

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF WAKE

11 CVS 16896

11 CVS 16940

MARGARET DICKSON, et al., )

Plaintiffs, )

vs. )

ROBERT RUCHO, in his )

official capacity only as )

the Chairman of the North )

Carolina Senate )

Redistricting Committee, )

et al., )

Defendants. )

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NORTH CAROLINA STATE )

CONFERENCE OF BRANCHES OF )

THE NAACP, et al., )

Plaintiffs, )

vs. )

STATE OF NORTH CAROLINA, )

et al., )

Defendants. )

DEPOSITION OF

ANTHONY FAIRFAX

\_\_\_\_\_  
9:31 A.M.

THURSDAY, MAY 17, 2012

\_\_\_\_\_  
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By: Denise Myers Byrd, CSR 8340, RPR

**Exhibit 3**

1 compactness measures. Many of the other measures  
2 would not enable me just to have a shape file. It  
3 would have to have a block assignment file to  
4 recreate, but I could go back to 1990 shapes and  
5 actually use those three compactness measures and  
6 compare.

7 Q. I really don't know a better way to do this other  
8 than I would like to walk through the eight  
9 measures that you used. I assume you have them  
10 committed to memory.

11 A. Of course.

12 Q. If not, I was going to hand you your affidavit,  
13 which we'll look at that later, but let's start  
14 with the first one that keeps coming to my mind is  
15 I think Reock or Rock.

16 A. Reock. People pronounce it different ways.

17 Q. What does it measure?

18 A. Essentially it's a circumscribed circle. It gives  
19 you the smallest circumscribed circle around the  
20 district and it compares that to the area. So the  
21 area of the district to the area of the smallest  
22 circumscribed circle.

23 Q. So in the three categories is it a dispersion  
24 measure?

25 A. It would be considered a dispersion, correct.

Anthony Fairfax

5/17/2012

Margaret Dickson, et al. v Robert Rucho, et al., 11 CVS 16896 &amp; 11 CVS 16940

1 A. Not significant in its own self.

2 Q. In your opinion, how much of the difference -- how  
3 much of a difference would there have to be before  
4 a group of experts say that's clearly a significant  
5 difference?

6 A. Hard to tell. I mean, I can give you the ones that  
7 I probably feel comfortable, .05, .1, all leaning  
8 toward not being compact. .7 and above all leaning  
9 to be compact.

10 In between, it's debatable. I would look  
11 at just not that one compactness measure. You  
12 would look at overall the other compactness  
13 measures to make a determination. So that becomes  
14 a factor in the decision-making whether it's  
15 compact or not, not just the standalone .05  
16 difference is what you were saying.

17 Q. All right. What I'm trying to just figure out is  
18 what the standard is.

19 A. Right.

20 Q. What I'm hearing -- what I feel like I'm hearing is  
21 you're saying this is a judgment call.

22 A. It is. In many cases it is a judgment call, you're  
23 right, and you try to bring some sort of  
24 quantification to that judgment call, and that's  
25 the purpose of the table is to somewhat take the

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1 judgment aspect out of that to give you a more

2 numerical value to say this is least or this is

3 more compact.

4 Q. But your table, of course, does not show the actual

5 differences in the scores, correct?

6 A. Correct. Correct.

7 Q. So is there any way that you know of to take the

8 judgment out of the equation?

9 A. At this particular moment, I can't think of any.

10 Q. If you'll look at paragraph 24 of the first

11 affidavit, I just want to make sure I'm

12 understanding this correct. This is a comparison

13 of the enacted Senate plan which is called Rucho

14 Senate 2 with the baseline and the Fair and Legal

15 plan, correct?

16 A. Correct.

17 Q. And in the Overall Compact category, it showed that

18 25 of the 50 districts in the Rucho plan were less

19 compact than the Fair and Legal plan, correct?

20 A. Correct.

21 Q. Which means that 25 of the districts were more

22 compact, correct?

23 A. Correct.

24 Q. So as between the Fair and Legal Senate plan and

25 the Senate Rucho plan is essentially a tie?

1 A. Correct.

2 Q. Then in paragraph 26 in the Senate -- the very last  
3 sentence of that paragraph it says, "Comparing  
4 SRN-5, Rucho Senate 2's most compact district was  
5 less compact for one measure (Polsby-Popper) with  
6 the Overall Compactness indicator showing the Max  
7 district was not less compact."

8 A. Right.

9 Q. So does that mean with regard to the Overall  
10 Compactness indicator the enacted plan was not less  
11 compact than the Fair and Legal plan?

12 A. Correct.

13 Q. In paragraph 27, if you'll read that first sentence  
14 to yourself, I think there are some words missing  
15 in there.

16 A. It may be.

17 Q. Could you help me with that.

18 A. Yes, I see there are.

19 Q. Do you happen to know what they ought to be?

20 A. It should be -- should be that it's less compact,  
21 the Rucho plan for all measures are less compact  
22 than the baseline plan including the overall  
23 indicator is less compact.

24 Q. All right.

25 A. Was less compact.