

EXHIBIT 7

<p>1 APPEARANCES</p> <p>2 On behalf of Plaintiffs:</p> <p>3 STEPHEN M. MEDLOCK, ESQUIRE</p> <p>4 MICAH STEIN, ESQUIRE</p> <p>5 Mayer Brown, LLP</p> <p>6 1999 K Street, N.W.</p> <p>7 Washington, D.C. 20006-1101</p> <p>8 (202) 263-3221</p> <p>9 smedlock@mayerbrown.com</p> <p>10 mstein@mayerbrown.com</p> <p>11</p> <p>12 On behalf of Defendants:</p> <p>13 SARAH RICE, ESQUIRE</p> <p>14 Assistant Attorney General</p> <p>15 State of Maryland Attorney General</p> <p>16 200 St. Paul Place</p> <p>17 Baltimore, Maryland 21202</p> <p>18 (410) 576-7847</p> <p>19 srice@oag.state.md.us</p> <p>20</p> <p>21 On behalf of the Witness:</p> <p>22 ELISABETH C. FROST, ESQUIRE</p> <p>Perkins Coie</p> <p>700 13th Street, N.W.</p> <p>Washington, D.C. 20005-3960</p> <p>(202) 654-6256</p> <p>EFrost2perkinscoie.com</p> <p>ALSO PRESENT:</p> <p>Rick Sanborn, Videographer</p> <p>* * * * *</p>	<p>1 HAWKINS DEPOSITION EXHIBITS: PAGE</p> <p>2 Hawkins Exhibit 58 SAR000173-289</p> <p>3 Email chain 3/20/11 129</p> <p>4 Hawkins Exhibit 59 HOY000052</p> <p>5 2010 Maryland County Data 139</p> <p>6 Hawkins Exhibit 60 SAR000288-289</p> <p>7 Email chain 5/17/11 144</p> <p>8 Hawkins Exhibit 61 HOY000360</p> <p>9 Email 6/7/11 149</p> <p>10 Hawkins Exhibit 62 HOY000345</p> <p>11 Email chain 7/20/11 151</p> <p>12 Hawkins Exhibit 63 SAR000246</p> <p>13 Email chain 7/21/11 154</p> <p>14 Hawkins Exhibit 64 HOY000347</p> <p>15 Email chain 9/1/11 162</p> <p>16 Hawkins Exhibit 65 HOY000334</p> <p>17 Email chain 9/12/11 167</p> <p>18 Hawkins Exhibit 66 HOY000035-38</p> <p>19 Maryland Draft 2011 Plan</p> <p>20 Summaries 185</p> <p>21 Hawkins Exhibit 67 SAR000366-368</p> <p>22 Email chain 10/2/11 187</p>
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1 PROCEEDINGS
 2 THE VIDEOGRAPHER: This is disc 1 in the
 3 video deposition of Eric Hawkins, being taken by
 4 Plaintiffs in the matter of O. John Benisek, et al.
 5 versus Linda H. Lamone et al., in the United States
 6 District Court for the District of Maryland, Case
 7 Number 13-cv-3233.
 8 This deposition is being held at the
 9 offices of Perkins Coie, 700 13th Street, Northwest,
 10 Washington D.C., on March 3rd, 2017. The time on
 11 the video monitor is 10:01 a.m.
 12 My name is Rick Sanborn, and I'm the
 13 legal videographer from Digital Evidence Group. The
 14 court reporter is Sue Ciminelli, also in association
 15 with Digital Evidence Group. Will counsel please
 16 introduce themselves and state whom they represent.
 17 MR. MEDLOCK: Thank you. Stephen Medlock
 18 from Mayer Brown, LLP. And with me is my colleague,
 19 Micah Stein, also from Mayer Brown, LLP. And we
 20 represent the Plaintiffs in this matter. Good
 21 morning, sir.
 22 THE WITNESS: Good morning.

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1 MS. RICE: I'm Sarah Rice, I'm an
 2 Assistant Attorney General with the State of
 3 Maryland, and I represent the Defendants in this
 4 matter.
 5 MS. FROST: And I'm Elisabeth Frost. I
 6 represent the non-party witness, Eric Hawkins. I'm
 7 with Perkins Coie.
 8 THE VIDEOGRAPHER: Thank you. Will the
 9 court reporter please swear in the witness.
 10 Whereupon,
 11 ERIC HAWKINS,
 12 was called as a witness by counsel for Plaintiffs,
 13 and having been duly sworn, was examined and
 14 testified as follows:
 15 EXAMINATION BY COUNSEL FOR PLAINTIFFS
 16 BY MR. MEDLOCK:
 17 Q. Good morning, Mr. Hawkins. We were
 18 introduced off the record, but for the record, could
 19 you state and spell your full name?
 20 A. Sure. My name is Eric Hawkins. It's
 21 E-R-I-C, H-A-W-K-I-N-S.
 22 Q. What's your current address, Mr. Hawkins?

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1 A. My current address in -- office address?
 2 Q. Let's start there. What's your current
 3 office address?
 4 A. 330 Pennsylvania Avenue, Southeast.
 5 Q. And that's the offices of NCEC Services,
 6 Incorporated, is that right?
 7 A. That's right. Right.
 8 Q. And what's your current home address?
 9 A. My current home address is 8 Sunset Road,
 10 Peaks Island, Maine.
 11 Q. It must be beautiful.
 12 A. It's cold.
 13 Q. Fair enough.
 14 A. But it is beautiful.
 15 Q. Have you ever sat for a deposition
 16 before, sir?
 17 A. Yes, I have.
 18 Q. How many times?
 19 A. Three times.
 20 Q. All right. This is your fourth?
 21 A. Yes.
 22 Q. Okay. And one of those cases involved

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1 the Florida redistricting litigation, is that
 2 correct?
 3 A. Yes.
 4 Q. The Romo map, I think it's sometimes
 5 called?
 6 A. Yes.
 7 Q. Okay. What were the other three cases,
 8 besides -- the other two cases, besides this one?
 9 A. Well, I was deposed twice in -- for
 10 Florida. And I was also deposed in a North Carolina
 11 redistricting case.
 12 Q. Okay. Have you ever testified at trial?
 13 A. No.
 14 Q. Have you ever testified in arbitration,
 15 in front of a -- it's sort of like a trial without
 16 being in court?
 17 A. No.
 18 Q. Okay. Have you ever provided a
 19 declaration or affidavit to any court?
 20 A. No.
 21 Q. Have you ever given testimony before any
 22 regulatory or governmental body?

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1 A. No.
2 Q. All right. It sounds like you've been
3 through this before, but let me just get a few
4 ground rules out there, just so that we all have
5 them in mind.
6 A. Please.
7 Q. This is a conversation, in which I ask
8 questions and you answer them. It's important,
9 because we have a court reporter sitting between us,
10 that you give audible responses. The court reporter
11 can't take down shakes of the head, nods, or even
12 uh-huh and ut-uh can be hard to distinguish later on
13 in the transcript.
14 In addition, it's important that you and
15 I not talk over each other. Sometimes I can take
16 some time to formulate a question, and I understand
17 that sometimes it can take a witness time to
18 formulate an answer. And that's just fine. But
19 I'll give you the courtesy of not taking over me, if
20 you give me the same courtesy, okay?
21 A. Okay.
22 Q. And if you don't understand any of my
Page 10

1 questions at any point today, please let me know.
2 You know, sometimes I ask a B plus question instead
3 of an A minus question, and I can try and
4 reformulate, okay?
5 A. Okay.
6 Q. Your attorney is sitting next to you.
7 She can object from time to time. That's her right.
8 But unless she instructs you not to answer a
9 question, I'll ask that you answer the question,
10 okay?
11 A. Okay.
12 Q. Finally, about breaks. We'll take
13 breaks. I like to take them about once every hour.
14 If you want to take a break before then, that's
15 absolutely fine. My only request is that if I have
16 a question pending, that you answer the question
17 before we take the break, okay?
18 A. Okay.
19 Q. All right. Have you met with anyone to
20 prepare for your deposition today?
21 A. Yes.
22 Q. Who did you meet with?
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1 A. I met with my attorney, Liz Frost.
2 Q. Anyone else?
3 A. And Dave Lazarus.
4 Q. And David Lazarus is an attorney with the
5 firms Perkins Coie, LLP, is that right?
6 A. Yes.
7 Q. Was anyone else present at that meeting?
8 A. Brian Svoboda was present for a short
9 time in that meeting.
10 Q. What's Brian Svoboda's role?
11 A. He is an attorney here.
12 Q. Okay. When you say here, Perkins Coie?
13 A. Perkins Coie.
14 Q. And where did you meet?
15 A. We met in -- it might have been this
16 room.
17 Q. Okay. Fair enough.
18 A. It was in this office. Every conference
19 room looks the same to me.
20 Q. That's fair. How long did your meeting
21 last?
22 A. Approximately two hours.
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1 Q. Were you shown any documents during those
2 two hours?
3 A. Yes.
4 Q. Did any of those documents that you were
5 shown jog your memory about the 2011 congressional
6 redistricting in Maryland?
7 A. Somewhat.
8 Q. Okay. What were the documents that
9 somewhat jogged your memory?
10 MS. FROST: Objection to the specific
11 documents that he was shown. It's protected by
12 privilege.
13 MR. MEDLOCK: He said they jogged his
14 memory.
15 BY MR. MEDLOCK:
16 Q. Did they refresh your recollection about
17 anything related to the 2011 congressional
18 redistricting process in Maryland?
19 A. Well, there were a couple of emails I saw
20 that I did not remember, but, so that would have --
21 as I didn't remember them, that would have --
22 Q. Tell me about the emails that refreshed
Page 13

1 your recollection.
2 MS. FROST: Objection. Misstates what
3 the witness said.
4 BY MR. MEDLOCK:
5 Q. Go ahead.
6 A. Okay. I'm trying to think, because we
7 only looked at two or three.
8 Q. Okay.
9 A. I'm sorry. I'm trying to think
10 specifically what it was.
11 Q. Are you drawing a blank?
12 A. Well, I mean, refreshing my memory might
13 be more of an overstatement than what it was. It
14 was just I recognized them as mine.
15 Q. Oh, fair enough.
16 A. Yeah, okay.
17 Q. Okay. Did you speak with anyone, other
18 than your attorneys at Perkins Coie, in preparation
19 for your deposition today?
20 A. No.
21 Q. Did you speak, for example, with the
22 Office of Attorney General of Maryland in
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1 preparation for your deposition today?
2 A. No.
3 Q. Have you ever spoken with anyone from the
4 Office of the Attorney General of Maryland regarding
5 the 2011 congressional redistricting process?
6 A. No.
7 Q. Have you ever spoken with anyone, other
8 than your attorneys at Perkins Coie, regarding this
9 litigation?
10 A. Regarding the litigation?
11 Q. Yes.
12 A. No, except -- well, I guess my colleague,
13 Brian, when we were trying to determine -- to comply
14 with the subpoena.
15 Q. What's your colleague Brian's last name?
16 A. Freyer.
17 Q. And does Mr. Freyer work at NCEC
18 Services?
19 A. Yes, he does.
20 Q. What's his title at NCEC Services?
21 A. I don't know.
22 Q. How many people are employed at NCEC
Page 15

1 Services?
2 A. NCEC Services has seven, eight people, I
3 believe, yeah.
4 Q. Okay. So seven or eight people?
5 A. Yeah, eight.
6 Q. So it's not a very hierarchical
7 title-based organization?
8 A. No. No, no, that is not how we operate.
9 Q. All right. So what's Mr. Freyer's role
10 at NCEC Services?
11 A. Well, pretty much everybody at NCEC
12 Services has sort of the same role. I mean, we're
13 all analysts, and we work together. I mean, we work
14 as kind of equal partners.
15 Q. When you say -- go ahead.
16 A. Pardon me. Partners not in the sense
17 that we're actual designated partners.
18 Q. Yeah, I know how that works.
19 A. Okay.
20 Q. How does -- when you say analysts, what
21 do you mean by that? What are you analyzing at NCEC
22 Services?
Page 16

1 A. Well, we collect election data and census
2 data, and analyze it.
3 Q. Can you give me an idea of some of the
4 methods you use to analyze it? Without getting into
5 anything proprietary. Just, generally, how you
6 analyze it.
7 A. Well, we take -- we collect data,
8 historically, through different election cycles.
9 And look for certain types of trends within the
10 data.
11 Q. Can you give me an example of trends that
12 you would look for in the data?
13 A. You look for voter turnout. You look to
14 see how it's fallen off between presidential and
15 midterm years. You look to see how different units
16 of geography vote. Things like that.
17 Q. You say units of geography, could that be
18 census blocks, precincts, congressional districts.
19 What level are you talking about with the --
20 A. Well, the lowest level that's reported is
21 the precinct level. So precincts, towns, counties,
22 media markets.
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1 Q. Okay. And we'll get back to that in a
2 bit. What -- what's the highest level of education
3 that you finished?
4 A. I attended University of Colorado, but
5 didn't graduate, so it's high school.
6 Q. Okay. And how many years were you at
7 University of Colorado?
8 A. Three years.
9 Q. And what were you majoring in, in your
10 three years?
11 A. International affairs.
12 Q. Fair enough. I did that at Georgetown as
13 well. And it's funny, neither of us are in
14 international affairs currently.
15 A. No, we are not.
16 Q. Yeah. So after you left University of
17 Colorado, what year did you leave?
18 A. 1985.
19 Q. Okay. And when you left University of
20 Colorado in 1985, did you go into some form of
21 employment?
22 A. I did.

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1 in his -- one of his Colorado constituent offices?
2 A. His D.C. office.
3 Q. And how long were you in Senator
4 Hart's -- working in Senator Hart's D.C. office?
5 A. Through '90 -- or through '86, when he
6 retired and began his second presidential run.
7 Q. What did you do after Senator Hart
8 retired in 1986, where did you go to work?
9 A. I went to go work on his presidential
10 campaign.
11 Q. Okay. And so that would be from 1986
12 until what, 1987, '88?
13 A. Right. Until he had that issue.
14 Q. Yes. Fair enough.
15 A. All right.
16 Q. And shortly thereafter, I suppose?
17 A. Right. Yes.
18 Q. And after Senator Hart's campaign ended,
19 where did you go work?
20 A. I went -- excuse me, I went to work for
21 the Michael Dukakis campaign.
22 Q. And so you had that job up until the 1988

Page 20

1 Q. Okay. Where were you employed after you
2 left University of Colorado in 1985?
3 A. Immediately after that, I was employed at
4 Clyde's of Georgetown.
5 Q. Nice.
6 A. It wasn't so nice. It was a lot of work.
7 Q. I worked at The Tombs. I know how you
8 carry the plates and everything.
9 A. Yeah.
10 Q. Where -- at -- after you were done
11 working at Clyde's, what was the next job you went
12 to?
13 A. I worked for Senator Gary Hart in
14 Colorado.
15 Q. Okay. And when did you move to work for
16 Senator Gary Hart?
17 A. That would have been in 1985 right at
18 sometime, during that time.
19 Q. What did you do for Senator Hart?
20 A. I was a staff assistant who worked the
21 front desk, and did some constituent work.
22 Q. Were you in Senator Hart's D.C. office or

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1 election, is that right?
2 A. No. I was working both campaigns in
3 Iowa, so I left the Dukakis campaign before the
4 election.
5 Q. Before or after the tank?
6 A. Before.
7 Q. Good move. So after you left the Dukakis
8 campaign, would that be 1988, to your recollection?
9 A. It could have been '80 -- it was before
10 the Iowa caucus, so it was '87, probably.
11 Q. So it would be '87, yeah.
12 A. Yes.
13 Q. So after you left the Dukakis campaign,
14 where did you go work next?
15 A. NCEC.
16 Q. Okay. And when you say NCEC, is that
17 different than NCEC Services?
18 A. Yes. There are two entities. There is
19 the National Committee for an Effective Congress,
20 which is a federal PAC that -- and then there is
21 NCEC Services, which is more of a consulting firm
22 type of organization. So you have roles at both.

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1 Q. I see. To your knowledge, when was NCEC
2 Services founded?
3 A. That would have been after I got there.
4 I don't know exactly the year.
5 Q. Okay. But at some point, NCEC Services
6 was founded, and you had dual roles between NCEC
7 Services and NCEC, is that right?
8 A. That's correct.
9 Q. Do you still have a dual role today?
10 A. Yes.
11 Q. What's your role at NCEC?
12 A. The PAC?
13 Q. Yes.
14 A. I'm the president.
15 Q. Okay. And you said already that your
16 sort of role at NCEC Services is more of an analyst
17 function, is that right?
18 A. That's correct.
19 Q. Does everyone who works at NCEC Services
20 also have a dual role at NCEC, the PAC?
21 A. Yes.
22 Q. Okay. Why was NCEC Services created?
Page 22

1 A. Well, NCEC, the PAC, could only -- was a
2 federal PAC, and worked in federal campaigns.
3 Services could do work for -- in gubernatorial
4 races, other things like that.
5 Q. So it just expands the number of -- your
6 level of involvement, from NCEC's perspective?
7 A. Right. Yes.
8 Q. So from your perspective, does NCEC
9 Services have the same mission as NCEC, the PAC?
10 A. No.
11 Q. Okay. How are they different?
12 A. Well, the PAC provides electoral
13 targeting to federal candidates as an in-kind
14 contribution.
15 Q. Anything else that's different?
16 A. Well, I mean, the PAC, that's what the
17 PAC does. The PAC just provides -- NCEC Services
18 doesn't do that work.
19 Q. I see. What do you mean by electoral
20 targeting?
21 A. Electoral targeting is -- takes past
22 voting behavior, we have a series of indices that we
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1 -- and formulas that we've created that breaks down
2 a district or a state at different geographic
3 levels, that helps campaigns determine how to
4 allocate resources appropriately.
5 Q. You said you have a series of indices.
6 Is one of those called the Democratic Performance
7 Index or DPI?
8 A. It's -- yes, Democratic performance.
9 Q. What does Democratic performance mean,
10 just generally. I don't need to know anything
11 that's proprietary about it.
12 A. Okay. Democratic performance is an
13 average of how statewide candidates perform over
14 time in competitive elections, weighted for
15 different -- weighted differently for different
16 election years. So it's an average.
17 Q. So it will take into account past voting
18 history in a state or a district, is that right?
19 A. That's correct.
20 Q. Okay. Can you sometimes have sort of
21 species, I guess I would say, of Democratic
22 performance, one being federal Democratic
Page 24

1 performance and the other being state Democratic
2 performance?
3 A. In some states, we do that, yes.
4 Q. What's the difference between federal
5 Democratic performance and state Democratic
6 performance?
7 A. So Democratic performance, as I said, is
8 an average of statewide elections. The federal
9 performance only uses federal races. State
10 performance only uses state races -- statewide, like
11 constitutional offices, gubernatorial races.
12 Q. Why would you make that distinction? Is
13 it sometimes the case that the federal Democratic
14 performance is different than the state Democratic
15 performance in a particular district?
16 A. Yes.
17 Q. What does that mean? Why would they be
18 different?
19 A. Well, sometimes people vote differently
20 at the state level for state offices than they do
21 for federal candidates.
22 Q. So like ticket splitting, essentially?
Page 25

1 A. It's -- it's -- yeah, I mean, yeah, it's
2 ticket splitting.
3 Q. Is it sometimes the case that the make-up
4 of the electorate for a state election is different
5 than the makeup of the electorate for a federal
6 election?
7 A. Well, yeah, I mean, it depends on what
8 the election is, but sometimes a federal election is
9 a higher profile election, and it gets more
10 attention. Sometimes a state election, or
11 gubernatorial election is a higher profile election.
12 And if a Senate race, for example, is not
13 competitive, it doesn't get as much attention. So
14 they can be different.
15 Q. Okay. And then in that hypothetical you
16 were building out, where the Senate election is not
17 competitive, in that case, the gubernatorial
18 election could be driving turnout in that instance,
19 is that right?
20 A. That's correct, yeah.
21 Q. Okay. All right. Let's mark -- oh, I'm
22 sorry. Go ahead.

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1 A. And then certainly, a federal election
2 would include presidential elections, which are the
3 highest profile.
4 Q. Certainly.
5 A. Yeah.
6 Q. Okay. Let's mark the first exhibit. I
7 think this will be 52.
8 (Hawkins Exhibit No. 52 was
9 marked for identification.)
10 BY MR. MEDLOCK:
11 Q. All right, sir, I put in front of you
12 what we've marked as Exhibit 52 to your deposition.
13 It's a printout of a website,
14 HTTP://NCECServices.com. As for all exhibits that I
15 give you today, take your time, read through it.
16 This may be the one that takes the longest to read
17 through. But once you're done, just let me know
18 audibly when you're done reading the exhibit.
19 A. Okay.
20 Q. All right. So is this a copy of NCEC
21 Services' website, as far as you understand?
22 A. As far as I understand. I mean, NCEC

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1 Services doesn't really have much of a website
2 presence.
3 Q. It's just sort of this landing page, is
4 that right?
5 A. Yes.
6 Q. And this says that -- the website says
7 NCEC Services "specializes in electoral analysis,
8 campaign strategy, political targeting, and GIS
9 services." Do you see that, sir?
10 A. Yes.
11 Q. What does political targeting mean in
12 this sentence?
13 A. That's the electoral targeting that I was
14 discussing earlier.
15 Q. Okay. So NCEC Services does do some
16 electoral targeting work?
17 A. Well, yeah, for non-federal races.
18 Q. I see. What does GIS services mean?
19 A. Geographic information systems.
20 Q. Can you give me an explanation of what a
21 geographic information system is?
22 A. Sure. It could be anything from a

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1 program that does thematic mapping to display data
2 geographically. It could be -- I mean, that's
3 generally what it is. It could do some sort of
4 spatial analysis, based on -- I mean, I don't use it
5 for this, but that's what it could do. I mean, you
6 could have a point and have a -- expand a circle, a
7 ring around a certain point, to collect what the
8 data is, or underlying data within that radius of
9 that point, so -- it has several functions, but --
10 Q. Have you ever heard of a program called
11 Maptitude?
12 A. Yes.
13 Q. Is that an example of GIS software?
14 A. Yes, it is.
15 Q. What sort of GIS software does NCEC
16 Services use currently?
17 A. ArcGIS and Maptitude.
18 Q. In 2011, what type of GIS software was
19 NCEC Services using?
20 A. Maptitude and ArcGIS.
21 Q. Do you recall what version of Maptitude
22 you would have been using back then?

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1 A. I don't know what version they were on.
2 Q. Okay. So does NCEC -- we talked a little
3 bit about the client base for NCEC Services. Does
4 NCEC Services provide consulting services to
5 political parties?
6 A. Yes.
7 Q. Which political parties does NCEC
8 Services provide service -- its consulting services
9 to?
10 A. The Democratic Party.
11 Q. Has it ever provided consulting services
12 to the Republican Party?
13 A. Not to my knowledge.
14 Q. Any other parties besides the Democratic
15 Party that NCEC Services has ever provided
16 consulting services to?
17 A. Not to my knowledge, no.
18 Q. Does NCEC Services provide consulting
19 services to political campaigns?
20 A. No, I don't think so directly.
21 Q. Does it do so indirectly?
22 A. NCEC Services will work with party
Page 30

1 committees.
2 Q. When you say party committees, is it sort
3 of like the Democratic Congressional Campaign
4 Committee, is that an example of a party committee
5 that NCEC Services has worked with?
6 A. Yes.
7 Q. How about the Democratic Senatorial
8 Campaign Committee?
9 A. NCEC Services has worked for the DSCC on
10 occasion, yes.
11 Q. Have you heard of an entity called the
12 Democratic National Redistricting Trust?
13 A. Yes.
14 Q. Has NCEC Services done work for the
15 Democratic National Restricting Trust?
16 A. Yes.
17 Q. Has NCEC Services ever provided
18 consulting services to state Democratic parties?
19 A. Yes.
20 Q. To your knowledge, has NCEC Services ever
21 provided consulting services to the Maryland
22 Democratic Party?
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1 A. I'm not sure.
2 Q. So you're just not sure one way or the
3 other?
4 A. Right, yes.
5 Q. It could have happened, but you can't
6 recall?
7 A. Yes.
8 Q. Okay. Has NCEC Services ever provided
9 consulting services to Maryland -- former Maryland
10 Governor Martin O'Malley?
11 A. I don't know.
12 Q. And again, you just don't know one way or
13 the other?
14 A. I don't know.
15 Q. It could have happened, but you don't
16 know, is that right?
17 A. I don't know. I mean --
18 Q. Okay. How about the Office of the
19 Governor of Maryland? Has NCEC Services ever
20 provided consulting services to the Office of the
21 Governor of Maryland?
22 A. I don't know.
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1 Q. Has NCEC Services ever provided
2 consulting services of any type to any member of the
3 Maryland House of Delegates?
4 A. No, I don't think so. I don't know. I
5 mean, I don't know.
6 Q. Okay. So is it a no, or is it an I don't
7 know?
8 A. I don't know.
9 Q. Okay. How about the Maryland Senate? To
10 your knowledge, has NCEC Services ever provided
11 consulting services to any member of the Maryland
12 Senate?
13 A. I don't know.
14 Q. Okay. Has NCEC Services ever provided
15 consulting services to U.S. Congressman Dutch
16 Ruppersberger?
17 A. No. Well, I don't know that. I mean,
18 that would be unusual.
19 Q. What makes you say -- what made you
20 change your answer?
21 A. Because if we were providing him
22 targeting, it would come through at National
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1 Committee for an Effective Congress.
2 Q. I see. To your knowledge, is the
3 National Committee for an Effective Congress ever
4 provided U.S. Congressman Dutch Ruppersberger with
5 consulting services?
6 A. We might have provided him targeting. I
7 don't know.
8 Q. Okay. You don't know off the top of your
9 head, as you sit here today?
10 A. No. Right.
11 Q. Okay. How about U.S. Congressman Steny
12 Hoyer. Has NCEC Services ever provided any
13 consulting services to Congressman Hoyer or his
14 office?
15 A. Can you -- I mean, what type of
16 consulting services?
17 Q. Electoral analysis, campaign strategy,
18 political targeting, or GIS services?
19 A. Again, the political targeting would have
20 come through the National Committee for an Effective
21 Congress. So I don't know if NCEC would have -- I
22 don't -- I don't know.

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1 Q. Has the National Committee for an
2 Effective Congress ever provided any consulting
3 services to U.S. Congressman Steny Hoyer or any
4 member of his office?
5 A. Yes.
6 Q. When did that occur?
7 A. I'm sure we would have provided him
8 targeting, I don't know the exact dates.
9 Q. Did it occur on the 2011 redistricting
10 cycle?
11 A. Well, that wouldn't have come through the
12 PAC.
13 Q. I see. That would come through NCEC
14 Services, is that correct?
15 A. Right. Right.
16 Q. And you don't know whether NCEC Services
17 provided any consulting services to U.S. Congressman
18 Hoyer's office or U.S. Congressman Hoyer during the
19 2011 redistricting cycle?
20 MS. FROST: Objection. Misstates his
21 answer.
22 THE WITNESS: I'm a little confused by

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1 what you're asking me, so I apologize.
2 BY MR. MEDLOCK:
3 Q. Okay.
4 A. NCEC Services did work for the delegation
5 during the redistricting. But when -- the way
6 you're framing the question is confusing me, so I
7 apologize.
8 Q. Okay. That's fine. When you said NCEC
9 Services did work for the delegation.
10 A. Right.
11 Q. What do you mean by the delegation?
12 A. The Democratic members of the Maryland
13 congressional delegation.
14 Q. Okay. And this occurred during the 2011
15 redistricting cycle, is that right?
16 A. That's correct.
17 Q. And what do you mean by, did work for?
18 A. We analyzed plans for the members of the
19 delegation.
20 Q. What type of plans?
21 A. Congressional redistricting plans.
22 Q. When you say analyzed congressional

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1 redistricting plans, what type of analysis were you
2 doing for the Democratic members of the Maryland
3 delegation?
4 A. Analyzing the plan, to tell them how
5 different districts -- different options would
6 change their districts.
7 Q. Anything else that you did for -- in
8 terms of analysis?
9 A. We worked on some alternative plans with
10 them.
11 Q. When you say worked on some alternative
12 plans, did you actually draw actual maps using GIS
13 software?
14 A. Yes.
15 Q. What software would you have used to draw
16 those maps?
17 A. Mapitude.
18 Q. How many maps, to your knowledge, did you
19 draw when working with the Democratic members of
20 Maryland's U.S. House delegation?
21 A. I don't know.
22 Q. Was it more than one?

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1 A. Yes.
2 Q. More than five?
3 A. Yes.
4 Q. More than 10?
5 A. Yes.
6 Q. More than 20?
7 A. I don't know.
8 Q. Somewhere between 10 and 20?
9 A. That sounds right.
10 Q. What was the purpose of drawing these
11 maps with the U.S. -- the Democratic members of
12 Maryland's U.S. House delegation?
13 A. Well, after the census, the populations
14 change in the districts. You have to equalize the
15 population, so the purpose is equalizing the
16 population and reconfiguring the map of Maryland.
17 Q. Would these maps be provided to members
18 of Maryland's State government after they were
19 drawn?
20 MS. RICE: Objection.
21 THE WITNESS: I don't remember doing
22 that, no.

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1 BY MR. MEDLOCK:
2 Q. Do you know if anyone that you -- so
3 you -- let me back up for a second. So you have a
4 meeting with members of Maryland's U.S. House
5 delegation in which you draw a map on Maptitude,
6 okay?
7 A. Uh-huh.
8 Q. What happens with that map, once it's
9 drawn? Do you print it out and provide it to the
10 members? Is it sent to their staff? What happens
11 after it's drawn?
12 MS. FROST: Objection.
13 THE WITNESS: It might have been -- at
14 times, might have been printed out. It, at times,
15 might have been sent to them. At times, it might
16 have not gone to -- gone anywhere.
17 BY MR. MEDLOCK:
18 Q. Okay. Do you have any idea what -- in
19 instances where you did send a draft map on to
20 members of the -- Maryland's U.S. -- Democratic
21 members of Maryland's U.S. House delegation, do you
22 know what happened to that map after -- that draft

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1 map after you sent it on?
2 A. No.
3 MS. FROST: Objection.
4 THE WITNESS: No.
5 BY MR. MEDLOCK:
6 Q. So it's possible that your draft maps
7 could have ended up in the hands of Maryland's state
8 government, but you just don't know?
9 MS. FROST: Objection.
10 THE WITNESS: I don't know where they
11 would have -- where it would have gone.
12 BY MR. MEDLOCK:
13 Q. Okay.
14 A. Or if they did.
15 Q. What was -- did the members of Maryland's
16 U.S. -- the Democratic members of Maryland's U.S.
17 House delegation have any particular purpose in mind
18 when you were sitting down with them to draw draft
19 maps in Maptitude?
20 MS. FROST: Objection.
21 THE WITNESS: Yes, I mean, they wanted to
22 get re-elected.

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1 BY MR. MEDLOCK:
2 Q. Did they -- so they wanted their
3 districts to improve in Democratic performance, in
4 other words?
5 A. If possible, but yes.
6 Q. Did they have any other goals in mind,
7 that you know of?
8 MS. FROST: Objection.
9 THE WITNESS: The main goal that they had
10 was incumbent protection.
11 BY MR. MEDLOCK:
12 Q. Was there another subsidiary goal?
13 MS. FROST: Objection.
14 THE WITNESS: Well, Maryland is a very
15 Democratic state, and it was felt that it was -- the
16 number of districts that were held by Democrats was
17 underrepresented by how Democratic the state was.
18 BY MR. MEDLOCK:
19 Q. I see. And when you say the number of
20 Democratic districts was underrepresented by how
21 Democratic the state was, was one of the goals that
22 you understood behind this map making process that

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<p>1 you were involved in with the Democratic members of 2 the U.S. House delegation, to increase the number of 3 congressional seats held by Democrats in Maryland? 4 MS. RICE: Objection. I'm sorry, Steve. 5 Objection, speculation. 6 THE WITNESS: The goal was, first and 7 foremost, incumbent protection. We certainly looked 8 at the possibility, because the state is so 9 Democratic. 10 BY MR. MEDLOCK: 11 Q. Right. Did you look at the possibility 12 of changing the make-up of Maryland's U.S. House 13 delegation from six Democrats and two Republicans to 14 seven Democrats and one Republican? 15 A. Yes, we did. And again, because it's so 16 Democratic, we -- yes, we did that. We even looked 17 at, it's so Democratic -- the state is so 18 Democratic, if you didn't have to worry about 19 incumbent protection, you possibly could create 20 eight districts there, it's so Democratic. 21 Q. So it was possible, with the information 22 you had, to draw an 8-0 map, is that right?</p> <p style="text-align: right;">Page 42</p>	<p>1 Q. What does 7-1 map mean? 2 A. That would be seven Democrats, one 3 Republican. 4 Q. And in the versions of the 7-1 map that 5 you drew, was Maryland's 6th Congressional District 6 in western Maryland, was that changed from a 7 Republican district to a Democratic district? 8 A. Can you say that -- state that again? 9 Q. Sure. Fair enough. That might be a B 10 plus question. So let me just break it down. You 11 had versions of the map that were called 7-1 maps, 12 is that right? 13 A. Right. Yes. 14 Q. And that means seven Democrats, one 15 Republican? 16 A. Right. 17 Q. And there were, at the time, two -- in 18 Maryland's U.S. House delegation, two Republicans 19 and six Democrats, correct? 20 A. Yes. 21 Q. And one of those Republicans was Roscoe 22 Bartlett, who was in Maryland's 6th Congressional</p> <p style="text-align: right;">Page 44</p>
<p>1 A. Well, not really in reality, because 2 incumbent protection is the major focus of the -- 3 was the major focus of this. 4 Q. When you say incumbent protection, are 5 you talking about protecting all incumbents, or just 6 Maryland -- members of Maryland's Democratic U.S. 7 House delegation? 8 A. We were looking -- we were working with 9 the members of the Democratic House delegation. 10 Q. Okay. So when you were talking about 11 incumbent protection, did you consider protecting 12 U.S. Congressman Roscoe Bartlett, who was an 13 incumbent? 14 A. No. 15 Q. Did you consider protecting U.S. 16 Congressman Andy Harris, who was an incumbent? 17 A. Well, no. I guess not straight off, no. 18 Q. No. Okay. Did you ever -- when you were 19 working with the members of Maryland's U.S. House 20 delegation, ever hear of something referred to as a 21 7-1 map? 22 A. Yes.</p> <p style="text-align: right;">Page 43</p>	<p>1 District in western Maryland, correct? 2 A. Yes. 3 Q. And the other was Andy Harris, and he was 4 in the 1st District, and sort of takes most of the 5 Eastern Shore of Maryland, correct? 6 A. Yes. 7 Q. So if you were going to create a 7-1 map, 8 you either had to create a map that was less 9 favorable to Roscoe Bartlett or less favorable to 10 Andy Harris, is that right? 11 A. Yes. 12 Q. So one option would be to improve the 13 Democratic performance in Maryland's 1st 14 Congressional District, which is the Eastern Shore 15 district held by Andy Harris, is that right? 16 A. Yes, although we didn't rely totally on 17 Democratic performance. 18 Q. Sure. Well, that's a good point. One 19 option available to you and the Democratic members 20 of Maryland's U.S. House delegation was to change 21 the boundaries of Maryland's 1st Congressional 22 District in such a way that it was unfavorable to</p> <p style="text-align: right;">Page 45</p>

<p>1 Andy Harris, is that right? 2 A. Well, I don't -- I mean, it would be 3 less -- it would be more Democratic. 4 Q. Fair enough. And if it's more 5 Democratic, it's less favorable to a Republican 6 candidate, is that right? 7 A. I mean, it depends on how much territory 8 he maintained. I mean, there are plenty of 9 Republicans in -- around the country that represent 10 Democratic districts. 11 Q. Sure. Understood. But it would become 12 less favorable to him if you brought in more 13 Democratic territory? 14 A. Andy Harris probably wouldn't -- would 15 probably prefer that that not happen. 16 Q. Right. 17 A. But it depends, again, if he held a lot 18 of his same territory. 19 Q. Right. Okay. And in the 6th District, 20 the 6th Congressional District in western Maryland 21 held by Roscoe Bartlett, one of the options to 22 create the 7-1 map was to change the boundaries of</p> <p style="text-align: right;">Page 46</p>	<p>1 MS. RICE: Objection, speculation. 2 THE WITNESS: Again, the goal was 3 incumbent protection. And if the state was so 4 Democratic that there was another Democratic 5 district someplace. So I mean, yes. I mean, I 6 guess. I don't know if it was ever stated in that 7 way, but -- 8 BY MR. MEDLOCK: 9 Q. You understood that to be one of the 10 goals? 11 A. That was one of the things we looked at. 12 Q. Okay. Was it not only one of the things 13 you looked at, but one of the goals, as you 14 understood them, of this consulting arrangement? 15 MS. RICE: Objection. Objection. 16 BY MR. MEDLOCK: 17 Q. That's all right. 18 A. Okay. Again, we were looking -- one of 19 the goals was, because the state was so Democratic, 20 to see if there was a possibility for another 21 Democratic district. 22 Q. So a seventh seat, regardless of where it</p> <p style="text-align: right;">Page 48</p>
<p>1 the 6th Congressional District in such a way that it 2 was more favorable to a Democratic candidate winning 3 that 6th Congressional seat? 4 A. It would become more Democratic. 5 Q. Right. And you would do that by changing 6 the boundaries of the district, is that right? 7 A. It would become more Democratic over time 8 anyway, because Frederick was growing so much, but 9 yes, you would change the boundaries. 10 Q. And one of the ways you could change the 11 boundaries is to extend the boundaries of the 6th 12 Congressional District into Montgomery County, is 13 that right? And that would improve the Democratic 14 performance of the district? 15 A. Depending on what else -- yes, I mean, 16 Montgomery County is a very Democratic county. 17 Q. Right. At some point, did you understand 18 one of the goals of your consulting arrangement with 19 the U.S. -- the Democratic members of Maryland's 20 U.S. House delegation to be -- to make the 6th 21 Congressional District more favorable for a 22 Democratic candidate?</p> <p style="text-align: right;">Page 47</p>	<p>1 was, just to create a 7-1 split? 2 A. Yes. 3 Q. Sorry. You made me go way through my 4 outline much faster. 5 A. Oh, no. 6 Q. So this is fine. When you were involved 7 in this consulting arrangement with the Democratic 8 members of Maryland's U.S. House delegation, did you 9 hold any meetings with those Democratic members? 10 A. Yes. 11 Q. How many? 12 A. I don't know exactly. 13 Q. More than five? 14 A. Possibly. 15 Q. Where did those meetings occur? Were 16 they in person or were they on the phone? 17 A. Are you talking -- can you ask the 18 question again? 19 Q. Sure. 20 A. Okay. 21 Q. Sure. Did you have meetings, any type of 22 meetings on the phone or in person with members of</p> <p style="text-align: right;">Page 49</p>

1 Maryland's U.S. House delegation during the 2011
2 redistricting cycle?
3 A. Yes.
4 Q. How many of those meetings were in-person
5 meetings?
6 A. As a group or individually? That's what
7 I'm --
8 Q. I see. How many meetings were there with
9 the entire U.S. -- Maryland Democratic U.S. House
10 delegation?
11 A. I don't remember exactly.
12 Q. Are we talking more than one?
13 A. Yes.
14 Q. More than five?
15 A. I don't know if it was more than five.
16 Q. Okay. Somewhere between one and five,
17 then?
18 A. Right.
19 Q. Okay. How about one-on-one meetings?
20 Did you have any one-on-one meetings with members --
21 Democratic members of Maryland's U.S. House
22 delegation?

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1 A. Yes.
2 Q. Can you name the Democratic members of
3 Maryland's U.S. House delegation that you had
4 one-on-one meetings with?
5 A. Yes. Congressman Sarbanes, Congressman
6 Hoyer. Congressman Van Hollen. Maybe Congresswoman
7 Edwards. I don't remember.
8 Q. How about Congressman Elijah Cummings.
9 Did you have one-on-one meetings with him?
10 A. I don't remember having a one-on-one
11 meeting with Congressman Cummings.
12 Q. Okay.
13 A. I mean, not to say that I didn't. I just
14 don't remember.
15 Q. You just don't remember.
16 A. Right.
17 Q. Okay. Did you have any -- when you had
18 these one-on-one meetings, where did those meetings
19 occur?
20 A. At the members' office or at our office
21 or -- yeah.
22 Q. What was the breakdown? Did it happen

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1 more often at NCEC's offices, or did it happen more
2 often at the members' offices?
3 A. I don't know.
4 Q. Okay. And the group meetings. Where did
5 those meetings occur?
6 A. Those meetings took place at the Capitol.
7 Q. Whose offices?
8 A. In a meeting room at the Capitol.
9 Q. Okay. When you met with the full
10 Democratic U.S. House delegation from Maryland, who
11 from NCEC Services was present at those meetings?
12 A. I was there, and Mark Gersh was there.
13 Q. What's Mark Gersh's role at NCEC
14 Services?
15 A. Mark is currently -- we're so informal.
16 Q. That's fair.
17 A. I'm sorry. But we are. It's hard for me
18 to --
19 Q. Do your best to describe it.
20 A. I mean, I would call him a consultant
21 now.
22 Q. Okay.

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1 A. But that doesn't even seem right. It's
2 just we're really informal there.
3 Q. Okay. Fair enough. And are you, in your
4 find, distinguishing between consultant and analyst?
5 A. Well, he's an analyst as well.
6 Q. Oh, okay.
7 A. He just doesn't spend as much time in the
8 office, that's all.
9 Q. Okay. We can seal certain parts of this
10 of this transcript if you want.
11 A. No, he wouldn't mind that. I just -- I
12 don't -- we are very informal.
13 Q. Fair enough.
14 A. Okay.
15 Q. Okay. When you had these meetings with
16 the full Democratic U.S. House delegation from
17 Maryland in the meeting rooms at the Capitol, were
18 any congressional staffers present for those
19 meetings?
20 A. I don't think so.
21 Q. To your knowledge, were congressional
22 staffers barred from attending the meetings?

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1 A. I don't know.
2 Q. Were any individuals, other than the
3 Democratic members of Maryland's U.S. House
4 delegation, and employees of NCEC Services, invited
5 to the meetings?
6 A. I'm sorry. Can you ask that again?
7 Q. Sure. Was anyone invited to these
8 meetings with the full Maryland Democratic U.S.
9 House delegation at NCEC Services that occurred at
10 the Capitol besides NCEC Services and the members
11 themselves?
12 A. I don't know if anybody else was. I
13 don't remember anybody else being there.
14 Q. Were any attorneys there?
15 A. I don't remember, but I would say no.
16 Q. Did anyone take notes during the meeting?
17 A. No, I don't think so.
18 Q. Was an agenda -- I'm sorry, go ahead. I
19 didn't mean to step on your answer.
20 A. I don't think so, no.
21 Q. Was an agenda ever circulated at any of
22 these meetings?

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1 A. No.
2 Q. Were any minutes ever circulated after
3 the meetings?
4 A. No.
5 Q. Was there ever any sort of informal
6 emails sent after the meetings summarizing what was
7 discussed at the meetings?
8 A. I don't remember that. I don't remember
9 there ever being one, but I don't remember.
10 Q. Did -- were any sort of papers circulated
11 during these meetings with the full Democratic U.S.
12 House delegation from Maryland?
13 A. I don't remember.
14 Q. Did you bring any briefing books to the
15 meetings?
16 A. No, not a briefing -- no.
17 Q. Did you bring any sort of written
18 materials to the meetings?
19 A. I don't remember.
20 Q. Okay. Did you bring your computer to the
21 meetings?
22 A. Yes.

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1 Q. Did you run Maptitude during the
2 meetings?
3 A. Yes.
4 Q. Did you actually manipulate the
5 boundaries of congressional districts during -- on
6 Maptitude during these meetings?
7 A. Rarely, I'd say.
8 Q. Okay. Why do you say rarely?
9 A. It was more just to show plans -- plan
10 options.
11 Q. I see. So you're sort of presenting the
12 different plan options?
13 A. Right. Right.
14 Q. And how many plan options would you
15 present during these meetings?
16 A. I don't know.
17 Q. Are we talking dozens or less than 10?
18 A. Oh, no. Less than 10. Less than five --
19 I don't know. Not many.
20 Q. Can you recall the names of any of the
21 maps that you showed to the Democratic members of
22 Maryland's U.S. House delegation during these

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1 meetings?
2 A. No.
3 Q. Were any of these maps what you would
4 refer to as a 7-1 map that you showed the Democratic
5 members of Maryland's U.S. House delegation?
6 A. I don't know.
7 Q. Okay. So we talked about the "where" of
8 these meetings, and a little bit of the "what" of
9 these meetings. I want to get to the "when" of
10 these meetings.
11 A. Okay.
12 Q. When did your first meeting with the
13 Democratic -- the full Democratic membership of
14 Maryland's U.S. House delegation occur?
15 A. I don't know.
16 Q. Okay. Would it have occurred sometime in
17 2011?
18 A. I would think so. I don't know for sure.
19 Yes.
20 Q. Would it have occurred sometime shortly
21 after the U.S. census data being made available for
22 Maryland?

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1 A. Well, the census data comes out in April
2 of 2010, I think, so -- yeah, I don't know.
3 Probably wouldn't have met with them until 2011. I
4 don't know.
5 Q. Okay. When was the last meeting that you
6 had with the full Maryland Democratic U.S. House
7 delegation regarding the 2011 congressional
8 redistricting process?
9 A. I don't know.
10 Q. Would it have occurred sometime in
11 October 2011? Does that refresh your recollection?
12 A. I don't know when it would have been.
13 Q. Okay. Can you recall any specific topics
14 that were discussed during your meetings with the
15 full Maryland U.S. House delegation?
16 A. No.
17 Q. Other than redistricting, there is
18 nothing specific that you can recall?
19 A. Not -- no, I mean, so many -- there is so
20 many things that are -- no.
21 Q. Okay. Do you have any written notes or
22 documents in your possession that would summarize

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1 what was discussed at any of these meetings with
2 Maryland's full U.S. House delegation?
3 A. No.
4 Q. Is there anything I could show you to jog
5 your memory about what occurred during these
6 meetings?
7 A. I don't know what you have.
8 Q. Can you think of anything in your
9 possession that would jog your memory of these
10 meetings?
11 A. No, no.
12 Q. When you were at the meetings with
13 Mr. Gersh, with the full Democratic membership of
14 Maryland's U.S. House delegation, who did more of
15 the speaking, you or Mr. Gersh?
16 A. I don't remember.
17 Q. Would you have a pre-meeting with
18 Mr. Gersh to work out what would be discussed during
19 the meeting with the full U.S. House Maryland --
20 Democratic membership of Maryland's U.S. House
21 delegation?
22 A. Generally, yes, that's what we would do.

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1 Q. When would those pre-meetings occur?
2 A. I don't know specifically.
3 Q. Would they occur a day before, two days
4 before? Is that your usual practice?
5 A. Again, we're so informal, I have no idea.
6 We don't have like usual practices.
7 Q. Fair to say you're not a big consulting
8 firm?
9 A. No.
10 Q. Yeah. Would you have pre-meetings with
11 senior staffers to the Democrats on Maryland's U.S.
12 House delegation before these meetings you had with
13 the members themselves?
14 A. I don't know.
15 Q. Do you ever attend meetings in person
16 with senior staffers -- let's back that up,
17 actually. Did you attend any meetings with staffers
18 to the Democratic members of Maryland's U.S. House
19 delegation regarding the 2011 redistricting process?
20 A. Yes.
21 Q. Can you name any of the staffers that you
22 met with in person regarding the 2011 redistricting

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1 process?
2 A. Yes.
3 Q. Please do.
4 MS. FROST: Point of clarification. When
5 you're talking about 2011 redistricting process,
6 you're talking Maryland specifically?
7 MR. MEDLOCK: Yes, that's correct.
8 That's correct. Thank you.
9 MS. FROST: I mean, that way you wouldn't
10 have to say Maryland each time.
11 MR. MEDLOCK: Yes. Fair enough. Yes,
12 it's getting a little rote. Yes.
13 THE WITNESS: Brian Romick.
14 BY MR. MEDLOCK:
15 Q. What was his -- who did he work for?
16 A. Steny -- Congressman Hoyer.
17 Q. Do you know what his title was?
18 A. I don't know what his title was.
19 Q. Okay. Go ahead.
20 A. Jason Gleason.
21 Q. And who did he work for?
22 A. Congressman Sarbanes.

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1 Q. Do you know what his title was in
2 Sarbanes' office?
3 A. I don't know.
4 Q. Okay. Please go ahead. Anyone else?
5 A. C.R. Wooters, I believe.
6 Q. Okay. And who does C.R. Wooters work
7 for?
8 A. Chris Van Hollen. Congressman -- Senator
9 Van Hollen.
10 Q. Now Senator Van Hollen. Then Congressman
11 Van Hollen?
12 A. Right, yes.
13 Q. Do you know what his title was in then
14 Congressman Van Hollen's office?
15 A. I don't know.
16 Q. Okay. Anyone else?
17 A. Yeah, I'm not sure.
18 Q. How about Vernon Simms? Does that ring a
19 bell?
20 A. It's possible I met with him. I don't
21 remember specifically.
22 Q. Do you know who Vernon Simms works for,
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1 or worked for at the time?
2 A. Congressman Cummings.
3 Q. Okay. How about Adrian R. Christian, who
4 worked for Donna Edwards. Did you ever meet with
5 her?
6 A. I don't remember meeting with her
7 specifically.
8 Q. So it could have happened, you just don't
9 know?
10 A. Yes, I don't know.
11 Q. Okay. We talked about in-person
12 meetings. How about phone meetings? Did you ever
13 have phone meetings with members of Maryland's U.S.
14 House delegation concerning the 2011 redistricting
15 process?
16 A. I don't think so, no.
17 Q. Okay. How about phone calls with
18 staffers to Maryland's U.S. House -- Democratic
19 members of Maryland's U.S. House delegation. Did
20 you have any phone calls with staffers regarding the
21 2011 redistricting process?
22 A. Yes.
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1 Q. Can you recall any specific staffers that
2 you had phone conversations with regarding the 2011
3 redistricting process?
4 A. Probably the same staffers. Jason
5 Gleason, Brian Romick. I think I talked to C.R.
6 Q. C.R. Wooters?
7 A. Yes, C.R. Wooters. That's where I may
8 have -- I probably talked to Vernon Simms on the
9 phone.
10 Q. Okay.
11 A. I don't know about Adrian.
12 Q. Okay. How often were you talking to
13 these staffers to Democratic members of Maryland's
14 U.S. House delegation regarding the 2011
15 redistricting process?
16 A. I don't know.
17 Q. Was it a weekly occurrence or a daily
18 occurrence, as you recall it?
19 A. It wouldn't have been daily. I don't
20 know if it was weekly even.
21 Q. Okay. But they weren't pushy clients?
22 A. I just don't remember.
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1 Q. Okay. All right. Well, speaking of
2 which, the client relationship, who did you
3 understand your -- to have actually retained you in
4 this consulting engagement?
5 A. I don't know.
6 Q. Do you know, would Mr. Gersh know the
7 answer to that question?
8 A. I don't know if he knows.
9 Q. Okay. Who at NCEC Services or National
10 Committee for an Effective Congress would know the
11 answer to that question?
12 A. I don't know. Maybe Kathy Jones, who was
13 the office manager then. I don't know. I don't
14 know.
15 Q. Did you ever -- did National Committee
16 for an Effective Congress or NCEC Services ever
17 draft written consulting agreements with the people
18 that retained them?
19 A. Yes.
20 Q. Have you ever seen a written consulting
21 agreement related to the 2011 redistricting process
22 in Maryland?
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1 A. No.
2 Q. Do you know if one exists?
3 A. We tried to find one.
4 Q. And you just can't find it?
5 A. I don't -- I don't think one exists.
6 Q. Okay. Is it sometimes the case that NCEC
7 Services provides consulting services without an
8 agreement in place?
9 A. Yes.
10 Q. Other than in this instance, I guess.
11 A. No, I -- that wouldn't surprise me.
12 Q. Do you find it -- you don't find it
13 unusual that there is consulting services provided
14 without a written agreement in place?
15 A. I think most people would find it
16 unusual, but we're so informal.
17 Q. Okay. Do you -- is there anything that's
18 at all significant about the fact that there was no
19 written consulting agreement that you could find
20 regarding the 2011 Maryland redistricting process?
21 A. No.
22 Q. So we've gone exactly an hour, so why
Page 66

1 don't we take a quick break here.
2 A. Okay.
3 Q. Take a bio break. All right?
4 A. All right. Sounds good.
5 THE VIDEOGRAPHER: Off the record at
6 10:58.
7 (Recess.)
8 THE VIDEOGRAPHER: On the record at
9 11:06.
10 BY MR. MEDLOCK:
11 Q. Welcome back. Was one of the goals of
12 your consulting engagement with the Democratic
13 members of Maryland's U.S. House delegation to
14 create draft maps that could be passed on to
15 officials in Maryland State government?
16 A. I don't know.
17 Q. You don't know one way or the other?
18 A. I don't know.
19 Q. So it could be the case, but you just
20 don't recall?
21 A. I don't know, yeah.
22 Q. Okay. Do you know if, in fact, any of
Page 67

1 the maps or data that you created were passed on to
2 anyone in Maryland's State government?
3 A. I don't know.
4 Q. Do you know if any -- if you were sent --
5 sent or received any data regarding Maryland's
6 congressional redistricting process to anyone at the
7 office of Governor Martin O'Malley?
8 A. I don't know.
9 Q. It could have happened, but you don't
10 know?
11 A. I don't remember that.
12 Q. Did you ever send or receive any
13 information -- any information related to
14 congressional redistricting to Maryland Senate
15 President Miller, or any of his staff?
16 A. I don't know.
17 Q. Did you ever meet with Maryland Senate
18 President Miller or any of his staff, regarding the
19 2011 congressional redistricting process?
20 A. I don't know. Most of everything I did
21 was with the delegation.
22 Q. Was the delegation just creating maps to
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1 create maps, or was there some purpose? Were they
2 going to give these to somebody in Maryland who
3 could actually make those changes occur?
4 MS. RICE: Objection, speculation.
5 THE WITNESS: I don't know what the --
6 they obviously wanted -- they were working on maps,
7 that they wanted maps to be in place. I don't know
8 what their process was.
9 BY MR. MEDLOCK:
10 Q. Okay. So this wasn't a pointless
11 exercise?
12 A. No.
13 Q. But they wanted these maps to actually
14 become the map?
15 A. I don't know what the process was
16 after --
17 Q. I see. So there could have been some
18 process to funnel those to somebody in the state
19 government, but you don't know?
20 A. I don't know.
21 MS. RICE: Objection.
22 BY MR. MEDLOCK:
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1 Q. Did you ever meet with Michael Busch, the
2 Speaker of the Maryland House of Delegates regarding
3 the 2011 congressional redistricting process in
4 Maryland?
5 A. I don't remember. I don't think so.
6 Q. Did you ever meet with Governor Martin
7 O'Malley regarding the 2011 congressional
8 redistricting process in Maryland?
9 A. No.
10 Q. That's a straight no, you don't recall
11 ever meeting with him?
12 A. No, not when he was Governor.
13 Q. How about afterwards?
14 A. He worked on Gary Hart's campaign.
15 Q. Oh, fair enough. So have you kept up
16 with him?
17 A. No.
18 Q. Since then?
19 A. No. He wouldn't even know who I was.
20 Q. Fair enough.
21 (Hawkins Exhibit No. 53 was
22 marked for identification.)

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1 BY MR. MEDLOCK:
2 Q. All right, sir. I've put in front of you
3 what we've marked as Exhibit 53 to your deposition.
4 It's a document that bears at the bottom right-hand
5 corner, you'll see little numbers at the bottom, it
6 bears the Bates numbers HOY000315 through HOY000316.
7 As we did at the prior document, could you please
8 read through it. And when you've had a chance to
9 read through it, let me know audibly on the record
10 when you're done reviewing the document.
11 A. Okay.
12 Q. All right. So this is an email chain
13 that begins on February 24th, 2011, and continues
14 until March 8th, 2011. Do you see that?
15 A. Yes.
16 Q. Okay. Let's start at the bottom of the
17 email, which is -- really is HOY00315, and it kind
18 of runs over for one word on to HOY00316.
19 A. Right.
20 Q. That's an email that Jason Gleason sent
21 to Bryan Romick on February 24th, 2011 at 5:55 p.m.,
22 is that right?

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1 MS. FROST: Objection.
2 THE WITNESS: Can you -- I'm sorry, can
3 you say that again?
4 BY MR. MEDLOCK:
5 Q. Sure. The bottom email.
6 A. Right.
7 Q. That's an email that's sent on February
8 24th, 2011 at 5:55 p.m., do you see that?
9 A. Yes.
10 Q. And that email reads, Brian, is staff
11 barred from the entire meeting next week? I know
12 Hoyer said something about this, but wasn't sure if
13 he meant the whole thing, or just a part of it. Did
14 I read that correctly?
15 A. Yes.
16 Q. Does this refresh your recollection that
17 there was a meeting in February or March 2011 with
18 the entire Democratic membership of Maryland's U.S.
19 House delegation, regarding the 2011 redistricting
20 process?
21 A. It appears there was. It doesn't -- the
22 dates still -- I can't place the dates.

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1 Q. You can't recall exactly?
2 A. Right.
3 Q. But you don't have any reason to doubt
4 that there was a meeting in February or March
5 2011 --
6 A. Unless it was --
7 Q. -- with the Democratic members of the
8 U.S. House delegation?
9 A. Unless it was canceled or something, I
10 just don't know the dates.
11 Q. I see. All right. And then if you move
12 up in the email to the second from the top, it's an
13 email sent March 8th, 2011, at 10:24 a.m. Do you
14 see that?
15 A. Well, no. Which one is it?
16 Q. Okay. So start from the top?
17 A. Yes.
18 Q. And then move down one email, March 8th,
19 2011, at 10:24 a.m. Do you see that?
20 A. No, I don't.
21 Q. Do you see an email that reads, what was
22 the name of the other guy at NCEC, Eric and?

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<p>1 A. Oh, okay. I'm sorry. I was moving down 2 to the next one. 3 Q. That's all right. 4 A. I apologize. All right. I see it now. 5 Thank you. 6 Q. All right. And it appears that Brian 7 Romick responds to that, and says, Eric Hawkins is 8 drawing the maps and Mark Gersh is the boss. Do you 9 see that? 10 A. Yes. 11 Q. Does that accurately reflect your roles, 12 as you saw them, at the time that you were drawing 13 the mappings and Mark was sort of overseeing what 14 was going on? 15 A. I did most of the work there. That's a 16 difficult situation for me to be in, because Mark 17 Gersh was my boss then, and is to a certain extent, 18 but that was me. 19 Q. Okay. So really in this consulting 20 arrangement, you were the one who is doing the work? 21 A. Yes. I mean, Mark certainly would look 22 at it and have ideas, I guess. I don't remember</p> <p style="text-align: right;">Page 74</p>	<p>1 A. Yeah. 2 Q. Okay. And this meeting, if it occurred 3 in February or March 2011, this would have been one 4 of the meetings in the meeting room at the Capitol 5 with the U.S. House delegation that you brought your 6 computer with Maptitude, right, on it to, is that 7 right? 8 MS. RICE: Objection. 9 THE WITNESS: Can you ask that again? 10 I'm sorry. 11 BY MR. MEDLOCK: 12 Q. So the meeting that's referred to here in 13 February or March 2011, this is one of those 14 meetings that you would have -- where you would have 15 met with the Democratic members of Maryland's U.S. 16 House delegation to look at draft maps in Maptitude, 17 is that right? 18 MS. RICE: Objection. 19 THE WITNESS: I don't know for sure. I 20 mean, it's certainly possible, because, I mean, as I 21 said earlier, that's how things would happen. I 22 don't know if it was in this meeting or not.</p> <p style="text-align: right;">Page 76</p>
<p>1 exactly, but I was doing the work. 2 Q. Okay. Understood. And I take that to 3 mean that you feel you could do the work without 4 him, without his oversight in some way? 5 MS. FROST: Objection, misstates the 6 witness' testimony. 7 THE WITNESS: I am capable of doing this 8 work myself. I do not want to diminish my boss's 9 role -- 10 BY MR. MEDLOCK: 11 Q. Certainly. 12 A. -- in anything. 13 Q. Right. But you saw yourself as the point 14 person at NCEC for this consulting arrangement with 15 the Democratic members of the U.S. House delegation? 16 MS. FROST: Objection, misstates the 17 witness' testimony. 18 THE WITNESS: Yeah, I -- I'm not saying 19 that I didn't talk to Mark. I don't know. I don't 20 remember, but I was doing the work. 21 BY MR. MEDLOCK: 22 Q. I understand.</p> <p style="text-align: right;">Page 75</p>	<p>1 BY MR. MEDLOCK: 2 Q. Do you have any reason to doubt that you 3 would have brought Maptitude with you to this 4 meeting? 5 MS. RICE: Objection. 6 THE WITNESS: I don't know. I don't 7 remember. 8 BY MR. MEDLOCK: 9 Q. In addition to bringing Maptitude to 10 these meetings, would you ever generate tables or 11 spreadsheets that had particular data regarding each 12 congressional district? 13 A. I don't remember. 14 Q. Okay. 15 (Hawkins Exhibit No. 54 was 16 marked for identification.) 17 BY MR. MEDLOCK: 18 Q. All right, sir, I've put in front of you 19 what we've marked as Exhibit 54 to your deposition. 20 It's a document bearing the Bates numbers -- the 21 Bates number, it's a single page, HOY000340. It's a 22 short one-line email, but please read through it and</p> <p style="text-align: right;">Page 77</p>

1 let me know when you're done reading through it.
2 A. I'm done.
3 Q. Okay. Fair enough. You see an AOL.com
4 address in this email?
5 A. Yes.
6 Q. Is that Mr. Gersh's AOL.com address?
7 A. Yes, it is.
8 Q. Did Mr. Gersh use this AOL.com address
9 for NCEC Services business?
10 A. Yes, much to our -- he would not use our
11 regular email. He just was comfortable with AOL.
12 Q. What is it with you progressives on using
13 personal emails?
14 A. No, it has nothing to do with that.
15 Q. That's true. I understand.
16 A. It has nothing to do with that. He is
17 not as technically savvy, we'll say.
18 Q. I understand. Loud and clear.
19 A. All right.
20 Q. And this is an email from Brian Romick to
21 Mr. Gersh on March 16th, 2011?
22 MS. FROST: Objection. I assume you're
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1 not asking him to authenticate the email.
2 BY MR. MEDLOCK:
3 Q. I'm not. I'm just asking that that's
4 what the document says.
5 A. Okay. I'm sorry. Can you ask me that
6 again?
7 Q. Do you see this document -- it appears to
8 be an email sent from Brian Romick to Mr. Gersh on
9 March 16th, 2011?
10 A. Yes.
11 Q. And the subject line is blank?
12 A. I don't see a subject line.
13 Q. Okay. And Mr. Romick --
14 A. Oh, there is the -- yeah, no, it's blank.
15 Q. And Mr. Romick sent it from his Gmail
16 address?
17 A. It's from a Gmail address, yes.
18 Q. And not his U.S. House .gov address?
19 A. It's from his Gmail address, yeah.
20 Q. When you communicated with Mr. Romick,
21 would it be to his Gmail address or to his U.S.
22 House .gov address?
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1 A. I don't remember specifically. I don't
2 remember.
3 Q. Okay. Do you find anything unusual about
4 a staffer to Congressman Hoyer using personal email
5 instead of official email to discuss redistricting?
6 A. No.
7 Q. Why not?
8 A. I just -- just it's an email address.
9 It's a way to communicate, so I wouldn't, either
10 way.
11 Q. Okay. So you don't think that there
12 is -- that this is an email that should have been
13 sent over Mr. Romick's official email account?
14 MS. FROST: Objection.
15 THE WITNESS: I don't know.
16 BY MR. MEDLOCK:
17 Q. Okay. The email reads, could we do a
18 pre-meeting with you on the 25th at 8:30 a.m. Do
19 you see that?
20 A. Yes.
21 Q. Do you recall attending a pre-meeting
22 with Mr. Romick on March 25th, 2011?
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1 A. No.
2 Q. Do you recall attending sort of
3 pre-meetings with Mr. Romick generally?
4 A. The whole term "pre-meeting," I don't
5 remember. I just kind of -- it means nothing to me.
6 I mean, pre-meeting to what? I don't know. You
7 know --
8 Q. Did you ever have a meeting with
9 Mr. Romick prior -- a couple days or even same day,
10 but prior to a meeting with Congressman Hoyer?
11 A. Maybe. Could have been. We would -- I
12 met with Mr. Romick. I don't know if it was in
13 advance of a delegation meeting or not.
14 Q. Okay. So you can't tell me --
15 A. I don't know.
16 Q. -- if this refers to one of those types
17 of meetings?
18 A. I don't know.
19 Q. Okay.
20 (Hawkins Exhibit No. 55 was
21 marked for identification.)
22 BY MR. MEDLOCK:
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<p>1 Q. All right. Sir, I've put in front of 2 you, marked as Exhibit 55 to your deposition, it's a 3 three-page chart or spreadsheet. It bears the Bates 4 numbers HOY49 through HOY51. Take a second to 5 review it. And let me know when you're done. I'll 6 direct you to particular parts I want to discuss. 7 A. Okay. 8 Q. All right. This is a three-page document 9 entitled, plan analysis, in the left-hand corner of 10 the page. Do you see that? 11 A. Yes. 12 Q. This is a document that was created by 13 NCEC Services, correct? 14 A. Yes. 15 Q. And this was -- document was created as a 16 part of NCEC Services' consulting arrangement with 17 the Democratic members of Maryland's U.S. House 18 delegation, correct? 19 A. It appears to be, yes. 20 Q. Okay. All right. So on each page, there 21 is a table that has the same columns, correct? 22 A. Yes.</p> <p style="text-align: right;">Page 82</p>	<p>1 performance, the metric we talked about earlier 2 today? 3 A. I mean, it doesn't say that, but 4 probably, yes. 5 Q. Is that your best guess? 6 A. Yes. 7 Q. And then to the right of that, it says, 8 fed DEM PERF percentage. Do you see that? 9 A. Yes. 10 Q. Does that refer to the federal Democratic 11 performance percentage? 12 A. Yes. 13 Q. Okay. So -- and then to the right of 14 that, there is a column that is labelled Governor 15 D2006 two-way percentage. 16 A. Right, yes. 17 Q. What does that mean? 18 A. That's a major party percentage that a 19 Democratic gubernatorial candidate would have gotten 20 in 2006. 21 Q. And to the right of that, it says, 22 Governor D2010 two-way percentage, correct?</p> <p style="text-align: right;">Page 84</p>
<p>1 Q. Okay. Starting at the left-most column 2 on the first page, it's titled, state/district, 3 correct? 4 A. Yes. 5 Q. And if you look down into that, it has -- 6 it refers to Maryland's eight congressional 7 districts, correct? 8 A. Yes. 9 Q. Okay. And then to the right of the state 10 or district column, there is a column for county, is 11 that right? 12 A. Yes. 13 Q. And then if you go -- read down into that 14 county column, it has each county, that is either in 15 whole or in part in each of Maryland's eight 16 congressional districts, correct? 17 A. Yes. 18 Q. Okay. All right. And then moving 19 further to the right in the columns, do you see a 20 column labelled state DEM? 21 A. Yes. 22 Q. Does that refer to state Democratic</p> <p style="text-align: right;">Page 83</p>	<p>1 A. Yes. 2 Q. And that's the -- well, can you just 3 explain what that means? 4 A. That's the major party percentage that 5 Democratic gubernatorial -- gubernatorial candidate 6 in 2010 would have gotten. That's what that 7 implies. 8 Q. Okay. And if I took the 34.3 percent in 9 that column for the 1st District, does that mean 10 that the Republican candidate received the remainder 11 of the 100 percent share? 12 A. Right. In a major party -- in a two-way 13 race. 14 Q. I see. Okay. All right. So to the 15 right of that, there is USD2006 two-way percentage. 16 Do you see that? 17 A. Yes. 18 Q. U.S. House, I'm sorry, D2006 two-way 19 percentage. What does that mean? 20 A. That's what the Democratic United States 21 House candidate in 2006 -- that's the major party 22 percentage that the Democratic House candidate would</p> <p style="text-align: right;">Page 85</p>

<p>1 have gotten in 2006. 2 Q. And to the right of that, there is column 3 for 2008 and 2010, correct? 4 A. That's correct. 5 Q. And so your answer would be the same when 6 explaining those, it would just be for 2008 and 2010 7 election cycles? 8 A. Right. The major party percentage in 9 2008 and 2010 for the Democratic House of 10 Representatives candidate. 11 Q. I see. And -- okay, so at the very top 12 right of this first page, it says, current 13 districts. Do you see that? 14 A. Yes. 15 Q. What does current districts mean? 16 A. That means the districts that were in 17 place prior to redistricting. 18 Q. Okay. So these would be before the 2011 19 map was introduced and changed, the boundaries, this 20 was what was in place, is that right? 21 A. Let me just double check that. 22 Q. Sure.</p> <p style="text-align: right;">Page 86</p>	<p>1 there is a total column beneath that, correct? 2 A. Yes. 3 Q. And that's in bold? 4 A. Yes. 5 Q. Okay. And if you follow over to the 6 right, in the total column, the state Democratic 7 performance is listed as 35.9, is that right? 8 A. Yes. 9 Q. Does that then mean that the -- if I can 10 do some quick math in my head, that the -- if you 11 were going to calculate state Republican 12 performance, that would be 64.1? 13 A. Yes. 14 Q. Okay. And to the right of that, you see 15 the federal Democratic performance total for the 6th 16 District. 17 A. Yes. 18 Q. That's 37.4, correct? 19 A. That's correct. 20 Q. And that would mean that, again, doing 21 math for an IR grad, but 62.6 Republican performance 22 as well?</p> <p style="text-align: right;">Page 88</p>
<p>1 A. Because I want to check the populations, 2 because the populations aren't equal. 3 Q. They would be off, right? 4 A. Yes, so yes. 5 Q. Okay. So let's go to the second page. 6 And by the way, the bottom left-hand corner of the 7 second page, do you see a date? 8 A. Yes. 9 Q. What's that date? 10 A. Thursday, March 3rd, 2011. 11 Q. Okay. All right. So do you see the 12 reference to Maryland 6 in the state and district 13 column, on the left-hand side of page 2 -- 14 A. Yes. 15 Q. -- of this exhibit? 16 A. Yes. 17 Q. Okay. And there are a number of counties 18 listed for Maryland 6. There is Allegheny, 19 Baltimore, Carroll, Frederick, Garrett, Harford 20 part, Montgomery part, and Washington, correct? 21 A. Yeah. And Baltimore is part, too. 22 Q. Part, too. That's fair. Okay. And</p> <p style="text-align: right;">Page 87</p>	<p>1 A. Yes. 2 Q. Why was this document created? 3 A. I don't know specifically. 4 Q. Do you know generally? 5 A. It would have been so that we had an 6 understanding of the population overages in the 7 different parts of the state within district. The 8 African-American/Hispanic breakdowns and the 9 electoral breakdown. 10 Q. I see. And who was this document 11 provided to, to the best of your knowledge? 12 A. I don't know. 13 Q. Would this document have been shown to 14 Democratic members of Maryland's U.S. House 15 delegation? 16 MS. RICE: Objection, speculation. 17 THE WITNESS: I don't know. 18 BY MR. MEDLOCK: 19 Q. You just don't know one way or the other? 20 A. I don't know. I don't know one way or 21 another if it went to the members of the delegation. 22 I don't know.</p> <p style="text-align: right;">Page 89</p>

1 Q. And you don't know one way or the other
2 whether it was provided to any of their staffers?
3 A. I don't know for sure. I don't remember
4 for sure. If it went anywhere, it probably went to
5 one of the staffers.
6 Q. If it went anywhere, which staffer would
7 it go to?
8 MS. RICE: Objection.
9 THE WITNESS: I'm trying to think. I
10 don't know specifically who it would have gone to.
11 BY MR. MEDLOCK:
12 Q. Okay. This will be 56.
13 (Hawkins Exhibit No. 56 was
14 marked for identification.)
15 BY MR. MEDLOCK:
16 Q. All right, sir. I've put in front of you
17 what we've marked as Exhibit 56 to your deposition.
18 It's a one-page document bearing the Bates label
19 HOY000123. And it's more of a map than it really is
20 a document, but when you're done reviewing it,
21 please tell me audibly on the record that you're
22 done.

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1 A. I'm done, yes.
2 Q. Okay. All right. So this is a document
3 that has the NCEC Services logo at the bottom left
4 corner, if you're looking at it sort of portrait
5 view?
6 A. Right.
7 Q. And it's titled Maryland Democratic
8 performance -- sorry. Go ahead.
9 A. Landscape view?
10 Q. Oh, landscape, yes. Thank you.
11 A. Sorry. I mean, it doesn't matter, but we
12 know what we are talking about.
13 Q. Yes. That's fine.
14 A. Right.
15 Q. At the top of the document, it's titled
16 Maryland Democratic performance by County, State Dem
17 Performance Equals 58.2 Percent. Do you see that?
18 A. Yes.
19 Q. When you said earlier that Maryland is
20 such a Democratic state, were you referring to the
21 statewide Democratic performance number that's shown
22 in this document?

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1 A. No, not -- actually, no. I mean, that
2 represents it as well. I mean, I just know that --
3 Q. Just generally?
4 A. Yes. From individual race results, yeah.
5 Q. All right. So there is some -- there is
6 red and there is varying levels of red and blue on
7 this map, correct?
8 A. Yes.
9 Q. And that corresponds to better Republican
10 performance and better Democratic performance,
11 correct?
12 A. That's correct.
13 Q. So the deeper blue it is, the better the
14 Democratic performance, right?
15 A. Yes.
16 Q. And the deeper red it is, the better the
17 Republican performance, correct?
18 A. Yes.
19 Q. All right. So it's a little hard to
20 read, but in the far left corner of the panhandle,
21 do you see Garrett County, which is next to
22 Allegheny. Should be the very far-most left?

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1 A. Yeah, I know where Garrett is, but that's
2 hard for me to see.
3 Q. Okay. So safe to say that the entire
4 panhandle of Maryland is red, right?
5 A. Varying shades of red. Yes.
6 Q. And then Frederick County is also red?
7 A. The county itself is red.
8 Q. And as is Carroll, to the right of
9 Frederick?
10 A. Yes. Yes.
11 Q. So it's red. Okay. And if you look at
12 Montgomery County, which is the blue county beneath
13 Frederick, that is a deep blue, correct?
14 A. Yes.
15 Q. Okay. All right. So there is a box to
16 the left of the state that's titled Democratic
17 district performance. Do you see that?
18 A. Yes.
19 Q. All right. And there is sort of a table,
20 and on the left side, there is numbers ranging from
21 MD01 to MD08. Do you see that?
22 A. Yes.

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<p>1 Q. And then there is various percentages to 2 the right of that, correct? 3 A. Yes. 4 Q. Do you see a row that begins with MD06? 5 A. Yes. 6 Q. Does that refer to Maryland's 6th 7 Congressional District? 8 A. Yes. 9 Q. All right. And the Democratic 10 performance for the 6th Congressional District is 11 37.6 percent, correct? 12 A. That's correct. 13 Q. Just based on the numbers that you're 14 seeing here for Democratic performance, is it your 15 understanding that this is a representation of 16 Democratic performance in Maryland's eight 17 congressional districts prior to the 2011 18 redistricting process? 19 A. Do you mind if I look at this? 20 Q. Sure. You can refer to Exhibit 55, if 21 you like. I'll tell you that the numbers don't 22 quite add up.</p> <p style="text-align: right;">Page 94</p>	<p>1 to particular pages when I'm questioning you, but 2 when you're done looking at it, just let me know 3 audibly that you've reviewed it. 4 A. That's a lot. 5 Q. I know it is. So -- but let me start 6 with the first page, which is HOY001. Have you seen 7 documents in this format before, in your work at 8 NCEC Services? 9 A. This is not familiar to me, the way this 10 is laid out. And some of the column headings, I 11 don't even understand. I see our data on here, but 12 I didn't -- I don't think I put this together. 13 Q. I see. When you say, I see our data on 14 here, what are you referring to? 15 A. Well, federal DEM performance and state 16 DEM performance. 17 Q. Okay. Do you know who created this 18 document? Was it anyone at NCEC Services? 19 MS. RICE: Objection, form of the 20 question. 21 THE WITNESS: It does not look like 22 something that we would do. It's not laid out</p> <p style="text-align: right;">Page 96</p>
<p>1 A. Yeah, that's -- so can you ask the 2 question again? I'm sorry. 3 Q. Sure. My question was, just based on the 4 numbers you're seeing in this table, the Democratic 5 district performance table, does that indicate to 6 you that this -- that this map shows the Democratic 7 performance of Maryland's eight congressional 8 districts prior to the 2011 redistricting process? 9 MS. FROST: Objection. 10 THE WITNESS: Well, it shows the state, 11 it shows the -- it appears so, yes. I think so, 12 yes. 13 BY MR. MEDLOCK: 14 Q. Okay. All right. Put 56 aside. We'll 15 mark Exhibit 57 to your deposition. 16 (Hawkins Exhibit No. 57 was 17 marked for identification.) 18 BY MR. MEDLOCK: 19 Q. All right, sir. Exhibit 57 is a series 20 of tables bearing the Bates numbers HOY000001 21 through HOY000018. Take a second to review it, 22 there is a lot of information here. I'll direct you</p> <p style="text-align: right;">Page 95</p>	<p>1 like -- so I would say, I don't know, but I don't 2 think we did it there. 3 BY MR. MEDLOCK: 4 Q. Okay. And let me flip in to page 3, 5 which is HOY003. The title of this page, this page 6 of the spreadsheet is, drawn during delegation 7 meeting. Do you see that? 8 A. Yes. 9 Q. Do you -- and you recall drawing maps in 10 Maptitude during meetings with Maryland's U.S. 11 House, the Democratic members of Maryland's U.S. 12 House delegation, correct? 13 A. On occasion, yeah. 14 Q. Okay. And if you look at the fed 15 Democratic performance column here, FEDDPFM. Do you 16 see that? 17 A. Yes. 18 Q. And if you look at the 6th Congressional 19 District, FED Democratic performance, it's 51 20 percent, correct? 21 A. Yes. 22 Q. And the state Democratic performance for</p> <p style="text-align: right;">Page 97</p>

<p>1 the 6th Congressional District is 47.8 percent, 2 correct? 3 A. Yes. 4 Q. Okay. So if you compare that to the 5 Democratic performance listed on Exhibit 56, the 6 Democratic performance listed on Exhibit 56, for the 7 6th Congressional District, was 37.6 percent, 8 correct? 9 A. That's what is listed on this map. Here 10 is the thing. I don't know what moment in time this 11 came from, and the formulas change, so -- 12 Q. Oh, you mean the formula that underlies 13 federal Democratic performance? 14 A. Right, yes. 15 Q. Okay. But nevertheless, in one document, 16 it's 37.6 percent in Exhibit 56? 17 A. Right. 18 Q. And in the next document, Exhibit 57, 19 it's listed as 51 percent, correct? 20 A. Right. The other thing I would say, and 21 I don't know what that Democratic performance is an 22 average performance or a federal performance on this</p> <p style="text-align: right;">Page 98</p>	<p>1 A. I don't know -- okay, what -- this does 2 have a date on it. Okay. So that was probably the 3 same formula. I don't know where this data came 4 from. It looks -- I don't know who put this 5 together. I'm not trying to be -- 6 Q. No, I understand. 7 A. I'm sorry, I'm trying to be precise. 8 Q. That's fine. 9 A. And those two numbers are -- yes. Are 10 different. I mean, yes. All right? And I'm not 11 trying to be -- 12 Q. No, that's fine, I understand. Could a 13 formula change have caused a 14 percent, or 14 thereabouts, change in federal Democratic 15 performance? 16 A. No, no, no. 17 Q. Okay. So it had to be some sort of 18 boundary change that would have created the change 19 from 37.4 percent to 51 percent, correct? 20 A. Yes. 21 Q. And I mean, that's not a mistake, those 22 lines were drawn intentionally to increase the</p> <p style="text-align: right;">Page 100</p>
<p>1 one, because this one is a federal one, but it's 2 higher, yes. 3 Q. Okay. Well, let's compare it from 55. 4 Do you have 55 in front of you? 5 A. Yes. 6 Q. All right. In Exhibit 55, second page, 7 the six districts total federal Democratic 8 performance is listed as 37.4 percent, correct? 9 A. Yes. 10 Q. And that's on a document that NCEC 11 Services created? 12 A. Yes. 13 Q. Okay. And if you look at HOY0003 on 14 Exhibit 57, the federal Democratic performance for 15 the 6th Congressional District is listed as 51 16 percent, correct? 17 A. Correct. 18 Q. Okay. So it increased from 37.4 percent 19 to 51.0 percent, correct? 20 A. Between these two documents, yes. And 21 I'm not trying to be difficult. 22 Q. No, I understand.</p> <p style="text-align: right;">Page 99</p>	<p>1 Democratic performance, correct? 2 MS. FROST: Objection. 3 MS. RICE: Objection. 4 BY MR. MEDLOCK: 5 Q. Let me back up. You were the person -- 6 you said you did most of the work on this? 7 A. Right. 8 Q. All right. And you were the one who, 9 during these meetings with the Democratic delegation 10 to the U.S. House of Representatives, had Maptitude 11 running on your computer, correct? 12 A. Yes. 13 Q. And you would occasionally manipulate the 14 boundaries of the congressional districts during 15 those meetings, correct? 16 A. On rare occasions. 17 Q. On some occasions, you would? 18 A. Yes. 19 Q. And when you did that, it would change 20 the Democratic performance of the districts, 21 correct? 22 A. Well, any boundary change is going to</p> <p style="text-align: right;">Page 101</p>

1 change the numbers.
2 Q. Right. So when you changed the
3 boundaries during these meetings, the numbers would
4 change, correct?
5 A. Yes.
6 Q. And one of the reasons that the
7 boundaries were changed in the draft maps that were
8 created during these meetings was to increase
9 Democratic performance in the 6th Congressional
10 District?
11 MS. RICE: Objection.
12 THE WITNESS: Well, one of the goals,
13 yeah -- or one of the -- I mean, because there
14 were -- that Maryland is so Democratic, we were
15 trying to figure out another way to see if there was
16 another Democratic district possible, because it was
17 so Democratic.
18 BY MR. MEDLOCK:
19 Q. So one of the goals when manipulating the
20 boundaries of the 6th Congressional District was to
21 increase the Democratic performance of that
22 district?
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1 A. Well, we would have looked at that, and
2 we would have -- yeah. I mean, because that was --
3 first and foremost, again, it was the incumbent
4 protection. And the members were most concerned
5 about that, as you can imagine. And then
6 secondarily, we were just looking to see if it was
7 possible to do something else.
8 Q. When you say do something else --
9 A. Well, find another -- because, again,
10 state is so Democratic, and that -- that number
11 actually is -- I mean, the state's Democratic, so we
12 were looking to see if there was a way to create
13 another Democratic district to reflect the
14 Democratic voting behavior in the state.
15 Q. Did you do any analysis of voting
16 behavior in the 6th Congressional District itself?
17 A. I don't remember doing that.
18 Q. Did you do any analysis to determine
19 whether the 6th Congressional District has voted for
20 Democrats or Republicans?
21 A. Well, not specifically.
22 Q. Okay. Do you do that generally?
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1 A. Well, the Democratic performance in this
2 document right here would indicate that it -- that
3 -- I mean, when you say an analysis, I don't --
4 that's not a thorough analysis.
5 Q. Okay. When you say this document right
6 here, you're pointing at Exhibit 55, right?
7 A. Right.
8 Q. Okay. And in that document, that's the
9 one with the 37.4 percent --
10 A. Right. I wouldn't --
11 Q. -- performance.
12 A. I wouldn't classify that as a thorough
13 analysis.
14 Q. Okay. But it would be some analysis?
15 A. Well, it demonstrates the voting behavior
16 in these congressional districts.
17 Q. Okay. And one of the goals was to change
18 the voting behavior in the 6th Congressional
19 District?
20 MS. FROST: Objection.
21 MS. RICE: Objection.
22 THE WITNESS: Well, the goal was to match
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1 up the districts in the state with the actual voting
2 behavior statewide, and reflect how Democratic the
3 state is.
4 BY MR. MEDLOCK:
5 Q. So you wanted to match the voting
6 behavior in the 6th Congressional District with the
7 overall Democratic voting behavior in the state, is
8 that right?
9 MS. RICE: Objection.
10 THE WITNESS: Well, we wanted to reflect
11 in a map how Democratic the state was. And to
12 accurately -- through the districts, to accurately
13 represent how Democratic the state is as a whole.
14 BY MR. MEDLOCK:
15 Q. Okay. And to do that, you were -- one of
16 the things you were attempting to do was to increase
17 the Democratic performance in the 6th Congressional
18 District?
19 A. Well, we would increase -- yeah, in one
20 of the -- somewhere. I mean, to represent how
21 Democratic the district is -- or state is, pardon
22 me.
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1 Q. Fair enough.
2 A. Yes.
3 Q. And to do that, you'd either have to
4 increase Democratic performance in the 1st
5 Congressional District, Andy Harris's district, or
6 the 6th Congressional District, Roscoe Bartlett's
7 district?
8 A. Those are the only two Republican
9 districts.
10 Q. Okay. And in this map, if you look at it
11 -- or, sorry, this table on HOY0003, Exhibit 57, the
12 1st Congressional District has 37 percent Democratic
13 performance, correct?
14 A. The -- yes.
15 Q. And federal --
16 A. Thank you. I appreciate that.
17 Q. It helped me, too, to be honest. And
18 that would imply that there is 63 percent Republican
19 performance in that 1st Congressional District in
20 this --
21 A. Federal performance.
22 Q. Federal performance, yes.

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1 A. Yes.
2 Q. And the federal Democratic performance in
3 the 2nd Congressional District is 58.7 percent?
4 A. Yes.
5 Q. The federal Democratic performance in the
6 3rd District is 58.8 percent correct?
7 A. Yes.
8 Q. And in the 4th District, the federal
9 Democratic performance is 75.7 percent?
10 A. Yes.
11 Q. In the 5th Congressional District, the
12 federal Democratic performance is 60 percent
13 correct?
14 A. Yes.
15 Q. And we already talked about the 6th,
16 that's 51 percent federal Democratic performance?
17 A. That's correct.
18 Q. In the 7th, it's 73.7 percent
19 Democratic -- federal Democratic performance,
20 correct?
21 A. Yes.
22 Q. And finally, in the 8th, it's 62.5

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1 percent federal Democratic performance, correct?
2 A. Yes.
3 Q. All right. So seven of those eight
4 congressional districts had 51 percent or more
5 federal Democratic performance, correct?
6 A. That's correct.
7 Q. And it's only the 1st Congressional
8 District, Andy Harris's district, that has lower
9 than 50 percent federal Democratic performance,
10 right?
11 A. Yes.
12 Q. So in this map, the way that you were --
13 in this table, the way that the -- you were getting
14 the seventh Democratic congressional seat was
15 changing the Democratic performance in the 6th
16 Congressional District?
17 MS. FROST: Objection.
18 THE WITNESS: Well, I mean, the
19 Democratic performance goes up in the 6th
20 Congressional District under whatever map this is,
21 yes.
22 BY MR. MEDLOCK:

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1 Q. Okay. And that's how the seventh seat
2 would have been created to reflect Maryland's
3 Democratic -- overall Democratic nature?
4 MS. FROST: Objection.
5 THE WITNESS: Well, that's where the -- I
6 mean, there is seven seats over 51 percent, so you
7 know, that's -- that's a 50/50 district any way,
8 so --
9 BY MR. MEDLOCK:
10 Q. But 51 is not 50, right?
11 A. Well, not exactly, but --
12 Q. Right.
13 A. It's not -- not super strong either.
14 Q. Certainly different than 37.4, though?
15 A. Yes, it is. Yeah, it is.
16 Q. Okay. All right. Let's turn to the next
17 page, HOY0004. Oh, actually, let's turn forward, I
18 should say. HOY0002.
19 A. Okay.
20 Q. This is a map -- or this isn't a map.
21 This is a table entitled post meeting delegation
22 option. Do you see that?

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1 A. Yes.
2 Q. Do you know what post meeting delegation
3 option means?
4 A. I don't know what that means. I don't --
5 again, this is not something I put together.
6 Q. Okay. I understand. But the data for
7 FED Democratic performance and state Democratic
8 performance would have come from NCEC Services,
9 correct?
10 A. That's what we call it. I mean, I don't
11 know where else they would have gotten it.
12 Q. Right. And that's sort of a proprietary
13 performance metric that you have?
14 A. Right, yes.
15 Q. So it couldn't have come from anywhere
16 else than NCEC Services?
17 A. I --
18 MS. RICE: Objection, speculation.
19 THE WITNESS: I don't know for sure. I
20 wouldn't think so. Okay.
21 BY MR. MEDLOCK:
22 Q. So you would doubt that this was coming
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1 from a third party, not NCEC Services?
2 A. Right, right.
3 MS. FROST: Objection, "this," to your
4 use of "this." It's not clear.
5 BY MR. MEDLOCK:
6 Q. Okay. I'll back up. The columns,
7 federal Democratic performance and state Democratic
8 performance, you would doubt that the information
9 displayed in those columns came from any third party
10 source other than NCEC Services, correct?
11 A. Correct.
12 Q. Okay. All right. The -- if you look at
13 the federal Democratic performance column, I'm not
14 going to read through them again with you again, but
15 there are seven congressional districts that have 51
16 percent or more federal Democratic performance,
17 correct?
18 A. That's correct.
19 Q. And the only congressional district that
20 has below 51 percent federal Democratic performance
21 is the 1st Congressional District, Andy Harris's
22 district, correct?
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1 A. That's correct.
2 Q. And if you look at the 6th Congressional
3 District, it has 51 percent federal Democratic
4 performance, correct?
5 A. That's correct.
6 Q. And 47.7 percent federal Democratic
7 performance?
8 MS. FROST: Objection.
9 THE WITNESS: State.
10 BY MR. MEDLOCK:
11 Q. State. Sorry.
12 A. That's okay. Don't --
13 Q. But 47.7 percent state Democratic
14 performance is listed for the 6th Congressional
15 District in this chart, correct?
16 A. That's correct.
17 Q. Okay. Would the difference between 51
18 percent federal Democratic performance and 47.7
19 percent state Democratic performance imply to you
20 that there could be situations in which a Democrat
21 carried the 6th Congressional District in a federal
22 election, but a gubernatorial candidate would have
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1 carried the 6th Congressional District in a
2 statewide election?
3 A. Not exactly.
4 Q. Why not exactly?
5 A. Well, it depends on what kind of election
6 year it was. If it was a presidential or a midterm.
7 So it depends on what the turnout is. I mean, this
8 goes -- just -- it's what we would call -- I mean,
9 can you ask the question again? Just so that I'm
10 clear on it.
11 Q. Oh, sure.
12 A. I --
13 Q. So you have 47.7 percent state Democratic
14 performance and 51 percent federal Democratic
15 performance in the 6th District?
16 A. Right.
17 Q. Under this particular table. Would that
18 imply that there could be a situation in which a --
19 a U.S. House candidate wins -- a Democratic U.S.
20 House candidate wins the 6th Congressional District
21 but a Republican gubernatorial candidate would carry
22 the 6th Congressional District?
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1 A. I don't think it exclusively implies
2 that.
3 Q. Sure.
4 A. I mean, you can look across -- you know,
5 Democratic performance wasn't the only --
6 Q. Sure. Absolutely.
7 A. -- factor that we used. And then, I
8 mean, you look at the 2004 presidential, and that's
9 47.4. So that's another federal race. So it
10 doesn't necessarily imply specifically what you're
11 saying.
12 Q. I see. I see. So if you look at the
13 Governor '06 D percentage column?
14 A. Right.
15 Q. That's -- for the 6th Congressional
16 District, that's 47.1 percent, correct?
17 A. Right.
18 Q. And the Governor '10 D percentage column,
19 that's 48 percent, correct?
20 A. That's correct.
21 Q. And you already mentioned the
22 presidential '04 Democratic percentage. The
Page 114

1 presidential '08 Democratic percentage is 54.5
2 percent, correct?
3 A. I'm sorry. Say that last one?
4 Q. The PRS08D percentage column. Do you see
5 that?
6 A. Right.
7 Q. For the 6th Congressional District,
8 that's listed as 54.5 percent, correct?
9 A. That's correct.
10 Q. So in this congressional district, in
11 2008, President Obama got 54.5 percent of the vote,
12 correct?
13 A. That's correct.
14 Q. But in 2010, the gubernatorial candidate,
15 I think that would have been Martin O'Malley only
16 got 48 percent of the vote, correct?
17 A. That's correct.
18 Q. Okay. So there is -- there could be a
19 situation, like in 2010 and 2008, where a nationwide
20 Democratic candidate could carry the 6th District,
21 but two years later, a Republican gubernatorial
22 candidate could win it.
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1 A. Yes. But I'd also point you to the
2 second to the furthest right-hand column, the second
3 to the furthest right-hand, the House '08
4 percentage.
5 Q. Yes.
6 A. So that's 48.4 percent. So this is why
7 I'm having --
8 Q. I see.
9 A. I'm being -- I'm not trying to be
10 difficult, it's just -- I've worked with these
11 numbers all the time. And to me, that says that a
12 House candidate, a Republican House candidate can
13 still win that district, and would have under --
14 using the 2008 House result.
15 Q. By using the 2010 House result?
16 A. Exactly. See, it depends on the year.
17 Q. I see.
18 A. This is the kind of -- yeah. The
19 district --
20 Q. I see. So 51 percent doesn't really
21 indicate much to you?
22 A. No, the district is -- it's -- it
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1 improved, but it's a marginal district. It's like
2 it could go either way.
3 Q. Okay. Let's move to HOY0004. This is --
4 this is a table entitled, delegation proposal,
5 correct?
6 A. Yes.
7 Q. Okay. And do you understand that at some
8 point, the Maryland U.S. House -- Democrats in the
9 Maryland U.S. House delegation actually made a
10 proposal to the redistricting commission regarding
11 the boundaries it should draw?
12 MS. RICE: Objection, misstates --
13 THE WITNESS: I don't know that for sure.
14 BY MR. MEDLOCK:
15 Q. You say you don't know it for sure. Do
16 you have any evidence that that occurred?
17 A. I don't know how the process was done.
18 Q. Okay. Did anyone indicate to you that
19 that happened?
20 A. I don't --
21 MS. RICE: Objection.
22 THE WITNESS: I don't remember exactly.
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1 I just don't remember.
2 BY MR. MEDLOCK:
3 Q. Okay. All right. And in this delegation
4 proposal table, the federal Democratic performance
5 is 51 percent again for the 6th Congressional
6 District, right?
7 A. Right.
8 Q. Okay. And then the next page, HOY0005,
9 do you see that?
10 A. Yes.
11 Q. That is titled, Van Hollen proposal?
12 A. Right.
13 Q. Do you see that?
14 A. Yes.
15 Q. Do you know what that means?
16 A. Well, again, this isn't my --
17 Q. Uh-huh.
18 A. Whoever put this together, there is -- my
19 understanding, from reading the title, is it would
20 be something that Congressman Van Hollen proposed,
21 but I don't know to whom.
22 Q. To whom?

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1 A. Yes.
2 Q. All right. And in that Van Hollen
3 proposal table, if you look at the federal
4 Democratic performance for the 6th Congressional
5 District, it's 51.3 percent, correct?
6 A. Right.
7 Q. So we've added three-tenths of a point to
8 the Democratic performance in this proposal?
9 A. The federal performance, yes.
10 Q. Okay. Let's move to the next page,
11 HOY0006. That's titled, Edwards proposal. Do you
12 see that?
13 A. Yes.
14 Q. And again, you don't know -- it's a
15 proposal from Donna Edwards to whom?
16 A. I mean, it doesn't say Donna Edwards.
17 You have to presume that it's Donna Edwards. And I
18 don't know to whom.
19 Q. Okay. All right. Flip in to page
20 HOY0009.
21 A. All right.
22 Q. This is a table entitled 6-2. Do you see

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1 that? The top left corner.
2 A. Yes.
3 Q. Do you know what 6-2 refers to?
4 MS. FROST: Objection.
5 THE WITNESS: I mean, again, I didn't do
6 this.
7 BY MR. MEDLOCK:
8 Q. Right. I understand.
9 A. I didn't do this. I -- I mean, I have
10 difficulty, because I didn't do it, but it's --
11 there are eight congressional districts.
12 Q. Right.
13 A. Six of them, it appears to be Democratic
14 on here, or lean Democrat. I don't know, you
15 know --
16 Q. Okay.
17 A. -- okay?
18 Q. So in this column, in this table, I
19 should say, federal Democratic performance for the
20 6th Congressional District is 34.5 percent, correct?
21 A. Right.
22 Q. And for the 1st Congressional District,

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1 the federal Democratic performance is 39.4 percent,
2 correct?
3 A. Right, so there is --
4 Q. Those could be the two, and then it could
5 be the six that are Democratic leaning?
6 A. Right. But again, this is not my
7 document.
8 Q. Okay. I just want to get your
9 understanding from looking at it.
10 A. No, and I appreciate that.
11 Q. Okay. So the next pages from HOY00010
12 through HOY00015, they are titled MDLEG_Plan A
13 through MDLEG_Plan F. Do you see that?
14 A. Yes.
15 Q. Okay. Do you have any understanding as
16 to what MDLEG_Plan A through MDLEG_Plan F means?
17 MS. RICE: Objection.
18 THE WITNESS: I don't know what A, B, C,
19 D, E, F refers to.
20 BY MR. MEDLOCK:
21 Q. Okay. What about the rest of it?
22 A. Well, again, not being -- my document, MD

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<p>1 clearly is the abbreviation for Maryland. And I -- 2 you know, I would presume it's something from the 3 legislature, but I don't know. 4 Q. Okay. So if you look at the -- I'm on 5 MDLEG_Plan A, which is HOY00010. Looking at the 6 federal Democratic performance column? 7 A. Right. 8 Q. It's the 6th District, federal Democratic 9 performance is 53.1 percent, correct? 10 A. That's correct. 11 Q. Okay. So that's up 3 percent from the -- 12 or up 2.1 percent, I should say, from the 51 percent 13 we saw in earlier versions of this table, correct? 14 A. Up -- yes. 15 Q. Okay. All right. MDLEG_Plan B, the next 16 page, HOY00011. Federal Democratic performance for 17 the 6th Congressional District is 52.1 percent on 18 this table, correct? 19 A. That's correct. 20 Q. Okay. And if you flip through to Plan C, 21 the federal Democratic performance for the 6th 22 Congressional District is 53.1 percent again? Page 122</p>	<p>1 district that's retained is 50.6 percent correct? 2 MS. FROST: Objection. 3 THE WITNESS: Can you restate that? 4 BY MR. MEDLOCK: 5 Q. Sure. Sure. So if you look at the 6 current column for the 6th Congressional District, 7 it lists 50.6, right? 8 A. Right. 9 MR. MEDLOCK: Okay. All right. I think 10 we're almost out of tape, so why don't we stop here. 11 THE VIDEOGRAPHER: This concludes disc 1 12 in the deposition of Eric Hawkins. Off the record 13 at 12:05. 14 (Whereupon, at 12:05 p.m., the deposition 15 in the above-entitled matter was 16 recessed, to reconvene at 1:00 p.m.) 17 18 19 20 21 22 Page 124</p>
<p>1 A. Yes. 2 Q. Plan D, the federal Democratic 3 performance for the 6th Congressional District is 4 52.1 percent? 5 A. Yes. 6 Q. Plan E, the federal Democratic 7 performance for the 6th Congressional District is 8 53.1 percent, right? 9 A. Right. 10 Q. And then Plan F, the federal Democratic 11 performance for the 6th Congressional District is 12 53.1 percent, correct? 13 A. Yes. 14 Q. Okay. Do you see a column in Plan F 15 titled, current? 16 A. Yes. 17 Q. Do you know what -- do you have an 18 understanding as to what that means? 19 A. That's probably the amount of the current 20 district that's retained. 21 Q. Okay. And for Plan F, for the 6th 22 Congressional District, the amount of the current Page 123</p>	<p>1 AFTERNOON SESSION 2 (1:02 p.m.) 3 Whereupon, 4 ERIC HAWKINS, 5 the witness on the stand at the time of recess, 6 having been previously duly sworn, was further 7 examined and testified as follows: 8 EXAMINATION BY COUNSEL FOR PLAINTIFFS (RESUMED) 9 THE VIDEOGRAPHER: This begins disc 2 in 10 the deposition of Eric Hawkins. On the record at 11 1:02. 12 BY MR. MEDLOCK: 13 Q. Welcome back from lunch, sir. 14 A. Thank you. 15 Q. Do you understand what the term 16 compactness means in the redistricting process? 17 A. Yes. 18 Q. What does it mean to you? 19 A. Well, there are different ways to measure 20 how compact a district is, and whether or not 21 it's -- I mean, that means a condensed shape or -- I 22 mean, well, not necessarily that either. It Page 125</p>

<p>1 depends. There are different measurements. 2 Q. Does NCEC Services use a particular 3 measure of compactness? 4 A. Maptitude includes like five different, 5 six different -- maybe even eight different 6 measurements. But I don't -- we don't have it 7 settled on one, I don't think. We usually look at 8 all of them. 9 Q. When you were involved in your consulting 10 engagement with the Democratic members of Maryland's 11 U.S. House delegation, and looking at different 12 versions of congressional maps, did you consider any 13 measure of compactness when analyzing those maps? 14 A. I don't believe that we did in Maryland. 15 I don't remember. 16 Q. Okay. Did you consider -- let me back 17 up. When analyzing the potential maps that were 18 drawn for the 2011 redistricting process in 19 Maryland, did you consider whether those maps would 20 protect all incumbents, not just Democratic 21 incumbents? 22 MS. RICE: Objection, asked and answered.</p> <p style="text-align: right;">Page 126</p>	<p>1 whether or not a minority population could elect the 2 candidate of their choice. 3 Q. Beyond whether a minority population 4 could elect a candidate of their choice, did you 5 make any other inquiry into communities of interest 6 as it related to the 2011 Maryland redistricting 7 process? 8 A. I don't remember doing so. I don't 9 remember that. 10 Q. Did you ever -- do you know where 11 Interstate 270 is? 12 A. Yes. 13 Q. And where is it? 14 A. It runs from Montgomery County into 15 Frederick, I believe. 16 Q. Okay. And that's in Maryland? 17 A. Yes. 18 Q. Counties in Maryland? Did you at all 19 consider whether the -- there was a community of 20 interest related to the I-270 corridor when 21 analyzing potential maps in the 2011 Maryland 22 congressional redistricting process?</p> <p style="text-align: right;">Page 128</p>
<p>1 THE WITNESS: Well, yeah, I mean, we were 2 certainly looking at -- we were working for the 3 Democratic House delegation. We were looking at 4 that. But I -- you know, certainly when you look 5 at -- when you look at a map, you can determine that 6 as well. So I would say that we were mainly focused 7 on the Democratic House members. 8 BY MR. MEDLOCK: 9 Q. Do you have an understanding of what the 10 term, communities of interest means as it relates to 11 redistricting? 12 A. Yes. 13 Q. What does it mean to you? 14 A. Well, generally, when we're looking at 15 communities of interest, we're looking at it in 16 terms of majority-minority districts. 17 Q. When you were analyzing potential 18 congressional maps for the State of Maryland in the 19 2011 redistricting process, did you consider 20 communities of interest? 21 A. We considered -- I wouldn't say 22 specifically communities of interest. We considered</p> <p style="text-align: right;">Page 127</p>	<p>1 A. No, I don't remember doing so. 2 Q. Okay. Did you analyze any data related 3 to commuting patterns on Interstate 270 when you 4 were looking at potential congressional maps for the 5 2011 Maryland congressional redistricting process? 6 A. No, I didn't. 7 Q. Do you know if anybody at NCEC Services 8 did? 9 A. No, I don't -- I don't recall anybody 10 doing that. 11 Q. Okay. Let's move to what we've marked as 12 Exhibit 58, which I'll hand it to you. 13 (Hawkins Exhibit No. 58 was 14 marked for identification.) 15 BY MR. MEDLOCK: 16 Q. And hand to counsel for the State and 17 your counsel. Exhibit 58 is a four-page document 18 beginning with SAR000173 extending through 19 SAR000176. And I'll state for the record, the 20 document has a confidential legend. And prior to 21 this deposition, you executed an agreement to be 22 bound under the confidentiality agreement in this</p> <p style="text-align: right;">Page 129</p>

1 case, is that right?
2 A. Yes.
3 Q. Okay. Take a moment to review the
4 document. And as we've done before with other
5 documents, when you're done reviewing it, please let
6 me know audibly on the record when you're done
7 reviewing it, okay?
8 A. Okay. Okay. I've read through it.
9 Q. Okay. Do you recognize Exhibit 58?
10 A. I recognize it as being from my email
11 account.
12 Q. Okay. When you say your email account,
13 is that EHawkins@NCECServices.com?
14 A. Yes.
15 Q. Do you use that for NCEC Services company
16 business?
17 A. Yes.
18 Q. Do you use it for personal use?
19 A. No. Well, actually, I've used it on
20 occasion for personal use. But generally, no.
21 Q. In the instance that we're looking at in
22 Exhibit 58, you're using it for business purposes,
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1 correct?
2 A. Right, yes.
3 Q. And this is an email exchange between you
4 and Jason Gleason, and at certain points, Mark
5 Gersh, between March 16th and March 20th, 2011,
6 correct?
7 A. March 16th -- what was it?
8 Q. This is an email exchange that occurred
9 between March 16th and March 20th, 2011, correct?
10 A. Oh, I see 20th over here. Okay. Yeah,
11 all right.
12 Q. All right. And the participants in the
13 email exchange are you, Jason Gleason, and at least
14 for part of the email exchange, Mark Gresch?
15 A. Yes. Mark was just, I guess, at the
16 beginning of it. He was just forwarding it on, I
17 guess. Yes.
18 Q. Okay. And this was an email exchange
19 that was sent as part of NCEC's consulting
20 arrangement with the Democratic members of
21 Maryland's U.S. House delegation, correct?
22 A. Well, I just -- the consulting
Page 131

1 arrangement thing, I'm just -- again, we've went
2 down there. We were working with the House -- with
3 the Democratic members of the House delegation.
4 Q. This email was part of that work, I guess
5 is my question.
6 A. Yes, exactly.
7 Q. Okay. So let's start at the bottom of
8 the email exchange, which is -- I'm on SAR000175.
9 A. Okay.
10 Q. Okay. And it continues on to SAR00176.
11 And this is an email from Jason Gleason to Mark --
12 is it Gresch or Gersh?
13 A. It's Gersh.
14 Q. Gersh. Do you see that, on March 16th,
15 2011?
16 A. From Jason to Mark?
17 Q. Yes.
18 A. Yes.
19 Q. Okay. And Mr. Gleason sent this from his
20 personal email account, not his House .gov email
21 address, correct?
22 A. It's from a Gmail account, yes.
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1 Q. Okay. And Mr. Gleason writes, if you
2 turn to the last page, "I'm not sure we ever got a
3 solid number on how many new people were included in
4 the 3rd District under the two maps we discussed."
5 Do you see that sentence?
6 A. Yes.
7 Q. Were you present for any conversation
8 between Mr. Gersh and Mr. Gleason regarding
9 potential boundaries of Maryland's 3rd Congressional
10 District?
11 A. I don't know if I was in the meeting with
12 Mark and Jason. I just don't remember that. It's
13 possible.
14 Q. Okay. All right. Let's move up the
15 chain to March -- the email sent on March 16th at
16 10:57 p.m., from you to Jason Gleason and Mark
17 Gersh. Do you see that?
18 A. That's on the previous page.
19 Q. It should be on the third page.
20 A. Okay. Yes.
21 Q. Okay. And --
22 A. The one at 22:57?
Page 133

1 Q. Exactly.
2 A. Okay, got you.
3 Q. I'm translating military time.
4 A. No, I got you. Yeah, I just want be
5 clear.
6 Q. And you write in the last full sentence
7 of the email, thanks again for coming to our office
8 today and helping us understand your circumstances,
9 so that we can improve the options. Do you see
10 that?
11 A. That last sentence, yeah, thanks -- okay,
12 got you.
13 Q. Do you recall meeting, now that you've
14 read that, with Mr. Gleason on March 16th, 2011?
15 A. I mean, this would indicate that I met
16 with him then. I mean, clearly, I did from the
17 email. Again, I can't remember -- I need the email
18 to remind me that that meeting took place.
19 Q. Okay. So you have no independent
20 recollection --
21 A. No.
22 Q. -- beyond this email about that meeting?
Page 134

1 A. No, no.
2 Q. And you can't tell me what was discussed
3 at the meeting, or who was there?
4 A. It's so long ago, I can't -- I'm sorry.
5 Q. That's fair. Okay. All right. Let's
6 move up the email. Do you see an email on the
7 second page sent from you to Jason Gleason on March
8 17th at 10:38 a.m.?
9 A. Yes.
10 Q. Okay. The second sentence of the first
11 paragraph of that email reads, the AA totals are
12 165K in the original 7-1 plan and 183K in the
13 modified 7-1 plan. It has Van Hollen into Frederick
14 by 150K instead of 200K. Did I read that correctly?
15 A. Yes.
16 Q. What do you mean by the original 7-1
17 plan?
18 A. I don't know for sure, except that
19 probably that there was a plan change. I don't know
20 for sure. I don't remember for sure.
21 Q. What does 7-1 plan mean to you in that
22 sentence?
Page 135

1 A. That would be seven Democrats, one
2 Republican.
3 Q. Was that a shorthand that people used in
4 emails to refer to particular plans during your time
5 working on the Maryland congressional redistricting?
6 A. Well, it's in this email. I don't know
7 if it's in other ones.
8 Q. Is that a short -- beyond this email, is
9 that a shorthand you used to refer to particular
10 plans?
11 A. I don't remember specifically that.
12 Q. Okay. Let's move up the email chain to
13 the first page. It's an email that is sent from you
14 to Jason Gleason on March 20th, 2011 at 8:20 p.m.,
15 the very top email. Do you see that?
16 A. Okay. Yes.
17 Q. The first sentence of that email reads, I
18 have worked out a new version of the 7-1 plan in
19 which you have nothing new in AA. And then in
20 parenthesis, keeping 144K of what Sarbanes currently
21 have, end parenthesis. What do you mean by 7-1 plan
22 there?
Page 136

1 A. Well, that's the same thing. Seven
2 Democrats, one Republican. So it must have been,
3 again, having not seen all these emails, it might --
4 maybe that was something that was used. I just
5 don't remember it specifically.
6 Q. Okay. And do you see later in the email,
7 you refer to DEM performance, and then also DPFM?
8 A. Later in that email?
9 Q. Same email.
10 A. In the -- oh, there is DEM performance
11 and 83K in Montgomery at 67.8 DPFM?
12 Q. Yes.
13 A. Okay, yes.
14 Q. Do those -- both those abbreviations
15 stand for Democratic performance, or what do they
16 stand for?
17 A. They both stand for Democratic
18 performance.
19 Q. Is that a reference to federal Democratic
20 performance or state Democratic performance?
21 A. I don't know. I don't know.
22 Q. Okay. Did you -- when you used
Page 137

1 Democratic performance in emails like this, were you
2 usually referring to a general overall Democratic
3 performance, or would you break it down into federal
4 and state?
5 A. I don't remember specifically. I don't
6 -- you know, I don't remember specifically in
7 Maryland, which performance we were relying on.
8 Q. Okay. Were you ever instructed to draw
9 a -- a map, a 7-1 map, where the 6th Congressional
10 District had 50 percent or greater federal
11 Democratic performance?
12 A. I don't remember that specific
13 instruction. Again, I just remember that we were
14 looking to create another district in the state that
15 reflected the Democratic voting behavior of the
16 state. So I don't remember there being a threshold,
17 or that it was stated. I just don't remember if
18 there was an actual number.
19 Q. So when you say you don't remember, you
20 just can't tell me one way or the other?
21 A. I just -- I don't remember specifically.
22 Q. I think you said earlier, in your earlier
Page 138

1 answer, that you said we were looking to essentially
2 create another district that reflected Maryland's
3 overall Democratic voting behavior. Who is the "we"
4 in that sentence?
5 A. Well, I guess NCEC, myself, and I don't
6 know if it was Mark, maybe Mark. I don't know. It
7 could have been staff of the members. I don't know
8 specifically who the "we" is. I mean, we were
9 working as a group with the delegation, so I don't
10 know who the "we" is.
11 Q. Let mark the next exhibit.
12 (Hawkins Exhibit No. 59 was
13 marked for identification.)
14 BY MR. MEDLOCK:
15 Q. And as before, sir, please take a look at
16 Exhibit 59, and let me know when you're done
17 reviewing it. And I'll state for the record while
18 you're doing so, Exhibit 59 is a one-page document
19 with the Bates number HOY000052.
20 A. Okay.
21 Q. All right. Do you recognize Exhibit 59?
22 A. Not specifically, but it certainly could
Page 139

1 have been something I put together.
2 Q. Is this a format of document that you
3 would create at NCEC Services?
4 A. There is all sorts of formats, so I don't
5 -- I mean, it looks like it came from an Excel
6 spreadsheet. You know, so there is -- it's
7 possible, yes, I mean --
8 Q. So you can't tell me one way or the other
9 whether NCEC Services created this document?
10 A. I mean, it appears like something that we
11 could, but we don't have any standard formatting, so
12 yeah.
13 Q. Do you see a date in the top right corner
14 of the document?
15 A. Yes.
16 Q. And that date is May 4th, 2011, right?
17 A. Yes.
18 Q. And there are columns in this document
19 for federal Democratic performance and state
20 Democratic performance, correct?
21 A. Right.
22 Q. And then those are broken down by each of
Page 140

1 the counties in Maryland, correct?
2 A. That's correct.
3 Q. In the -- further to the right of that
4 for each column, for each county in Maryland, there
5 is columns for 2010 African-American percentage,
6 2010 Hispanic percentage, and 2010 Asian percentage.
7 Do you see that?
8 A. Yes.
9 Q. Okay. Do you see an entry for Garrett
10 County, Maryland?
11 A. Yes.
12 Q. Okay. So Garrett County's federal
13 Democratic performance, according to this chart, is
14 27.2 percent, correct?
15 A. That's correct.
16 Q. And the --
17 A. The federal -- did you say federal?
18 Q. Yes.
19 A. Okay, good. All right, I just wanted to
20 make sure.
21 Q. No problem. And then the state
22 Democratic performance for Garrett County, to the
Page 141

<p>1 right of that, is 28.2 percent, correct? 2 A. Yes. 3 Q. All right. And if you drop down to 4 Montgomery County, the federal -- do you see it? 5 A. Yes. 6 Q. Okay. The federal Democratic performance 7 listed on this chart for Montgomery County is 69.2 8 percent, correct? 9 A. Yes. 10 Q. And the state Democratic performance for 11 Montgomery County is 64.5 percent, correct? 12 A. Yes. 13 Q. Okay. In Garrett County, looking at the 14 African-American percentage column, that is 1 15 percent African-American, correct? 16 A. That's correct. 17 Q. So that means Garrett County's total 18 population is 1 percent African-American, is that 19 right? 20 A. Yes, I mean, unless -- I think this is 21 straight population, and not voting age population. 22 So yes, I think that that's probably right.</p> <p style="text-align: right;">Page 142</p>	<p>1 Q. And the federal Democratic performance of 2 Montgomery County is very different from Garrett 3 County as well? 4 A. Yes, it is. 5 Q. And the federal -- the state Democratic 6 performance of Garrett County is very different from 7 Montgomery County, correct? 8 A. Yes, it is. 9 Q. Okay. You can put 59 aside. 10 (Hawkins Exhibit No. 60 was 11 marked for identification.) 12 BY MR. MEDLOCK: 13 Q. All right, sir. I've put in front of you 14 Exhibit 60 to your deposition. It's a document 15 bearing the Bates numbers SAR000288 and SAR000289. 16 Please take a moment to review it, and let me know 17 when you're done reviewing it. 18 A. Okay. 19 Q. So this is an email exchange between you 20 and Jason Gleason, correct? 21 A. That's correct. 22 Q. And this was part of the work that you</p> <p style="text-align: right;">Page 144</p>
<p>1 Q. Okay. And then Montgomery County's 2 African-American population is listed as 16.6 3 percent, correct? 4 A. Yes. 5 Q. Okay. And then for Garrett County, its 6 Hispanic population is 0.7 percent, correct? 7 A. Yes. 8 Q. And for Montgomery County, its Hispanic 9 population is 17 percent, correct? 10 A. Yes. 11 Q. For Garrett County, the Asian population 12 is .3 percent, correct? 13 A. That's correct. 14 Q. And then for Montgomery County, the Asian 15 percentage is 13.9 percent, correct? 16 A. Yes. 17 Q. So as you look at this chart, the 18 minority makeup of Montgomery County is very 19 different from Garrett County, correct? 20 A. Yes, it is. 21 Q. Would you even call them dissimilar? 22 A. Sure, that's fine.</p> <p style="text-align: right;">Page 143</p>	<p>1 did on the 2011 congressional redistricting effort 2 in Maryland, correct? 3 A. That's correct. 4 Q. Okay. 5 A. Yes. Yeah, with the delegation, yes. 6 Q. Exactly. Okay. So let's start on the 7 second page. There is an email from Jason Gleason 8 on May 11th, 2011, at 5:58 p.m. Do you see that? 9 A. Yes. 10 Q. And he says, hi there, I have a couple 11 more things to walk through when you have some time. 12 One, could you please send me the new Montgomery 13 County precincts for the current 7-1 map in our 14 district. Do you see that? 15 A. Yes. 16 Q. And you understand 7-1 to -- as we talked 17 about earlier, to mean seven Democrats, one 18 Republican? 19 A. Yes. 20 Q. So Mr. Gleason is using that as a 21 shorthand as well in this email? 22 A. I would say that, yes.</p> <p style="text-align: right;">Page 145</p>

1 Q. Okay. Let's move up to the -- do you see
2 an email at -- on the first page, that's from Jason
3 Gleason on May 17th, 2011, at 9:23 a.m.?
4 A. Yes.
5 Q. All right. And in the second sentence of
6 his email, he writes, when you get a minute, could I
7 run some things by you on the phone to plug into a
8 map, and see where it gets us. Do you see that?
9 A. Yes.
10 Q. Do you recall Mr. Gleason ever calling
11 you to give you input on how maps should be changed?
12 A. Well, yeah, I talked to Jason on
13 occasion, and he had ideas.
14 Q. Did you ever, when you were on the phone
15 with him, go into Maptitude and actually change
16 things, the boundaries of districts while you were
17 talking to him?
18 A. I don't remember if I was doing it when I
19 was on the phone with him, no. I don't remember.
20 That's not to say that I didn't.
21 Q. Okay. Would you ever get instructions
22 from Mr. Gleason, then make changes to the map, and
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1 then get back in contact with him, and let him know
2 how things changed?
3 A. Yes.
4 Q. Do you recall anything about the changes
5 to the map that are referenced in this email that he
6 is talking about plugging in?
7 A. Not specifically. But I mean, they are
8 talking about -- these are two districts that border
9 one another. And as I said before, I mean, they
10 were looking to -- as any change that you make to a
11 district with the adjacent districts is going to
12 change it. So they were just trying to work out how
13 their boundaries mesh together, it looks like. And
14 as part of protecting their districts for
15 re-election.
16 Q. I see. How long have you been using
17 Maptitude?
18 A. I think we started using it -- it may
19 have been in the -- after the 2000 cycle. The
20 2000 -- I don't remember specifically. And I know
21 we used a different software product at one time,
22 certainly in the '90s. I don't remember if we were
Page 147

1 using that again in 2000, in which case we would
2 have moved to Maptitude. But I'm sorry, I don't
3 remember specifically when we did.
4 Q. In your experience as a Maptitude user,
5 has the product changed over time?
6 A. Yes, I mean, it's gotten a little faster
7 and yes, it's changed.
8 Q. Has it improved, in your mind?
9 A. Well, sure. I mean, like any software
10 product, yeah, it's improved.
11 Q. Can you give me examples of how Maptitude
12 has improved over -- since you started using it?
13 A. I think the reporting functions have
14 improved.
15 Q. What do you mean by the reporting
16 functions?
17 A. Well, you can generate reports on any
18 number of things, but you know, how -- where the
19 donor district is coming from. All sorts of things.
20 Q. Since you started using Maptitude as the
21 product actually -- the software, does it actually
22 move faster than it used to when you first started
Page 148

1 using it?
2 A. I think it moves faster. I mean, I can't
3 quantify that. But I -- it feels like it moves
4 faster. Maybe I've just gotten better.
5 Q. One or the another, right?
6 A. Yeah. I'm sure it's the software, not
7 me.
8 Q. Is Maptitude able to handle more data now
9 than it used to, when you first started using it?
10 A. I don't know. I don't know if it has or
11 not. I don't remember.
12 Q. Okay. Let's mark the next exhibit.
13 (Hawkins Exhibit No. 61 was
14 marked for identification.)
15 BY MR. MEDLOCK:
16 Q. All right. I'm showing you what we've
17 marked as Exhibit 61 to your deposition. It's a
18 document Bates labelled HOY000360. It's a two-line
19 email. Let me know when you're done reviewing it.
20 A. I'm done.
21 Q. Okay. So this is an email on June 7th,
22 2011, or it appears to be an email on June 7th, 2011
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<p>1 from Brian Romick to Mark Gersh, correct? 2 A. Correct. 3 Q. And the subject line is blank? 4 A. Yes, it is. 5 Q. And Mr. Romick sent it from his personal 6 email account, correct? 7 A. He sent it from his Gmail account, yes. 8 Q. And in the email that you have before 9 you, it reads, Donna is telling us we have to do the 10 6th District. We need to get it north of 50 to win 11 it this time, right? Did I read that correctly? 12 A. Yes. 13 Q. Did you ever receive a copy of this email 14 from Mr. Gersh? 15 A. I don't remember receiving a copy of this 16 email. I don't remember. 17 Q. Did you ever receive a copy of this email 18 from Mr. Romick? 19 A. I don't remember. 20 Q. Did Mr. Gersh or Mr. Romick ever discuss 21 the content of this email with you? 22 A. I don't remember that.</p> <p style="text-align: right;">Page 150</p>	<p>1 review it, and when you're done reviewing it, please 2 let me know you're done. 3 A. Okay. 4 Q. So this is a July 20th, 2011 email 5 exchange between somebody named jwillis@mcdaniel.edu 6 and Brian Romick. Do you see that? 7 A. Yes. 8 Q. Do you know who jwillis@mcdaniel.edu is? 9 A. His name is familiar to me. I don't -- I 10 don't know. I can't remember who he is. 11 Q. Have you ever heard the name 12 John T. Willis? 13 A. John -- John Willis seems familiar to me. 14 I can't remember. I don't remember exactly who that 15 is. 16 Q. If I told you that John Willis was the 17 former Secretary of State of Maryland between 1995 18 and 2002, would that jog your memory? 19 A. Yeah, it's possible. I don't remember. 20 Q. But you don't know. Do you recall -- 21 there is a reference in this email exchange to a 22 meeting that would take place on July 21st, 2011 at</p> <p style="text-align: right;">Page 152</p>
<p>1 Q. Did you ever get an understanding from 2 anyone that Congresswoman Donna Edwards wanted to 3 "do the 6th District"? 4 MS. RICE: Objection. 5 THE WITNESS: Sorry. I don't remember 6 that. I don't remember that. 7 BY MR. MEDLOCK: 8 Q. Did Congresswoman Edwards ever express to 9 you a desire to increase the Democratic performance 10 in the 6th -- Maryland's 6th Congressional District? 11 A. I don't remember that specifically. 12 Q. Do you remember generally? 13 A. No, I just -- I guess I don't remember. 14 I don't -- I'm not saying it couldn't have happened. 15 I don't remember. 16 Q. Okay. All right. You can put 61 aside. 17 (Hawkins Exhibit No. 62 was 18 marked for identification.) 19 BY MR. MEDLOCK: 20 Q. All right, sir. I'm showing you Exhibit 21 62. It's a one-page email exchange that bears the 22 Bates number HOY000345. Please take a moment to</p> <p style="text-align: right;">Page 151</p>	<p>1 the offices of NCEC. Do you recall ever attending a 2 meeting on July 21st, 2011 at NCEC's offices? 3 A. I can't -- I don't -- I don't know the 4 date, or I don't know if I was there. I'm not 5 saying I wasn't. I just don't remember. 6 Q. Okay. Do you ever recall meeting 7 John Willis, the former Maryland Secretary of State? 8 A. His name is really familiar to me, so I 9 can't recall specifically. I just can't recall 10 specifically. But it feels like after -- it feels 11 like it, but I can't recall him. I apologize again. 12 Q. It's okay. Do you recall anything that 13 you would have discussed with John Willis? 14 A. No. 15 Q. And do you have any notes or documents in 16 your possession, that you know of, reflecting any 17 meeting that you had with John Willis? 18 A. No. 19 Q. Do you know why you -- if you were 20 meeting with him, why you would have been meeting a 21 former Maryland Secretary of State? 22 MS. RICE: Objection, speculation.</p> <p style="text-align: right;">Page 153</p>

1 THE WITNESS: No, I have no idea.
2 (Hawkins Exhibit No. 63 was
3 marked for identification.)
4 BY MR. MEDLOCK:
5 Q. Before I get to 63, which we will get to,
6 when you were drawing -- let me back up. Do you
7 have an understanding of how the Voting Rights Act
8 affects the congressional redistricting process?
9 MS. FROST: Objection.
10 THE WITNESS: Somewhat. I mean, it's --
11 BY MR. MEDLOCK:
12 Q. What's your understanding?
13 A. It's changed a lot.
14 Q. Definitely. Yeah, what's your
15 understanding, as you sit here today. I'm not
16 asking for a legal opinion, but just your
17 understanding?
18 A. Well, there are some states and counties
19 in -- or there used -- at least there used to be,
20 that you had to submit any changes in the electoral
21 process to the Department of Justice for approval,
22 based on states that had a history of past
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1 discrimination. I think that's no longer the case.
2 Q. You may be correct about that, sir. Do
3 you have any understanding of the Voting Rights Act
4 affect on congressional redistricting, besides what
5 you've just stated?
6 MS. FROST: Objection.
7 THE WITNESS: At least as it was in place
8 then, again, I'm not an attorney, that -- clearly.
9 That you would want to create a majority-minority
10 district, where it was possible to ensure that the
11 minority community could elect its candidate of
12 choice. And not to diminish, to a point, where that
13 community couldn't elect the candidate of their
14 choice.
15 BY MR. MEDLOCK:
16 Q. When you were drafting maps,
17 congressional maps of Maryland during the 2011
18 redistricting process, did you consider at all
19 whether minority communities could elect a candidate
20 of their choice?
21 MS. FROST: Objection.
22 THE WITNESS: Can you ask that question
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1 again?
2 BY MR. MEDLOCK:
3 Q. Sure.
4 A. Thank you.
5 Q. When you were drafting congressional maps
6 as part of your work on the 2011 Maryland
7 congressional redistricting process, did you take
8 into consideration whether minority communities in
9 any of the congressional districts you drew, could
10 elect a candidate of their choice?
11 A. Yes.
12 Q. And for which districts did you make that
13 consideration?
14 A. Maryland 4 and Maryland 7.
15 Q. Did you consider that at all with respect
16 to Maryland's 6th Congressional District?
17 A. No.
18 Q. And with respect to the 8th Congressional
19 District, did that enter your analysis?
20 A. I don't remember what the -- I don't
21 remember what the breakdown is -- was for the 8th
22 District. I don't think that we would have looked
Page 156

1 at that. But there were two African-American
2 representatives in Congress at that time, so that
3 would have been our focus there.
4 Q. Okay. All right. Let's turn to 63.
5 It's a one-page document bearing the Bates label
6 SAR000246.
7 A. I'm sorry. I put that away.
8 Q. No problem. I'm sorry. I went out of
9 order. Please take a moment to review it. And when
10 you're done reviewing it, please let me know.
11 A. Okay.
12 Q. All right. So this is an -- Exhibit 63
13 is an email exchange between you and Jason Gleason,
14 correct?
15 A. Yes.
16 Q. And this was part of the work you did on
17 Maryland's congressional redistricting process for
18 the U.S. House delegation, correct?
19 A. Yes.
20 Q. All right. So in the bottom email, which
21 was sent on July 20th, 2011 at -- it says, 22:45, so
22 10:45 p.m.?
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1 A. Right.
2 Q. Do you see that email?
3 A. I do. And I see I worked really late.
4 Q. Yeah. You worked hard on this. We see a
5 lot of after-hours emails. Was that part of your
6 practice, to sort of work on this, you know,
7 whenever?
8 A. Not -- I mean, it happens on occasion,
9 yeah. I mean, just with anything, I guess.
10 Q. Were you under some sort of deadline
11 pressure here?
12 A. No, I don't believe so. I just like to
13 be responsive to the people that we're working for.
14 Q. I see. Okay. In your July 20th, 2011
15 email, you write, second sentence, "I managed to
16 keep the 7th at 53.5 percent, and both the 2nd and
17 3rd at 59 percent, while boosting the 6th to 51
18 percent." Do you see that?
19 A. Yes.
20 Q. And those percentages, those refer to
21 Democratic performance?
22 A. I think that the 7th, the number 53.5,

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1 probably refers to the BVAP, the black voting age
2 population.
3 Q. Why do you think that?
4 A. Well, because Democratic performance in
5 the 7th would be a lot higher than 53.5.
6 Q. Fair enough. Fair enough. That's a good
7 point. For the 2nd and 3rd, the 59 percent, is that
8 a BVAP number, or is that a Democratic performance
9 number?
10 A. That's not a BVAP. That's a Democratic
11 performance number.
12 Q. Okay. And the 6th, the 51 percent,
13 that's a Democratic performance number, right?
14 A. Right.
15 Q. You'd be somewhat shocked if that were a
16 BVAP number, right?
17 A. I would.
18 Q. Okay. All right. And towards the bottom
19 -- towards the end of the first paragraph of this
20 email, you write -- do you see a reference to
21 allowing it to grow more into Carroll, thereby
22 allowing the 6th to grow more into your Montgomery

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1 piece. It should be the --
2 A. I'm sorry, where are you?
3 Q. I'm at three lines from the bottom of the
4 first paragraph of your March -- of your July 20th
5 email.
6 A. Okay.
7 Q. And you say, much more from the 1st,
8 which --
9 A. Okay.
10 Q. -- which allows it to grow more into
11 Carroll, thereby allowing the 6th to grow more into
12 your Montgomery piece. Do you see that?
13 A. Yes.
14 Q. What do you mean by allowing the 6th to
15 grow more into your Montgomery piece?
16 A. Well, that's an incumbent protection
17 issue here, because Senator or -- Senator Sarbanes.
18 There used to be a Senator Sarbanes, Congressman
19 Sarbanes was a Baltimore area Congressman. And was
20 a little concerned with taking a lot of Montgomery
21 County, because that would balance his district more
22 towards D.C. and possibly invite a primary

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1 challenge. So that was -- I mean, they were
2 concerned by that, and wanted to maintain a
3 Baltimore -- I don't know how to express this
4 exactly, but a more Baltimore-centric district than
5 a D.C.-centric district.
6 Q. I see. Was there any other reason why it
7 would be beneficial to allow the 6th Congressional
8 District to grow further into Montgomery County?
9 A. Well, Montgomery County is a Democratic
10 county, so --
11 Q. That would thereby boost the Democratic
12 performance of the 6th Congressional District?
13 A. Well, yeah, if it grows into more
14 Democratic areas, then yes, it would.
15 Q. Okay. Let's move up in the email chain
16 to your July 21st, 2011 email, at 9:29 a.m., to
17 Jason Gleason. Do you see that?
18 A. I'm sorry.
19 Q. The very top.
20 A. Oh, very top. I keep -- the times aren't
21 on the --
22 Q. That's all right.

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1 A. -- right. Okay. I keep looking at the
2 other side.
3 Q. Gmail emails are not the easiest for
4 depositions, I'll tell you that. Okay. The text of
5 that -- of the body of that email reads, the 2nd is
6 helping in a small way by taking some bad Harford
7 from the 1st, so it can grow further into Carroll,
8 thus improving the 6th. Did I read that correctly?
9 A. Yes.
10 Q. What do you mean by "improving the 6th"
11 in this email?
12 A. Well, I mean, Carroll County is very
13 Republican, so it probably means that the 6th
14 becomes a little bit more Democratic by moving out
15 of Carroll County.
16 Q. Okay. All right. You can put 63 aside.
17 (Hawkins Exhibit No. 64 was
18 marked for identification.)
19 BY MR. MEDLOCK:
20 Q. All right, sir. Showing you Exhibit 64,
21 which is a one-page email exchange bearing the Bates
22 number HOY000347. Please take a moment to review
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1 it. And when you're done reviewing it, please let
2 me know.
3 A. Okay.
4 Q. Okay. This is an email exchange between
5 Brian Romick and Mark Gersh, correct?
6 A. Yes.
7 Q. And it's -- it all occurs on September
8 1st, 2011, is that right?
9 A. That's correct.
10 Q. All right. I'm looking at the September
11 1st, 2011 email sent at 2:31 p.m., by Mark Gersh.
12 Are you there with me?
13 A. At 2:31, yes.
14 Q. Yes. And he writes, okay, have to come
15 back to NCEC after meeting with the Governor. Do
16 you see that?
17 A. Yes.
18 Q. Do you recall ever going to a meeting
19 with Mr. Gersh and Governor O'Malley?
20 A. I never went to a meeting with the
21 Governor.
22 Q. Do you recall Mr. Gersh ever going to a
Page 163

1 meeting with the Governor?
2 A. I don't recall, but I mean, it's written
3 here.
4 Q. Do you -- do you have any reason to doubt
5 that Mr. Gersh met with the Governor as stated in
6 the email?
7 A. No, I just don't remember that happening.
8 But I'm not saying it didn't. It just -- it says it
9 did here.
10 Q. Okay. If you move up in the email, there
11 is an email sent on September 1st, at 2:43 p.m., by
12 Brian Romick. Do you see that?
13 A. Yes.
14 Q. Okay. And in the second sentence of that
15 email, he writes, "we need to do three meetings if
16 Miller and Busch are in Annapolis." Did I read that
17 correctly?
18 A. Yes.
19 Q. What is your understanding of what -- who
20 Miller refers to?
21 MS. RICE: Objection.
22 THE WITNESS: Was he the -- I don't --
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1 he's either the leader of the Senate or the House of
2 Delegates.
3 BY MR. MEDLOCK:
4 Q. Does it refer to Senate President
5 Thomas V. "Mike" Miller?
6 A. Yes.
7 Q. And Busch, does that refer to House of
8 Delegates Speaker Michael E. Busch?
9 MS. RICE: Objection.
10 THE WITNESS: I -- if you say so, yes.
11 I'm sorry, I just didn't work with the legislature
12 at all, and I can't remember the names and who
13 was -- who were the people there.
14 Q. Fair enough. Do you recall whether
15 Mr. Gersh met with Senate President Miller, as
16 stated in the email?
17 MS. RICE: Objection.
18 THE WITNESS: I don't recall that. It's
19 stated here, so I assume that happened.
20 BY MR. MEDLOCK:
21 Q. Do you recall whether Mr. Gersh met with
22 House of Delegates Speaker Michael Busch, as stated
Page 165

1 in the email?
2 MS. RICE: Objection.
3 THE WITNESS: I don't recall that.
4 Again, it's in the email, so --
5 BY MR. MEDLOCK:
6 Q. Do you have any reason to doubt that
7 Mr. Gersh met with either of those individuals?
8 MS. RICE: Objection.
9 THE WITNESS: I have no reason to doubt
10 it. I have no independent knowledge of it.
11 BY MR. MEDLOCK:
12 Q. Understood. Did Mr. Gersh ever discuss
13 meeting with Governor O'Malley, Senate President
14 Miller, or Speaker Busch with you?
15 A. I don't remember him doing so.
16 Q. So you can't tell me one way or the other
17 if he ever discussed it with you?
18 A. No. I mean, no, I wasn't in D.C. this
19 entire time, so I don't know. I mean, I spent most
20 of my time in the frozen north.
21 Q. When you say frozen north, you mean
22 Maine, right?

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1 A. Yes.
2 Q. That's America's vacation land?
3 A. Right. True.
4 Q. It's not the frozen north?
5 A. It is a little bit now, but okay. You
6 don't --
7 Q. Yes. Okay. You can put 64 aside.
8 (Hawkins Exhibit No. 65 was
9 marked for identification.)
10 BY MR. MEDLOCK:
11 Q. All right, sir. I'm showing you Exhibit
12 65, which is a one-page email exchange, bearing the
13 Bates number HOY000334. Please read through it, and
14 once you're done, let me know you have.
15 A. Okay.
16 Q. All right. So this is an email exchange
17 between Mark Gersh and Brian Romick, correct?
18 A. That's correct.
19 Q. And if you look at the dates on the
20 emails, the first one was sent on September 8th,
21 2011, but the remainder of them are on September
22 12th, 2011, is that right?

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1 A. That's right.
2 Q. Okay. I want to focus on the top email,
3 September 12th, 2011, 8:41 a.m. email from
4 Brian Romick to Mark Gersh. Do you see that?
5 A. Yes.
6 Q. That -- the body of that email reads, and
7 there is a couple of redactions in here, but the
8 unredacted body of the email reads, "the only thing
9 I wanted to check with you on was getting the
10 African-American members electronically for current
11 CBC districts and newly drawn ones. The guys in
12 Annapolis are asking about it. Are you coming up
13 for the meeting tomorrow?"
14 MS. RICE: Objection.
15 BY MR. MEDLOCK:
16 Q. Did I read that correctly?
17 A. Yes.
18 Q. Okay. Do you have an understanding,
19 beyond what you're reading in this email, of what
20 the phrase "the guys in Annapolis" means?
21 A. I mean, that's where the state capital
22 is, so I guess it's -- I don't know who it refers

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1 to, but -- I don't know specifically who it refers
2 to, but it's -- I mean, it's got to be somebody in
3 the legislature, I guess. I don't know.
4 Q. Did anyone from the Maryland Legislature
5 ever request any data from you or Mr. Gersh related
6 to the 2011 congressional redistricting in Maryland?
7 MS. FROST: Objection.
8 THE WITNESS: I don't remember that
9 specifically happening from them directly. I do
10 not. And I don't know if it came indirectly from
11 them.
12 BY MR. MEDLOCK:
13 Q. Okay. Did anyone from the Maryland State
14 Government ever ask you any questions related to the
15 2011 Maryland redistricting process?
16 A. Can you ask that again?
17 Q. Sure. Did anyone from the Maryland State
18 Government ever ask you any questions related to the
19 2011 Maryland redistricting process?
20 A. From the state government?
21 Q. Yes.
22 A. I don't think any elected officials asked

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1 me any questions.
2 Q. Okay. Let's put elected officials aside.
3 How about unelected officials?
4 A. Well, I did have -- and I don't know if
5 it's this -- what this is referring to here, because
6 I don't think it is, but I did have -- I did go to
7 Annapolis one time myself, in which I talked to
8 staff.
9 Q. When did you go to Annapolis to talk to
10 staff?
11 A. I don't know. It was late -- it was --
12 it would have been very late in this process.
13 Q. Would it have been in September 2011,
14 October 2011? Do you have any recollection of when
15 it was?
16 A. I don't know.
17 Q. Was it in the fall of 2011?
18 A. It must have been in the fall, because
19 that's the end of the process.
20 Q. Okay. And when you say you went to
21 Annapolis to meet with staff, who was the staff you
22 met with?

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1 A. I don't know. I don't remember.
2 Q. Do you remember what office they were
3 working with?
4 A. I don't remember.
5 Q. Were they in the legislature?
6 A. I believe so, yes.
7 Q. Do you remember if they worked for a
8 particular -- did they work in the House of
9 Delegates or the Maryland Senate?
10 A. I don't know.
11 Q. Do you recall any of their first names?
12 A. I don't.
13 Q. How about Yaakov Weissman. Does that
14 sound familiar? He would also go by Jake Weissman?
15 A. That sounds familiar.
16 Q. Do you think he is one of the people you
17 met with?
18 A. I can't be sure.
19 Q. How about Patrick Murray? Does that name
20 sound familiar?
21 A. I'm sorry, it doesn't. Yaakov is easier
22 to remember.

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1 Q. That's very fair. How about
2 Alexandra M. Hughes. Does that sound familiar?
3 A. No.
4 Q. Do you think she was at the meeting?
5 A. I don't know.
6 Q. Do you think that Jason Weintraub was at
7 the meeting?
8 A. I don't know.
9 Q. How about Jeremy Baker? Was he at the
10 meeting?
11 A. There was a -- I don't know. There was a
12 Jeremy in another state I worked in. That's why I'm
13 like --
14 Q. Are you getting your states mixed up?
15 A. Right.
16 Q. How about Pamela Johnson. Was she
17 someone you met with?
18 A. I don't know. I mean, I don't know.
19 Q. How about Nancy Ernest? Was she someone
20 you met with?
21 A. I don't remember. I don't know.
22 Q. How about Carl Aro, last name A-R-O? Did

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1 you meet with him?
2 A. Again, I just don't remember. I don't
3 know who -- I don't remember the names.
4 Q. How about Jean Hitchcock? Did you meet
5 with Ms. Hitchcock?
6 A. Well, the name is familiar simply because
7 of the Hitchcock, but again, I don't remember.
8 Q. What about Richard Stewart? Did you meet
9 with Richard Stewart?
10 A. I'm sorry. I just don't remember.
11 Q. How about Victoria Gruber, last name
12 G-R-U-B-E-R? Did you meet with her?
13 A. Again, I don't remember.
14 Q. And how about Joy Walker? Do you recall
15 meeting with Joy Walker when you went up to
16 Annapolis?
17 A. I don't remember.
18 Q. When you went up to Annapolis to this
19 meeting, where did the meeting take place?
20 A. It was a large meeting room on the first
21 floor of the building up there. I don't know the
22 capital that well at all.

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1 Q. Was it in a state government office
2 building?
3 A. Again, I don't know the capital, I don't
4 know if that was an official building or not. I
5 don't know.
6 Q. Was anyone else from NCEC Services at
7 this meeting?
8 A. That meeting, no.
9 Q. Did you bring anything with you to that
10 meeting?
11 A. I would have brought my notebook with me.
12 Q. And anything else besides your notebook
13 that you brought with you?
14 A. I don't remember.
15 Q. Did you take notes during the meeting?
16 A. I don't remember.
17 Q. Do you recall anyone else that was at the
18 meeting taking any notes?
19 A. I don't remember that.
20 Q. How many people were at the meeting
21 besides you?
22 A. I don't know exactly. More than half
Page 174

1 dozen -- dozen. I don't know. Not -- I have no
2 idea.
3 Q. So somewhere between 6 and 12 is your
4 best guess?
5 A. I don't even -- 12 might be too many. I
6 don't even know.
7 Q. Well, what did you discuss at the
8 meeting?
9 A. Pardon me?
10 Q. What was discussed at this meeting?
11 A. The congressional map.
12 Q. Can you be more specific?
13 A. The reconfigured congressional map. I
14 mean, whatever map was going to take place, and be
15 put in -- I don't even -- I mean, it was a map of
16 the -- I don't know which map it was or what.
17 Q. When you were discussing this
18 congressional map with the other people at the
19 meeting in Annapolis, were you presenting the map to
20 them, or were they presenting the map to you?
21 A. I would have been presenting the map to
22 them.
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1 Q. Did they give you any feedback regarding
2 the map?
3 A. There was feedback, yes.
4 Q. Can you recall any specific feedback
5 about the map?
6 A. I can't recall any specific changes.
7 Q. Were you presenting it to them in
8 Maptitude, or did you have a presentation software
9 besides that, that you were using?
10 A. No, it was Maptitude.
11 Q. So did you have your computer with you as
12 well?
13 A. Yes. That was when I said my notebook,
14 that's what I was referring to.
15 Q. Oh, that's your -- okay, got it.
16 A. I apologize.
17 Q. Understood. Understood. And did you
18 have it on a projector, or did you just have it open
19 and showing it to them?
20 A. No, it was projected.
21 Q. And were you, during this meeting,
22 actually changing the boundaries of any of the
Page 176

1 congressional districts, or were you just sort of
2 presenting the map and showing them the data that
3 underlied the map?
4 A. There were changes made, yes.
5 Q. Can you recall any changes, specifically?
6 A. I can't specifically recall what the
7 specific -- the changes.
8 Q. Can you recall whether you discussed the
9 6th Congressional District at all during that
10 meeting?
11 A. We discussed every district in that
12 meeting, I'm sure.
13 Q. Do you have any specific recollection of
14 talking about the 6th Congressional District during
15 that meeting?
16 A. We would have talked about every
17 district.
18 Q. Okay. Do you recall anything that you
19 said regarding the 6th Congressional District during
20 that meeting?
21 A. No.
22 Q. Do you recall anything that --
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<p>1 A. I mean, I would have said something about 2 every single district. I'm sorry, I talked over 3 you. I apologize. I apologize. 4 Q. Okay. Don't worry about it. It just 5 happens. 6 A. Okay. 7 Q. Do you recall anything that any of the 8 people attending the meeting told you about the 6th 9 Congressional District? 10 A. I can't recall anything specific, no. 11 Q. How long did the meeting last? 12 A. I don't know exactly. It feels like a 13 few hours, I guess. 14 Q. Okay. Who invited you to the meeting? 15 A. I don't remember. 16 Q. Who -- did Mr. Gersh or anyone else at 17 NCEC Services tell you that you should attend the 18 meeting? 19 A. I don't -- I don't remember how that -- 20 the meeting was set up or arranged, and who would 21 have told me about it. 22 Q. Were there any attorneys in the room</p> <p style="text-align: right;">Page 178</p>	<p>1 staffers, yeah. 2 Q. Okay. And can you recall anything that 3 was discussed during the meeting, besides sort of 4 just generally discussing the map, and each of the 5 districts that were in the map? 6 A. I'm sorry. Can you ask that again? 7 Q. Oh, sure. Can you recall anything that 8 was discussed at this meeting in Annapolis, besides 9 the congressional districts and a general discussion 10 of each congressional district? 11 A. No. 12 Q. And do you have any notes or documents in 13 your possession, that you're aware of, regarding 14 this meeting? 15 A. No. 16 Q. Are you aware of any notes or documents 17 in NCEC Services' possession regarding this meeting? 18 A. No, there aren't any. 19 Q. Can you tell me, beyond it occurring in 20 the fall of 2011, with any specificity, which month 21 in 2011 the meeting occurred? 22 A. I'm sorry. I just -- I can't remember</p> <p style="text-align: right;">Page 180</p>
<p>1 during the meeting? 2 A. I don't remember. 3 Q. Did you send any emails as a result of 4 the meeting? 5 A. I don't remember that. 6 Q. Did you discuss the meeting with 7 Mr. Gersh or anyone at NCEC Services after the 8 meeting was over? 9 A. I don't remember specifically. 10 Q. Would it have been your practice to 11 discuss it with them? 12 A. I mean, possibly. I don't remember. 13 Q. Did you discuss the meeting you had in 14 Annapolis with anyone on -- any member of Maryland's 15 U.S. House delegation? 16 A. I don't remember discussing it with any 17 member. 18 Q. Did you discuss it with any of their 19 staffers? 20 A. Well, I would have -- I don't remember 21 who I would have discussed it with, but I'm sure I 22 would have discussed it with somebody, one of the</p> <p style="text-align: right;">Page 179</p>	<p>1 exactly. It just would have been the end of this 2 process. 3 Q. Okay. All right. Why don't we take a 4 break for five, ten minutes, and we'll be back. 5 A. Okay. 6 Q. Okay? 7 THE VIDEOGRAPHER: Off the record at 8 2:08. 9 (Recess.) 10 THE VIDEOGRAPHER: This begins disc 3 in 11 the deposition of Eric Hawkins. On the record at 12 2:19. 13 BY MR. MEDLOCK: 14 Q. Sir, this fall 2011 meeting in Annapolis, 15 you said that you presented a map to the 16 participants -- other participants at the meeting. 17 Who drew the map that you presented? 18 A. That would have been -- I'm pretty sure 19 it probably would have been the delegation map. So 20 the delegation, I suppose, or me. 21 Q. When you say "the delegation map," what 22 do you mean the delegation map?</p> <p style="text-align: right;">Page 181</p>

1 A. Well, whatever map that they had a
2 finalized -- I mean, I don't know if it's called the
3 delegation map, but it was whatever was finalized
4 through meetings with them.
5 Q. Okay. And that map was the product of
6 these meetings that we discussed earlier this
7 morning, where you met with the Democratic members
8 of Maryland's U.S. House delegation?
9 A. Right.
10 Q. And they would give you input during
11 those meetings, and through their staffers, and then
12 you would update the map, is that right?
13 A. Right.
14 Q. And then that's the map that you took to
15 Annapolis to present to these individuals at the
16 meeting in Annapolis?
17 A. I don't remember specifically, but that
18 seems like that would be it.
19 Q. Okay. You can't think of any other map
20 that you presented?
21 A. No, no.
22 Q. Did you only present one map at the
Page 182

1 meeting, or were there multiple maps?
2 A. I don't remember.
3 Q. Okay. In addition to presenting the map,
4 did you present any of the underlying data that
5 Maptitude can create, such as the racial minority
6 makeup of any of the districts?
7 A. Well, when you use Maptitude, not only
8 does it have a map up there, but it will have a
9 spreadsheet of data that will sit on top of the map.
10 So when you say present, I don't remember taking any
11 materials or anything with me. It might have
12 displayed on the screen.
13 Q. It might have popped up, for example?
14 A. Yeah, yeah.
15 Q. Would that -- when NCEC Services creates
16 maps in Maptitude, does -- do you feed Democratic
17 performance data into Maptitude as well?
18 A. Well, we join the census data to the
19 geography, and then we join electoral data with the
20 census data to the geography. So one of those --
21 one of those indices would have been Democratic
22 performance.
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1 Q. So when you were presenting this
2 delegation map, or whatever map you were presenting
3 at this fall of 2011 meeting with these officials in
4 Annapolis, when you looked at particular districts,
5 it would have had Democratic performance data for
6 each district?
7 MS. FROST: Objection.
8 THE WITNESS: I would think that it would
9 have. I would say this, though. You know, Maryland
10 is so Democratic, and that there are so -- there
11 aren't a lot of competitive elections there, that
12 sometimes Democratic performance is -- it's hard to
13 come up with a good calculation for them, because
14 the state is so Democratic.
15 BY MR. MEDLOCK:
16 Q. So it's taken for granted?
17 A. Yes. So sometimes we would look at other
18 data, like individual races. So I can't say for
19 sure what was being looked at there. I think -- and
20 I don't want to undermine our product in Maryland, I
21 mean, certainly, but it's just the state is so
22 Democratic, and it's hard to find competitive
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1 elections because Democrats win -- and you know, and
2 so when you're trying to come up with a Democratic
3 performance calculation, the formula is a little
4 tricky in Maryland, because it's -- you don't have a
5 lot of clearcut close races that you generally look
6 for. So when you asked me that question about what
7 was -- I don't know specifically. I would assume
8 that there would be individual race results, too.
9 Q. Okay. Understood. Let's move to the
10 next exhibit.
11 (Hawkins Exhibit No. 66 was
12 marked for identification.)
13 BY MR. MEDLOCK:
14 Q. This is Exhibit 66, I believe. So
15 Exhibit 66 is a -- let's see here, four-page
16 document, with the Bates range HOY000035 to
17 HOY000038. Take a moment to review it, sir, and
18 then let me know when you're done reviewing it.
19 A. Okay.
20 Q. Okay. This is a series of tables or a
21 spreadsheet that's titled on the first page,
22 Maryland draft 2011 plan summaries. Do you see
Page 185

1 that?
2 A. Right.
3 Q. And it's dated in the top right corner,
4 September 5th, 2011, on the first page. Do you see
5 that?
6 A. Yes.
7 Q. And if you flip to the second and third
8 pages, this is a bit tricky, top right corner, it's
9 dated September 15th, 2011. Do you see that?
10 A. Yes.
11 Q. Do you recognize the format of this
12 document?
13 A. It looks like what you showed me before.
14 Q. Okay. Is this a document that NCEC
15 Services would have created?
16 A. I don't recognize it. There is some
17 columns on here that I don't recognize, so...
18 Q. Okay. So -- but there are columns for
19 federal Democratic performance and state Democratic
20 performance on each page of the spreadsheet,
21 correct?
22 A. Yes.

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1 Q. And that would have been data that came
2 from NCEC Services, correct?
3 A. That's the data we produce, yes.
4 Q. Okay. So you said that there were
5 certain columns on here that you did not recognize.
6 Which columns do you not recognize?
7 A. Well, I recognize the performance columns
8 and the -- and the other electoral columns. The way
9 that the African-American/Hispanic numbers are
10 presented, I don't ever recall using those headers.
11 That's what looks different to me. I don't --
12 that's what's confusing me.
13 Q. When you say the electoral columns, could
14 you just tell me what those columns are on this
15 chart?
16 A. Sure. It's Gov '06 D percent, which
17 would be the 2006 gubernatorial race. The Gov '10
18 D, the 2010. And the 2PRS '04 and '08, which would
19 be presidential.
20 Q. Okay. All right. You can put 66 aside.
21 I'll mark the next document as Exhibit 67.
22 (Hawkins Exhibit No. 67 was

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1 marked for identification.)
2 BY MR. MEDLOCK:
3 Q. I put in front of you what we marked as
4 Exhibit 67. It is a three-page document, with the
5 Bates range SAR000366 through SAR000368. As we've
6 done with other email exchanges in this deposition,
7 please review it, and let me know when you're done,
8 sir. And if it helps, sir, I'm just going to focus
9 on the first page of the email exchange.
10 A. Okay. Should I not read the rest?
11 Q. No, you can read through the rest, sir,
12 if you'd like. I'm just telling you where I'm going
13 to focus.
14 A. Okay.
15 Q. Okay. So this is an email exchange
16 between you, Jason Gleason, and Brian Romick,
17 correct?
18 A. That's right.
19 Q. And the email exchange occurs between
20 September 30th and October 2nd, correct?
21 A. Oh, okay, I see, yes.
22 Q. Okay. And these were emails that you

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1 sent and received as part of your work on Maryland's
2 2011 congressional redistricting, correct?
3 MS. FROST: Objection. Are you referring
4 to certain emails in the chain?
5 BY MR. MEDLOCK:
6 Q. Well --
7 MS. FROST: Sorry.
8 BY MR. MEDLOCK:
9 Q. I'm just referring to the entire chain.
10 A. I don't know if I was included in all of
11 these, though.
12 Q. Okay. Well, let's --
13 A. I'm just -- I'm sorry, there is a lot of
14 information here.
15 Q. Sure. Let's focus on one in particular.
16 A. Okay.
17 Q. I'm on the first page of the document, on
18 Saturday, October 1st, 2011, at 14:09, so 2:09 p.m.
19 Do you see that email?
20 A. Yes.
21 Q. That's an email from you to Jason Gleason
22 and Brian Romick, correct?

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1 A. Yes.
2 Q. That is an email that you sent as part of
3 your work on Maryland's 2011 congressional
4 redistricting process, correct?
5 A. Yes.
6 Q. And in this email, you're discussing some
7 precinct changes to the 3rd and 4th districts,
8 correct?
9 A. Yes.
10 Q. Okay. And there is an email above that
11 on Saturday, October 1st, 2011 that Mr. Gleason
12 sent. Do you see that?
13 A. Yes.
14 Q. And that email above it doesn't say who
15 it was sent to, correct?
16 A. The email -- I'm sorry.
17 Q. So there is an email directly above the
18 one you sent, that reads, Brian, what do you think,
19 pitch it to the Gov's crowd. Do you see that?
20 A. I'm sorry. Just a second. I'm lost
21 here.
22 Q. No problem.

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1 A. Nope, that's not where you are. Oh, here
2 you are. Okay, got you. Okay.
3 Q. And that's an email from Jason Gleason,
4 correct?
5 A. Yes, I don't know who it's to.
6 Q. That was my question.
7 A. Okay.
8 Q. Do you see who it's to on this email?
9 A. No.
10 Q. Do you recall receiving this email?
11 A. No.
12 Q. So you don't know one way or the other
13 whether you received it?
14 A. No. I don't know, did I receive this?
15 Q. I don't know. That's my question.
16 A. I'm sorry. I don't know.
17 Q. That was a "who's on first" moment.
18 A. Yeah.
19 Q. Yeah, apart from reading this email, do
20 you have any understanding of what "pitch it to the
21 Gov's crowd" means?
22 A. I mean, that's not something that was

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1 directed at me, was it?
2 Q. I don't know. I don't know who this is
3 to?
4 A. I don't know. I don't know. I mean, I
5 could guess who that is. I think -- I mean, I don't
6 know specifically. I could guess a name. I don't
7 know.
8 Q. Well --
9 A. I mean, the legislature approves a
10 congressional redistricting plan. But I don't -- I
11 don't know who the Gov's folks are that this is
12 referring to.
13 Q. Okay. Do you have any idea as to what
14 Gov's crowd or Gov's folks means in this email
15 exchange?
16 A. No.
17 Q. Okay. If you go to the very top of the
18 email, there is an email from Brian Romick to
19 Jason Gleason on October 2nd, 2011, at 10:31 a.m.
20 Do you see that?
21 A. On the right-hand corner, yes.
22 Q. And it reads, they need to run it by

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1 Miller and Busch, and they haven't yet. Did I read
2 that correctly?
3 A. Yes.
4 Q. Did Mr. Romick or Mr. Gleason ever tell
5 you that they were running particular information
6 regarding Maryland's 2011 congressional
7 redistricting process by either Senate President
8 Miller or House of Delegates Speaker Michael Busch?
9 A. I don't remember that. I'm not saying it
10 didn't happen. I just -- I don't remember.
11 Q. Okay. And so apart from reading this
12 email, you don't have any independent recollection
13 of that?
14 A. No.
15 Q. Okay. All right. You can put 67 aside.
16 (Hawkins Exhibit No. 68 was
17 marked for identification.)
18 BY MR. MEDLOCK:
19 Q. All right. I'm showing you what is a
20 one-page document that we've marked as Exhibit 68 to
21 your deposition. It's Bates labelled HOY000180.
22 Please take a moment to review it, and let me know

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1 when you're done doing so.
2 A. Okay.
3 Q. So this is a spreadsheet or a set of
4 tables that's titled, Maryland draft 2011 plan
5 summaries, correct?
6 A. Right.
7 Q. And if you look at the top right corner
8 of the document, it's dated October 3rd, 2011,
9 correct?
10 A. That's correct.
11 Q. Do you recognize this document?
12 A. Again, this has columns in it that I
13 don't recognize the headings on it.
14 Q. And like we talked about with the earlier
15 documents that had the title, Maryland draft 2011
16 plan summaries, do you recognize the electoral
17 columns in this chart?
18 A. Yes.
19 Q. And would that have been -- does that
20 appear to be data that came from NCEC Services?
21 A. That appears -- yes, that appears to be
22 data from NCEC Services.

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1 Q. Okay. And it's the tables that deal with
2 particular minority communities that have headers
3 that seem unfamiliar to you, is that right?
4 A. I just -- I don't recognize those.
5 Q. Okay. Do you see a reference in the
6 second half of these tables to commission plan?
7 A. Yes.
8 Q. Do you have an understanding of what
9 commission plan means?
10 A. It's an alternative plan, I assume, from
11 a commission in Maryland, I guess.
12 Q. But you don't know for sure?
13 A. I don't know for sure. I don't remember
14 that.
15 Q. Okay. If you look on the FED Democratic
16 performance column for the 6th District in
17 commission plan, it says that the 6th District of
18 Maryland has 53 percent federal Democratic
19 performance. Do you see that?
20 A. Yes.
21 Q. And it has 49.8 state Democratic
22 performance, correct?

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1 A. Yes.
2 Q. Okay. Do you recall ever receiving a
3 document in this format regarding Maryland's 2011
4 congressional redistricting process?
5 A. I don't. Again, there are parts of it
6 that I don't recognize at all. And the other parts,
7 like the electoral stuff, I don't -- so I don't.
8 Q. Okay. All right. Do you have any idea
9 who would have created this document?
10 A. Again, I just, I don't -- I know. I
11 mean, there are parts of it that are familiar, and
12 there are parts of it that aren't. So I don't -- I
13 just don't -- I don't know. I mean, it was a long
14 time ago.
15 Q. Sure.
16 A. Many states away.
17 Q. The -- do you have any understanding that
18 Maryland officials were working with any other
19 consultant or map maker to draw their final map?
20 MS. RICE: Objection.
21 THE WITNESS: Who would Maryland
22 officials be?

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1 BY MR. MEDLOCK:
2 Q. Okay. So Martin O'Malley's office. Did
3 you have any understanding that they were working
4 with any outside consultant to draw the final
5 boundaries?
6 A. I don't know.
7 MS. RICE: Objection.
8 BY MR. MEDLOCK:
9 Q. Okay. The Maryland House of Delegates,
10 do you have any understanding that any members of
11 the Maryland House of Delegates were working with
12 any outside consultants to draw potential
13 congressional maps?
14 A. I don't -- I don't know.
15 MS. RICE: Objection.
16 BY MR. MEDLOCK:
17 Q. Do you have any understanding as to
18 whether any members of the Maryland Senate were
19 working with any outside consultants to draw
20 potential congressional maps for 2011?
21 MS. RICE: Objection.
22 THE WITNESS: I -- I don't know.

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1 BY MR. MEDLOCK:
2 Q. Do you have any information regarding
3 whether the Governor's Redistricting Advisory
4 Commission, or GRAC, was working with any outside
5 consultant to draft potential 2011 congressional
6 maps for Maryland?
7 MS. RICE: Objection.
8 THE WITNESS: I don't know. And I didn't
9 even -- when I saw GRAC, I didn't even recognize
10 what that was.
11 BY MR. MEDLOCK:
12 Q. Okay. So that didn't -- that didn't have
13 any meaning to you?
14 A. No.
15 Q. Where did you see the word GRAC before?
16 A. I think it was in the subpoena.
17 Q. Okay. All right. Do you know what role
18 the GRAC played in the 2011 redistricting process in
19 Maryland?
20 A. No.
21 Q. From your perspective, did the GRAC play
22 any significant role in the 2011 redistricting

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1 process in Maryland?
2 MS. RICE: Objection.
3 MS. FROST: Objection.
4 THE WITNESS: I don't know, because I
5 don't even remember -- I didn't even know what that
6 was.
7 BY MR. MEDLOCK:
8 Q. Okay. So you worked on the 2011
9 redistricting process in Maryland, and you met with
10 officials in Maryland in the fall of 2011, and you
11 don't know what the GRAC is?
12 MS. RICE: Objection.
13 THE WITNESS: Well, I don't know if I met
14 with officials. There were staff people. I didn't
15 meet with officials. What do you mean by
16 "officials"?
17 BY MR. MEDLOCK:
18 Q. It was just a place holder word. So let
19 me back up.
20 A. Okay.
21 Q. And I'll just ask the question again.
22 You worked with the Democratic members of Maryland's

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1 U.S. House of Representatives delegation on the 2011
2 congressional redistricting process in Maryland, and
3 you -- during -- as part of your work, you went to
4 Annapolis and you met with certain people that
5 worked for the state government in Annapolis. And
6 despite that, you don't know what the word -- the
7 phrase GRAC means, is that right?
8 A. Yes.
9 MS. RICE: Objection.
10 MR. MEDLOCK: Okay. Okay. Can I get --
11 mark these two together. So 69 and 70.
12 (Hawkins Exhibit Nos. 69-70 were
13 marked for identification.)
14 THE WITNESS: It's good to know somebody
15 has come to our website.
16 BY MR. MEDLOCK:
17 Q. I'm trying to get your traffic numbers
18 up.
19 A. I appreciate that. Thank you.
20 Q. All right. So I've put in front of you
21 what we've marked as Exhibits 69 and 70 to your
22 deposition. Both come from the National Committee

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1 for an Effective Congress's website. Please take a
2 moment to review both, and when you're done, let me
3 know.
4 A. Okay.
5 Q. Starting first with Exhibit 69, is this
6 an article that appeared on the National Committee
7 for an Effective Congress's website on December 14,
8 2016?
9 A. Yes.
10 Q. And as part of the operations of the
11 National Committee for an Effective Congress, does
12 NCEC sometimes put analysis like this on their
13 website?
14 A. Yes.
15 Q. Do you know who wrote this?
16 A. It was a combination of staff at NCEC.
17 Q. Did you contribute to this article?
18 A. A little bit, yes.
19 Q. What was your contribution to this
20 article?
21 A. I don't remember precisely.
22 Q. Okay. Can you tell me who was -- at NCEC

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1 was primarily responsible for drafting this article?
2 A. This probably was Mark. I can't remember
3 exactly.
4 Q. Mr. Gersh?
5 A. Yeah.
6 Q. I'm on the first page of Exhibit 69, and
7 I'm starting with the second sentence. It reads,
8 "some observers have suggested that campaigns should
9 give less consideration to data and metrics going
10 forward. We would caution against this conclusion.
11 In many cases, existing metrics like NCEC's
12 Democratic Performance Index, DPI, accurately
13 depicted the competitive nature of marginal
14 congressional seats." Did I read that correctly?
15 A. Yes.
16 Q. Do you believe that statement to be true?
17 A. Yes.
18 Q. Do you believe that NCEC's Democratic
19 Performance Index is accurate?
20 A. Yes, I mean, it depends on how it's used,
21 but -- and what --
22 Q. Certainly.

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1 A. In what context.
2 Q. When used properly, do you believe that
3 it's accurate?
4 A. Oh, sure, because this article was a push
5 back against people that want to use modeling and
6 other things, rather than actual election results.
7 Q. These are people who said that Nate
8 Silver got it wrong, so everybody must be wrong,
9 correct?
10 A. Yeah, and there are other -- there are
11 people that think that the wrong districts were
12 targeted in this last race. And I'm sorry, I'm
13 going to -- the wrong districts were targeted, and
14 that the -- I'm going into another area. I'll end
15 that.
16 Q. Okay. Fair enough.
17 A. It has caused a little bit of a -- there
18 was some anger at NCEC over -- that generated this.
19 Q. I can imagine.
20 A. Okay.
21 Q. So on the second page, there is a chart
22 that is titled -- on the second page of Exhibit 69,

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1 I should say, there is a chart that's titled,
2 November 8th, 2016 general election results,
3 Democratic major party vote share for U.S. House
4 versus NCEC Democratic performance in 35 targeted
5 districts. Do you see that?
6 A. Yes.
7 Q. Okay. And then if you look at Exhibit
8 70, that's a blow-up of that chart, correct?
9 A. Yes, absolutely.
10 Q. Okay. So because my eyes aren't good,
11 let's look at Exhibit 70.
12 A. Please.
13 Q. So the X axis of this chart, that's
14 Democratic -- the Democratic Performance Index,
15 correct?
16 A. Yes.
17 Q. All right. Do you see, on the X axis,
18 Democratic performance of 52.5 percent?
19 A. Yes.
20 Q. Okay. And to the right of that, there
21 are elections that were held in districts that had
22 greater than 52.5 percent Democratic performance,

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1 correct?
2 A. That's right.
3 Q. Okay. And in those elections, there is
4 only one Republican in these targeted -- 35 targeted
5 races who won an election in a district with 52.5
6 percent Democratic performance or more, correct?
7 A. On this chart, but these are targeted
8 races.
9 Q. Sure.
10 A. So --
11 Q. My question is just about the chart.
12 A. I mean, as we both know, there are 400
13 other districts.
14 Q. Right.
15 A. Okay.
16 Q. As you sit here today, can you give me an
17 example of a Republican who won in a House district
18 that had 52.5 percent Democratic performance or
19 more?
20 A. Maybe Peter King in New York. I'm not
21 sure what his Democratic performance is, but it's
22 over 50, I know that. There are others. I can't

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1 think of them straight off the top of my head,
2 though.
3 Q. But beyond Peter King, you can't think of
4 anybody right now?
5 A. Right.
6 Q. Okay. All right. I'm sorry. Go ahead.
7 A. No, you know what? I actually appreciate
8 that you're putting this into the record. Thank
9 you.
10 Q. Oh, no problem. So you can tell people
11 that it matters.
12 A. Yeah, absolutely. I appreciate it.
13 Q. Okay. All right. Marking the next
14 exhibit, which will be Exhibit 71.
15 (Hawkins Exhibit No. 71 was
16 marked for identification.)
17 BY MR. MEDLOCK:
18 Q. All right, sir. Exhibit 71 is a one-page
19 email exchange with the Bates number SAR000218.
20 When you're done reviewing the email, please let me
21 know.
22 A. Okay.

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1 Q. Okay. This is an email exchange between
2 you, Jason Gleason, and at least parts of it, Brian
3 Romick, correct?
4 A. Yes.
5 Q. And the email exchange takes place on
6 October 13th, 2011, correct?
7 A. Correct.
8 Q. And this email exchange is emails that
9 you've sent and received as part of your work on
10 Maryland's 2011 congressional redistricting,
11 correct?
12 A. That's correct.
13 Q. Okay. Let's start at the bottom one,
14 which is from Jason Gleason on October 13th, 2011 at
15 10:13 a.m. Do you see that?
16 A. Yes.
17 Q. Mr. Gleason writes, have you guys gotten
18 anything back from the Gov's people yet. Did I read
19 that correctly?
20 A. Yes.
21 Q. What do you understand "the Gov's people"
22 to mean in this email?

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1 A. I don't know exactly. Somebody
2 associated with the Governor. I don't know.
3 Q. Did you ever send or receive anything
4 related to the 2011 congressional redistricting
5 process from Governor Martin O'Malley's staff?
6 A. I don't remember that ever happening.
7 And I mean, I go to the next line of this email. It
8 says, here's what I got from the -- I don't even
9 know what that is. That could have been something I
10 pulled up from the state website.
11 Q. Okay. So we'll move up there.
12 A. Okay.
13 Q. So the next email in the chain is from
14 you responding to Mr. Gleason's email on October
15 13th, 2011, at 2:33 p.m. Do you see that?
16 A. Yes.
17 Q. And you write, here's what I got from the
18 state. Did I read that correctly?
19 A. Yes.
20 Q. And I think I understood your answer
21 earlier, but I just want to make sure. What's your
22 understanding of the phrase "here's what I got from

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1 the state"?
2 A. It could be any number of things that I
3 could have gotten -- from the state doesn't mean
4 somebody from the state sent it to me. It could
5 mean that I got it from the Planning Commission
6 website, or the -- or the Division of Elections. I
7 just don't know what it is.
8 Q. Okay. So when you say could have gotten
9 it from the state planning website, is that a guess?
10 A. I just don't know what this is. So I
11 don't remember receiving anything from the
12 Governor's people.
13 Q. Okay.
14 A. I just don't.
15 Q. And this email doesn't refresh your
16 recollection as to whether you did or not?
17 A. Well, because it doesn't say what it is.
18 If it did, I guess maybe I could figure it out, but
19 I don't -- it doesn't.
20 Q. I just want to make sure I understand.
21 When Mr. Gleason writes, have you gotten anything
22 back from the Gov's people yet. And you write back,

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1 here's what I got from the state, you think that
2 that means you could have gotten it from a public
3 source, on the Internet, that was a state website?
4 MS. RICE: Objection.
5 THE WITNESS: Yes. I'm not saying that's
6 what it is. I just don't know what it is. I just
7 don't remember having -- getting anything from the
8 Governor's people. I just don't.
9 BY MR. MEDLOCK:
10 Q. Okay. And when you say you don't
11 remember it, that means that you could have, but you
12 don't know for sure?
13 MS. RICE: Objection.
14 THE WITNESS: I don't know.
15 MR. MEDLOCK: Okay.
16 (Hawkins Exhibit No. 72 was
17 marked for identification.)
18 BY MR. MEDLOCK:
19 Q. All right. I've put in front of you a
20 two-page email that we've marked as Exhibit 72 to
21 your deposition. And it bears the Bates numbers
22 VAN000021 through VAN00022. Please take a moment to
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1 review it, and let me know, once you've finished
2 doing so.
3 A. Okay.
4 Q. Okay. So Exhibit 72 is an email exchange
5 between you, C.R. Wooters, and Congressman Chris Van
6 Hollen, correct?
7 A. Yes.
8 Q. And this email exchange takes place on
9 October 15th, 2011, correct?
10 A. Yes.
11 Q. Okay. Again, you're working on a
12 Saturday here?
13 A. And that's my birthday.
14 Q. Oh, my God. Well, I guess when a
15 Congressman emails you, you got to respond?
16 A. Right.
17 Q. All right. Well, okay. There is an
18 email from Congressman Chris Van Hollen to you on
19 October 15th, 2011 at 12:57 p.m. Do you see that?
20 A. Yes.
21 Q. It's on the first page.
22 A. Yes.
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1 Q. And cc'd on that email is
2 Wooters@Gmail.com. Do you see that?
3 A. Yes.
4 Q. And that refers to C.R. Wooters, correct?
5 A. Yes.
6 Q. And that's his personal email address,
7 his Gmail account?
8 A. Yes.
9 Q. And then there is another individual cc'd
10 on the individual, it's BFrosh@karpfrosh.com. Do
11 you see that?
12 A. Yes.
13 Q. Do you have an understanding as to who
14 BFrosh@karpfrosh.com is?
15 A. Well, it says in here someplace who that
16 is.
17 Q. Okay.
18 A. Yeah. I mean, I didn't -- I don't, but I
19 see now what it is.
20 Q. Okay. All right. Let's move down to the
21 body of the email. Congressman Van Hollen writes,
22 thanks Eric. No further -- "no need to further
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1 crunch the numbers on option 2, but please send
2 final version of option 1 to State Senator Brian
3 Frosh at the following email address,
4 BFrosh@karpfrosh.com, who I am copying on this
5 email. Again, many thanks. CVH." Did I read that
6 correctly?
7 A. Yes.
8 Q. So as you read this email, it appears
9 that Mr. Frosh at the time was a State Senator in
10 Maryland, correct?
11 A. Well, yeah.
12 Q. And Congressman Van Hollen is asking you
13 to email information directly to Mr. Frosh at his --
14 it seems to be business address.
15 A. Okay. I'm sorry. Can you say that
16 again?
17 Q. Sure. Let me make it even simpler. In
18 this email, Congressman Chris Van Hollen is asking
19 you to email information to State Senator Brian
20 Frosh, correct?
21 A. Yes.
22 Q. And you -- then let's move one email up.
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<p>1 You write on October 15th, 2011, at 1:12 p.m., this 2 is to confirm that I have sent the option 1 file to 3 Senator Frosh. Do you see that? 4 A. Yes. 5 Q. Do you have any reason to doubt that you 6 didn't send this information? 7 A. I mean, it's written here. I do not 8 remember it. It's written here. And so that's 9 obviously what happened. 10 Q. Okay. 11 A. But -- I don't doubt it at all, but I 12 have absolutely no memory of doing that. 13 Q. Okay. Do you recall who -- what State 14 Senator Frosh's position was in 2011 besides being a 15 State Senator? 16 A. No. 17 Q. Okay. Let's mark this as Exhibit 73. 18 (Hawkins Exhibit No. 73 was 19 marked for identification.) 20 BY MR. MEDLOCK: 21 Q. All right. So I put in front of you what 22 we've marked as Exhibit 73, and it is a three-page Page 214</p>	<p>1 A. Yes, I see that. 2 Q. Okay. Do you have any reason to doubt 3 that Mr. Frosh was the chair of the Senate Committee 4 on Reapportionment and Redistricting during the time 5 that you sent him this email? 6 A. I mean, I don't remember that being the 7 case, but clearly, it was because it's on there. 8 Q. Okay. Did you ever receive from the 9 Office of Attorney General a litigation hold notice 10 related to this litigation? 11 A. No. 12 Q. To your knowledge, did the National 13 Committee for an Effective Congress ever receive a 14 litigation hold notice from the Office of Attorney 15 General? 16 A. No, I don't think so. 17 Q. To your knowledge, did NCEC Services ever 18 receive a litigation hold from the Office of 19 Attorney General? 20 A. Not to my knowledge. 21 Q. Okay. 22 A. I don't know. Page 216</p>
<p>1 printout from the Maryland State Archives' website. 2 And it's titled Attorney General Brian E. Frosh. Do 3 you see that? 4 A. Yes. 5 Q. Okay. And it indicates that he has been 6 the Attorney General of Maryland since January 6, 7 2015. Do you see that? Right below his picture. 8 A. Oh, right. Got you. Okay. Thanks. 9 Q. Okay. And if you go into -- there is two 10 paragraphs on the first page below that. I'm 11 looking at the second paragraph, one, two, three, 12 four, five lines down. It says, member, Senate 13 Committee on Redistricting, 2001 to 2002. Do you 14 see that? 15 A. Yes. 16 Q. Okay. And let's go four lines below 17 that, which is the line that begins with 2007 18 through 2015. Do you see that line? 19 A. Yes. 20 Q. To the right of that, do you see, Chair, 21 Senate Committee on Reapportioning and 22 Redistricting, 2011-'12. Page 215</p>	<p>1 (Hawkins Exhibit No. 74 was 2 marked for identification.) 3 BY MR. MEDLOCK: 4 Q. Okay. All right. You can put 72 and 73 5 aside. I'll mark the next exhibit, which is Exhibit 6 74. All right, sir, I put in front of you what 7 we've marked as Exhibit 74 to your deposition. It's 8 a one-page email exchange, and it is Bates labelled 9 HOY000443. When you've had a chance to review the 10 document, please let me know. And a lot of it's 11 redacted, so it shouldn't be too hard. 12 A. Okay. 13 Q. So this is an email exchange that took 14 place on November 30th, 2011, correct? 15 A. Yes. 16 Q. Okay. And the bottom email is from an 17 individual named Dave Heller, and he sent it to 18 Brian Romick. Do you know who Dave Heller is? 19 A. He is a consultant. 20 Q. What sort of consulting does he do? 21 A. Well, he did some redistricting 22 consulting, but he also does other campaign work. I Page 217</p>

1 don't know if he still does.
2 Q. Okay. But back in 2011, he was doing
3 that?
4 A. Yes.
5 Q. Did Mr. Heller do any consulting related
6 to the 2011 Maryland redistricting process, as far
7 as you know?
8 A. He was hired by Congressman Ruppberger
9 and Congressman Cummings to -- I believe -- I mean,
10 he already worked for them. I think he did campaign
11 work for them, so I don't know if he was hired
12 specifically to do redistricting, but he already
13 worked with their campaigns.
14 Q. Did you ever meet with Mr. Heller as a
15 part of your work on the 2011 Maryland redistricting
16 process?
17 A. Yes.
18 Q. When did you meet with Mr. Heller?
19 A. I don't know exactly. I'm so sorry. I
20 don't know.
21 Q. Okay. How many times do you think you
22 met with him during the process?

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1 A. I don't know.
2 Q. Where -- when you met with him, was it
3 over the phone or in person, or both?
4 A. I talked to him on the phone, and I met
5 with him in person.
6 Q. Okay. And when you met with him in
7 person, do you recall anyone else being present for
8 those meetings?
9 A. Again, he worked for Congressman
10 Ruppberger and Congressman Cummings. I don't
11 remember them being in the meetings with him. Maybe
12 Vernon Simms. I think there was a meeting when I
13 met with him and Vernon Simms.
14 Q. Okay. Did --
15 A. I think so.
16 Q. Sorry.
17 A. I apologize.
18 Q. It's okay. Don't worry about it.
19 A. All right.
20 Q. Did Mr. Heller, did he have any ability
21 to work with GIS software?
22 A. Yes, he had Maptitude software.

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1 Q. Did he draw his own versions of the
2 Maryland -- 2011 Maryland congressional map?
3 A. Yes, he did.
4 Q. Did you receive any versions of the 2011
5 Maryland congressional map that were drawn by
6 Mr. Heller?
7 A. Yes.
8 Q. In Mr. Heller's versions of the maps, was
9 it a 7-1 map, like the one we talked about
10 earlier -- the ones we talked about earlier?
11 A. I don't remember. He had different ideas
12 about how to do things. I don't remember.
13 Q. When you say he had different ideas about
14 how to do things, can you recall what those
15 different ideas were?
16 A. Well, he was concerned with his -- his
17 clients, so he would have had different ideas about
18 how to -- I think he advised -- I'm trying to
19 remember. He may have advised me what they were
20 interested in doing.
21 Q. Okay. From your perspective, who was
22 responsible for ultimately drawing what you referred

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1 to earlier as the delegation map? Was it you or
2 Mr. Heller?
3 MS. FROST: Objection.
4 THE WITNESS: Mr. Heller wasn't in any of
5 the delegation meetings, so given that, I would say
6 I was more responsible.
7 BY MR. MEDLOCK:
8 Q. Did Mr. Heller attend the meeting in
9 Annapolis in the fall of 2011 that you went to?
10 A. No.
11 Q. Okay. Let's focus on the email, then.
12 So the November 30th, 2011 email, at 1:26, from
13 Mr. Heller to Mr. Romick, it reads, this is a
14 serious problem. Did I read that correctly?
15 A. Yes.
16 Q. And then there is a link to a Baltimore
17 Sun website below that?
18 A. Right.
19 Q. And the end of that link or URL reads,
20 GOP gets possible redistricting.HTML, correct?
21 A. That's correct.
22 Q. Okay. And if you go up to the next

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1 email, that email was forwarded on to -- from Brian
2 Romick to Mark Gersh and yourself, correct?
3 A. Yes.
4 Q. And the entire text -- body of that email
5 from Brian Romick to you and Mark Gersh has been
6 redacted, correct?
7 A. Yeah, I don't even -- does that -- is it
8 just --
9 Q. It's a redaction. It's just things
10 attorneys do.
11 A. I know. But this is like just one -- it
12 doesn't matter. There is nothing there. I'm
13 curious if it's like just that much, or if there is
14 like more.
15 Q. No, I'm not curious about that. I'm just
16 pointing that out. Okay. And the subject line of
17 the top email reads, forward, Maryland politics, GOP
18 gets possible redistricting edge, politics and
19 policy from Baltimore, Annapolis, and Washington,
20 baltimoresun.com. Do you see that?
21 A. Right.
22 Q. Okay. Do you have an understanding of
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1 what Mr. Heller is saying is a serious problem in
2 this email?
3 A. No.
4 Q. Okay. Mark this as 75.
5 (Hawkins Exhibit No. 75 was
6 marked for identification.)
7 BY MR. MEDLOCK:
8 Q. Okay. So I've marked what is Exhibit 75
9 to your deposition. It's a one-page story from the
10 Baltimore Sun entitled, GOP Gets Possible
11 Redistricting Edge. Go ahead and review it. And
12 let me know when you're done, and then I'll have a
13 few questions about it.
14 A. Okay.
15 Q. Okay. So this is a story that was,
16 according to the article, published on November
17 29th, 2011 by the Baltimore Sun, correct?
18 A. Right.
19 Q. Right. And the first paragraph of the
20 story reads, Republicans who would like to see the
21 Democratic drawn plan for congressional
22 redistricting overturned got a potential advantage
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1 as two appointees of GOP presidents were selected
2 for the three-judge panel that will hear a federal
3 lawsuit challenging the math adopted by the General
4 Assembly. Did I read that correctly?
5 A. Yes.
6 Q. Okay. And then following down to the
7 next paragraph, it reads, William B. Traxler, Jr.,
8 Chief Judge of the Fourth Circuit Court of Appeals,
9 appointed Chief Judge Paul V. Niemeyer and District
10 of Maryland Judges Alexander Williams, Jr. and
11 Roger W. Titus to hear the case. Niemeyer and Titus
12 were appointed to the federal bench by Republican
13 Presidents Ronald Reagan and George W. Bush.
14 Williams was named by Democrat Bill Clinton. Did I
15 read that correctly?
16 A. Yes.
17 Q. Do you think it was a serious problem
18 that Judges Niemeyer and Titus were appointed to
19 hear a redistricting case in Maryland?
20 MS. FROST: Objection.
21 THE WITNESS: No, I don't even remember
22 this.
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1 BY MR. MEDLOCK:
2 Q. Okay.
3 A. And I think David Heller did. But I
4 can't speak to that.
5 Q. Do you have any understanding as to why
6 David Heller thought it was a serious problem that
7 Judges Niemeyer and Titus were named to hear a
8 redistricting case in Maryland?
9 A. No.
10 MR. MEDLOCK: Can we take five minutes?
11 I want to just see if I have more.
12 THE VIDEOGRAPHER: Off the record at
13 3:13.
14 (Recess.)
15 THE VIDEOGRAPHER: On the record at 3:17.
16 BY MR. MEDLOCK:
17 Q. Sir, without going into any proprietary
18 details of the Democratic Performance Index
19 algorithm that you use, does federal Democratic
20 performance take into account party affiliation in
21 any way?
22 A. No, it doesn't include registration.
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1 Q. Does it include -- does it take into
2 account past voting history?
3 A. That's what it is. Average of elections.
4 Q. Okay. We talked earlier about some of
5 the purposes behind changing the boundaries and
6 redrawing the boundaries of Maryland's congressional
7 districts when you were working on those
8 congressional districts. Was one of the purposes of
9 redrawing the boundaries of the 6th Congressional
10 District to improve the federal Democratic
11 performance of the 6th Congressional District?
12 A. Well, again, one of the purposes was to
13 improve another district, if it was possible, based
14 on the voting behavior in the state.
15 Q. Sure. And so was one of the purposes
16 to -- of redrawing the boundaries of the 6th
17 Congressional District to improve its Democratic
18 performance?
19 A. Well, it would have been one of -- either
20 one of those, because we were looking for a way to
21 match the actual number of districts to the state's
22 voting behavior. So those were two Republican
Page 226

1 districts, so yes.
2 Q. And by increasing the Democratic
3 performance of the 6th Congressional District, you
4 would be decreasing the Republican performance of
5 the 6th Congressional District?
6 A. Yes.
7 Q. Was one of the purposes of redrawing the
8 boundaries of the 6th Congressional District to make
9 it easier for Democrats in the 6th Congressional
10 District to elect a candidate of their choice?
11 MS. RICE: Objection.
12 THE WITNESS: Well, again, I just would
13 say the district became more Democratic, because
14 there are more Democrats in the state, that we were
15 looking for a way to see if that was feasible, that
16 represent the Democrats in the state. And the
17 voting behavior that existed statewide.
18 BY MR. MEDLOCK:
19 Q. So was one of the purposes of redrawing
20 the boundaries of Maryland's 6th Congressional
21 District, to make it more difficult for a Republican
22 to achieve electoral success in the 6th
Page 227

1 Congressional District?
2 MS. RICE: Objection.
3 THE WITNESS: Again, I just -- the
4 purpose of the -- of what we were doing was, number
5 one, incumbent protection. And number two, trying
6 to see if there was a way that there was another
7 Democrat district in the state. So if there was
8 another more Democratic district in the state that
9 became more Democratic, that doesn't necessarily
10 mean that a Republican wouldn't win there, but I
11 suppose it would -- that isn't -- any time a
12 district changes, it makes it more difficult for the
13 incumbent.
14 BY MR. MEDLOCK:
15 Q. Was one of the goals of redrawing the
16 boundaries of Maryland's congressional districts in
17 2011, when you did that, to reallocate Democratic
18 voters to the 6th Congressional District?
19 MS. RICE: Objection.
20 THE WITNESS: Well, it was a distribution
21 of Democrats throughout the entire state. There
22 are -- that's what happens when you redraw the map.
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1 It's -- all the districts are involved. So again,
2 we were trying to see if there was a way in which
3 you could actually have another Democratic district
4 because the state is so Democratic.
5 BY MR. MEDLOCK:
6 Q. And to make another district more
7 Democratic -- well, let me back up. To make the 6th
8 District more Democratic, when redrawing the
9 boundaries of Maryland's congressional districts,
10 would you have needed to allocate more Democrats
11 into the 6th Congressional District to achieve that
12 result?
13 MS. RICE: Objection.
14 THE WITNESS: Well, I mean, you can -- I
15 mean, putting more Democrats into another district
16 makes it more Democratic.
17 BY MR. MEDLOCK:
18 Q. Right.
19 A. Yeah.
20 Q. When you say that one of the goals was to
21 see if there was a way to make another Democratic
22 district, did you succeed in making another
Page 229

<p>1 Democratic district? 2 A. Well, that district became more 3 Democratic, and a Democrat won there. I would 4 still, at that time, have called that district a 5 marginal district, because it wasn't overwhelmingly 6 Democratic. 7 Q. Can you name me a district-wide election 8 that a Republican has won in that district since 9 redistricting? 10 A. Well, I haven't looked at it or 11 researched it, because, again, I don't do a lot of 12 work in Maryland, because it's not really -- it's so 13 Democratic, and I focus on -- I do most of my work 14 in other states, so I don't know that. 15 Q. When you redrew the boundaries of 16 Maryland's congressional districts, did you intend 17 to make the 6th Congressional District more 18 Democratic? 19 A. The intent was to see if there was a way 20 to get another Democratic district in the state, to 21 reflect the state's voting behavior. So there were 22 two districts you could look at, based on what</p> <p style="text-align: right;">Page 230</p>	<p>1 Q. Would changing the Democratic performance 2 of a congressional district from 37 percent to 53 3 percent, federal Democratic performance, affect the 4 ability of Republican voters to elect a candidate of 5 their choice? 6 MS. FROST: Objection. 7 THE WITNESS: I don't know if I can agree 8 with that statement. Can you ask that again? 9 BY MR. MEDLOCK: 10 Q. Sure. Would -- let me try it a slightly 11 different way, maybe that's a little bit less 12 difficult. Would changing the Maryland 6th 13 congressional district's federal Democratic 14 performance from 37 percent federal Democratic 15 performance to 53 percent federal Democratic 16 performance make it more difficult for Republicans 17 to elect the candidate of their choice? 18 MS. FROST: Objection. 19 MS. RICE: Objection. 20 THE WITNESS: Republicans and Democrats 21 in districts across the country don't necessarily -- 22 aren't able to elect the candidate of their choice.</p> <p style="text-align: right;">Page 232</p>
<p>1 was -- what the lineup was. 2 Q. Do you feel that, in 2011, before 3 redistricting, Republicans were overrepresented in 4 Maryland's U.S. House delegation? 5 A. Well, based on the voting behavior, yes. 6 I mean, the statewide voting behavior is the 7 district -- the state is very Democratic. And it 8 could easy support another Democratic district, and 9 possibly if you weren't worried about incumbent 10 protection, you could support eight Democratic 11 districts. 12 Q. You used the phrase incumbent protection 13 a few times in your last few answers. When you 14 refer to incumbent protection, are you talking about 15 protecting all incumbents or protecting Democratic 16 incumbents? 17 MS. FROST: Objection. Asked and 18 answered. 19 THE WITNESS: We were working for the 20 Democratic House delegation, so we did have -- I did 21 answer that. And we did look at Democrats. 22 BY MR. MEDLOCK:</p> <p style="text-align: right;">Page 231</p>	<p>1 I mean, I don't know how to answer that. 2 BY MR. MEDLOCK: 3 Q. Okay. Would changing the Democratic 4 performance of the 6th Congressional District from 5 37 percent federal Democratic performance to 53 6 percent federal Democratic performance make it more 7 difficult for a Republican candidate for the U.S. 8 House of Representatives to be elected from 9 Maryland's 6th Congressional District? 10 A. Yeah, then it would be more difficult. 11 MR. MEDLOCK: Okay. That's all I have. 12 MS. FROST: I just have one follow-up 13 question. 14 MR. MEDLOCK: Sure. Go ahead. 15 EXAMINATION BY COUNSEL FOR THE WITNESS 16 BY MS. FROST: 17 Q. Mr. Hawkins, at the beginning of the day, 18 we talked a little bit about the difference between 19 NCEC Services and NCEC, the PAC. Do you remember 20 that conversation? 21 A. Yes. 22 Q. I have just one question about that. Did</p> <p style="text-align: right;">Page 233</p>

1 NCEC, the PAC, have any involvement with
 2 redistricting in Maryland in the 2010-'11
 3 redistricting cycle?
 4 A. No.
 5 MR. MEDLOCK: That's two questions, but
 6 it's all right.
 7 MS. FROST: One was a foundational
 8 question.
 9 MS. RICE: I'm good. Thanks.
 10 THE VIDEOGRAPHER: This concludes disc 3
 11 in the deposition of Eric Hawkins. The deposition
 12 concludes at 3:26.
 13 (Whereupon, at 3:26 p.m., the taking of
 14 the deposition ceased.)
 15
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1 CERTIFICATE OF SHORTHAND REPORTER
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 5 foregoing deposition was taken, do hereby certify
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 13 IN WITNESS WHEREOF, I have hereunto set my
 14 hand and affixed my notarial seal this 5th day of
 15 March, 2017.
 16 My commission expires November 3, 2021
 17
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 22 SUSAN L. CIMINELLI
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 THE DISTRICT OF COLUMBIA

Page 235

1 Eric Hawkins c/o
 Perkins Coie
 2 700 13th Street, N.W.
 Washington, D.C. 20005-3960
 3
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 Date of deposition: March 3, 2017
 5 Deponent: Eric Hawkins
 6
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