware of?

6 A. There's a master. There's a commission. I
7 think there are three or four, but I'm not --
8 I'm not well versed enough on the specifics to
9 give you good answers.

10 Q. Okay. What's your understanding of the master
11 drawing maps? Who's the master?

12 A. The master is a professional who has -- has
13 studied the demographics and trends and can
14 speak to whether or not each voter's vote counts
15 for the same.

16 Q. What do you mean by every voter's vote counts
17 for the same?

18 A. Well, if you're in -- if you're a Democrat in a
19 Republican-leaning district, the chances of your
20 vote counting aren't really good because you're
21 out -- you're outnumbered.

22 Q. When you cast a vote in a Republican-leaning
23 district as a Democrat, do you think that your
24 vote increases the tally for your preferred
25 candidate?

1 A. Increases the tally, yes.

2 Q. And so it's counted in that sense, right?

3 A. It's counted in that sense.

4 Q. You don't think that anybody's thrown out your
5 ballots or anything like that, do you?

6 A. No.

7 Q. So the master is a professional. How do you
8 find this professional?

9 A. I don't know.

10 Q. Who gives a professional instructions on what he
11 should do?

12 A. I don't know.

13 Q. How do you avoid -- well, you would prefer that
14 the professional not be biased towards any one
15 party, right?

16 A. Absolutely.

17 Q. How do you find that person?

18 A. There are professionals who understand
19 demographics and trends and formulas, and I
20 would prefer that something scientific be used
21 that would relate to the population.

22 Q. Okay. Are you aware of any constitutional
23 requirements for how the legislature is supposed
24 to draw the maps right now?

25 A. No.

1 Q. Okay. How do you think the legislature goes
2 about drawing the maps?

3 A. I'm not sure. It's done in committee.

4 Q. Okay. Do you know whether they consider
5 population when they're drawing the districts?

6 A. I would hope they do.

7 Q. Do you know whether they consider whether the
8 districts are contiguous?

9 A. That's part of what they need -- what should be
10 done, yes.

11 Q. What's your understanding of what should be
12 done?

13 A. My understanding of what should be done is that
14 communities be kept intact as much as possible,
15 that if you -- you can have a contiguous
16 district as long as one precinct touches the
17 next precinct, but that does not necessarily
18 mean that you're going to keep a community
19 together when you do that.

20 It needs to -- I think the districts
21 need to be communities of interest who have --
22 rather than having a group that goes from
23 Charlotte to Bladen County, because there's some
24 differences in the interest of what the -- the
25 economic interests, the philosophical interests,

1 the educational interests, the economic
2 interests, and if communities are drawn closer
3 together, your chances of having like-minded
4 people to have someone speak for them is
5 greater.

6 Q. So is compactness something that they should
7 consider too?

8 A. Yes.

9 Q. What about keeping counties whole?

10 A. I think it's a good idea too.

11 Q. And then what about protecting incumbents, is
12 that something that ought to be considered?

13 A. No.

14 Q. Why not?

15 A. Why would you? Well, I'm sorry, I'm not
16 supposed to ask you that.

17 No, I don't -- well, an election is to
18 determine whether an incumbent should go back,
19 so protecting him is not a reason -- or her.

20 Q. Do you see any benefit in the people who live in
21 a particular district having continuity in who
22 represents them so that they know how to get in
23 touch with that person, who they are, you know,
24 what their tendencies are?

25 A. That doesn't -- I mean, voting is to determine

1 whether or not the representative is doing a
2 good job. It's not -- constituent service is a
3 different thing, and that's what it --
4 constituent service is what you're talking
5 about.

6 Q. And I would like to distinguish voting from
7 drawing the maps. And I'm asking you in drawing
8 the maps, is that something you think should be
9 considered is incumbency protection?

10 A. No.

11 Q. Then what about partisanship, should partisan
12 affiliation be considered to any extent?

13 A. I don't -- not necessarily. No.

14 Q. Not necessarily or no?

15 A. No. No.

16 Q. Why not?

17 A. Because you're tipping the scale when you put a
18 factor like that in.

19 Q. So I want to go back to this master. So how --
20 given all of those things that we just talked
21 about as things you think should be considered,
22 the things that you said should be considered,
23 who instructs the master on what weight to give
24 each of those factors?

25 A. Isn't that a determination by whomever hires the

1 master.

2 Q. Well, who hires the master?

3 A. I would assume the General Assembly would need
4 to hire the master.

5 Q. And so the General Assembly has partisan
6 leanings, right? It's a partisan body.

7 A. It's a partisan body, but it should be
8 representative of interest and not partisan
9 interest.

10 Q. Well, would you have any issues with a majority
11 of the legislature setting the algorithm that
12 the master is going to use in a way that they
13 think would favor their party?

14 A. Repeat the question.

15 Q. So you said the legislature has got to tell the
16 master what to consider, right?

17 A. These are all -- I think there are four plans
18 and there are various variations in the
19 hypotheticals, and I'm not really giving -- I
20 don't know enough about them to give good
21 answers or to have -- to give you responses I
22 feel comfortable with about how I feel about
23 those different plans. So, you know, I just
24 don't know what to say.

25 Q. Well, let me ask you this maybe a bit more

1 simply. If ultimately the legislature has to
2 give the instruction to whoever you think should
3 draw the map, whether it's the legislature
4 drawing it themselves or the master or whatever,
5 how do you separate partisan bias from that?

6 MR. ROBINSON: Objection to form.
7 Confusing, incomplete hypothetical, but you can
8 answer.

9 THE WITNESS: I don't have an answer.

10 MR. PENCOOK: All right. Well,
11 let's -- we've been going for a little over an
12 hour. Can we take a break.

13 THE WITNESS: Sure.

14 (Brief Recess: 10:44 to 10:58 a.m.)

15 BY MR. PENCOOK:

16 Q. All right, Ms. Johnson. I want to go back to
17 your understanding of who is paying your fees
18 for this lawsuit. You said you don't know which
19 entity is, right?

20 A. I don't know, no.

21 Q. Do you know who -- what the National Democratic
22 Redistricting Foundation is?

23 A. No.

24 Q. Are you -- do you know what Eric Holder is doing
25 since he left the Obama administration?

1 A. He's doing redistricting things. That's what I
2 read in the paper.

3 Q. And do you know if that's the same organization
4 I just mentioned?

5 A. I do not know.

6 Q. Why do you think that Eric Holder is doing that
7 now?

8 MR. ROBINSON: Objection; calls for
9 speculation.

10 THE WITNESS: I don't know.

11 BY MR. PENCOOK:

12 Q. Do you think it has anything to do with his
13 preferred party?

14 A. I don't know.

15 Q. You don't have any opinions on what it might be?

16 A. No. I mean, I choose NC Child and Carolina
17 Ballet to do in my retirement. He's choosing
18 whatever he's choosing.

19 Q. And so let's talk a little bit more, then, about
20 your run for state house.

21 Do you think you'll ever run for office
22 again?

23 A. No.

24 Q. Why not?

25 A. I told you when I talked about it earlier. It's

1 brutal. If you -- if you aren't making phone
2 calls, knocking on doors, raising money, doing
3 something to move the needle on your votes,
4 you're wasting your time. And the dynamic
5 tension that it takes to keep you going is just
6 brutal, not to be confused with the fact that
7 you can't go to the grocery store and look like
8 a slob. If somebody screws up your printing at
9 Office Max, you can't scream at them because
10 there are too many people looking. You have to
11 be in control all the time, and I'm not -- I'm
12 too old to put myself through that. There are
13 other ways to influence what happens in the
14 world.

15 Q. Sure. Is participating in this lawsuit a way to
16 influence what's happening in the world?

17 A. It is a way to keep me informed of what is
18 happening, and possibly, yes.

19 Q. You don't think you're going to run for office
20 again now. When you lost in 2002, did you ever
21 consider running again?

22 A. I was approached about running for state
23 superintendent.

24 Q. Who approached you?

25 A. My campaign manager.

1 Q. Who's your campaign manager?

2 A. Her name is Leeann Powell, and she's no longer
3 doing politics. She's doing -- she does
4 Sun Dog, the liquor, and she does bourbon. She
5 has a bourbon distillery near Charlotte. So,
6 you know, if that says anything about --

7 Q. So she's a distiller?

8 A. She's a distiller. No longer a politician.
9 She's a distiller.

10 Q. Good for her. Sounds great.

11 Did you ever consider moving somewhere
12 else to run for state House?

13 A. I was approached about doing that and I didn't
14 want to.

15 Q. Who approached you about that? Was it Leeann?

16 A. No. It was one of my friends who wanted me to
17 move into his neighborhood.

18 Q. Where did they ask you to move?

19 A. Would have been Washington Park in
20 Winston-Salem.

21 Q. Why did you decide you didn't want to do that?

22 A. I just didn't want to do it. I didn't want to
23 run. I didn't want to move. I wasn't
24 interested.

25 Q. Is there anything about that district that made

1 you not want to run in it?

2 A. Which district?

3 Q. The district that you would have moved into if
4 you had followed through on what this person
5 asked you.

6 A. No.

7 Q. Do you know whether the district you would have
8 moved into typically elected a Democrat or a
9 Republican?

10 A. More often a Democrat, but I didn't investigate
11 it enough to give you an intelligent answer.

12 Q. Do you know the district number that was?

13 A. No.

14 Q. But it was in Winston-Salem proper?

15 A. Well, you need to remember that this was 2002.
16 We had lots of changes during that time and
17 there have been changes since then, so I have --
18 I don't know. I didn't investigate it. I
19 wasn't interested.

20 Q. All right. Well, can you tell me why you're a
21 plaintiff in this lawsuit?

22 A. Because somebody thought I might be a good
23 plaintiff.

24 Q. Who thought that?

25 A. I don't know.

1 Q. So you're only in this because somebody thought
2 you'd be a good plaintiff?

3 MR. ROBINSON: Objection;
4 mischaracterizes.

5 THE WITNESS: I am interested in the
6 process. I'm interested in how decisions are
7 made. I'm interested in -- as I mentioned
8 before, I'm interested in the fact that just my
9 fourth grade teacher math tells me that if you
10 have a state that votes 50/50 and you have ten
11 Republican seats and three Democratic seats, I'm
12 interested in exploring the extent to which that
13 is fair.

14 BY MR. PENCOOK:

15 Q. All right. Well, you've mentioned that a couple
16 of times now, the fourth grade math. And are
17 the districts that you're talking about in that
18 50/50 and you've got --

19 A. Those are the congressional districts.

20 Q. Okay. And are those being challenged in this
21 lawsuit?

22 A. No.

23 Q. So do you have any issue with the state
24 legislative maps?

25 A. I have an issue, yes, I do because if you look

1 at the Forsyth map, you have a big blue clump in
2 the middle and you have all the pink stuff on
3 the outside. And I remember when those were
4 drawn, they were drawn specifically because
5 Linda Garrou was one of the -- was drawn out of
6 her district which removed her from the
7 incumbency, and there were issues at that point.

8 Q. Who drew that map that removed Linda from her
9 district?

10 A. Whoever drew -- let me say this: This is kind
11 of like a chicken and egg. The who's and the
12 what's and the hows, I can't give you answers
13 because it's too complex. I have no idea of how
14 it gets started. I have no idea of the
15 processes. And even if I did, if it's like
16 everything else in the world, they're informal
17 influences that make it happen of which I would
18 have no information, so I can't really be
19 helpful.

20 Q. What was the name of the Linda person you say?

21 A. Garrou.

22 Q. Garrou. Do you know what year Linda Garrou was
23 removed from her district?

24 A. Okay. I ran in '02. It was about the time Kay
25 Hagan went to the senate.

1 Q. So was it while the legislature was controlled
2 by the Republican Party?

3 A. Yes.

4 Q. And do you have issue with Linda Garrou being
5 removed from her district?

6 A. Well, I have -- it's not just -- not just that.
7 That's not the real issue. The issue to me is
8 that there -- there were -- and I forget which
9 year. God knows I can't be specific about this,
10 please, because I'm getting old, too many years
11 to remember. There was a time in my precinct
12 that down the street from me, one side of the
13 street was in my precinct and the other side was
14 in another precinct, and I don't think that sort
15 of thing is helpful because it's the same
16 community and that community needs to be
17 together as much as possible in my opinion.

18 Q. Well, so I want to go back to Linda Garrou,
19 though. Was she -- was she a representative in
20 the legislature at any time?

21 A. She was state senator.

22 Q. State senator, okay. And so she was an elected
23 state senator?

24 A. Yes.

25 Q. Was it Senate District 32?

1 A. I don't remember the number.

2 Q. But she was drawn out of her district according
3 to you?

4 A. (Witness nodding head up and down.)

5 Q. You mentioned earlier that you didn't think
6 incumbency protection was something that ought
7 to be considered when drawing the maps, though,
8 right?

9 A. (Witness nodding head up and down.)

10 Q. So do you have any change in your opinion on
11 that now?

12 A. No.

13 Q. So you didn't have any issues with Linda being
14 drawn out of her district?

15 A. I just used that as an example of -- I like
16 Linda, I thought she did a good -- she was
17 effective, she was responsive to the needs that
18 I shared with her, but I don't think her
19 incumbency should necessarily have been
20 protected.

21 Q. Was she your state senator at any point?

22 A. Yes.

23 Q. And so -- but you didn't have any issue with how
24 her district was drawn before it was changed,
25 did you?

1 A. No. And quite honestly, you know, these are
2 very specific questions about very squishy
3 concepts of whether I know, whether I remember.

4 Q. And I only want to know what you know to the
5 best of your knowledge.

6 A. Sure.

7 Q. I'm not asking you to make anything up.

8 A. I'm not.

9 Q. And I don't believe that you are. And so I want
10 to clarify that. If I ask you a question, then
11 answer to the best of your knowledge.

12 A. Okay.

13 Q. But just to get back to what we were saying, you
14 didn't have any issue with how the map was
15 drawn?

16 A. I did not. And then I didn't know if I knew
17 enough to have an issue. I was pretty ignorant.

18 Q. But I guess how can you say you were ignorant
19 about legislative districts if you ran for
20 office in 2002? Didn't that inform you a lot on
21 legislative districts?

22 MR. ROBINSON: Objection; compound
23 question.

24 THE WITNESS: What's the question?

25 BY MR. PENCOOK:

1 Q. Didn't you learn a lot about legislative
2 districts in running for state House?

3 A. I learned that my district changed from month --
4 from week to week, and that was what I was
5 focused on when I was running.

6 Q. When you ran for state House in 2002, did you do
7 any coordination with the local Democratic
8 Party?

9 A. The Democratic Party did picnics and whatever.

10 Q. And so did you attend Democratic Party events,
11 functions --

12 A. Of course.

13 Q. -- while you were there?

14 In those functions, did you have any
15 interactions with any other candidates in
16 Forsyth County?

17 A. Yes.

18 Q. Did you have any discussions with them about
19 their races generally?

20 A. I don't remember.

21 Q. Did you have any discussions with them about the
22 districts, how they were drawn?

23 A. No.

24 Q. Any discussions with them about their chances of
25 winning?

1 A. Everybody thinks they're going to win. You
2 don't go -- you don't say anything else.

3 Q. So I guess I wanted to ask you, then, which
4 constitutional rights do you think are being
5 harmed that you're challenging? Sorry. Strike
6 that.

7 Do you think that you have any
8 constitutional rights that are harmed by the way
9 the maps are drawn now?

10 MR. ROBINSON: Objection; vague.
11 Federal constitution? State constitution?

12 MR. PENCOOK: Let me clarify.

13 BY MR. PENCOOK:

14 Q. Do you have any state constitutional rights that
15 you think are being violated that you're
16 challenging in this lawsuit?

17 A. Do I have some choice of rights?

18 Q. Well, what rights do you think have been
19 violated by the 2017 plans?

20 A. Right to -- my voice to count. I think that --
21 I don't know my state constitution that well.

22 Q. Okay. Do you think you have any federal
23 constitutional rights that are being violated by
24 these maps?

25 A. Well, I think -- I'm not sure that -- well, I

1 don't think that my vote necessarily has the
2 weight that it would have were the maps more
3 equitably drawn.

4 Q. And which constitutional right is violated by
5 that?

6 A. I would have to -- please, I need the
7 constitution in front of me so I can speak -- I
8 can't speak to --

9 Q. And I don't have a copy of it, but do you think
10 you have federal constitutional rights that are
11 being violated by --

12 A. Yes, I do, but to answer your question well, I
13 would like to see what my choices are so I can
14 speak better.

15 Q. Let me ask you this just generally. Why didn't
16 you raise your federal constitutional claims in
17 this lawsuit?

18 A. Excuse me.

19 Q. Why didn't you raise your federal constitutional
20 claims in this lawsuit? If you think you have
21 federal rights being violated, why didn't you
22 raise those claims in this lawsuit?

23 A. In this lawsuit?

24 Q. Yes, ma'am.

25 A. I didn't realize I had that opportunity.

1 Q. Do you wish that your federal constitutional
2 rights had been alleged in this lawsuit?

3 A. I don't know.

4 Q. What is your understanding of the relief that
5 the plaintiffs are seeking in this lawsuit?

6 A. Can you repeat the question.

7 Q. Yes, ma'am. What is your understanding of the
8 relief that the plaintiffs are seeking in this
9 lawsuit?

10 A. My understanding is it would be a new way that
11 the districts could be redrawn.

12 Q. What would be the new way that the districts
13 could be redrawn?

14 A. I don't know.

15 Q. Do you know whether the relief you're seeking is
16 to have the 2017 plans completely thrown out?

17 A. Possibly.

18 Q. Okay. Well, have you reviewed the amended
19 complaint that was filed under your name in this
20 lawsuit?

21 A. I did some months ago.

22 Q. You haven't done it recently?

23 A. Huh-uh.

24 Q. Did you review it before your attorneys filed it
25 under your name?

1 A. No.

2 Q. So you allowed them to file it without having
3 reviewed it?

4 A. Yes.

5 Q. Why didn't you want to review it?

6 A. It's not a question of whether I wanted to.
7 It's like everything that has to be procedural
8 and filed and you have to have conversations.
9 If you had conversations about everything,
10 nothing would ever get done.

11 Q. Well, you've reviewed the amended complaint
12 since it was filed?

13 A. Uh-huh.

14 Q. Do you have any reason to dispute any of the
15 claims or allegations that were made on your
16 behalf therein?

17 A. I'd need to go back and look specifically.
18 That's not -- it's a big ole document.

19 Q. I agree with you.

20 A. And I've got little brain cells, and I need some
21 of these things in front of me before I can deal
22 with decent answers.

23 Q. Ms. Johnson, I don't believe that for a second.
24 You're very sharp.

25 Well, so let's go ahead and pull that

1 out, then.

2 (WHEREUPON, Johnson Exhibit 2 was
3 marked for identification.)

4 BY MR. PENCOOK:

5 Q. I want you to look at it generally. I don't
6 want you to read the whole thing. Otherwise
7 we'll be here all day. I'm going to point you
8 to specific pieces of it, but just looking at
9 the first few pages of this document, do you
10 recognize it?

11 A. Yes. It looks like one I printed.

12 Q. And this appears to be an accurate copy of that
13 document that you printed?

14 A. I have to assume so, yes.

15 Q. And this is the amended complaint, right?

16 A. Yes.

17 Q. So I want to take a look at paragraph 26 on
18 page 9. And I'll read it, if you'll read along
19 with me. It says:

20 "Plaintiff Rebecca Johnson is a
21 retired educator residing in
22 Winston-Salem, NC, within House
23 District 74 and Senate District 31.
24 Ms. Johnson is a registered Democrat
25 who has consistently voted for

1 Democratic candidates for the
2 General Assembly."

3 Do you see that?

4 A. Uh-huh.

5 Q. You testified today that you voted for
6 Republican candidates for General Assembly in
7 the past.

8 A. Uh-huh.

9 Q. So what did you mean by consistently voted for
10 Democratic candidates?

11 A. If I have to say that I -- the question -- when
12 you ask the question if I have ever, under oath,
13 I have maybe once or twice. Consistently I vote
14 Democratic.

15 Q. Okay. So you've only voted once or twice for a
16 Republican?

17 A. I don't remember.

18 Q. We talked earlier about kind of the 70/30
19 percentage split.

20 A. I don't remember. By the time you vote three or
21 four times a year and every two years and
22 whoever and -- I don't remember.

23 Q. Okay.

24 A. And I probably tried too hard to help you with
25 my answers, and I should have just said I don't

1 know.

2 Q. If you knew the answer, why would you say I
3 don't know?

4 A. What's the purpose of the question?

5 Q. I'm just asking the question. You don't know?

6 A. I don't know what to say.

7 Q. You're answering my questions, though, to the
8 best of your ability?

9 A. I am, but to the best of my ability when you ask
10 the question, but then when you're looking back
11 on a voting history of probably longer than
12 you've been alive trying to remember these
13 things and give a specific point answer to it is
14 real, real tough and probably inaccurate.

15 Q. I understand. And I again only want you to
16 testify as to what you know.

17 A. I'm doing the best I can.

18 Q. Let's move on from that point. I'm going to
19 continue reading.

20 "House District 74 adjoins two
21 packed Democratic districts, allowing
22 House District 74 to favor Republicans.
23 In 2018, the Republican candidate won
24 House District 74 with more than
25 54 percent of the vote."

1 Do you see where it says that?

2 A. Uh-huh.

3 Q. What do you mean when you say packed Democratic
4 districts?

5 A. Well, that's when you have precincts that are
6 generally -- that generally vote Democratic are
7 put together -- are configured so that they're
8 all together.

9 Q. What about precincts that generally vote
10 Republican, when they're grouped together, are
11 they packed as well?

12 A. Where are they packed? I mean, if you look at
13 the Forsyth map, your packing is that little
14 centerpiece.

15 Q. Right. And I'm asking you in general about the
16 term packing.

17 When Republican precincts that
18 typically vote Republican are grouped together,
19 are they packed?

20 A. I would -- packed is packed, if you're
21 clustering.

22 Q. So yes?

23 A. I guess yes.

24 Q. And then we'll go on.

25 "Senate District 31 -- which

1 cradles Senate District 32, a packed
2 Democratic district -- leans
3 Republican. In 2018, the Republican
4 candidate won Senate District 31 with
5 over 61 percent of the vote."

6 Do you see where it says that?

7 A. Uh-huh.

8 Q. And so I guess are you complaining that your
9 district Senate District 31 is packed or that
10 Senate District 32 is packed?

11 MR. ROBINSON: Objection. The
12 documents speaks for itself, but you can answer.

13 THE WITNESS: The document speaks for
14 itself.

15 BY MR. PENCOOK:

16 Q. Well, what's your understanding of what the
17 document means?

18 A. What are we asking about what the document
19 means?

20 Q. I'm asking you -- it says Senate District 32 is
21 a packed Democratic district, right?

22 A. Uh-huh.

23 Q. Do you have any complaints about Senate
24 District 31 being packed?

25 A. Yeah, I do. I don't think any should be packed,

1 quite honestly.

2 Q. Do you think Senate District 31 is packed?

3 A. 31 is a Republican district, right?

4 Q. It voted for Republican in 2018.

5 A. I'm confused. I don't know.

6 Q. You don't know whether Senate District 31 is
7 packed?

8 A. Okay. The question is -- we're down to Senate
9 District 31 and 32, right?

10 Q. Yes, ma'am.

11 A. You can look at it -- if you look at the
12 figures, what's the percentage for District 32?

13 Q. I don't know off the top of my head, but you
14 said Senate District 32 is packed, right?

15 A. It says it's packed. But I'm just -- that would
16 be my way of making an informed decision of the
17 packing if you -- you're saying that District 32
18 is packed, and this is one I should have -- I'm
19 sorry I didn't catch it as we're going through
20 it when it was filed, but if you're saying that
21 it's -- if it's packed, I'd like to see packed
22 figures for both of them and the figure for 32
23 would give me an indication of whether or not 31
24 was packed.

25 Q. Well, if you say here that Senate District 31,

1 in 2018 a Republican candidate won it with over
2 61 percent of the vote, does that inform your
3 decision on whether you think Senate District 31
4 is packed?

5 A. If it were similar to the figure for 32, yes.

6 Q. Well, do you have any -- any opinion on if
7 there's a percentage that is reflected in an
8 election result that suggest that a district is
9 packed, what would that percentage be?

10 A. I don't know.

11 Q. Do you think that a Republican winning with
12 61 percent of the vote means that Senate
13 District 31 is packed?

14 MR. ROBINSON: Objection; asked and
15 answered.

16 THE WITNESS: I don't know.

17 BY MR. PENCOOK:

18 Q. All right. Well, let's go on and skip ahead to
19 page 46, paragraphs 155 and 156. And if you'll
20 just read those briefly and then we can talk
21 about them. Just let me know when you're done.

22 A. Okay.

23 Q. All right. So paragraph 155 says "House
24 Districts 71, 72, 73, 74 and 75 are within a
25 county cluster of Forsyth and Yadkin counties."

1 Do you know what is meant by a county cluster?

2 A. No.

3 Q. Do you know whether there is a North Carolina
4 constitutional provision that requires counties
5 to be kept whole to the extent possible?

6 A. I think there is.

7 Q. Do you think a county cluster has anything to do
8 with that provision?

9 A. What is the -- oh, this line is for 70. This
10 line in this pink is 74, right? And the blue is
11 72 and 71, and 75 is everything around it,
12 right?

13 Q. You've pointed at all the things that you just
14 mentioned. Yes, ma'am.

15 A. So what was your question?

16 Q. I just asked you whether the county cluster, if
17 you knew whether the county cluster has anything
18 to do with the constitutional provision
19 requiring counties to be kept whole.

20 A. Well, it looks like it.

21 Q. Okay. Do you have any problems with Forsyth and
22 Yadkin counties being grouped together like
23 that?

24 MR. ROBINSON: Objection to form.

25 THE WITNESS: What's the question?

1 BY MR. PENCOOK:

2 Q. Do you have any objections to Yadkin and Forsyth
3 County being grouped together?

4 A. They're very different.

5 Q. Okay. In what ways?

6 A. Yadkin is a very -- is more rural. It doesn't
7 have the banking, the medical centers. Forsyth
8 is the support system for northwestern
9 North Carolina, and as such, it's not like much
10 of the rest of northwestern North Carolina.

11 Q. Well, if those counties had to be grouped
12 together for population purposes, do you think
13 that the way District 73 is drawn is the best
14 way to draw that district?

15 MR. ROBINSON: Objection.

16 THE WITNESS: I don't know what to say
17 because I'd have some other ideas about it.
18 There are some other pieces about how these
19 things would be drawn that I think would factor
20 in.

21 BY MR. PENCOOK:

22 Q. Let's assume that in order to put the people of
23 Yadkin County in a legislative district, you had
24 to, for population purposes, draw into Forsyth
25 County. Can you make that assumption with me.

1 A. Okay.

2 Q. Is the way that the map -- the district then
3 goes into Forsyth County, is there anything
4 improper about the way that that map goes into
5 Forsyth County?

6 MR. ROBINSON: Objection; incomplete
7 hypothetical; confusing.

8 THE WITNESS: Yes, it is. I'm having a
9 hard time reading the map. I'm having a hard
10 time -- I don't know how to respond just looking
11 at this map.

12 BY MR. PENCOOK:

13 Q. Well, okay. Which parts of Forsyth County do
14 you think would share interests with Yadkin
15 County?

16 MR. ROBINSON: Objection. What do you
17 mean by interests?

18 But you can answer.

19 THE WITNESS: I can't give you a decent
20 answer on the spot.

21 BY MR. PENCOOK:

22 Q. Okay. All right. So your complaint here is
23 that the General Assembly -- I'm reading here at
24 156.

25 "The General Assembly split the

1 City of Winston-Salem across all five
2 districts in the cluster as part of
3 this scheme, even though Winston-Salem's
4 population could fit within just three
5 districts."

6 Do you see where it says that?

7 A. Uh-huh.

8 Q. Do you think that Winston-Salem should be drawn
9 in as few districts as possible?

10 A. Yes.

11 Q. Why?

12 A. Because of the commonality of interest.

13 Q. If Winston-Salem were drawn in as few districts
14 as possible, wouldn't Democratic voters be
15 packed?

16 MR. ROBINSON: Objection; incomplete
17 hypothetical.

18 You can answer.

19 THE WITNESS: I don't know.

20 BY MR. PENCOOK:

21 Q. Let me ask you this: How are you -- how is one
22 harmed by packing?

23 A. I'm not sure.

24 Q. Do you think that individuals are harmed if
25 they're packed?

1 A. I think they are. And it's not so much that
2 you're harmed by being packed. It's you're
3 harmed -- it's the bigger picture is harmed.

4 Q. What do you mean by that?

5 A. Well, I remember -- there was an exhibit at the
6 Museum of History about Reconstruction and how
7 districts were drawn after Reconstruction, and
8 there was the whole state and there was one
9 district in the east that was packed, and it's
10 really not fair to have a group all together.

11 Q. Well, now you've said today, though, that you
12 think that communities of interest should be
13 kept together, right?

14 A. Right.

15 Q. Don't you think that packing keeps communities
16 of interest together?

17 A. It could, but the people in the packed area
18 could also have commonalties with other pieces.
19 These are hypotheticals. I can't give you a
20 good answer.

21 Q. Well, let me ask you this: Do you think that
22 communities of interest are kept together in the
23 map that's in front of you here?

24 A. Not necessarily. And I'm trying to relate to
25 where the precincts are in this map.

1 Q. Well, let me do this for you. This may be
2 helpful. I've got a House map here with
3 precincts. Would that help you?

4 A. That would help.

5 Q. So let's do that.

6 (WHEREUPON, Johnson Exhibit 3 was
7 marked for identification.)

8 BY MR. PENCOOK:

9 Q. All right. Do you recognize this document?

10 A. Uh-huh. I'm in 804.

11 Q. You know what, I just gave you the --

12 A. Senate.

13 (WHEREUPON, Johnson Exhibit 4 was
14 marked for identification.)

15 BY MR. PENCOOK:

16 Q. All right. So now do you recognize this?

17 A. Uh-huh.

18 Q. And what does it appear to be?

19 A. It appears to be Forsyth County.

20 Q. Okay. And does this show the state House
21 districts as they're currently drawn to the best
22 of your knowledge?

23 A. Yeah.

24 Q. And you see 73 there. Obviously you don't have
25 Yadkin County attached to it, right, but you

1 understand that 73 does continue on into Yadkin?

2 A. Okay.

3 Q. All right. And this is a map that I pulled off

4 of Forsyth County GIS.

5 A. I checked that when I answered the question

6 about whether I recognized it.

7 Q. Excellent. Can you just point to me -- and,

8 actually, I'd like you to circle on the map

9 where your precinct is and maybe you could put a

10 little dot as to where -- around about where you

11 live.

12 A. I think I'm 804.

13 Q. All right. So let's go back, then, to my

14 question which was about communities of interest

15 and whether you think that this map keeps

16 communities of interest together.

17 Do you think that this map keeps

18 communities of interest together?

19 MR. ROBINSON: Objection; asked and

20 answered.

21 MR. PENCOOK: Well, I don't think we've

22 quite gotten there yet.

23 THE WITNESS: I would need to study it

24 a little bit. I mean, quick answers I'm not

25 real good -- I don't feel good about giving you.

1 BY MR. PENCOOK:

2 Q. Well, can I ask you: What communities of
3 interest do you think there are in Forsyth
4 County?

5 A. There's a growing downtown section. There are
6 two fairly affluent -- well, there's one fairly
7 affluent section -- I would need to see a list
8 of the precincts, not the number, to know how
9 those fit. There is -- part of the Clemmons
10 district is somewhat of a community of interest
11 with 804. Is 804 -- I'm in 73 and Clemmons is
12 in 75. I would think part of Clemmons would fit
13 more with the district I'm in than it would in
14 75.

15 Q. Okay. And which district is the Clemmons
16 district?

17 A. It looks like it's 75.

18 Q. Okay. How would you get your district -- your
19 precinct into 75?

20 A. I'm not a map drawer. I don't know.

21 Q. Do you know whether you'd have any change in the
22 partisan makeup of your representatives?

23 A. I don't have any figures to look at.

24 Q. Do you know that District 75 is represented by a
25 Republican?

1 A. Who is it?

2 Q. I don't know off the top of my head. I just
3 know it's a Republican.

4 A. No. Oh, it's Donny Lambeth.

5 Q. That sounds right. So would you be harmed, if
6 you were in District 75, by the maps?

7 MR. ROBINSON: Objection to form.

8 THE WITNESS: I can't give you good
9 answers looking at little squares and numbers.
10 I'd need to see a little bit more to make a
11 decent answer.

12 BY MR. PENCOOK:

13 Q. What more would you need to see to make a decent
14 answer, do you think?

15 A. I would like -- I know the city, but I don't --
16 you know, looking at it, I'm not -- I'd like to
17 see the names of the precincts because the names
18 of the precincts tell me more about what I need
19 to know than just the numbers and the spaces.

20 Q. I don't have a map with the names of precincts.

21 A. I know you don't.

22 Q. I'm sorry about that.

23 A. I'm not a map drawer so...

24 Q. And I'm really just asking you, I guess, about
25 the impact that you feel from the way the map is

1 drawn.

2 How does House District 74 harm you?

3 A. I don't know.

4 Q. Does the way that the district is drawn make it
5 any less likely for you to vote?

6 A. Probably not.

7 Q. Well, let's talk about your Senate district. If
8 you'll flip in the complaint to -- the amended
9 complaint to paragraph 177 and 178 which is on
10 page 59. And let me ask you this first:

11 So do you have an issue with the city
12 of Winston-Salem being split up in the House
13 map?

14 A. I'd like to see how it's split.

15 Q. Okay. Let's flip back. If you take a look
16 again at page 46. And you've also got Exhibit 4
17 in front of you which shows you the map.

18 A. Which one? 46.

19 Q. Yes, ma'am, page 46, paragraph 156. And you've
20 got the map there too.

21 A. Oh, I see.

22 Q. And so, I guess, do you have a problem with
23 Winston-Salem being split up?

24 A. Well, it depends -- the population would demand
25 that to a degree, wouldn't it?

1 Q. I assume that it would, yeah. That's a big
2 driver of how the districts are drawn, right?

3 A. Right. Absolutely.

4 Q. But you don't like that Winston-Salem is kept
5 together the way that it is; is that right?

6 MR. ROBINSON: Objection to form.

7 THE WITNESS: You know, I just got to
8 tell you, I'm having problems giving what I
9 consider to be thoughtful and constructive
10 answers without a little bit more information,
11 so I just don't know.

12 BY MR. PENCOOK:

13 Q. What other information can I give you that's
14 going to help you answer that question?

15 A. Well, part of it would be for me to reflect
16 on -- again, to be able to visualize which parts
17 of the city -- you know, I understand -- but I'm
18 not making the connection because I know
19 specific areas by specific things and they're
20 not triggering for me from this. And I would
21 also need to look at the compositions of the
22 precincts, and so --

23 Q. And you can kind of see in the complaint here
24 where the -- I guess --

25 A. Which page is this?

1 Q. Again, where we were just before, page 46.

2 A. Okay.

3 Q. You can kind of see the -- I don't know what
4 these figures are taken from. I think it says
5 earlier in the complaint, but I mean, this kind
6 of shows partisan makeup, how your attorneys
7 decided to put in the complaint.

8 Does that help you at all in deciding
9 whether you think you have any issues with how
10 Winston-Salem was kept together in this map?

11 A. Do I have problems, I don't know. I can't say
12 any more.

13 Q. Okay. Well, then, let's move on, then. We'll
14 just talk about your Senate district.

15 So we go back to 59, and you can also
16 take a look at Exhibit 3 which Denise will give
17 you. That shows the precincts as well. Just if
18 you would mark on there where your precinct is.

19 A. (Witness complying.)

20 Q. So let's take a look at the complaint,
21 paragraph 178.

22 "The General Assembly packed all
23 of the most Democratic areas in and
24 around Winston-Salem into Senate
25 District 32 so that Senate District 31

1 would favor Republicans."

2 You see where it says that?

3 A. Uh-huh.

4 Q. Do you think that it's proper for the city of
5 Winston-Salem to be packed into one district?

6 MR. ROBINSON: Objection to form.

7 THE WITNESS: Yeah, I don't think it's
8 a good idea to be packed like that.

9 BY MR. PENCOOK:

10 Q. Why not?

11 A. Because there's some areas that resemble -- so
12 much of Winston-Salem lives, say, in Pfafftown
13 or just outside -- let's see. This is 31. 31
14 is the green, right?

15 What are these -- what are the greens
16 and the yellows and the pinks? What are these?

17 Q. I think the differentiation in color has to do
18 with city limits and boundaries, but generally
19 the green areas are 31 and the purple areas are
20 32.

21 A. So the yellow ones are --

22 Q. That's all -- essentially, unless it's purple
23 there -- can you tell the difference between the
24 purple and all the other colors?

25 A. Yes.

1 Q. So then do you know generally that the -- where
2 District 31 and 32 are on this map?

3 A. Uh-huh.

4 Q. Okay. So if you could go on. I think you
5 weren't finished answering.

6 A. I forgot the question.

7 Q. Okay. I asked you whether you thought that it
8 was appropriate for Winston-Salem to be kept
9 together in this way.

10 A. No.

11 Q. Okay. And can you tell me why?

12 A. Because what I see here are that so many of the
13 communities here, these -- this -- the green
14 section over here --

15 Q. And sorry, I don't want to interrupt, but when
16 you're talking about it, can you identify out
17 loud where on the map you're talking about so
18 it's reflected in the record.

19 A. I'm looking at things like precincts. My
20 precinct and 809 and I think maybe 805, some of
21 those green areas are very much like
22 Winston-Salem, like the ones that are all
23 Republican.

24 There's this part and 805, I think --
25 and I feel really badly because I don't feel

1 that comfortable with the precision of my
2 answer. There are a number of green areas, like
3 I think 74, 805, 809, 804, 806, 803 are very
4 much like the districts here. So the 903, 205,
5 902, 602, some of those can -- there could be
6 some shifts in it that would keep the
7 communities of interest together.

8 Q. Do you think that those shifts would change the
9 partisan outcome of the maps?

10 A. I can't give you an answer without seeing some
11 figures.

12 Q. Well, you don't have any general sense as to
13 whether the districts that are in 32 that you
14 would shift out to 31 are more Democratic?

15 A. I have -- and I think it would be reckless for
16 me to speculate because decisions need to be
17 made on figures and specifics rather than my
18 opinions.

19 Q. And so I don't want to necessarily ask you to
20 speculate, but if you take a look at the map
21 there in the complaint that shows, I guess, the
22 partisan concentration, can you tell whether
23 those precincts that you say could be moved to
24 preserve communities of interest are more
25 Democratic.

1 A. No.

2 Q. Do you understand that the blue areas on this
3 map are more Democratic areas?

4 A. Yes, I do.

5 Q. And do you understand that where you've pointed
6 to precincts, you said, 903, 901, you say 902,
7 kind of those areas, share community of interest
8 with your precinct and 805 and some of the other
9 areas?

10 A. Uh-huh. Uh-huh.

11 Q. So do you know -- looking at the map, you can
12 see on the amended complaint where your district
13 is or your precinct is? Can you see that?

14 A. Let's see. I think I'm right about there.

15 Q. Okay. And you want to compare that to that map
16 and see --

17 A. I did before I did that.

18 Q. All right. And so essentially the precincts
19 that you say have community of interest with
20 your precinct are essentially just on the other
21 side of that line there, right?

22 A. Right.

23 Q. And so do those areas appear to be more
24 Democratic?

25 A. Yes.

1 Q. What effect do you think that moving those
2 Democratic precincts into Senate District 31
3 would have on the voters in those precincts?

4 A. I don't know.

5 Q. Do you know whether they have a preference for
6 being represented by a Democrat?

7 A. No.

8 Q. Do you believe, based on the map in front of you
9 in the complaint, that they would prefer to be
10 represented by a Democrat?

11 A. What was the question before that?

12 Q. The people that you think should be moved for
13 community of interest purposes.

14 A. Right.

15 Q. They typically vote Democrat based on this map
16 in the complaint, right?

17 A. Right.

18 Q. How do you think they would be impacted by being
19 moved from Senate District 32, where they elect
20 a Democrat typically, into Senate District 31,
21 where it typically elects a Republican?

22 MR. ROBINSON: Objection; asked and
23 answered.

24 MR. PENCOOK: She has not answered that
25 question.

1 MR. ROBINSON: I believe the witness
2 said she didn't know.

3 THE WITNESS: These are -- you're
4 asking me highly speculative questions that I
5 just really don't feel comfortable responding
6 to. You know, I don't even have my annotated
7 copy of this with me. I walked in with nothing,
8 and I am responding out of my own little head
9 and trying to rely on as much as I can from
10 memory, and that's not comfortable. That's
11 not --

12 BY MR. PENCOOK:

13 Q. Well, let me ask you this: When Senate
14 District 31 and 32 were drawn under a
15 Democrat-controlled legislature, do you feel
16 harmed by the way that those maps were drawn?

17 MR. ROBINSON: Objection; incomplete
18 hypothetical.

19 MR. PENCOOK: It's not a hypothetical.
20 I'm asking you when --

21 THE WITNESS: Quite honestly, I was not
22 attune to it and aware of it enough to really
23 give you a good answer.

24 BY MR. PENCOOK:

25 Q. Aware of what?

1 A. I didn't know as much about how districts were
2 drawn, why districts were drawn, what went into
3 it, and I operated in somewhat of a blissful
4 la la land and didn't think about it too much.
5 So to give you an answer, I can't.

6 Q. Do you think that if you were injured that you
7 would have known it and said something about it?

8 A. Possibly not.

9 Q. Possibly not. Why wouldn't you have said
10 anything about it?

11 A. I am fully aware of what it takes to make your
12 voice known and to get anything changed. I have
13 a life, and I don't want to spend my time
14 tilting at windmills, and that might have been
15 what it would have been if I, as one person,
16 felt that the districts were poorly drawn. It
17 takes group effort. It takes leadership. It
18 takes mobilization. It takes 24/7 energy like
19 it takes to run a campaign, and I don't think --
20 I was not up to that.

21 Q. Did you think that the Democrat-controlled
22 legislature was attuned to your preferences in
23 drawing the maps?

24 A. Possibly not.

25 Q. Okay. How would they not be attuned to your

1 preferences in drawing the maps?

2 A. It might have had to do with whether or not they
3 were drawing maps that would favor them, and in
4 the process of favoring them, it might have
5 disfavored others, and I might have been one of
6 the disfavored.

7 Q. Do you prefer that the legislative maps for the
8 state be tilted in a way that favors Democrats?

9 A. No.

10 Q. Okay. Why not?

11 A. I don't think -- I don't think maps should be
12 tilted.

13 Q. Do you think that districts should be
14 competitive?

15 A. Yes.

16 Q. What makes a district competitive in your
17 opinion?

18 A. The possibility that either -- that either side
19 could win. And when -- I didn't -- I'm
20 concerned that we've reached the point that
21 we're -- we're voting -- we're going for
22 Democratic leadership or Republican leadership
23 and we're not going to policies.

24 Q. Do Democrats and Republicans have policy
25 platforms?

1 A. Yes.

2 Q. Do you think that people select their party
3 affiliation based on their policy preferences?

4 A. I would hope so.

5 Q. So if the choices between Democrat and
6 Republican, why would that not be based on
7 policy preferences?

8 A. I'm not sure I understand your question.

9 Q. Well, you say you're worried about people voting
10 Democrat or Republican and not thinking about
11 policy.

12 A. Right.

13 Q. How do you know the people, when they're
14 choosing Democrat over Republican, aren't
15 thinking about policy?

16 A. I don't know.

17 Q. Do you think that maybe they are thinking about
18 policy and that's why they've chosen to vote for
19 one party over another?

20 A. Possibly.

21 Q. And so going back to competitiveness, you think
22 it should be possible for anybody to win, right?

23 A. (Witness nodding head up and down.)

24 Q. What would make something -- what would make a
25 district impossible for anybody to win?

1 A. I don't know.

2 Q. Do you think that there are districts in
3 North Carolina where it's only possible for one
4 party to win?

5 A. Repeat the question.

6 Q. Sure. Do you think that there are districts in
7 North Carolina where it's only possible for one
8 party to win?

9 A. No.

10 Q. Okay. So competitive districts where it's
11 possible for anybody to win. So if you -- you
12 talked about kind of fourth grade math and you
13 think North Carolina's about a 50/50 state and
14 yet we have ten Republican congressmen and three
15 Democratic congressmen. Do you think you have a
16 constitutional right to have the makeup of the
17 legislature -- the partisan makeup of the
18 legislature reflect the overall statewide
19 partisan vote?

20 MR. ROBINSON: Objection; calls for a
21 legal conclusion.

22 THE WITNESS: I don't know.

23 BY MR. PENCOCK:

24 Q. Do you have a policy preference that the
25 partisan makeup of the legislature reflect the

1 overall partisan vote in the state?

2 A. I don't know.

3 Q. You don't know your policy preference?

4 A. Repeat the question.

5 Q. Do you have a policy preference for the
6 makeup -- the partisan makeup of the legislature
7 reflecting the partisan overall statewide vote?

8 A. I'm not sure. It depends on when you -- when
9 you peg the vote.

10 Q. Can you elaborate on that?

11 A. Well, you know, it goes back to there are a lot
12 of chicken and egg things and you can't answer
13 one without a bigger picture, and a bigger
14 picture would be when the decision was made on
15 what the partisan picture was that you drew it
16 on, so --

17 Q. So it depends on the race as to what the overall
18 state partisan makeup is?

19 A. So my question is is that the way -- how would
20 that be done, and since I don't know how that
21 would be done, I really don't have an opinion.

22 Q. Do you know whether we have a -- generally
23 speaking, our system of elections, is it a
24 winner-take-all system or is it proportional
25 representation?

1 MR. ROBINSON: Objection; confusing
2 question.

3 BY MR. PENCOOK:

4 Q. Are you confused by that question?

5 A. Uh-huh.

6 Q. Do you know whether -- when you have two people
7 running for a race --

8 A. Right.

9 Q. -- or in any legislative race, right, if you get
10 50 percent of the vote plus one, right, the
11 person who gets that percentage of the vote is
12 the winner, right?

13 A. Uh-huh.

14 Q. And the person who gets, you know, whatever's
15 left of that is the loser, right?

16 A. Uh-huh.

17 Q. Do you think that taking that to a statewide
18 level, right, if you've got -- you know,
19 Republicans win 55 percent of the vote and
20 Democrats win -- math is hard --

21 A. 45.

22 Q. -- 45 percent of the vote --

23 A. Fourth grade math.

24 Q. That's why I went to law school so I wouldn't
25 have to deal with it.

1 A. It comes in handy.

2 Q. If the Republicans won 55 percent of the overall
3 legislative vote and the Democrats won
4 45 percent of the overall legislative vote, do
5 you think, then, that there should be -- in a
6 body of 100, there should be 55 Republicans and
7 45 Democrats?

8 MR. ROBINSON: I'm sorry. What kind of
9 election are we talking about here?

10 MR. PENCOOK: A legislative election.

11 THE WITNESS: You're asking -- it
12 sounds like you're going for a total vote as
13 opposed to voting individual districts, and the
14 members come in from the individual districts.

15 BY MR. PENCOOK:

16 Q. So you understand, then, that the way that the
17 races ends up in the districts affects the
18 outcome of the partisan makeup of the
19 legislature, correct?

20 A. It determines the composition, yes.

21 Q. Are there certain parts of the state that are
22 more Democratic and certain parts of the state
23 that are more Republican?

24 A. Yeah.

25 Q. What's your understanding of the more Democratic

1 parts of the state?

2 A. I don't have it in front of me. I would just be
3 making guesses.

4 Q. Would you agree that urban areas are more
5 Democratic?

6 A. Generally, yes.

7 Q. And would you agree that rural areas are more
8 generally Republican?

9 A. They have become so, yes.

10 Q. And is that a recent change that they've become
11 so?

12 A. It's not that recent, but, you know, once upon a
13 time, Jesse Helms was a Democrat.

14 Q. You're right.

15 So, then, do you think that where
16 people live and how they choose to live together
17 affects the outcome of the overall partisan
18 makeup of the legislature?

19 MR. ROBINSON: Objection to form.

20 THE WITNESS: I don't quite understand
21 where we're going with this because I can't give
22 you good answers because I don't -- I like -- I
23 like to know a little bit more about what I'm
24 talking about than just throwing out opinions.

25 BY MR. PENCOOK:

1 Q. And I'm -- you've made a lot of claims in this
2 lawsuit that I'm trying to understand what your
3 knowledge is of them, and so that's why I'm
4 asking you these questions. Okay.

5 So I want to talk about a particular
6 part of the complaint. If you'll flip to
7 page 64 and look at paragraph 189.

8 A. 164.

9 Q. Yes, ma'am. Page 64, paragraph 189.

10 A. Okay.

11 Q. All right. So I want to read the last sentence
12 in that paragraph which is:

13 "When Democratic voters lose the
14 ability to elect representatives of
15 their party as a result of partisan
16 gerrymandering, those voters lose not
17 only electoral power, but also the
18 ability to influence legislative
19 outcomes because Republican
20 representatives pay no heed to these
21 voters' views and interests once in
22 office."

23 Do you see where it says that?

24 A. Yes.

25 Q. I think you just testified recently, though,

1 that you believe that there are no maps where
2 it's impossible for either party to win, right?

3 A. In a perfect world, yes. And that's when seats
4 get flipped too. You know, you assume that it
5 was -- a seat was whatever it was and they turn
6 over.

7 Q. Exactly. And you've seen that happen --

8 A. Uh-huh.

9 Q. -- even under Democratic maps?

10 A. Uh-huh.

11 Q. Under Republican maps?

12 A. (Witness nodding head up and down.)

13 Q. What do you think drives the outcome of
14 elections, then? Is it the maps or is it voter
15 turnout?

16 MR. ROBINSON: Objection.

17 THE WITNESS: I don't know.

18 BY MR. PENCOOK:

19 Q. Well, do you have an opinion as to whether it's
20 more important about how the maps are drawn or
21 how people turn out to vote?

22 A. I don't think that's an either/or question. I
23 think the maps need to be fair. Why people turn
24 out to vote is entirely -- it's based on so many
25 things. Everything from -- you know, there's

1 that old phrase Republican rain. If it rains,
2 Republicans win. I don't know.

3 Q. Well, you feel like the maps need to be fair.
4 What would make the maps fair?

5 A. I can't give you a good answer right now. I
6 can -- you know, I'm at a huge disadvantage
7 because you've got notes, you've got everything
8 underlined, and I don't even have my copy, and
9 I --

10 Q. Sure. I want to make it clear for the record, I
11 didn't tell you not to bring your copy.

12 A. Okay.

13 Q. And if you have it with you and you'd like to
14 bring it, you're more than welcome to.

15 A. It's at home.

16 Q. So because of that, this is all I've got to put
17 in front of you.

18 A. Sure.

19 Q. So, you know, with that said, I think we can
20 move on to another question which is:

21 You lose the ability to influence
22 legislative outcomes because Republican
23 representatives pay no heed to these voters'
24 views and interests once in office.

25 What do you mean they pay no heed to

1 your views and interests?

2 A. Well, that's been my experience.

3 Q. Can you give me an experience of a time when a
4 legislator paid no heed to you?

5 A. You want a real specific?

6 Q. Yes, please.

7 A. During the time when preschools were -- we were
8 dealing with whether or not preschool was owned
9 by the Department of Public Instruction or DHHS,
10 and I went to see my state senator at that
11 point, and it was basically there's nothing we
12 can do, there's nothing we will do, we're going
13 to let it play itself out. No help whatsoever.

14 Q. And when was this?

15 A. Probably about 2012.

16 Q. Which legislators did you go see and talk to
17 about that?

18 A. Pete Brunstetter.

19 Q. I'm sorry. Who is that?

20 A. Pete Brunstetter.

21 Q. Pete Brunstetter. Okay. Did he give you any
22 reason why he wouldn't consider -- or he
23 wouldn't adopt what you were asking him to
24 adopt?

25 A. The votes were against me.

1 Q. Did you get any sense of whether that was a
2 bipartisan or a partisan vote?

3 A. It was partisan.

4 Q. Do you think that you had a right to have
5 Senator Brunstetter do exactly what you told him
6 to do?

7 A. Absolutely not.

8 Q. Did he listen to you and listen to your concern?

9 A. He understood my concern, but he was very clear
10 that it didn't matter.

11 Q. Do you think that he just disagreed with your
12 position?

13 A. Possibly.

14 Q. Do you think as the representative elected by
15 the people that he has a right to represent the
16 people as best he sees fit?

17 A. Of course.

18 Q. So ultimately, he did consider what you said and
19 he disagreed with you?

20 A. He -- I wouldn't characterize it that way. It
21 was an information that, yes, I know that that's
22 how you feel about it, but it's just not going
23 to happen and it's because of whatever reasons.

24 Q. Would you be bringing this lawsuit if the
25 representatives paid heed to you?

1 A. Not necessarily.

2 Q. What's your understanding of what a
3 representative ought to do?

4 A. A representative ought to listen to people, do
5 research, explain that to the people,
6 participate with other legislators and, in
7 prayerful consideration, make good decisions.

8 Q. And do you think that your representatives do
9 that?

10 A. I'm not fully confident of the research piece.
11 I'm not fully confident of whether or not the
12 conversations happen with people across the
13 aisle. And I think that's a very important
14 piece of developing good policy. I think
15 perhaps to what they think is the best of their
16 ability, but I'm not sure that it includes all
17 the elements that I would think would be
18 important in making good decisions.

19 Q. It seemed like you were kind of getting at
20 polarization there, polarization of the parties.
21 What causes polarization?

22 A. Gee, I wish I knew and I'd wave the magic wand.

23 Q. Do you think party platforms are a cause of
24 polarization?

25 A. I don't know how much the platforms are adhered

1 to.

2 Q. Do you think that the general policy preferences
3 expressed to the public have caused
4 polarization?

5 A. I don't know that they've been expressed that
6 well.

7 Q. Do you think that the maps are the cause of
8 polarization?

9 A. I think they contribute greatly.

10 Q. But they're not the sole cause of polarization,
11 right?

12 A. It -- if that were the one thing, we'll fix them
13 and we'll see what happens, but I think we need
14 to fix them to see what happens.

15 Q. All right. Will you turn to page 72 for me and
16 take a look at paragraph 217.

17 And can you remind me, do you think you
18 live in a cracked district or a packed district?
19 Or is it neither? And you can answer with both
20 your House district and your Senate district.

21 A. Okay. Packed is when everything is together and
22 cracked is when it's separated, right?

23 Q. If that's your understanding of it, you can
24 answer that way.

25 A. I'd say I'm in a dispersed district.

1 Q. So neither packed nor cracked?

2 A. I think it's more cracked.

3 Q. All right. I'm only asking you that because
4 there's -- in this paragraph, there's a
5 difference in the effect that you're claiming.
6 So you think you're in a cracked district.

7 "For those Plaintiffs and other
8 Democratic voters who live in cracked
9 districts, the 2017 Plans artificially
10 make it more difficult, if not
11 impossible, for their speech and/or
12 expressive conduct to succeed."

13 A. Wait a minute. I'm just outside of
14 Winston-Salem. My precinct is one over.

15 Q. And I'm asking you do you think that your
16 precinct is packed or cracked.

17 MR. ROBINSON: Objection; asked and
18 answered.

19 MR. PENCOOK: I agree.

20 THE WITNESS: I'm a borderline. I'm
21 right there on the --

22 BY MR. PENCOOK:

23 Q. All right. Well, since your attorney has
24 objected to me asking you that question again.
25 You previously said you were dispersed, right,

1 and cracked. So let's just say that for the
2 purpose of this question.

3 Let me ask you this generally: Do you
4 think that voting is speech?

5 A. Yes.

6 Q. Okay. And why do you think that?

7 A. Because it's a way that you collect a number of
8 voices and it's a collective speech.

9 Q. Is the act of voting itself speech, or is it who
10 you vote for, that's the speech?

11 A. It's both.

12 Q. It's both. Okay. So you say here it makes
13 the -- the maps make it difficult for your
14 speech to succeed. How do you succeed in
15 speech?

16 A. That's a real long answer.

17 Q. All right. Maybe that was a bad question.

18 How do you succeed in your voting as
19 speech?

20 A. Well, success is based on the end result, so
21 that's -- again, that's a long trajectory.

22 Q. So are you saying, then, that you're successful
23 in your speech when you vote for the winner?

24 A. Yeah.

25 Q. Do you think that everyone who votes for the

1 losing candidate is having their freedom of
2 speech violated?

3 A. No.

4 Q. So you're complaining, though, here that it
5 makes it difficult for your speech to succeed,
6 right?

7 A. Well, that's been my experience, yes.

8 Q. And that that harms your freedom of speech,
9 right?

10 A. Yes.

11 Q. So do you think, then, that you have a right to
12 elect a representative of your choosing?

13 A. Things to me are not that black and white.
14 Sometimes you win and sometimes you lose, but it
15 helps to have a level playing ground.

16 Q. Do you think that elections have consequences?

17 A. Absolutely.

18 Q. And you think that -- well, let's move on here.
19 Look at paragraph 219. And I'll read this, and
20 if you'll read along with.

21 "The 2017 Plans burden the
22 ability of Plaintiffs and other
23 Democratic voters, including members
24 of Common Cause and the NCDP, as well
25 as the NCDP as an organization, to

1 affiliate and join together in a
2 political party, to carry out the
3 party's activities, and to implement
4 the party's policy preferences through
5 legislative action.

6 "The 2017 Plans burden these
7 associational rights by, inter alia,
8 making it more difficult for Plaintiffs
9 and other Democratic voters, as well as
10 the NCDP, to register voters, attract
11 volunteers, raise money in
12 gerrymandered districts, campaign, and
13 turn out the vote."

14 Do you see where it says all that?

15 A. Uh-huh.

16 Q. Do you participate in any of those activities
17 identified there? Did you participate in those
18 prior to the current plans being drawn?

19 A. Participate in what?

20 Q. Did you affiliate and join together in a
21 political party before the 2017 maps were drawn?

22 A. Well, I've been a Democratic for my registered
23 life so yes.

24 Q. And did you carry out the Party's activities
25 before then?

1 A. What do you mean by activities?

2 Q. Well, I guess whatever you think is meant by
3 what's written here.

4 A. I voted. I whatever.

5 Q. And did you implement the Party's policy
6 preferences through legislative action before
7 the maps were drawn?

8 A. No. I've been pretty -- pretty quiet.

9 Q. Did you register voters before the maps were
10 drawn?

11 A. No.

12 Q. Did you attract volunteers before the maps were
13 drawn?

14 A. No.

15 Q. Did you raise money in gerrymandered districts
16 before the maps were drawn?

17 A. I contributed.

18 Q. Did you fund raise?

19 A. I didn't ask other people.

20 Q. Okay. Did you campaign in the districts before
21 the maps were drawn?

22 A. Not except for myself.

23 Q. Did you turn out the vote before the maps were
24 drawn?

25 A. You mean drive people to the polls?

1 Q. Whatever you think is meant by turn out the
2 vote. You know, ground game. We talked about
3 that earlier.

4 A. I knocked on ten doors -- no, not before '17,
5 no.

6 Q. Have the maps -- have you changed any of your
7 activities since the maps were drawn?

8 A. No.

9 Q. Okay. So, then, let me ask you something about
10 paragraph 220. I'm going to read a sentence
11 here.

12 "The 2017 Plans burden
13 Common Cause's ability to convince
14 voters in gerrymandered districts to
15 vote in state legislative elections
16 and to communicate with legislators."

17 Do you see where it says that?

18 A. Yep.

19 Q. You've said that you have made contributions to
20 Common Cause; is that right?

21 A. Yes.

22 Q. You consider yourself a member of Common Cause?

23 A. It depends on how -- I don't know if they define
24 contributions as membership.

25 Q. But you've attended events that they've held

1 and --

2 A. Maybe two, three.

3 Q. Have the maps changed your likelihood to
4 participate in Common Cause activities?

5 A. Yes.

6 Q. In what way?

7 A. I support their efforts.

8 Q. So the maps have actually made it more likely
9 for you to participate in Common Cause's
10 activities?

11 A. Yes.

12 Q. And, then, let's go to paragraph 221 on the next
13 page. And it's -- I'm going to start reading
14 after the word "Id" in the middle of the page.

15 "Indeed, many Plaintiffs and other
16 Democratic voters who currently live in
17 Republican state House or Senate
18 districts would live in districts that
19 would be more likely to have, or would
20 almost definitely have, a Democratic
21 representative but for the gerrymander."

22 Do you believe that you would have a
23 Democratic representative but for the
24 gerrymander?

25 A. I would like to believe that, but nothing sure.

1 Q. Do you think that if you were represented by a
2 Democrat but for the gerrymander that you would
3 be packed?

4 A. Okay. Let's connect those two questions again.

5 Q. Sure. Do you think that if you, but for the
6 gerrymander you would live in a Democratic
7 district, do you think that district would be
8 packed?

9 A. The new one or the old one?

10 Q. The new one.

11 A. The reason I'm interested in this is I think
12 both packing and cracking are wrong, and so to
13 answer which way I think I would be if it were
14 moved, it's like saying we're going to do the
15 same thing all over again, and I certainly don't
16 think this is what they should do.

17 Q. And then it also says, continuing reading:

18 "Moreover, but for the
19 gerrymander, Plaintiffs and other
20 Democratic voters would have an
21 opportunity to elect a majority of
22 the state House and Senate, which
23 would afford an opportunity to
24 influence legislation."

25 Do you see where it says that?

1 A. Uh-huh.

2 Q. How would a new map give you an opportunity
3 personally to elect a majority of the state
4 House and Senate?

5 A. I would have to see the map.

6 Q. Do you understand that you don't vote towards
7 the entire legislature? It's not all at large,
8 right? You vote for just your district?

9 A. Yes.

10 Q. And I mentioned --

11 A. You elect a majority one by one.

12 Q. Right. I mentioned earlier that I represent the
13 intervenor defendants. Do you know what I mean
14 by that?

15 A. Other folks who have joined to -- in opposition
16 to the suit, yes.

17 Q. And I'll represent to you there are seven
18 Republican voters who have been accepted as
19 intervenors in this lawsuit. Are you aware that
20 there are two of them who overlap with your
21 state House and state Senate district?

22 A. I'm not aware of any of the intervenors.

23 Q. Okay. Have you heard the name Reggie Reed
24 before?

25 A. No.

1 Q. Do you know that Reggie Reed ran for state
2 House?

3 A. Which district?

4 Q. 74.

5 A. (Witness shaking head from side to side.)

6 Q. And did you know he ran for state Senate?

7 A. (Witness shaking head from side to side.)

8 Q. It's 32. I just didn't know if you would know
9 the name.

10 A. Huh-uh. I have a disclaimer. I spent half --
11 I'm not in town a lot.

12 Q. I understand. So you spend most of your time in
13 Raleigh?

14 A. No. It's there and lots of places.

15 Q. Okay. Where else do you spend time other than
16 Raleigh and Winston?

17 A. Manteo when I travel.

18 Q. Okay. Do you have any property down in Manteo?

19 A. No.

20 Q. Well, so I guess I want to talk to you a little
21 bit about --

22 A. What's the Manteo? I mean --

23 Q. I'm just asking you a question.

24 Do you think that the intervenors have

25 the same constitutional rights as you do?

1 A. Yes.

2 Q. Do you think that they have the right to elect
3 representatives of their choosing?

4 A. Yes.

5 Q. If you win this lawsuit and you throw out those
6 maps, aren't you harming their same
7 constitutional rights?

8 MR. ROBINSON: Objection.

9 THE WITNESS: I don't know if we'll
10 know until after the maps have played.

11 BY MR. PENCOOK:

12 Q. If they like their districts and their districts
13 are changed in a way that they don't like them,
14 do you think their constitutional rights will be
15 harmed?

16 A. Just -- it's the same constitutional rights that
17 I'm dealing with, and sometimes you win and
18 sometimes you lose.

19 Q. Okay. And if somebody -- someone else who lived
20 in Forsyth County had -- you know, we talked
21 about communities of interest, right. If
22 someone in Forsyth County had a difference of
23 opinion from you as to where the communities of
24 interest are on the maps, is their opinion any
25 less valid than yours?

1 A. No.

2 MR. PENCOOK: All right. Let's take a
3 brief break and I'll see if I have any more
4 questions for you.

5 (Brief Recess: 12:23 to 12:31 p.m.)

6 MR. PENCOOK: I have no further
7 questions for you.

8 THE WITNESS: Okay.

9 MR. PENCOOK: Thank you.

10 MS. PROUTY: I have a few questions for
11 you.

12 EXAMINATION

13 BY MS. PROUTY:

14 Q. I think I introduced myself earlier, but my name
15 is Erika Prouty. I'm with the law firm Baker
16 Hostetler, and I represent the legislative
17 defendants in this case. So just a few brief
18 questions.

19 I think earlier you mentioned
20 constituent services.

21 A. Uh-huh.

22 Q. Have you ever reached out to your state
23 representative for constituent services?

24 A. Uh-huh.

25 Q. You have. When did you do that?

1 A. I think most generally it was Senate. I reached
2 out to Linda Garrou when she was there, and I
3 reached out to Pete Brunstetter.

4 Q. And on what issues -- around what matters did
5 you reach out to them?

6 A. They were educational issues.

7 Q. So they were policy issues?

8 A. Yeah.

9 Q. So they were --

10 A. They were funding and bureaucratic kinds of
11 issues. They were fairly specific.

12 Q. Have you ever contacted either office for help
13 personally --

14 A. No.

15 Q. -- with a state agency?

16 A. No.

17 Q. Are you aware that that is something that you're
18 able to do?

19 A. No, but I've worked in state government so long
20 I figured I could negotiate most of what I
21 needed to without too much help, but believe me,
22 if I needed help, I would have been there and it
23 wouldn't have mattered which party.

24 Q. Which party was in charge?

25 A. Uh-huh.

1 Q. You think they would help you regardless?

2 A. I would certainly hope so.

3 MS. PROUTY: No further questions.

4 MR. ROBINSON: Just a few questions.

5 EXAMINATION

6 BY MR. ROBINSON:

7 Q. John Robinson for the plaintiffs.

8 Ms. Johnson, you mentioned running for
9 office in 2002. Why did you run for office?

10 A. It was there. I had finished a career in
11 education and had done some volunteer board
12 work, and whatever, and felt that that would be
13 a place that I could perhaps make a difference
14 and be in the conversation to shape educational
15 policy.

16 Q. Were there other issues besides educational
17 policy that were important to you?

18 A. At that point educational was my major issue.

19 Q. Why was it important to you to represent the
20 views of people in your community on those
21 issues?

22 A. Teachers don't really have that much of a voice,
23 and one of the -- back in the good ole days it
24 was -- it was pretty -- education policy that's
25 made by a legislature is not necessarily

1 educational policy. It answers to too many
2 different constituents rather than being
3 research-based education or what's good for
4 education, and I wanted to be in a position to
5 represent those interests.

6 Q. You said you ran for office as a Democrat; is
7 that right?

8 A. Yes.

9 Q. Ms. Johnson, why are you a Democrat?

10 A. I think I initially just sort of fell into it.
11 I was -- as I mentioned earlier, when the good
12 ole boy in the pickup truck in Sampson County
13 registered me, he put me down as a Democrat
14 because he was and it was a way to retaliate
15 against my dad who was a Republican, and I just
16 never changed it. And in the process I have
17 realized that I have been more affiliated -- my
18 views affiliated more with the Democratic Party,
19 not the Republican Party. But I will say that
20 the two parties have changed somewhat over --
21 from the time that my father was a Republican
22 and now, so...

23 Q. In what ways are your views more aligned with or
24 affiliated with the Democratic Party than the
25 Republican Party?

1 A. There are a number of issues that I'm concerned
2 about now in addition to education. One is
3 environmental regulation policy. I think that
4 -- I grew up in Sampson County. I know hog
5 farms. I know how they smell. I lived in
6 Whiteville. I knew how Riegelwood smells. You
7 know I think there are some things that do need
8 policy intervention. I believe in women's
9 rights -- education, women's rights,
10 environment. That will do. That would keep me
11 busy.

12 Q. And you mentioned before that your
13 representatives in the state House and state
14 Senate are Debra Conrad and Joyce -- remind
15 me --

16 A. Krawiec.

17 Q. Krawiec. How --

18 A. Is that right?

19 MR. PENCOOK: I believe so.

20 BY MR. ROBINSON:

21 Q. Do those representatives represent your views on
22 those issues you just talked about, the
23 environment, education, women's rights?

24 A. I haven't had full, robust conversations with
25 them, but I have not had -- I don't feel that

1 they do.

2 Q. Are -- does the North Carolina General Assembly
3 reflect your views on those issues?

4 A. No.

5 Q. And, Ms. Johnson, you've spent a lot of time and
6 energy on this case. You've traveled to be here
7 today. Why is this issue of redistricting so
8 important to you?

9 A. I believe in fairness, and I also believe more
10 fundamentally -- equally fundamental that it
11 would -- it could improve the discourse and the
12 dialogue between the parties that -- that now
13 everything is battened down to party loyalty,
14 and if one party has complete veto proof
15 control, you don't have to discuss anything.

16 And I would like to see us return to a
17 time when we could have conversations, disagree
18 with people, make compromises and come up with a
19 better product. I spent too much time in
20 education working with kids not to think that
21 the process of examining an issue, coming up
22 with solutions, considering with other people
23 and having them batted back and forth that you
24 don't come to a better product, and I think we
25 would come to some better decisions if we had

1 had those conversations, and I don't know that
2 we'll have them unless we're forced to.

3 MR. ROBINSON: Thanks. I have nothing
4 further.

5 MR. PENCOOK: I've got brief redirect
6 for you.

7 FURTHER EXAMINATION

8 BY MR. PENCOOK:

9 Q. So you said that you believe Representative
10 Conrad and Senator Krawiec don't represent your
11 views on education, women's rights and the
12 environment.

13 A. (Witness nodding head up and down.)

14 Q. What's your basis for that?

15 A. Newspaper quotes, votes.

16 Q. On which matters?

17 A. I don't have the specifics right now. They're
18 filed away in the -- but the votes have -- the
19 votes pretty much speak for themselves.

20 Q. Do you know if the legislature -- if there's a
21 veto proof majority in the legislature right
22 now?

23 A. There isn't.

24 Q. All right. No further questions.

25 A. That was break the majority, wasn't it?

1 Q. I'm sorry. Say that again.

2 A. The break the majority drive was to deal with
3 the veto proof legislature.

4 Q. Did you participate in that?

5 A. No.

6 MR. PENCOOK: All right. No further
7 questions. Thanks.

8 [SIGNATURE RESERVED]

9 [DEPOSITION CONCLUDED AT 12:39 P.M.]

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A C K N O W L E D G E M E N T O F D E P O N E N T

I, REBECCA JOHNSON, declare under the penalties of perjury under the State of North Carolina that I have read the foregoing pages, which contain a correct transcription of answers made by me to the questions therein recorded, with the exception(s) and/or addition(s) reflected on the correction sheet attached hereto, if any.

Signed this the day of , 2019.

REBECCA JOHNSON

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E R R A T A S H E E T

Case Name: Common Cause, et al., v David Lewis, et al.

Witness Name: Rebecca Johnson

Deposition Date: Friday, May 10, 2019

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STATE OF NORTH CAROLINA)
) C E R T I F I C A T E
COUNTY OF WAKE)

I, DENISE MYERS BYRD, Court Reporter and Notary Public, the officer before whom the foregoing proceeding was conducted, do hereby certify that the testimony of said witness was taken down by me via stenotype to the best of my ability and thereafter transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the testimony of the witness.

I do further certify that I am neither counsel for, related to, nor employed by any of the parties to this action, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereof, nor financially or otherwise interested in the outcome of said action.

This the 22nd day of May 2019.

Denise Myers Byrd
CSR 8340, RPR, CLR-102409-02

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