

# **EXHIBIT 46**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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O. JOHN BENISEK, et al.,	:	
	:	
Plaintiffs,	:	
	:	Case No.
vs.	:	
	:	13-cv-3233
LINDA H. LAMONE, et al.,	:	
	:	
Defendants.	:	

-----x

Bethesda, Maryland  
Wednesday, April 19, 2017

VIDEOTAPED Deposition of:

SPEAKER MICHAEL E. BUSCH,  
the witness, was called for examination by counsel  
for the Plaintiffs, pursuant to notice, commencing  
at 10:59 a.m., at the law firm of Lerch, Early &  
Brewer, Chtd., 3 Bethesda Center, Suite 460,  
Bethesda, Maryland, before Dawn A. Jaques, CSR,  
CLR, and Notary Public in and for the State of  
Maryland.

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<p>1 A-P-P-E-A-R-A-N-C-E-S                  2 ON BEHALF OF THE PLAINTIFFS:                  3 STEPHEN M. MEDLOCK, ESQ.                  4 E. BRANTLEY WEBB, ESQ.                  5 KARIANNE JONES, ESQ.                  6 Mayer Brown LLP                  7 1999 K Street, NW                  8 Washington, D.C. 20006                  9 PHONE: (202) 263-3127                  10 FAX: (202) 263-3300                  11 EMAIL: smedlock@mayerbrown.com                  12 bwebb@mayerbrown.com                  13 kjones@mayerbrown.com                  14                  15                  16                  17                  18                  19                  20                  21                  22</p> <p style="text-align: right;">Page 2</p>	<p>1 I-N-D-E-X                  2 WITNESS: PAGE:                  3 SPEAKER MICHAEL E. BUSCH                  4 Examination by Mr. Medlock ..... 8                  5                  6 E-X-H-I-B-I-T-S                  7 EXHIBIT NUMBER: PAGE:                  8 Exhibit 113 Speaker Busch's Bio ..... 17                  9 Exhibit 114 Maryland House of Delegates                  10 Organizational Structure 20                  11 Exhibit 115 December 29, 2016, e-mail                  12 to Sandra Brantley from                  13 Jeremy Baker, SUBJECT:                  14 Fwd: talked with MB ..... 106                  15 Exhibit 116 Governor's Redistricting                  16 Advisory Committee                  17 Briefing Book 2011 ..... 112                  18 Exhibit 117 September 1, 2011, e-mail                  19 chain (No Subject) ..... 119                  20 Exhibit 118 September 20 - October 2,                  21 2011, e-mail chain                  22 SUBJECT: Map adjustments 123</p> <p style="text-align: right;">Page 4</p>
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<p>1 APPEARANCES (Continued):                  2 ON BEHALF OF THE DEFENDANTS:                  3 BRIAN E. FROSH, ESQ.                  4 Attorney General of Maryland                  5 - and -                  6 JENNIFER KATZ, ESQ.                  7 SARAH RICE, ESQ.                  8 Assistant Attorney General                  9 Office of the Attorney General                  10 200 St. Paul Place                  11 Baltimore, Maryland 21202                  12 PHONE: (410) 576-6300 (Mr. Frosh)                  13 (410) 576-7005 (Ms. Katz)                  14 (410) 576-7847 (Ms. Rice)                  15 FAX: (410) 576-6404 (Mr. Frosh)                  16 (410) 576-6955 (Ms. Katz)                  17 (410) 576-6955 (Ms. Rice)                  18 EMAIL: oag@oag.state.md.us                  19 jkatz@oag.state.md.us                  20 srice@oag.state.md.us                  21                  22 VIDEOGRAPHER: Nancy Holmstock</p> <p style="text-align: right;">Page 3</p>	<p>1 E-X-H-I-B-I-T-S (Continued)                  2 EXHIBIT NUMBER: PAGE:                  3 Exhibit 119 Maryland Draft 2011                  4 Plan Summaries ..... 152                  5 Exhibit 120 Maryland Draft 2011                  6 Plan Summaries ..... 155                  7                  8 INDEX (Continued)                  9 PREVIOUSLY MARKED EXHIBITS REFERRED TO                  10 EXHIBIT NUMBER PAGE                  11 88 72                  12 91 134                  13 98 80                  14 100 103                  15                  16                  17                  18                  19                  20                  21                  22</p> <p style="text-align: right;">Page 5</p>
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1 PROCEEDINGS  
2 THE VIDEOGRAPHER: We are on the  
3 record. This is Video No. 1 in the deposition of  
4 Speaker Michael Busch, taken by Plaintiff, in the  
5 matter of O. John Benisek, et al., versus  
6 Linda H. Lamone, et al., in the United States  
7 District Court for the District of Maryland,  
8 Case No. 13-cv-3233.  
9 This deposition is being held at  
10 Lerch, Early & Brewer, located at 3 Bethesda Metro  
11 Center, Bethesda, Maryland, on April 19th, 2017.  
12 The time is now 10:59 a.m.  
13 My name is Nancy Holmstock, legal  
14 video operator, from Digital Evidence Group.  
15 Court reporter is Dawn Jaques, in association with  
16 Digital Evidence Group.  
17 Will counsel please introduce  
18 themselves for the record?  
19 MR. MEDLOCK: Good morning. My name  
20 is Stephen Medlock with the firm Mayer Brown LLP.  
21 I represent the Plaintiffs.  
22 With me at counsel table is

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1 Brantley Webb and Karianne Jones, also from  
2 Mayer Brown LLP, also representing the Plaintiffs.  
3 Good morning, sir.  
4 THE WITNESS: Morning.  
5 MS. KATZ: Good morning.  
6 Jennifer Katz, Assistant Attorney General with the  
7 Office of the Attorney General of Maryland. I'm  
8 here representing Speaker Busch today.  
9 MR. FROSH: I'm Brian Frosh. I'm the  
10 Attorney General.  
11 MS. RICE: I'm Sarah Rice, an  
12 Assistant Attorney General with the State of  
13 Maryland, and I am representing Defendant State  
14 Board of Elections.  
15 THE VIDEOGRAPHER: Will the court  
16 reporter please swear in the witness?  
17 THE REPORTER: Raise your right hand,  
18 sir.  
19 (The witness was sworn in by the reporter.)  
20 Whereupon,  
21 SPEAKER MICHAEL E. BUSCH,  
22 was called as a witness, after having been

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1 first duly sworn by the Notary Public,  
2 was examined and testified as follows:  
3 EXAMINATION BY COUNSEL FOR THE PLAINTIFF  
4 BY MR. MEDLOCK:  
5 Q Morning, Speaker Busch.  
6 A Morning.  
7 Q So I'm going to ask you what I think  
8 will probably be my easiest question today, which  
9 is can you please state and spell your full name  
10 for the record?  
11 A Yes. Michael Erin Busch,  
12 M-I-C-H-A-E-L, E-R-I-N, B-U-S-C-H.  
13 Q What is your current home address,  
14 sir?  
15 A 207 McKendree Avenue,  
16 M-c-K-R-E-N-D-E-E [sic].  
17 Q What's your current office address?  
18 A My current what?  
19 Q Office address.  
20 A The Office of the Speaker is  
21 One State House.  
22 Q Have you ever sat for a deposition

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1 before?  
2 A Never.  
3 Q Have you ever testified at trial?  
4 A No.  
5 Q Have you ever testified at an  
6 arbitration, which is like a trial only it's in  
7 front of an arbitrator instead of a judge?  
8 A No.  
9 Q All right. So since this is your  
10 first time at a deposition, I'd like to go over a  
11 few ground rules.  
12 A Right.  
13 Q A deposition is a conversation that  
14 takes place between you and me in which I ask  
15 questions and you answer them.  
16 As you can see, in between us is a  
17 court reporter. It's im- -- she takes down  
18 everything that I say and everything that you say.  
19 A Okay.  
20 Q And that has two important  
21 implications. The first is it's important that we  
22 not talk over each other so that --

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1 A Right.  
2 Q -- she can get an accurate record of  
3 everything that we say.  
4 So sometimes it can take me a little  
5 bit of time to formulate a question when I'm  
6 thinking about it, and I understand that sometimes  
7 it can take a witness time to formulate an answer.  
8 So I'll try not to step on your answers if you try  
9 not to step on my questions, okay?  
10 A Hundred percent.  
11 Q Okay. And the second implication of  
12 that -- of having a court reporter here taking  
13 down everything that we say is that the court  
14 reporter cannot take down shakes of the head. She  
15 even -- sometimes the difference between uh-huh  
16 and uh-uh on a transcript can be very difficult to  
17 discern later, so it's important that you answer  
18 my questions audibly. You understand?  
19 A Yes.  
20 Q And it's very important that you  
21 understand my question before you answer it. So  
22 if you ever don't understand my question, please

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1 say so. Sometimes I ask a B+ question instead of  
2 an A- question, and I can reformulate if you like.  
3 A Sure.  
4 Q Your attorneys are here to your right  
5 as you're sitting at the table.  
6 A Yes.  
7 Q From time to time, they may object to  
8 questions that I ask. That's their right.  
9 However, if -- unless they instruct you not to  
10 answer a question, I'm going to ask that you  
11 answer the question, okay?  
12 A Sure, uh-hmm.  
13 Q And from time to time, we'll take  
14 breaks. My goal is to take a break every hour,  
15 but if you'd like to take a break before then,  
16 that's fine. My only request is that you answer  
17 any pending question before we take a break, okay?  
18 A Okay, sure.  
19 Q Without going into the substance of  
20 any conversations you may have had with your  
21 attorneys, what did you do to prepare for today's  
22 deposition?

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1 A I prepared by going over exactly what  
2 a deposition is.  
3 Q Did you meet with your attorneys?  
4 A Yes.  
5 Q When did that meeting take place?  
6 A Had one yesterday.  
7 Q How -- how long did that meeting last?  
8 A About two hours.  
9 Q Where did the meeting take place?  
10 A Right in my office.  
11 Q Who was present at the meeting?  
12 A Jennifer and Sarah.  
13 Q Was anyone from your office present  
14 besides you?  
15 A No.  
16 Q Was Mr. Frosh present?  
17 A No.  
18 Q Was anyone on the phone during the  
19 meeting?  
20 A No.  
21 Q Were you shown any documents during  
22 the meeting?

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1 A Yes.  
2 Q Were you -- did any of the documents  
3 that you were shown jog your memory about any of  
4 the facts related to the 2011 congressional  
5 redistricting process in Maryland?  
6 A It's out of my memory, yeah.  
7 Q Did they refresh your recollection  
8 regarding the 2011 congressional redistricting  
9 process in Maryland?  
10 A Somewhat.  
11 Q How did they refresh your  
12 recollection?  
13 A Well, I mean, the -- I did  
14 redistricting every ten years, and the fact is  
15 that you do it in a special session, and, you  
16 know, my job, as well as the President of the  
17 Senate's job is to get a super majority. I have  
18 to get 85 votes in the House to pass a  
19 reapportionment map.  
20 Q Why is it your job to get a super  
21 majority in the House?  
22 A Because the map doesn't pass unless

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1 you get a super majority.  
2 Q Do you recall anything about whether  
3 it was difficult to get a super majority in the  
4 Maryland -- in the Maryland House of Delegates in  
5 2011 regarding the congressional map?  
6 A At the end, no.  
7 Q Excuse me?  
8 A At the end, no.  
9 Q Oh, okay.  
10 Did the documents that you were shown  
11 at your meeting with Ms. Katz and Ms. Rice refresh  
12 your recollection about any other aspects of the  
13 2011 congressional redistricting process?  
14 A Not really.  
15 Q Okay. Other than meeting with  
16 Ms. Katz and Ms. Rice, have you spoken to anyone  
17 else about your deposition today?  
18 A My chief of staff knows about my  
19 deposition.  
20 Q Who is your chief of staff?  
21 A Alex Hughes.  
22 Q Did you speak to anyone else on your

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1 legislative staff about your deposition today?  
2 A No.  
3 Q What did you speak to Ms. Hughes about  
4 regarding today's deposition?  
5 A Can you repeat that?  
6 Q You said you spoke to Ms. Hughes  
7 regarding your deposition today?  
8 A Right.  
9 Q What was the nature of your  
10 conversation with her?  
11 A Basically she's a lawyer. She said  
12 be --  
13 MS. KATZ: Okay, I'm just going to  
14 stop you. Is this -- were you -- can we go off  
15 the record for a second?  
16 MR. MEDLOCK: Yeah, sure.  
17 THE VIDEOGRAPHER: The time is now  
18 11:07. Going off the record.  
19 (Discussion off the record.)  
20 THE VIDEOGRAPHER: We're back on the  
21 record, 11:07.  
22

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1 BY MR. MEDLOCK:  
2 Q Before we took a break, you were  
3 saying that you spoke to Ms. Hughes regarding  
4 today's deposition, correct?  
5 A Yes.  
6 Q Did she offer -- and this is just a  
7 yes-or-no question. Did she give you any legal  
8 advice about your deposition today?  
9 A No.  
10 Q Okay. Can you tell me about your  
11 conversation with Ms. Hughes?  
12 A She said be concise with your answers  
13 and be relaxed.  
14 Q Okay. Are you going to do your best  
15 to do that today, sir?  
16 A I'm trying. What do you think?  
17 Q It's not bad.  
18 Did you speak to anyone else on your  
19 legislative staff regarding this liti- -- this  
20 litigation?  
21 A No.  
22 Q Did you do anything else to prepare

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1 yourself for today's deposition --  
2 A No.  
3 Q -- besides what we've already  
4 discussed?  
5 No?  
6 A No.  
7 MR. MEDLOCK: All right. Let's get  
8 the first exhibit. Mark this as Exhibit 113.  
9 THE WITNESS: Good looking picture.  
10 MR. MEDLOCK: I thought you might  
11 agree.  
12 THE WITNESS: Yeah, I was a Boy Scout.  
13 (Busch Exhibit 113 was marked  
14 for identification.)  
15 BY MR. MEDLOCK:  
16 Q All right, sir. I put in front of you  
17 what we've marked as Exhibit 113 to your  
18 deposition. For all exhibits that I give you,  
19 feel free to look through the exhibit and read it  
20 to the extent you feel necessary.  
21 I'm going to only have a few questions  
22 about this exhibit, but once you're done reviewing

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1 it, please tell me audibly on the record that  
2 you're done reviewing it.  
3 A (Witness reviewing Exhibit 113.)  
4 Well, this looks like a résumé.  
5 Yeah, I'm done with it.  
6 Q Okay. Is the information in  
7 Exhibit 113 an accurate summary of your history  
8 working in government service for the State of  
9 Maryland?  
10 A Yes.  
11 Q Okay. Is -- to your knowledge, is the  
12 information regarding your government service in  
13 the State of Maryland complete in Exhibit 113?  
14 A What do you mean by complete?  
15 Q Do you see anything that's missing  
16 regarding your government service in Exhibit 113?  
17 A No.  
18 Q Now, you'll see on page 2 of  
19 Exhibit 113, there's information regarding your  
20 educational history. Do you see that?  
21 A Uh --  
22 Q See the paragraph that begins with

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1 "Resident of Annapolis"?  
2 A Yes.  
3 Q See that?  
4 A Uh-hmm.  
5 Q And then following that, there's  
6 biographical information that includes information  
7 regarding your education, correct?  
8 A Right, uh-hmm.  
9 Q To your knowledge, is that information  
10 regarding your educational history complete?  
11 A It is. I think I graduated in '72,  
12 however, from Temple.  
13 Q Okay. So with that change to when you  
14 graduated with your BS in education from Temple --  
15 A Uh-hmm.  
16 Q -- is the information here regarding  
17 your educational history accurate?  
18 A Well, I did go to Severn Prep for a  
19 year.  
20 Q Okay. Is there anything else that's  
21 missing from here?  
22 A Not that I can think of.

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1 Q Okay. So according to this, you've  
2 been a -- a member of the Maryland  
3 General Assembly since 1987; is that right?  
4 A January '87, yeah.  
5 Q And you've been the Speaker of --  
6 Speaker of the House of Delegates since 2003; is  
7 that right?  
8 A Yes, I have.  
9 MR. MEDLOCK: Can I get Exhibit 2?  
10 All right. I show you the next  
11 exhibit, which we'll mark as Exhibit 114 to your  
12 deposition.  
13 THE WITNESS: This for me?  
14 THE REPORTER: Yes. Let's just put  
15 the sticker on it.  
16 THE WITNESS: All right. Thanks.  
17 (Busch Exhibit 114 was marked  
18 for identification.)  
19 BY MR. MEDLOCK:  
20 Q And I'll state for the record, while  
21 you're reviewing it, that Exhibit 114 is a  
22 three-page document that at the top of it, the

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1 very top of the document says, Maryland House of  
2 Delegates - Organizational Structure.  
3 A Right.  
4 Q Can you please tell me when you --  
5 you're done reviewing the document, sir?  
6 A (Witness reviewing Exhibit 114.)  
7 I think I'm done with it.  
8 Q Okay. I'm focusing on the first page.  
9 A Uh-hmm.  
10 Q Do you see the heading Organizational  
11 Structure?  
12 A Yes.  
13 Q Okay. And below that there's Hou --  
14 there's a heading that says House of Delegates,  
15 correct?  
16 A Yes.  
17 Q And it lists you as the House Speaker,  
18 correct?  
19 A Yes, uh-hmm.  
20 Q And you see below that there's a  
21 listing of your legislative staff --  
22 A Yes.

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1 Q -- is that right?  
2 A Yes.  
3 Q And we already spoke about  
4 Alexandra M. Hughes. She's currently your chief  
5 of staff, correct?  
6 A Right.  
7 Q And below that, Jason F. Weintraub is  
8 your senior legislative counsel today; is that  
9 correct?  
10 A Yes.  
11 Q And currently, Jeremy P. Baker is your  
12 senior advisor, correct?  
13 A Yes, uh-hmm.  
14 Q What is Mr. Baker's role in your  
15 office?  
16 A Mr. Baker's role basically is to do  
17 policy work in the area of healthcare. He works  
18 in a healthcare committee -- we have six  
19 committees in the House -- and he also does work  
20 in a Ways and Means Committee, and he is basically  
21 the staff to the Democratic Caucus.  
22 Q What do you mean by staff to the

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1 Democratic Caucus?  
2 A In other words, you know, he follows  
3 up with the caucus. We meet once a week.  
4 Q Uh-huh. When you say follows up with  
5 the caucus, what are his roles with respect to  
6 communicating with other members of the Democratic  
7 Caucus?  
8 A How they felt the meetings went, what  
9 issues they have, what issues are in front of the  
10 General Assembly, those type of things.  
11 Q Does Mr. Baker currently have  
12 responsibility for any other policy matters  
13 besides the ones you've just listed?  
14 A No.  
15 Q In his current role, does Mr. Baker  
16 attend meetings on your behalf?  
17 A Yes, from time to time.  
18 Q In his current role, does Mr. Baker  
19 represent you on telephone calls?  
20 A I don't think so.  
21 Q In his current role, does Mr. Baker  
22 speak to the Department of Legislative Services on

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1 your behalf?  
2 A I would think that we have  
3 communication with myself and the entire staff of  
4 Legislative Services.  
5 Q Sure. And when there's communication  
6 from yourself to the staff of the Department of  
7 Legislative Services, is Mr. Baker involved in  
8 that?  
9 A I would say not as frequently as the  
10 other members of the staff.  
11 Q Okay. But he is sometimes involved in  
12 those conversations?  
13 A Yes, because he has policy and issues  
14 that would come in front of Legislative Services.  
15 Q Does Mr. Baker speak to other Maryland  
16 state agencies on your behalf?  
17 A I mean, this is a -- an issue where we  
18 deal with a lot of state agencies who come down  
19 and testify --  
20 Q Uh-hmm.  
21 A -- and if it's in your policy area,  
22 many times you follow up, yes. So Mr. Baker or

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1 Mr. Weintraub or Alex Hughes, they follow up.  
2 Q So if it falls within Mr. Baker's  
3 portfolio of policy issues, then he is responsible  
4 for day-to-day communications regarding those  
5 policy issues; is that correct?  
6 A Yes.  
7 Q And he will report to you on policy  
8 matters that are within his current portfolio,  
9 correct?  
10 A Yes.  
11 Q How often does he report to you on  
12 policy matters that are in his portfolio?  
13 A The -- he doesn't report on a  
14 day-to-day basis. We come in on Sunday mornings,  
15 the entire staff, and go over all the policy and  
16 issues --  
17 Q Uh-hmm.  
18 A -- that are in front of the House of  
19 Delegates pending in committee and coming to the  
20 floor of the House.  
21 Q These Sunday morning meetings, they  
22 take place at your office --

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1 A Yes.  
2 Q -- in Annapolis?  
3 A Uh-hmm.  
4 Q How long do these meetings typically  
5 last?  
6 A Oh, they can last two or three hours.  
7 Q Does someone take notes during these  
8 Sunday morning meetings?  
9 A I think that for the most part it's  
10 not so much taking notes. It's that we discuss  
11 major issues that are in front of committees and  
12 come -- are coming to the floor, how to present  
13 them to the Democratic Caucus on Tuesday.  
14 Q Is an agenda circulated before these  
15 Sunday morning meetings at your office?  
16 A No.  
17 Q Besides you and Ms. Hughes,  
18 Mr. Weintraub and Mr. Baker, who else would attend  
19 these Sunday morning meetings?  
20 A Sometimes we would have  
21 Warren Deschenaux --  
22 Q Uh-hmm.

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1 A -- to go over the budget of the State  
2 of Maryland.  
3 Q Okay. Can you spell his last name?  
4 A I can't, no.  
5 Q All right. Has anyone from  
6 Senate President Miller's office ever attended  
7 these Sunday morning meetings?  
8 A No.  
9 Q Has anyone from the Office of the  
10 Governor ever attended these Sunday morning  
11 meetings?  
12 A No.  
13 Q Has anyone from -- any other member of  
14 the Maryland House of Delegates ever attended  
15 these Sunday morning meetings?  
16 A Yeah, we -- we've had the Chair of the  
17 Capital Budget Speaker Pro Tem when we wanted to  
18 go over the capital budget.  
19 Q Okay. And I want to summarize here,  
20 and let me make sure I get this correct.  
21 The Sunday poli- -- Sunday morning  
22 policy meeting happens in advance of the Tuesday

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1 Democratic House caucus meeting --  
2 A Yes.  
3 Q -- correct?  
4 A Uh-hmm.  
5 Q And one of the goals of the Sunday  
6 morning meeting is to get everything set before  
7 the Tuesday --  
8 A Preparation --  
9 Q -- caucus meeting?  
10 A -- yes.  
11 Q So you will -- if something's going to  
12 come up or is likely to come up at the Tuesday  
13 House caucus meeting, you'll discuss it at the  
14 Sunday policy meeting; is that right?  
15 A I believe that's the case, yes.  
16 Q Okay. In 2011, did Mr. Baker work for  
17 you?  
18 A I believe he did, yes.  
19 Q Do you know what his title was in  
20 2011?  
21 A It was basically similar to what he  
22 does today, maybe not as much policy work.

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1 Q Okay. What were his responsibilities  
2 when Mr. Baker worked for you in 2011?  
3 A Basically just what I stated.  
4 Q Okay.  
5 A You know, he worked for the caucus,  
6 and, you know, he did some policy work.  
7 Q What sort of policy work -- what sort  
8 of policies was he working on?  
9 A Well, he worked on issues that dealt  
10 between labor and management --  
11 Q Uh-hmm.  
12 A -- in that period of time, and, you  
13 know, wherever we needed to plug him in.  
14 In 2011, I had a totally different  
15 staff.  
16 Q Uh-hmm. Who else was on your staff in  
17 2011 besides Mr. Baker?  
18 A I believe Alex was there;  
19 Kristin Jones was the chief of staff at the time.  
20 Alex Hughes, Jeremy Baker, and -- I  
21 think that's the three people that we had.  
22 Q Did Mr. Baker work on redistricting in

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1 2011?  
2 A Did he work on it? I'm sure that  
3 Mr. Baker was the representative from -- from the  
4 House, worked with Jake Weinstein from the Senate,  
5 but, I mean, they -- I don't think they did any  
6 specific work on the congressional map.  
7 Q Okay. You said Jake Weinstein. Do  
8 you mean Jake Weissman?  
9 A Weissman, whatever.  
10 Q Yes. And Mr. Weissman worked at the  
11 time for Senate President Miller; is that correct?  
12 A Yes.  
13 Q And you have no specific memory of  
14 Mr. Baker doing any work related to congress- --  
15 the congressional redistricting in 2011; is that  
16 right?  
17 MS. KATZ: Objection, leading.  
18 THE WITNESS: Yeah, not really.  
19 BY MR. MEDLOCK:  
20 Q I'm sorry, I didn't hear your answer.  
21 A No --  
22 Q Okay.

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1 A -- not really.  
2 Q Do you have any recollection of  
3 Jake Weissman, Mr. Weissman, working on  
4 congressional redistricting in 2011?  
5 A No, I just knew he was a  
6 representative from the President's office.  
7 Q When you say representative from the  
8 President's office, what do you mean by that with  
9 respect to congressional redistricting?  
10 A I guess they in -- in my perspective  
11 is that they -- they were the -- you know, the  
12 conduits between the Governor's office who drew up  
13 the map and informing the presiding officers.  
14 Q Okay. So Mr. Weissman and Mr. Baker  
15 were conduits between the Office of the Governor  
16 and the Redistricting Committee; is that right?  
17 A I wouldn't say it was the  
18 Redistricting Committee. I'd say they were  
19 conduits between the President's office and  
20 Speaker's office.  
21 Q Okay. And as conduits, what did  
22 Mr. Baker and Mr. Weissman do with respect to

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1 congressional redistricting?  
2 MS. KATZ: Objection, compound. You  
3 asked about two.  
4 THE REPORTER: Compound?  
5 MS. JONES: Yeah, asking about two  
6 individuals.  
7 BY MR. MEDLOCK:  
8 Q Okay. So with respect to Mr. Baker as  
9 a conduit, what did he do with respect to  
10 congressional redistricting?  
11 A He didn't do much of anything.  
12 Q Uh-hmm. With respect to Mr. Weissman,  
13 what did he do as a conduit?  
14 A I don't know. You'd have to ask  
15 President Miller.  
16 Q Okay. So when you say that Mr. Baker  
17 acted as a conduit between your office and  
18 Senate President Miller's office, was he simply  
19 passing information between the two offices, or  
20 was he doing something else?  
21 MS. KATZ: Objection,  
22 mischaracterizes.

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1 THE WITNESS: What's that?  
2 MR. MEDLOCK: Go ahead.  
3 MS. KATZ: You mean to ask a conduit  
4 between his office and the Governor's office?  
5 BY MR. MEDLOCK:  
6 Q So earlier you said that -- I just  
7 want to make sure I understand your testimony.  
8 You said that Mr. Baker acted as a  
9 conduit, correct?  
10 A Right.  
11 Q And he was a conduit between which two  
12 points?  
13 A Well, look, you know, ultimately we  
14 had to get 85 votes.  
15 Q Sure.  
16 A So, you know, any information that he  
17 brought back, we had to make sure that was in the  
18 body. We could -- we could get enough to pass a  
19 map.  
20 Q Okay. So where was he taking the  
21 information from? Where was he -- Mr. Wei- --  
22 Mr. Baker getting --

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1 A Well, he got it from the Governor's  
2 office.  
3 Q Okay. Did he get it from any other  
4 source besides the Governor's office?  
5 A Not that I know.  
6 Q Did you ever ask him that question?  
7 A No.  
8 Q Okay. So when you say that Mr. Baker  
9 got information related to congressional  
10 redistricting from the Office of the Governor,  
11 what sort of information are you referring to?  
12 A Well, look, I -- I think that the  
13 information was what the Governor had in mind as  
14 far as the congressional redistricting map was.  
15 Q Uh-hmm.  
16 A I mean, he ultimately brings it  
17 down --  
18 Q Uh-hmm.  
19 A -- and then ultimately the President  
20 and Senate and myself have to pass a map.  
21 Q Okay. Did Mr. Baker, to your  
22 knowledge, receive any draft congressional maps

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1 from the Office of the Governor?  
2 A Not to my knowledge.  
3 Q Did Mr. Baker ever receive a final map  
4 from the Office of the Governor that was relayed  
5 to you?  
6 A It's hard for me to remember. I mean,  
7 obviously, we saw the map before we voted on it.  
8 Q Okay. To your knowledge, who in the  
9 Maryland state government actually drew the  
10 2011 congressional map?  
11 A Can I have that question again?  
12 Q Sure. To your knowledge, who in the  
13 Maryland state government actually drew the  
14 2011 congressional map for the State of Maryland?  
15 A Well, obviously, it came out of the  
16 Governor's office.  
17 Q Do you know that to be true?  
18 A Well, I don't know where else it would  
19 have come from.  
20 Q Okay. I guess what I'm getting at  
21 is -- is do you -- do you know that to be a fact,  
22 or are you guessing?

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1 A Well, I -- you know, I -- I would -- I  
2 wasn't involved with watching a map put together.  
3 Q Okay.  
4 A But the fact of the matter is, you  
5 know, the Governor's responsibility was to bring  
6 in a map.  
7 Q Okay. So you never actually saw  
8 someone draw Maryland's 2011 congressional map; is  
9 that right?  
10 A No.  
11 Q And was anyone identified to you  
12 during the 2011 congressional redistricting  
13 process as a mapmaker?  
14 A No.  
15 Q Do you know with any certainty whether  
16 the final map that you voted on as a part of the  
17 Governor's Redistricting Advisory Committee  
18 was -- whether it was created by the Office of the  
19 Governor, or a member of the committee, or some  
20 sort of outside party?  
21 A Well, look here, there was five  
22 members of the Governor's committee. We made

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1 twelve stops around the state. I think I made --  
2 made all of them but one.  
3 Q Uh-hmm.  
4 A And the chair was Governor's  
5 Representative Jeanne Hitchcock.  
6 Q Uh-hmm.  
7 A And she took in information, brought  
8 it back to the Governor's office.  
9 Q Do you know whether Ms. Hitchcock  
10 actually was involved in drawing the  
11 2011 congressional map?  
12 A I do not.  
13 Q Do you know who in the Office of the  
14 Governor would have been responsible for drawing  
15 the 2011 congressional map?  
16 MS. KATZ: Objection --  
17 THE WITNESS: I do not know.  
18 MS. KATZ: -- speculation.  
19 BY MR. MEDLOCK:  
20 Q So as you sit here today, can you  
21 identify for me anyone in the Maryland state  
22 government who actually sat down and drew the

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1 2011 congressional map?  
2 A No.  
3 MS. KATZ: Objection, asked and  
4 answered.  
5 BY MR. MEDLOCK:  
6 Q Do you remember who presented the  
7 final 2011 congressional map to you that the GRAC  
8 voted on?  
9 A No.  
10 Q Okay. Did you ever ask Mr. Baker who  
11 drew the 2011 congressional map?  
12 A No.  
13 Q Did you ever ask Mr. Weissman that  
14 question?  
15 A No.  
16 Q Did you ever ask anyone in the Office  
17 of the Governor that question?  
18 A No.  
19 Q Did you think it was relevant who drew  
20 the 2011 congressional map?  
21 A Certainly. I -- I think that  
22 relevance was the -- the Governor, and his, you

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1 know, constitutional responsibility was to draw  
2 the map.  
3 Q Okay. Do you have a working  
4 relationship with U.S. Congressman Steny Hoyer?  
5 A Do I have a working relationship?  
6 Q Yes.  
7 A Yes, uh-hmm.  
8 Q How would you describe your working  
9 relationship with Congressman Hoyer?  
10 A Very good.  
11 Q What makes it good?  
12 A Well, I think Steny's been very  
13 supportive, and, you know, he's -- he understands  
14 both the General Assembly, and, you know, he's  
15 a -- the highest ranking congressman the State of  
16 Maryland's ever had.  
17 Q Uh-hmm. In the last year, how often  
18 have you spoken to Congressman Hoyer?  
19 A In the last year?  
20 Q Yes.  
21 A Three or four times.  
22 Q Was that in person or over the phone?

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1 A Each time's over the phone.  
2 Q Okay. In the last year, have you  
3 attended any meetings with Congressman Hoyer?  
4 A Yes.  
5 Q How many meetings have you attended in  
6 the last year with Congressman Hoyer?  
7 A Maybe two or three.  
8 Q In the last year, has your legislative  
9 staff spoken to Congressman Hoyer?  
10 A I have no idea.  
11 Q Okay. And do you know whether in the  
12 last year your legislative staff has spoken to  
13 Congressman Hoyer's staff?  
14 A Who?  
15 Q Do you know whether in the last year  
16 your legislative staff has spoken to  
17 Congressman Hoyer's staff?  
18 A Look, I -- we deal with constituent  
19 issues all the time.  
20 Q Uh-hmm.  
21 A So many times we call for information  
22 from --

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1 Q Uh-hmm.  
2 A -- Congressman Hoyer. So, you know,  
3 I'm not privileged to everything that has taken  
4 place there, but, you know, if we need to resolve  
5 a problem and -- and we can go to  
6 Congressman Hoyer to do it or Senator Cardin, we  
7 do it.  
8 Q Okay. Have you ever contributed  
9 financially to any of Congressman Hoyer's  
10 political campaigns?  
11 A No.  
12 Q Has Congressman Hoyer ever --  
13 A Wait --  
14 Q -- contributed --  
15 A -- wait a minute, let me --  
16 Q Sorry.  
17 A I'm trying to think -- no, I haven't.  
18 Q Has Congressman Hoyer ever contributed  
19 financially to any of your political campaigns?  
20 A No.  
21 Q Have you ever volunteered for any of  
22 Congressman Hoyer's political campaigns?

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1 A Have I ever what?  
2 Q Volunteered for any of  
3 Congressman Hoyer's --  
4 A Yeah, he was my congressman, so I  
5 worked on his campaign.  
6 Q Okay. Well, when you -- when you  
7 worked on his campaign, what -- what year would  
8 that be?  
9 A Well, he had the City of Annapolis in  
10 south county. We -- well, we didn't have the  
11 City of Annapolis, we had the south county as part  
12 of my district. We would go door to door, or  
13 business to business, just campaigning.  
14 Q Okay. So you would -- you would just  
15 go out and knock on doors --  
16 A Yeah.  
17 Q -- canvass?  
18 A Uh-hmm. Or go into businesses and  
19 shops and things of that nature.  
20 Q Have you ever, besides canvassing or  
21 talking to businesses, done anything else to  
22 volunteer for any of Congressman Hoyer's political

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1 campaigns?  
2 A No.  
3 Q Have you ever sought an endorsement  
4 from Congressman Hoyer?  
5 A I might have.  
6 Q Has he ever endorsed you?  
7 A Yeah. I mean, he's always supported  
8 me.  
9 Q Okay.  
10 A I mean, he's endorsed me in that  
11 respect.  
12 Q Do you -- do you --  
13 A I don't -- I don't -- I don't use  
14 much -- many endorsements on my literature.  
15 Q Okay. You don't need them anymore?  
16 A I hope not.  
17 Q Okay. Do you feel that  
18 Congressman Hoyer is supportive of your political  
19 career?  
20 A Hundred percent.  
21 Q How does he support your political  
22 career?

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1 A Just the fact that he's been  
2 supportive of all the Democrats and the Democratic  
3 leaders.  
4 Q Have you ever sought political advice  
5 from Congressman Hoyer?  
6 A From time to time.  
7 Q Can you give me an idea of what  
8 subjects you've sought advice from him on?  
9 A Yeah. I -- I have talked to him  
10 about, you know, certain areas that we need to  
11 address within the Democratic Party.  
12 Q Okay. Have you ever given  
13 Congressman Hoyer any political advice?  
14 A Maybe. I don't know whether he took  
15 it or not.  
16 Q Well, regardless, let's -- let's put  
17 that aside for a second. Regardless of whether he  
18 took it, have you offered it?  
19 A Not really, just in regular  
20 conversations. He's an easy guy to talk to --  
21 Q Uh-hmm.  
22 A -- and, you know, it's a give and take

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1 of -- of ideas and, you know, things to observe,  
2 and, you know, he is one of the leaders of our  
3 party in the state.  
4 Q Do you have a social relationship with  
5 Congressman Hoyer?  
6 A No.  
7 Q Have you ever attended any social  
8 functions with him?  
9 A No.  
10 Q Have you ever spoken to  
11 Congressman Hoyer regarding redistricting?  
12 A Not to the best of my knowledge.  
13 Q To the best of your knowledge, has any  
14 of your legislative staff ever spoken to  
15 Congressman Hoyer regarding redistricting?  
16 A Not to my knowledge.  
17 Q To your knowledge, has any member of  
18 your legislative staff ever spoken to a member of  
19 Congressman Hoyer's legislative staff regarding  
20 redistricting?  
21 A No.  
22 Q When you say no, do you -- do you know

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1 that to not be the case, that they've never  
2 spoke- -- that your legislative staff has never  
3 spoken --  
4 A Not to my knowledge.  
5 Q Okay.  
6 A Let's put it that way.  
7 Q So it could have happened, but you  
8 just don't know?  
9 A Right.  
10 Q Okay. Do you have a working  
11 relationship with Congressman John Sarbanes?  
12 A Yes.  
13 Q In the -- could you describe your  
14 working relationship with him?  
15 A Yes. He represents my district, and  
16 I've had a good working relationship since he ran  
17 for office.  
18 Q Are there particular issues that you  
19 will work with Congressman Sarbanes on?  
20 A Me?  
21 Q Yes.  
22 A Work on the environment all the time.

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1 Q When you say the environment, are you  
2 talking primarily Chesapeake Bay?  
3 A Yes.  
4 Q Besides working on Chesapeake Bay  
5 restoration issues and environmental health of the  
6 Chesapeake Bay, have you worked with  
7 Congressman Sarbanes on any other political  
8 issues?  
9 A Well, if we take an interest in what's  
10 taking place in and around the district that we  
11 both represent, which is basically Annapolis.  
12 Q In the last year, have you been on any  
13 telephone calls with Congressman Sarbanes?  
14 A Yes.  
15 Q How many telephone calls have you had  
16 with Congressman Sarbanes in the last year?  
17 A Three or four.  
18 Q Have you attended any meetings with  
19 Congressman Sarbanes in the last year?  
20 A We were at numerous campaign events  
21 together.  
22 Q So you -- you campaigned with him when

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1 he ran --  
2 A Absolutely.  
3 Q -- for reelection?  
4 A Absolutely. Hundred percent.  
5 Q When you appeared at those campaign  
6 events, so this would -- well, let me back up.  
7 This would be for the last set of  
8 congressional elections, or was it before that  
9 that you have campaigned with him?  
10 A I campaigned with him ever since he  
11 filed for office.  
12 Q Okay. So every time he's run for  
13 office, you have --  
14 A Supported.  
15 Q -- campaigned with him?  
16 A Yeah.  
17 Q Okay. And when you campaign with him,  
18 you go to meetings and rallies with him; is that  
19 right?  
20 A Right, we go to rallies. Sometimes  
21 we're at meetings where we're both on the agenda.  
22 Q I see. During those campaign rallies

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1 or the meetings where you're both on the agenda,  
2 have you endorsed Congressman Sarbanes for office?  
3 A Absolutely.  
4 Q During those same meetings and  
5 rallies, has Congressman Sarbanes endorsed you to  
6 stay in office?  
7 A Yes.  
8 Q Would you say you have a close working  
9 relationship with Congressman Sarbanes?  
10 A Yes.  
11 Q Have you ever given political advice  
12 to Congressman Sarbanes?  
13 A We have discussions of what we think  
14 is important to the district, yeah.  
15 Q And how often do those discussions  
16 happen?  
17 A I don't know, a couple times a year.  
18 Q When they happen, are they in person,  
19 or over the phone, or over e-mail?  
20 A Sometimes they're in person, sometimes  
21 they're by phone calls, but I'd say a lot of -- a  
22 lot of them are phone calls. But in person, we

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1 talk about, you know, the organization of, you  
2 know, putting the party in a better position in  
3 Anne Arundel County.  
4 Q What do you mean by putting the party  
5 in a better position in Anne Arundel County?  
6 A Well, you know, we are a county now  
7 that has a Republican county executive --  
8 Q Uh-hmm.  
9 A -- a Republican council --  
10 Q Uh-hmm.  
11 A -- and we were a county -- when I  
12 first got elected in '87, it was a Democratic  
13 county.  
14 Q Uh-hmm.  
15 A So, you know, it centers around, you  
16 know, how to put the -- you know, getting -- you  
17 know, recruiting candidates and, you know, giving  
18 people an opportunity.  
19 Q So one of the ways you want to put the  
20 Democratic Party in Anne Arundel County in the  
21 best position is to try and get more Democrats  
22 elected in Anne Arundel County; is that right?

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1 MS. KATZ: Objection, leading.  
2 THE WITNESS: What's that?  
3 MR. MEDLOCK: Go ahead.  
4 MS. KATZ: You can answer.  
5 THE WITNESS: Sure.  
6 BY MR. MEDLOCK:  
7 Q Is one of the goals of your  
8 conversations with Congressman Sarbanes to try and  
9 find ways for more Democrats to be elected to  
10 local office?  
11 MS. KATZ: Objection, leading.  
12 MR. MEDLOCK: Go ahead.  
13 MS. KATZ: You can answer.  
14 THE WITNESS: Well, sure, we want to  
15 put a formidable team together. I don't think  
16 that's any different than the Republicans.  
17 BY MR. MEDLOCK:  
18 Q Sure.  
19 A Okay.  
20 Q Is one of the goals of your con- -- of  
21 your conversations with Congressman Sarbanes to  
22 try and find ways for more Democrats to be elected

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1 to Maryland statewide offices?  
2 MS. KATZ: Objection, leading.  
3 You can answer.  
4 THE WITNESS: Sure.  
5 BY MR. MEDLOCK:  
6 Q Is one of the goals of your  
7 conversations with Congressman Sarbanes to try and  
8 find ways for more Democrats to be elected to  
9 federal office from Maryland?  
10 MS. KATZ: Objection, leading.  
11 THE WITNESS: We didn't have that --  
12 we haven't had that discussion.  
13 BY MR. MEDLOCK:  
14 Q You haven't had a discussion with  
15 Congressman Sarbanes about finding ways for more  
16 Democrats to be elected to Maryland's  
17 U.S. Congressional del -- delegation?  
18 A No.  
19 MS. KATZ: Asked and answered.  
20 BY MR. MEDLOCK:  
21 Q To your knowledge, has any member of  
22 your legislative staff had a conversation with

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1 Congressman Sarbanes --  
2 A No.  
3 Q -- on that topic?  
4 A Uh-uh.  
5 Q Right. Why are your conver- --  
6 conversations with Congressman Sarbanes limited to  
7 local and statewide offices?  
8 A Because I think that's more important  
9 to me.  
10 Q When you say that to your knowledge  
11 none of your legislative staff have had  
12 conversations with Congressman Sarbanes regarding  
13 getting more Democrats elected to federal office,  
14 do you know whether those conversations have ever  
15 occurred, or are you guessing as to whether those  
16 conversations have ever occurred?  
17 A I -- I wouldn't know whether those  
18 conversations occurred or not.  
19 Q Okay. Do you consider  
20 Congressman Sarbanes to be a friend?  
21 A Yes.  
22 Q Would you consider him to be a close

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1 friend?  
2 A Politically. I mean, we don't  
3 socialize together.  
4 Q Sure. To your knowledge, has  
5 your -- well, let me back up.  
6 Have you ever spoken to  
7 Congressman Sarbanes regarding redistricting?  
8 A Reapportionment or redistricting?  
9 Q Well, let's break them out. Have you  
10 ever spoken to -- well, actually, let me back up.  
11 How do you define the term  
12 "reapportionment"?  
13 A I define the term "reapportionment" as  
14 congressional reapportionment. I -- I define the  
15 term "redistricting" as legislative redistricting.  
16 Q I see. Have you ever spoken to  
17 Congressman Sarbanes regarding congressional  
18 reapportionment?  
19 A No.  
20 Q Have you ever spoken to  
21 Congressman Hoyer regarding congressional  
22 reapportionment?

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1 A No.  
2 Q To your knowledge, has your staff ever  
3 spoken to Congressman Hoyer's staff --  
4 A To the best of my knowledge.  
5 Q To the best of your knowledge, they've  
6 never spoken to Congressman Hoyer's staff  
7 regarding congressional reapportionment?  
8 A To the best of my knowledge.  
9 Q Okay. And to the best of your  
10 knowledge, has any member of your legislative  
11 staff ever spoken to Congressman Sarbanes' staff  
12 regarding congressional reapportionment?  
13 A Not to the best of my knowledge.  
14 Q Okay. And you don't know whether  
15 those conversations have occurred or not, you  
16 just -- as you sit here today, you just don't have  
17 any evidence regarding --  
18 A Right.  
19 Q -- whether they've occurred?  
20 A I mean, I -- it would all be  
21 speculative.  
22 Q Okay. Do you have a working

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1 relationship with Congressman Chris Van Hollen?  
2 I --  
3 A Yes, uh-hmm.  
4 Q I should say former Congressman, now  
5 Senator Chris Van Hollen.  
6 A We served in the House and the Senate  
7 in Annapolis.  
8 Q Sure. How would you describe your  
9 working relationship with Congressman Van Hollen?  
10 A Very good.  
11 Q What makes it very good?  
12 A I think we've been open and friendly  
13 for years. I mean, he was -- as I say, we served  
14 together in the Maryland House of Delegates, then  
15 he ran for the Senate and won, was in the Senate,  
16 and then ran for Congress.  
17 Q When you say you've been open and  
18 friendly with Congressman Van Hollen for years,  
19 have you ever campaigned with him?  
20 A No. I -- I don't go into Montgomery  
21 County to campaign.  
22 Q That's a fair point. Has he ever

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1 asked you to?  
2 A No, uh-uh.  
3 Q Okay.  
4 A Well, let me just say this. When we  
5 ran for the U.S. Senate, I helped him in my  
6 area --  
7 Q Okay. So --  
8 A -- but not for Congress.  
9 Q -- in the last election cycle, in  
10 2006 -- 2016, when Congressman Van Hollen ran for  
11 Senate, you did assist his campaign?  
12 A Yes. Well, I went out and spoke for  
13 him. You know, rallies that would be in -- in my  
14 district, I would go -- I would stand up and  
15 endorse Chris Van Hollen.  
16 Q Do you have any reservation about  
17 doing that?  
18 A No, not at all.  
19 Q Besides speaking on  
20 Congressman Van Hollen's behalf in the  
21 2016 electoral cycle, did you do anything else to  
22 assist his 2016 campaign for U.S. Senate?

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1 A Not really, aside from, you know,  
2 trying to rally our Democratic clubs to get out  
3 there and support him.  
4 Q Besides the speaking and the  
5 get-out-the-vote efforts, did you ever make a  
6 financial contribution to Congressman Van Hollen's  
7 2016 campaign for U.S. Senate?  
8 A I don't think so. We're limited by  
9 law, you know.  
10 Q Right.  
11 A So I think the only campaigns I  
12 contributed to were the members of the House that  
13 were trying to run for his seat.  
14 Q Okay.  
15 A So, I mean, that was the limitation of  
16 my contributions.  
17 Q Okay. So did you contribute to  
18 Jamie Raskin's campaign then?  
19 A No, I did not.  
20 Q Oh, okay.  
21 A He was a member of the Senate.  
22 Q Fair -- oh, that's a good point. Fair

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1 enough.  
2 A I have Kumar Barve, and I think  
3 Ana Sol Gutierrez, and there was someone else.  
4 Q Okay.  
5 A I mean, so I gave like three  
6 hundred -- you're limited to under a thousand, so  
7 you give like \$333 to each campaign.  
8 Q It was a crowded field for that seat?  
9 A Yes, it was.  
10 Q Yes.  
11 A Not that I dislike Jamie Raskin. He's  
12 a good guy.  
13 Q Oh, certainly. He was my  
14 constitutional law professor. I have no qualms  
15 with him.  
16 A All right.  
17 Q Have you ever sought  
18 Congressman Van Hollen's endorsement for any  
19 campaign -- electoral campaign?  
20 A Not really. He just got elected to  
21 the Senate, but, you know, I think that Chris is  
22 the type of individual who will come back and --

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1 and endorse sitting Democrats throughout the  
2 state.  
3 Q Okay. What makes you say that?  
4 A Because I think that, you know, Chris  
5 believes in things the Democratic Party stands  
6 for.  
7 Q Okay. Can you elaborate on what you  
8 mean by Congressman Van Hollen believes in things  
9 the Democratic Party stands for?  
10 A Yeah. Protecting the Chesapeake Bay,  
11 education --  
12 Q Uh-hmm.  
13 A -- affordable healthcare.  
14 Q Uh-hmm.  
15 A I mean, things that we stand for that  
16 seem to be under assault right now.  
17 Q Understood. Have you ever given  
18 Congressman Van Hollen political advice?  
19 A No, other than just, you know, asking  
20 him what was taking place in Congress and, you  
21 know -- you know, he had a significant rise in the  
22 Democratic Caucus and Congress, but -- and I

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1 admire him.  
2 Q Why do you admire him?  
3 A I think -- because I think he's a hard  
4 worker, and he's a -- and he's a talented guy, and  
5 he's very bright.  
6 Q Have you ever attended any social  
7 functions with Congressman Van Hollen?  
8 A Outside of political functions, no.  
9 Q Do you consider him to be a friend?  
10 A Yes.  
11 Q Have you ever spoken to  
12 Congressman Van Hollen concerning congressional  
13 reapportionment?  
14 A No.  
15 Q To your knowledge, has anyone on your  
16 staff ever spoken to anyone at  
17 Congressman Van Hollen's --  
18 A No.  
19 Q -- office regarding congressional  
20 reapportionment?  
21 A No.  
22 Q And you don't -- same answer as you

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1 had for the -- for -- with respect to  
2 Congressman Hoyer and Congressman --  
3 A Sarbanes.  
4 Q -- Sarbanes, you don't know one way or  
5 the other whether those conversations occurred?  
6 A No.  
7 MS. KATZ: Objection, leading.  
8 BY MR. MEDLOCK:  
9 Q Do you know Congressman Van Hollen's  
10 chief of staff, CR Wooters?  
11 A Who?  
12 Q CR Wooters. I think I'm saying the  
13 last name right.  
14 A I don't think so.  
15 Q Do you know Congressman --  
16 Congressman Hoyer's chief of staff, Brian Ronick?  
17 A No, I -- John Bohannon used to work  
18 for us, was on his staff --  
19 Q Okay.  
20 A -- but I don't know Brian.  
21 Q How about Congressman Sarbanes' chief  
22 of staff, Jason Gleason, do you know him?

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1 A No. I mean, I might have run across  
2 him, but I -- you know, I've never really dealt  
3 with chiefs of staff.  
4 Q The name -- the name doesn't ring a  
5 bell, does it?  
6 A No. And, you know, anything we have,  
7 we -- you know, I talk directly to the  
8 congressmen.  
9 Q Okay. We mentioned Yaakov, Jake,  
10 Weissman earlier, and I don't know if I asked you  
11 this question.  
12 Have you ever communicated with  
13 Mr. Weissman regarding congressional  
14 reappointment?  
15 A No.  
16 Q Have you ever attended any meetings  
17 with Mr. Weissman regarding congressional --  
18 A No.  
19 Q -- reappointment?  
20 A Uh-uh.  
21 Q To your knowledge, has -- did  
22 Mr. Baker ever interact or communicate -- let me

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1 back up.  
2 To your knowledge, did Mr. Baker from  
3 your office ever communicate with Mr. Weissman  
4 regarding congressional reappointment?  
5 A Okay. I -- I think this is where they  
6 were both conduits from --  
7 Q Uh-hmm.  
8 A -- presiding officers' shops, and --  
9 and any information they gave us dealt with what  
10 came out of the Governor's office.  
11 Q Okay. So you've been involved in  
12 Maryland politics for more than 30 years; is that  
13 correct?  
14 A 31.  
15 Q Thirty -- you don't forget any year,  
16 correct?  
17 A Well, I mean, you know, when you --  
18 you start to tic them off, I mean, it's hard to  
19 believe you're there that long.  
20 Q The time -- time has flown by?  
21 A Yeah. What were you, in high school?  
22 Q Don't -- don't ask, sir. I -- I'll

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1 tell you off the record.  
2 A All right.  
3 Q All right. Do you have an  
4 understanding of which areas of Maryland lean  
5 Republican?  
6 MS. KATZ: Objection, vague.  
7 THE WITNESS: I -- look, I mean, I  
8 think you can assess after every election, you  
9 know -- you know, what area is a safe vote  
10 Republican, and what vote Democrat.  
11 BY MR. MEDLOCK:  
12 Q To your knowledge, does the  
13 Eastern Shore of Maryland tend to vote for  
14 Republicans?  
15 A If you look at the results, they do.  
16 Q Okay. To your knowledge, does  
17 Western Maryland tend to vote for Republicans?  
18 A If you look at the results, they do.  
19 Q When you say look at -- looking at the  
20 results, isn't it true that for most of the  
21 31 years that you've been involved in Maryland  
22 politics, Western Maryland has voted for

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1 conservative candidates?  
2 MS. KATZ: Objection, leading.  
3 THE WITNESS: What's that?  
4 MS. KATZ: You can answer. You can  
5 answer.  
6 THE WITNESS: Look, I mean, when I  
7 first came to office, Beverly Byron represented  
8 Western Maryland.  
9 BY MR. MEDLOCK:  
10 Q Uh-hmm. Beverly --  
11 A So --  
12 Q Beverly Byron was a Democrat, correct?  
13 A Yeah.  
14 Q And Beverly Byron was a conservative  
15 Democrat, correct?  
16 MS. KATZ: Objection, leading.  
17 THE WITNESS: Well, look, I think she  
18 represented her area, but, I mean, we -- we have  
19 not been a party that's excluded either liberals  
20 or conservatives.  
21 BY MR. MEDLOCK:  
22 Q Sure. And before 2010, who

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1 represented -- in -- let -- before the  
2 2010 election, who represented Western Maryland in  
3 U.S. Congress?  
4 A I'm assuming it was Roscoe Bartlett.  
5 Q And Roscoe Bartlett was a Republican,  
6 correct?  
7 A To the best of my knowledge he was,  
8 yes.  
9 Q Was it all ambiguous to you as to  
10 whether --  
11 A No --  
12 Q Okay.  
13 A -- he was -- he was a Republican.  
14 Q And he was -- he was a conservative  
15 Republican, correct?  
16 MS. KATZ: Objection, leading.  
17 THE WITNESS: I -- look, I -- I have  
18 no idea what his, you know, political values  
19 were --  
20 BY MR. MEDLOCK:  
21 Q Okay.  
22 A -- or personal values.

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1 Q Okay. In 2011, did you serve on the  
2 Governor's Redistricting Advisory Committee, or  
3 GRAC?  
4 A Yeah, uh-hmm.  
5 Q Prior to serving on the GRAC in 2011,  
6 had you ever served on any committee regarding  
7 congressional reapportionment?  
8 A No, other than back in, I guess it  
9 was, 1990, when Schaefer was the governor, I was  
10 chair of our delegation and presented the -- the  
11 Anne Arundel County position on -- on  
12 congressional redistricting. I wasn't very  
13 successful.  
14 Q Besides the experience in 1990 with  
15 Governor Schaefer, did you have any other prior  
16 experience regarding congressional reapportionment  
17 or congressional redistricting prior to being  
18 named to the GRAC in 2011?  
19 A No. I mean, I witness I was there,  
20 but didn't have any input.  
21 Q Prior to serving on the GRAC in 2011,  
22 did you have any input regarding the boundaries of

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1 Maryland's congressional districts in any other  
2 congressional reapportionment cycle?  
3 A Can you ask that question?  
4 Q Sure. So in -- in 2000 there was --  
5 there was a census, correct?  
6 A Right, uh-hmm.  
7 Q And there was another round of  
8 congressional reapportionment.  
9 A Right.  
10 Q Did you, in the 2000 congressional  
11 reapportionment cycle, have any input on how  
12 Maryland's congressional districts were drawn?  
13 A No.  
14 Q And you were -- and you were also in  
15 Maryland politics in 1990, correct?  
16 A Right, uh-hmm.  
17 Q Besides representing the  
18 Anne Arundel County position on congressional  
19 reapportionment, did you have any input into how  
20 the final lines of Maryland's congressional  
21 districts were drawn in response to the  
22 1990 census?

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1 A Ask me that question again.  
2 Q Sure. So in -- in 1990, there was  
3 another census, right?  
4 A Right, uh-hmm.  
5 Q Okay. And that census kicked off  
6 another round of congressional --  
7 A Right.  
8 Q -- reapportionment.  
9 A Uh-hmm.  
10 Q And you said earlier that you were  
11 involved in --  
12 A Right.  
13 Q -- presenting Anne Arundel County's  
14 views on congressional reapportionment.  
15 A Right, uh-hmm.  
16 Q Did you have any input in the  
17 1990 congressional reapportionment cycle on how  
18 the final boundaries of Maryland's congressional  
19 districts were drawn?  
20 A No.  
21 Q Okay. Prior to being named to the  
22 GRAC in 2011, did you have any experience using

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1 congressional reapportionment software?  
2 A No.  
3 Q To this day, do you have any  
4 experience using congressional reapportionment  
5 software?  
6 A No.  
7 Q Have you ever heard of a software  
8 program called Maptitude?  
9 A Nope. No, I have not.  
10 Q Nope is good too. That's -- that's  
11 all right.  
12 A Okay.  
13 MR. MEDLOCK: Can I get Exhibit 4?  
14 MS. KATZ: You doing okay?  
15 THE WITNESS: What's that?  
16 MS. KATZ: You doing okay? Do you  
17 need a break?  
18 THE WITNESS: Yeah, I'm fine.  
19 MR. MEDLOCK: Actually, it has been an  
20 hour, and thank you for noticing.  
21 MS. KATZ: Yeah.  
22 MR. MEDLOCK: Why don't we take a

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1 break, sure.  
2 MS. KATZ: We'll take a quick break.  
3 THE VIDEOGRAPHER: The time is now  
4 11:59. Going off the record.  
5 (A break was taken.)  
6 THE VIDEOGRAPHER: We are back on the  
7 record. The time is now 12:05.  
8 BY MR. MEDLOCK:  
9 Q All right, sir, welcome back.  
10 A I'm glad to be here.  
11 Q All right. You still are?  
12 A Yeah.  
13 Q Okay. All right. I'm going to show  
14 you what we previously marked as Exhibit 88 in  
15 this case.  
16 A I need my glasses, I think.  
17 Hopefully, I can find them down here somewhere.  
18 Q Okay.  
19 A Oh, here they are.  
20 Q So as we did with the other exhibits,  
21 sir, please take a moment to flip through it,  
22 review it to your satisfaction, and then let me

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1 know audibly on the record when you're done  
2 reviewing it.  
3 A (Witness reviewing Exhibit 88.) Okay.  
4 Q All right. So this is a -- Exhibit 88  
5 is a press release, correct?  
6 A Yeah.  
7 Q And it's --  
8 A At least to my knowledge it is, yeah.  
9 Q Okay. And then if you look at the top  
10 of the first page --  
11 A Uh-hmm.  
12 Q -- the press release is titled  
13 GOVERNOR MARTIN O'MALLEY ANNOUNCES MEMBERS OF THE  
14 GOVERNOR'S REDISTRICTING ADVISORY COMMITTEE.  
15 Did I read that --  
16 A Right --  
17 Q -- correctly?  
18 A -- uh-hmm. Uh-hmm.  
19 Q And below that there's a date,  
20 correct?  
21 A Yes.  
22 Q And the press release is dated

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1 July 4th, 2011; is that right?  
2 A That's when it says.  
3 Q Okay. And then below that, the press  
4 release contains information regarding the members  
5 of the Governor's Redistricting Advisory  
6 Committee.  
7 A Right.  
8 Q So besides you, there were four other  
9 members on the committee?  
10 A Yeah, I got -- and I got the shortest  
11 résumé there.  
12 Q Yes. And -- well, sometimes people  
13 with the shortest résumé is the ones who've done  
14 the most; isn't that right?  
15 A So I like to think so.  
16 Q Okay. So Jeanne Hitchcock was the  
17 chair of the GRAC; is that right?  
18 A Yes, she was, uh-hmm.  
19 Q To your knowledge, had Ms. Hitchcock  
20 been involved with any other Redistricting  
21 Advisory Committees?  
22 MS. KATZ: Objection, speculation.

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1 THE WITNESS: To the best of my  
2 knowledge, no.  
3 BY MR. MEDLOCK:  
4 Q To your knowledge, did Ms. Hitchcock  
5 have any experience with congressional  
6 redistricting software?  
7 MS. KATZ: Objection, speculation.  
8 THE WITNESS: Best of my knowledge,  
9 no.  
10 BY MR. MEDLOCK:  
11 Q To your knowledge, did Ms. Hitchcock  
12 have any prior experience whatsoever with  
13 congressional reapportionment or congressional  
14 redistricting?  
15 MS. KATZ: Objection.  
16 THE WITNESS: No.  
17 BY MR. MEDLOCK:  
18 Q Did you know Jeanne Hitchcock prior to  
19 her being named to the Redistricting Advisory --  
20 A Yes.  
21 Q -- Committee?  
22 A Uh-hmm.

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1 Q What was your relationship with  
2 Ms. Hitchcock like prior?  
3 A She was the appointment secretary --  
4 Q And --  
5 A -- for Governor O'Malley, and she  
6 served in numerous roles for him.  
7 Q Uh-hmm. Did you have a close working  
8 relationship with Ms. Hitchcock prior to serving  
9 on the GRAC?  
10 A Yes. I mean, I had a close working  
11 relationship with her, yeah.  
12 Q Do you have any understanding as to  
13 why Ms. Hitchcock was nominated to serve on the  
14 Governor's Redistricting Advisory Committee?  
15 MS. KATZ: Objection.  
16 THE WITNESS: It was the Governor's  
17 choice.  
18 BY MR. MEDLOCK:  
19 Q Besides that, do you have any  
20 understanding?  
21 A No. I mean, I don't -- I have no  
22 other understanding.

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1 Q So the next two people listed in order  
2 are Senate President Miller and yourself on this.  
3 A Uh-hmm.  
4 Q And then the next person is  
5 James King, correct?  
6 A Right, uh-hmm.  
7 Q Do you know -- did you know Mr. King  
8 prior to him being named to the GRAC?  
9 A Yes.  
10 Q And was that due to Mr. King serving  
11 in the House of Delegates?  
12 A Yes.  
13 Q And Mr. King is a Republican member of  
14 the House of Delegates?  
15 A Yes.  
16 Q To your knowledge, did Mr. King have  
17 any prior experience with congressional  
18 reapportionment or redistricting prior to being  
19 named to the GRAC --  
20 A No.  
21 Q -- in 2011?  
22 To your knowledge, did Mr. King have

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1 any prior experience with congressional  
2 reapportionment software prying to -- prior to  
3 being named to the GRAC in 2011?  
4 A No.  
5 Q Do you have any understanding as to  
6 why Governor O'Malley appointed Mr. King to serve  
7 on the GRAC in 2011?  
8 MS. KATZ: Objection, speculation.  
9 THE WITNESS: I do not know why.  
10 BY MR. MEDLOCK:  
11 Q Do you know whether the Maryland  
12 Republican Party was consulted regarding Mr. King  
13 being named to the GRAC in 2011?  
14 A I do not, no.  
15 MS. KATZ: Objection.  
16 BY MR. MEDLOCK:  
17 Q All right. And the final, the fifth  
18 member of the Governor's Redistricting Advisory  
19 Committee is listed as Richard Stewart, correct?  
20 A Yes.  
21 Q Prior to Mr. Stewart being named to  
22 the Governor's Redistricting Advisory Committee in

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1 2011, had you ever worked with him in anything --  
2 A No. I never even knew him.  
3 Q Do you know whether Mr. Stewart had  
4 any prior experience with congressional  
5 reapportionment prior to being named to the GRAC?  
6 MS. KATZ: Objection.  
7 THE WITNESS: No, I do not believe he  
8 had any.  
9 BY MR. MEDLOCK:  
10 Q To your observation and knowledge, did  
11 Mr. Stewart have any prior experience with  
12 congressional reapportionment software prior to  
13 being named to the GRAC?  
14 A No.  
15 Q Do you have any understanding as to  
16 why Mr. Stewart was appointed to the GRAC by  
17 Governor O'Malley?  
18 A No.  
19 MS. KATZ: Objection, speculation.  
20 BY MR. MEDLOCK:  
21 Q When you were named to the GRAC in  
22 2011, was that your first time serving on the

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1 Governor's Redistricting --  
2 A Yes.  
3 Q -- Advisory Committee?  
4 A Uh-hmm.  
5 Q All right. I'll show you the next  
6 document, which was previous -- previously marked  
7 as Exhibit 98 in this litigation.  
8 A Sure, uh-hmm.  
9 Q As you did with Exhibit 88, please  
10 take a moment to read through it, review it, and  
11 let me know when you're done reviewing it.  
12 A (Witness reviewing Exhibit 98.)  
13 Yes, all right.  
14 Q Okay. So this is a three-page  
15 printout from a website that's titled GOVERNOR'S  
16 REDISTRICTING ADVISORY COMMITTEE at the top --  
17 A Uh-hmm.  
18 Q -- of the first page.  
19 A Uh-hmm.  
20 Q You see that?  
21 A Yes.  
22 Q Okay. I want to focus on the first

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1 body paragraph on the first page that begins with  
2 "The Governor authorized." Do you see that?  
3 A Yes, I do.  
4 Q Okay. That paragraph reads, "The  
5 Governor authorized the Governor's Redistricting  
6 Advisory Committee in July 2011. The Committee  
7 charge was to draft redistricting plans for the  
8 State's forty-seven legislative election  
9 districts, and eight congressional election  
10 districts. To do so, it drew on information and  
11 analysis offered at public hearings, from public  
12 comment, and following review of the federal  
13 census returns."  
14 Did I read that correctly?  
15 A Yes, you did.  
16 Q Do you have any reason to dispute that  
17 the Governor's Redistricting Advisory Committee  
18 was charged with drafting redistricting plans?  
19 A No.  
20 Q In -- in 2000 -- in the  
21 2011 congressional reapportionment cycle, did the  
22 Redi- -- Governor's Redistricting Advisory

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1 Committee in fact draft a congressional  
2 redistricting plan?  
3 A I think the Governor drafted a  
4 redistricting plan.  
5 Q So it's -- I just want to make sure I  
6 understand.  
7 It's your testimony that the Governor  
8 drafted the Congressional Redistricting Plan, and  
9 then it was provided to the GRAC, or it was --  
10 A Yes.  
11 Q Who in the Office of the  
12 Governor drafted the 2011 Congressional  
13 Redistricting Plan for the GRAC?  
14 MS. KATZ: Objection, asked and  
15 answered.  
16 THE WITNESS: I have no idea.  
17 BY MR. MEDLOCK:  
18 Q When you say that the Governor's  
19 office drafted the Congressional Redistricting  
20 Plan --  
21 A Right.  
22 Q -- what evidence do you have that the

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1 Governor's office actually did that?  
2 A I don't have any, but it came out of  
3 the Governor's office.  
4 Q So as you sit here today, you have  
5 no -- no documents or e-mails showing that the  
6 Governor's office actually drafted the  
7 2011 Congressional Redistricting Plan?  
8 A I have no documents or e-mails, no.  
9 Q If the Governor's office was in fact  
10 the -- the organization that drafted the  
11 Congressional Redistricting Plan, why does this  
12 website say that it was the GRAC that did that?  
13 MS. KATZ: Objection, speculation.  
14 THE WITNESS: Well, I -- I have no  
15 idea. I did not put out the press release here or  
16 whatever it happens to be.  
17 BY MR. MEDLOCK:  
18 Q Okay. Let's actually go back to  
19 Exhibit 88.  
20 A Go ahead.  
21 Q Do you have that in front of you, sir?  
22 It should be this one right here.

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1 A Go ahead.  
2 Q Okay. So I'm on the first  
3 paragraph --  
4 A Uh-hmm.  
5 Q -- after ANNAPOLIS, MD (July 4, 2011),  
6 on the first page. Do you see that?  
7 A Uh-hmm.  
8 Q All right. That paragraph reads,  
9 "Governor Martin O'Malley today announced the  
10 creation of the Governor's Redistricting Advisory  
11 Committee (GRAC). The five-member committee will  
12 hold ... hearings, receive public comment, and  
13 draft a recommended plan for the State's  
14 legislative and congressional redistricting."  
15 Did I read that correctly?  
16 A Yes.  
17 Q Is that paragraph accurate?  
18 A I would suggest that it is.  
19 Q How do you reconcile the statement  
20 that the GRAC was going to draft a recommended  
21 plan for the State's congressional redistricting  
22 with your testimony that it was, in fact, the

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1 Governor's office that did it?  
2 A Because the Governor's office chaired  
3 the committee, took all the notes, and referred  
4 any recommendation from the public hearings back  
5 to the Governor's office.  
6 Q When you say the Governor's office  
7 chaired the committee, are you referring to  
8 Ms. Hitchcock?  
9 A Yeah, uh-hmm.  
10 Q When you say that the Governor's  
11 office took all the notes, what do you mean by  
12 that?  
13 A In other words, people at the  
14 different meetings across the state --  
15 Q Uh-hmm.  
16 A -- made recommendations about keeping  
17 communities together --  
18 Q Uh-hmm.  
19 A -- and other things, and she took all  
20 the information and notes and utilized them I  
21 guess to inform the Governor.  
22 Q So you mention public meetings. As a

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1 member of the GRAC, did you attend those public  
2 meetings?  
3 A All but one.  
4 Q Did you take notes during those  
5 meetings?  
6 A Not really, no.  
7 Q When you say not really, no, what do  
8 you mean by that?  
9 A I didn't take notes.  
10 Q Did you respond to comments that were  
11 offered by the people who attended those meetings?  
12 A Basically we listened.  
13 Q Did you ever speak at any of the  
14 meetings?  
15 A I don't remember asking any questions  
16 at any of the meetings that I attended.  
17 Q After the meeting, did you draft up a  
18 summary of what was discussed at the meeting?  
19 A I did not.  
20 Q Did anyone on the GRAC draft up a  
21 summary or report of what was discussed at any of  
22 the public meetings that the GRAC held?

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1 A I think that Jeanne Hitchcock, as I  
2 mentioned before --  
3 Q Uh-hmm.  
4 A -- took all the written information  
5 and compiled it.  
6 Q Do you recall Ms. Hitchcock taking  
7 notes at the GRAC's public meetings?  
8 A Yes.  
9 Q Do you recall receiving reports from  
10 Ms. Hitchcock about what was discussed at each of  
11 the GRAC's public meetings?  
12 A No, I do not.  
13 Q Did Ms. Hitchcock ever show you her  
14 notes?  
15 A No.  
16 Q Have you ever seen a copy of  
17 Ms. Hitchcock's notes?  
18 A No.  
19 Q When you were working on the GRAC, did  
20 you receive public comments from -- did you  
21 receive public comments regarding the propo- --  
22 regarding congressional redistricting?

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1 A Did I what?  
2 Q When you were on the GRAC --  
3 A Right.  
4 Q -- did the GRAC receive public  
5 comments outside of these meetings that you've  
6 been testifying about that related to the GRAC's  
7 proposed congressional map?  
8 A No.  
9 Q Did you ever ask to see any public  
10 comments that were offered regarding the GRAC's  
11 con- -- proposed congressional map?  
12 A No.  
13 Q Do you know whether any such comments  
14 exist?  
15 A I don't know -- know if they still  
16 exist or not.  
17 Q Do you know whether they existed in  
18 2011?  
19 A What's that?  
20 Q Do you know whether such comments  
21 existed in 2011?  
22 A No.

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1 Q At some point, the GRAC voted on a  
2 final proposed congressional map, correct?  
3 A Right, uh-hmm.  
4 Q Is it your testimony that the  
5 Governor's office drafted that final proposed map?  
6 A Yes.  
7 Q And the GRAC approved the Governor's  
8 final proposed map?  
9 A We -- we did approve it.  
10 Q Do you know what factors the  
11 Governor's office considered when drawing the map  
12 that was sent to the GRAC?  
13 A I'm assuming it came from the  
14 testimony that was taken at the twelve different  
15 locations.  
16 Q That's your assumption?  
17 A That's my assumption, yeah.  
18 Q Do you know that to be true?  
19 A I do not know that to be true, but  
20 that's an assumption.  
21 Q Have you done anything to investigate  
22 whether that assumption is true?

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1 A No.  
2 Q How did the -- did the -- how did the  
3 GRAC go about approving the map that the  
4 Governor's office drew?  
5 A We basically presented it, voted --  
6 voted on it, presented it to the House chamber and  
7 the Senate chamber.  
8 Q Who presented the Governor's map to  
9 the GRAC?  
10 A I do not know. It might have been  
11 Jeanne. I don't know.  
12 Q But you don't know one way or the  
13 other who did it?  
14 A No, uh-uh.  
15 Q What factors did the GRAC consider  
16 when voting on the Governor's map?  
17 A I don't understand the question.  
18 Q Did the -- were there particular  
19 factors that members of the -- that you considered  
20 when evaluating the Governor's proposed  
21 congressional map?  
22 A No.

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1 Q To your knowledge, did -- did other  
2 members of the GRAC consider any particular  
3 factors when evaluating the Governor's proposed  
4 map?  
5 MS. KATZ: Objection, speculation.  
6 THE WITNESS: No, to the best of my  
7 knowledge.  
8 BY MR. MEDLOCK:  
9 Q Why did you vote in favor of the  
10 Governor's approved map -- proposed map?  
11 A Because I think there was a thorough  
12 vetting throughout the state, and, you know, I  
13 think the Governor's office put together a map  
14 that he believed was in the best interest of the  
15 citizens of Maryland.  
16 Q What evidence do you have that the  
17 Governor's office considered the thorough vetting  
18 that occurred throughout the state?  
19 A I would assume that he had numerous  
20 conversation with Jeanne Hitchcock.  
21 Q That's an assumption?  
22 A That's an assumption.

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1 Q You don't know that to be true?  
2 A Do not know that to be true.  
3 Q And you have no evidence to show that  
4 that's true?  
5 A No.  
6 Q What evidence do you have that the  
7 Governor's office was -- that the -- the goal of  
8 the Governor's office was to put together a map  
9 that was in the best interest of the citizens of  
10 Maryland?  
11 A Well, I think that was the goal we all  
12 ascribed to.  
13 Q Do -- do you know whether --  
14 A It's not a perfect system.  
15 Q Sure. But do you know whether that  
16 was the Governor -- the goal of the Governor's  
17 office?  
18 A The what?  
19 Q Do you know whether that was the goal  
20 of the Governor's office --  
21 A I do not know for a fact, no.  
22 MS. KATZ: Objection.

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1 BY MR. MEDLOCK:  
2 Q Did you ever ask anyone at the  
3 Governor's office what their goals were when  
4 putting together the draft map that was sent to  
5 the GRAC?  
6 A I did not.  
7 Q As you sit here today, do you know of  
8 any factors that the Governor's office considered  
9 when putting together the draft map that they sent  
10 to the GRAC?  
11 MS. KATZ: Objection.  
12 THE WITNESS: I do not.  
13 BY MR. MEDLOCK:  
14 Q When you were evaluating the draft map  
15 that the Governor's office sent to the GRAC, did  
16 you consider communities of interest?  
17 A Yes, we did.  
18 Q What does communities of interest mean  
19 to you?  
20 A They weren't split up, and there are  
21 certain guidelines by the federal government for,  
22 you know, minority representation, and, you know,

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1 it's much tighter as far as the number of people  
2 in a congressional district than legislative  
3 redistricting.  
4 Q Uh-hmm.  
5 A You have to remember, we were doing  
6 legislative redistricting at the same time.  
7 Q What sort of data did you receive  
8 regarding communities of interest when you were  
9 serving on the GRAC?  
10 A I think there were a couple  
11 communities that had been split, like  
12 neighborhoods --  
13 Q Uh-hmm.  
14 A -- that I think, you know, Jeanne took  
15 into consideration when she went back to meet with  
16 the Governor.  
17 Q Do you know whether the Governor's  
18 office took into account preserving communities of  
19 interest when it drafted the map, the proposed  
20 congressional map, that was sent to the GRAC?  
21 MS. KATZ: Objection.  
22 THE WITNESS: Ask me the question

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1 again.  
2 BY MR. MEDLOCK:  
3 Q Sure. Do you know whether the  
4 Governor's office took into account preserving  
5 communities of interest when it drafted the  
6 proposed congressional map that it sent to the  
7 GRAC?  
8 A I would only have to assume that he  
9 did.  
10 Q Okay. And that's a guess?  
11 A Yeah.  
12 Q And you have -- you have no evidence  
13 to support your guess?  
14 A No.  
15 Q Do you know what the term  
16 "compactness" means with respect to congressional  
17 redistricting?  
18 A Yeah, I -- I think I do. I think it  
19 means compacting the district and, you know, I  
20 think that's -- you know, in other words, keeping  
21 things together, I don't know, for --  
22 Q Okay. Do you know whether the

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1 Governor's office considered compactness when  
2 drafting the proposed map --  
3 A No.  
4 Q -- that it sent to the GRAC?  
5 MS. KATZ: Objection, speculation.  
6 THE WITNESS: No.  
7 BY MR. MEDLOCK:  
8 Q Have you ever heard the term  
9 "majority-minority communities" used with  
10 respect --  
11 A Yeah.  
12 Q -- to --  
13 A Uh-hmm.  
14 Q -- congressional redistricting?  
15 A Uh-hmm.  
16 Q What does the term "majority-minority  
17 communities" mean with respect to congressional  
18 redistricting?  
19 A Well, I would think that those are  
20 traditionally people that are African-American,  
21 Hispanic --  
22 Q Uh-hmm.

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1 A -- and other under the -- under the  
2 terminology I guess used at the federal level.  
3 Q Do you know whether the Governor's  
4 office took into account majority-minority  
5 communities when drafting the congression- -- the  
6 proposed congressional map that it sent to the  
7 GRAC?  
8 MS. KATZ: Objection.  
9 THE WITNESS: I'm sure he did.  
10 BY MR. MEDLOCK:  
11 Q When you say you're sure he did, do  
12 you have any evidence that the Governor's office  
13 did, in fact, consider majority-minority  
14 communities when drafting the proposed  
15 congressional map?  
16 A Well, I think the evidence is the fact  
17 that you have two majority-minority districts.  
18 Q Besides that, do you have any other  
19 evidence to support --  
20 A No.  
21 Q -- your guess? Okay.  
22 Do you -- did you ever ask the

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1 Governor's office whether they considered  
2 majority-minority communities when drafting the  
3 proposed congressional map?  
4 A I did not, no.  
5 Q Did you ever ask the Governor's office  
6 whether they considered compactness when drafting  
7 the proposed congressional map?  
8 A I did not.  
9 Q Did -- do you know what the term  
10 "protecting incumbents" means with respect to  
11 congressional redistricting?  
12 A I know that's a terminology.  
13 Q What -- what do you understand that  
14 terminology to mean?  
15 A I think that, you know, people draw up  
16 maps and people run for office.  
17 I don't think it'd protect any --  
18 Q Uh-hmm.  
19 A -- incumbents. There's an  
20 opportunity to win whatever seat. Witness  
21 Georgia.  
22 Q Do you believe that -- well, let me

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1 back up.  
2 Do you know whether the Governor's  
3 office considered protecting incumbents when  
4 drafting the proposed congressional map?  
5 A I do not know that --  
6 MS. KATZ: Objection.  
7 THE WITNESS: -- for a fact.  
8 BY MR. MEDLOCK:  
9 Q As a GRAC member, what were your  
10 objectives with respect to congressional  
11 redistricting?  
12 A My per- -- my objectives?  
13 Q Uh-hmm.  
14 A I -- I felt that, you know, the eight  
15 congressional districts were going to be drawn up  
16 that reflected the growth in the state of  
17 Maryland.  
18 Q Okay. What do you mean by reflected  
19 the growth of the state -- in the state of  
20 Maryland?  
21 A It means that where the population  
22 grows.

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1 Q Okay. Did you at all consider when  
2 voting on the proposed congressional map commuting  
3 patterns on I-270?  
4 A The what?  
5 Q Are -- you know Interstate 270 --  
6 A Uh-hmm.  
7 Q -- which comes off of the Capital  
8 Beltway --  
9 A Yeah.  
10 Q -- and goes up into Frederick County?  
11 A Right.  
12 Q Did you at all consider commuting  
13 patterns on I-270 when you voted on the proposed  
14 congressional map?  
15 A No. It never -- never crossed my  
16 mind.  
17 Q Did you receive any data regarding  
18 propo- -- regarding commuting patterns on I-270  
19 when you were considering the proposed  
20 congressional map?  
21 A No.  
22 Q Did you ever ask for any such data?

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1 A No.  
2 Q Do you know whether anyone else on the  
3 GRAC had any such data?  
4 A No. I don't think anybody asked such  
5 question.  
6 Q When you were on the GRAC -- and I  
7 don't want to get into -- into any legal advice  
8 that you were given -- what guidance were you  
9 given for approving or disa- -- or disapproving  
10 the final congressional map?  
11 MS. KATZ: Objection.  
12 THE WITNESS: Repeat that again.  
13 BY MR. MEDLOCK:  
14 Q So I don't want to get into any legal  
15 advice that you may have gotten --  
16 A Yeah.  
17 Q -- but what I want to ask you is were  
18 you given any guidance regarding approving or  
19 disapproving the final congressional map that the  
20 GRAC voted on?  
21 MS. KATZ: Objection, vague.  
22 THE WITNESS: No. I mean, look, I

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1 felt when the map came down that my job was to get  
2 a super majority of legislators to vote for it.  
3 BY MR. MEDLOCK:  
4 Q Were there any particular factors that  
5 you were told to consider when evaluating the  
6 draft congressional map that the Governor sent to  
7 the GRAC?  
8 MS. KATZ: Objection.  
9 THE WITNESS: What's that question  
10 again?  
11 BY MR. MEDLOCK:  
12 Q Were there any factors that you were  
13 told to consider when you were evaluating the  
14 draft congressional map that the Governor sent to  
15 the GRAC?  
16 A No.  
17 Q Under what circumstances would you  
18 have voted against the draft congressional map  
19 that the Governor sent to the GRAC?  
20 MS. KATZ: Objection, speculation.  
21 THE WITNESS: Really none, if we got  
22 85 votes.

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1 BY MR. MEDLOCK:  
2 Q Okay. So it's simply a matter of  
3 considering whether you would have enough votes to  
4 pass the map?  
5 MS. KATZ: Objection.  
6 THE WITNESS: Well, I mean, the  
7 ultimate goal was that the Governor sends down a  
8 map that's got to be approved by both houses.  
9 BY MR. MEDLOCK:  
10 Q All right. Showing you the next  
11 exhibit, which is marked -- was previously marked  
12 as Exhibit 100 in this litigation. It's a  
13 one-page document that at the top says Governor's  
14 Redistricting Advisory Committee.  
15 A Uh-hmm.  
16 Q Can you please take a moment to review  
17 it to your satisfaction, and then let me know on  
18 the record when you're done reviewing it.  
19 A (Witness reviewing Exhibit 100.)  
20 Yeah, I -- I reviewed it.  
21 Q Okay. Have you ever seen Exhibit 100  
22 before?

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1 A Never.  
2 Q Okay. Exhibit 100 is an agenda for a  
3 July 6, 2011, meeting of the Governor's  
4 Redistricting Advisory Committee, correct?  
5 A Yeah.  
6 MS. KATZ: Objection, leading.  
7 BY MR. MEDLOCK:  
8 Q Do you recall whether you attended  
9 this July 6, 2011, meeting?  
10 A I'm sure I was there.  
11 Q Do you know whether any of your staff  
12 attended this July 6, 2011, meeting?  
13 A I have no idea.  
14 Q Do you recall taking any notes at this  
15 July 6, 2011, meeting?  
16 A What's that?  
17 Q Do you recall taking any notes at this  
18 July 6, 2011, meeting?  
19 A No.  
20 Q Would it have been your practice to  
21 take notes at a meeting such as this?  
22 A No.

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1 Q Do you recall receiving any summary of  
2 this meeting after it occurred?  
3 A No.  
4 Q Do you recall receiving any sort of  
5 minutes of this meeting?  
6 A No.  
7 Q Do you have any independent  
8 recollection of this meeting besides looking at  
9 this document?  
10 A No.  
11 Q Okay.  
12 A Might not even have been there.  
13 Q Other than believing that you may have  
14 been there, do you have any other recollection of  
15 this meeting?  
16 A No.  
17 Q Do you have any recollection of what  
18 was discussed at this meeting?  
19 A No.  
20 Q Okay.  
21 MR. MEDLOCK: Mark the next exhibit,  
22 which will be 115.

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1 (Busch Exhibit 115 was marked  
2 for identification.)  
3 BY MR. MEDLOCK:  
4 Q All right, sir, I've put in front of  
5 you what we've marked as Exhibit 115 to your  
6 deposition. It's a one-page e-mail --  
7 A Uh-hmm.  
8 Q -- and I'm focused on the portion  
9 that's dated July 6, 2011.  
10 A Uh-hmm.  
11 Q Can you take a moment to review that,  
12 and then let me know when you're done reviewing  
13 it.  
14 A Okay.  
15 (Witness reviewing Exhibit 115.)  
16 Okay.  
17 Q Okay? All right. So the e-mail on  
18 July 6, 2011, that's from Jeremy Baker --  
19 A Right.  
20 Q -- to Pat Murray, correct?  
21 A Yes.  
22 Q And Mr. Baker at the time worked in

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1 your office, correct?  
2 A Yes, he did, uh-hmm.  
3 Q And Patrick Murray worked for  
4 Senate President Miller at the time, correct?  
5 A Yes, best of my memory he did.  
6 Q Okay.  
7 A He worked for me, he worked for  
8 Miller, he worked for numerous people. Go ahead.  
9 Q Okay. The subject line of the e-mail  
10 is "talked with MB," correct?  
11 A That's it, uh-hmm.  
12 Q And MB is your initials, correct?  
13 A Yes, it is.  
14 Q All right. The e-mail -- the body of  
15 the e-mail reads, "He needs to see Steny's map  
16 before we figure out what direction we want to go  
17 in. But I don't think he wants to have to whip  
18 votes for the congressional map when our map is  
19 around the corner."  
20 Did I read that correctly?  
21 A Yes, you did.  
22 Q Okay. I want to focus on the first

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1 sentence.  
2 Do you have an understanding of what  
3 the sentence "He needs to see Steny's map before  
4 we figure out what direction we want to go in"  
5 means?  
6 MS. KATZ: Objection.  
7 THE WITNESS: I do not. I don't know  
8 what that means.  
9 BY MR. MEDLOCK:  
10 Q Okay. Do you know whether  
11 Congressman Hoyer ever drafted a proposed  
12 congressional map?  
13 A I have no idea.  
14 Q Do you recall ever -- whether  
15 Congressman Hoyer ever gave feedback to any member  
16 of the GRAC regarding the proposed congressional  
17 map?  
18 MS. KATZ: Objection, speculation.  
19 THE WITNESS: Not to the best of my  
20 knowledge.  
21 BY MR. MEDLOCK:  
22 Q Did Mr. Baker ever discuss this e-mail

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1 with you?  
2 A No.  
3 Q There's a reference here to Steny. Do  
4 you understand that to mean Congressman Hoyer?  
5 A Yes.  
6 Q Do you know what con- -- what "Steny's  
7 map" means?  
8 MS. KATZ: Objection, speculation.  
9 THE WITNESS: I do not.  
10 BY MR. MEDLOCK:  
11 Q Do you know what the phrase "figure  
12 out what direction we want to go in" means?  
13 MS. KATZ: Objection.  
14 THE WITNESS: No, I do not.  
15 BY MR. MEDLOCK:  
16 Q Okay. So if you compare -- do you  
17 still have Exhibit 100 in front of you, sir?  
18 A Uh-hmm.  
19 Q Okay. Exhibit 100 says that the  
20 Governor's Redistricting Advisory Committee met on  
21 July 6, 2011, from 1:00 p.m. to 2:00 p.m.,  
22 correct?

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1 A Yes.  
2 Q And this e-mail was sent on the same  
3 day, correct?  
4 A Yes, uh-hmm.  
5 Q It was sent at 4:14 p.m., correct?  
6 A Right.  
7 Q So it was sent after --  
8 A Uh-hmm.  
9 Q -- the meeting referred to in  
10 Exhibit 100, correct?  
11 A Yes, uh-hmm.  
12 Q Okay. So the second sentence, I don't  
13 think he wants -- "But I don't think he wants to  
14 have to whip votes for the congressional map when  
15 our map is around the corner," do you have an  
16 understanding of what that means?  
17 MS. KATZ: Objection.  
18 THE WITNESS: No, I do not.  
19 BY MR. MEDLOCK:  
20 Q You said during this time the GRAC was  
21 working on two different maps, right? One was the  
22 congressional map, and one was a legislative

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1 map --  
2 A Right.  
3 Q -- correct?  
4 A Uh-hmm.  
5 Q Do you know whether the phrase "our  
6 map" refers to the legislative map?  
7 MS. KATZ: Objection.  
8 THE WITNESS: I -- I -- I don't know.  
9 BY MR. MEDLOCK:  
10 Q Okay. Do you know whether any member  
11 of Maryland's U.S. House delegation ever drafted a  
12 proposed congressional map in 2011?  
13 MS. KATZ: Objection.  
14 THE WITNESS: I do not know.  
15 BY MR. MEDLOCK:  
16 Q Did you ever ask the members of  
17 Maryland's U.S. House delegation for any input on  
18 the 2011 congressional reapportionment decision?  
19 A No.  
20 Q To your knowledge, did the GRAC ever  
21 reach out to the members of Maryland's U.S. House  
22 delegation regarding congressional

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1 reapportionment?  
2 A I do not know.  
3 MR. MEDLOCK: Mark this as 116.  
4 THE WITNESS: Do I have to read all  
5 this?  
6 MR. MEDLOCK: No.  
7 (Busch Exhibit 116 was marked  
8 for identification.)  
9 BY MR. MEDLOCK:  
10 Q So you can flip through it, sir. I'm  
11 going to have very general questions regarding  
12 this document.  
13 A Go ahead.  
14 Q Okay. My first question is, do you  
15 recognize Exhibit 116?  
16 A I recognize the state of Maryland.  
17 Q Do you -- do you recognize the format  
18 of this document?  
19 A I don't remember this document.  
20 Q Okay. Do you remember ever receiving  
21 this Exhibit 116?  
22 A Not really.

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1 Q Do you recall ever reading  
2 Exhibit 116?  
3 A I did not read this, I can guarantee  
4 you that.  
5 Q Do you know whether any member of your  
6 legislative staff ever read Exhibit 116?  
7 A I have no idea.  
8 Q During your deliberations on the GRAC,  
9 did you ever look at Exhibit 116?  
10 A No.  
11 Q During your deliberations on the GRAC,  
12 did you ever look at any of the data that is  
13 presented in Exhibit 116?  
14 MS. KATZ: Objection.  
15 THE WITNESS: No.  
16 BY MR. MEDLOCK:  
17 Q Do you recall looking at any data  
18 whatsoever when you were evaluating the Governor's  
19 proposed congressional map that he sent to the  
20 GRAC?  
21 MS. KATZ: Objection, vague.  
22 THE WITNESS: Can you -- can you ask

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1 that again?  
2 BY MR. MEDLOCK:  
3 Q Sure. Do you recall looking at any  
4 sort of data -- let me break it down.  
5 Did you ever look at any data  
6 regarding race when you were considering the  
7 Governor's proposed congressional map?  
8 A I think that the committee did  
9 consider race, because you had numerous people  
10 from the African-American community come out and  
11 testify in both Baltimore, Prince George's, and  
12 other areas of the state.  
13 Q So putting aside the testimony, did  
14 you actually look at any data? Did the GRAC look  
15 at any data regarding race --  
16 MS. KATZ: Objection.  
17 BY MR. MEDLOCK:  
18 Q -- when it was considering the  
19 Governor's proposed map?  
20 MS. KATZ: Objection.  
21 THE WITNESS: No, other than following  
22 the federal guidelines.

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1 BY MR. MEDLOCK:  
2 Q Did -- when you say federal  
3 guidelines, what do you mean by federal  
4 guidelines?  
5 A There's federal guidelines about  
6 majority-minority districts.  
7 Q Okay. And the GRAC followed -- to  
8 your knowledge, followed the guidelines that  
9 it -- those federal guidelines regarding  
10 majority-minority districts, correct?  
11 A Best of my knowledge they did.  
12 Q Right. Is the GRAC capable of --  
13 would the GRAC be capable of following other  
14 federal guidelines regarding congressional  
15 reapportionment?  
16 MS. KATZ: Objection, vague.  
17 THE WITNESS: Yes. I mean, certainly  
18 we knew that all the congressional districts had  
19 to be almost exact in numbers.  
20 BY MR. MEDLOCK:  
21 Q Okay. Can you think of any other  
22 con- -- other federal guidelines that the GRAC

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1 followed?  
2 A Not really. I think they were the two  
3 main issues.  
4 Q If one of the federal guidelines that  
5 the -- that was given to the GRAC was whether it  
6 could or could not consider data regarding party  
7 affiliation, would the GRAC be able to follow that  
8 guideline?  
9 MS. KATZ: Objection, speculation.  
10 THE WITNESS: Ask me that question  
11 again.  
12 BY MR. MEDLOCK:  
13 Q Sure. If -- if the GRAC were given  
14 federal guidelines about whether it could consider  
15 party affiliation when drawing congressional  
16 districts, could the GRAC follow that guideline?  
17 MS. KATZ: Objection.  
18 THE WITNESS: Look, I think the GRAC  
19 followed the -- the two guidelines that I  
20 talked --  
21 BY MR. MEDLOCK:  
22 Q Sure. It's like -- go ahead, sir,

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1 sorry.  
2 A That -- that we discussed.  
3 Q If those guidelines were expanded to  
4 include additional guidelines, could the GRAC  
5 follow them?  
6 MS. KATZ: Objection, speculation.  
7 THE WITNESS: I don't remember any  
8 additional guidelines.  
9 BY MR. MEDLOCK:  
10 Q Sure. My question is, if the GRAC had  
11 had more guidelines, could the GRAC follow  
12 those --  
13 MS. KATZ: Asked and answered.  
14 BY MR. MEDLOCK:  
15 Q -- as well?  
16 A I would assume they could.  
17 Q Okay. So if the GRAC were given  
18 additional guidelines regarding whether it could  
19 consider party affiliation when drawing a  
20 congressional map, could the GRAC follow that  
21 guideline?  
22 MS. KATZ: Objection, speculation,

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1 asked and answered.  
2 THE WITNESS: I -- once again, I mean,  
3 that would be an assumption on my part.  
4 BY MR. MEDLOCK:  
5 Q Sure. But as you sit here today as a  
6 former member of the GRAC, could the GRAC -- is  
7 the GRAC -- would the GRAC be capable of --  
8 A Forming other guidelines?  
9 Q Yes.  
10 MS. KATZ: Objection, speculation.  
11 THE WITNESS: Look, I'm sure they  
12 would try to follow whatever guidelines are out  
13 there.  
14 BY MR. MEDLOCK:  
15 Q Okay. Sir, have you ever heard of a  
16 consulting company called NCEC Services?  
17 A Never.  
18 Q Have you ever heard of an individual  
19 named Mark Gersh?  
20 A Who?  
21 Q Mark Gersh, last name G-E-R-S-H.  
22 A No.

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1 Q Have you ever heard of an individual  
2 named Eric Hawkins?  
3 A No.  
4 MR. MEDLOCK: All right. Mark the  
5 next exhibit.  
6 (Busch Exhibit 117 was marked  
7 for identification.)  
8 BY MR. MEDLOCK:  
9 Q All right, sir, I'm showing you what  
10 we've marked as Exhibit 117 to your deposition.  
11 It is an e-mail exchange, on September 1st, 2011,  
12 between e-mail addresses MG2590@aol.com, which  
13 I'll represent to you is Mark Gersh, and  
14 brianromick.  
15 A Uh-hmm.  
16 Q Take a moment to review it, and let me  
17 know when you're done reviewing it.  
18 A (Witness reviewing Exhibit 117.)  
19 September 11th -- September 1st.  
20 Q September 1st.  
21 A Yeah, okay.  
22 Q Okay. The -- I want to focus on the

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1 second e-mail from the top, which says it was  
2 dated September 1st, 2011 --  
3 A Uh-hmm.  
4 Q -- at 2:43 p.m. Do you see that?  
5 A Okay, yes, uh-hmm.  
6 Q All right. That e-mail reads, "if we  
7 can get you parking, you mind driving separately  
8 then? We need to do 3 meetings, if Miller and  
9 Busch are [available] in Annapolis."  
10 A Uh-hmm.  
11 Q Do you see that?  
12 A Yeah.  
13 MS. KATZ: Object -- objection,  
14 mischaracterizes the document.  
15 BY MR. MEDLOCK:  
16 Q Okay. Miller there refers to  
17 Senate President Miller?  
18 MS. KATZ: Objection --  
19 THE WITNESS: I believe --  
20 MS. KATZ: -- speculation.  
21 THE WITNESS: -- it would.  
22

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1 BY MR. MEDLOCK:  
2 Q Okay. And -- and do you believe that  
3 Busch refers to you?  
4 MS. KATZ: Same objection.  
5 THE WITNESS: Unless they drink a lot  
6 of Busch beer, yes, I think it's me.  
7 BY MR. MEDLOCK:  
8 Q Do you know of any reason why someone  
9 would do three meetings, one with  
10 Senate President Miller and the second with a --  
11 a -- a bunch of Busch beer?  
12 A I have no idea.  
13 MS. KATZ: Objection.  
14 BY MR. MEDLOCK:  
15 Q Do you recall ever meeting with  
16 Mark Gersh in September 2011?  
17 A No.  
18 Q Based on this e- -- on this e-mail, do  
19 you have any reason to doubt that you -- that you  
20 did meet with him?  
21 MS. KATZ: Objection.  
22 THE WITNESS: I don't know if I met

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1 with him or not.  
2 BY MR. MEDLOCK:  
3 Q So you can't tell me one way or the  
4 other whether you met with Mark Gersh in  
5 September 2011?  
6 A No.  
7 MS. KATZ: Objection.  
8 THE WITNESS: It also says --  
9 MS. KATZ: There's no question  
10 pending.  
11 BY MR. MEDLOCK:  
12 Q Go ahead, sir.  
13 MS. KATZ: You can ask a question,  
14 Steve.  
15 BY MR. MEDLOCK:  
16 Q It sounded like you had something  
17 additional to say. Can you please tell me what  
18 you were to say?  
19 MS. KATZ: No --  
20 THE WITNESS: No.  
21 MS. KATZ: -- that's not a proper --  
22

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1 BY MR. MEDLOCK:  
2 Q Do you have anything else to add about  
3 this document?  
4 A No.  
5 Q Okay.  
6 MR. MEDLOCK: Mark the next exhibit.  
7 (Busch Exhibit 118 was marked  
8 for identification.)  
9 BY MR. MEDLOCK:  
10 Q All right. For the record, I --  
11 Exhibit 118 is a three-page e-mail exchange that  
12 bears the Bates numbers SAR000366 through  
13 SAR000368, and, Speaker Busch, just for your  
14 knowledge -- I'm sure this will come in handy  
15 later -- the Bates numbers are the little numbers  
16 on the bottom right-hand corner of the document.  
17 MS. KATZ: Down here.  
18 THE WITNESS: Okay.  
19 MS. KATZ: Okay.  
20 BY MR. MEDLOCK:  
21 Q So, sir, please take a moment to  
22 review the document, and then let me know when

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1 you're done reviewing it.  
2 A (Witness reviewing Exhibit 118.)  
3 This is October.  
4 Q That's correct.  
5 A Evidently, they didn't meet with Busch  
6 and Miller in Annapolis.  
7 Q I'll follow up on that in a moment.  
8 A Who's this to?  
9 MS. KATZ: There's no question  
10 pending.  
11 THE WITNESS: Okay.  
12 BY MR. MEDLOCK:  
13 Q My only request is that you state on  
14 the record when you're done reviewing the  
15 document.  
16 A Go ahead.  
17 Q Then I'll have questions for you.  
18 A Go ahead.  
19 Q Okay.  
20 A (Witness reviewing Exhibit 118.)  
21 Go ahead.  
22 Q Okay. All right. So this is an

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1 e-mail exchange between brianromick@gmail.com --  
2 A And who?  
3 Q Brianromick@gmail.com. Do you see  
4 that e-mail address at the top of the document?  
5 A Yeah, okay.  
6 Q And there's a second e-mail address,  
7 jason.gleason03@gmail.com?  
8 A Okay.  
9 Q And then if you read further down into  
10 the e-mail, do you see an e-mail for -- that's  
11 ehawkins@ncecservices.com?  
12 A Uh-hmm.  
13 Q Is that a yes, sir?  
14 A I see it.  
15 Q Okay.  
16 THE VIDEOGRAPHER: You have five  
17 minutes before video change.  
18 MR. MEDLOCK: All right. Why don't we  
19 take five minutes then.  
20 THE VIDEOGRAPHER: The time is now  
21 12:55, ending Video No. 1. Going off the record.  
22 (A break was taken to change

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1 the videotape.)  
2 THE VIDEOGRAPHER: We're on the  
3 record, April 19, 2017. The time is now 1:04 p.m.  
4 with Video No. 2.  
5 BY MR. MEDLOCK:  
6 Q Sure. Welcome back, sir.  
7 A Thank you. It's good to be here.  
8 Q Good. I'm glad to hear it's still  
9 good.  
10 During the break, did you confer with  
11 your counsel?  
12 A Yes.  
13 Q Did you confer about the substance of  
14 your testimony?  
15 A Yes.  
16 Q What did you confer with --  
17 MS. KATZ: Objection.  
18 MR. MEDLOCK: So if witness confers  
19 with counsel regarding the substance of his  
20 deposition testimony while the deposition is  
21 pending, the cliff rule and Kleining  
22 Fourth Circuit precedent state that I'm allowed --

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1 THE WITNESS: Object?  
2 MR. MEDLOCK: I'm making a record here  
3 for a second.  
4 THE WITNESS: Okay.  
5 MR. MEDLOCK: -- state that I'm  
6 allowed to inquire into the nature of the  
7 conversation. I'll point you to a case. It's  
8 *Francisco versus Verizon South, Incorporated,*  
9 *756 F.Supp.2d 705, 712, Eastern District of*  
10 *Virginia, 2010.*  
11 And in particular, that case says that  
12 "Although counsel who is defending a deposition  
13 may prepare a witness, once the deposition begins,  
14 [t]here is no proper need for the witness's own  
15 lawyer to act as an intermediary, interpreting  
16 questions, deciding which questions the witness  
17 should answer, and helping the witness to  
18 formulate answers."  
19 And if the witness is being told how  
20 to formulate answers during a break, then I'm  
21 allowed to get into that.  
22 THE WITNESS: You're allowed to what?

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1 MR. MEDLOCK: I'm just responding to  
2 her objection.  
3 THE WITNESS: Oh.  
4 MR. MEDLOCK: I'm not asking a  
5 question.  
6 MS. KATZ: I'm going to instruct him  
7 not to answer questions about what we discussed  
8 during break.  
9 MR. MEDLOCK: Okay. We disagree, and  
10 we'll take it up with the court, if necessary.  
11 MS. KATZ: Okay.  
12 BY MR. MEDLOCK:  
13 Q Your counsel's instructing you not to  
14 answer a question regarding what you discussed  
15 with counsel during the break.  
16 A No.  
17 Q Are you going to follow that  
18 instruction?  
19 A We didn't talk about any specific  
20 questions.  
21 Q Okay. Are you going to follow their  
22 direction?

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1 A I -- I try to follow direction of  
2 counsel --  
3 Q Okay.  
4 A -- whenever.  
5 Q Okay. And you're going to follow it  
6 on this instance and not answer my question about  
7 what was discussed during the break?  
8 A Yeah, I -- I told you what was  
9 discussed.  
10 Q Okay. What was discussed?  
11 A I mean, discussed was, you know, doing  
12 fine, if you need a break, do this, do that.  
13 MS. KATZ: Right, okay. So that's  
14 not -- we're going to just --  
15 THE WITNESS: I mean, it wasn't  
16 anything that dealt with the deposition itself.  
17 MS. KATZ: All right, Speaker Busch,  
18 now I'm going to direct you not to answer.  
19 MR. MEDLOCK: Okay. Well, I -- I  
20 think he answered anyway, so we'll move on.  
21 BY MR. MEDLOCK:  
22 Q All right. I want to direct you back

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1 to Exhibit 118 --  
2 A Sure.  
3 Q -- which you have in front of you.  
4 A Uh-hmm.  
5 Q Okay. So I want to focus on the  
6 e-mail at the bottom of the first page, which has  
7 the Bates number SAR000366. It's the e-mail sent  
8 from Eric Hawkins --  
9 A Uh-hmm.  
10 Q -- to Jason Gleason and Brian Romick  
11 on October 1st, 2011, and the time is 14:09:50.  
12 Do you see that?  
13 A I see -- talking about down here?  
14 Q It should be right here. Do you see  
15 that e-mail?  
16 A Is this it?  
17 Q The Octo- -- Saturday, October 1st  
18 e-mail from Eric Hawkins to Jason Gleason and  
19 Brian Romick.  
20 A Oh, okay.  
21 Q Do you see that e-mail?  
22 A Yeah, I see it.

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1 Q Okay. You're with me now?  
2 A Uh-hmm.  
3 Q Okay. All right. In that e-mail,  
4 Mr. Hawkins refers to con- -- a configuration of  
5 changes that leaves MD04 at 53.75 NHA AVAP  
6 percentage. Do you see that?  
7 A Uh-hmm.  
8 Q Okay. And Jason Gleason responds to  
9 that stating, "Brian? What do you think? Pitch  
10 it to the Gov's crowd?" Do you see that, if you  
11 move up the e-mail chain?  
12 A Up the e-mail chain?  
13 Q Yep.  
14 A Oh, okay.  
15 Q Do you see where it says, "Brian?  
16 What do you think? Pitch it to the Gov's crowd?"  
17 A Yeah, I see that.  
18 Q Okay. And then at the very top of the  
19 e-mail, there's a -- an e-mail on Sunday,  
20 October 2nd, at 20 -- 2011 --  
21 A Uh-hmm.  
22 Q -- at 10:31 a.m. Do you see that?

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1 Very, very top.  
2 A Yeah, okay.  
3 Q That's from Brian Romick to  
4 Jason Gleason, correct?  
5 A Uh-hmm.  
6 Q And that reads, "They need to run it  
7 by Miller and Busch and they haven't yet."  
8 Did I read that correctly?  
9 A Uh-hmm.  
10 Q Do you recall anyone from the  
11 Governor's office running changes by you regarding  
12 the 2011 congressional map?  
13 A No.  
14 MS. KATZ: Objection, vague.  
15 BY MR. MEDLOCK:  
16 Q Do you remem- -- do you recall anyone  
17 from the Governor's office discussing changes that  
18 were proposed by Eric Hawkins from NCEC Services  
19 with you?  
20 A No.  
21 Q Do you recall anyone from the  
22 Governor's office discussing any analysis that

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1 Eric Hawkins from NCEC Services did regarding the  
2 2011 congressional map?  
3 A Did I what?  
4 Q Do you recall anyone from the  
5 Governor's office discussing any analysis that  
6 Eric Hawkins from NCEC Services did regarding the  
7 2011 congressional map?  
8 A No.  
9 Q Do you have any reason to doubt that  
10 the Governor's office did run changes by you --  
11 MS. KATZ: Objection.  
12 BY MR. MEDLOCK:  
13 Q -- that were proposed by Eric Hawkins  
14 from NCEC Services?  
15 MS. KATZ: Objection.  
16 THE WITNESS: I -- I don't -- I don't  
17 recall the Governor running any changes by us.  
18 BY MR. MEDLOCK:  
19 Q Do you recall anyone from the  
20 Governor's office ever discussing changes proposed  
21 by Eric Hawkins with anyone --  
22 A No.

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1 Q -- on your staff?  
2 MS. KATZ: Objection.  
3 THE WITNESS: Uh-hmm.  
4 BY MR. MEDLOCK:  
5 Q Is that a no, sir?  
6 A No, yeah.  
7 Q Okay. And when you say no, you have  
8 no recollection of it, or you don't think it  
9 occurred?  
10 A I have no recollection of it, but I  
11 don't think it occurred.  
12 Q Okay. So you have no recollection one  
13 way or the other whether --  
14 A Right.  
15 Q -- whether this occurred? Okay.  
16 MS. KATZ: Mischaracterizes testimony.  
17 MR. MEDLOCK: All right. Move to the  
18 next exhibit, Exhibit 90 -- previously marked as  
19 Exhibit 91 in this case.  
20 BY MR. MEDLOCK:  
21 Q So, sir, I put in front of you  
22 Exhibit 91, which is a two-page press release.

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1 A Uh-hmm.  
2 Q Please take a moment to review it, and  
3 when you're done reviewing it, please let me know  
4 on the record that you're done reviewing it.  
5 A (Witness reviewing Exhibit 91.)  
6 Okay, go ahead.  
7 Q All right. You've reviewed the  
8 document, sir?  
9 A Yeah.  
10 Q Okay. This is a press release that  
11 the Maryland Department of Planning issued on  
12 October 4th, 2011.  
13 A Uh-hmm.  
14 Q Do you see that?  
15 A Yeah, that's correct.  
16 Q And the title of the press release is  
17 Advisory Committee Submits Proposed Congressional  
18 Redistricting Plan to Governor, Releases Map,  
19 correct?  
20 A Uh-hmm.  
21 Q Is that correct, sir?  
22 A That's correct.

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1 Q Okay. So after the GRAC voted on the  
2 proposed congressional plan that was sent to the  
3 GRAC by the Governor, it then turned around and  
4 sent that plan back to the Governor; is that  
5 correct?  
6 MS. KATZ: Objection.  
7 THE WITNESS: I don't remember exactly  
8 how it worked. I think we gave through  
9 Jeanne Hitchcock the comments to the Governor.  
10 They sent down a map; we voted on it.  
11 BY MR. MEDLOCK:  
12 Q Okay. When you say we voted on it, do  
13 you mean the GRAC, or do you mean the legislature?  
14 A In the legislature.  
15 Q Okay. So I just want to clarify your  
16 testimony about how the process worked, and I --  
17 let me make sure I'm summarizing this correctly.  
18 The GRAC received a draft  
19 congressional map from the Governor's office that  
20 it voted on, correct?  
21 A I don't recollect whether we did or  
22 didn't.

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1 Q Okay. So at some point, the GRAC  
2 voted on a proposed congressional map in  
3 October 2011, correct?  
4 A Best of my knowledge, the -- the only  
5 map that we saw was one the Governor's office sent  
6 in.  
7 Q Okay. And that's -- that's the one  
8 that the GRAC considered and voted on, correct?  
9 MS. KATZ: Objection, leading.  
10 THE WITNESS: I think probably the  
11 GRAC might have voted. I don't remember.  
12 BY MR. MEDLOCK:  
13 Q Okay. Do you recall the GRAC ever  
14 voting on a proposed congressional map?  
15 A Not really.  
16 Q Do you recall yourself ever voting as  
17 a member of the GRAC in favor or not in favor of a  
18 proposed congressional map?  
19 A No.  
20 Q Do you recall ever seeing a draft  
21 congressional map at a meeting -- at a private  
22 meeting of the GRAC?

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1 A No.  
2 Q Do you recall ever seeing a draft  
3 congressional map at -- in Jeremy Baker's office?  
4 A No.  
5 Q Do you recall ever seeing a draft  
6 congressional map in Jake Weissman's office?  
7 A No.  
8 Q Do you recall ever seeing a draft  
9 congressional map in Senate President Miller's  
10 office?  
11 A No.  
12 Q Okay. So this document refers to  
13 the -- Exhi- -- Exhibit 91 refers to the GRAC  
14 releasing a proposed congressional map to the  
15 public, correct?  
16 A Yes.  
17 Q Okay.  
18 A So the document says.  
19 Q Okay. Where did that proposed  
20 congressional map come from?  
21 A I'm sure it came from the Governor's  
22 office --

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1 Q Okay.  
2 A -- Department of Planning.  
3 Q Did it come from the Governor's office  
4 or the Department of Planning?  
5 A Look, I'm not exactly sure, but the  
6 Department of Planning was the one that did the  
7 numbers.  
8 Q Okay. When you say the Department of  
9 Planning is the one that did the numbers, what do  
10 you mean?  
11 A For the count of what the  
12 legislative -- congressional districts would be as  
13 far as population.  
14 Q Okay. Do you recall the Department of  
15 Planning actually drafting a congressional map?  
16 A No.  
17 Q As you sit here today, do you know who  
18 in the Maryland government actually drafted the  
19 congressional map that the GRAC released on  
20 October 4th, 2011?  
21 A I do not.  
22 Q Okay. Okay, I want to focus on the

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1 first paragraph of this press release, and I want  
2 to look at the last sentence which is a quote from  
3 Jeanne Hitchcock.  
4 A Right.  
5 Q Okay. And that quote reads, "We have  
6 developed a plan that reflects the population  
7 shifts, demographics, and strengths of our State."  
8 Do you see that?  
9 A Uh-hmm.  
10 Q Sorry, I need a -- I need a yes or a  
11 no.  
12 A Yes, yes, I see it.  
13 Q Okay. Do you understand what the  
14 term -- what -- what the phrase "population  
15 shifts" means with respect to the  
16 2011 congressional map?  
17 MS. KATZ: Objection, speculation.  
18 THE WITNESS: Yes, I do. I mean --  
19 BY MR. MEDLOCK:  
20 Q What do you understand it to mean?  
21 A It means where the population has  
22 shifted to. You do a census every ten years, and

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1 you look at where the population and what  
2 direction the population's going.  
3 Q Do you know whether the population  
4 shifted at all in the former 6th Congressional  
5 District in Maryland?  
6 A You know, I'm not an expert in this,  
7 so I believe that, you know, there was growth in  
8 the Montgomery and Frederick suburbs --  
9 Q Uh-hmm.  
10 A -- and basically the population stayed  
11 the same in Western Maryland counties of Garrett,  
12 Allegany and -- and Washington County.  
13 Q What evidence do you have to support  
14 that?  
15 A I think the census numbers will bear  
16 that out.  
17 Q Okay. And did you review the census  
18 numbers before today's deposition?  
19 A No, I did not, but the census numbers  
20 were presented to me.  
21 Q Do you recall how big of a population  
22 shift there was in the 6th Congressional District

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1 prior to 2011?  
2 A I don't know how big a shift there  
3 was, the census numbers that were given to us. I  
4 was more concerned with legislative redistricting.  
5 Q Sure, I understand.  
6 With respect to congressional  
7 redistricting, does anything stand out with  
8 respect to population shifts in Western Maryland?  
9 A We had the same population shifts. We  
10 knew that there was either stagnant or population  
11 had gone down in Western Maryland.  
12 Q Okay. With respect to demographics,  
13 do you know whether there were any demographic  
14 changes in the former 6th Congressional District?  
15 A As far as race or --  
16 Q Well, Ms. Hitchcock uses the phrase  
17 "demographics." Do you know whether there was any  
18 change in the demographics of the  
19 6th Congressional District?  
20 A I do not. I mean, I was only  
21 familiarized with the numbers -- with the numbers.  
22 Q Okay.

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1 A Uh-hmm.  
2 Q When you say you were only  
3 familiarized with the numbers, what do you mean by  
4 that?  
5 A When they finished the census --  
6 Q Okay.  
7 A -- the Department of Planning came in  
8 and showed us, you know, where the population  
9 growth had taken place throughout the state --  
10 Q Uh-hmm.  
11 A -- and, you know, I became  
12 familiarized with that --  
13 Q Uh-hmm.  
14 A -- you know, statewide.  
15 Q Okay. As you sit here today, can you  
16 tell me whether there were any demographic changes  
17 to the 6th Congressional District prior to 2011?  
18 A If you're talking about race, I have  
19 no idea.  
20 Q Okay.  
21 A If you're talking about income, I have  
22 no idea.

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1 Q Okay. How about any other demographic  
2 factor besides race or income? Do you have any  
3 idea --  
4 A What other -- what other --  
5 Q How about age?  
6 A No.  
7 Q How about whether the -- whether  
8 having a -- a post high school degree, did that  
9 demographic factor --  
10 A No.  
11 Q -- change?  
12 A Uh-uh.  
13 Q You don't know?  
14 A No. I think the only thing we might  
15 have seen besides numbers was the diversity of  
16 different areas.  
17 Q Okay. Ms. Hitchcock refers to  
18 "strengths of our State." Do you know what that  
19 means with respect to the 2011 congressional map?  
20 MS. KATZ: Objection, speculation.  
21 THE WITNESS: I'm assuming that means  
22 the -- the -- you know, the strength of the state,

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1 the diversity of the state. I mean, it's -- it's  
2 hard for me to define what she's trying to say  
3 there.  
4 BY MR. MEDLOCK:  
5 Q Okay. At the time that the GRAC  
6 released its map in October of 2011, were you  
7 aware that the -- that proposed map moved  
8 30 percent of the Maryland population from one  
9 congressional district to another?  
10 MS. KATZ: Objection, leading,  
11 foundation.  
12 THE WITNESS: I don't know that it  
13 went from one congressional district to another.  
14 I think that reflected the -- the entire state.  
15 BY MR. MEDLOCK:  
16 Q I guess my question is, were you -- in  
17 2011, in October 2011, were you aware that  
18 30 percent of Marylanders were moved from one  
19 congressional district to another by the GRAC's  
20 proposed map?  
21 MS. KATZ: Same objection, leading.  
22 THE WITNESS: Not really, until

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1 Ms. Hitchcock put it out.  
2 BY MR. MEDLOCK:  
3 Q Okay. Do you know whether it was  
4 necessary to move 30 percent of Marylanders from  
5 one congressional district to another to  
6 accomplish the GRAC's goals in congressional  
7 reapportionment?  
8 MS. KATZ: Objection, vague.  
9 THE WITNESS: Ask the -- ask the  
10 question again.  
11 BY MR. MEDLOCK:  
12 Q Do you know whether it was necessary  
13 to move 30 percent of Marylanders from one  
14 congressional district to another in order to  
15 achieve the GRAC's goals with respect to  
16 congressional redistricting?  
17 MS. KATZ: Objection, lack of  
18 foundation.  
19 THE WITNESS: No. You know, I -- I  
20 don't know that it was necessary.  
21 BY MR. MEDLOCK:  
22 Q Okay. Have you ever heard the term

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1 "Democratic performance" before?  
2 A Yes, uh-hmm.  
3 Q What does the term "Democratic  
4 performance" mean to you?  
5 A Democratic performance means the  
6 amount of votes that come out that will support  
7 Democrats, and also there's Republican performance  
8 as well.  
9 Q Have you ever heard --  
10 A I mean, it's not -- it's not a  
11 terminology just used for Democrats.  
12 Q Sure, certainly.  
13 Have you ever heard the term  
14 "Democratic performance" used with respect to  
15 congressional redistricting or congressional  
16 reapportionment?  
17 A Have I what?  
18 Q Have you ever heard the term  
19 "Democratic performance" used with respect to  
20 congressional redistricting or congressional  
21 reapportionment?  
22 A Yeah, sure.

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1 Q When did you hear that phrase used  
2 with respect to congressional redistricting or  
3 congressional reapportionment?  
4 A I don't recall when -- when I heard  
5 that term.  
6 Q Who used the term when you've -- when  
7 you heard it?  
8 A Who used the term?  
9 Q Yes.  
10 A It's a terminology that's used all the  
11 time.  
12 Q Was it used all the time in the  
13 Maryland legislature when the Maryland legislature  
14 was considering the 2011 congressional  
15 reapportionment?  
16 A It was used basically in the  
17 General Assembly for legislative districts.  
18 Q Sure. Was it used with respect to  
19 congressional districts?  
20 A I don't think that from the standpoint  
21 of the legislature that was -- that was the  
22 overwhelming thought, no.

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1 Q Okay. But have you ever heard the  
2 phrase used with respect to congressional  
3 redistricting?  
4 MS. KATZ: Objection --  
5 THE WITNESS: I'm sure you would --  
6 MS. KATZ: -- asked and answered.  
7 THE WITNESS: I'm sure you'd use that  
8 phrase with councilmanic districts, legislative  
9 districts, congressional districts.  
10 BY MR. MEDLOCK:  
11 Q Have you ever seen any data regarding  
12 Democratic performance during your work on the  
13 GRAC?  
14 A I probably saw the performance of all  
15 the congressional districts somewhere along the  
16 line, including the Republicans.  
17 Q Do you know where that data regarding  
18 congressional -- regarding Democratic performance  
19 came from that you received when you were on the  
20 GRAC?  
21 A No. I mean, it is a terminology  
22 that's used by parties and, you know, that's

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1 shared with those who are running for office.  
2 Q Sure. Have you ever heard  
3 Senate President Miller use the phrase "Democratic  
4 performance" before?  
5 A I'm not here to speak for  
6 Senator Miller, so I wouldn't know.  
7 Q Okay. You just don't recall whether  
8 you've ever heard him use the phrase "Democratic  
9 performance" before?  
10 A No.  
11 Q Have you ever discussed Democratic  
12 performance with any member of your legislative  
13 staff?  
14 A As far as Congress is concerned?  
15 Q Just generally.  
16 A Yeah, we -- we discuss --  
17 MS. KATZ: Objection. We're really  
18 just here to talk about congressional  
19 redistricting. Otherwise his conversations with  
20 staff are protected.  
21 MR. MEDLOCK: Well, I'm just asking  
22 yes or no.

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1 BY MR. MEDLOCK:  
2 Q Have you ever -- has your staff ever  
3 used the term congression -- has your staff ever  
4 used the term "Democratic performance" in a  
5 conversation with you before?  
6 MS. KATZ: Objection.  
7 THE WITNESS: With who?  
8 MS. KATZ: Objection. You can testify  
9 as to congressional redistricting.  
10 BY MR. MEDLOCK:  
11 Q In your conversations with your staff  
12 regarding congressional redistricting, have you  
13 ever heard the term "Democratic performance"  
14 before?  
15 A No.  
16 Q Have you ever used the t -- have you  
17 ever heard the term "Democratic performance" used  
18 when speaking to other members of the Maryland  
19 legislature regarding congressional redistricting?  
20 A Not regarding congressional  
21 redistricting.  
22 Q But regarding redistricting generally?

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1 MS. KATZ: Objection.  
2 THE WITNESS: Legislative.  
3 MR. MEDLOCK: Okay. Mark this as the  
4 next exhibit.  
5 (Busch Exhibit 119 was marked  
6 for identification.)  
7 THE WITNESS: Boy, you need glasses  
8 for this one.  
9 BY MR. MEDLOCK:  
10 Q Yeah, I'm sorry. This is the best  
11 version that I have.  
12 All right. 119 is a one-page document  
13 that at the top says MARYLAND DRAFT 2011 PLAN  
14 SUMMARIES.  
15 A Uh-hmm.  
16 Q And it's got two tables below it, and  
17 I'm going to ask you about some of the columns in  
18 those two tables. Please review it, and let me  
19 know when you're done reviewing it.  
20 A Go ahead.  
21 Q Okay.  
22 A I mean --

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1 Q All right. So --  
2 A -- I'm having a hard time  
3 understanding it, but go ahead.  
4 Q Okay. That -- that's -- let's try and  
5 break it down then.  
6 A Go ahead.  
7 Q All right. So there are two tables on  
8 Exhibit 119, correct?  
9 A Yeah, uh-hmm.  
10 Q All right. The first one at the top,  
11 if you look at the top left, says Current  
12 Districts, correct?  
13 A Right.  
14 Q And then the one below that says  
15 Edwards Plan, correct?  
16 A That's what it says.  
17 Q Okay. And then if you -- if you look,  
18 there is a column in each table that says CD,  
19 correct, on the far left?  
20 A Far left.  
21 Q Do you see a column that's labeled  
22 "CD"?

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1 A I see -- I see DEV -- oh, CD, yes,  
2 okay.  
3 Q Yes. And then there's -- there are  
4 eight entries below that, correct?  
5 A Right, yeah, uh-hmm.  
6 Q And Maryland has eight congressional  
7 districts, correct?  
8 A Yes, they do.  
9 Q Okay.  
10 A Uh-hmm.  
11 Q All right. So I want to move in --  
12 one, two, three -- four columns from there. Do  
13 you see a column that is labeled "FED\_DPFM"?  
14 A FED --  
15 Q \_DPFM.  
16 A -- DQFM [sic]. I see DPFM.  
17 Q Yes, DPFM. Do you see that?  
18 A Yeah, uh-hmm.  
19 Q Have you ever heard the term "Federal  
20 Democratic Performance" before?  
21 A Never.  
22 Q Have you ever heard the term "State

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1 Democratic Performance" before?  
2 A Yes.  
3 Q Okay. Have you ever seen a  
4 measurement of Democratic performance before?  
5 A Not really.  
6 Q Okay. When you were on the GRAC  
7 considering congressional redistricting matters,  
8 did you receive any measurements of fed- -- of  
9 Democratic performance?  
10 A Not that I can remember.  
11 Q You can't recall one way or the other  
12 whether you did?  
13 A I don't remember receiving Democratic  
14 performances or Republican performances.  
15 Q Okay. Is -- is it possible that you  
16 did, but you have forgotten?  
17 A Yes, sure.  
18 Q Okay.  
19 MR. MEDLOCK: Can I get the next one?  
20 Mark the next exhibit.  
21 THE REPORTER: 120.  
22 (Busch Exhibit 120 was marked

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1 for identification.)  
2 BY MR. MEDLOCK:  
3 Q This will be 120. All right, sir,  
4 I've put in front of you Exhibit 120 --  
5 A Okay.  
6 Q -- and I tried to do a better job  
7 blowing this one up.  
8 A You did.  
9 Q All right. And I'll represent to you  
10 that 120, Exhibit 120, was produced from your  
11 files in response to a subpoena.  
12 A The what?  
13 Q It was -- we subpoenaed you for  
14 documents, and this document was produced from  
15 your office's files --  
16 A Okay.  
17 Q -- okay?  
18 A Okay.  
19 Q And take a moment to review it --  
20 A All right.  
21 Q -- and let me know when you're done  
22 reviewing it.

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1 A I'm done.  
2 Q Okay. So --  
3 A You just have to walk me through it.  
4 Q Sure, I will.  
5 So do you have 119 in front of you as  
6 well?  
7 A Yes.  
8 Q Okay. So Exhibit 119 and Exhibit 120  
9 both have two tables, correct?  
10 A Yes, they do.  
11 Q And they're both -- both at the top of  
12 them are entitled MARYLAND DRAFT 2011 PLAN  
13 SUMMARIES, correct?  
14 A Uh-hmm, yes.  
15 Q And there are -- the first table in  
16 each of them is titled Current Districts, correct?  
17 A Yes.  
18 Q And then there's a second table in  
19 each of them that is different, correct?  
20 For example, one is titled  
21 Edward's Plan, and the other one is titled MD --  
22 A Right.

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1 Q -- CD --  
2 A Right.  
3 Q -- 2011A.  
4 A Right.  
5 Q Okay. In -- focusing on 120 --  
6 A Uh-hmm.  
7 Q -- there's a column labeled CD in both  
8 table- -- in both tables, correct?  
9 A CD.  
10 Q Yep, on the far left?  
11 A Yeah, uh-hmm.  
12 Q Okay. And that has eight entries,  
13 correct?  
14 A Right.  
15 Q And then to the right of that, five  
16 columns to the right of that, there is a column  
17 labeled FED\_DPFM.  
18 A FED\_DPFM, got it.  
19 Q Okay. And to the right of that,  
20 there's a column labeled ST\_DPFM, correct?  
21 A Yes.  
22 Q Okay. And if you look at the second

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1 of the two tables on Exhibit 120 --  
2 A Uh-hmm.  
3 Q -- the one that's labeled  
4 MDCD2011A\_1-929\_v3Arbustus Change --  
5 A What?  
6 Q So the second col- -- the second  
7 table, the bottom table --  
8 A Yeah.  
9 Q -- there's handwriting above FED\_DPFM.  
10 Do you see that?  
11 Do you see handwriting above the  
12 column that's labeled FED --  
13 A DPI?  
14 Q Yes.  
15 A Yeah.  
16 Q And you can -- and that reads DPI,  
17 correct?  
18 A Does to me anyway.  
19 Q Okay. Do you know what DPI means?  
20 A Democratic Performance? I don't know.  
21 Q Have you ever heard the phrase  
22 "Democratic Performance Index" before?

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1 A No.  
2 Q Do you know of any consulting firm  
3 that offers a measurement called the Democratic  
4 Performance Index?  
5 A I -- I -- I do not. I mean, I'm sure  
6 they all do, but --  
7 Q Okay.  
8 A -- I specifically don't know any.  
9 Q Okay. Do you have any understanding  
10 as to why DPI is written above that column?  
11 A I do not.  
12 Q Do you know whether you ever --  
13 whether you've ever seen a copy of these two  
14 tables in Exhibit 120?  
15 A Today I've seen them.  
16 Q Besides today.  
17 A I think we went over them with  
18 counsel.  
19 Q Oh, okay. Besides going over them  
20 with counsel -- and I don't want to get into  
21 that --  
22 A Yeah.

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1 Q -- did you -- have you seen them  
2 prior --  
3 A No.  
4 Q -- to this?  
5 Do you know whether any member of your  
6 staff ever saw these two tables on -- in  
7 Exhibit 120?  
8 A I do not --  
9 MS. KATZ: Objection.  
10 THE WITNESS: -- know for a fact that  
11 they did.  
12 BY MR. MEDLOCK:  
13 Q So is it possible that they did see  
14 these two tables?  
15 A It's possible.  
16 MS. KATZ: Objection, speculation.  
17 BY MR. MEDLOCK:  
18 Q Is it possible that you did see these  
19 two tables, but you've -- but you have forgotten  
20 that fact?  
21 MS. KATZ: Objection, asked and  
22 answered.

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1 THE WITNESS: I don't think I've ever  
2 seen these two tables.  
3 BY MR. MEDLOCK:  
4 Q Okay.  
5 A I don't think that's even a  
6 possibility.  
7 Q You don't think that's a possibility?  
8 A No.  
9 Q Do you know whose handwriting DPI  
10 is --  
11 A I have no idea.  
12 Q Have you ever seen a copy of  
13 Mr. Baker's handwriting?  
14 A Yeah, I see it all the time.  
15 Q Do you know whether that's his  
16 handwriting?  
17 A I'm not an expert there, so ...  
18 Q Okay. So you can't tell me one way or  
19 the other --  
20 A No.  
21 Q -- whether that's his handwriting?  
22 MS. KATZ: Objection, asked and

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1 answered.  
2 THE WITNESS: Three initials.  
3 BY MR. MEDLOCK:  
4 Q Sure.  
5 A What's Arbutus Change mean? I'm not  
6 supposed to ask questions.  
7 Q Do you know?  
8 A No.  
9 Q Okay. So you testified that you  
10 needed 85 votes to get a super majority in the --  
11 A Right, uh-hmm.  
12 Q -- House of Delegates to support the  
13 congressional map, correct?  
14 A Right, uh-hmm.  
15 Q How did you go about getting those  
16 85 votes?  
17 A Well, first and foremost, each of the  
18 congressmen have certain constituencies of their  
19 own, and, you know, you try to make sure that  
20 members of the General Assembly are supportive of  
21 the map that comes down from the Governor's  
22 office.

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1 Q How did you make sure that members of  
2 the General Assembly were supportive of the map  
3 that came down from the Governor's office?  
4 A Excuse me?  
5 Q How did you make sure that the members  
6 of the General Assembly were supportive of the map  
7 that came down from the Governor's office?  
8 A Well, we go out and we have a system  
9 of whips, and we ask the members of our caucus --  
10 Q Uh-hmm.  
11 A -- whether they support the Governor's  
12 map or not.  
13 Q Do your -- do your whips also try to  
14 convince individual members of the Maryland  
15 General Assembly to vote in favor of the  
16 congressional map?  
17 MS. KATZ: Objection.  
18 THE WITNESS: The whips go out  
19 originally, find out if there's enough votes --  
20 BY MR. MEDLOCK:  
21 Q Uh-hmm.  
22 A -- and they came back, and there was

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1 enough votes.  
2 Q So it wasn't necessary to convince any  
3 member of the General Assembly --  
4 A No.  
5 Q -- to switch sides?  
6 A Right. Well, we're only talking  
7 Democratic side now.  
8 Q Yes, correct.  
9 A I mean, Republicans have a whip team  
10 too.  
11 Q Uh-hmm. So when you -- when the  
12 Governor's map came to the General Assembly, did  
13 you already have 85 Democratic votes in favor of  
14 the map?  
15 A When it came down --  
16 Q Uh-hmm.  
17 A -- and was presented, we went out to  
18 the General Assembly when it came in for a special  
19 session --  
20 Q Uh-hmm.  
21 A -- to make sure that we had 85 votes,  
22 yes.

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1 Q Uh-hmm. And when you did your initial  
2 whip count, did you have more than 85 votes?  
3 A To the best of my knowledge, we did,  
4 yes. I'm trying to think at the time. I think --  
5 Q Uh-hmm.  
6 A -- we had 104 Democrats at the time,  
7 so I think we needed 104, 98, something like that.  
8 Q Okay. Did you -- was it even  
9 necessary for you to try to sell the proposed  
10 congressional map to your caucus?  
11 MS. KATZ: Objection, vague.  
12 THE WITNESS: No. I mean, you know,  
13 everybody realizes there's some give and take in  
14 all this --  
15 BY MR. MEDLOCK:  
16 Q Uh-hmm.  
17 A -- so it was not hard to sell it.  
18 Q When you say it was not hard to sell  
19 it, what do you mean by that?  
20 A I mean it was not hard to get support  
21 for the Governor's legis- -- congressional  
22 reapportionment map.

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1 Q What did you tell Democratic members  
2 of the General Assembly regarding the Governor's  
3 proposed congressional map?  
4 A What did I tell the members?  
5 Q Yes.  
6 A I tell them that there was a thorough  
7 vetting around the state, that I -- we spent time  
8 in twelve different meetings, listened to input,  
9 and, you know, it was given to the Governor's  
10 office --  
11 Q Uh-hmm.  
12 A -- and this is the map that's been  
13 proposed.  
14 Q Yes. Did any members of your caucus  
15 have any reservations regarding the Governor's  
16 proposed congressional map?  
17 MS. KATZ: Objection, speculation.  
18 THE WITNESS: Look, I mean, there's  
19 always a wide range of -- of philosophies, and --  
20 but I think in general everybody was basically  
21 supportive.  
22

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1 BY MR. MEDLOCK:  
2 Q Do you recall needing to do anything  
3 to allay concerns from any member of your caucus  
4 regarding the Governor's proposed congressional  
5 map?  
6 A No.  
7 Q You said earlier that one of the  
8 things that you told your caucus was that the  
9 Governor's proposed map had gone through a  
10 thorough vetting around the state, correct?  
11 A Right, uh-hmm.  
12 Q Can you point me to any change that  
13 was made to the proposed congressional map based  
14 on that thorough vetting?  
15 A Look, I think Congressional District  
16 No. 1 was changed.  
17 Q Can you propo- -- can you point me to  
18 any change that was made to Congressional District  
19 No. 6 based on that thorough vetting?  
20 A I -- I think that, you know, obviously  
21 that Congressional District 6 reflected the  
22 demographics and the population changes.

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1 Q Can you point me to any specific  
2 changes to the boundaries of Congressional  
3 District 6 that were made due to this thorough  
4 vetting that went around -- on around the state?  
5 A I can't give you any specific changes  
6 in that area.  
7 Q Okay. Can you point me to any  
8 specific change that was made to the boundaries of  
9 the 6th Congressional District based on any input  
10 that you received during those twelve meetings  
11 around the state?  
12 A Our -- our first meeting was in  
13 Frederick, and there was very little discussion  
14 about Congressional District 6.  
15 Q Uh-hmm.  
16 A Most of the discussion came from  
17 people from Frederick that believed they were  
18 underserved because of the loss of population and  
19 different demographics in Washington, Garrett, and  
20 Allegany Counties.  
21 Q Uh-hmm. Can you propo- -- can you  
22 point me to any change that was made to the

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1 boundaries of the 6th Congressional District based  
2 on that testimony that you received at the  
3 Frederick meeting?  
4 A I just did, I think.  
5 Q Can you -- well, what -- how were the  
6 boundaries changed based on what you -- the input  
7 you received at the Frederick meeting?  
8 A Well, I think that they wanted to see  
9 the growth in Frederick addressed.  
10 Q Uh-hmm. When you say they wanted to  
11 see the growth in Frederick addressed, how did the  
12 6th Congressional District's new boundaries  
13 address the growth in Frederick?  
14 A This is an assumption on my part --  
15 Q Uh-hmm.  
16 A -- but I think it -- there was a  
17 commonality more or less of the growth coming out  
18 of Montgomery County and Frederick that, you know,  
19 reflected the population demographics in that  
20 area.  
21 Q Did you receive any data that showed  
22 you that there was similar growth in Frederick and

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1 Montgomery Counties?  
2 A I saw the census numbers.  
3 Q Okay. Did the census numbers show you  
4 that there was similar growth in Frederick and  
5 Montgomery Counties?  
6 A To the best of my memory, there was  
7 growth in both areas, yes.  
8 Q Was it the -- was it at a similar  
9 rate?  
10 A Not exactly sure how close the rate  
11 was, but they put, you know, on the census what  
12 each county's growth rate was, what's -- what's  
13 the minority representation in those areas, and it  
14 goes through every minority --  
15 Q Uh-hmm.  
16 A -- African-American, Asian, Hispanic,  
17 and it was -- it was an interesting --  
18 Q Sure.  
19 A -- observation.  
20 Q Did the GRAC consider that data when  
21 it evaluated the Governor's proposed map that he  
22 sent to the GRAC?

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1 MS. KATZ: Objection, speculation.  
2 THE WITNESS: Look, the map that came  
3 down from the Governor's office I think reflected  
4 what he had got and received back from  
5 Ms. Hitchcock.  
6 BY MR. MEDLOCK:  
7 Q Is that an assumption on your part, or  
8 is that --  
9 A That's an assumption.  
10 Q -- something you know to be true?  
11 A That's an assumption.  
12 Q Did you ever ask anyone in the  
13 Governor's office whether the map that the  
14 Governor proposed to the GRAC took into account  
15 the rates of growth in Frederick and Montgomery  
16 Counties?  
17 A No, I did not, except, you know,  
18 through the numbers of the census.  
19 Q Did you confirm for yourself whether  
20 the Governor's map took into account the rates of  
21 growth in Frederick and Montgomery Counties?  
22 Did -- when you got the Governor's

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1 map --  
2 A Right.  
3 Q -- my question is, did you actually  
4 sit down with census data to evaluate the map?  
5 A No.  
6 Q Did you actually sit down with any  
7 demographic information to evaluate the Governor's  
8 map when you received it?  
9 A No.  
10 Q So when you say that the Governor's  
11 map reflected changes in the growth of Frederick  
12 and Montgomery Counties --  
13 A No.  
14 Q -- you never did any independent  
15 analysis on your own to determine whether that was  
16 true?  
17 A No, but I had seen the numbers from  
18 the Maryland Department of Planning.  
19 Q Sure. You saw the numbers, but did  
20 you do anything to -- to compare those numbers to  
21 the map you actually received from the Governor?  
22 MS. KATZ: Objection, asked and

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1 answered several times.  
2 THE WITNESS: No.  
3 MR. MEDLOCK: Could we take  
4 ten minutes? I want to go over my notes.  
5 MS. KATZ: Sure.  
6 THE VIDEOGRAPHER: Going off the  
7 record at 1:47.  
8 (A break was taken.)  
9 THE VIDEOGRAPHER: We're back on the  
10 record. The time is now 2:00 p.m.  
11 BY MR. MEDLOCK:  
12 Q Welcome back, sir. Do you --  
13 A Glad to be here.  
14 Q Thanks. Do you know whether the  
15 Governor's office considered party affiliation  
16 when drafting the proposed congressional map?  
17 MS. KATZ: Objection, speculation.  
18 THE WITNESS: Yeah, that would be  
19 speculation on my part.  
20 BY MR. MEDLOCK:  
21 Q You just don't know one way or the  
22 other; is that right?

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1 A No.  
2 Q Do you know whether the Governor's  
3 office considered prior voting history when  
4 drafting the proposed congressional map that was  
5 sent to the GRAC?  
6 MS. KATZ: Same objection.  
7 THE WITNESS: Prior voting history?  
8 BY MR. MEDLOCK:  
9 Q Yes.  
10 A Of what?  
11 Q Of voters' prior history of voting for  
12 one party or the other.  
13 A I -- I don't know exactly, but, you  
14 know, I don't.  
15 Q You don't know one way or the other,  
16 is that right, whether the Governor's office  
17 could --  
18 A Ask your question again.  
19 Q You don't know one way or the other  
20 whether the Governor's office considered voters'  
21 prior voting history when drafting --  
22 A I do not.

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1 Q Okay. You don't know one way or the  
2 other whether the Governor's office considered  
3 input from third-party consultants when drafting  
4 the map that was sent to the GRAC?  
5 MS. KATZ: Objection --  
6 THE WITNESS: No.  
7 MS. KATZ: -- speculation.  
8 BY MR. MEDLOCK:  
9 Q You don't know one way or the other  
10 whether the Governor's office was targeting a  
11 particular congressional district when it drafted  
12 the proposed congressional map that was sent to  
13 the GRAC?  
14 MS. KATZ: Objection.  
15 THE WITNESS: I do not.  
16 BY MR. MEDLOCK:  
17 Q You don't know one way or the other  
18 whether the Governor's office was trying to  
19 increase Democratic performance in a particular  
20 congressional district when it drafted the  
21 proposed congressional map that was --  
22 A No.

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1 Q -- sent to the GRAC?  
2 You don't know one way or the other  
3 whether the Governor's office was trying to create  
4 a map with -- that would have seven Democratic  
5 seats and one Republican seat when it was drafting  
6 the proposed congressional map that was sent to  
7 the GRAC; is that right?  
8 A No.  
9 Q You don't know whether the  
10 Governor's -- one way or the other whether the  
11 Governor's office was attempting to make it more  
12 likely that a Democrat could win the  
13 6th Congressional District when it drafted the  
14 proposed congressional map that was --  
15 A No.  
16 Q -- sent to the GRAC?  
17 You don't know whether the Governor's  
18 office was attempting to flip the  
19 6th Congressional District when it drafted the  
20 proposed congressional map that was sent to the  
21 GRAC?  
22 A No.

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1 MS. KATZ: Same objection.  
 2 BY MR. MEDLOCK:  
 3 Q You don't know whether the Governor's  
 4 office had considered -- if you had known the  
 5 Governor's office considered party affiliation  
 6 when drafting the proposed congressional map,  
 7 would you have voted for it?  
 8 MS. KATZ: Objection, speculation.  
 9 THE WITNESS: The -- the map, like any  
 10 other map, is a compilation of -- of all eight  
 11 congressional districts --  
 12 BY MR. MEDLOCK:  
 13 Q Uh-hmm.  
 14 A -- and I believe that the map was done  
 15 fairly and reflected the views of the majority of  
 16 the citizens of the state.  
 17 Q The majority of the citizens of  
 18 Maryland are Democrats, correct?  
 19 A Yes.  
 20 Q Do you believe that Democrats are  
 21 underrepresented in -- in Maryland's  
 22 U.S. Congressional delegation?

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1 A Do I believe they're underrepresented?  
 2 Q Yes.  
 3 A The Democrats?  
 4 Q Yes.  
 5 A No.  
 6 Q Do you believe the Democrats were  
 7 underrepresented in 2011 when they only had six  
 8 seats in the U.S. Congress?  
 9 A No.  
 10 Q If you knew that the Governor's office  
 11 had drawn the proposed congressional map with the  
 12 intent to flip the 6th Congressional District,  
 13 would you still have voted for it?  
 14 MS. KATZ: Objection, speculation.  
 15 THE WITNESS: I voted for and  
 16 supported what I would believe was in the best  
 17 interest of the citizens of the state.  
 18 BY MR. MEDLOCK:  
 19 Q Did you ever ask anybody in the  
 20 Governor's office what their intent was in drawing  
 21 the lines of the --  
 22 A I did not.

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1 Q -- 6th Congressional District?  
 2 Do you have any regrets regarding the  
 3 2011 congressional redistricting process?  
 4 A Do I have any regrets?  
 5 Q Uh-hmm.  
 6 A Not really.  
 7 MR. MEDLOCK: All right. That's all  
 8 the questions I have.  
 9 MS. KATZ: Okay.  
 10 MR. FROSH: Thanks. He'll read.  
 11 THE VIDEOGRAPHER: It is April 19th,  
 12 2017. The time is now 2:04 p.m., completing  
 13 today's deposition of Speaker Michael Busch.  
 14 We're off the record.  
 15 (Whereupon, at 2:04 p.m., the taking  
 16 of the deposition was concluded.  
 17 Reading and signature were RESERVED.)  
 18  
 19  
 20  
 21  
 22

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1 CERTIFICATE OF NOTARY PUBLIC  
 2 I, DAWN A. JAQUES, a Notary Public in and for  
 3 the State of Maryland, before whom the foregoing  
 4 deposition was taken, do hereby certify that witness  
 5 whose testimony appears in the foregoing pages was  
 6 duly sworn by me; that the testimony of said witness  
 7 was taken by me in shorthand at the time and place  
 8 mentioned in the caption hereof and thereafter  
 9 reduced to typewriting under my supervision; that  
 10 said deposition is a true record of the testimony  
 11 given by said witness; that I am neither counsel  
 12 for, related to, nor employed by any of the parties  
 13 to the action in which this deposition is taken;  
 14 and, further, that I am not a relative or employee  
 15 of any attorney or counsel employed by the parties  
 16 thereto, nor financially or otherwise interested in  
 17 the outcome of the actions.  
 18  
 19  
 20 \_\_\_\_\_  
 21 Dawn A. Jaques, CSR, CLR  
 22 Notary Public in and for  
 State of Maryland  
 My commission expires:  
 July 9, 2019

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1 Speaker Michael E. Busch c/o  
 Office of the Attorney General  
 2 200 St. Paul Place  
 Baltimore, Maryland 21202  
 3  
 4 Case: O. John Benisek, et al. v. Linda Lamone, et al.  
 Date of deposition: April 19, 2017  
 5 Deponent: Speaker Michael E. Busch  
 6  
 7 Please be advised that the transcript in the above  
 8 referenced matter is now complete and ready for signature.  
 9 The deponent may come to this office to sign the transcript,  
 10 a copy may be purchased for the witness to review and sign,  
 11 or the deponent and/or counsel may waive the option of  
 12 signing. Please advise us of the option selected.  
 13 Please forward the errata sheet and the original signed  
 14 signature page to counsel noticing the deposition, noting the  
 15 applicable time period allowed for such by the governing  
 16 Rules of Procedure. If you have any questions, please do  
 17 not hesitate to call our office at (202)-232-0646.  
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 5 Witness Name: Speaker Michael E. Busch  
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 6  
 7 I do hereby acknowledge that I have read  
 8 and examined the foregoing pages  
 9 of the transcript of my deposition and that:  
 10  
 (Check appropriate box):  
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 complete transcription of the answers given by  
 me to the questions therein recorded.  
 12 ( ) Except for the changes noted in the  
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 13 correct and complete transcription of the  
 answers given by me to the questions therein  
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 15  
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 17 DATE WITNESS SIGNATURE  
 18  
 19  
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 21 \_\_\_\_\_  
 22 DATE NOTARY

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