

EXHIBIT 25



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Transcript of **Edmund R. Cueman**

Date: January 24, 2017

Case: Benisek, et al. -v- Lamone, et al.

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1	1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF MARYLAND 3 ----- x 4 O. JOHN BENISEK, et : 5 al., : 6 Plaintiffs, : Case No. 7 v. : 13-CV-3233 8 LINDA H. LAMONE, et : 9 al., : 10 Defendants. : 11 ----- x 12 13 Deposition of EDMUND R. CUEMAN 14 Baltimore, Maryland 15 Tuesday, January 24, 2017 16 1:00 p.m. 17 18 19 20 Job No.: 133650 21 Pages: 1 - 45 22 Reported By: Sandra A. Slater, RPR, CSR	3
2	1 Deposition of EDMUND R. CUEMAN, held at the 2 offices of: 3 4 5 OFFICE OF THE ATTORNEY GENERAL 6 200 Saint Paul Place 7 20th Floor 8 Baltimore, Maryland 21202 9 (410) 576-6324 10 11 12 13 14 Pursuant to notice, before Sandra A. Slater, 15 Notary Public in and for the State of Maryland. 16 17 18 19 20 21 22	4
1	1 A P P E A R A N C E S 2 ON BEHALF OF PLAINTIFFS: 3 STEPHEN M. MEDLOCK, ESQUIRE 4 MICAH D. STEIN, ESQUIRE 5 MAYER BROWN, LLP 6 1999 K Street, N.W. 7 Washington, DC 20006-1101 8 (202) 263-3221 9 10 ON BEHALF OF DEFENDANTS: 11 SARAH W. RICE, ESQUIRE 12 JENNIFER L. KATZ, ESQUIRE 13 OFFICE OF THE ATTORNEY GENERAL 14 200 Saint Paul Place 15 20th Floor 16 Baltimore, Maryland 21202 17 (410) 576-6324 18 19 20 21 22	3
1	1 C O N T E N T S 2 EXAMINATION OF EDMUND R. CUEMAN PAGE 3 By Ms. Rice 5 4 By Mr. Medlock 43 5 6 7 E X H I B I T S 8 (Attached to the Transcript.) 9 E. CUEMAN DEPOSITION EXHIBITS PAGE 10 Exhibit 1 Notice of Deposition 7 11 12 13 14 15 16 17 18 19 20 21 22	4

5	<p>1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 EDMUND R. CUEMAN,</p> <p>4 being first duly sworn or affirmed to testify to the</p> <p>5 truth, the whole truth, and nothing but the truth,</p> <p>6 was examined and testified as follows:</p> <p>7 EXAMINATION BY COUNSEL FOR THE DEFENDANTS</p> <p>8 BY MS. RICE:</p> <p>9 Q Good morning, Mr. Cueman, and thank you for</p> <p>10 being here with us today. Could you just state your</p> <p>11 name for the record?</p> <p>12 A Okay. Edmund R. Cueman. And my address is</p> <p>13 1201 Woods Road, Westminster, Maryland.</p> <p>14 Q Great. Thank you.</p> <p>15 MR. MEDLOCK: Sarah, I don't mean to</p> <p>16 interrupt. Can we get just who's in the room real</p> <p>17 quick?</p> <p>18 MS. RICE: Yep. So I am Sarah Rice, and I'm</p> <p>19 an Assistant Attorney General with the State of</p> <p>20 Maryland. I represent the defendants in this</p> <p>21 matter.</p> <p>22 MS. KATZ: I'm Jennifer Katz, Assistant</p>	7	<p>1 document.</p> <p>2 (E. Cueman Deposition Exhibit 1 was marked</p> <p>3 for identification and is attached to the</p> <p>4 transcript.)</p> <p>5 MR. MEDLOCK: Do you want to do sequential</p> <p>6 numbers throughout to keep everything -- across all</p> <p>7 the depositions just to keep everything organized?</p> <p>8 So, for example, if we would have three here and</p> <p>9 then we would start with 4 in the next deposition.</p> <p>10 MS. RICE: Sure, if that would be your</p> <p>11 preference.</p> <p>12 MR. MEDLOCK: Sure.</p> <p>13 MS. RICE: I don't have a strong one, but</p> <p>14 that sounds just fine.</p> <p>15 Q Mr. Cueman, have you seen this document</p> <p>16 before?</p> <p>17 A I have.</p> <p>18 Q And what is it?</p> <p>19 A It's a Notice of Deposition of myself.</p> <p>20 Q Okay. Great. And Mr. Cueman, have you</p> <p>21 taken any medication today?</p> <p>22 A Have I what?</p>
6	<p>1 Attorney General, and I also represent the</p> <p>2 defendants.</p> <p>3 MR. MEDLOCK: Stephen Medlock, and with me</p> <p>4 is Micah Stein, counsel for the plaintiffs and the</p> <p>5 witness.</p> <p>6 BY MS. RICE:</p> <p>7 Q So just a few preliminary matters. I think</p> <p>8 today we won't be here that long so we'll try to get</p> <p>9 through without a break, but if you need one for any</p> <p>10 reason, just let me know, and we'll find a good</p> <p>11 place to stop.</p> <p>12 A Okay.</p> <p>13 Q Also, if I ask you a question and you don't</p> <p>14 understand my question, please let me know, and I'll</p> <p>15 try to ask it in a different way so that you</p> <p>16 understand.</p> <p>17 A Okay.</p> <p>18 Q If you don't hear me, just let me know, and</p> <p>19 I will repeat myself. Please also, just for the</p> <p>20 court reporter's sake, try to give verbal answers to</p> <p>21 questions. That will help out a lot. And I think</p> <p>22 that's it. I'm going to just show you this</p>	8	<p>1 Q Taken any medication today.</p> <p>2 A Yes, I did.</p> <p>3 Q And what was that medication?</p> <p>4 A Lisinopril.</p> <p>5 Q And would that medication impair your</p> <p>6 ability to testify today?</p> <p>7 A It would not.</p> <p>8 Q And is there any other reason why you might</p> <p>9 not be able to testify today?</p> <p>10 A No.</p> <p>11 Q Okay. Thank you. Mr. Cueman, what's your</p> <p>12 employer? Who's your employer? Are you employed?</p> <p>13 A I'm sorry?</p> <p>14 Q Are you employed?</p> <p>15 A I am.</p> <p>16 Q And who's --</p> <p>17 A I'm self-employed.</p> <p>18 Q Great. And what do you do?</p> <p>19 A I'm a land planner.</p> <p>20 Q And what does a land planner do?</p> <p>21 A Well, a land planner in the public sector</p> <p>22 which I was in, I served for 33 years in the public</p>

<p style="text-align: right;">9</p> <p>1 sector. In Worcester County I was the County 2 Planning Director for five years and 24 years in 3 Carroll County. And then when I retired in '95 I 4 hung out my own shingle. And I've been doing that 5 ever since, practicing professional planning in the 6 private sector. 7 Q And who are your clients? 8 A I have private clients, I have had public 9 clients. I still have some public clients. Like 10 for example, the Town of Union Bridge I handle site 11 plan review for them, comprehensive planning, 12 requirements and other administrative duties that 13 they may assign to me. For private clients I can be 14 called as an expert witness to testify based on my 15 professional experience. And I do work for non 16 profits too like the Carroll County Land Trust. I 17 serve as the easement coordinator for the Carroll 18 County Land Trust and I also serve on the Board of 19 Land Trusts. 20 Q You mentioned serving as an expert witness 21 in some types of cases. What kinds of matters would 22 you serve as an expert witness?</p>	<p style="text-align: right;">11</p> <p>1 Q And who was your Congressional 2 representative? 3 MR. MEDLOCK: Objection. Vague as to time 4 frame. 5 Q Who was your Congressional representative 6 when you first registered to vote? 7 A I can't recall right now. I'm drawing a 8 blank on that. 9 Q That's okay. 10 A I can see him. I can see his face. He was 11 a big man and he was very much involved with the 12 Chesapeake Bay. I think his first name was Tom. 13 I'm sorry, it's too far back there and I just can't 14 bring that up. 15 Q I understand. I do not -- I cannot recall 16 1963 either. 17 MR. MEDLOCK: Me neither. 18 Q How long did you live in Snow Hill? 19 A I lived there until I moved -- my family 20 moved when I was offered a job in Carroll County in 21 1971. 22 Q Okay. Where did you live after you moved?</p>
<p style="text-align: right;">10</p> <p>1 A It would be municipal matters pertaining to 2 rezoning or conditional uses for the Board of Zoning 3 Appeals cases. That's generally the focus that I've 4 had. 5 Q And would your clients be individuals or 6 corporations? 7 A It could be both, yeah. 8 Q And what is the highest level of education 9 that you attained? 10 A I have a Bachelor of Arts degree from 11 Western Maryland College. 12 Q Great. When did you first register to vote? 13 A When did I first register to vote? When I 14 was eligible and I think it was 1963. 15 Q And where did you live then? 16 A Pardon me? 17 Q Where did you live when you first 18 registered? 19 A I lived in Snow Hill, Maryland. 20 Q And what Congressional District did you live 21 in then? 22 A Then that would have been District 1.</p>	<p style="text-align: right;">12</p> <p>1 A I lived for about almost two years in 2 Finksburg, Maryland. We rented a place to stay 3 while I was getting a piece of property to build a 4 home on and get the house built and we moved into 5 the house in December of 1973. 6 Q Okay. And where was the house? 7 A It was at 1201 Woods Road, Westminster, 8 Maryland. 9 Q When you lived in Finksburg do you know what 10 Congressional District you lived in then? 11 A I was in the 6th Congressional District. 12 Q And do you remember who your Congressional 13 representative was then? 14 A It was Goodloe Byron. 15 Q And when you moved to Westminster what 16 Congressional District did you live in? 17 A That was the 6th District as well. The 18 entire county was in the District 6th. 19 Q Who was your Congressional representative? 20 A Goodloe Byron and then when Goodloe died, he 21 had a heart attack, his wife assumed the office and 22 then when she ran she was also my representative</p>

13	<p>1 then.</p> <p>2 Q Okay. And who was your representative</p> <p>3 after?</p> <p>4 A After Beverly was Roscoe Bartlett.</p> <p>5 Q Okay. And who was your representative after</p> <p>6 Mr. Bartlett?</p> <p>7 A Who is it, who is the representative?</p> <p>8 Q Who was the next representative?</p> <p>9 A I think it's Delaney.</p> <p>10 Q Okay. And that's your current</p> <p>11 representative?</p> <p>12 A Yes.</p> <p>13 Q Okay. So I'm going to ask you to return to</p> <p>14 1963 again, I'm sorry, or thereabouts when you lived</p> <p>15 in Snow Hill. So for the entire time that you lived</p> <p>16 in Snow Hill, how often did you vote?</p> <p>17 A As I recall, I didn't miss a vote. Any time</p> <p>18 an election came around I voted and, as I said, I</p> <p>19 was working as a public servant at the time so it</p> <p>20 would have been inexcusable not to vote, in my own</p> <p>21 mind anyway.</p> <p>22 Q And when you say that you voted in every</p>	15	<p>1 A I don't recall any and I think if you're</p> <p>2 defining a special election as one that's out of the</p> <p>3 ordinary, it's called forth for some reason,</p> <p>4 something has happened and I'll put it this way, if</p> <p>5 there have been any special elections that were</p> <p>6 called for and I would have been eligible to vote, I</p> <p>7 would have voted but I just don't recall any.</p> <p>8 Q That's fair. And I just want to make</p> <p>9 completely sure that I understand you and that it's</p> <p>10 on the record. So would that be the same answer</p> <p>11 even in the most recent elections in 2012?</p> <p>12 A Yes.</p> <p>13 Q And 2014?</p> <p>14 A Yes.</p> <p>15 Q And 2016?</p> <p>16 A Yes.</p> <p>17 Q Great. Thank you. Are you registered as a</p> <p>18 member of a political party?</p> <p>19 A I am.</p> <p>20 Q And which one?</p> <p>21 A Republican.</p> <p>22 Q And when did you first register as a</p>
14	<p>1 election do you mean all general elections?</p> <p>2 A Um-hum. Yes.</p> <p>3 Q And primary elections?</p> <p>4 A Yes.</p> <p>5 Q And what if there was a special local</p> <p>6 election?</p> <p>7 A I don't recall any special local election</p> <p>8 that I ever voted in. I just don't recall that</p> <p>9 there was any while I was in Snow Hill.</p> <p>10 Q Okay. So when you moved to Finksburg is</p> <p>11 that the same answer or what were your voting habits</p> <p>12 then?</p> <p>13 A Yeah, I voted. I have not missed a vote</p> <p>14 that I'm aware of and I don't remember any special</p> <p>15 elections either that were held that I voted in. I</p> <p>16 just don't recall any.</p> <p>17 Q And just so I understand completely, when</p> <p>18 you moved to Westminster was there ever a vote that</p> <p>19 you missed after you moved there?</p> <p>20 A No.</p> <p>21 Q If you recall were there ever any special</p> <p>22 elections held?</p>	16	<p>1 republican?</p> <p>2 A When I first registered. My family was</p> <p>3 republican and when I became eligible to vote I</p> <p>4 registered republican.</p> <p>5 Q And have you ever changed your party</p> <p>6 registration?</p> <p>7 A I have not.</p> <p>8 Q And have you ever had any affiliation with</p> <p>9 another party in any other way other than</p> <p>10 registering?</p> <p>11 A An affiliation?</p> <p>12 MR. MEDLOCK: Objection, vague.</p> <p>13 Q Okay. Have you ever donated to another</p> <p>14 political party?</p> <p>15 A Not to another political party, no.</p> <p>16 Q Have you ever attended a meeting of another</p> <p>17 political party?</p> <p>18 A I have not.</p> <p>19 Q Have you ever voted for a candidate that is</p> <p>20 not a republican?</p> <p>21 A I have.</p> <p>22 Q And when was that?</p>

17

1 **A That was -- I can tell you who I voted for.**
2 **I voted -- are you talking about any election I**
3 **guess?**
4 Q In any election, yep.
5 **A I voted for Charles Smelser who was a**
6 **Senator, one of the finest Senators Maryland has**
7 **ever had. I voted for him and he was a democrat.**
8 Q Okay.
9 **A I voted for Richard Dixon who was my**
10 **delegate from Carroll County and I voted for Goodloe**
11 **Byron and Beverly Byron who were both democrats.**
12 Q Okay. And are those -- is that a complete
13 list of all the times that you voted for someone who
14 was not a republican?
15 **A Yes.**
16 Q Did you vote for Roscoe Bartlett in the
17 2012 --
18 **A I did.**
19 Q -- primary?
20 **A One thing I will just to amend that previous**
21 **answer if we're talking about voting for members of**
22 **the Board of County Commissioners, there were**

18

1 **democrats that I voted for there. The Board was**
2 **made up of both republican and democrats but I did**
3 **vote for some members of the Board of County**
4 **Commissioners who were democrats.**
5 Q Which Board of County Commissioners?
6 **A The Carroll County Board of Commissioners.**
7 Q Okay. And do you know during what time
8 period?
9 **A Yes, that would have been between 1973 and**
10 **1995.**
11 Q And do you recall any particular
12 Commissioners who were not republican who you voted
13 for?
14 **A Yes. Roger Mann would be one. John Joy**
15 **would be another one. I think that's it. I can't**
16 **recall any others. Those two specifically.**
17 Q Great. Do you consider yourself to be
18 politically active?
19 MR. MEDLOCK: Objection, vague.
20 **A I'm politically interested. I'm not an**
21 **activist. I don't go around telling other people**
22 **how to vote but I have my opinions and I do maintain**

19

1 **a pretty high level of interest in what's going on.**
2 Q And how do you maintain that interest?
3 **A I maintain it because having served, I guess**
4 **when you serve in a county for 24 years as a County**
5 **Planning Director and then you make maybe the**
6 **mistake of not retiring somewhere else just, you**
7 **know, hit the road, so you're living in the place**
8 **you have been working for for a long time, so I pay**
9 **attention to the newspapers and what's going on and**
10 **local, in a local sense. And I do care about the**
11 **country. I have a 12 year-old grandson and I'm very**
12 **concerned for him and, you know, where we're going**
13 **as a country. So it's just my nature, I'm not**
14 **politically disinterested kind of person and that's**
15 **who I am. My wife makes sure that that doesn't get**
16 **out of control.**
17 MR. MEDLOCK: That sounds familiar.
18 Q Have you ever attended an event held by your
19 Congressional representative?
20 **A Yes. All the -- an event is pretty broad**
21 **and I would say mostly they would be meetings. For**
22 **example, if I'm the County Planning Director and we**

20

1 **were attempting to construct a reservoir under**
2 **Public Law 566 and Goodloe Byron is my**
3 **representative and he has the money lined up in**
4 **Washington for this project but with public hearing**
5 **process you have to bring in everybody to explain**
6 **what's going on. So that's an event that he would**
7 **attend and then I would end up being there.**
8 Q So let's narrow it a little bit I think for
9 purposes of this conversation. I'm interested in
10 events that you may have attended held by your
11 Congressional representative or with your
12 Congressional representative not in connection with
13 your work.
14 **A Okay.**
15 Q So outside of work.
16 **A Yeah. They border more on I guess you could**
17 **say the social. Like we have the Carroll County**
18 **Farm Museum and so whether it's Fall Harvest Days or**
19 **some other function that's going on, that will**
20 **typically draw your representative to it as well as**
21 **state senators and delegates that will come, but**
22 **it's not like a political meeting per se, you know,**

<p style="text-align: right;">21</p> <p>1 it's more on the social side of it and that wouldn't</p> <p>2 be connected with my work.</p> <p>3 Q Sure. So I mean taking that kind of event</p> <p>4 would you ever attend an event like that to see your</p> <p>5 Congressional representative?</p> <p>6 A An event like what?</p> <p>7 Q How you described the farm festival.</p> <p>8 A Oh, yeah. Yeah, I would go because even if</p> <p>9 I wasn't the County Planning Director, even if I was</p> <p>10 retired, if I had nothing better to do I would go</p> <p>11 because one of the problems with our country today,</p> <p>12 I shouldn't be doing this, but anyway, it's good to</p> <p>13 meet and greet your representatives, to see them in</p> <p>14 the flesh, and they don't get out enough to do that.</p> <p>15 They don't get out of Washington enough to do it.</p> <p>16 Q So you mentioned before when you were</p> <p>17 talking about these kinds of events that maybe you</p> <p>18 might have attended one with Goodloe Byron; do I</p> <p>19 understand you correctly?</p> <p>20 A Yes.</p> <p>21 Q So did you attend any of that kind of event</p> <p>22 with Beverly Byron?</p>	<p style="text-align: right;">23</p> <p>1 representative Delaney?</p> <p>2 A I haven't seen him. I have no knowledge as</p> <p>3 to whether he's been in the county. He may have</p> <p>4 been but I haven't had any knowledge of him being in</p> <p>5 the county.</p> <p>6 Q And do you still attend parades in</p> <p>7 Westminster?</p> <p>8 A I do. Um-hum.</p> <p>9 Q Have you ever volunteered on a Congressional</p> <p>10 campaign?</p> <p>11 A I have not.</p> <p>12 Q Have you ever contacted your Congressional</p> <p>13 Representative Constituent Services?</p> <p>14 A I have. Um-hum. Yes.</p> <p>15 Q And on what occasion did you do that?</p> <p>16 A I did that with Congressman Bartlett and I</p> <p>17 was looking into a passport situation for a family</p> <p>18 that's in the Philippines.</p> <p>19 Q And have you had occasion for any other</p> <p>20 Congressional representative to contact Constituent</p> <p>21 Services?</p> <p>22 A For Constituent Service?</p>
<p style="text-align: right;">22</p> <p>1 MR. MEDLOCK: Objection. Vague.</p> <p>2 A I can't recall a specific one but I had</p> <p>3 interactions with Beverly Byron just by virtue of my</p> <p>4 job, and sometimes, you know, a public servant's job</p> <p>5 doesn't end at 4:30 on a Friday so if something</p> <p>6 happens on the weekend and you have a representative</p> <p>7 coming to your county, it was almost expected that</p> <p>8 you might want to be around when they were, you</p> <p>9 know, coming to the county.</p> <p>10 Q Okay.</p> <p>11 A It was an opportunity to chat about things</p> <p>12 that were important to the county.</p> <p>13 Q And what about with representative Bartlett?</p> <p>14 A I would say the same. He used to come if</p> <p>15 there was a parade in Westminster, and Westminster</p> <p>16 is a big parade to him, he'd be there in the parade</p> <p>17 on foot, not in a car riding. He'd walk the whole</p> <p>18 parade.</p> <p>19 Q And have you attended such a meeting or an</p> <p>20 event with representative Delaney?</p> <p>21 A I have not.</p> <p>22 Q And why haven't you attended a meeting with</p>	<p style="text-align: right;">24</p> <p>1 Q Yes.</p> <p>2 A Yes, we -- I think this would come under</p> <p>3 that but the Carroll County Land Trust was very</p> <p>4 frustrated with some decisions that had been made in</p> <p>5 Washington by the Attorney General's Office when it</p> <p>6 came to the ground rules for administering federal</p> <p>7 farm and ranch land protection funds. The Land</p> <p>8 Trust had been successful in securing almost two</p> <p>9 million dollars worth of money because we existed as</p> <p>10 a Land Trust, and it was a really good program</p> <p>11 because this was money that we could use to match</p> <p>12 against money that the county would put up.</p> <p>13 Long story short, somebody started fooling</p> <p>14 around with the program and they started requiring</p> <p>15 things that our Land Trust didn't want to be in the</p> <p>16 position of asking any landowner to sign a document</p> <p>17 that would have this, what we considered very</p> <p>18 offensive language. It was like you were involved</p> <p>19 in a condemnation case. So we were kind of furious</p> <p>20 about that because we're on a goal, a mission up</p> <p>21 there to get a hundred thousand acres of land</p> <p>22 preserved and this was going to slow us down. It</p>

25

1 wasn't the only program but it was -- so we went to
2 our congressman who was Roscoe Bartlett. We went
3 through his office. He had an office in
4 Westminster.
5 Q Um-hum.
6 A And he set up meetings in Washington and he
7 brought people in and we went down and this was
8 hashed out and discussed and so forth. And so
9 that's the last time I have a vivid recollection of,
10 you know, Constituent Service, and not for me
11 directly but for the county, the Land Trust. Not
12 even the county but the County Land Trust.
13 Q Do you remember any other time that you
14 contacted even before that about an issue that was
15 important to you, your Congressional representative?
16 A I don't remember, you know, where you would
17 get very exercised about something and then you want
18 to call them and talk. Not directly to the
19 congressman, I can't think of any, and we would
20 probably be talking about Roscoe Bartlett probably
21 because we're talking the last what, decade or so?
22 Q Well, really any time that you remember.

26

1 A Yeah. Nothing jumps out at me. And I think
2 part of the reason is because I was fortunate enough
3 to maybe see or have contact with them. I wasn't,
4 you know, commuting to Baltimore every day and away
5 from home or I was pretty close to home.
6 Q Okay. Do you remember what year the meeting
7 with Roscoe Bartlett about the Land Trust issue was?
8 A I don't remember the year but I'm going to
9 say it's probably getting close to 10, 8 to 10 years
10 back there.
11 Q Okay. When was the first time that you
12 became interested in redistricting?
13 A It started with me in the late 60s and when
14 I was in Snow Hill. At that time something happened
15 that really disturbed me and that was when there
16 were court cases and a Supreme Court decision which
17 did not involve the State of Maryland, but as a
18 result of that decision the State of Maryland went
19 about reorganizing its legislature and then
20 specifically the Senate because originally when
21 Maryland was founded and they created and they had
22 their counties that made up Maryland, they all had

27

1 at least one Senator and that transpired all the way
2 on up until this point in Maryland's history when
3 they changed how the Senate is organized. And my
4 recollection is that Baltimore City had three
5 Senators. Every county had one. So you had roughly
6 26, if I'm right on my numbers, that composed the
7 Senate. And it was essentially a carbon copy of our
8 federal system where every state has two Senators
9 and as we know, that's not what we have today. So
10 that bothered me then and it's bothered me ever
11 since.
12 Q Do you remember what the Supreme Court case
13 was called?
14 A Pardon me?
15 Q Do you remember the name of the case that
16 you mentioned?
17 A I remember I have this brought to my
18 attention because I couldn't remember here of late
19 but I think when it started it was Carr versus
20 somebody, and then there was a companion case that
21 came into play in some way. So I'm very hazy on it
22 and when I get time because of what I'm doing here

28

1 now, when I get some time I'm going to -- I'm going
2 to try and get into that case and read it.
3 MR. MEDLOCK: Always good to read the cases.
4 THE WITNESS: Yeah.
5 Q Favorite pastime of lawyers. Was it Baker V
6 Carr?
7 A Yes, I think that's what it was.
8 Q And so that was about your interest in
9 legislative redistricting, right?
10 A Yes, and I will volunteer this. When I say
11 I was concerned about it, I wrote a letter to
12 Everett Dirksen who was a senator from Illinois and
13 I put my concerns on paper and I got a reply from
14 him that was not one of these staff written things.
15 It was about three sentences long but it had his
16 real signature on there. It was signed with a
17 fountain pen and I've got that letter in my special
18 papers file at home because I was a big fan of his.
19 Q Yeah.
20 A He was very upset about it too.
21 Q Yeah.
22 A He was not happy with the Supreme Court.

29

1 Q Do you remember a time that you became
2 interested in Congressional redistricting rather
3 than legislative?
4 **A Yeah. I had no concerns about Congressional**
5 **redistricting until very recently. After the last**
6 **-- well, it was 2011 I believe when it followed the**
7 **2010 census and then I, you know, got concerned**
8 **about that, yes. When it happened.**
9 Q When you say when it happened, do you mean
10 -- could you be more specific about what you mean?
11 **A Well, just that I woke up one day and**
12 **realized I wasn't in the 6th Congressional District.**
13 **A new map had been prepared and apparently adopted**
14 **and so it was the result of, you know, just the**
15 **changed boundaries and the realization that they had**
16 **been changed.**
17 Q Do you know when that was you had that
18 realization?
19 **A I just know it was in 2011 sometime. I'm**
20 **not even sure of the month when it happened and**
21 **there would have been a duration of time after it**
22 **happened to, you know, understand what had happened.**

30

1 **You know, like sometimes something happens but you**
2 **don't catch up with it and really realize what --**
3 **you know, what the change really was.**
4 Q Were you aware that there was a referendum
5 regarding the redistricting plan?
6 **A Now that you mention it, I sort of recall**
7 **there was one but that sort of faded off my memory**
8 **but I think you're right. I mean I believe there**
9 **was one.**
10 Q And do you remember did you vote in favor of
11 the referendum?
12 **A I would have, yeah. I wasn't happy with**
13 **what had been done.**
14 Q Okay.
15 **A If the referendum was for the -- if it was**
16 **-- I don't know what --**
17 Q Okay. Let me clarify just to make sure that
18 we're all clear.
19 **A Yeah.**
20 Q I don't want any confusion. If there was a
21 vote for or against the plan on the ballot how would
22 you have voted?

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1 **A I would have voted against the plan, yeah.**
2 **I would have voted against it.**
3 Q But do you have a specific recollection of
4 doing that?
5 **A I would have had -- yes, I would have had**
6 **that opportunity to do that and I would have voted**
7 **against that, yes.**
8 Q So you explained about the letter that you
9 wrote when you first became interested in
10 redistricting. Have you written any other letters
11 since that time --
12 **A No.**
13 Q -- about redistricting?
14 **A Nope.**
15 Q Have you ever gone to a public hearing about
16 redistricting?
17 **A If I have I don't recall going.**
18 Q Have you ever submitted a comment about a
19 redistricting plan?
20 **A I have no recollection of having submitted a**
21 **comment.**
22 Q Have you ever called an elected

32

1 representative about redistricting?
2 **A No.**
3 Q And have you ever gathered signatures on a
4 petition about redistricting?
5 **A I have not.**
6 Q Other than joining this lawsuit have you
7 taken any action about the 2011 plan after its
8 passage?
9 MR. MEDLOCK: Was that between -- you're
10 referring to the Congressional redistricting plan?
11 MS. RICE: Congressional redistricting plan.
12 **A I'm sorry, can you say that again? It's not**
13 **your fault, my hearing is a little --**
14 Q I'm a little soft spoken so it's a
15 combination of the two. So after the plan was
16 passed, and we spoke about that and how that was the
17 first time you became aware of Congressional
18 redistricting; is that right?
19 **A Yes.**
20 Q I just don't want to mis-summarize what you
21 said. Have you taken any actions -- other than
22 joining this lawsuit, have you taken any other

33

1 actions?
2 **A No. Now I understand. No, I have not.**
3 **Q Okay. How did you first hear about this**
4 **lawsuit?**
5 **MR. MEDLOCK: I caution you without going**
6 **into anything you've talked to your attorneys about**
7 **after there was a representational agreement but**
8 **before that, you can go into that.**
9 **A Okay. I received a phone call from a friend**
10 **of mine who's name is Sam Riley and he informed me**
11 **that there was a case that was being developed and**
12 **he asked me whether I'd be willing to be a plaintiff**
13 **in this case. He gave me a little more information,**
14 **you know, about what was happening and the upshot of**
15 **it was I agreed to do that.**
16 **Q And when was that conversation?**
17 **A That was about a year ago. It was in**
18 **January of last year.**
19 **Q And how are you friends with Sam Riley?**
20 **A Sam Riley is a -- he's an attorney himself**
21 **but there's no connection between his being an**
22 **attorney and me. I know him, I've known him since**

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1 **he was in 4H and he's the president of the Union**
2 **Mills Homestead Foundation. He's a Shriner too.**
3 **That's another thing. And so he's a valued friend**
4 **and he's the kind of person if he calls up and asks**
5 **you if you'd be willing to do something like this**
6 **you just have to figure out whether, you know, you**
7 **have the time to do it. So and I guess my feelings**
8 **about districting, you know, which I think everybody**
9 **should have some feelings about it, I said sure,**
10 **I'll do it.**
11 **Q And so what are those feelings?**
12 **A Well, I guess the feelings are when your**
13 **instincts tell you that something is going on that**
14 **doesn't feel right, that's the feeling I had after I**
15 **got the -- the 6th District's been around from the**
16 **beginning of Maryland's history. The counties that**
17 **lie between the Mason Dixon Line and the Potomac**
18 **River, Garrett, Allegheny, Washington, Frederick,**
19 **Carroll, and even though the northern portion of**
20 **Baltimore County was in the 6th District and it went**
21 **over and included a pretty big part of Harford**
22 **County along the Mason Dixon Line, it's just a**

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1 **cohesive entity, and when you wake up some day and**
2 **you realize that the shape of this thing is what it**
3 **is now, it looked to me like something didn't smell**
4 **right. I just couldn't figure out how anybody could**
5 **carve out something like that. So I became curious**
6 **about it. And you read newspapers, it's not like**
7 **this has not been discussed or people have made**
8 **their opinions known about it, and to connect dots**
9 **that it had been a very strongly held district, held**
10 **by a republican in recent years, and prior to that**
11 **it was democrats.**
12 **But what it really is it's not so much**
13 **whether in my mind over these years I will draw a**
14 **line up to maybe the present, but I will say if**
15 **you're looking back it was not about democrats and**
16 **republicans. It was about people who were generally**
17 **conservative in their thinking, advocates of small**
18 **government, being frugal, not having high tax rates.**
19 **You can run through these counties you can find that**
20 **kind of thinking up and down, you know, and all**
21 **around.**
22 **So it just -- and the county is -- in this**

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1 **state the county has always been a very significant**
2 **entity. The counties are very -- you know, they're**
3 **-- how shall I say? You identify with your county.**
4 **It's not like New Jersey or any of the places where**
5 **you have townships that break up the county and that**
6 **sort of thing. The county government is a strong**
7 **form of local government, and in the case of these**
8 **counties that I just mentioned there's a bond that**
9 **exists there. Over the years and all the years that**
10 **I served, they met. They didn't have to but they**
11 **had common values and problems and things, you know,**
12 **that caused them so there's that kind of**
13 **cohesiveness that's just been sitting there.**
14 **And my feelings were that every time there's**
15 **a census, yeah, you may have to make some**
16 **adjustments. You can't freeze it in time but this**
17 **is -- the nature of what took place there was -- it**
18 **just like chopped up. It was a chop job. I don't**
19 **know how -- I mean what can express what took place**
20 **but to say that I was disoriented or felt**
21 **disconnected. Those are the kind of words that go**
22 **into my own speaking for myself. I have absolutely**

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1 no connection with what is in this district except
2 the portions of Frederick that were thrown in.
3 If you take a good hard look at all these
4 counties that made up the six our entire county was
5 in, and then someone went up into Westminster and
6 they took the I think it's 3rd election district.
7 It's the district that surrounds Westminster, took
8 everything south to Mount Airy and to Sykesville or
9 Freedom, took that all out and dropped it and hooked
10 it up. You have that little point in Montgomery
11 County that comes up and just touches our border
12 about like a dot. It's where Howard and Carroll and
13 Frederick all come together. Four corners they call
14 it. And they funneled all that of our county down
15 into what they were calling the 8th and what was
16 left, that got tossed into the 1st District.
17 So where I live at 1201 Woods Road if you
18 went a half a mile say, I could be in the 1st
19 District and I could be back in Snow Hill again in
20 Carroll County because the 1st District comes --
21 runs all along the Mason Dixon Line going east and
22 then it comes down onto the Eastern Shore all the

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1 way down to Virginia.
2 And so you asked me about my feelings, those
3 are my feelings. And we have so many things that
4 disconnect us as citizens from our representatives,
5 it's worse now than it ever was I think. A person,
6 another attorney who is a good friend of mine, his
7 name isn't important but he said --
8 MR. MEDLOCK: Just to stop you. If he's
9 representing you then you shouldn't talk about
10 conversations you had with another attorney.
11 THE WITNESS: Okay. I retract that.
12 Q Yeah. If it was while he was representing
13 you in a matter. If you were just speaking as
14 friends you can go on.
15 A Yeah.
16 Q Okay, thank you. Oh, I wanted to clarify
17 one of the things that you were talking about. You
18 said that the unity that you felt with the fellow
19 members of your county was not about democrats or
20 republicans but more of a general conservatism that
21 you shared, but I think I heard you say, and this is
22 what I just want to clarify, that more recently you

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1 didn't feel that that was the case. So could you
2 tell me when that feeling changed?
3 MR. MEDLOCK: Objection. Mischaracterizes
4 his testimony. Go ahead.
5 Q And please correct me if I didn't get that
6 correct.
7 A No, I think you -- what I'm saying I think
8 my own voting record shows that just because I'm
9 registered republican I don't necessarily vote a
10 party ticket. I'm a conservative before -- I guess
11 me and I think a lot of other people are
12 conservatives first and then they are party
13 affiliated secondly. And so that's why you see in
14 the history I guess of the district there have been
15 both democrats and republicans who have represented
16 it.
17 There's a point, this point I was referring
18 to, I think there's been a drastic change between
19 the parties today as compared to what they were in
20 my time frame, you know, we're going back to the
21 '70s and the '80s and '90s. I'll just put it this
22 way, the democrat party is not today what it was in

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1 1970. It's not the same political party. And so
2 that's where it can put people I think more in a
3 position of what choice do you have when you are
4 going to the polls to vote in a district that still
5 tends to be very conservative.
6 Q So I'm interested in when you think that
7 changed.
8 A I don't think it was -- I don't think it was
9 like any one day or maybe the word point is not a
10 good one. It didn't swing -- I think it's been a
11 gradual, a gradual. I would say probably you would
12 have to go back -- you could go back 10 years maybe
13 and say, you know, it was starting. I don't really
14 have a good handle on it but all I know is that in
15 the last several years it's just a totally different
16 party.
17 And you know, you could say something
18 similar about the republican party. They're not the
19 same either but there's no comparison whatsoever in
20 terms of who's hung around to kind of be
21 conservative and represent the people who tend to be
22 conservative. So that's just how I see it.

41	1 MR. MEDLOCK: Do you want to take a break if 2 you want to confer? 3 MS. RICE: That's what I was going to say. 4 Why don't we take a break. 5 (A recess was taken.) 6 BY MS. RICE: 7 Q I just have a few more questions. So I just 8 want to go back over a little bit that we did before 9 because I'm just afraid that we might not have been 10 clear. So we talked -- because at times I think we 11 -- you had talked about or maybe I asked you 12 questions about John Delaney, but I wanted -- and so 13 to clarify, we also asked you a specific question 14 about the 2012 election and whether you voted for 15 Roscoe Bartlett in the republican primary. So I 16 wanted to give you a chance to clarify that answer 17 because it's my understanding that you live in the 18 8th Congressional District now; is that right? 19 A Yes, I am. 20 Q Right. 21 A Yes. 22 Q Okay.	43	1 but I had nothing -- you know, I knew him. I might 2 have waved to him or said hello, but at that time 3 this wasn't even on the radar screen because that's 4 going back to, you know, prior to him even serving 5 in Congress. 6 Q Great. 7 A Yeah. 8 MS. RICE: Okay. That is all that we have 9 for you guys. 10 MR. MEDLOCK: I don't have any other -- 11 THE WITNESS: Do you want to mention that 12 one about Delaney? 13 MR. MEDLOCK: Yeah. So I guess I will ask 14 one that builds on what you were talking about. 15 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS 16 BY MR. MEDLOCK: 17 Q So I want to be really clear. When you were 18 redistricted in 2011 the area you were in moved from 19 the 6th District to the 8th District, right? 20 A Yes. 21 Q And in 2012 when you were voting your choice 22 was between Chris Van Hollen and his republican
42	1 A Okay. Yes, so I couldn't have voted for 2 him. 3 Q Right. 4 A I guess is what we're saying. 5 Q Well, yeah. I don't want to mislead you and 6 make sure -- 7 A Yeah. 8 Q -- that -- 9 A No. Thank you. 10 Q So have you ever been to an event with Chris 11 Van Hollen? 12 A I have not. 13 Q And have you ever talked to Mr. Van Hollen? 14 A I have not. 15 Q Have you had any occasion to contact him for 16 Constituent Services, his office? 17 A I have not. 18 Q Okay. Great. Those are our questions. 19 A The only time I ever -- 20 MR. MEDLOCK: Go ahead. 21 Q Go ahead. 22 A Chris used to be in the Maryland legislature	44	1 opponent and anyone else that was running against 2 Mr. Van Hollen on the ballot, right? 3 A Correct. 4 Q And in the last election it would have been 5 Jamie Raskin and anyone running against Mr. Raskin? 6 A Correct. 7 MR. MEDLOCK: Okay. With that 8 clarification, I think we're good. 9 MS. RICE: Great. Thank you. 10 (Off the record at 1:58 p.m.) 11 12 13 14 15 16 17 18 19 20 21 22

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, Sandra A. Slater, the officer before whom
3 the foregoing deposition was taken, do hereby
4 certify that the foregoing transcript is a true and
5 correct record of the testimony given; that said
6 testimony was taken by me stenographically and
7 thereafter reduced to typewriting under my
8 direction; that reading and signing was not
9 requested; and that I am neither counsel for,
10 related to, nor employed by any of the parties to
11 this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my notarial seal this 29th day of
15 January, 2017.

16 My Commission Expires:
17 April 12, 2017

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21 THE STATE OF MARYLAND

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