

In the Matter Of:

In the Matter of the 2021 Redistricting Plan

John Binkley

January 11, 2022

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1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 In the Matter of the

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5 2021 Redistricting Plan. Case No. 3AN-21-08869CI

6 _____/

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8 VIDEOTAPED DEPOSITION OF:

9 JOHN BINKLEY

10

11 TAKEN: TUESDAY, JANUARY 11TH, 2022

12 AT 9:09 AM AKST

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**CERTIFIED
TRANSCRIPT**

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21 BEFORE: CASSANDRA E. ELLIS, RPR CRR CSR

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<p>Page 2</p> <p>1 Zoom video Deposition of John Binkley, 2 held pursuant to agreement before Cassandra E. 3 Ellis, Certified Shorthand Reporter - Hawaii, 4 Certified Shorthand Reporter - Virginia, Certified 5 Court Reporter - Washington, Registered 6 Professional Reporter, Certified Realtime 7 Reporter, Realtime Systems Administrator, and 8 Notary Public. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 4</p> <p>1 APPEARANCES CONTINUED: 2 ON BEHALF OF MATANUSKA-SUSITNA BOROUGH AND 3 MICHAEL BROWN: 4 STACEY C. STONE, ESQUIRE 5 HOLMES WEDDLE & BARCOTT, P.C. 6 701 W 8th Ave, Suite 700 7 Anchorage, AK 99501 8 (907) 274-0666 9 Sstone@hwb-law.com 10 11 ON BEHALF OF FELISA WILSON, GEORGE MARTINEZ, AND 12 YARROW SILVERS: 13 ZOE DANNER, ESQUIRE 14 HOLLY WELLS, ESQUIRE 15 MARA E. MICHALETZ, ESQUIRE 16 BIRCH HORTON BITTNER & CHEROT 17 510 L Street, Suite 700 18 Anchorage, AK 99501 19 907-276-1550 20 Mmichaletz@bhb.com 21 22 23 24 25</p>
<p>Page 3</p> <p>1 APPEARANCES: 2 ON BEHALF OF THE CITY OF VALDEZ, MARK DETTER, 3 MUNICIPALITY OF SKAGWAY AND BRAD RYAN: 4 ROBIN O. BRENA, ESQUIRE 5 JAKE W. STASER, ESQUIRE 6 JACK WAKELAND, ESQUIRE 7 BRENA, BELL & WALKER, P.C. 8 RSD Building 9 810 N Street, Suite 100 10 Anchorage, Alaska 99501 11 907-258-2000 12 Rbrena@brenalaw.com 13 Jstaser@brenalaw.com 14 Jwakeland@brenalaw.com 15 16 ON BEHALF OF ALASKA REDISTRICTING BOARD: 17 MATT SINGER, ESQUIRE 18 LEE BAXTER, ESQUIRE 19 SCHWABE, WILLIAMSON & WYATT 20 420 L Street, Suite 400 21 Anchorage, AK 99501 22 907-339-7148 23 Msinger@schwabe.com 24 Lbaxter@schwabe.com 25</p>	<p>Page 5</p> <p>1 APPEARANCES CONTINUED: 2 ON BEHALF OF CALISTA CORPORATION, WILLIAM NANENG, 3 AND HARLEY SUNDOWN: 4 EVA R. GARDNER, ESQUIRE 5 MICHAEL S. SCHECHTER, ESQUIRE 6 BENJAMIN J. FARKASH, ESQUIRE 7 ASHBURN & MASON, P.C. 8 1227 West 9th Avenue, Suite 200 9 Anchorage, AK 99501 10 907-276-4331 11 Eva@anchorlaw.com 12 Mike@anchorlaw.com 13 Ben@anchorlaw.com 14 15 ON BEHALF OF INVENTOR DOYON LIMITED ET AL: 16 NATHANIEL (TANNER) AMDUR-CLARK, ESQUIRE 17 SONOSKY, CHAMBERS, SACHSE, MILLER & MONKMAN, LLP 18 725 E Fireweed Lane, Suite 420 19 Anchorage, Alaska 99503 20 907-258-6377 21 Nathaniel@sonosky.net 22 23 24 Also present: Eric Cossman, CLVS; 25 Randy Ruedrich; Nicole Borromeo; D.J. Presley</p>

1	C O N T E N T S	Page 6	1	name is Robin Brena, I'm with the firm of Brena	Page 8
2	EXAMINATION OF JOHN BINKLEY	PAGE	2	Bell and Walker, and I'm here on behalf of the	
3	By Ms. Danner	9	3	City of Valdez and the City Municipality of	
4	By Mr. Brena	17	4	Skagway, and with me I'd like to enter the	
5	By Ms. Stone	172	5	appearance of Jake Staser and Jack Wakeland,	
6	By Ms. Gardner	195	6	please.	
7	By Ms. Wells	254	7	MS. STONE: Good morning. This is	
8			8	Stacey Stone, with the law firm of Holmes Weddle	
9			9	and Barcott, on behalf of the plaintiffs	
10	E X H I B I T S		10	Matanuska-Susitna Borough and Michael Brown.	
11	(Attached to the Transcript)		11	MS. GARDNER: Eva Gardner, for	
12	JOHN BINKLEY EXHIBIT DESCRIPTION	PAGE	12	Calista Corporation, William Naneng and Harley	
13	Exhibit 38 11/02/2021 Alaska Redistricting	117	13	Sundown. I'm here with my cocounsel, Mike	
14	Board Meeting		14	Schechter and Ben Farkash.	
15	Exhibit 39 01/21/2021 E-mail Bates	271	15	MS. DANNER: And this is Zoe	
16	Stamped ARB00111034-035		16	Danner, from Birch Horton Bittner & Cherot, our	
17			17	firm represents the East Anchorage plaintiffs,	
18			18	Felisa Wilson, George Martinez, and Yarrow	
19			19	Silvers, my colleague, Mara Michaletz is on the	
20			20	call, and Holly Wells will be joining us later.	
21			21	MR. SINGER: I'm Matt Singer, for	
22			22	the Alaska Redistricting Board and the witness,	
23			23	Mr. Binkley. My colleague, Kayla Tanner, may be	
24			24	listening in, my colleague, Lee Baxter, may	
25			25	listen for part of the day, and Nicole Borromeo	
1	P R O C E E D I N G S	Page 7	1	is another member of the Alaska Redistricting	Page 9
2	THE VIDEOGRAPHER: And we're on the		2	Board is listening.	
3	record at 9:09 a.m. Alaska time, this is the		3	Please proceed with your questions,	
4	video deposition of John Binkley, taken by		4	Zoe.	
5	plaintiffs, Municipality of Skagway Borough and		5	MR. AMDUR-CLARK: Matt, just from	
6	Brad Ryan, City of Valdez and Mark Detter,		6	the record, this is Tanner Amdur-Clark.	
7	Matanuska-Susitna Borough and Michael Brown,		7	MR. SINGER: Oh, sorry.	
8	Calista Corporation, William Naneng, and Harley		8	MR. AMDUR-CLARK: From Sonosky,	
9	Sundown, and Felisa Wilson, George Martinez and		9	Chambers, here on behalf of Doyon Limited,	
10	Yarrow Silvers, in the matter of the 2021		10	Tanana Chiefs Conference, Fairbanks Native	
11	redistricting -- Redistricting Plan,		11	Association, Ahtna Incorporated, Sealaska,	
12	Consolidated Case Number 3AN-21-08869 civil, in		12	Donald Charlie, Rhonda Pitka, Cherise Bitas	
13	the Superior Court for the State of Alaska,		13	(phonetic) and Gordon Carlson, collectively	
14	Third Judicial District at Anchorage.		14	known as the intervener defendants. Thank you	
15	This deposition is being held via		15	very much.	
16	video conference on the Zoom internet platform		16	JOHN BINKLEY	
17	on January 11th, 2022.		17	having been sworn, testified as follows:	
18	My name is Eric Cossman, here today		18	EXAMINATION	
19	on behalf of Pacific Rim Reporting, located at		19	BY MS. DANNER:	
20	711 M Street, Suite 4, Anchorage, Alaska 99501.		20	Q. Good morning, Mr. Binkley.	
21	The court reporter is Cassandra Ellis, also with		21	A. Good morning.	
22	Pacific Rim Reporting.		22	Q. My name is Zoe Danner and, like I	
23	Will counsel please identify		23	said, I'm attorney with Birch Horner Bittner and	
24	themselves for the record.		24	Cherot, our firm represents the East Anchorage	
25	MR. BRENA: Yes, good morning. My		25	plaintiffs, Felisa Wilson, George Martinez and	

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1 Yarrow Silvers.
2 Another attorney from our firm will
3 be deposing you, likely much later in the day,
4 as to our case. But for now I'll just be asking
5 some brief procedural and foundational questions
6 to get the ball rolling, and then I'll step back
7 and let others take the wheel, if that's all
8 right?
9 **A. Okay.**
10 **THE WITNESS: If I can just ask our**
11 **counsel, can you turn the volume up just a bit.**
12 MR. SINGER: Yeah. See how that
13 sounds.
14 **THE WITNESS: Okay.**
15 MS. DANNER: Is that better?
16 **THE WITNESS: That is much better.**
17 **Thank you.**
18 BY MS. DANNER:
19 Q. So that helps with my first
20 question, it looks like you and Mr. Singer are
21 located in the same room right now?
22 **A. We are.**
23 Q. And is anybody else in the room
24 with you right now?
25 **A. Yes, there's D.J. Presley, who is**

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1 **our executive -- deputy executive director and**
2 **Peter Torkelson, our executive director, was**
3 **here but he's gone right now.**
4 Q. Okay. So with the exception of
5 those folks, and others from Mr. Singer's firm,
6 if anybody enters the room during the deposition
7 please do let us know.
8 **A. Okay. Maybe I could ask Mr. Singer**
9 **to.**
10 MR. SINGER: Yeah, I don't
11 anticipate anybody else entering the room today.
12 MS. DANNER: Okay. Thank you.
13 BY MS. DANNER:
14 Q. So Mr. Binkley, recognizing your
15 substantial experience in our state's business
16 and political landscapes, have you been deposed
17 before?
18 **A. I have.**
19 Q. Okay. And was that recent?
20 **A. Maybe within the last five years.**
21 Q. Okay. So a lot of the questions
22 I'm going to ask will likely be familiar to you,
23 but especially in light of the Zoom format there
24 are some additional formalities that we'll need
25 to go through.

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1 **A. Okay.**
2 Q. So right off the bat, how are you
3 feeling today?
4 **A. Great.**
5 Q. Great. And just to clarify, you're
6 not under the influence of any drugs, alcohol,
7 medication, anything else that would impact your
8 testimony?
9 **A. I am not.**
10 Q. Okay. So plaintiffs' counsel
11 throughout the day will be asking you a series
12 of questions. Mr. Singer may object. Please
13 make sure to answer every question, even if
14 there's an objection, unless Mr. Singer
15 specifically directs you not to answer.
16 Especially because we're on Zoom,
17 the objection might interrupt things, but
18 counsel will do our best to go slowly and try to
19 keep that from happening.
20 **A. Okay.**
21 Q. Do you understand that? Okay.
22 So, you know, you already indicated
23 that you asked the volume to be turned up, but
24 if any similar issues come up during the course
25 of the day, with camera or microphone issues,

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1 just let us know.
2 **A. Will do.**
3 Q. Okay. So with the exception of
4 counsel, you're not permitted to communicate
5 with anyone during this deposition, including
6 during breaks, so that means no texting,
7 e-mailing, instant messaging or using your
8 computer, phone, or other devices; do you
9 understand?
10 **A. Yeah, that's a tough one, but I**
11 **understand.**
12 Q. Okay. Understood.
13 If -- if you must communicate with
14 someone, during a break, just let the attorneys
15 know. I understand that that can be difficult,
16 in light of personal commitments or other
17 issues.
18 **A. Thank you.**
19 MR. SINGER: And just for the
20 record, if Mr. Binkley has some unrelated
21 business to attend to on a break, I don't think
22 the rules preclude him from doing that, and
23 we're happy to tell you who he spoke with or
24 what his business was, but --
25 MS. DANNER: Understood,

<p style="text-align: right;">Page 14</p> <p>1 Mr. Singer. 2 BY MS. DANNER: 3 Q. So in that vein it's been our 4 practice throughout these depositions to go on 5 break every hour or so, but we can take a break 6 more or less frequently, as you need. It's been 7 counsel's practice to be fairly liberal with 8 breaks, as long as there's no questions pending. 9 A. Okay. 10 Q. That sounds workable? 11 A. Yeah, that sounds great. 12 Q. I noticed earlier you appeared to 13 be taking notes. Do you have anything in front 14 of you right now? 15 A. I have a note with your -- with 16 your name on it. 17 Q. Okay. 18 A. That you represent the East 19 Anchorage plaintiffs. 20 Q. Gotcha. 21 A. Yarrow Silver, that's what I've 22 got, that's all I've got. 23 Q. Gotcha. Do you have any other 24 notes that you have taken previously? 25 A. No, I do not.</p>	<p style="text-align: right;">Page 16</p> <p>1 I place a paper copy in front of him I'll do my 2 best to say that on the record. 3 MS. DANNER: Of course, and you've 4 been very forthright about that throughout these 5 depositions, Mr. Singer. 6 THE WITNESS: And it might be 7 helpful, just on this computer screen, I notice 8 that the window is not the full view. And if 9 I'm looking at exhibits on here it might be 10 helpful if I have it full screen. 11 MR. SINGER: Let me see if I -- 12 THE WITNESS: That's better. Oh, 13 yeah, yeah, now I can see you, Ms. Danner. 14 BY MS. DANNER: 15 Q. I think that's the extent of my 16 questions. 17 Do you have any -- any procedural 18 issues we can clarify before Mr Brena takes 19 over? 20 A. Not for me. 21 MS. DANNER: All right. Well, 22 thank you very much for your time, Mr. Binkley. 23 THE WITNESS: You bet. Thank you. 24 /// 25 ///</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. No other documents? 2 A. None. There's a pile of exhibits 3 around me. 4 Q. Okay. 5 A. But nothing from -- that I have. 6 Q. So if, throughout the course of the 7 questioning, you do need to consult something, 8 in order to refresh your recollection, let 9 counsel know and we'll do our best to make that 10 happen. 11 A. Okay. Thank you. 12 Q. So in that same vein, if deposing 13 counsel needs to show you an exhibit it will be 14 placed on the screen, and we can manipulate the 15 image if you're having troubling seeing it or 16 you need it to be zoomed in or moved up and 17 down. 18 Will you agree to not look at 19 anything else, on your computer or phone, during 20 the deposition with the exception of those 21 exhibits? 22 MR. SINGER: I object to that, just 23 that we have paper copies of all of the 24 exhibits, here, and if the witness would prefer 25 to look at a paper copy he can ask. If I -- if</p>	<p style="text-align: right;">Page 17</p> <p>1 EXAMINATION 2 BY MR. BRENA: 3 Q. Good morning, again, Mr. Binkley. 4 A. Good morning. 5 Q. If I ask you a question, and you 6 don't understand my question, please ask me to 7 clarify it or explain what's confusing about it 8 so that we can get in sync. It doesn't do 9 either one of us any good to have a confused 10 record; fair enough? 11 A. Fair enough. 12 Q. Okay. I'm going to start out by 13 asking you some questions about your background. 14 You were born and raised in Fairbanks; right? 15 A. That's correct. 16 Q. Graduated from Lathrop? 17 A. Yes. 18 Q. Fairbanks boy through and through; 19 right? 20 A. Well, they say that you can take 21 the boy out of Fairbanks but not Fairbanks out 22 of the boy. 23 Q. Okay. Now, after college you 24 returned to Alaska and moved to Bethel; is that 25 right?</p>

<p>Page 18</p> <p>1 A. Well, my wife and I started a tug 2 and barge business out of St. Mary's on the 3 lower Yukon in 1977, and then late '78 we moved 4 to Bethel from Saint Mary's, so... 5 Q. Okay. And the freight business 6 that you operate out of Saint Mary's, would you 7 describe specifically where you haul freight 8 from and to? 9 A. Yeah, on the Yukon it was a tug and 10 barge operation, we primarily hauled sand and 11 gravel out of Saint Mary, down Saint Mary's, 12 downstream, to the lower Yukon villages in the 13 Yukon-Kuskokwim Delta, which really doesn't have 14 a source of aggregate. So the hills and 15 mountains start about -- Mountain Village, Saint 16 Mary's, and we hauled that aggregate down 17 primarily for construction of and improvements 18 of airports in the lower Yukon. 19 And then, when we moved to Bethel, 20 did something similar on Kuskokwim River 21 Villages and out on the coast of the Bering Sea, 22 many of those villages, and then we expanded the 23 business, over time, to include freight, cargo, 24 petroleum, other goods that we hauled out of 25 there by tug and barge.</p>	<p>Page 20</p> <p>1 Q. So you're intimately familiar with 2 the rural Alaska along the river systems in the 3 K-Y Delta and the Yukon and Kuskokwim; right? 4 A. Yes. 5 Q. Okay. 6 A. And I also had an opportunity to 7 represent that area. 8 Q. That's -- that's just what I was 9 going to. 10 A. Okay. 11 Q. But we're going to start with 12 Bethel city council. 13 A. Okay. 14 Q. You did that for four years, I'd 15 like to just go through your -- kind of your 16 political resumé. So if you can just start 17 with -- with the Bethel city council and just 18 kind of take it from there, where you can -- we 19 can do it a question at a time, however you 20 would like to proceed. 21 A. Yeah, I'll maybe do the Reader's 22 Digest version quickly. 23 Q. Thank you. I would appreciate 24 that. 25 A. Okay. I did serve on the Bethel</p>
<p>Page 19</p> <p>1 Q. When you started hauling aggregate, 2 did you have an interest in the gravel pits, as 3 well as in the transportation of it or were you 4 just the transportation? 5 A. Just transportation. 6 Q. Okay. Did you have occasion to run 7 upriver, past Saint Mary's, up the Yukon, was 8 that part of the operation or was it just -- or 9 hauling aggregate from Saint Mary's down river? 10 A. It was just from Saint Mary's down 11 river, at that time. 12 Q. Okay. 13 A. I happened to operate farther up 14 the Yukon River. But when we started our tug 15 and barge business there it was just aggregate 16 downstream. 17 Q. Okay. And then when you moved to 18 Bethel you said you sort of expanded the freight 19 business, did you run up and down river there? 20 A. Yeah, all the way, you know, from 21 Nicolet (phonetic) and Telida, through McGrath 22 and all the way full length of the Kuskokwim 23 River, and then coastwise from Goodnews Bay all 24 the way up to Chevak and Hooper and that part of 25 the coastal area of the Bering Sea.</p>	<p>Page 21</p> <p>1 city council. I was elected to the house of 2 representative from that area, and then served 3 one term, ran for the state senate, much broader 4 geographic area, served one term in the senate. 5 In the interim, we had sold our tug 6 and barge business, decided not to seek an 7 additional term in the senate. Our kids were 8 going to be in high school and the next -- would 9 have been in the next four years, and my wife 10 and I, who was also born in Fairbanks, decided 11 to move back to Fairbanks and give our kids an 12 opportunity to spend time with all of our 13 extended families, which we did. 14 Q. And that's when you started the 15 River Boat Discovery Tours out of Fairbanks? 16 A. Well, that was started by my 17 parents in 1950. 18 Q. Okay. 19 A. So I grew up in that part of the 20 business, but then went back into the family 21 business when we moved back to Fairbanks. 22 Q. 1950 was the year that my father 23 bought and operated the oldest operating bar in 24 Alaska, Mr. Binkley. 25 A. Oh.</p>

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1 Q. Which you grew up in the Yukon, I
2 grew up in a bar in Skagway.
3 **A. I think -- well, my -- I spent a**
4 **lot of time on sandbars, so --**
5 Q. Well, you need a good bar if you
6 spend a lot of time on sandbars.
7 MR. SINGER: I think we need the
8 name of the bar, for the record, so we know
9 where to go when that is all over.
10 MR. BRENA: Pack Train Inn is the
11 name of the bar in Skagway.
12 **THE WITNESS: What was that?**
13 MR. BRENA: Pack Train Inn.
14 **THE WITNESS: Pack Train Inn? And**
15 **that was in Skagway?**
16 MR. BRENA: Yep, it was.
17 **THE WITNESS: Wow.**
18 BY MR. BRENA:
19 Q. You -- in your house district, your
20 house district that you were elected to in 1985,
21 it was District 25, can you tell me what your
22 house district -- what geographic area your
23 house district entailed?
24 **A. It went from the mid Kuskokwim area**
25 **I think as far maybe as Tuluksak down to the**
1 **coast, included Platinum, Goodnews Bay, and then**
2 **up the coast as far as Newtok, as I recall.**
3 Q. Okay. And then, similarly, when
4 you served in the senate in 1986 through 1990,
5 your senate district was District M, I believe;
6 is that correct?
7 **A. I -- that sounds right, District M,**
8 **yeah.**
9 Q. Okay.
10 **A. It was a much broader district. It**
11 **was 225,000 square miles.**
12 Q. Okay.
13 **A. Went all the way from the Canadian**
14 **border in the east, took in all of the drainage**
15 **of the Yukon River, down as far as about**
16 **Marshall, took in all the Panka (phonetic) River**
17 **drainage, took in the south slope of the Brooks**
18 **Range, came in around the Fairbanks North Star**
19 **Borough, took in Minto, Manley Hot Springs, went**
20 **around Nenana, down to just the west side of**
21 **Cook Inlet, over here, came in through Beluga,**
22 **then around Bristol Bay into Goodnews and**
23 **Platinum, and then up the coast again as far as**
24 **Newtok, and then all the drainage of the**
25 **Kuskokwim River and the drainage of the**

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1 **Kantishna River, including Lake Minchumina.**
2 Q. Now, if I -- I don't know and
3 haven't been to all the communities that you've
4 mentioned, but they sounded like all rural
5 Alaskan communities that were off the road
6 system, were they?
7 **A. There were some that were on the**
8 **road system.**
9 Q. List those.
10 **A. Well, Wythe, for example, Minto,**
11 **Manley Hot Springs, they, of course, were on the**
12 **road system. And there were a few roads**
13 **between, there's a road between Mountain Village**
14 **and Saint Mary's.**
15 Q. Okay. Down on the -- down on
16 the -- you -- okay. Down on the river system.
17 Okay.
18 **A. Mm-hmm.**
19 Q. Now, in 2005 you ran for governor;
20 right?
21 **A. Unsuccessfully.**
22 Q. You came in second to Sarah Palin,
23 I believe?
24 **A. I did, yeah.**
25 Q. In -- in the republican primary;
1 correct?
2 **A. That's correct, yeah.**
3 Q. And in 2020 you -- you launched a
4 group to defend Dunleavy with regard to the
5 recall effort; is that fair?
6 **A. That's correct.**
7 Q. And can you tell me a little bit
8 about that group?
9 **A. Yeah, it was -- you know, we never**
10 **formalized it, filed anything, raised any money**
11 **or did any communication, it was just on the**
12 **precipice of the outbreak of COVID, and when all**
13 **of that came together in March of 2020 it really**
14 **took a back burner, I think, for the people of**
15 **Alaska, and certainly the proponents of the**
16 **recall, and so it kind of never really got off**
17 **the ground because I don't think the recall ever**
18 **really got off the ground.**
19 Q. So you have quite an extensive
20 political resumé, do you think that's a fair
21 comment?
22 **A. I think that -- yeah, I've been**
23 **involved in politics, really, all my life. My**
24 **father was in the legislature. My mother and**
25 **father were very active in republican politics**

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<p style="text-align: right;">Page 26</p> <p>1 as I was growing up, as kids we were involved, 2 and so I would say all my life I've been 3 involved in politics. 4 Q. Okay. I'm going to shift, and I 5 want to ask you some questions, some processing 6 questions about the redistricting board next. 7 A. Okay. 8 Q. All right. And -- and if we 9 need -- if we need the minutes to refresh your 10 recollection, then let me know. We'll pop them 11 up. 12 My understanding is that the board 13 met on September 7th, 2021, to begin the process 14 of drafting the redistricting maps for the house 15 districts; is that correct? 16 A. Sounds correct. 17 MR. BRENA: Okay. And -- and maybe 18 we can -- Jake maybe we can just get the minutes 19 up. 20 BY MR. BRENA: 21 Q. I don't -- I'm going to try to get 22 everything up on the screen, Mr. Binkley, so 23 that we can be sure that we're looking at the 24 same thing, because if you're looking at hard 25 copy I don't know what you're looking at, but --</p>	<p style="text-align: right;">Page 28</p> <p>1 can see the darn thing. 2 MR. SINGER: It's page number 42 of 3 the exhibit, John, if you want to go to that. 4 THE WITNESS: Okay. Mr Brena, I'm 5 going to look on the hard copy, as well. 6 BY MR. BRENA: 7 Q. Okay. 8 A. Page 42. 9 Q. It's Bates stamped ARB159. 10 A. Got it. 11 Q. This first page. 12 A. Okay. 13 Q. If we can go down to the call to 14 order, please. 15 So Mr. Binkley, you see in the call 16 to order that you're calling the meeting to 17 order as the Chair on September 7th at 10:44; 18 correct? 19 A. Right. 20 Q. Okay. And then the first thing on 21 the agenda is to go in to add an executive 22 session for the -- the purpose of receiving 23 legal advice about the staff report mapping 24 processes, identifying challenges, agenda item. 25 Can you -- can you -- can you</p>
<p style="text-align: right;">Page 27</p> <p>1 but the board minutes are Exhibit 1 that I'm 2 going to be asking you some questions on. 3 And so if you have a hard copy of 4 those, whatever you want to do is fine with me, 5 but I just wanted to let you know that it's my 6 intention of everything that I've asked for to 7 put it up on the screen so that we can both be 8 looking at the same thing. 9 A. Okay. Do you mind if I grab some 10 glasses? 11 Q. No, please, I'd much prefer that 12 you be able to see. 13 A. Okay. Oh, I can read that, 14 actually, so -- okay. 15 These are the minutes of September 16 10th. I believe you had mentioned September 17 7th. 18 Q. I did. And I was intending to pop 19 up 7 through -- 7 through 9. Hold on just a 20 minute, please. If we can go off the record, 21 please. Hold on, we got it. Okay. Is that 22 better? 23 A. Yeah, it -- now it shrunk just a 24 little bit, there. 25 Q. Yeah, pop it up, please. So we now</p>	<p style="text-align: right;">Page 29</p> <p>1 explain to me what that purpose is? 2 MR. SINGER: Objection, misstates 3 the -- misstates the agenda. 4 A. The purpose was to have an 5 executive session, as was noted on the minutes 6 of the agenda, receive legal advice. 7 Q. Yeah, receive legal advice. All 8 right. Concerning what? 9 A. Let's see. It doesn't say. 10 Q. Okay. Let me go to -- I'm not -- 11 I'm not trying to -- intending to play gotcha, 12 here. Let me go to the next page down towards 13 the bottom, please. 14 Do you see, after discussion, the 15 agreed -- the board agreed to hold an executive 16 session. You received legal advice from Matt 17 Singer, legal counsel, to inform the process and 18 direction moving forward; do you see that? 19 A. Okay. I see it. 20 Q. Do you see that sentence? Okay. 21 Was that -- was that the reason for 22 the executive session, as stated there, is that 23 accurate and complete? 24 A. I -- I can't recall the details of 25 that.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. You do have an opportunity to 2 review the minutes, correct them, review them 3 for accuracy and correct them to the degree 4 they're not accurate; correct? 5 A. Correct. 6 Q. And so would it be fair for me or 7 anybody reading the minutes of the board to 8 assume that the reason that the board gave for 9 going into the executive session was the reason 10 the board went into executive session? 11 A. That would be reasonable. 12 Q. Okay. Do you have any reason to 13 believe that the board went into executive 14 session for any other reason than is stated in 15 the minutes? 16 A. No. 17 Q. Okay. Now, you know, you've been 18 around open meetings process from a public -- 19 from a public agency and legislative 20 perspective, is just general legal advice to 21 inform the process and direction, is that 22 something that should be kept from the Alaska 23 public under confidentiality attorney-client 24 privilege? 25 A. It would typically be to receive</p>	<p style="text-align: right;">Page 32</p> <p>1 you think a general explanation of the process 2 from your counsel is something that should be 3 withheld from the public. 4 A. I don't think -- 5 MR. SINGER: Objection, form, calls 6 for a legal conclusion. 7 A. Yeah, and I don't think that's the 8 case, but I -- you know, I don't know who wrote 9 these minutes or whose interpretation that is, 10 but I don't think that was our intent or what we 11 discussed in executive session. Usually we can 12 find it, and we are very cautious, I think all 13 of us and our counsel advised us, as well, to be 14 careful about what we did discuss in executive 15 session to make sure it was really only those 16 matters that could negatively impact the board. 17 Q. You believe that counsel giving 18 legal advice about the general redistricting 19 process is something that is -- that should be 20 held confidential? 21 A. No. No. I think generally about 22 the process I think that's -- should -- should 23 certainly be held in open session. 24 Q. Okay. Now, if you go to the next 25 page, down at the bottom, it says map drawing</p>
<p style="text-align: right;">Page 31</p> <p>1 legal advice that may negatively impact the 2 entity in which you're a member of. 3 Q. If the legal advice is -- 4 A. It might be public, and some that 5 should be kept confidential. 6 Q. Okay. Now, there was no pending 7 threatened litigation at this time; correct? 8 A. Well, I think the whole process 9 is -- typically has been fraught with legal 10 challenges since -- since the process began in 11 statehood. 12 Q. On September 7th there was no 13 pending or threatened legal challenge to 14 anything the board had done; correct? 15 MR. SINGER: Objection, form. 16 A. There was nothing that was filed, 17 but we certainly anticipated, from the very 18 beginning, that there would be litigation. And 19 I think the constitution even requires us to 20 have legal counsel to inform us as we proceed. 21 Q. Do you think if legal counsel is 22 just generally informing you about the process, 23 that the -- that the redistricting board is 24 legally required to undertake, do you think 25 that -- is there -- I'm trying to understand why</p>	<p style="text-align: right;">Page 33</p> <p>1 work session. So it's -- it's my understanding 2 from Member Marcum that -- that this was the -- 3 the first board breakout that its purpose was to 4 draw the maps; is that your understanding, as 5 well? 6 A. Let me just read through it, 7 quickly, just to make sure. 8 Q. Sure. Take as much time as you 9 need. 10 MR. BRENA: Can we go off the 11 record for a minute and give Mr. Binkley the 12 opportunity to review it. 13 THE VIDEOGRAPHER: Okay. Going off 14 record, the time's 9:36. 15 (Review of documents.) 16 THE VIDEOGRAPHER: Okay. We're 17 back on record. The time's 9:37. 18 BY MR. BRENA: 19 Q. You've had an opportunity to review 20 the minutes and -- and orient yourself, 21 Mr. Binkley? 22 A. Yes. 23 Q. And it's -- it's my understanding 24 that this was the first time that the board sat 25 down to draw maps; is that correct?</p>

<p>Page 34</p> <p>1 A. Yes. 2 Q. Okay. 3:15 p.m. on September 7th; 3 correct? 4 A. Correct. 5 Q. All right. And I'd like to go to 6 September 8th, which is on the next page. Is 7 what your looking at in your notes, do you have 8 the Bates number in the lower left-hand corner, 9 Mr. Binkley? 10 A. I do. 11 Q. Okay. So we have map drawing work 12 session continued, and we have the board entered 13 a work session to draw maps at 9:06 a.m., and 14 exited out of that work session at 2:25 p.m. 15 Was that the work session to draw 16 the maps, as well? 17 A. Appears to be. 18 Q. Okay. 19 A. Yeah. 20 Q. Now, can you describe for me a work 21 session? Now, in a work session, during the -- 22 during the period of a work session, did you 23 have a rule, and I believe you did, that three 24 or more board members couldn't discuss the 25 matter together?</p>	<p>Page 36</p> <p>1 session, and this is on Bates ARB163, map 2 drawing work session continued, and this was 3 the -- the breakout time and started at 9:48; 4 correct? 5 A. Appears to be, yes. 6 Q. Now, I'm assuming, but I don't 7 know, that -- I'm trying to figure out the 8 difference between a work session and an 9 individual board member just sitting at home on 10 their computer and trying to draw maps. 11 Was it your intention that the map 12 drawing process would be conducted during the 13 work session, to the degree possible? 14 A. Well, I think we were together at a 15 meeting, and it was time to start to look at 16 drawing maps. Initially we tried to do it as a 17 group, with all five of us trying to work on the 18 same map. 19 And it quickly became apparent that 20 that didn't work very well. You -- you have 21 five different minds going in five different 22 directions, and trying to have one of the staff 23 members with the cursor, listening to all five 24 members and making changes, and we quickly 25 realized that that wasn't a very efficient or</p>
<p>Page 35</p> <p>1 A. We -- we discussed that, and tried 2 to adhere to that, to make certain that if there 3 were ever three members that were discussing any 4 aspect of this that we did that in public 5 session and on the record. 6 Q. So in -- in -- in this work 7 session, and in the map drawing work session for 8 the 7th and 8th, were you trying adhere to that, 9 that you would have one board member working on 10 maps or two members talking about a map, less 11 than three members the entire time? 12 A. We tried to. 13 Q. Okay. So you did as best as you 14 could to do that; right? 15 A. Yes. 16 Q. Okay. And for -- for you, 17 personally, did you draw a map during the work 18 session on September 7th? 19 A. I -- I don't remember, 20 specifically, but I would imagine that I did or 21 worked on maps or started to familiarize myself 22 with the software and the process. 23 Q. Okay. All right. 24 And then -- and then on September 25 9th, the next day, there's a map drawing work</p>	<p>Page 37</p> <p>1 effective way, and was very frustrating, I 2 think, for each of us to try and do it that way. 3 So we decided to break into either 4 groups of two, if a couple of board members 5 wanted to work on a map together, or 6 individually if we felt it would be more 7 productive to work on our own maps individually. 8 And so since we were together, 9 already at the meeting, we started through that 10 process. 11 Q. Okay. And -- and I'd like to -- 12 I'd like to assign, if I may, a timeline to that 13 description that you just gave. 14 So your first work session was on 15 September 7th at 3:15 p.m. Was that the attempt 16 to -- for all five people to work together to 17 draw a single map? 18 A. I -- I didn't quite follow that, 19 Mr. Brena. 20 Q. Okay. As I understood, as I 21 understood your explanation, you were explaining 22 that you started out with all five people trying 23 to draw a map; correct? 24 A. Together, that's correct. 25 Q. Together? Now, is that what</p>

<p style="text-align: right;">Page 38</p> <p>1 occurred in the map drawing work session on 2 September 7th at 3:15? 3 A. Could have been. 4 Q. Okay. 5 A. I don't remember. 6 Q. Now, that's my understanding of the 7 first time that the board started working on the 8 house district maps. So would it have been the 9 first time you tried to work on house district 10 maps that you tried that process? 11 A. Okay. It's plausible, I mean, I -- 12 I don't have specific recollection of the -- the 13 timeline and the dates, but that sounds 14 reasonable. 15 Q. Okay. And I'm just trying to -- 16 I'm just trying to track what you just said, 17 that we started out trying to do it all together 18 and it quickly became apparent that wasn't a 19 real efficient way to proceed. 20 And I was trying to couple that 21 with my understanding that -- that on September 22 7th at 3:15 was the first map drawing work 23 session. 24 So is that a fair thing for me to 25 link those two, in saying that's where you</p>	<p style="text-align: right;">Page 40</p> <p>1 where you have people breaking out by themselves 2 or breaking out in groups of two, you mentioned 3 that you were trying not to have three in the 4 work sessions? 5 A. Well, what -- 6 Q. What happened? 7 A. We tried not to, you know, have 8 three people working on a map that wasn't a part 9 of a public session. I guess that's maybe a 10 better way to describe it. 11 Q. Okay. 12 A. It was important that if there were 13 ever three members that it was noticed that it 14 was part of the public record. 15 Q. Okay. And then -- so we went 16 through September 7th, and we've gone through 17 September 8th, the map drawing session, and now 18 I'm on September 9th, which is on ARB162. And I 19 have a map drawing session on ARB163, commencing 20 at 9:48 a.m., and that is consistent with your 21 memory? 22 A. Yes. As I recall, we -- all of us 23 had kind of blocked out that week, and I don't 24 know which days of the week these are, but we 25 blocked out that week to get the process</p>
<p style="text-align: right;">Page 39</p> <p>1 started out trying to do it? 2 MR. SINGER: Objection, asked and 3 answered twice. 4 A. As I mentioned, it seems a 5 reasonable assumption, based on what these 6 minutes say, but I just -- I don't have specific 7 knowledge of that the date. 8 Q. All right. Okay. 9 Now, this map drawing session, oh, 10 lasted, oh, a little over an hour and a half on 11 the 7th. You came back on the 8th, the next 12 day, the next morning, were you trying to -- 13 well, first, let me ask a question: You 14 understand that if all five people were working 15 together on a map that that would be far more 16 meaning to the board that would have to be -- it 17 would have to be public; is that true? 18 A. Well, they were all public. 19 Q. Okay. 20 A. All of our work sessions were 21 public. I mean, I believe they were recorded. 22 I'm not certain about that, but my recollection 23 was that those were recorded and part of the 24 public record. 25 Q. Okay. Well, in your work sessions,</p>	<p style="text-align: right;">Page 41</p> <p>1 started, and so we were all there in Anchorage 2 and ready to get going on it, and we started to 3 work our way through how this process was going 4 to evolve. 5 And none of us were familiar with 6 it before, so we -- we were all together in 7 Anchorage, so we decided to keep working through 8 this process that -- that -- that evolved into 9 working individually or in groups of two or two 10 work sessions. 11 Q. Now, the minutes that were provided 12 on ARB163 indicates when the board entered work 13 session. But unlike the minutes for the 7th and 14 the 8th I cannot find when the board exited the 15 work session, the map drawing work session. 16 It -- it -- looking at ARB164, is 17 it fair for me to assume that it -- that you 18 exited it before the public testimony that you 19 took that day? 20 A. That makes sense, we would have -- 21 typically we try to, as a policy, to have 22 public -- opportunity for the public to testify 23 before we started our meetings, at the beginning 24 of our meetings and at the conclusion of our 25 meetings. And my guess would have been that we</p>

<p style="text-align: right;">Page 42</p> <p>1 would have come out of work session into a 2 formal session to take public testimony and then 3 probably adjourn for the evening. 4 Q. Okay. And do you have a sense for 5 that 9:48 work session, on September 9th, for 6 how long you were in it before you made it to 7 the public testimony, was it half a day, was it 8 a full day, was it -- I mean, it looks like you 9 took -- you took public testimony, a doctor to 10 propose redistricting plans, you got guidance to 11 third-party drafters, and then you adjourned and 12 it was 3:00. 13 So do you have some estimate as to 14 how long you were in that map drawing session? 15 A. I don't. 16 Q. Do you have any memory, at all, of, 17 you know, of how much of the day -- because this 18 is the day that you adopted the -- the proposed 19 plans; correct, September 9th? 20 A. Say that again. I missed part of 21 that. 22 Q. Okay. September 9th, and if you 23 take a look at the bottom of ARB164, the 24 adoption of proposed redistricting plans? 25 A. Okay. So this was the day that we</p>	<p style="text-align: right;">Page 44</p> <p>1 been for future meetings. We give guidance to 2 third-party drafters. I just -- I don't have a 3 recollection of the specific time, sorry. 4 Q. Okay. All right. 5 So you don't have any idea how 6 long, on this day, the board spent actually 7 drawing maps? 8 A. No. 9 Q. Okay. All right. 10 Now, if we can go back to September 11 ARB160, which is September 7th, and if you take 12 a look at the staff report, please, above, 13 it's -- okay. You see it says the constitution 14 requires the board to adopt one or more proposed 15 plans within 30 days of receiving census data. 16 The data was received on August 17 12th, 2021, therefore, making the deadline to 18 adopt the plans on September 11th, 2021; right? 19 A. Yes. 20 Q. So it was your understanding going 21 into this that the constitution required you -- 22 do you agree with these statements, was this 23 your understanding? 24 A. Do I agree with what the minutes 25 say?</p>
<p style="text-align: right;">Page 43</p> <p>1 adopted version 1 and version 2 -- 2 Q. Yes. 3 A. -- as presented on September 9th. 4 Q. Correct. I'm just trying to -- you 5 agree with that, based on these notes; right? 6 A. Yeah. 7 Q. Okay. And then I'm just trying to 8 orient, I'm still trying to get a sense for we 9 see that you had Joelle Hall with the -- gave 10 public testimony, you had, you know, you had 11 different public testimony. 12 So I'm just trying to get your best 13 estimate of how long you were in here on your 14 map drawing session before the public testimony 15 in this particular day. 16 And -- and I was just trying to 17 refresh your recollection that this is the day 18 that you adopted version 1 and 2. 19 A. Yeah. 20 Q. Do you have a guess? Do you have 21 an idea? 22 A. No. Let's see, yeah, we 23 definitely -- we adjourned at 3:00 p.m., the 24 minutes say. Mr. Borromeo requested to make a 25 uniform lunch break for an hour, that must have</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. No. Do you agree that the 2 constitution requires the board, in this case, 3 to -- to adopt one or more proposed plans by 4 September 11th? 5 A. Well, I agree that the constitution 6 doesn't say September 11th, it says within 30 7 days of receiving the census data. 8 Q. Yes. And on this -- in this 9 particular year, since you received the census 10 data on August 12th, then that date, 30 days 11 after receiving the census data, was September 12 11th; correct? 13 A. Sounds right. Sounds like the math 14 is correct. 15 Q. And it goes on to say the board 16 intends to adopt one or more plans with the 17 afternoon of September 10th? 18 UNIDENTIFIED FEMALE: Going to be 19 an asshole. I've got to go pee. No, never 20 mind. 21 MR. BRENA: May I identify the 22 speaker, please? 23 MR. RUEDRICH: You called me an 24 asshole? 25 UNIDENTIFIED FEMALE: I didn't say</p>

<p>Page 46</p> <p>1 you, asshole.</p> <p>2 MR. BRENA: May I identify the</p> <p>3 speaker, please?</p> <p>4 THE VIDEOGRAPHER: I believe that</p> <p>5 was Mr. Ruedrich.</p> <p>6 MR. BRENA: Okay. Sorry for that</p> <p>7 unfortunate and unpleasant interruption,</p> <p>8 Mr. Binkley.</p> <p>9 Why is not anybody listening in</p> <p>10 muted from our side? May I ask that question to</p> <p>11 the court reporter and Eric?</p> <p>12 THE VIDEOGRAPHER: They generally</p> <p>13 mute themselves. Mr. Ruedrich had just joined,</p> <p>14 and I didn't notice that he was unmuted until</p> <p>15 that interruption came.</p> <p>16 MR. BRENA: Okay. If we can keep</p> <p>17 them muted I would appreciate it.</p> <p>18 THE VIDEOGRAPHER: Certainly.</p> <p>19 MR. BRENA: Thank you.</p> <p>20 BY MR. BRENA:</p> <p>21 Q. Okay. And then the second bullet</p> <p>22 point of Mr. Torkelson's report said the board</p> <p>23 intends to adopt one or more plans before the</p> <p>24 afternoon of September 10th, and that was the</p> <p>25 board's intention; correct?</p>	<p>Page 48</p> <p>1 days after you received the data to be November</p> <p>2 10th?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So -- I mean, so the board</p> <p>5 met on September 7th. Now, the board had an</p> <p>6 obligation to adopt plans on the 11th, it was</p> <p>7 going to do it in the afternoon of the 10th, it</p> <p>8 did it on the afternoon of the 9th, are all</p> <p>9 those statements correct?</p> <p>10 MR. SINGER: Objection, compound.</p> <p>11 A. I guess, could you simplify that</p> <p>12 question, Mr. Brena?</p> <p>13 Q. Oh, sure. The board first started</p> <p>14 drawing maps on the 7th; correct?</p> <p>15 A. Yes.</p> <p>16 Q. It indicated it was -- it had to --</p> <p>17 it had to adopt a proposed plan by the 11th;</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. It had indicated it was going to</p> <p>21 work on the plans -- it was going to adopt them</p> <p>22 on September 10th; right?</p> <p>23 A. That was the plan at this meeting,</p> <p>24 it looks like.</p> <p>25 Q. And the board actually adopted them</p>
<p>Page 47</p> <p>1 A. That's what it indicates in the</p> <p>2 minutes.</p> <p>3 Q. Okay. Which will be the first</p> <p>4 proposed plans and not a final product. After</p> <p>5 the adoption of the proposed redistricting plans</p> <p>6 a robust public process will begin, and then it</p> <p>7 goes on, in the next bullet point, to say: The</p> <p>8 deadline to adopt final redistricting is on</p> <p>9 November 10th, 2021.</p> <p>10 So you understood, did you not,</p> <p>11 Mr. Binkley, that the final plan was supposed to</p> <p>12 be completed by November 10th, 2021?</p> <p>13 MR. SINGER: Objection, form. Go</p> <p>14 ahead.</p> <p>15 A. I understand that's what the</p> <p>16 minutes say. If we're still talking about --</p> <p>17 Q. I'm not -- I'm not asking what --</p> <p>18 what I just read, whether it says it, I'm asking</p> <p>19 if that was your understanding, Mr. Binkley.</p> <p>20 MR. SINGER: Objection, vague.</p> <p>21 A. Yeah, my understanding, I think</p> <p>22 when the -- in the constitution, that it's 90</p> <p>23 days after we received the data, that's the</p> <p>24 deadline.</p> <p>25 Q. Okay. And did you understand 90</p>	<p>Page 49</p> <p>1 on the 9th; correct?</p> <p>2 A. Let me double check that, but yes.</p> <p>3 Q. So the board spent drawing maps an</p> <p>4 hour or two on the 7th, and then the 8th, and</p> <p>5 then on the 9th they proposed and adopted plans;</p> <p>6 is that the timetable?</p> <p>7 A. Sounds correct.</p> <p>8 Q. Okay. Now, let me just ask you, I</p> <p>9 mean, when you only have 30 days to put together</p> <p>10 a proposed plan why, for example, didn't the</p> <p>11 board start on it on August 15th?</p> <p>12 A. My recollection was that there was</p> <p>13 a process by which we had to verify the data and</p> <p>14 make certain that the data was correct, and that</p> <p>15 was -- took some time. And then to convene the</p> <p>16 board, to get the board together into where all</p> <p>17 of our schedules aligned, as I recall that was</p> <p>18 the -- that was the process that we went</p> <p>19 through.</p> <p>20 Q. I mean, when you say verify the</p> <p>21 data, I mean, you received the census data;</p> <p>22 correct? How -- how do you verify it?</p> <p>23 A. That's -- that was a task that was</p> <p>24 left to staff to do that, and I'm sure they</p> <p>25 would be the -- the ones to best explain the</p>

<p style="text-align: right;">Page 50</p> <p>1 specifics of the process that they went through.</p> <p>2 Q. What's your understanding of the</p> <p>3 verification process?</p> <p>4 A. That it was coupled with the</p> <p>5 department of -- from the Department of Labor</p> <p>6 that worked with them to make certain that the</p> <p>7 data was accurate that we had received, and that</p> <p>8 worked into our software system, as well, to get</p> <p>9 it loaded and ready for us to begin our task.</p> <p>10 Q. Was it accurate, as it was</p> <p>11 presented?</p> <p>12 A. My understanding was that it was</p> <p>13 accurate, yes.</p> <p>14 Q. Okay. So the verification process</p> <p>15 didn't result in any -- any change to the data</p> <p>16 that was presented; correct?</p> <p>17 A. Not to my understanding.</p> <p>18 Q. Okay. And then it had to be loaded</p> <p>19 into the software. So -- okay. Now, is there</p> <p>20 any reason it couldn't have been loaded into the</p> <p>21 software on August 12th and simultaneous to that</p> <p>22 process you go through and verify it?</p> <p>23 MR. SINGER: Objection, foundation.</p> <p>24 BY MR. BRENA:</p> <p>25 Q. So that you could take full</p>	<p style="text-align: right;">Page 52</p> <p>1 BY MR. BRENA:</p> <p>2 Q. You've been aware, throughout this</p> <p>3 process, that one of Doyon's goals is to try to</p> <p>4 find a way to unite their villages; is that</p> <p>5 fair?</p> <p>6 A. Yeah, we heard from Doyon -- excuse</p> <p>7 me -- early on in the process, that that was one</p> <p>8 of their objectives in this. And I know they</p> <p>9 spent considerable effort, time and resources on</p> <p>10 presenting the board with --</p> <p>11 MR. SINGER: One second. We're</p> <p>12 getting a feedback here. One second. Sorry,</p> <p>13 John.</p> <p>14 A. Yes. Short answer, yes.</p> <p>15 Q. Would you please finish the answer</p> <p>16 that you started?</p> <p>17 A. Okay. They spent -- they appeared</p> <p>18 before the board early on, and spent significant</p> <p>19 amount of time and effort, and as I mentioned,</p> <p>20 resources, in presenting the board with a full</p> <p>21 plan, a statewide plan, and what their</p> <p>22 objectives were, not just Doyon but other ANCs,</p> <p>23 as well, Ahtna, Sealaska, the Fairbanks Native</p> <p>24 Associations and Tanana Chiefs I think were all</p> <p>25 members of the same group.</p>
<p style="text-align: right;">Page 51</p> <p>1 advantage of the 30-day period?</p> <p>2 A. That would really be a question for</p> <p>3 the staff that went through that process. They</p> <p>4 could probably explain that much better than I</p> <p>5 can.</p> <p>6 Q. Okay. Do you know any specific</p> <p>7 reason, as you sit here today, that would have</p> <p>8 foreclosed that?</p> <p>9 MR. SINGER: Objection, foundation.</p> <p>10 A. I don't know of any.</p> <p>11 Q. All right.</p> <p>12 MR. SINGER: Mr. Brena, when</p> <p>13 convenient, I could use a five-minute break at</p> <p>14 some point.</p> <p>15 MR. BRENA: Oh, I wasn't paying any</p> <p>16 attention to the time. Happy to -- happy to</p> <p>17 oblige. Let's take a 10-minute break now.</p> <p>18 THE VIDEOGRAPHER: Okay. Going off</p> <p>19 record, the time is 10:00.</p> <p>20 (Recess.)</p> <p>21 THE VIDEOGRAPHER: And we're back</p> <p>22 on record. The time's 10:13.</p> <p>23 MR. BRENA: You should see how the</p> <p>24 Zoom hearings go, Mr. Binkley.</p> <p>25 ///</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Okay. And prior to their</p> <p>2 presentation to the board, were you generally</p> <p>3 aware that that was -- that was led -- that was</p> <p>4 one of their goals in the redistricting this</p> <p>5 year?</p> <p>6 A. Yes.</p> <p>7 Q. And can you explain to me how you</p> <p>8 came to -- to learn that, that that was one of</p> <p>9 their goals before the formal board meetings.</p> <p>10 A. I had a discussion with Aaron</p> <p>11 Schutt, who was a CEO of Doyon, and he mentioned</p> <p>12 that to me.</p> <p>13 Q. And can you put that in a timeframe</p> <p>14 for me, please?</p> <p>15 A. I -- I can't recall. I remember</p> <p>16 the conversation. I was in my truck at Spenard</p> <p>17 Builders, but I can't recall.</p> <p>18 (Reporter clarification)</p> <p>19 MR. SINGER: It wasn't Mr. Singer.</p> <p>20 Mr. Binkley was answering and then Mr. Brena</p> <p>21 started to interrupt him.</p> <p>22 MR. BRENA: I think Mr. Brena</p> <p>23 started chuckling at Mr. Binkley's joke, to be</p> <p>24 more precise, Mr. Singer.</p> <p>25 MR. SINGER: Mr. Brena, did John</p>

<p style="text-align: right;">Page 54</p> <p>1 freeze on your screen? 2 MR. BRENA: No, he's not frozen on 3 my screen now. 4 MR. SINGER: Okay. 5 MR. BRENA: Is he frozen on yours? 6 MR. SINGER: Yeah, I don't know 7 what's happening today, but let's -- if you can 8 see him, let's please proceed. 9 MR. BRENA: How about other 10 co-counsel? Can co-counsel -- is he -- is 11 anybody listening to any of this. 12 MS. STONE: I'm not seeing him 13 right now, but I don't know if that's something 14 on my end. 15 MR. BRENA: Okay. I think we need 16 to take a break and straighten out our 17 technology issues, so that all counsel that are 18 going to cross him have the opportunity to see 19 and hear him as he gives his sworn testimony to 20 me. 21 So can -- can we go off the record 22 and, Eric, take another shot at this and try and 23 straighten this out? 24 THE VIDEOGRAPHER: Yeah, going off 25 record, the time's 10:17.</p>	<p style="text-align: right;">Page 56</p> <p>1 happened at some point before that; correct? 2 A. Yeah. 3 Q. Do you have a sense of, like, a 4 month before that, a week before that, a half a 5 year before that, I mean, can you put any 6 timeframe around it, at all? 7 A. Trying to think of what lumber -- 8 what project I was working on. 9 Q. What you were getting lumber for? 10 A. Lumber, I really don't. 11 Q. All right. All right. I didn't 12 think to ask that question. What -- what lumber 13 were you getting. 14 Okay. And, I mean, in your 15 conversation with him, did -- or -- or through 16 some other conversation, were you also aware 17 that -- that Ahtna was trying to -- trying to 18 join its villages to the degree they could in 19 this redistricting process? 20 A. I don't believe so. I don't think 21 he mentioned Ahtna in that conversation. I 22 think it was specific to Doyon. 23 Q. Okay. Did you understand that 24 Doyon was going to be operating in a coalition 25 of people, that included Ahtna, at that point?</p>
<p style="text-align: right;">Page 55</p> <p>1 (Technical difficulties.) 2 THE VIDEOGRAPHER: We're back on 3 record. The time's 10:19. 4 BY MR. BRENA: 5 Q. Mr. Binkley, I'm sorry, I was -- I 6 was asking you a question about -- about how you 7 came to know that that was Doyon's intention, 8 you know, prior to the -- to the redistricting 9 board formal meetings, and you were describing 10 meeting with somebody in your truck at Spenard 11 Building Supply, I believe; is my memory roughly 12 correct? 13 A. Well, I was in my truck at Spenard 14 Builders, and we spoke on the phone. 15 Q. Oh, okay. 16 A. But I just recall it, you know, but 17 I don't recall the date. But it was early in 18 the process, before we started drawing maps and 19 I indicated to Mr. Schutt that he should, you 20 know, engage in the process, address the full 21 board when they were ready to, and thanked him 22 for his call. 23 Q. And -- and so that happened, you 24 said, before we started drawing maps, and you 25 started drawing maps on September 7th, so it</p>	<p style="text-align: right;">Page 57</p> <p>1 A. I don't believe so. 2 Q. Okay. So -- so did you learn about 3 Ahtna before or after you started drawing maps, 4 that that was one of their -- one of their 5 goals? 6 A. I think I became aware of it at one 7 of our first meetings, and maybe it was 8 September 7th, when they came forward and 9 introduced themselves as a coalition, and 10 addressed us in public, and named the 11 participants of the coalition and what their 12 objectives were. 13 Q. Okay. At what point in the process 14 did the board hire counsel? 15 A. Oh, you mean chronologically? 16 Q. Yeah. 17 A. What -- I believe it was -- I don't 18 have a specific time. It -- it was maybe 19 December, I'm going to guess, of -- of 2020, but 20 that would be a guess. 21 Q. So during the -- the board's 22 substantive redistricting processes -- excuse 23 me -- substantive house district drawing 24 processes, at that point, on September 7th, when 25 they came forward, you're aware of the</p>

<p style="text-align: right;">Page 58</p> <p>1 coalition; correct?</p> <p>2 A. It might have been about that same</p> <p>3 time, that might have been the first time that</p> <p>4 they actually testified before us. I'd have to</p> <p>5 go back and review the minutes.</p> <p>6 But they sent a couple of</p> <p>7 representatives to our meeting and then</p> <p>8 Mr. Schutt was by phone, participated in one of</p> <p>9 our meetings or testified at one of our</p> <p>10 meetings.</p> <p>11 Q. Okay. And how do you know the --</p> <p>12 the -- the -- was it the chairman of Doyon? How</p> <p>13 do you know his acquaintance?</p> <p>14 A. I've known him for a number of</p> <p>15 years, he and his brother. He's the CEO of</p> <p>16 Doyon. And I don't know specifically how I've</p> <p>17 come to know him, but I've known -- known him</p> <p>18 for a number of years.</p> <p>19 Q. Okay. Do you -- are you -- do you</p> <p>20 have any -- or have you had or do you have</p> <p>21 any -- any financial dealings with any of the --</p> <p>22 with any of the parties that were within that</p> <p>23 coalition?</p> <p>24 A. No. I did serve on one of Doyon's</p> <p>25 boards, in the early 2000s, they have a tourism</p>	<p style="text-align: right;">Page 60</p> <p>1 who they represent. As I mentioned before, I'm</p> <p>2 sure they would have disclosed any potential</p> <p>3 engagement with any of the entities that are</p> <p>4 involved in this, these matters of litigation.</p> <p>5 Q. And do you have any specific</p> <p>6 knowledge of whether or not the board's counsel</p> <p>7 also represents Ahtna or Doyon?</p> <p>8 A. No.</p> <p>9 Q. Was that ever disclosed to you that</p> <p>10 any of the board's counsel represented Ahtna or</p> <p>11 Doyon?</p> <p>12 A. I don't recall that.</p> <p>13 Q. Do you think that if they did</p> <p>14 represent Ahtna or Doyon that that is something</p> <p>15 that you should have been made aware of?</p> <p>16 A. That probably depends on the extent</p> <p>17 of their engagement with them, what the details</p> <p>18 of that might have been.</p> <p>19 Q. Okay. You would agree that the</p> <p>20 board is entitled to objective and</p> <p>21 non-financially involved counsel with regard to</p> <p>22 redistricting matters, do you not?</p> <p>23 A. Yes.</p> <p>24 MR. BRENA: Mr. Binkley just froze</p> <p>25 on my screen. Did he freeze on anybody else's</p>
<p style="text-align: right;">Page 59</p> <p>1 division, and I believe they have to go to their</p> <p>2 shareholders to authorize a non-shareholder to</p> <p>3 participate in their boards, and then I</p> <p>4 participated in their tourism board for a number</p> <p>5 of years.</p> <p>6 Q. Okay.</p> <p>7 A. But I don't have any interest or</p> <p>8 financial interest in them or any of the</p> <p>9 entities in that coalition.</p> <p>10 Q. Okay. Now, are you aware of</p> <p>11 whether or not the counsel for the board has any</p> <p>12 dealings with any of the entities of that</p> <p>13 coalition?</p> <p>14 A. I'm sure they would have disclosed</p> <p>15 it, if they did, but I can't remember</p> <p>16 specifically. I don't recall any.</p> <p>17 Q. Do you have any knowledge that --</p> <p>18 that -- that the law firm that represents the</p> <p>19 board also represents Doyon or Ahtna in -- with</p> <p>20 regard to their legal matters?</p> <p>21 MR. SINGER: Objection, form.</p> <p>22 BY MR. BRENA:</p> <p>23 Q. I need a verbal response, Mr.</p> <p>24 Binkley. You shook your head.</p> <p>25 A. I don't know of -- of the extent of</p>	<p style="text-align: right;">Page 61</p> <p>1 screen?</p> <p>2 THE VIDEOGRAPHER: Yes, he's frozen</p> <p>3 on mine, as well. Would you like to go off</p> <p>4 record for a moment?</p> <p>5 MR. BRENA: Yes, please.</p> <p>6 THE VIDEOGRAPHER: Going off</p> <p>7 record. The time is 10:27.</p> <p>8 (Technical difficulties.)</p> <p>9 THE VIDEOGRAPHER: We're back on</p> <p>10 record. The time's 10:43.</p> <p>11 BY MR. BRENA:</p> <p>12 Q. Before technological interruptions</p> <p>13 I was exploring with you whether or not the</p> <p>14 board -- you had any awareness, at all, as to</p> <p>15 whether or not the counsel for the board</p> <p>16 represented the entities within the Doyon-Ahtna</p> <p>17 coalition, the Sealaska coalition, and -- and</p> <p>18 then we were interrupted, so that's where we</p> <p>19 were; correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Now, you had a conversation with</p> <p>22 Mr. Singer about this topic while you were</p> <p>23 technologically interrupted?</p> <p>24 A. I did ask the question, to be</p> <p>25 honest with you.</p>

<p>Page 62</p> <p>1 Q. Okay. And did he disclose to you 2 that his law firm and him represent Ahtna in 3 different cases that are pending before the 4 Alaska Supreme Court? 5 A. No. He indicated that he did not 6 believe there were any -- any conflicts. 7 Q. Oh, okay. All right. And did you 8 explore with him if he had represented Ahtna or 9 Doyon in the past? 10 A. No. It was a very brief exchange. 11 Q. Okay. All right. 12 I want to -- I'm going to change 13 topics now, again, and I want to -- so what is 14 your understanding of the obligations of the 15 board in terms of drawing house district maps, 16 what factors should the board take into 17 consideration in drawing those maps, please? 18 A. I have reference to the house 19 districts, the 40 house districts, compact, 20 contiguous, socioeconomically integrated and, to 21 the greatest extent practicable, as close to the 22 ideal district size for each of those 40 house 23 districts. 24 Q. Well, you did not mention anything 25 related to boroughs or municipalities, are</p>	<p>Page 64</p> <p>1 as I read the constitution, anyhow, compact, 2 contiguous, socioeconomically integrated, and to 3 the greatest extent practicable, about the same 4 size. 5 Q. Have you read the cases 6 interpreting the constitution, as well as -- 7 well, let me ask it this way: Your answer 8 suggests that you read the constitution? 9 A. Yes. 10 Q. You have; correct? 11 A. I have. 12 Q. Okay. Have you also read the cases 13 interpreting the constitution? 14 A. Not fully. I've read summaries of 15 the cases. 16 Q. Summaries prepared by whom? 17 A. Counsel and staff. 18 Q. Have you ever -- ever -- 19 A. Sorry, and they were probably the 20 full cases. I don't recall the specifics of it, 21 but I generally acquainted myself with the 22 cases. 23 Q. Okay. So I'm trying to be sure 24 that we're clear. A summary and a full case are 25 two different things. Is it your testimony that</p>
<p>Page 63</p> <p>1 borough boundaries also something to be 2 considered? 3 A. I think my understanding is that, 4 through various decisions over the years, that's 5 become something that's certainly important for 6 the board to consider. 7 Q. Okay. Did you -- does the borough 8 boundary issue fit within one of the other -- 9 one of the criteria that you met or is that an 10 independent criteria that you just inadvertently 11 left off? 12 A. No, I think socioeconomically 13 integrated is -- fits very well in a description 14 of a municipality, a borough particularly. 15 Q. Okay. Does the board have an 16 obligation to take into consideration geographic 17 features in drawing the maps? 18 A. I believe so. 19 Q. Okay. And then in what order do 20 you put these different factors? We're just 21 sitting down to draw a map, what is the first 22 thing that you look for? 23 A. Well, I don't think that the 24 constitution is specific to the order. I think 25 they look at those three issues, as I mentioned,</p>	<p>Page 65</p> <p>1 you reviewed summaries of the cases or you 2 reviewed the actual cases? 3 A. Summaries of the cases. 4 Q. Okay. Prepared by counsel; 5 correct? 6 A. And staff. 7 Q. Yes. Okay. 8 Have you ever read any of the 9 cases? 10 A. No. 11 Q. Okay. So your understanding is 12 that there is no particular order, that just all 13 three of these had equal weight; did I summarize 14 that correctly? 15 A. Yes. 16 Q. And by the three of these, I mean 17 compactness, contiguousness, and socioeconomic 18 integration; correct? 19 A. Correct. 20 Q. Okay. And -- and so -- so under 21 what circumstances would you decide to 22 prioritize one over the other, let's say 23 compactness, or do you just weigh all three? 24 A. I think it's a balance between all 25 four of those items.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. Okay. Okay. Four? Compactness, 2 contiguousness, socioeconomic integration, what 3 was the fourth? 4 A. The fourth is, to the greatest 5 extent practicable, to get them as close to the 6 ideal size as you can. 7 Q. That's the one voter, one vote 8 concept to equal protection type of thing? 9 A. Yeah, one person, one vote. 10 Q. Okay. So there is anything else, 11 in your understanding, that the board -- I mean, 12 I mentioned -- so I -- okay. 13 So those four factors are balanced, 14 and there is no priority or order to which 15 they're approached; did I understand you 16 correctly? 17 A. Well, I think I said the first 18 three. 19 Q. Okay. 20 A. You know, have a priority, and 21 then, to the greatest extent practicable, 22 getting those as close -- as close as 23 practicable to the ideal district size. 24 Q. Okay. So I'm just going to state 25 this fact, and I'm -- I'm not meaning to be</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. I want to, if I may, just stay 2 focused on the big three. 3 A. Okay. 4 Q. And what your understanding is, 5 compactness, contiguousness, and socioeconomic 6 integration. 7 When you approach the map you do 8 not take those in any particular order; correct. 9 A. Correct. 10 Q. You balance the three of them; 11 correct? 12 A. Correct. 13 Q. And -- and -- and -- and so in your 14 view, if something -- I'm just trying to figure 15 out how you balance them. So if something is -- 16 is less compact, then does the proposed district 17 have to be more socioeconomically integrated, is 18 that the way you balance them? 19 A. No. 20 Q. Okay. Okay. How do you decide how 21 you balance them with each other? 22 A. Well, I think that was the exercise 23 we went through to come up with the 40, the 40 24 different house districts is -- is that 25 balancing. So it's --</p>
<p style="text-align: right;">Page 67</p> <p>1 repetitious, I'm just trying to be perfectly 2 clear. 3 A. Sure. 4 Q. So the big three, compactness, 5 contiguousness, and socioeconomic integration 6 are balanced and not prioritized; correct? 7 A. That's correct. 8 Q. And there is no particular order to 9 which they should be applied; correct? 10 MR. SINGER: Object to the -- 11 you're asking for a legal conclusion, but go 12 ahead and testify to your knowledge. 13 A. Yeah, to my knowledge, those three 14 are equal. 15 Q. Okay. 16 A. Or there's -- you know, sometimes 17 you may take one over the other, but you try and 18 factor in all three of those. 19 Q. Okay. So those three are factored 20 in, each -- each are balanced, and -- right? 21 A. Yeah, you try and balance all that, 22 and then you look at, as you suggested, the 23 boroughs, socioeconomically integrated, so you 24 balance the borough. And then look at the 25 totality, is it compact, is it contiguous.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Is it -- 2 A. -- what we did, really. 3 Q. Is it possible that a district is 4 simply just not compact and, therefore -- or 5 it -- it just fails compactness, regardless of 6 contiguousness or socioeconomic integration? 7 A. Yes, it could be that balance. 8 Q. Okay. Now -- now, I'm asking -- 9 I'm asking a different question than balance. 10 So we have three factors, and you 11 said that you balance them. How do you balance 12 them? 13 A. Well, you listen to what the facts 14 are and make a judgment on what that -- that is 15 to determine what the district is. And, of 16 course, you know, there's a fourth one involved, 17 as well, to come up with all of that balance. 18 Q. Okay. So do you agree that each 19 district has to satisfy each criteria of the big 20 three? 21 A. Well, I think there's a judgment in 22 that. I mean, one person can look at 23 socioeconomic integration and come to a 24 different conclusion than another person, and 25 the same with compactness. Contiguous is pretty</p>

<p>Page 70</p> <p>1 straightforward, that's pretty objective, so... 2 Q. Okay. Let me -- I think you 3 answered a different question than I asked, so 4 let me -- 5 A. Okay. 6 Q. -- try this again. 7 Are there situations in which you 8 don't balance the three in -- are there 9 situations where they simply fail one of the 10 three? 11 A. No, I don't believe so. 12 Q. Okay. So if something is not 13 compact, let's say, or not -- look in -- 14 A. Let me rephrase that, maybe, 15 Mr. Brena. In -- in our case, with the 40 16 districts that we came up with -- 17 Q. Okay. 18 A. -- I don't believe any of those 40 19 failed that. 20 Q. I'm just -- 21 A. I think it's possible. I think 22 it's possible that -- and somebody could come up 23 and design a district that -- that did fail the 24 other two, besides contiguous. 25 Q. Okay. Let me try this again.</p>	<p>Page 72</p> <p>1 your understanding of how compactness, 2 contiguousness, and socioeconomic integration 3 should be balanced. 4 And so is it your testimony that in 5 balancing them you just look at all three and 6 balance them, and that there are -- are not 7 situations in which the district may fail one of 8 them but still be in balance? 9 A. It -- it -- is it theoretically 10 possible? Is it a hypothetical that's possible? 11 Q. Let me ask it this way. You've got 12 the three factors? 13 A. Yes. 14 Q. Okay. Can a district not be 15 compact, but be highly contiguous and have great 16 socioeconomic integration, in that situation 17 could you balance the three factors or, 18 alternatively, would it -- because it wasn't 19 compact, could it just fail, regardless of the 20 other two? 21 A. It could be less compact. 22 Q. Well, I'm asking, if something -- 23 if something fails compactness can the other two 24 characteristics be balanced in so that the 25 district can be constitutionally acceptable?</p>
<p>Page 71</p> <p>1 A. Okay. 2 Q. It's your testimony that there is 3 no priority between the top three; correct? 4 A. Correct. 5 Q. That you balance them; correct? 6 A. Correct. 7 Q. And so I'm asking you, are there 8 situations in which they simply can fail 9 contiguousness or compactness or socioeconomic 10 integration, even though they comply with the 11 other two? 12 MR. SINGER: Objection, asked and 13 answered. 14 THE WITNESS: Yeah, I think I 15 answered that before. 16 BY MR. BRENA: 17 Q. Please repeat your answer, then, 18 because I'm not sure that you did. 19 A. Well, I -- my answer was that we 20 did balance all those, and all of the 40 21 districts that we had in our final version 22 comported with all three of those criteria. 23 Q. Okay. I'm not under -- I'm not 24 asking you a question, at all, about the 40 25 house districts, now, okay? I'm asking about</p>	<p>Page 73</p> <p>1 MR. SINGER: Objection, incomplete 2 hypothetical and asked and answered. 3 A. It's -- and I'm trying to 4 understand your question, Mr. Brena. 5 Q. Okay. 6 A. Continually. 7 Q. Let me state it again, then. 8 A. Okay. 9 Q. We've got to be clear on this. 10 A. Okay. 11 Q. Your testimony is there's three 12 factors, compactness, contiguousness, and 13 socioeconomic integration, those are the big 14 three; right? 15 A. Correct. 16 Q. Okay. And then you balance the 17 three of them; correct? 18 A. Correct. 19 Q. And that you don't balance them in 20 any particular order or any particular priority, 21 it's just the board's judgment about how to 22 balance them; correct? 23 A. Correct. 24 Q. Okay. So my question is: Do 25 you -- can you -- can two factors be balanced in</p>

<p style="text-align: right;">Page 74</p> <p>1 a way to overcome the failure of the third 2 factor? 3 A. Well, if it's -- and I think you -- 4 in one of your earlier versions of this question 5 said contiguous, I mean, if you fail contiguity 6 I don't think it could. I think that would fail 7 if it wasn't contiguous. 8 Q. Okay. 9 A. It's hard to balance, either it's 10 contiguous or it's not contiguous. Compactness, 11 socioeconomic integration, both of those are 12 much more subjective. So there can be more 13 compactness, less compactness, more 14 socioeconomic integration, less socioeconomic 15 integration, and those become judgments and are 16 very subjective. 17 Q. Okay. 18 A. First, you know, subjectivity of 19 contiguous. 20 So it's not black or white with 21 those others. They don't fail compactness or 22 pass compactness. They're more or less compact, 23 and the same, I believe, with socioeconomic 24 integration. 25 Q. Okay. So contiguousness we</p>	<p style="text-align: right;">Page 76</p> <p>1 compactness, is that zero compactness? I mean, 2 it -- again, it's a balance. It's more or less 3 compact, but it's not not compact. I mean, 4 that's -- and I don't mean to quibble, to evade 5 a question, but I just want to make sure that 6 you understand my perception of it, that it's -- 7 you know, it's a degree of compactness and a 8 degree of socioeconomic integration, and you 9 balance those. 10 Q. Okay. So do you have to have a 11 certain minimum amount of socioeconomic 12 compactness or, excuse me, socioeconomic 13 integration in order to be constitutionally 14 permissible as a district? 15 A. Well, there's not a measurement of 16 that, that's objective, that I'm aware of. We 17 have some good guidance, like a borough, as you 18 mentioned, that is socioeconomically integrated. 19 And that's a pretty easy one to understand and 20 to define. 21 But when you start to get to 22 different areas, it's -- it's a judgment call in 23 many of those things. And there's not a scale 24 that you can use that will give you a number 25 that tells you how socioeconomically integrated</p>
<p style="text-align: right;">Page 75</p> <p>1 discussed. Contiguousness can be an off/on 2 switch, you're either contiguous or you're not; 3 right? 4 A. Correct. 5 Q. Okay. And so if you're not, then 6 that would not be an acceptable constitutionally 7 permissible district; correct? 8 A. In my opinion, yes. 9 Q. That's -- that's -- 10 A. Yeah. 11 Q. It's only your opinion we're 12 talking about, here. 13 Okay. Now, with compactness, there 14 is -- there are different degrees of 15 compactness; correct? 16 A. Correct. 17 Q. Okay. And the socioeconomic 18 integration, there are different degrees of 19 socioeconomic integration; correct? 20 A. That's correct. 21 Q. So is it your judgment that a 22 district that lacks compactness, that the board 23 can balance the socioeconomic integration to 24 offset the lack of compactness? 25 A. Well, when you say lack of</p>	<p style="text-align: right;">Page 77</p> <p>1 two different areas are, and everybody has a 2 different judgment on that. 3 Q. Okay. But my question is: Is 4 there -- is there a floor, is there -- does the 5 district have to have a certain amount of 6 socioeconomic integration in order to be a 7 proper district or can that be offset by 8 compactness? 9 A. Let me -- let me put it this way: 10 If I look at two different areas, and determine 11 that there was no socioeconomically -- no 12 socioeconomic integration, then for me that 13 would be a disqualifier for combining those 14 different areas. 15 Q. Okay. 16 A. Or if I looked at an area, and 17 said: That is not compact, at all, then, to me, 18 that would disqualify that as being a legitimate 19 pairing or -- 20 Q. Okay. So for -- so there has to 21 be -- to focus on socioeconomic integration, 22 there has to be some degree of socioeconomic 23 integration in order to -- for it to be an 24 acceptable constitutional house district; 25 correct?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. Yes. 2 Q. Okay. 3 A. We got there. 4 Q. All right. Maybe. 5 A. Okay. 6 Q. Okay. So we went from no to 7 something; correct? 8 A. We went to something. 9 Q. Okay. So we're off of none. 10 So with regard to something, if you 11 have something, does it have to be a minimum 12 something? 13 A. I guess something could be a 14 minimum. 15 Q. Well, I know that it could be. 16 A. I would say that's a minimum. If 17 you've got something, if you've got some 18 socioeconomic integration, that's something, 19 yeah. 20 Q. Okay. So, for example, is the fact 21 that Alaska is largely driven by an oil economy, 22 that's something; right? That socially 23 integrates the entire state; correct? 24 A. I would say that would be thin. 25 You know, we have -- you know, there's other</p>	<p style="text-align: right;">Page 80</p> <p>1 ANCSA regions, I think, are legitimate to look 2 at for socioeconomic integration. Common 3 transportation forms, as I mentioned, economic 4 drivers in communities, traditional 5 communication, I think I've got five there. 6 Q. Okay. All right. 7 Okay. With regard to compactness 8 is it something that you know when you see it, 9 too? 10 A. Yeah, I like that one, you know it 11 when you see it. 12 Q. Okay. 13 A. It is very subjective, and two 14 people can look at the same map and come to 15 different conclusions, I will say that. 16 Q. Are you aware of any of the 17 objective measures that are used to measure 18 compactness? 19 A. Well, I know in a circle you can 20 certainly figure out the area versus the 21 circumference. And, you know, that's -- that 22 could be a measurement of compactness. 23 Q. Well, a circle is perfectly 24 compact; correct? 25 A. Yeah.</p>
<p style="text-align: right;">Page 79</p> <p>1 things that connect us. We have the same state 2 song and the same state flag but, you know, that 3 would be at the minimal scale, certainly. 4 Q. Okay. And I'm just trying to 5 understand how these work for you. 6 Okay. So is that -- is the fact 7 that Alaska has an oil-driven economy a 8 sufficient socioeconomic integration to 9 integrate house districts? 10 A. On its own? 11 Q. Yes. 12 A. On its own, for me, I -- I don't 13 think that that would be a basis for that. 14 Q. Okay. So what kind of 15 socioeconomic integration do you look for to 16 identify the minimum amount that there should 17 be, what factors do you look for? 18 A. I think to give a definitive 19 definition of it, I know it when I see it, how 20 about that? 21 Q. What factors do you believe that 22 the board should consider in evaluating that? 23 A. Well, there are many factors. 24 Q. Name the top five to you. 25 A. Okay. Municipalities, boroughs,</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. Okay. I understand. 2 A. That's as compact as you can get. 3 Q. Yeah. Yeah. But my point is, are 4 you aware of any objective measure of 5 compactness? 6 A. Yeah, I think that -- that, just as 7 we talked about, you can measure. I don't know 8 if it applies to redistricting, but you can 9 certainly quantify compactness. 10 Q. Okay. And -- 11 A. As you talk about in a circle, it's 12 perfect. You've got the least amount of 13 circumference for the greatest amount of area. 14 Q. I want to be sure, okay, we're 15 talking about redistricting, okay, because you 16 said: I don't know about redistricting, and 17 then gave an answer. 18 A. Well -- 19 Q. Are you aware of any specific 20 objective means that compactness is quantified 21 for redistricting purposes? 22 A. Not that we used. I -- I guess 23 it's possible. You could certainly calculate 24 what the perimeter or circumference was of a 25 particular district and calculate the square</p>

<p style="text-align: right;">Page 82</p> <p>1 miles that are inside that and come up with, you 2 know, some objective number that would say, 3 this, theoretically, is more compact than 4 another one. But that's not something that -- 5 that the board uses or has used or chose to use. 6 Q. So what did the board use? 7 A. It's really a question of 8 individuals looking at -- physically looking at 9 what the map looks like and making a judgment as 10 to whether that's compact or not or can you make 11 it more compact or is it -- does it meet a -- 12 you know, is that balanced with -- with 13 socioeconomic integration compact enough. 14 And really, one of the things, too, 15 is to make certain that we don't, for some 16 political purpose, have an appendage that goes 17 out to capture some -- some area for strictly 18 political purposes. 19 Q. Yeah. Any appendage would make it 20 less compact; right? 21 A. Maybe. I -- I guess for purposes, 22 again, of redistricting, it wouldn't, 23 necessarily, but on a mathematical basis it 24 would. 25 Q. So you could have an appendix -- an</p>	<p style="text-align: right;">Page 84</p> <p>1 A. I think that's an accurate 2 explanation, yes. 3 Q. Okay. In terms of contiguity, you 4 said that that was obvious, they're connected or 5 they're not. Would it matter to you, in looking 6 at whether things are continuous, whether or not 7 they were connected in a way that no human being 8 had ever traveled or hiked or over a mountain 9 range or the like, would that -- does that 10 impact your -- your -- your concept of whether 11 they're contiguous? 12 A. No. 13 Q. So -- 14 A. You have islands, obviously, that 15 are contiguous with the mainland. 16 Q. And you're aware -- 17 A. I'm thinking -- 18 Q. I'm sorry, were you done? 19 A. There's no hiking between the 20 island and the mainland. 21 Q. And you're aware that for the 22 purposes of determining contiguity that you can 23 take into consideration bodies of water to a 24 certain degree? 25 A. That's my understanding.</p>
<p style="text-align: right;">Page 83</p> <p>1 appendage that goes off that, for redistricting 2 purposes, doesn't make it less compact? 3 A. Yeah, if there's a reason for doing 4 that then I would consider that a legitimate 5 reason, a valid reason that I would consider -- 6 I would balance that, then, with the 7 socioeconomic integration. If it makes it more 8 socioeconomically integrated to have an 9 appendage then you have to balance those two 10 things and -- and make a judgment on it. 11 Q. Okay. But my question was: If you 12 have an appendage for redistricting purposes 13 doesn't it make it more -- less compact? 14 A. It would typically be less compact, 15 yes. 16 Q. Typically, is there -- are there 17 circumstances in which you can have appendixes 18 on a district that, for redistricting purposes, 19 do not make it less compact? 20 A. I can't think of any. 21 Q. Okay. So it would make it less 22 compact, but then it would be less compact and 23 then you would balance the sort of degree of 24 socioeconomic integration; is that the way 25 that --</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Okay. All right. 2 So -- so if it's -- if they're 3 connected on land, through an impassable route, 4 does that impact your view of contiguity, at 5 all, or if they're just -- they're either 6 connected or they're not on land? 7 A. They're either connected or they're 8 not. 9 Q. Okay. Okay. 10 A. I had, in my senate district, I had 11 74 different communities in it, you know, I had 12 to fly between all of those. So it would have 13 been a long hike, could have done it, but it 14 would have taken me a long time to get around 15 the districts. So you can fly from community to 16 community. 17 Q. Well, I mean, you do appreciate, do 18 you not, that -- that the community -- what's 19 your definition of a rural community, is your 20 definition that it's an off-road community? 21 A. That's a tough one, Mr. Brena. 22 It -- it's hard to define it by rural. You can 23 have -- you can have communities that are 24 connected on the road system, that are small, 25 that aren't adjacent to a larger community</p>

<p style="text-align: right;">Page 86</p> <p>1 outside the rail belt. 2 You can have very different 3 communities on the river system. Villages, you 4 know, sometimes it's rather than rural areas I 5 call them village areas. There's villages, 6 there are rural areas, you can look at 7 communities, even, that are adjacent to each 8 other. If you look at Eagle and Eagle Village, 9 they're adjacent to each other, they're both on 10 the road system, but they're entirely different 11 communities. And you could classify them both 12 as rural, but it wouldn't really get to the 13 nuances of the differences in those communities. 14 Q. Okay. 15 A. Same with Bettles and Evansville 16 would be another example that comes to mind, 17 adjacent communities but very, very different. 18 So it's -- it's hard to put a -- a 19 definition on rural. 20 Q. Okay. Would you agree, generally, 21 that -- that the communities along the river 22 systems of Alaska have significant differences 23 from the communities along the road systems of 24 Alaska? 25 A. There are similarities and there's</p>	<p style="text-align: right;">Page 88</p> <p>1 in a moment. I apologize for the misdirection, 2 here. November 5th is Exhibit No. 24 and at 3 242, please. 4 MR. SINGER: The witness has the 5 paper copies, I'm just going to pull up tab 24 6 and pages that you've requested. 7 BY MR. BRENA: 8 Q. We're going to try and get it up on 9 the screen, Mr. Binkley, so that you can confirm 10 that we're looking at the same thing? 11 A. Okay. What page? 12 Q. Starts at 242. 13 A. Okay. I'm there. 14 Q. If we can zoom in at line 15, 15 please, the bottom half of it. 16 So you're pointing out that it's -- 17 do you need a moment to refresh the context of 18 this conversation or are you ready to proceed? 19 A. If you don't mind, if I just take a 20 quick peak at it, here. 21 Q. Please? 22 MR. BRENA: And if we can go off 23 the record, Eric, for a moment. 24 THE VIDEOGRAPHER: Okay. Going -- 25 going off record, the time is 11:19.</p>
<p style="text-align: right;">Page 87</p> <p>1 differences, both. 2 Q. All right. Can you -- we'll pop up 3 the District 36. Okay. This is the board's 4 final map, do you recognize it as that, 5 Mr. Binkley? 6 A. I don't see it yet. 7 MR. BRENA: Okay. I can see it on 8 my screen, can anybody else see it, please? 9 Eric, can you see it. 10 THE VIDEOGRAPHER: Yes, it's 11 appearing. 12 BY MR. BRENA: 13 Q. Mr. Binkley, can you see it? 14 A. No. Let me -- let's see, here. 15 Q. Okay. Is he pinned or something? 16 MS. STONE: I think that's going to 17 be a problem if he's pinned. Yeah. 18 THE WITNESS: I'm unpinned or 19 unhinged. 20 BY MR. BRENA: 21 Q. Now, let's see, I would like to go 22 on to do a couple things simultaneously, and may 23 regret all of them in a moment. 24 Do you have the transcript 25 available for 11/5? We will come back to this</p>	<p style="text-align: right;">Page 89</p> <p>1 (Reviews of documents.) 2 THE VIDEOGRAPHER: Back on record. 3 The time's 11:21. 4 BY MR. BRENA: 5 Q. So Mr. Binkley, on -- on page 242 6 of the transcript, you're discussing take -- 7 MR. BRENA: I'm sorry, did someone 8 speak? Oh, okay. 9 BY MR. BRENA: 10 Q. You say: I think it's a judgment 11 call, in that you're talking about the context 12 of socioeconomic integration of House District 13 36; correct? 14 A. That's correct. 15 Q. Okay. And then you say: I know 16 you can -- you look at 36, it's very diverse, as 17 well? You know, there's a lot of differences 18 between Glennallen versus some of their remote 19 villages on the -- do you remember what you said 20 where it says indiscernible? 21 A. Yukon River, I guess. 22 Q. Okay. So what are the differences 23 that you're referring to a lot of differences? 24 A. Well, some of the differences would 25 be just the fact that some of these communities</p>

<p style="text-align: right;">Page 90</p> <p>1 are on a highway system and some the only real</p> <p>2 access is by air, it's probably the biggest of</p> <p>3 the differences. Some are primarily native</p> <p>4 communities, some are more predominantly</p> <p>5 non-native. There's another difference between</p> <p>6 them.</p> <p>7 Q. Anymore?</p> <p>8 A. Those are the ones that come to</p> <p>9 mind.</p> <p>10 Q. Okay. In those remote villages</p> <p>11 they're typically outside of boroughs; right?</p> <p>12 A. You mean line 19?</p> <p>13 Q. Yes.</p> <p>14 A. Yes, that would typically be</p> <p>15 outside of boroughs, yes.</p> <p>16 Q. So their -- their school system is</p> <p>17 funded differently than the school systems</p> <p>18 within boroughs; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. Their governance structure</p> <p>21 is different than within boroughs; correct or</p> <p>22 municipalities?</p> <p>23 A. Well, they could -- they could have</p> <p>24 municipalities, certainly, in some of the small</p> <p>25 remote villages on the Yukon.</p>	<p style="text-align: right;">Page 92</p> <p>1 different communities completely.</p> <p>2 Would you explain what you mean</p> <p>3 in -- well, let me complete the sentence. Those</p> <p>4 are different communities completely, in many of</p> <p>5 the -- in many of the rural communities out</p> <p>6 north and out west.</p> <p>7 So is what you're saying is, is</p> <p>8 that the communities along the highway system,</p> <p>9 like Tok and Delta, are completely different</p> <p>10 than the rural communities of Western Alaska and</p> <p>11 Northern Alaska?</p> <p>12 A. Well, they're certainly different.</p> <p>13 I don't know what I meant by completely.</p> <p>14 Q. Well, completely is a very clear</p> <p>15 word, Mr. Binkley, it means completely.</p> <p>16 A. Yeah, I would say --</p> <p>17 Q. So -- so --</p> <p>18 A. Go ahead, sorry.</p> <p>19 Q. So what you said, in deliberations,</p> <p>20 were based on the highway system that the</p> <p>21 communities along the highway system are</p> <p>22 completely different communities than the rural</p> <p>23 communities in Western Alaska and Northern</p> <p>24 Alaska, that's what you said; correct?</p> <p>25 A. That -- that's what the transcript</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. So when I asked you --</p> <p>2 A. All the unorganized borough, but</p> <p>3 they would have, you know, under Title 29 second</p> <p>4 class cities in many cases.</p> <p>5 Q. So when I asked you --</p> <p>6 A. Sorry to -- sorry, Mr. Brena, but</p> <p>7 also I'm just thinking about this, too, there</p> <p>8 are some similarities, you look at Galena, that</p> <p>9 has a city school district, a little different,</p> <p>10 but primarily there are REAAs out there.</p> <p>11 Q. Okay. Okay. So when I asked you</p> <p>12 about what you meant by a lot of differences,</p> <p>13 you brought up two, rivers and roads and native</p> <p>14 and non-native. Are those the big two?</p> <p>15 A. I might be able to think of some</p> <p>16 others. Off -- offhand, those are the two --</p> <p>17 big two that come to mind right now.</p> <p>18 Q. Okay. Now, you say or you look at</p> <p>19 Tok, that's on the highway system or delta on</p> <p>20 the highway system. So this is just you</p> <p>21 explaining that the communities on the highway</p> <p>22 system are different than communities that are</p> <p>23 on the river system; correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. And then you say: Those are</p>	<p style="text-align: right;">Page 93</p> <p>1 says, but I -- I misspoke if that were the case.</p> <p>2 Q. Okay.</p> <p>3 A. There are many similarities, as</p> <p>4 well, so...</p> <p>5 Q. Okay. Well --</p> <p>6 A. I should have pointed that out, as</p> <p>7 well.</p> <p>8 Q. Completely is such a strong word,</p> <p>9 Mr. Binkley. You're trying to qualify it now?</p> <p>10 A. Well, I -- I would say I misspoke.</p> <p>11 Q. If you didn't misspeak, and they</p> <p>12 are completely different, then many of the house</p> <p>13 districts that you drew will not be sufficiently</p> <p>14 socioeconomically integrated to pass the</p> <p>15 constitution test; correct?</p> <p>16 A. Well, that's for the Courts to</p> <p>17 decide.</p> <p>18 Q. Well, we just went through how this</p> <p>19 worked, and you said, there's degrees of</p> <p>20 socioeconomic integration.</p> <p>21 A. Mm-hmm.</p> <p>22 Q. If these communities are completely</p> <p>23 different communities then they are not</p> <p>24 sufficiently socioeconomically integrated to</p> <p>25 pass the constitutional requirement for</p>

<p style="text-align: right;">Page 94</p> <p>1 socioeconomic integration; correct?</p> <p>2 MR. SINGER: Objection, calls for a</p> <p>3 legal conclusion and asked and answered.</p> <p>4 A. Yeah, my judgment is that District</p> <p>5 36 does pass the test for socioeconomic</p> <p>6 integration.</p> <p>7 Q. Okay. That wasn't my question, was</p> <p>8 it, Mr. Binkley?</p> <p>9 A. I -- I don't know, but I -- that's</p> <p>10 my --</p> <p>11 Q. Let me -- let me come back.</p> <p>12 A. Okay.</p> <p>13 MR. SINGER: Well, now you're</p> <p>14 asking --</p> <p>15 MR. BRENA: This language -- please</p> <p>16 don't start with talking objections, Mr. Singer.</p> <p>17 BY MR. BRENA:</p> <p>18 Q. If -- if you are correct, that the</p> <p>19 communities within District 36 are completely</p> <p>20 different from each other, if that is a correct</p> <p>21 statement, isn't it true that your understanding</p> <p>22 of what that would mean is that there's not</p> <p>23 sufficient socioeconomic integration to include</p> <p>24 them together in a single house district?</p> <p>25 A. Well, I misspoke, because they are</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Okay.</p> <p>2 A. There are many similarities. There</p> <p>3 are differences and there are similarities.</p> <p>4 Q. Okay. The record is clear that</p> <p>5 your -- that your opinion now is that they're</p> <p>6 not completely different?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. That's your opinion today.</p> <p>9 Now, my question asks you to assume</p> <p>10 that what you said in the board meeting is</p> <p>11 correct, okay? So it's not going to be</p> <p>12 responsive to say there are similarities, that I</p> <p>13 was wrong, that's not what I'm asking you.</p> <p>14 If this is correct, that these</p> <p>15 communities are completely different, then</p> <p>16 they're not sufficiently socioeconomically</p> <p>17 integrated to be included in the same house</p> <p>18 district; correct?</p> <p>19 A. So are you asking -- are you --</p> <p>20 MR. SINGER: Objection.</p> <p>21 A. -- asking a hypothetical, if</p> <p>22 hypothetically --</p> <p>23 Q. Yeah.</p> <p>24 A. -- they were completely different?</p> <p>25 Q. Well, if you care to think about it</p>
<p style="text-align: right;">Page 95</p> <p>1 not completely different.</p> <p>2 Q. Okay.</p> <p>3 A. There are many similarities.</p> <p>4 Q. Okay. Would you answer my</p> <p>5 question, please, Mr. Binkley?</p> <p>6 MR. SINGER: He has answered.</p> <p>7 Please stop badgering the witness.</p> <p>8 BY MR. BRENA:</p> <p>9 Q. My question is -- my question is:</p> <p>10 You're saying whether or not completely is</p> <p>11 correct or not, I'm not asking you if it's</p> <p>12 correct, I'm asking you to assume it's correct.</p> <p>13 Assuming that your statement is</p> <p>14 correct, that these are completely different</p> <p>15 communities, Tok and Delta versus the rural</p> <p>16 villages along the river system are completely</p> <p>17 different communities, if that is true, then</p> <p>18 they are not sufficiently socioeconomically</p> <p>19 integrated to be included in the same district;</p> <p>20 correct?</p> <p>21 MR. SINGER: Asked and answered and</p> <p>22 the same objections.</p> <p>23 A. I would say, you know, again, I</p> <p>24 would go back to the point that I misspoke when</p> <p>25 I said completely.</p>	<p style="text-align: right;">Page 97</p> <p>1 that way, let's assume, hypothetically, that</p> <p>2 what you said in your transcript was true.</p> <p>3 You've said that it's false and you misspoke.</p> <p>4 I'm asking you to assume that it's true.</p> <p>5 If what you said was true, then</p> <p>6 there would not be sufficient socioeconomic</p> <p>7 integration between those communities to be</p> <p>8 included within a same house district; isn't</p> <p>9 that true?</p> <p>10 A. Well, if it's a hypothetical that</p> <p>11 if different communities in the same district</p> <p>12 are completely different, and there's no</p> <p>13 socioeconomic integration, I will agree that</p> <p>14 those should not be paired.</p> <p>15 Q. Okay. You added -- you added</p> <p>16 something that wasn't in the language, that</p> <p>17 there's no socioeconomic integration?</p> <p>18 A. Okay.</p> <p>19 Q. I'm just asking you what you said</p> <p>20 in the transcript is true, that these are</p> <p>21 completely different communities, the</p> <p>22 communities along the road system and the</p> <p>23 communities along the river system, in House</p> <p>24 District 36, if that is true then they should</p> <p>25 not be put in the same house district because</p>

<p style="text-align: right;">Page 98</p> <p>1 they're not sufficiently socioeconomically 2 integrated; correct? 3 MR. SINGER: Objection, asked and 4 answered. 5 A. Well, I believe you pointed out 6 that complete means no, that there is no 7 socioeconomic integration. 8 Q. Mr. Binkley, answer the question, 9 please. 10 MR. SINGER: Okay. Mr. Brena, 11 we'll get the judge on the phone if we need to. 12 MR. BRENA: Well, if you need I'm 13 okay with that. 14 MR. SINGER: You've asked the same 15 question many times. 16 MR. BRENA: You can call any time 17 you like, but in the meantime I don't want to 18 hear talking objections. Let me restate my 19 question. 20 MR. SINGER: And let the witness 21 complete his answer before you speak again. 22 MR. BRENA: Yes. And Mr. Binkley, 23 if you would answer the question I'm asking, 24 please. 25 ///</p>	<p style="text-align: right;">Page 100</p> <p>1 without changing the language of it? 2 MR. SINGER: Objection, 3 argumentative. 4 BY MR. BRENA: 5 Q. If -- if -- if this statement is 6 correct, that these are completely different 7 communities, that the river communities and the 8 road communities in House District 36, then they 9 may not be constitutionally within the same 10 district; correct? 11 MR. SINGER: Objection, 12 argumentative, asked and answered, now, a dozen 13 times. 14 A. As I mentioned before, you said 15 complete means that there -- that's 100 percent 16 that there's no socioeconomic integration. So 17 hypothetically, if in your example complete 18 means zero, then if there is zero socioeconomic 19 integration, hypothetically, then those should 20 not be paired. 21 Q. Okay. Could I get a yes or no 22 answer to my question, please? 23 If this statement is correct, that 24 the -- the communities along the river are 25 completely different communities than the rivers</p>
<p style="text-align: right;">Page 99</p> <p>1 BY MR. BRENA: 2 Q. So if -- 3 MR. SINGER: Good shot, there, 4 Robin. 5 THE WITNESS: Guys, you're coming 6 up short. 7 BY MR. BRENA: 8 Q. If the statement in the transcript 9 that House District 36 includes completely 10 different communities, that the communities, the 11 rural communities along the river are completely 12 different than the communities along the road 13 system, then isn't it true that they would lack 14 sufficient socioeconomic integration to be 15 included in the same house district? 16 MR. SINGER: Same objection. 17 A. If, hypothetically, there were -- 18 there was no socioeconomic integration, then 19 they should not be paired. 20 Q. Okay. Now, you appreciate that you 21 answered: If there's no socioeconomic 22 integration, and the question that I asked was 23 if the statement was true, that they're 24 completely different communities. 25 Could you answer my question</p>	<p style="text-align: right;">Page 101</p> <p>1 along the road system in House District 36, if 2 that statement is correct, then they should -- 3 they may not be constitutionally paired, would 4 you say yes or no to that, please? 5 MR. SINGER: Objection, asked and 6 answered. 7 A. Why don't -- why don't we try this: 8 Why don't you make the statement, in your words, 9 and then I'll tell you yes or no. 10 Q. Okay. That if the communities 11 along the river, the Yukon River, in Alaska, are 12 completely different than the communities Tok 13 and Glennallen, and the communities along the 14 road system, then they should not be paired in 15 the same house district; true or false? 16 A. For purposes of socioeconomic 17 integration, I would say true. 18 Q. Okay. Now, is there anything that 19 could overcome that? Because you said for the 20 purposes of socioeconomic integration, rather 21 than saying true. So -- okay. I'll just stop 22 there. That's -- that's -- that's close enough. 23 Okay. 24 MR. BRENA: Let's see, here. Could 25 we go off the record for just a second, please?</p>

<p style="text-align: right;">Page 102</p> <p>1 THE VIDEOGRAPHER: Going off 2 record. The time's 11:36. 3 (Recess.) 4 THE VIDEOGRAPHER: Going back on 5 record. The time's 11:37. 6 BY MR. BRENA: 7 Q. Okay. Mr. Binkley, if we just 8 continue with this page, and so you're saying -- 9 and so it's difficult to say socioeconomically 10 you know that 36 is homogeneous. You agree with 11 that statement still? 12 A. Well, I seem to correct myself 13 there. I guess I said completely, in line 22, 14 and then I qualified that in line 24. 15 Q. Okay. Do you have my question in 16 mind, Mr. Binkley? 17 A. Why -- why don't you repeat the 18 question, if you could, please. 19 Q. I read the sentence beginning on 20 line 24, and asked if you still agreed with that 21 statement. 22 A. I would say less so. 23 Q. Okay. And then you -- you add: 24 It's very different, and when you're saying, 25 it's very different, what are you referring to?</p>	<p style="text-align: right;">Page 104</p> <p>1 exhibit, it is 11/02, November the 2nd, the 2 transcript for November the 2nd, which is 3 Exhibit 4. 4 Let's see, afternoon session, okay. 5 There's one set of transcripts that gets kind of 6 confusing, and I think it's this one, but if I 7 can go to 11/02. 8 MR. SINGER: Which exhibit is this, 9 please. 10 MR. BRENA: The morning session, 11 which would be Exhibit 19, and there's a morning 12 and an afternoon session. So if you don't see 13 the language that pulls up at 56. 14 MR. SINGER: Did you say page 56 of 15 the transcript? 16 MR. BRENA: Hold on a second. Can 17 we go off the record for just a second, please? 18 THE VIDEOGRAPHER: Okay. Going off 19 record. The time is 11:41. 20 (Recess.) 21 THE VIDEOGRAPHER: Stand by. Back 22 on record. The time is 11:49. 23 BY MR. BRENA: 24 Q. Mr. Binkley, I just wanted to 25 explore your answers with me. What I'd like to</p>
<p style="text-align: right;">Page 103</p> <p>1 Are you still referring to the river and road 2 communities? 3 A. Could I see the next page? 4 Q. Yes, certainly. 5 A. I seem to have lost it in the notes 6 in front of me. I'm on a different page. 7 MR. SINGER: It's 242 of the 8 transcript, see, this is page 8. 9 THE WITNESS: Yeah. 10 MR. SINGER: So you flip to page 11 242 of the transcript. 12 THE WITNESS: Okay. Okay. Okay. 13 That's -- let me just look at this. Oh, I see. 14 So in context, I was, I guess, reading in the 15 wrong spot when I was trying to orient myself, 16 but we are talking about the Fairbanks 17 districts. 18 Yeah, okay, I was completely in the 19 wrong spot. I was looking at the Bates stamp, I 20 think, 242. 21 Okay. So this was in the context 22 of talking about Fairbanks. Okay. I'm 23 oriented, now, this makes it a little more -- 24 BY MR. BRENA: 25 Q. I'm going to go to a different</p>	<p style="text-align: right;">Page 105</p> <p>1 do is we were talking about the -- the rural 2 native villages along the Yukon compared with 3 some of the communities along the road system, 4 the Richardson Highway road system; correct? 5 A. Oh, we were talking about the 6 communities in District 36, didn't we specify 7 the -- I -- I'd like to go back to that. I 8 think we talked about villages out west and up 9 north, but I'm not -- was this it on the screen? 10 Q. What are we looking at now on the 11 screen? 12 MR. BRENA: Would you take that 13 down, please? 14 MR. STASER: And in the book? 15 MR. BRENA: It was 11/5 at 242 that 16 we were talking about, Mr. Binkley. So if we 17 need to go back to that, we can. 18 MR. SINGER: Which exhibit number 19 is that? 20 MR. BRENA: Pop it up on the 21 screen, please. 22 MR. SINGER: Which exhibit number, 23 please? 24 MR. BRENA: 11/5 is exhibit -- 25 MR. SINGER: 24?</p>

<p style="text-align: right;">Page 106</p> <p>1 MR. BRENA: Yes, sir. 24. 2 MR. SINGER: Page 242? 3 MR. BRENA: Correct. 4 MR. SINGER: Okay. I've got it. 5 BY MR. BRENA: 6 Q. Do you see the language? 7 A. Yes. Let's see, it starts with I 8 think it's a judgment call. I think there's -- 9 you know, you can make, when you look at it, 36, 10 very diverse, as well, a lot of differences 11 between Glennallen versus some of the remote 12 villages on that, indiscernible. 13 Q. Okay. If we can just stop there. 14 A. Okay. 15 Q. So let's take -- I got it. Let's 16 take Glennallen? 17 A. Okay. 18 Q. Indiscernible you identify -- 19 A. Yeah, I'm not sure what I actually 20 said, but would make sense. 21 Q. Okay. So could we use Holy Cross 22 as an example? 23 A. Let's use Holy Cross. 24 Q. Okay. Now, when I asked you to 25 identify --</p>	<p style="text-align: right;">Page 108</p> <p>1 there was lots of socioeconomic -- you suggested 2 in your answers that there was similarities? 3 A. Yes. 4 Q. Could you please identify -- could 5 you please identify what similarities you were 6 referring to? 7 A. Well, similarities would be, for 8 example, difficulties in communication, 9 similarities and differences in school 10 districts, REAA versus municipal or city school 11 districts, tax basis, in some cases. 12 Q. These are similarities or 13 differences that you're referring to? 14 A. Well, they're -- they're both, in 15 some cases. 16 Q. Okay. 17 A. Many of those communities -- 18 Q. Okay. 19 A. -- are within REAAs, but there are 20 examples within there of city school districts. 21 I think I mentioned Galena in there, maybe 22 that's a city school district, but it's remote, 23 it's predominantly native, it's on the river 24 system not on the road system. 25 Q. If there's a strict comparison</p>
<p style="text-align: right;">Page 107</p> <p>1 A. A lot of Walkers live by Holy 2 Cross, by the way. No relation to your partner. 3 Q. When I asked you to identify the 4 major differences between, when you're talking 5 about a lot of differences, you mentioned the 6 road system versus the river system; correct? 7 A. That's correct, transportation 8 system. 9 Q. And then you mentioned native 10 versus non-native folks; right? 11 A. As differences, yeah. 12 Q. Okay. In the place of Glennallen 13 and Holy Cross, Glennallen is predominantly a 14 non-native community; correct? 15 A. I believe so, yes. 16 Q. And Holy Cross is predominantly a 17 native community; correct? 18 A. Yes. 19 Q. Okay. Glennallen is on the road 20 system; correct? 21 A. Correct. 22 Q. And Holy Cross is on the river 23 system in the lower Yukon; correct? 24 A. Correct. 25 Q. Okay. And -- and now you said that</p>	<p style="text-align: right;">Page 109</p> <p>1 between Holy Cross and Glennallen. 2 A. Okay. Okay. 3 Q. So -- so it's fair to say -- so 4 there's similarities between those communities? 5 A. Okay. 6 Q. Can you tell me what similarities 7 you're referring to, specifically, please? 8 A. Okay. They're both REAAs, my 9 understanding about Glennallen and Holy Cross. 10 They're both in cooperative utilities, I think, 11 for electrical. Let's see, communications are a 12 struggle. That's a similarity that, you know, 13 it's difficult to -- to get a lot of broadband 14 and good communication. I'm going to say water 15 and sewer, sanitation, those are similar 16 problems that each of those communities in -- 17 in, we'll call them, rural Alaska face. Those 18 are things that come to mind. 19 Q. Okay. So REAAs, they're in 20 different school districts; right? 21 A. Glennallen and Holy Cross? 22 Q. Yes. 23 A. Yes. 24 Q. Okay. And they have different 25 utilities; right?</p>

<p>Page 110</p> <p>1 A. They're both cooperatives, as I 2 understand it, but they are different 3 cooperatives, yeah. 4 Q. Okay. They have different -- 5 different utility systems, in general; correct? 6 A. Maybe similar, in terms of probably 7 both relying on diesel to produce electricity, 8 but, you know, it's -- it's different 9 cooperatives, so -- 10 Q. Okay. 11 A. I don't -- 12 Q. Okay. And their communications, do 13 they share any communications links, at all? 14 A. No, but I think communication is a 15 struggle in many of the small communities, like 16 Glennallen and Holy Cross. And maybe, you know, 17 not specific about Glennallen, actually, I'm -- 18 I'm -- for all I know, they may have high speed 19 internet. 20 But, you know, it's difficult when 21 we talk about all of 36, there are so many 22 different communities that there's different 23 similarities with each of the individual 24 communities, I guess. 25 Q. Okay. Is -- are you -- is your</p>	<p>Page 112</p> <p>1 A. I'm -- I'm not aware of it. 2 Q. Okay. So none of these individual 3 factors was -- is in the transcript, as part of 4 the board's deliberations in deciding whether to 5 approve House District 36, are they? 6 A. I'm not aware of it. 7 Q. Okay. The differences, when 8 looking at them, are in the record; right? 9 A. (Nodding.) 10 Q. Okay. Now, let me go to -- I was 11 trying to get to -- let me go back to where I 12 was headed. I just wanted to be sure I 13 understood your answers to me. 14 A. Okay. 15 Q. Mr. Binkley, you understand that -- 16 I mean, we're all trying to get to the right 17 answer here; right? 18 A. Correct. 19 Q. Okay. And so you appreciate, do 20 you not, that Glennallen and Holy Cross are 21 quite different communities from each other? 22 A. I do. 23 Q. Okay. All right. 24 And so -- and you appreciate that 25 in evaluating the board's decision making that</p>
<p>Page 111</p> <p>1 list complete, to your current knowledge? 2 A. I'll probably think of -- 3 Q. Okay. Can you show me or are you 4 aware of anywhere that the board, in its 5 deliberations, discussed any of those factors? 6 A. I -- I'd have to go through it, 7 Mr. Brena. 8 Q. Does it come to mind that you 9 talked about school district similarities and 10 differences within 36? 11 A. I -- I may have talked to my 12 colleagues, individually, about that or, you 13 know, sometimes when we're on the road in these 14 different communities we individually, with each 15 other, talk about what our experience was and 16 what -- we were in Delta Junction, for example, 17 and -- 18 Q. Is there -- is there anywhere -- is 19 there anywhere in the transcript, is there 20 anywhere in the record, that you're aware, where 21 anything other than the differences between the 22 rural villages that -- where you discussed, 23 anything but the differences between the rural 24 communities and along the river and the road 25 communities along the Richardson?</p>	<p>Page 113</p> <p>1 we have to look at what they actually discussed, 2 not what they make up after the fact, after 3 there's litigation; right? 4 MR. SINGER: Objection to form. 5 A. Well, yeah, I mean, I -- I know 6 what I thought, and what my life experience 7 and -- 8 Q. Yeah. 9 A. -- experience around Alaska bring 10 to it, and what formed my decisions on some of 11 these. 12 Q. Okay. 13 A. You know, whether or not I 14 articulated that or not -- 15 Q. I mean, you understand when 16 someone's trying to evaluate why the board is 17 doing what they're doing all that we have to 18 look at is what the actual deliberations 19 concerned; right? 20 MR. SINGER: Objection, form. 21 A. Well, you have the opportunity to 22 ask me now. 23 Q. Yeah, well, I'm trying. I'm doing 24 my best. 25 A. I'm doing my best to answer.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. But do you think it's fair, to take 2 a look at what the board actually said when they 3 made the decisions, to see if they pass muster? 4 A. I think -- I think the process was 5 fair, yes. 6 Q. Okay. 7 A. It's a difficult process. It's -- 8 I can see why nobody does this twice. 9 Q. Yeah. I want to be sure you 10 answered the question I asked. I said: Do you 11 see, from my point of view, that all that I had 12 to work from is to take a look at, to explain 13 the deliberations of the board, are to actually 14 look at the deliberations of the board and see 15 what -- what guided the decision that the board 16 reached; that's fair, isn't it? 17 A. Yeah, it's -- it's a difficult 18 process, and we're still in that process. 19 Q. Okay. 20 A. You know, it's not complete until 21 we get a final decision from the Supreme Court 22 and a final proclamation. So I think this is 23 all part of the process. 24 Q. You just said -- 25 A. You get the opportunity, as a</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. All right. So -- so -- but you're 2 aware of -- of the socioeconomic -- 3 A. Oh, yeah. 4 Q. The socioeconomic integration of 5 the Richardson Highway corridor; right? 6 A. Definitely, and historically, too, 7 Valdez in the interior trail that people got the 8 interior. 9 Q. And you know in the past that the 10 corridor has been recognized as -- as a house 11 district; right? It is -- 12 A. I'm trying to think. 13 Q. It is, right now, before -- before 14 the -- before the final proclamation in 2021; 15 right? 16 A. I thought that Valdez, in the 2013, 17 was connected with the Mat-Su. 18 Q. Ran -- if you don't know, would you 19 accept, subject to check, it runs up the 20 Richardson, too, right up to the edge of 21 Fairbanks? 22 MR. SINGER: Objection, form. 23 A. But, I mean, subject to check, I 24 would think it ties in the Mat-Su borough in 25 2013. I know when I -- I think that that was</p>
<p style="text-align: right;">Page 115</p> <p>1 plaintiff, to quiz us as to how we came to these 2 conclusions, and, you know, what the decision 3 making process, so... 4 Q. You're aware, are you not -- I 5 mean, you know the Richardson Highway corridor 6 between Valdez and Fairbanks; right? 7 A. I do. 8 Q. Okay. And you have driven it how 9 many times, do you think, in your life? 10 A. Many times. 11 Q. Okay. 12 A. A lot. 13 Q. Okay. And so you're aware that a 14 lot of freight comes up the Richardson Highway 15 from Valdez, it's the largest -- it's the 16 northern most ice-free port in the world; 17 correct? I mean in the United States, not the 18 world. 19 A. I don't know. I -- I don't know, 20 geographically, Seward and Wittier, they're 21 pretty close to Valdez. 22 Q. They're lower. 23 A. Okay. I'll take your word. 24 Q. Okay. 25 A. I'll take your word for that.</p>	<p style="text-align: right;">Page 117</p> <p>1 Jay Kerttula's -- I served with Senator Kerttula 2 out of Palmer, and I think he represented 3 Valdez, as I recall. 4 Q. You don't understand that 5 Glennallen and Valdez are currently in the same 6 house district? 7 MR. SINGER: Objection, form. 8 A. The proclamation plan has been 9 adopted to the current -- 10 Q. Excuse me, Mr. Singer? 11 MR. SINGER: Well, ask a clear 12 question. Current means a proclamation. 13 MR. BRENA: Mr. Singer -- 14 A. I understand -- well, I don't -- 15 well, I have to look at a map. I will agree 16 with you, subject to looking at it. 17 Q. Okay. 18 A. That Glennallen and Valdez are 19 currently in the 2013 proclamation. 20 MR. BRENA: If I can go to that 21 page 56, Jake. And Eric, we need to mark this 22 as a new exhibit, I believe. I think we're up 23 to Exhibit 38. 24 THE VIDEOGRAPHER: Correct. 25 (Exhibit No. 38 was marked for</p>

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1 identification.)
2 MR. BRENA: And this is the morning
3 session of November 2nd. And if we can blow
4 that up bigger, Jake.
5 BY MR. BRENA:
6 Q. You know -- you know who
7 Mr. Dunsmore is, do you not, Mr. Binkley?
8 **A. I do, yeah.**
9 Q. He attended, probably, most of your
10 meetings, did he not?
11 **A. He did. He was -- we spent a lot**
12 **of time together. I got to know David, and have**
13 **great admiration for him. I speak highly of**
14 **him.**
15 Q. Okay. Is it fair to say from at
16 least your perspective that he's someone who's
17 familiar with the communities throughout Alaska
18 and offered sage advice to the board?
19 **A. Oh, I don't know about that. I**
20 **wouldn't go that far.**
21 Q. Okay. So here he is speaking with
22 you, on line 10, and he says: There's strong
23 support for our concept --
24 MR. SINGER: Slow down. What
25 exhibit are we on? It's 38, right? Which Bates

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1 stamp.
2 **THE WITNESS: What exhibit?**
3 BY MR. BRENA:
4 Q. Exhibit No. 38?
5 **A. I've got 38, this doesn't look to**
6 **be -- this looks to be a resolution for Valdez.**
7 Q. No, that's not 38.
8 Okay. Can -- can you see the
9 screen, Mr. Binkley?
10 MR. SINGER: Well, the witness is
11 entitled to look at the paper document.
12 MR. BRENA: He absolutely is. Can
13 we go off the record, Eric?
14 THE VIDEOGRAPHER: Yes. Going off
15 record. The time is 12:06.
16 (Discussion held off the record.)
17 THE VIDEOGRAPHER: We're back on
18 record. The time is 12:13.
19 BY MR. BRENA:
20 Q. Mr. Binkley, I was noticing, I
21 believe, that you were taking notes during the
22 break, while we were trying to straighten this
23 out; is that correct?
24 **A. That's correct, I was.**
25 Q. Okay. Would you be kind enough, on

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1 the lunch break, to have the notes that you made
2 sent to our attention, please?
3 **A. I would be happy to, I could show**
4 **them to you right now, if you like.**
5 Q. Okay. Appreciate it. It's --
6 please understand it's an awkward situation when
7 you're not in the same room and we can't observe
8 things.
9 So Mr. Dunmore -- Dunsmore is
10 making a point that there's strong support for
11 our concept of having the Richardson Highway
12 interior district, where it has the Richardson
13 Highway core up through Eielson and Salcha in a
14 district with also the Alaska Highway
15 communities and portions of the Eastern Yukon
16 that have strong ties to the Richardson Alaska
17 Highway core.
18 But those communities expressed
19 support for our plan because they like how we
20 kept a district that was also socioeconomically
21 linked and did not extend to Western Alaska.
22 You see his testimony?
23 **A. I do.**
24 Q. And -- and you do agree, do you
25 not, that -- that the Richardson Highway

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1 interior district link has been something that's
2 been recognized in the past and -- and that
3 Valdez has been with its -- with the other
4 communities that run up the Richardson Highway;
5 correct?
6 **A. Subject to checking that, I would**
7 **agree.**
8 Q. Okay. And you know that the
9 plan -- that the final plan of the board does
10 not connect Valdez with any of the Richardson
11 communities, at all; correct?
12 **A. Yes.**
13 Q. Okay. And you know that the plan
14 that's approved by the board does not connect
15 Valdez with any of the communities in Prince
16 William Sound; correct?
17 **A. Correct.**
18 Q. Are you aware of any plan in the
19 past which has ever been approved that didn't
20 connect Valdez with either the -- the Richardson
21 communities or the communities in Prince William
22 Sound?
23 **A. I'm not aware of all the plans, but**
24 **subject to check, though, I'll concur with that.**
25 Q. Okay. Now -- now, I'd like to go

<p style="text-align: right;">Page 122</p> <p>1 to -- to 11/3, if I may, which is, before you 2 ask, give me just a second, here, Exhibit No. 23 3 on page 251. 4 MR. BRENA: Actually, Jake, if we 5 can get it up, and it will be up on the screen. 6 MR. SINGER: 23. 7 BY MR. BRENA: 8 Q. Yes, it's at 251, line 17, on -- 9 Mr. Binkley, do you see the language on the 10 screen? 11 A. Let's see. 12 Q. 251, lines 17 through 24. 13 A. Yes, I see it on the screen. I'm 14 just trying to get -- look in the book and see 15 what the context was in those meetings or which 16 plan we were discussing or -- 17 Q. Okay. This is November 5th, and 18 we're talking about House District 36. 19 A. November -- oh, this is November 20 3rd, I think. 21 Q. Yes. 22 A. And so this was prior to adopting 23 any of the plans. 24 Q. Do you need a moment to -- to 25 review, to get oriented?</p>	<p style="text-align: right;">Page 124</p> <p>1 include the Fairbanks North Star Borough; 2 correct? 3 A. Okay. 4 Q. Okay. And then you say: When you 5 look at Valdez and, you know, all those areas 6 along the Richardson Highway. So you're talking 7 about Valdez as one of the areas along the 8 Richardson Highway; right? 9 A. Yes. 10 Q. Okay. And compared to all the 11 rural villages out west along the Yukon River, 12 and so we're back into the conversation about 13 the Richardson Highway corridor communities 14 compared with the Yukon River rural communities; 15 correct? 16 A. And I say -- I used a different 17 adjective, here, I used huge instead of 18 completely. Okay. Yes. 19 Q. You're anticipating, Mr. Binkley. 20 So you said: Compared to all the 21 rural villages out west along the Yukon River 22 there's a huge difference in socioeconomic 23 integration between those areas. 24 Okay. Well, first -- so you said 25 completely, and now you're saying huge, so it's</p>
<p style="text-align: right;">Page 123</p> <p>1 A. That would be helpful, I think. 2 MR. BRENA: Okay. Could we go off 3 the record, Eric, and allow Mr. Binkley that 4 opportunity? 5 THE VIDEOGRAPHER: Okay. Going off 6 record. The time is 12:18. 7 (Recess.) 8 THE VIDEOGRAPHER: Going back on 9 record. The time's 12:19. 10 BY MR. BRENA: 11 Q. So we're talking about it, you're 12 talking about House District 36, again, in this, 13 according to line 18; correct, Mr. Binkley? 14 A. It appears so, yeah. 15 Q. Okay. And then you're talking 16 about, without taking any of the Fairbanks North 17 Star Borough, so this part of your comment isn't 18 related to going into the borough; right? 19 A. I believe it's -- it's during the 20 debate about taking a portion of Fairbanks North 21 Star Borough into District 36. 22 Q. Yes, that's entirely fair. 23 But when you say here, even without 24 any of the Fairbanks North Star Borough, so 25 you're pointing out a scenario that doesn't</p>	<p style="text-align: right;">Page 125</p> <p>1 fair to say that you think there's a pretty darn 2 big difference between these sets of 3 communities, isn't it? 4 A. There are certainly differences. 5 Q. Huge differences, are there not? 6 A. At least it's not completely. 7 Q. Yeah, well -- 8 A. I'm getting better, okay? 9 Q. All right. All right. All right. 10 A. I can't -- you know, that's that 11 scale, I guess. 12 Q. Yeah. Yeah. Yeah. But the point 13 is, huge and complete, it's your opinion, 14 Mr. Binkley, is it not, that the rural villages 15 along the Yukon River have -- are huge -- hugely 16 different in socioeconomic integration compared 17 with the Richardson Highway communities? 18 A. I'm certainly going to agree that 19 there's differences, significant differences. 20 Q. No, I'm going for huge, here. I'm 21 not -- I'm not going to let you back away from 22 every word you used. 23 Okay. Okay. You backed away from 24 complete; right? 25 A. I'll see if I can get away with it</p>

<p>Page 126</p> <p>1 again.</p> <p>2 Q. Okay.</p> <p>3 A. I might have misspoke when I said</p> <p>4 huge.</p> <p>5 Q. All right. There are huge</p> <p>6 differences, aren't there, you know that?</p> <p>7 A. There are differences.</p> <p>8 Q. There are huge differences,</p> <p>9 Mr. Binkley.</p> <p>10 A. Well, there's differences.</p> <p>11 Q. You said differences, you said huge</p> <p>12 differences, you've been a captain of the Yukon</p> <p>13 in these communities, you've driven the</p> <p>14 Richardson Highway corridor all your life, there</p> <p>15 are huge differences in socioeconomic</p> <p>16 integration among those two areas; isn't that</p> <p>17 true?</p> <p>18 A. I would go with significant. There</p> <p>19 are significant differences.</p> <p>20 Q. Okay.</p> <p>21 A. I think that's probably a -- an</p> <p>22 accurate adjective to use, is significant</p> <p>23 differences.</p> <p>24 Q. Except my question was, are there</p> <p>25 huge ones.</p>	<p>Page 128</p> <p>1 together to make a district.</p> <p>2 And -- and it's not just making a</p> <p>3 Valdez-Richardson Highway district up in the</p> <p>4 Fairbanks North Star Borough, potentially, it's</p> <p>5 fitting those all together into 40 districts,</p> <p>6 and it's difficult.</p> <p>7 Q. Okay.</p> <p>8 A. And it's not perfect.</p> <p>9 Q. I don't -- well, and I don't doubt</p> <p>10 that it's difficult, but the point here is that</p> <p>11 you know better than almost anyone, do you not,</p> <p>12 that there are huge differences between lower</p> <p>13 Yukon River rural native communities and the</p> <p>14 Richardson Highway communities, you know that;</p> <p>15 right?</p> <p>16 A. Well, I know there's differences,</p> <p>17 and I can articulate and I've tried to --</p> <p>18 Q. Okay.</p> <p>19 A. -- be candid about the differences</p> <p>20 and the similarities.</p> <p>21 Q. Did you have any reason to not be</p> <p>22 completely forthright and candid with your --</p> <p>23 with -- with your fellow board members about</p> <p>24 what your opinion was?</p> <p>25 A. No, I -- I was completely candid</p>
<p>Page 127</p> <p>1 A. No, I don't think so.</p> <p>2 Q. Okay.</p> <p>3 A. I think they're significant.</p> <p>4 Q. Mr. Binkley, are you just making</p> <p>5 stuff up in the hearing?</p> <p>6 A. No.</p> <p>7 Q. I mean, when you --</p> <p>8 A. I mean, really --</p> <p>9 Q. Let me ask my question this way. I</p> <p>10 don't mean to be disrespectful, and we're joking</p> <p>11 back and forth a little.</p> <p>12 A. No, and I appreciate that, but it</p> <p>13 really -- it's not --</p> <p>14 Q. When you're talking to your other</p> <p>15 board members in full candor, here, are you not?</p> <p>16 A. Say again, Robin.</p> <p>17 Q. You're talking to your other board</p> <p>18 members candidly; right?</p> <p>19 A. Well, I'm speaking to the other</p> <p>20 board members about difficulties in pulling this</p> <p>21 District 36 together. I mean, it's a -- it's a</p> <p>22 difficult task. And I think, you know, in</p> <p>23 Alaska, particularly, because we have such great</p> <p>24 geographic areas with relatively small</p> <p>25 populations, and so you have to put these all</p>	<p>Page 129</p> <p>1 with them and pointed out some of the</p> <p>2 difficulties.</p> <p>3 Q. Okay.</p> <p>4 A. Not to gloss over them, I wanted to</p> <p>5 make sure that, from my experience, I explained</p> <p>6 to them the challenges that we've got in putting</p> <p>7 this all together.</p> <p>8 MR. SINGER: Let's just both of you</p> <p>9 try to avoid speaking over the other.</p> <p>10 THE WITNESS: Apologies.</p> <p>11 MR. SINGER: Mr. Brena, if you can.</p> <p>12 MR. BRENA: Certainly that was --</p> <p>13 that was -- that was entirely fair. Thank you,</p> <p>14 Mr. Singer. I don't mean to speak over you, and</p> <p>15 I apologize if I am, Mr. Binkley, we're just in</p> <p>16 this exchange.</p> <p>17 BY MR. BRENA:</p> <p>18 Q. Now, you said you were completely</p> <p>19 candid, okay? You said the communities were</p> <p>20 completely different, okay? You used the word</p> <p>21 completely in different context to mean</p> <p>22 different things. Did you, rather than</p> <p>23 completely candid, did you mean mostly candid?</p> <p>24 A. Hugely candid.</p> <p>25 I was just trying to point out to</p>

<p style="text-align: right;">Page 130</p> <p>1 the board members that, you know, that it is 2 significant. 3 Q. Okay. But -- 4 A. There are differences, and we 5 should recognize those and make an informed 6 judgment when we put together a district like 7 that. 8 Q. Okay. So you're talking about 9 these differences, in all candor, to your board. 10 Okay, we're in litigation, but your candid 11 opinion to your members, at the time of 12 deliberations, was that these communities have 13 huge differences or have -- or are completely 14 different. 15 In your mind, you know the 16 difference between a community, a native 17 community on the lower -- on the river system in 18 the lower Yukon and the Richardson Highway 19 corridor communities, right, and they are huge 20 differences? 21 A. I know the differences. 22 Q. What you said is exactly right, 23 isn't it? 24 A. I know the differences. 25 Q. And they're huge, aren't they?</p>	<p style="text-align: right;">Page 132</p> <p>1 by passing a resolution, did it not? 2 A. That's correct. 3 Q. And then -- and then, at the time, 4 if you kept Fairbanks whole, it had an 5 overpopulation issue; right? 6 A. That's correct. 7 Q. And the deviations, I believe, 8 according to Ms. Borromeo, would have been the 9 highest deviations of the entire map if 10 Fairbanks had been made whole; is that your 11 memory, as well? 12 A. Well, I think we had a lot of 13 different versions, and I think it was about 14 four and a half percent. 15 Q. Okay. And so then the Fairbanks 16 assembly hired -- passed a resolution, you took 17 that resolution to heart; correct? 18 A. That's correct. 19 Q. And -- and then -- and then agreed, 20 ultimately, on about November 4th, to -- to go 21 ahead and -- and export population from 22 Fairbanks by allowing House District 36 to come 23 into Fairbanks; correct? 24 A. That's correct. 25 Q. Okay. Now, the Fairbanks borough</p>
<p style="text-align: right;">Page 131</p> <p>1 A. They're significant. 2 Q. Did you not tell the truth to your 3 members when you said huge? 4 A. I did. 5 MR. BRENA: Okay. Let's take a 6 lunch break. 7 THE WITNESS: Okay. That sounds 8 good. 9 THE VIDEOGRAPHER: Okay. Going off 10 record. The time is 12:28. 11 (Recess.) 12 THE VIDEOGRAPHER: We're back on 13 record. The time's 1:19. 14 BY MR. BRENA: 15 Q. Good afternoon, Mr. Binkley. 16 A. Good afternoon, Mr. Brena. 17 Q. I'm going to change topics on you 18 and talk about Fairbanks a little bit. 19 A. Okay. 20 Q. You tried to keep the Fairbanks 21 whole within the borough, as a single integrated 22 unit; correct? 23 A. That's correct. 24 Q. And then -- and if we could -- 25 well, and then the borough suddenly weighed in</p>	<p style="text-align: right;">Page 133</p> <p>1 resolution was significant to you, and you gave 2 it a lot of weight; correct? 3 A. Yes. 4 Q. Even though it wasn't a unanimous 5 decision, you still gave it a lot of weight; 6 correct? 7 A. Yes. 8 Q. Okay. And you had gotten a certain 9 amount of pushback from your opinion of keeping 10 Fairbanks in one social integrated unit; 11 correct -- 12 A. Yes. 13 Q. -- in connection with that? 14 And so -- so -- so you resolved -- 15 you interpreted the -- the assembly's resolution 16 to you should push people out from the borough 17 to the broader District 36; is that correct? 18 A. Could you say the first part of 19 that question again? 20 Q. Yeah. You interpreted the 21 assembly's resolution to suggest that you should 22 push out people from the borough to the broader 23 District 36? 24 A. Yes. 25 Q. And then you set about, with Peter</p>

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1 Torkelson, to see if you could make the numbers
2 work if you did that; right?
3 **A. Yes.**
4 Q. Okay.
5 **A. In terms of mapping?**
6 Q. Yes.
7 **A. Yes. Yes. Yes.**
8 Q. Okay. Let's see, that wasn't the
9 only feedback that you got from Fairbanks. You
10 also got feedback back from Fairbanks that they
11 really didn't like the way that they had come
12 into the borough boundaries, currently, before
13 the map; correct?
14 **A. When you say "they," are you**
15 **talking about individuals who testified in the**
16 **assembly or just generally?**
17 Q. No. I -- and another thing that I
18 heard from people in Fairbanks, they really
19 didn't like, and to paraphrase, the way it's
20 currently done, the way that Fairbanks was
21 shedding population?
22 MR. SINGER: Objection, form,
23 vague.
24 **A. Yeah, I'm not sure what I was**
25 **referring to there, if I was referring to how it**

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1 **was done since the 2013 proclamation or one of**
2 **our earlier versions of the map.**
3 MR. TANNER: This is Tanner, I'm
4 sorry to interrupt, but Mr. Brena if you're
5 reading from an exhibit or something it's not on
6 the screen, so those of us are not able to
7 follow along what exhibit you're referring to.
8 MR. BRENA: Okay. Thank you,
9 Tanner, I'm trying, to the degree I can, to not
10 get bogged down in the papers if -- if the
11 witness's memory is -- is sufficient.
12 So -- but let's go to November 4th,
13 Jake, on page 42.
14 MR. SINGER: Exhibit number,
15 please.
16 MR. STASER: Exhibit 2.
17 MR. SINGER: So that will be in
18 this notebook here. There you go.
19 MR. BRENA: Page 42. Can you see
20 the page number? Where is the page number,
21 Jake? I don't know what you're looking at.
22 MR. STASER: Yeah, there's an error
23 here.
24 BY MR. BRENA:
25 Q. Do you see 11/4, page 42,

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1 Mr. Binkley? While we try to get it up on the
2 screen, but do you have it in front of you?
3 **A. Can you say the page again?**
4 Q. November 4th on page 42.
5 **A. Okay. I have it.**
6 Q. Okay. From line -- line 7 to 15.
7 **A. Okay.**
8 Q. You begin: And another thing that
9 I heard from the people of Fairbanks, they
10 really didn't like, and then if you would just
11 explain what -- what -- what that paragraph
12 means?
13 **A. Okay. Let me read through it.**
14 Q. Just read now the first paragraph
15 from 7 -- line 7 to 15.
16 Could you please explain to me what
17 you're referring to in that paragraph?
18 **A. Okay. If I can just finish reading**
19 **through it, if I could.**
20 Q. Well, certainly.
21 **A. Trying to get the context of it and**
22 **then read through the full -- full --**
23 MR. BRENA: Okay. If we can just
24 go off the record until the witness is ready,
25 please.

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1 THE VIDEOGRAPHER: Okay. Going off
2 record the time is 1:26.
3 (Recess.)
4 THE VIDEOGRAPHER: We're back on
5 record. The time is 1:28.
6 BY MR. BRENA:
7 Q. Mr. Binkley, will you please
8 explain to me what you're referring to in your
9 November 4th transcript, on page 42, and the
10 paragraph from line 7 to 15.
11 **A. Yes, I was describing some of the**
12 **feedback that I gotten during the public hearing**
13 **process and from people who had sent in**
14 **comments. And one of those was -- and just to**
15 **back up and give a little more context to**
16 **this -- when I was trying to keep the borough**
17 **intact, and have all the districts within the**
18 **bounds of the Fairbanks North Star Borough, that**
19 **overpopulated each of the districts,**
20 **proportionally.**
21 **And so each of those districts**
22 **really had to grow when you looked at what the**
23 **2013 proclamation was, and so in one of the**
24 **versions I had captured more population, and I**
25 **don't recall the numbering of the districts, but**

<p style="text-align: right;">Page 138</p> <p>1 the district that is generally to the west of 2 Fairbanks, that includes the university, the 3 airport area, having that swing around like it 4 does, under the 2013 proclamation plan, around 5 the south of Fairbanks, and then picks up some 6 of the population to the east of Fairbanks. 7 And so I expanded on that to 8 accommodate the higher populations per district. 9 And so some of the comments that people made 10 were that they didn't appreciate that. They 11 didn't like the fact that we had looked for 12 population in that western district around to 13 the south and picking it up to the east. 14 And so when I acknowledged that -- 15 that I would support moving 4,000 people out of 16 the district, that meant that we could pull 17 those numbers back in nearer to where those -- 18 that 2013 proclamation district was, because we 19 had less population. 20 And so I was trying to articulate 21 that to the other members, in how I had gotten 22 to the version of the map where there were 4,000 23 less people in those districts in the Fairbanks 24 North Star Borough. 25 Q. Okay. Thank you. And so on line</p>	<p style="text-align: right;">Page 140</p> <p>1 resolution, and I take that very seriously and 2 respect that; correct? 3 A. That's correct. 4 Q. And so now the borough resolution 5 suggested not overpopulating the districts 6 within the borough but -- but transferring the 7 overpopulation all out into a single district, 8 right, 36? 9 A. That's correct. 10 Q. Okay. And so is the final map -- 11 so -- and that's what you did, right, and that's 12 what the board did? 13 A. That's what the board did, yes. 14 Yeah, yeah, not all the people were happy with 15 that, though, as in many cases for our efforts. 16 Q. Well, no, I decided that 17 everybody's not happy about anything. The -- so 18 when I look at this, Mr. Binkley, prior to the 19 board resolution you're against taking the 20 population out of Fairbanks; correct? 21 A. Well, I was supportive of keeping 22 the borough together. 23 Q. Yeah. And then, after the 24 resolution, you took it seriously and you tried 25 to do, and you accomplished, exactly what you</p>
<p style="text-align: right;">Page 139</p> <p>1 13, where it says: Although it's currently 2 done, that's a reference to how it's currently 3 done in the 2013 proclamation; correct? 4 A. Yes. And I actually say that in 5 line 15. 6 Q. Okay. 7 A. Currently done that way in that 8 legislative -- in that legislative district 9 since the 2013 proclamation. 10 Q. I'd like to go over to page 41, if 11 I may, starting at the top. And -- and if you 12 need to go back to the prior page, maybe we can 13 straddle that, okay? 14 So it said it was significant that 15 the elected body from the entire borough said 16 you should push out people from the borough to 17 the broader District 36; correct? 18 A. Correct. 19 Q. And then you said: To try and 20 achieve the ideal, and so that was just a 21 continuation of your thought; right? 22 A. I believe so. 23 Q. Okay. And if we can scroll down? 24 So -- and you state, on line 9, these were the 25 major takeaways I got from the borough's</p>	<p style="text-align: right;">Page 141</p> <p>1 interpreted the borough asked you to do; right? 2 A. That's -- that's correct. 3 Q. Okay. Now -- 4 A. There are many -- there were many 5 factors, besides that, but that -- that -- that 6 was certainly the -- the final resolution. 7 Q. And -- and -- and you -- and your 8 interpretation, I mean what they -- what they 9 told you, like you said here on line two, was to 10 push the people out from the borough to District 11 36; right? 12 A. Correct. 13 Q. Now, if you push 4,000 people out 14 into District 36, then District 36 is 15 overpopulated by 4,000 people; right, if Valdez 16 is in the district? 17 A. Yes, if Valdez were to be in 18 District 36 it would be overpopulated by 19 approximately 4,000 people. 20 Q. And so if we can go to page 47, 21 please, line 15 through 25. So it -- it just 22 worked out that roughly the population of Valdez 23 was roughly the population that Fairbanks needed 24 to shed; correct? 25 A. That's correct.</p>

<p style="text-align: right;">Page 142</p> <p>1 Q. Okay. And on lines 15 through 25, 2 this is what you're explaining, right, that -- 3 so that portion of Valdez, it goes into 36, 4 replaces Valdez, so that District 36 is 5 basically the same without -- it says then, but 6 I think you mean them, meaning Valdez; is that 7 correct? 8 A. Let's see, I said that really 9 balances Valdez, so that what we're taking in 10 version 3, where we had Valdez in this district, 11 that that now goes into the Mat-Su and that 12 portion of Fairbanks that goes into 36 replaces 13 Valdez, so that District 36 is basically the 14 same, without them in the west having to come 15 into the interior districts, the Doyon 16 districts, and putting those into 39. 17 I'm not exactly sure, I'd have to 18 think about that, what I was trying to explain 19 there. 20 Q. When I read it, I assumed that 21 "then" was intended to be them, without putting 22 them, Valdez, in the west having to come into 23 the interior districts, the Doyon districts, and 24 putting those in 39. 25 So you're explaining that if -- if</p>	<p style="text-align: right;">Page 144</p> <p>1 4,000 people into 39; did I say that correctly? 2 A. Well, it made more sense to me to 3 do that than to push the boundaries farther out 4 to the west, in -- from those western villages 5 into 39. So again, that was a balance that -- 6 that we came to. 7 Q. Okay. 8 A. But my original version, version 1 9 and version 3, I believe, I did have Valdez in 10 with District 36. And so it's just math when we 11 moved 4,000 people into 36 we had to take 4,000 12 people out of 36. And the balance that we came 13 to was that Valdez would be the 4,000 that would 14 make the most sense to move into the Mat-Su 15 Valley, which other members had already 16 proposed. I think version 2 or version 4 had 17 that pairing. 18 Q. Well, okay. Version 1 and version 19 2 both had Valdez in District 36; correct? 20 A. I'm not sure about version 2. I 21 know version 1, which is the one that I had 22 worked on, as I recall, did have Valdez in 36. 23 Q. So -- 24 A. That was a different number, at 25 that time, but --</p>
<p style="text-align: right;">Page 143</p> <p>1 Fairbanks goes into 36, and Valdez stays into 2 36, then you have to put 4,000 people out of 36 3 into 39? 4 A. That sounds reasonable. 5 Q. Okay. All right. 6 And Member Simpson said -- so he 7 commented on page 48, so you're protecting by -- 8 36 by moving Valdez, on page 48, to the next 9 page, let's see, line 22 and 23. 10 So he -- his initial thing is: So 11 protected 36 by moving Valdez elsewhere; 12 correct? 13 A. That's what the transcript says, 14 yeah. 15 Q. Okay. And to be fair, he goes on 16 in the next page to qualify that, somewhat, to 17 suggest that he's talking about, well, I'm using 18 protecting just in the sense of maintaining, 19 okay? So I -- I didn't want to give half the 20 thought and not the full thought. 21 So -- so now, if the borough's 22 resolution is to be implemented, and 4,000 23 people are put into House District 36, then your 24 view of this was that Valdez could no longer be 25 in 36 because that would require 36 to shed</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. So version 1, 2, and 3 all had 2 Valdez in -- in District 36, and then version 4 3 was the first time that Valdez appeared outside; 4 does that jog your memory? 5 A. Not really. 6 Q. Okay. 7 A. Member Borromeo worked primarily on 8 version 2 and version 4, and so I'm not as 9 familiar with the original version 2 and then 10 change to version 4. 11 Q. Okay. Would you direct me to where 12 in the record the board evaluated the 13 socioeconomic integration between Valdez and the 14 Mat-Su Borough? 15 A. I don't know if I can. You 16 probably spent more time going through these 17 than I have, so I -- I couldn't readily point to 18 it. 19 Q. Okay. I mean, it -- it appears 20 that this is -- that what happened here is that 21 as soon as when you changed your position about 22 shedding population from Fairbanks then that put 23 4,000 people into 36 if you honored the 24 resolution; correct? 25 A. Yes. Yes.</p>

<p style="text-align: right;">Page 146</p> <p>1 Q. Okay. And then, if you put 4,000 2 people in 36, then 36 was overpopulated and 3 those 4,000 people either had to be people 4 exiting into 39 or people -- or Valdez leaving 5 the district; right? 6 A. Yes. Yeah. 7 Q. So -- 8 A. There have been other options, but 9 those were the apparent ones. 10 Q. Did you evaluate any other options 11 for Fairbanks except for moving 4,000 people 12 into 36 or was that the beginning point? 13 A. I'm not sure I understand. 14 Q. Okay. You interpreted the 15 resolution -- 16 A. Yeah. 17 Q. -- to ask you to shed the 18 overpopulation of Fairbanks into House District 19 36; correct? 20 A. Yes. I don't know if they used 21 that number, because I think they might have 22 said the adjacent district or some other 23 nomenclature like that. 24 Q. Okay. And I missed -- the numbers 25 changed at different times?</p>	<p style="text-align: right;">Page 148</p> <p>1 about what the process was, here, on page 41, I 2 mean, I believe what you said is, after you 3 interpreted the resolution, and you set out to 4 try and achieve it; right? 5 A. Correct. 6 Q. And turn to page 40 -- right? 7 And then you sat down with Peter 8 and started to work on that option. Now, 9 there's no reference in the record to your 10 considering you working with Peter on any other 11 option, other than trying to reach the ideal, at 12 this point, at this point in the deliberations, 13 of trying to comply with the borough resolution. 14 That was my reading of the record. 15 Do you have -- do you have 16 somewhere that you can direct me to that 17 suggests that you and Peter were working on not 18 only trying to get the ideal number of -- the 19 ideal district size, by shedding 4,000 people 20 into District 36, but that you considered any 21 other option but that, can you direct me to 22 that, please, because I -- I don't see it. 23 A. Yeah, to get to the ideal number. 24 Q. Yes. 25 A. That was our objective, yes.</p>
<p style="text-align: right;">Page 147</p> <p>1 A. Right. 2 Q. So I'm using the numbers that ended 3 up, so we don't get hopelessly confused. 4 A. Yeah, and that's helpful. 5 Q. But my question really is, is 6 that -- that you interpreted the board 7 resolution -- I mean, what you were being asked 8 by the assembly was move 4,000 people into House 9 District 36, and that's what you did; right? 10 A. Yes. 11 Q. Okay. And did you explore moving 12 4,000 people anywhere else? 13 A. Out of Fairbanks? 14 Q. Yes. 15 A. And into another district? 16 Q. Yes. 17 A. I think we looked at -- when -- 18 when I was looking at it, I mean, we looked at 19 should we move it into the Mat-Su, you know, 20 Denali and Mat-Su? That didn't make any sense 21 to me. And, you know, it really -- District 36 22 surrounded Fairbanks on three sides, so it was 23 the only place, logically, that you could go. 24 Q. And if you could -- if I could get 25 you to go back, because I just want to be clear</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. Okay. By shedding into House 2 District 36? 3 A. Well, by shedding 4,000 -- 4 approximately 4,000 people into -- 5 Q. I'm just trying to be clear, where? 6 A. Yeah. 7 Q. And I think I'm just trying to 8 understand what you were doing, so -- so it's my 9 understanding that what you were working on is 10 trying -- trying to determine and shed 4,000 11 people in the -- in the House District 36; is 12 that not correct? 13 A. Well, we were trying to shed 4,000 14 people, and the logical place for those 4,000 15 people was District 36. I think in the borough 16 resolution they -- they did mention District 36, 17 but they said an adjacent district or contiguous 18 district, I guess. 19 Q. Okay. 20 A. And as I explained, that really 21 left only logically one area, which was District 22 36. 23 Q. Okay. So if it only logically left 24 36, then when you're talking about, what you did 25 with Peter to run these numbers, you're trying</p>

<p style="text-align: right;">Page 150</p> <p>1 to figure out what part of Fairbanks is shed 2 into 36; wasn't that the process? 3 A. That's correct. 4 Q. Okay. Did you read the city of 5 Valdez's resolution? 6 A. I did. 7 Q. What did it say? 8 A. It said: Please -- I'm 9 paraphrasing -- but, please keep us with the 10 Richardson Highway communities. 11 Q. Okay. And did you see the -- the 12 chart that was attached to the resolution, that 13 had the different balances and numbers 14 suggesting ways to do that, did you look at that 15 or analyze that? 16 A. I don't recall that. I recall a 17 map that they had, but I don't recall that. 18 Q. The map was later, with the 19 resolution -- well, let me just state, for the 20 record, do you recall that Skagway -- I mean 21 that Valdez passed a resolution and had an 22 attachment to it and then later also filed 23 extensive comments with the map? 24 A. I don't -- 25 Q. Wait a minute, wait a minute, no, I</p>	<p style="text-align: right;">Page 152</p> <p>1 general saying they were socioeconomically 2 integrated or not or did the discussions 3 identify specific factors, socioeconomic 4 factors? 5 A. My recollection is they were 6 general in nature, that as many times when an 7 advocate for -- would help us fine, if we would 8 advocate for a particular pairing, I think we 9 would generally say they're socioeconomically 10 integrated, and as third-parties who were 11 testifying. 12 Q. Okay. Now, the -- you refer to 13 House District 36 sometimes as the Doyon 14 district, do you not? 15 A. I -- I think I did, before we had a 16 number for that district. 17 Q. Or even after you had a number for 18 that district, Mr. Binkley, isn't it true that 19 you referred to it as the Doyon district? 20 A. Could be. 21 Q. Okay. 22 A. That's the way I think of it, 23 that's -- you know, it makes up most of the 24 Doyon region, I think all of the Doyon region, I 25 don't advise.</p>
<p style="text-align: right;">Page 151</p> <p>1 think I misspoke. 2 So you looked at the resolution and 3 the map, the map -- I misspoke, Mr. Binkley. 4 The map was with the resolution. So you 5 remember looking at the resolution and you 6 remember looking at the map? 7 A. Yes. 8 Q. Okay. Were you aware that 9 Skagway -- that -- excuse me -- were you aware 10 that Valdez filed extensive comments, later, 11 with regard to its position? 12 A. I -- I don't recall that. 13 Q. Okay. So -- so I'm just curious, I 14 can't find at any place in the record in which 15 the board considered specific socioeconomic 16 factors connecting Mat-Su and Valdez. 17 Do you have any recollection of 18 having a public discussion in which you weighed 19 the socioeconomic integration between the city 20 of Valdez and the Mat-Su Borough? 21 A. I do recall discussions, whether 22 they were in work session, you know, responding 23 to public comment, I can't recall the details, 24 but I do remember discussions about that. 25 Q. Okay. Were the discussions just</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. All right. And -- and then later 2 you amended your phrase to Doyon and Ahtna 3 district; do you recall that? 4 A. Not specifically, but I know that 5 incorporates both the Ahtna-ANCSA region and the 6 Doyon, and I shouldn't say region, completely, 7 but at least the villages from Ahtna and from 8 Doyon. 9 Q. Now, would you agree with me, 10 Mr. Binkley, that -- that discussing -- 11 discussing the ANCSA boundaries in -- are you 12 familiar with how the ANCSA boundaries were 13 formed? 14 A. Oh, not intimately, but generally. 15 Q. Okay. Did they take into 16 consideration non-native groups or populations 17 in setting the ANCSA boundaries? 18 A. I don't know the answer to that. 19 Q. Okay. So if you're in -- the Doyon 20 region is predominantly non-native, the 21 district -- House District 36, as predominantly 22 non-native; correct? 23 A. I don't know what the makeup is. I 24 believe that's correct. 25 Q. Okay. So when you're talking about</p>

<p style="text-align: right;">Page 154</p> <p>1 using an ANCSA, ANCSA is a phrase for Alaska 2 Native Claim Settlement Act, one of the regions 3 corporations; correct? 4 A. That's correct. 5 Q. And they are a private for-profit 6 corporation; correct? 7 A. That's correct. 8 Q. Okay. So if you talk about trying 9 to maintain an ANCSA region in a non-native 10 version -- in a non-native portion of Alaska, 11 that boundary necessarily does not take into 12 consideration the non-native community; right? 13 A. Well, I think it does. I think it 14 takes in non-native communities. Does that 15 mean -- when you look at an ANCSA region like 16 Doyon, it creates communities that were then 17 non-native. 18 Q. I think they do, but the boundaries 19 weren't based on the non-native communities, 20 right? They were based on the native 21 communities and their similarities; correct? 22 A. You know, as I said earlier, I'm 23 not -- I don't know the specifics of the 24 language in the Act. 25 Q. Well, in your mind, is it the same</p>	<p style="text-align: right;">Page 156</p> <p>1 appropriate to use ANCSA boundaries in 2 separating non-native communities as opposed to 3 native communities? 4 A. Could you give me an example of 5 that? Are we talking about, like, Anchorage or 6 Fairbanks or -- 7 Q. Well, take House District 36. 8 A. Okay. 9 Q. It is predominantly non-native. 10 A. Okay. 11 Q. The board drew an ANCSA line around 12 a predominantly non-native portion of Alaska; 13 right? 14 A. Well, we included communities that 15 were in the Doyon region, the Tanana Chiefs 16 region and the same for Ahtna. 17 Q. Yes. So -- okay. Well, I'm just 18 wondering if, in your mind, if the use of ANCSA 19 boundaries as a districting process for house 20 districts if that makes as much sense in a 21 non-native part of Alaska as it does a native 22 part of Alaska predominantly? 23 A. I -- I'm not sure I follow that, 24 Mr. Brena. 25 Q. Let me do it this way.</p>
<p style="text-align: right;">Page 155</p> <p>1 exercise to use the ANCSA boundaries to -- to 2 draw lines in predominantly native communities, 3 predominantly native districts, would it be the 4 same or should it have the same weight as if 5 you're in a predominantly non-native district? 6 A. Well, I don't think we looked at it 7 in terms of native and non-native. I think we 8 looked at communities that were part of Doyon, 9 for example, or part of Ahtna. 10 Q. But the non-native -- I'm sorry. 11 A. I have to say their land 12 boundaries, but really those communities that -- 13 and it's not just the ANCSA or regional 14 corporations, it's Tanana Chiefs, for example, 15 that's -- you know, that's not a for-profit 16 corporation, it provides services to 17 constituents. But we tried to keep those 18 grouping of communities together. 19 Q. Okay. So when -- when the board 20 uses -- I mean, it was -- it was a goal of the 21 board, was it not, to create a Doyon district? 22 A. No. 23 Q. Okay. When you're in a 24 predominantly non-native part of Alaska, does 25 that -- does that seem like it would be less</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Okay. 2 Q. Let me give you a hypothetical. 3 A. Okay. 4 Q. Let's say that you're in a district 5 and it's 80 percent non-native and 20 percent 6 native? 7 A. Okay. You mean in an existing 8 house district? 9 Q. Yes. 10 A. Okay. 11 Q. Okay. Does it -- well, let me try 12 it this way: The socioeconomic indication of an 13 ANCSA district has to do with the association 14 among native people and not the association 15 between native people and non-native people; 16 correct? 17 A. That sounds reasonable. 18 Q. Okay. Now, if -- let me reverse 19 this. If you're in a native part of Alaska 20 should you take into consideration socioeconomic 21 differences among the native community? 22 A. Well, you should take into 23 consideration similarities, socioeconomic 24 similarities in grouping those constituents 25 together.</p>

<p style="text-align: right;">Page 158</p> <p>1 Q. But, I mean, the concept, is it 2 not, that if you're looking at an ANCSA 3 boundary, I mean, the whole purpose was to 4 separate socioeconomically different native 5 groups from each other; right? That's why the 6 boundaries got drawn. 7 A. Well, I would look at it maybe in 8 the positive, that it's to bring like -- 9 like-minded socio and economically traditional 10 linguistic other factors together, rather than 11 as a way to pull them apart. 12 Q. I didn't meant to suggest it in a 13 negative way. I'm just -- okay. I'll accept 14 that -- that -- that correction. So it was the 15 ANCSA boundaries are an attempt to keep similar 16 socioeconomic native communities together? 17 A. Yes, I would agree with that. 18 Q. Okay. Okay. If I implied anything 19 negative it wasn't my intention. It's my 20 inability to speak properly after four hours of 21 deposition. 22 Now, so if there's a boundary that 23 suggests socioeconomic difference, not 24 similarity, correct, between the native 25 community?</p>	<p style="text-align: right;">Page 160</p> <p>1 you combine them, you're combining two region -- 2 two regions in which the ANCSA lines between 3 them represent socioeconomic differences between 4 them; right? 5 A. Might be linguistic. 6 Q. Did you agree with me or disagree 7 with me? I'm sorry, I'm not sure. 8 A. I think I'm going to maybe disagree 9 with you, Mr. Brena. 10 Q. Okay. 11 A. I'm not sure, exactly. 12 Q. Is there a particular reason or is 13 that just -- no, no, I mean, you can't -- 14 Mr. Binkley, you can't get it both ways. An 15 ANCSA boundary is designed to connect similar 16 native communities; right? 17 A. I agree with that. 18 Q. Okay. And there's a line between 19 native communities that suggest native 20 communities that are not linked; right? 21 A. Well, there may be differences. 22 Q. Okay. Well, that's what the line 23 is there for; right? 24 A. Yes, I agree with you there. 25 Q. Okay. So -- so connecting together</p>
<p style="text-align: right;">Page 159</p> <p>1 A. Presumably could be linguistic, 2 could be tradition, yep, go -- go -- go with 3 that. 4 Q. So I'm wondering if you have, for 5 example, House District 36 isn't just the Doyon 6 district, it's the Doyon-Ahtna district; right? 7 A. Correct. 8 Q. So the board took a minority of 9 people in -- in the district, which is the 10 native people, and then it combined them 11 together; right? 12 A. Yes. 13 Q. Even -- even though the combination 14 of the two of them crossing ANCSA lines, which 15 would suggest socioeconomic differences instead 16 of similarities between those two groups; right? 17 A. Well, as a practical matter there's 18 not enough people in those Doyon villages to 19 make one district. So you have to combine -- 20 Q. You -- you -- 21 A. -- them with somebody. 22 Q. You shifted to population. I'm 23 asking a question on socioeconomic similarity or 24 dissimilarity. 25 If you take two ANCSA regions, and</p>	<p style="text-align: right;">Page 161</p> <p>1 two ANCSA districts suggests that the board is 2 putting into one district two native groups that 3 is are socioeconomically different; right? 4 A. No. I'm not going to agree with 5 you on that one. 6 Q. Okay. Well, I didn't think so. 7 Okay. So way you view it, let me 8 be sure I got it. 9 A. Okay. 10 Q. Is that there's a line that group 11 similar people together, but if there's a line 12 that the people aren't dissimilar, am I 13 following your testimony perfectly? 14 A. Yes. 15 Q. Okay. All right. 16 Do you get it both ways, 17 Mr. Binkley? 18 A. I -- I'm going to stick to that. 19 Q. Either the line represents social 20 similarities, socioeconomic similarities between 21 the native communities or it represents 22 socioeconomic dissimilarities between the 23 communities, okay? You can't have both and be 24 logical, so which is it? 25 A. Well, I'm going to have to be</p>

<p style="text-align: right;">Page 162</p> <p>1 accused of being illogical, I guess.</p> <p>2 Q. Okay. So it's your position that</p> <p>3 the line represents socioeconomic similarities</p> <p>4 between groups, that's the reason it's drawn,</p> <p>5 but that the line doesn't represent the two</p> <p>6 groups who are socioeconomically dissimilar?</p> <p>7 A. Yes.</p> <p>8 Q. Is that your testimony?</p> <p>9 A. That's my --</p> <p>10 Q. Under oath?</p> <p>11 A. Under oath.</p> <p>12 Q. Under oath?</p> <p>13 A. Under oath.</p> <p>14 Q. I can see why you're a politician.</p> <p>15 Okay. All right?</p> <p>16 A. Recovering politician.</p> <p>17 Q. Okay. So A, the board takes two</p> <p>18 different sets of ANCSA regional corporations</p> <p>19 together, and then collectively it's a -- it</p> <p>20 draws it as a line in a non-native predominant</p> <p>21 district; right?</p> <p>22 A. Well, 36 is less than 50 percent</p> <p>23 native.</p> <p>24 Q. All right. I give up. I -- I --</p> <p>25 I -- I accept that your logic allows the line to</p>	<p style="text-align: right;">Page 164</p> <p>1 MR. SINGER: About 10 more minutes</p> <p>2 and then take a short break and then you can</p> <p>3 finish and the next lawyer could start?</p> <p>4 MR. BRENA: Yes, that would be</p> <p>5 reasonable.</p> <p>6 BY MR. BRENA:</p> <p>7 Q. Okay. So Cantwell, okay, you</p> <p>8 suggested bringing in Cantwell, right, to keep</p> <p>9 Ahtna whole?</p> <p>10 And Mr. Binkley, you're frozen. Is</p> <p>11 he frozen on anybody else's screen?</p> <p>12 A. Well, I'm here. I'm moving.</p> <p>13 MR. SINGER: He's live. He's live</p> <p>14 here.</p> <p>15 MR. BRENA: Okay. Mr. Binkley,</p> <p>16 will you speak?</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. BRENA:</p> <p>19 Q. Was that you? Okay. You're back,</p> <p>20 live. I'm sorry.</p> <p>21 Was the -- was the answer, yes,</p> <p>22 that you can hear me or was the answer, yes,</p> <p>23 that you suggested to bring Cantwell into -- to</p> <p>24 make the Ahtna district whole?</p> <p>25 A. Well, I -- I think it was probably,</p>
<p style="text-align: right;">Page 163</p> <p>1 show similarities but not dissimilarities, that</p> <p>2 is your position, and that's probably why you</p> <p>3 got elected so much. I don't mean that</p> <p>4 disrespectfully. I'm just teasing you.</p> <p>5 A. No worries.</p> <p>6 Q. Before your counsel accuses me of</p> <p>7 battering you on the record.</p> <p>8 MR. SINGER: He can take it.</p> <p>9 Mr. Brena, you know we're trying to</p> <p>10 be flexible, but we are, I think, well past the</p> <p>11 three hours that are anticipated for the primary</p> <p>12 attorney. What are -- what are -- can we get a</p> <p>13 time estimate?</p> <p>14 MR. BRENA: Not too much longer,</p> <p>15 and I would note that --</p> <p>16 MR. SINGER: Well, just proceed, we</p> <p>17 don't need to get into the -- you know, we're</p> <p>18 not going to pinch anybody, we just like to kind</p> <p>19 of --</p> <p>20 MR. BRENA: I probably got a half</p> <p>21 hour, Matt.</p> <p>22 MR. SINGER: Fewer in mind.</p> <p>23 MR. BRENA: It depends on -- it</p> <p>24 depends on how it goes, but I'm not the only one</p> <p>25 in control of that.</p>	<p style="text-align: right;">Page 165</p> <p>1 yes, I can hear you. And I did suggest that we</p> <p>2 bring Cantwell into District 36. I thought that</p> <p>3 really improved the overall socioeconomic</p> <p>4 connection, and some of the historical</p> <p>5 connection of the Ahtna -- people of the Ahtna</p> <p>6 region.</p> <p>7 Q. Okay. Do you know how many people</p> <p>8 are in Cantwell, roughly, or would you accept</p> <p>9 200, subject to check?</p> <p>10 A. I accept that.</p> <p>11 Q. Okay. Do you know what percentage</p> <p>12 of them are native?</p> <p>13 A. I don't.</p> <p>14 Q. Do you know whether it's a majority</p> <p>15 or a minority?</p> <p>16 A. I don't know that.</p> <p>17 Q. Did you hear any testimony from a</p> <p>18 non-native concerning Cantwell?</p> <p>19 A. I don't believe so.</p> <p>20 Q. Okay. How many boroughs did you</p> <p>21 bust to bring Cant -- those 200 people from</p> <p>22 Cantwell in?</p> <p>23 A. Well, the Denali Borough.</p> <p>24 Q. That's one. Was there another</p> <p>25 borough that you broke?</p>

<p>Page 166</p> <p>1 A. I don't think that had any 2 population in it, but I think that was the only 3 population that we came across there. 4 Q. If your map breaks Mat-Su would you 5 accept that to check, it breaks both Mat-Su and 6 Denali? 7 A. And which community in Mat-Su does 8 it break? 9 Q. I don't believe that it's a 10 community. I don't know who lives or doesn't 11 live there. But the line that you drew goes 12 into the Mat-Su Borough; do you understand that 13 to be true or would you like -- 14 A. I'm going not talking about, well, 15 raw land. If there's not enough population 16 involved it doesn't. 17 Q. Do you know whether or not there's 18 population involved in the portion of the Mat-Su 19 that you took? 20 A. I don't believe that there is, I 21 think it would have probably showed up when we 22 started to look at taking the census blocks 23 between 36, you know, across the Denali Highway, 24 it would have showed up. And I don't recall it 25 showing any populations that were pulled from</p>	<p>Page 168</p> <p>1 MR. SINGER: I'm sorry, can we turn 2 up the volume? 3 A. I have trouble hearing the volume. 4 Try that again. It sounded a little muffled. 5 Q. Can you hear me? 6 A. Oh, that's much better. 7 Q. Okay. Thank you. 8 It is fair, is it not, to say that 9 Valdez is socioeconomically integrated with the 10 Richardson communities up the Richardson 11 Highway? 12 A. I think that's fair. 13 Q. Okay. And do you know -- why do 14 you believe it's socioeconomically integrated up 15 the Richardson corridor? 16 A. Well, Valdez is somewhat unique. 17 It's got a lot of different components to it. 18 You know, certainly the connection of the 19 highway, itself, the pipeline. It's also 20 connected to Prince William Sound, very closely. 21 You know, it has commercial fishing, sports 22 fishing. There are people from Fairbanks that 23 recreate in Valdez. That's our closest access 24 to the saltwater. And so people do go down from 25 Fairbanks to recreate in Valdez.</p>
<p>Page 167</p> <p>1 the Mat-Su into District 36. 2 Q. Okay. Do you know that or are you 3 confident that there was nobody in the Mat-Su 4 Borough that was pulled in? 5 A. No, I don't know that for a fact, 6 it's just my recollection when we were doing it. 7 MR. BRENA: Okay. All right. I 8 think Matt wanted to take a break right about 9 now, and I'll review my notes and see if I can 10 shorten this at all. 11 THE WITNESS: Okay. 12 MR. SINGER: Shall we come back in 13 about 10? 14 MR. BRENA: Yeah, that will be 15 fine. 16 THE VIDEOGRAPHER: Going off 17 record, the time is 2:08. 18 (Recess.) 19 THE VIDEOGRAPHER: We're back on 20 record. The time's 2:21. 21 BY MR. BRENA: 22 Q. Mr. Binkley, I just have a couple 23 more things. You acknowledge -- it's fair to 24 say that Valdez is socioeconomically integrated 25 with the Richardson corridor and highway?</p>	<p>Page 169</p> <p>1 I think you pointed out earlier 2 that traditional corridor up into the interior 3 of Valdez, where there was a link to Fairbanks 4 across the Valdez trail. I've been to the 5 Copper River country. 6 There's a lot of reasons that 7 Valdez is connected to -- to the Richardson 8 Highway. 9 Q. Any more come to mind? 10 A. No, that's enough. 11 Q. Do you have any more in mind? 12 A. No. 13 Q. Okay. Now, you didn't mention 14 utilities. You acknowledge -- are you aware of 15 where the electricity from Valdez comes from? 16 A. I think it's a cooperative with the 17 Copper River Utility, as I recall. I'm not -- 18 I'm not certain, actually. I don't know. 19 Q. If -- would you accept, subject to 20 check, that the electric utility is -- is a CVEA 21 and -- and were co-joined with some of the 22 communities up the Richardson Highway, would you 23 accept that, subject to check? 24 A. Yes, Copper River Electrical 25 Cooperative?</p>

<p>Page 170</p> <p>1 Q. Yeah. Copper River Valley. 2 A. Yeah, I'd accept that. 3 Q. Okay. 4 A. My answer was, yes. 5 I think, Mr. Brena, you're frozen 6 now on my screen. 7 THE VIDEOGRAPHER: Yes, he is. Why 8 don't we go off record here a moment. Going off 9 record. The time is 2:25. 10 (Discussion held off the record.) 11 THE VIDEOGRAPHER: Okay. We're 12 back on record. The time is 2:36. 13 BY MR. BRENA: 14 Q. Mr. Binkley, I had asked you for 15 the ways that you had in mind that Valdez may be 16 socioeconomically integrated with the Richardson 17 corridor. You mentioned several things. You 18 mentioned, among them, that Valdez was the 19 closest port for -- for the Borough of Fairbanks 20 to reach saltwater, that's correct? 21 A. That's correct. 22 Q. Okay. Would it surprise you to 23 know that -- that in the Valdez small boat 24 harbor that there are more slips for Fairbanks 25 residents than there are for Valdez residents?</p>	<p>Page 172</p> <p>1 to close, I realize that -- by thanking you for 2 your public -- your lifetime of public service, 3 as a matter of fact, but also for your public 4 service on the redistricting board. 5 I -- I don't want you to -- to 6 leave this conversation thinking that -- that I 7 don't appreciate your public service. 8 THE WITNESS: Not at all. And I 9 thank you for that, Mr. Brena, and, likewise, 10 for your public service. You've been involved 11 and done a lot, outside of just doing legal 12 work, and it's much appreciated, as well. 13 MR. BRENA: Thank you, sir. I 14 am -- whoever is next. 15 MS. STONE: Thank you. 16 EXAMINATION 17 BY MS. STONE: 18 Q. Good afternoon, Mr. Binkley. I'm 19 Stacey Stone, and as I mentioned earlier, I 20 represent the Matanuska-Susitna Borough as well 21 as Michael Brown. 22 If you have any issues hearing, 23 please just let me know and I will repeat 24 myself, okay? 25 A. Okay.</p>
<p>Page 171</p> <p>1 A. That would not surprise me. 2 Q. Okay. All right. 3 And we were talking about shared 4 utilities with -- with the sister Richardson 5 Highway communities, and you understand that to 6 be the case; right? 7 A. Yes. 8 Q. Okay. And you understand that with 9 the final map that Valdez is excluded from every 10 single community in the Richardson corridor? 11 A. Yes. 12 Q. And you understand that the under 13 the existing final map that Valdez is separated 14 from every single other community -- sister 15 community in Prince William Sound? 16 A. I -- I wouldn't characterize it as 17 sister community, but I would agree with that, 18 yes. 19 Q. Okay. All right. And are you -- 20 are you aware of any time in which Valdez has 21 not been included in -- in either of those 22 communities? 23 A. I'm not aware of it. 24 MR. BRENA: Okay. That's -- that's 25 all the questions I have, Mr. Binkley. I wanted</p>	<p>Page 173</p> <p>1 Q. I will try not to be too repetitive 2 today. I just want to make sure we understand 3 each other and we have a clear record, so 4 apologies in advance for anything that seems 5 like you've already discussed it today. 6 A. Okay. 7 Q. One of the matters that came up 8 during your questions with Mr. Brena was your 9 understanding of the priorities and the factors 10 that you have to consider when you're building 11 out a district, when you're building out the 12 districts, excuse me, and I believe you 13 referenced three priorities. Can you refresh 14 those three so I understand what they were? 15 A. Compact, contiguous, 16 socioeconomically integrated. 17 Q. And I believe you said that the 18 next step in the analysis is then looking at the 19 population; is that correct? 20 A. That's correct, to the extent 21 practicable, keeping them close to the ideal 22 size. 23 Q. And what was your understanding of 24 what the ideal size was for every district? 25 A. Based on the 2020 population census</p>

<p>Page 174</p> <p>1 data that we got, 18,335. 2 Q. And can you describe to me the 3 process the board would go through to review to 4 determine that second step of the analysis, 5 after it had considered the three factors, how 6 did it employ an analysis to look at the 7 population? 8 A. The software that we had would do 9 that simultaneous with -- building it with 10 census blocks. So as you started to accumulate 11 census blocks to build a district it accumulated 12 the population. 13 Q. And was -- did you have an 14 understanding of what you felt was acceptable 15 for any district to be over or under that 16 quotient? 17 A. I did, it was based on legal advice 18 from counsel. The federal standard, as I 19 understand it, is 10 percent over your overall 20 deviation. That really isn't a hard number, 21 from the state constitution perspective. But 22 presumably, it's somewhere less than 10 percent 23 overall deviation. 24 Q. And would you agree with me that 25 the final plan that was adopted by the board had</p>	<p>Page 176</p> <p>1 legislative side of things. And so it -- it 2 just didn't -- it didn't bother me at all. 3 Q. Do you recall the Matanuska-Susitna 4 Borough manager making a presentation to the 5 board? 6 A. Vaguely. 7 Q. And do you have any recollection of 8 what the Matanuska-Susitna Borough presented to 9 the board? 10 A. In terms of how they would prefer 11 to have the maps adjusted, the district layouts. 12 Q. Whatever you recall about the 13 presentation to the board. 14 A. Yeah, I do -- I do recall -- I do 15 recall that. I can't remember the specifics, 16 though, Ms. Stone. 17 Q. Do you recall that the 18 Matanuska-Susitna Borough desired to be paired 19 with the Denali Borough? 20 A. I do recall that. 21 Q. And was there any review by the 22 board if they took the Matanuska-Susitna Borough 23 population and the Denali population of how 24 close that would put them to the ideal quotient? 25 A. I believe there was a review. I</p>
<p>Page 175</p> <p>1 each of the six districts that sit within the 2 Matanuska-Susitna Borough overpopulated over 3 that ideal quotient? 4 A. Yes. 5 Q. And do you have any concern about 6 the fact that those districts were 7 overpopulated? 8 A. No. 9 Q. And why do you not have concern 10 about that, but you were concerned about 11 overpopulation in the Fairbanks districts? 12 A. Actually, just the opposite, I -- I 13 felt that we could overpopulate the Fairbanks 14 North Star Borough by as much as 4.5 percent. I 15 felt very solid in that. I thought there was 16 good justification. I thought, based on legal 17 advice, that that would withstand any 18 challenges. And so I felt perfectly comfortable 19 with a higher deviation than we ended up with in 20 the Mat-Su Borough. 21 Q. And what is your understanding -- 22 oh, go ahead. Excuse me, I don't want to -- 23 A. I was going to say, as a practical 24 matter, having been a legislator, it really -- 25 that doesn't make any difference from the</p>	<p>Page 177</p> <p>1 don't recall what the numbers were. 2 Q. Now, earlier today we talked a lot 3 about your -- I'll call it your Alaska pedigree, 4 because it's quite extensive, and obviously the 5 fact that you're from Fairbanks, did you feel 6 that you had a duty to represent Fairbanks 7 serving on the Alaska Redistricting Board? 8 A. No, not really, not anymore than 9 any other community. 10 Q. We did go over testimony earlier, 11 where you discussed consideration of the 12 Fairbanks resolution, and you seemed to take 13 that matter very seriously; would you agree? 14 A. Yes. 15 Q. And why do you think you took that 16 so seriously? 17 A. Well, we're talking about the -- 18 the people who represent the borough. I mean 19 that socioeconomically integrated unit as voted 20 for by the people of that area. So they have 21 some reflection, I think, significant reflection 22 of what the community may want. 23 And -- and let's add, if I could, 24 it wasn't just that, but I think it was also 25 other board members, I believe, were concerned</p>

<p style="text-align: right;">Page 178</p> <p>1 about the amount of overpopulation in that 2 district, the 4.5 percent, I think that's about 3 where we were, and they -- some expressed that 4 they felt that was a little bit too high. 5 And so I think the combination of 6 maybe pushback from other board members, and 7 then the body, itself, the elected body, 8 manifesting their will in resolution, the 9 combination of those things, I think we needed 10 to make some changes or support changes. 11 Q. And do you think that the 12 resolution presentation from the 13 Matanuska-Susitna Borough received the same 14 consideration from the presentation from the 15 Fairbanks North Star Borough? 16 A. Yes. 17 Q. Would you be surprised that the 18 record is basically devoid of that type of 19 conversation? 20 A. It wouldn't surprise me, no. 21 Q. And why would it not surprise you 22 that it was not discussed by the board? 23 A. I -- it was probably discussed by 24 the board, whether that's on the record or not I 25 don't know, but it wouldn't surprise me that it</p>	<p style="text-align: right;">Page 180</p> <p>1 and 2. 2 And that pattern of different 3 members having input resulted in version 1 and 4 version 2. And sometimes, you know, there were 5 differences and so that's why we had two 6 versions. 7 Q. We heard testimony from one of the 8 other board members that at one point you 9 proposed that the first analysis be done to go 10 borough by borough. 11 Do you recall an event where you 12 initially proposed that you try to do a map that 13 incorporated the boroughs to start with? 14 A. As I recall, it might have been a 15 suggestion by the demographer, the state 16 demographer that assisted us, to talk about 17 breaking this down into regions or groups and 18 then we kind of -- that evolved into boroughs, 19 potentially, or, you know, Homer municipalities, 20 for example, Anchorage. It was apparent that 21 there were 16 house districts for the population 22 for about 16 house districts. 23 So -- excuse me -- that's what we 24 realized, we were going to have 16 districts 25 there, at Mat-Su about six, Fairbanks about</p>
<p style="text-align: right;">Page 179</p> <p>1 wasn't captured on the record. But I -- I'm 2 certain we had discussions about that, whether 3 they were in our work sessions or in our public 4 meetings when we were doing presentations to the 5 public about the different maps that we had, I'm 6 sure that was a discussion point. 7 Q. I want to go back over your 8 discussion of version 1. And what I understand 9 your testimony from earlier to be is that 10 version 1 you started with all five board 11 members attempting to collaborate on one map; do 12 I understand that correctly? 13 A. I wouldn't call that version 1. I 14 think version -- 15 Q. Can you -- oh, go ahead. 16 A. Version 1, when we kind of broke 17 into separate groups, and we came up with two 18 different versions, combining what individuals 19 had done and what smaller groups of two had 20 done, as I recall in Southeast Member Simpson 21 and Member Bahnke worked together to try and 22 pull Southeast together, and that that, when we 23 came back together to look at versions 1 and 2, 24 we looked to them, for example, for 25 incorporating that into what became version 1</p>	<p style="text-align: right;">Page 181</p> <p>1 five. You know, we kind of looked at groupings, 2 general groupings around the state, VRA 3 districts 4, at Skagway we broke it down, 4 Southeast to the Skagway four districts down 5 there. 6 Q. But that ultimately failed, from my 7 understanding; is that correct? 8 A. No, no, I don't think so. I think 9 that evolved into how we actually did it, you 10 know what, whether we worked on it individually 11 or in small groups. And -- and I shouldn't 12 say -- I shouldn't speak for other members. 13 They may have, you know, have had a different 14 method by which they had putting maps together. 15 Q. Can you explain to me how then 16 version 3 and version 4 were developed? 17 A. Yeah, we had version 1 and 2 to 18 meet the constitutional deadline of 30 days, 19 having a final plan within 30 days of receiving 20 the data. And we immediately got feedback from 21 the public that there were problems with version 22 1 and 2. 23 In addition, we decided that we 24 were going to allow third parties to present 25 maps, that we would then take with us as we went</p>

<p style="text-align: right;">Page 182</p> <p>1 out to the public with versions 1 and 2, and so 2 we gave some time to pull that together. And in 3 the course of that time we saw problems with 1 4 and 2, so we made adjustments that evolved into 5 3 and 4, that we then took on the road, so to 6 speak, around the state, with the board 7 different third-party maps. 8 Q. And when you presented those at the 9 meeting, when they were presented, you deferred 10 to Ms. Marcum with regard to version 3, and you 11 referred to Ms. Borrromeo with -- Borrromeo with 12 regard to version 4. Can you explain to me why 13 you referred version 3 to Ms. Marcum and version 14 4 to Ms. Borrromeo? 15 A. I think there were a lot of 16 similarities, but those two members really 17 focused on Anchorage and the Valley, and so they 18 probably had the most familiarity with the -- 19 with the communities. And so -- and that there 20 was differences in how those were put together. 21 I think there was consistency -- 22 more consistency in Southeast and other areas, 23 so that's probably why I referred to them as -- 24 as Ms. Borrromeo's or Ms. Marcum's version 3 and 25 4.</p>	<p style="text-align: right;">Page 184</p> <p>1 And we looked at it, it made sense, 2 you know, socioeconomically, and so we decided 3 to make that change and include that in District 4 36. 5 Q. You would agree with me, though, 6 that a borough is considered to be 7 socioeconomically integrated; correct? 8 A. That's correct. 9 Q. And do desires outweigh breaking up 10 a borough boundary? 11 A. Say again. 12 Q. Do desires outweigh breaking a 13 borough boundary? 14 A. Do I desire to break it that way? 15 Q. You indicated your testimony, I 16 believe, was that you heard desires from the 17 public about having Cantwell go into -- into, I 18 believe, what's District 36. And that's what 19 I'm asking you, do individual's desires outweigh 20 breaking a borough boundary? 21 A. Well, I think in this case it did. 22 Q. Is it more important to consider 23 ANCSA regions than considering borough 24 boundaries? 25 A. No.</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. Did -- did those individuals 2 perform more work on those two maps than any of 3 the other board members? 4 A. Oh, I don't know how to quantify 5 that. We all put in a tremendous amount of 6 work. I would -- I would say that member -- 7 actually Member Borrromeo and Member Marcum 8 really put in a tremendous amount of time and 9 effort on it, and both are to be commended. 10 They did an extraordinary job and committed a 11 lot of time to it. 12 Q. To your knowledge, is Cantwell 13 within a borough? 14 A. Yes. 15 Q. And which borough is it within? 16 A. The Denali Borough. 17 Q. And describe to me the reasoning 18 behind breaking the Denali Borough line to put 19 another appendage capturing Cantwell into a 20 different district outside of the Denali 21 Borough? 22 A. There was a request from 23 individuals, I think in public testimony, we 24 heard that there was a desire to have Cantwell a 25 part of District 36.</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. And why, in this case, do you think 2 that the desires that were presented to the 3 board outweigh making the borough stay whole? 4 A. Well, I didn't really see an 5 objection from the borough, and the -- we had 6 testimony from some people in that community in 7 that area that desired to move it into District 8 36. And so we balanced those things and made a 9 decision to include them in 36. 10 Q. Did you solicit input from the 11 Denali Borough? 12 A. I did not. 13 Q. We've heard testimony throughout 14 the past week about the board determining that 15 it was not going to consider political 16 information; is that your understanding? 17 A. Yes. 18 Q. Can you explain to me what it was 19 that the board decided? 20 A. I don't know if we had a policy, 21 but we certainly instructed staff and tried to 22 make it clear to the public not to bring us 23 information on politics -- excuse me -- 24 political information. 25 I think we had staff make certain</p>

<p style="text-align: right;">Page 186</p> <p>1 that in the software and in the census data that 2 there was no place that we could access or see 3 what some of the political information that may 4 have been available to us was. 5 Q. And what was your understanding of 6 why the board determined that that should be the 7 case? 8 A. Because we didn't want to make the 9 decisions based on politics. We wanted to 10 follow the constitution and do it, to the 11 greatest extent that we could, apolitically. 12 Q. And having served the public so 13 often, I assume, and I want to confirm that you 14 know what it means to have a conflict of 15 interest; correct? 16 A. Yes. 17 Q. And in your own words, can you 18 explain to me what it means to have a conflict 19 of interest? 20 A. Well, when you may put the interest 21 of some special interest or another party or of 22 your own over the public good that you're 23 responsible for carrying out. 24 Q. And would it be that the board 25 wanted to avoid political information to avoid</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. And can you explain to me how that 2 collaborative process would work and what it was 3 that the staff would work with board members on? 4 A. I can explain how it worked for me. 5 I'm not intimately familiar with how other board 6 members utilized staff. 7 Q. Can you explain to me how you -- if 8 you want to take a break at any time just let me 9 know. 10 A. Okay. 11 Q. Can you explain -- are you good? 12 A. No, sorry, I just -- my throat's 13 getting a little hoarse, but I'll keep drinking 14 hot water, here, and hopefully I'll get through. 15 Q. Excellent. 16 Can you explain to me your process 17 when you would work with staff on developing of 18 a map? 19 A. Yeah, I worked primarily with our 20 executive director, Peter Torkelson, and we 21 would -- we did it most often on Zoom, sometimes 22 personally, but most often on Zoom because I 23 could -- it was handy, when I had an hour or two 24 when we could get together, we would pull up the 25 maps, they could see them, and then I would</p>
<p style="text-align: right;">Page 187</p> <p>1 an appearance of a conflict of interest? 2 A. No, I don't think it was really 3 based on a conflict of interest. I think it was 4 just fairness. 5 Q. And did the board have any policies 6 regarding conflict of interest? 7 A. I don't recall any. 8 Q. Do you think it is important that 9 the board have any policies regarding conflict 10 of interest for its board members? 11 A. Well, I think it's incumbent among 12 each board member to make it known to the rest 13 of the board if they do have some conflict. 14 Q. And there was brief discussion 15 about receiving legal advice and whether or not 16 there was any disclosure made about the Ahtna 17 region and, if there was, if you were being 18 advised by a counselor who may have a possible 19 conflict of interest would you expect that to be 20 disclosed? 21 A. Yes. 22 Q. Mr. Binkley, there's been some 23 discussion in the record about staff working 24 with board members on maps, did that occur? 25 A. Yes.</p>	<p style="text-align: right;">Page 189</p> <p>1 start to direct him and he would manipulate the 2 cursor and start to add or subtract census 3 blocks to achieve a map to -- to get all 4 directions. 5 Q. And did staff ever work on maps in 6 the absence of board members? 7 A. You'd have to ask the staff. 8 Q. Do you recall anyone who is a 9 resident or representative of Valdez requesting 10 that the board pair Valdez with the 11 Matanuska-Susitna Borough? 12 A. Yes. 13 Q. And what do you recall? 14 A. Well, I recall that there was 15 testimony from people in Valdez -- oh, no, 16 excuse me, no, I'm sorry, I misunderstood the 17 question. 18 They -- they wanted to be paired 19 with the Richardson Highway, not with Mat-Su. 20 Q. And the converse is true, do you 21 recall hearing from anyone or any representative 22 of the Matanuska-Susitna Borough indicating that 23 they wanted to be paired with Valdez? 24 A. I don't recall that. 25 Q. And do you recall what</p>

<p style="text-align: right;">Page 190</p> <p>1 socioeconomic ties were considered on the record 2 between Valdez and the Matanuska-Susitna 3 Borough? 4 A. Well, I don't have complete 5 knowledge of what's on the public record. I 6 think I might have discussed with Mr. Brena 7 about some of the socioeconomic connections that 8 I understand, that maybe were presented to me in 9 work sessions or as we had informal sessions 10 looking at maps with different members. 11 But I can't speak to the complete 12 and full public record and -- and, you know, 13 what that might or might not be. 14 Q. Did the board, in your opinion, 15 rely on the fact that the Alaska Supreme Court 16 had previously found that the Matanuska-Susitna 17 Borough and Valdez, in some sense, were 18 socioeconomically linked? 19 A. I don't recall that, specifically. 20 I think I knew that Valdez was currently under 21 the 2013 proclamation was paired with the 22 Mat-Su. 23 Q. And just to be -- 24 A. And -- 25 Q. Oh, sorry, I didn't mean to</p>	<p style="text-align: right;">Page 192</p> <p>1 pipeline, the most famously, in our lifetimes, 2 between all the way from the north slope down 3 through Fairbanks down the Richardson corridor 4 to Valdez. 5 And I think maybe during the early 6 mining days might have even been trails. 7 Actually, that might have gone up into the 8 Mat-Su. Let me think about that. There were 9 some trails, I think, that went up over the 10 glaciers a little bit to the west, and came up 11 towards the Klutina River, I don't know, 12 that's -- anyhow -- 13 Q. That's fine. I -- so Alaska 14 obviously is a very big state, with interesting 15 geography in some places, and I just want to 16 confirm, there are census blocks that are 17 essentially zero census blocks; is that correct? 18 A. That's correct. 19 Q. And is that what you would -- 20 sorry, go ahead. 21 A. Yeah, my understanding. 22 Q. And is that how they were referred 23 to? 24 A. Sorry. You know there -- sometimes 25 they've masked smaller census blocks too, I</p>
<p style="text-align: right;">Page 191</p> <p>1 interrupt you. 2 A. No, go ahead. Go ahead. 3 Q. Just to be clear, you would agree 4 with me that it's important to consider current 5 socioeconomics not past socioeconomics; correct? 6 A. Absolutely. 7 Q. And I think you mentioned something 8 earlier about some type of historical ties, and 9 I could have heard your testimony correct -- 10 incorrectly, but what did you feel that was 11 necessary to consider historically, if anything? 12 A. You're talking about -- I think 13 that was in the exchange with Mr. Brena about 14 ties with Valdez and the Richardson Highway 15 communities? 16 Q. I believe so, yes. 17 A. Those historical ties? 18 Q. Yes. 19 A. And there's a question what are 20 those historical ties? 21 Q. Yes. 22 A. And, well, it's a connection 23 between the ice-free -- the farthest north 24 ice-free port and the interior is through Valdez 25 at the Richardson corridor, and of course the</p>	<p style="text-align: right;">Page 193</p> <p>1 believe, just to -- so nobody can go in and mine 2 information of individuals. So I don't know how 3 that plays into it, but I think we did refer to 4 them as zero census block areas if we were 5 mapping and we wanted the shapes to look 6 differently, and if grab the large census block, 7 but there may have been zero population in that. 8 Q. And do you have any recollection of 9 zero census blocks being included to make a 10 district look more contiguous? 11 A. Not to be more contiguous, no. 12 Q. But you would agree with me that 13 the area between the Matanuska-Susitna Borough 14 and Valdez, there's a significant geographic 15 location there with a zero census block, is 16 there not? 17 A. As I recall, there is. 18 MS. STONE: All right. I believe 19 I'm almost finished. So if we can go off the 20 record for just one moment I'll make sure I've 21 asked all my questions. 22 THE VIDEOGRAPHER: All right. 23 Going off record. The time is 3:03. 24 (Recess.) 25 THE VIDEOGRAPHER: Going back on</p>

<p>1 record. The time's 3:04. 2 BY MS. STONE: 3 Q. Mr. Binkley, yesterday, during 4 Ms. Borromeo's testimony, there was a reference 5 in the record where you told her she had several 6 wins, and it looked like you were attempting to 7 try and get her on board with -- with what the 8 board was discussing at that time. 9 Do you recall a conversation with 10 Ms. Borromeo, where you told her that she had 11 had several wins in the process? 12 A. I don't recall telling her she had 13 several wins. I think I did have a conversation 14 with her, a sidebar conversation of one of the 15 work sessions, maybe about the fact that we had 16 adopted her legislative pairings for Anchorage 17 and, I believe, Mat-Su. 18 And subtly, because I don't think I 19 would use the word win in a subtle conversation 20 like that, indicator -- indicating to her that 21 she had been very successful in getting the 22 board to support her vision for quite a number 23 of legislative districts around the state. 24 Q. Just one further questions, 25 actually, on population. When you're looking at</p>	<p>1 at Ashburn & Mason, representing the Calista 2 plaintiffs, the Calista corporation, William 3 Naneng and Harley Sundown. 4 Thank you for your time today. I 5 know it's a long time in the chair for you. We 6 all get to take turns, but you're just on all 7 day. So -- 8 A. Good to be here. 9 Q. Perhaps you are, perhaps, our most 10 cheerful deponent. Everyone's been very 11 pleasant, all of your colleagues on the board, 12 but you remain very cheerful throughout. 13 A. Okay. 14 Q. So great job. 15 So I want to start out with some 16 general questions about your experience on the 17 board. 18 First, why were you interested in 19 serving on the board? I know you said you would 20 wouldn't do it again, but what made you accept 21 the appointment. 22 A. I might do it again. 23 MR. SINGER: Glutton for 24 punishment. 25 A. I've got a short memory, so kind of</p>
<p>1 population deviations, at the end did the board 2 go through any exercise where it looked at the 3 40 districts to see if there was any balance or 4 parity among them or did it just leave it with 5 its prior analysis? 6 A. I'm not sure I quite understand 7 that. We were continually watching what the 8 deviation was, both in under and overpopulation. 9 MS. STONE: I have no further 10 questions. Thank you so much for your time 11 today, Mr. Binkley. 12 THE WITNESS: Thank you, Ms. Stone. 13 MS. GARDNER: Everyone, it's Eva 14 Gardner. I would like to take three minutes to 15 go grab some water. 16 MR. SINGER: Why don't we take 17 five. 18 THE VIDEOGRAPHER: Going off 19 record. The time is 3:06. 20 (Recess.) 21 THE VIDEOGRAPHER: Back on record. 22 The time's 3:12. 23 EXAMINATION 24 BY MS. GARDNER: 25 Q. Hi, Mr. Binkley, I'm Eva Gardner,</p>	<p>1 like my wife and that having four kids, you 2 forget. 3 But I -- I've always been 4 interested in public service. You know, I got 5 involved, I think, as I mentioned earlier, my 6 parents were involved and encouraged us to 7 always be engaged in our community and our 8 state. 9 And so it's kind of a natural 10 evolution when -- when the senate president 11 asked me I responded positively. And I've 12 enjoyed it, I really have, it's been a great 13 learning experience. And any time you get an 14 opportunity to engage with people all across the 15 state, about an issue that most people are 16 passionate about, who's going to represent them, 17 that's -- that's a great experience, so I've 18 enjoyed it. 19 Q. And why did you accept the position 20 of chair, which I assume comes with a little bit 21 of a heavier lift than just being a general 22 board member? 23 A. Yeah, well, I've been a riverboat 24 captain all my life or most of my life, so I 25 like to be in the driver's seat, sometimes, in</p>

<p style="text-align: right;">Page 198</p> <p>1 terms of flying an airplane or running a 2 riverboat or I guess it's been my nature. I -- 3 I like to step forward. 4 I have a lot of experience at it, I 5 chaired the Alaska Railroad board for 13 years, 6 and other boards, and so I feel comfortable at 7 it. 8 Q. And so what did being a chair 9 involve? 10 A. It doesn't give you any additional 11 authority or anymore power, where you -- we're 12 all equal. But it's just somebody to manage the 13 meetings and do administrative work. There's a 14 lot of administrative work that is required in 15 terms of budgeting and authorizations for 16 expenditures and reviewing and approving 17 invoices, that sort of thing. And then, of 18 course, running the meetings, so that's about 19 it. 20 Q. Were you sort of the referee for 21 the board? 22 A. I don't know about that. 23 Q. My characterization, I guess. 24 A. Okay. 25 Q. But in your role as chair were you</p>	<p style="text-align: right;">Page 200</p> <p>1 that people were supposed to follow? 2 A. Not -- not -- I don't think we had 3 any written guidelines or rules on that. 4 Q. Okay. And there was no conflict of 5 interest policy in place? 6 A. Not that I can recall. I think we 7 left it to each board member to report any 8 conflicts that they had. 9 Q. Were they requested to provide that 10 information? 11 A. I'm just trying to think back, if 12 there was something from the state with boards 13 and commissions that we had to form positions on 14 or I don't recall. 15 Q. Were any trainings conducted on 16 what it would involve to be a redistricting 17 board member in terms of the interactions with 18 the public, what might or might not be 19 appropriate? 20 A. There was some training. Other 21 board members -- I attended a few of the 22 sessions via Zoom. I think other board members 23 went in person to Salt Lake City for training on 24 the process. 25 Q. And was that training, like,</p>
<p style="text-align: right;">Page 199</p> <p>1 responsible for establishing ground rules for 2 how meetings were run and addressing protocols 3 for board member conduct in any way? 4 A. No, certainly not protocol for 5 board member conduct, that's up to each board 6 member to -- to determine that. But I think we 7 determined that we were going to operate under 8 Roberts Rules of Order, so there's not much in 9 terms of decisions, from that perspective. 10 Q. And speaking of conduct, was there 11 or is there a code of conduct that applies to 12 redistricting board members? 13 A. I don't think there's an official 14 code of conduct. You know, general rules of 15 civility, hopefully treat each other with 16 respect and -- 17 Q. Okay. 18 A. -- listen as much as we can. 19 Q. Were there any ethical rules 20 applying to board members? 21 A. I think we left that up to each 22 board member, individually, to -- hopefully they 23 were all ethical and conducted themselves in 24 that manner. 25 Q. Was there even a set of principles</p>	<p style="text-align: right;">Page 201</p> <p>1 technological training having to do with maps, 2 how to understand the numbers, or did it also 3 address things like appropriate behavior? 4 A. I don't think it addressed 5 appropriate behavior. I didn't attend all the 6 sessions, but I don't recall that as one of the 7 options. 8 Q. Do you think it's a little odd that 9 something -- such an important board wouldn't 10 have any rules about how its members should be 11 when you're looking back on it now? 12 A. I don't think so. I think, you 13 know, each of the board members are respected 14 individuals in their communities and in the 15 state, and we are guided by the principles of 16 the constitution, and I think we're all 17 responsible individuals and I think we comported 18 ourselves relatively -- 19 MR. STASER: Will you add -- I just 20 closed it. 21 MS. GARDNER: Someone -- somebody 22 is not muted. 23 MR. STASER: I just need more 24 context added. 25 MS. GARDNER: Jake, I think it</p>

<p style="text-align: right;">Page 202</p> <p>1 might be you.</p> <p>2 THE VIDEOGRAPHER: Yeah, I just</p> <p>3 muted him.</p> <p>4 MS. GARDNER: Okay.</p> <p>5 THE VIDEOGRAPHER: Thanks.</p> <p>6 BY MS. GARDNER:</p> <p>7 Q. So if, for example, there were</p> <p>8 board members who had a financial interest in a</p> <p>9 particular area, or interest in entities that</p> <p>10 might be testified for against a map, was there</p> <p>11 any mechanism in place to make sure that those</p> <p>12 board members weren't having more of a say in</p> <p>13 that process?</p> <p>14 A. No. I -- I heard the financial</p> <p>15 part, Ms. Gardner, but I didn't hear the other</p> <p>16 portion of that question.</p> <p>17 Q. Okay. Just as example, if you had</p> <p>18 a board member who had, let's say, a financial</p> <p>19 interest in somebody who is testifying, right,</p> <p>20 in favor or against a certain map, or in</p> <p>21 interest about a particular area that would be</p> <p>22 affected, was there any mechanism in place to,</p> <p>23 you know, mitigate any conflict of interest in</p> <p>24 that area?</p> <p>25 A. I don't believe so.</p>	<p style="text-align: right;">Page 204</p> <p>1 texting somebody involved in that, advocating</p> <p>2 for that map or against it during a meeting,</p> <p>3 would that be something you would consider</p> <p>4 appropriate?</p> <p>5 A. Well, that would be up to the</p> <p>6 individual member to make their own</p> <p>7 determination of that. I don't believe I did</p> <p>8 that, but each member has to make their own</p> <p>9 decision on what they believe is the standard</p> <p>10 that they expect of themselves and what they</p> <p>11 live up to.</p> <p>12 Q. And a few minutes ago you testified</p> <p>13 that you, in your role, didn't feel an</p> <p>14 obligation to represent Fairbanks specifically.</p> <p>15 Why not? Did you think that would not be</p> <p>16 appropriate?</p> <p>17 A. Well, I think I've got a</p> <p>18 responsibility to the entire process. You know,</p> <p>19 the fact that I was born and raised in</p> <p>20 Fairbanks, currently live there and know it</p> <p>21 fairly well, and -- and other areas of the</p> <p>22 state, I -- I think it's my obligation to bring</p> <p>23 that experience to the board.</p> <p>24 Other members live in other areas,</p> <p>25 have different life experiences, and can bring</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. So were there any rules about</p> <p>2 communications that board members could have</p> <p>3 with the public or conduct or meetings other</p> <p>4 than Roberts Rules?</p> <p>5 A. Yeah, there's -- with regard to</p> <p>6 conduct in public meetings, I think just, you</p> <p>7 know, be on your best behavior, listen to the</p> <p>8 public, don't interrupt, those sorts of things.</p> <p>9 Q. And were there any rules -- if the</p> <p>10 board member got information outside the public</p> <p>11 meeting process were there rules about what they</p> <p>12 should do with that information in terms of</p> <p>13 sharing it with the members, other board</p> <p>14 members, or disclosing it?</p> <p>15 A. There weren't any written rules, as</p> <p>16 I recall. But we did encourage each other that</p> <p>17 if we did have outside information that was</p> <p>18 brought in that we share that or if people</p> <p>19 inadvertently, you know, came to us with</p> <p>20 information that we encouraged them, instead, to</p> <p>21 do it through a public process rather than</p> <p>22 individually.</p> <p>23 Q. And, for example, like if there</p> <p>24 were testimony on a certain -- on a certain map</p> <p>25 or certain proposal, and a board member were</p>	<p style="text-align: right;">Page 205</p> <p>1 that information from whether it's the areas</p> <p>2 they live currently or have lived in the past.</p> <p>3 So I think that that's really the</p> <p>4 extent of my responsibility. I don't have -- I</p> <p>5 didn't feel as though I had any greater</p> <p>6 responsibility to -- to bring forward concerns</p> <p>7 or listen more carefully to Fairbanks than other</p> <p>8 areas.</p> <p>9 Q. Okay. Repeat that back to you just</p> <p>10 to make sure I understand so if I get it wrong</p> <p>11 let me know.</p> <p>12 So as I understand it, you felt</p> <p>13 like you brought specialized Fairbanks'</p> <p>14 knowledge to the table but no specialized</p> <p>15 Fairbanks' representation.</p> <p>16 A. I think that's fair.</p> <p>17 Q. Okay.</p> <p>18 A. Yeah.</p> <p>19 Q. Do you -- do you think that was the</p> <p>20 case for other board members, as well, not with</p> <p>21 regard to Fairbanks but with regard to their</p> <p>22 particular personal backgrounds?</p> <p>23 A. Yeah, I believe so. I think that's</p> <p>24 one the beauties of the system that we've got,</p> <p>25 that we have five individuals from diverse</p>

<p style="text-align: right;">Page 206</p> <p>1 backgrounds, from different judicial districts, 2 the four judicial districts of Alaska, so some 3 geographic balance, and appointed by different 4 individuals. 5 And we come together to -- to bring 6 those experiences and those different geographic 7 areas that we live to make, you know, a whole 40 8 map that's the best we can do. So I like the 9 process. I like the way the constitution is 10 laid out and how we do it. 11 Q. Do you recall if any of the other 12 board members ever switched tact and stepped out 13 of their role as a board member to advocate for 14 a certain result for their region? 15 A. That's kind of blurred, sometimes. 16 You know, are you -- you know, are you speaking 17 on behalf of -- I don't know. I can't think of 18 a specific example, but -- I'd say I just can't 19 recall an example of that. 20 Q. All right. 21 A. If you gave me an example maybe it 22 would -- maybe I could get a sense of what 23 you're getting at there. 24 Q. Sure. And not -- I don't have a 25 transcript handy, right this moment but, for</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. First, backing up, just more 2 generally, what does fair representation mean to 3 you? 4 A. Well, fair is one of those words 5 that's in the eye of the beholder. You know, I 6 can look at something and say it's fair and 7 somebody else can look at the same result or -- 8 and say it's not fair, so it's very subjective. 9 Q. Do you have a sense of what it 10 means to you? 11 A. I -- I do. 12 Q. Are you able to articulate it? 13 A. Oh, I think it's -- you know, 14 there's legal, you know, in the context of 15 designing the 40 districts that we came up with, 16 you know, there's a legal standard and then 17 there's a fair standard and a reasonable 18 standard. 19 I think, you know, fair and 20 reasonable and balanced can be used in the 21 same -- or describe the same outcome, possibly. 22 Q. And I guess -- 23 A. It's difficult for me to give you a 24 definition of it. 25 Q. Yeah. And I -- I am intending to</p>
<p style="text-align: right;">Page 207</p> <p>1 example, Member Bahnke was from the Nome region 2 and is involved in Kawerak, and I know at one 3 point in the meetings or maybe a couple points, 4 she would say this representation she would say 5 she's taking off her board hat and putting on 6 her personal, professional hat and would 7 advocate for a certain result; do you recall 8 that happening? 9 A. I vaguely recall that exchange. I 10 think it was when we were discussing the 11 alignment of Districts 38 and 39. She was very 12 passionate about, you know, the alignment of 13 District 39 and going south rather than east 14 into the interior. 15 Q. As you might imagine, we're very 16 interested in those districts, right? 17 A. I was very interested, because I 18 lived in that area. 19 Q. Yeah. 20 A. And I had my business in that area, 21 represented that area, so I -- it was of great 22 interest to me. 23 Q. And I will be asking you a lot of 24 questions about that in a little bit. 25 A. Good.</p>	<p style="text-align: right;">Page 209</p> <p>1 ask sort of at a practical level, right, because 2 presumably the point of a constitutional 3 provisions and the hone of this whole process is 4 to get a result that leads on the ground in real 5 life to something that is fair; right? 6 So in a practical sense what would 7 a district with fair representation, what would 8 it look like? 9 A. With fair -- I missed a word there. 10 Q. Well, in a practical sense, what 11 would a district with fair representation -- 12 what would that mean? What would it look like? 13 A. Well, I think it would meet the 14 constitutional standard. And it would be as 15 close to ideal as we could get it, given its 16 compactness, its contiguity, and its 17 socioeconomic integration. I hate to just go 18 back to that standard definition, but -- 19 Q. That's okay. And when -- do you 20 think that in Juneau, right, should the 21 interests of the district be reflected in their 22 legislators? 23 I think when you talk about 24 legislators -- 25 A. I think there's going to be --</p>

<p style="text-align: right;">Page 210</p> <p>1 Q. In Juneau, should the legislators 2 be, you know, bringing the interests of their 3 district to the table as legislators, is that 4 the goal?</p> <p>5 A. Yeah, that's -- if not, they're not 6 going to be a legislator very long. Yeah, 7 they -- they should definitely represent their 8 constituents.</p> <p>9 Q. And representing in a practical 10 matter, not just I'm elected, I technically 11 represent, right? We talk a lot about 12 representatives and representation, but when it 13 comes down to what it actually means in real 14 life would you say that it means that they 15 really, truly reflect the interest of their 16 districts --</p> <p>17 A. Yeah.</p> <p>18 Q. -- in the legislature?</p> <p>19 A. Yeah, I think that's fair.</p> <p>20 Q. And what -- also from a practical 21 sense, what benefits can districts see from 22 having fair representation?</p> <p>23 A. In terms of laws or budgetary or --</p> <p>24 Q. Anything, any buckets, and some of 25 this I'm asking some basic questions, just</p>	<p style="text-align: right;">Page 212</p> <p>1 contiguous, and socioeconomically integrated as 2 practicable?</p> <p>3 A. Yeah, with the population as close 4 as practicable to the ideal of 18,335.</p> <p>5 Q. We've been over this, but is any of 6 those factors more important than the others?</p> <p>7 A. The first three, no, they're -- 8 it's the balance of those three.</p> <p>9 Q. Compact, contiguous, and socially 10 integrated, for sure?</p> <p>11 A. Yeah, socioeconomically integrated.</p> <p>12 Q. Okay. Is it hard to draw a 13 district that's compact?</p> <p>14 A. No.</p> <p>15 Q. Is it hard to draw a district 16 that's contiguous?</p> <p>17 A. No.</p> <p>18 Q. So theoretically, you could just 19 take the entire state of Alaska, put a grid on 20 it, and then shift the lines for population and 21 you have three out of the four checked boxes?</p> <p>22 A. Yeah, I'm sure if you take out 23 socioeconomically integrated, and you just went 24 for a number, you could get to 18,335 districts 25 through some kind of a computer program. I'm</p>
<p style="text-align: right;">Page 211</p> <p>1 because these are principles we like to get -- 2 get information on, but could a district see 3 more attention given to its particular issues if 4 it has proper representation? Could it see 5 legislation pass that would help it to 6 potentially see more funding from the board's 7 activities to solve its problems?</p> <p>8 A. Well, I think it's a combination of 9 things that leads to that, it's not just a 10 desire, it's the skill of the legislator and, 11 you know, how persuasive they are with their 12 colleagues in terms of the passing a statute, a 13 law or getting an appropriation or articulating 14 a cause, bringing attention to a problem.</p> <p>15 Q. Would it be fair to say that those 16 results, at least at the beginning, they have to 17 start with a representative who is educated 18 about or involved in the issues of the district?</p> <p>19 A. Sure, yeah, I would agree with 20 that.</p> <p>21 Q. Moving onto the actual drawing of 22 the districts, why do we care about all of this.</p> <p>23 A. Okay.</p> <p>24 Q. So drawing the districts, you try 25 to change districts that worked were compact,</p>	<p style="text-align: right;">Page 213</p> <p>1 sure you wouldn't need five of us to weigh in on 2 the matter.</p> <p>3 Q. So would you consider the board's 4 role really to take the tricky factors, 5 socioeconomic integration, and figure out how to 6 make it work?</p> <p>7 A. Yeah, I think, again, balancing all 8 those things is the art of it, really, and 9 requires humans with understanding and knowledge 10 rather than a computer program.</p> <p>11 Q. So all of the board -- all of the 12 testimony, all of the written whole process that 13 you did, would you say that that was all 14 necessary because of the factors of 15 socioeconomic integration?</p> <p>16 A. I would say that was an important 17 aspect of it, really understanding that.</p> <p>18 Q. So that --</p> <p>19 A. Because you have continuity and 20 that compactness can be, you know, definitive. 21 They're just going to get the sun out of my 22 eyes, here. I'm trying to avoid the sun. 23 That's much better. Thank you.</p> <p>24 Q. If you need to shift locations we 25 can take a break if anyone needs to.</p>

<p style="text-align: right;">Page 214</p> <p>1 A. No, no, we're good now. 2 Q. So without -- without socioeconomic 3 integration the board's work could be done with 4 a computer? 5 A. Yeah, that's the tricky part. 6 Q. Are there different degrees of 7 socioeconomic integration? 8 A. Yep. 9 Q. Can you explain? 10 A. Zero to 360. I don't know. I 11 mean, there's more, you know, socioeconomic 12 integration to less socioeconomic integration. 13 So I don't know how to put numbers on those. 14 But, you know, and then you balance that with 15 compactness and as close as you can get to the 16 ideal district size, and that's what we come up 17 with, and it's -- typically it's a tradeoff. 18 It's not easy when you make adjustments here and 19 make changes over there, so -- 20 Q. And is -- for your purposes, in 21 this process, is minimal integration sufficient, 22 does that check the box? 23 A. Is what? 24 Q. Minimal integration, like some -- 25 A. Socioeconomic integration?</p>	<p style="text-align: right;">Page 216</p> <p>1 THE VIDEOGRAPHER: That's strange. 2 THE WITNESS: All right. Okay. 3 We're back. 4 Can I write these down? 5 MS. GARDNER: Oh, sure, yeah. 6 BY MS. GARDNER: 7 Q. Okay. Anyone can check me if I 8 have them down wrong, but what I recall from 9 earlier, municipality and borough boundaries? 10 A. Okay. 11 Q. ANCSA regions, common 12 transportation, economic drivers in communities, 13 and traditional communication. 14 A. That's pretty good. Yeah, I like 15 those. 16 Q. So does that -- does that sound 17 right to you? 18 A. Yeah, I like those. I think that's 19 good, yeah. 20 Q. Okay. I'm going to go through 21 those and discuss some other ones and ask you 22 more about them. 23 A. Okay. 24 Q. So first you had, potentially, 25 government boundaries?</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. Minimal socioeconomic integration. 2 A. Well, again, it's a balance between 3 that and compactness. I think that, you know, 4 you try and maximize socioeconomic integration. 5 Q. And in your view is more 6 socioeconomic integration better than less? 7 A. As long as it doesn't come at the 8 expense of compactness or being contiguous or 9 getting too far out of the 18,335. 10 Q. So when considering socioeconomic 11 integration, earlier you testified that -- I 12 think you listed your top five factors; is that 13 right? 14 A. I think so. I would have to get 15 Mr. Brena to read it back to me. 16 Q. I have some notes. What I heard 17 was municipal and rural boundaries? 18 A. You know, I've lost the -- my 19 visual, here. 20 Q. Oh. 21 MR. SINGER: Oh. 22 THE WITNESS: I don't know why, but 23 I don't have any -- 24 MS. STONE: I can still see you 25 fine.</p>	<p style="text-align: right;">Page 217</p> <p>1 A. Yeah. 2 Q. How did the board deal with 3 portions of the state that didn't have any 4 government boundaries, for example, unorganized 5 areas? 6 A. Some of the other factors, like 7 ANCSA boundaries. 8 Q. So in -- sorry to talk over you. 9 So in the absence of a municipal or 10 borough boundary would you look at the regional 11 corporate ANCSA boundaries for the individual 12 corporations? 13 A. We did, and we also looked at 14 common transportation, economic drivers and 15 communication. 16 Q. Mm-hmm. So speaking of access and 17 transportation, why does transportation matter? 18 A. That's how people move about 19 together. That's a sign of social integration 20 and commerce, as well. 21 Q. And do you think that that matters 22 to fair representation, the ability to access 23 different areas of the district? 24 A. I'm not sure I understand. When 25 you say fair representation, do you mean when a</p>

<p>Page 218</p> <p>1 representative goes to Juneau? 2 Q. In terms of, again, looking -- 3 looking at the ultimate goal of all of this, 4 which is to get districts representation that is 5 effective for them and is fair. Do you think 6 that transportation met with district matters? 7 And just to remind you, again, it's 8 something you testified to earlier, you 9 mentioned that when you were serving you would 10 travel around to all the communities in your 11 district, so why was that important? 12 A. By place? Because I had to keep in 13 touch with my constituency. They deserved to 14 see their representative in person and -- 15 Q. And so it worked -- 16 A. That's what you do. 17 Q. And so was transportation important 18 to that? 19 A. Yes. 20 Q. So would you think -- so would it 21 be fair to say that access to transportation, 22 ability to transfer -- I'm sorry -- to travel 23 within a district matters to having fair or 24 effective representation within the context of 25 what we just discussed?</p>	<p>Page 220</p> <p>1 Q. So if you want to get from a 2 community at the end of a spoke you would need 3 to travel into the sector -- if you want -- 4 wanted to -- wanted one spoke to another -- to 5 another spoke you travel through the hub and 6 then back out the spoke? 7 A. That would be, yeah, to get to one 8 side of a wheel, go through the hub. Unless 9 there was a wooden ring around the outside you 10 could travel around. 11 Q. When we use the term hub community 12 for rural Alaska are we generally assuming there 13 is no wheel? 14 A. Yeah, I'm being facetious. 15 Q. So when considering socioeconomic 16 integration, in addition to the factors you 17 listed, do you consider other infrastructure -- 18 infrastructure to be relevant, like, healthcare, 19 school districts, social services, law 20 enforcement? 21 A. Yeah, I think those are all 22 legitimate, yes, so good examples. 23 Q. So a region -- what? 24 A. Good examples. 25 Q. So a region that shares those</p>
<p>Page 219</p> <p>1 A. Yeah, I would agree with that. 2 It's helpful, certainly. 3 Q. And conversely, if a community 4 can't access the region where its 5 representatives live, because there are no 6 transportation connections, could that be a 7 problem? 8 A. Yeah, there's other ways to 9 communicate, but certainly as we are now, 10 through Zoom call, but it's best to be there in 11 person. 12 Q. What is a hub community in rural 13 Alaska? 14 A. Typically that has to do with 15 services and transportation, healthcare services 16 that smaller communities come into a larger 17 community, kind of as a hub and spoke, 18 transportation services. 19 Q. So are we using a wheel as a 20 metaphor for this? 21 A. I think so, I mean a hub is a 22 metaphor for a community that has services that 23 other smaller communities come into, then I 24 think that's a -- a good description, a hub and 25 spoke.</p>	<p>Page 221</p> <p>1 services, would you consider that a sign of good 2 socioeconomic integration? 3 A. Yes. 4 Q. Your list also had traditional 5 communication on it, what did you mean by that 6 term? 7 A. I guess traditional communication, 8 I mean, now it's all over the internet or by 9 telephone or other communication, but I think 10 maybe types of communications, communities that 11 maybe don't have the benefit of the 12 communication that we have in larger cities in 13 Alaska. 14 I know when I was out in the Y-K 15 Delta, in that area, there was just one phone in 16 each village. And, of course, that's changed 17 much today. So communication may be not as big 18 a factor between communities, but there's 19 certainly a difference between rural communities 20 and urban communities that have much faster and 21 better communication today. 22 Q. So are you talking about, 23 essentially, levels of communication and 24 infrastructure or access to technology? 25 A. I think that's fair, yeah.</p>

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1 Q. Okay. How would you consider
2 language, because I have to say when I heard you
3 say traditional communication I wondered if you
4 meant traditional languages spoken in different
5 regions.
6 **A. And maybe that's what it was I did**
7 **mean when I mentioned the five, off the top of**
8 **my head, to Mr. Brena, but that's a good point,**
9 **yeah, the languages, definitely traditional**
10 **communication. I'm writing that down.**
11 Q. So you would agree that language
12 matters --
13 **A. Yes.**
14 Q. -- to socioeconomic integration?
15 **A. Yes.**
16 Q. And when you were doing your work
17 on the board were you paying attention to that,
18 for example, trying to keep regions that spoke
19 the same language within a district or as few
20 districts as possible?
21 **A. It was one of the factors, yes.**
22 Q. Didn't you also consider -- this
23 wasn't on your list -- but Alaska native
24 cultures to be a relevant factor?
25 **A. Yes.**

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1 Q. And would -- I mean, would you
2 consider that a standalone factor or would you
3 consider that in your ANCSA boundary factor?
4 **A. Well, language and culture are**
5 **within those ANCSA subsets of the ANCSA**
6 **boundaries, but many cultures translate between**
7 **the ANCSA boundaries, as well, and even**
8 **languages.**
9 Q. How familiar are you with the
10 languages spoken in different parts of the state
11 of Alaska, personally?
12 **A. Fairly, somewhat.**
13 Q. Did you get a sense of the other
14 board members were familiar with that, as well?
15 **A. Certainly Member Bahnke, I think**
16 **her first language is Inupiaq or maybe --**
17 **actually, she's from Saint Lawrence Island, so I**
18 **think Gambell and Savoonga may even be Yup'ik,**
19 **actually. I'm not positive about that, but even**
20 **though they're in the Norton Sound region they**
21 **may speak a form of Yup'ik, Cup'ik may be closer**
22 **to Cup'ik.**
23 Q. My recollection of her testimony is
24 her native language is Saint Martin's Island
25 Yup'ik?

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1 **A. There you go.**
2 Q. Check that with her. Did any other
3 board members have any good grasp of languages
4 across the state?
5 **A. I think Member Simpson was familiar**
6 **with Tlingit, Haida, and Tsimshian in Southeast.**
7 **We may have discussed language in every part.**
8 **Certainly Member Borromeo, originally from**
9 **McGrath, Athabascan, so, like, she's familiar**
10 **with languages, works for the Alaska Federation**
11 **of Natives and a shareholder in Doyon, so I'm**
12 **sure she has much better familiarity with the**
13 **languages -- native languages in Alaska than I**
14 **do.**
15 Q. Do you recall if language came up
16 when you were discussing that example, keeping
17 regions with similar languages together?
18 **A. I believe it did, I remember in**
19 **speaking about a lot of what we referred to as**
20 **the VRA districts, the four house districts,**
21 **that we did talk about language there, yeah.**
22 Q. I'm going to ask about your time in
23 Bethel, now.
24 **A. Oh, great. Okay.**
25 Q. So could you please describe Bethel

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1 to me?
2 **A. Well, Bethel is a town, it's grown**
3 **since we first moved there, in late 1978. I**
4 **believe at the time it was maybe 45 -- 4,000,**
5 **4500, and it's probably over 5500, maybe 6,000**
6 **now. It's very much a hub community. It's the**
7 **center for about 20,000 people or more, used to**
8 **be 20,000 people in the ABCP region. I think**
9 **it's actually more than that now.**
10 **So you have ABCP, Calista, Calista**
11 **the regional ANCSA corporation, ABCP, the**
12 **non-profit, I remember that association, council**
13 **of village presidents. You have healthcare**
14 **services that are extensive. They have a**
15 **wonderful hospital there and great healthcare**
16 **facility, many other -- the university has a**
17 **campus there.**
18 **Very much a hub for a great number**
19 **of people in the surrounding area that extends**
20 **all the way up into the Yukon and lower Yukon**
21 **River, all the coastal communities, down and**
22 **including Goodnews Bay and Platinum.**
23 **And then upriver I think, let's**
24 **see, Calista probably goes up to Stony River,**
25 **right around there area, upriver.**

<p>Page 226</p> <p>1 Q. Are you familiar with Hooper Bay, 2 Scammon Bay, and Chevak? 3 A. I am. 4 Q. Have you been to those communities? 5 A. Yes. 6 Q. Okay. What do you know about their 7 ties to each other? 8 A. They're very close. The three 9 villages are very close, relatives, you know, 10 relationships between the three villages, 11 similar subsistence patterns that they use, and 12 they interact a lot, it's -- they're close. The 13 three villages are close to each other. 14 Q. Do you know if they're particularly 15 close to each other in the way that they are not 16 close to other villages? 17 A. Well, geographically they're close. 18 They probably have more relatives between the 19 three villages. Subsistence activities are 20 similar between the three, I believe. So I'd 21 say they're closer -- those three are closer 22 together than other villages in the region. 23 Q. Have you had a chance to review any 24 of the written testimony that's been filed by 25 the plaintiffs' witnesses in this case?</p>	<p>Page 228</p> <p>1 out of Saint Mary's or, excuse me, Mountain 2 Village. 3 Q. You've mentioned ABCP a couple of 4 times. What services does ABCP provide in the 5 region? 6 A. Well, that's a tribal entity, so to 7 the extent that there are tribal services to 8 the -- to the various tribes it would be through 9 ABCP, and I couldn't give you the specifics of 10 it. 11 Q. Do you know if ABCP provides some 12 of the types of services that normally a borough 13 or municipality might provide? 14 A. Could you give me an example of 15 those? 16 Q. Sure. For example, of 17 administering law enforcement, the UPSO program? 18 A. Yeah, that's a good example, UPSO. 19 Q. So would you say that at least for 20 some of the services ABCP provides that those 21 are similar or comparable to what normally a 22 borough or municipality would provide to its 23 region? 24 A. Could be, yep. 25 Q. I'm sure you're familiar with</p>
<p>Page 227</p> <p>1 A. Some of it, not all of it. 2 Q. In particular, I'm wondering if you 3 had a chance to review Harley Sundown's 4 testimony? 5 A. To be honest with you, I don't 6 think I've read Harley's -- an affidavit that he 7 submitted. 8 Q. Oh, that's fine. I was just -- 9 just asking. That's okay. I was just curious 10 if you had had a chance to do that. 11 A. Yeah, I don't think I read -- read 12 Harley's affidavit, yeah. 13 Q. So those three communities, Hooper 14 Bay, Scammon Bay and Chevak, how are they tied 15 to Bethel? 16 A. Well, they are part of the ABCP 17 region. So Bethel would be the immediate hub in 18 those communities in terms of health services, 19 scheduled flights, between Hooper, Scammon, 20 Chevak and Bethel, so there's a transportation 21 link there. 22 School district, a little 23 different. They're part of the -- one is a 24 separate REAA, I believe, and then the others 25 are linked to the lower Yukon school district</p>	<p>Page 229</p> <p>1 Calista. 2 A. Yeah. 3 Q. What's your sense of how Calista is 4 involved in the region? 5 A. Well, they're the regional ANCSA 6 corporation. So they have financial interests 7 for their shareholders in the -- basically the 8 same area, same villages as ABCP. 9 Q. Does Calista have a visible 10 presence in that area? 11 A. I don't believe their 12 headquarters -- I believe their headquarters are 13 here in Anchorage, but I'm just trying to think 14 what their physical presence. 15 Q. Oh, I apologize, I said visible 16 presence, more do you see them, visible, not 17 physical? 18 A. Visible? 19 Q. Yes. 20 A. Yeah, I would say there's a visible 21 presence, probably through their investments 22 and, you know, they're all shareholders, all of 23 the shareholders of Calista live in Bethel and 24 in the region, so they're certainly visible 25 through their shareholders.</p>

<p style="text-align: right;">Page 231</p> <p>1 Q. So is it your sense that there are 2 a lot of Calista shareholders in the region? 3 A. Yes. Yes. 4 Q. Do you know if Calista provides any 5 other services or opportunities that benefit the 6 region, as a whole, not just limited to 7 individual benefits to individual shareholders? 8 A. I'm sure they have financial 9 investments that benefit the shareholders. 10 Q. Do you know what language is 11 primarily spoken in Bethel? 12 A. Central Yup'ik. 13 Q. And what about Hooper Bay, Scammon 14 Bay, and Chevak? 15 A. The same. 16 Q. Do you know what language is 17 primarily spoken in Nome? 18 A. Inupiaq. 19 Q. Do you know if people who speak 20 Inupiaq can communicate readily with people who 21 speak Central Yup'ik? 22 A. I -- I think they're two distinct 23 languages. 24 Q. All right. So moving onto your 25 specific work on these districts with the</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. So remind me what year you served. 2 A. I was there in the 1980s. So it 3 was after the 1980s, which was the first 4 redistricting after the ANCSA Act. 5 Q. So approximately 40 years ago, at 6 that time, you, as a -- as senator for the 7 Bethel -- the district that Bethel was in, would 8 provide representation, in a way, for Hooper, 9 Scammon, and Chevak? 10 A. You bet, yeah, even though they 11 weren't actually in my district I -- I 12 communicated with them. I did everything I 13 could to help those communities out. All -- 14 all -- really, all of the ABCP region, and for 15 rural legislators, like myself, and even today 16 we looked out for each other. I mean, we didn't 17 just look out for our own district. We had a 18 common bond, a lot of common issues we worked 19 on, and -- and we're very close, and helped each 20 other out, so -- 21 Q. What district were -- what was the 22 hub community they were in the district with at 23 that time? 24 A. At Bethel. 25 Q. They were in a district with Bethel</p>
<p style="text-align: right;">Page 231</p> <p>1 redistricting board. Did you personally want to 2 include Hooper Bay and Scammon Bay in District 3 38 with Chevak and Bethel? 4 A. If there was any way to accomplish 5 that, I would have liked to have accomplished 6 it, yes. 7 Q. Why? 8 A. Because the people of Hooper, 9 Chevak, and Scammon came to the board early on, 10 engaged with the board, and made it clear from 11 the beginning that that was their desire. 12 I believe when I represented that 13 area they were not included in my senate 14 district, even though I lived in Bethel. I've 15 communicated with people in Hooper, Chevak, and 16 Scammon as to what their needs were and how I 17 could help articulate those needs in Juneau, but 18 recognize that they weren't in my senate 19 district, and so, you know, I understood it 20 completely, why they wanted to be in, and I was 21 hopeful when we started this process that maybe 22 there was a way to accomplish that after all 23 these redistrictings, every 10 years, that they 24 hasn't been able to get in with the -- you know, 25 what is their principle hub. So I --</p>	<p style="text-align: right;">Page 233</p> <p>1 at that time? 2 A. Oh, no. No, you mean for my 3 district? 4 Q. Sorry, let me rephrase the 5 question. 6 Back when you were serving in 7 Hooper Bay, Scammon Bay, and Chevak were outside 8 of your district, what was the hub community in 9 the district which they were in? 10 A. Well, you know, Mountain Village is 11 kind of a hub for those in terms of 12 communicating and transportation and services 13 for the school district, for the lower Yukon 14 school district, that would be a hub. 15 Saint Mary's is kind of a hub, as 16 well, not as big a hub as Nome. Nome a larger 17 hub, of course, it had jet service. I think 18 when -- when I was serving there was jet service 19 into Saint Mary's, as well, and then 20 transportation between Saint Mary's, Mountain 21 Village, and Chevak, Hooper, and Scammon. 22 I don't know if those same 23 transportation -- transportation corridors exist 24 today but, you know, that was maybe a sub hub, 25 maybe not as big, maybe not as known, but, you</p>

<p style="text-align: right;">Page 234</p> <p>1 know, certainly a hub. 2 Q. But further than Saint Mary's, was 3 there any meaningful hub for Hooper Bay, Scammon 4 Bay, and Chevak in the district that they were 5 in? 6 A. In the house district they were in? 7 Q. Mm-hmm. 8 A. No. I would say they still 9 traditionally used Bethel, and at that time they 10 did, as well, 40 years ago. 11 Q. All right. So you testified that 12 you would have liked to have brought Hooper Bay 13 and Scammon Bay into the 38? 14 A. Yeah. 15 Q. The board denies this time around. 16 So why couldn't you? 17 A. Well, just as it turns out, as we 18 got into that, when you look at the numbers, 19 because of the -- you know, the size of the 20 region, that Calista-ABCP region, which is well 21 over 20,000 people now, in order to pull them 22 down into District 38 we have to take other 23 Calista-ABCP region members and take them out of 24 38 and push them down into 37. 25 And so it -- it really didn't make</p>	<p style="text-align: right;">Page 236</p> <p>1 said, well, at least take, you know, one of the 2 villages. Allow us to make some progress on 3 this long-term goal of ours of getting all three 4 into 38. And so we accommodated them and were 5 able to move Chevak into that. 6 Q. Okay. I wasn't -- I didn't say it 7 very well. 8 My question was: Were there other 9 reasons to move -- let me rephrase what I said. 10 Were you trying to get them into 38 11 just because they asked or were there other 12 factors, for example, socioeconomic integration, 13 based on you want to put them into 38? 14 A. Well, we wanted to put them all 15 into 38, but we couldn't make it fit, and so we 16 just moved one of them, which they requested. 17 And I'm sorry if I'm not answering the question. 18 Q. I'm not asking it very well, I 19 think is usually the issue. 20 A. But it was -- we would have moved 21 that just because they asked or originally we 22 were going to keep all three villages together, 23 because they are very closely associated, but 24 then the request came that seemed to indicate 25 that they wanted to at least make some progress</p>
<p style="text-align: right;">Page 235</p> <p>1 sense to me, you know, when we actually tried 2 the exercise of getting down to 18,335 in 3 District 38 to pull one group of villages in and 4 push one group of villages out, so that's the 5 conclusion we came to. 6 We tried to, at the very end we 7 heard testimony from AFFER, representing 8 Calista, to ask us that because this -- I think 9 they've been asking for this over many of these 10 redistricting exercises, to try and at least 11 make some progress. 12 And so that's when we entertained 13 and were successful in taking at least Chevak 14 out of District 39 and moving it into District 15 38. So at their request we did the best we 16 could. 17 Q. So when I asked why you wanted to 18 put them into or tried to put them into 38 you 19 said because they came and asked. Was that the 20 only reason you were trying or were there other 21 reasons to try to get those three communities 22 together in 38? 23 A. No, we were trying to get them into 24 38, it just didn't work. And so with the -- at 25 the very end of the process, they came back and</p>	<p style="text-align: right;">Page 237</p> <p>1 on this goal, so we agreed to move one of the 2 villages, which was Chevak. 3 Q. And did you consider those three 4 villages to be socioeconomically integrated with 5 the rest of District 38, for example, in 6 Anchorage asked to be put in District 38 I 7 assume that even if every resident in Anchorage 8 signed a petition saying move us in you wouldn't 9 have done that because it wouldn't satisfy the 10 constitution. 11 So if you could speak a little bit 12 about why you were so open to the request from 13 Hooper Bay, Scammon Bay, and Chevak? 14 A. Because their request resonated 15 with me, particularly. I understood why they 16 wanted to be in 38, why they wanted to be in 17 with Bethel, the primarily hub that they looked 18 to for services and transportation and -- and 19 other means, but we just couldn't do it. It 20 just did not work. It's -- it's one of the 21 unfortunate parts of this process is you desire 22 to do something that accommodates the 23 communities that are requesting it, but when it 24 comes down to actually making everything fit, it 25 just doesn't work.</p>

<p>Page 238</p> <p>1 Q. I know you were aware that Calista 2 also made a request to move three villages out 3 of District 38 into District 37 to make room for 4 Hooper Bay, Scammon Bay, and Chevak to be part 5 of 38? 6 A. Can you state that again? I didn't 7 quite follow. 8 Q. Sure. So if we're talking about 9 requests, the board attempting to accommodate 10 requests where it otherwise in areas where there 11 was integration, socioeconomic integration, do 12 you recall that Calista requested also to move 13 Quinhagak, Kwigillingok and Kongiganak into 14 District 37, and the goal was to free up some 15 space in 38 so that Hooper Bay, Scammon Bay, and 16 Chevak could stay together and stay with Bethel; 17 do you recall that? 18 A. I do recall that, and I think I 19 mentioned that earlier, that that would have 20 been taking that population base in the lower 21 Kuskokwim area and then moving that in with the 22 Dillingham, Bristol Bay area in order to move 23 those three villages into District 38. 24 And it -- that, to me, just didn't 25 really make sense. We were taking villages that</p>	<p>Page 240</p> <p>1 Q. Do you recall who provided that 2 testimony? 3 A. I think somebody from ABCP was 4 there, also Mary Paltolla (phonetic), I believe, 5 former representative from that region. Oh, I'd 6 have to go back and look at the -- at the 7 record. I think it was both the -- on the 8 record and public testimony, and then also in 9 the informal portions of these outreaches we 10 would -- people could come in and go, and we'd 11 look at the maps and discuss it, and they would 12 give us feedback on it, ask questions. 13 Q. When you were -- the board was 14 trying to figure out if it could fit Hooper Bay 15 and Scammon Bay, Chevak all together in District 16 38, did the board consider making any changes to 17 District 36 to allow that to happen? 18 A. We did look at that. 19 Q. Okay. When? 20 A. You know, again, you know, when you 21 start at 40, at the top, with the Arctic slope 22 region, and then bring in the Nenana region, 23 then you come down to the Bering Straits region, 24 and then you can either go south, continue down 25 along the coast or you can go into the interior,</p>
<p>Page 239</p> <p>1 were certainly closer to Bethel, in that hub 2 that we have been talking about, in the same 3 school district, as well, people can go by boat 4 between Kwigillingok and Kongiganak and 5 Quinhagak, Tuntutuliak, all of that area and up 6 to Bethel, and do go on a regular basis by boat 7 between Bethel and those villages. 8 So it just -- it didn't really make 9 sense to move them into the Bristol Bay area 10 just in order to bring those other three 11 villages into District 38. 12 Q. And have you heard testimony on the 13 relationship between those three southern 14 villages, Quinhagak, Kwigillingok have you heard 15 testimony about their relationship with Bethel, 16 did they have a request to stay in District 38? 17 A. I don't know if we had the requests 18 for villages, but we did hear testimony to that 19 effect when we were in Bethel at our public 20 hearings. 21 Q. That they wanted to stay in 38? 22 A. No, that there was a -- that it 23 made more sense to keep them in District 38 than 24 to take them into Bristol Bay and then move 25 Hooper, Chevak, and Scammon into 38.</p>	<p>Page 241</p> <p>1 into the Athabascan communities and into the 2 Doyon region to pick up population for that big 3 group. 4 So we looked at those both ways, 5 does this make more sense to come into the 6 interior with that Bering Straits region area or 7 stay on the coast. 8 Q. And what did you conclude? 9 A. Well, we concluded that it was 10 better to keep the interior villages together, 11 the Athabascan communities, the Doyon-Tanana 12 Chiefs region, to bring the District 30 -- 39 13 district farther down to the lower Yukon River, 14 to, you know, Stephen, St. Michael's, Kwethluk, 15 Nunanak, that area and on down to Chevak and 16 Scammon, because of the Yukon River staying 17 within the Calista region. 18 Q. And why -- well, you explained why. 19 But earlier in your deposition I went through 20 some partial information on the record where you 21 talked about how different the communities with 22 36 are, huge differences, completely different. 23 Do you consider District 36, as the 24 board drew it, to have more or less socially 25 integrated than the Calista region?</p>

<p style="text-align: right;">Page 242</p> <p>1 A. Than the Calista region? Do you 2 mean Districts 39, 38, and 37 or -- 3 Q. Using as imprecise shorthand, but 4 let's say the region that has Hooper Bay, 5 Scammon Bay, Chevak and Bethel, would you 6 consider it to be -- 36 to be more integrated 7 than the Bethel district is integrated with 8 Hooper Bay and Scammon Bay? 9 A. That's -- that's a tough one. You 10 know, there's -- when you look at it, it's so 11 difficult, I think with my exchange with 12 Mr. Brena illustrated, you got communities like 13 Nome, which is different than many of the spoke 14 communities, the smaller villages outlying of 15 Nome, just as you do in some of the small 16 communities in District 36 and more areas that 17 are on the road system that -- closer to urban 18 areas. 19 So it's difficult to quantify that. 20 It's hard to put a number or a ranking on 21 socioeconomic integration. There's so many 22 different factors, and it's very circulated. 23 Q. Let me put it a different way: 24 Would you consider the within the Calista 25 boundaries the ANCSA boundaries to be completely</p>	<p style="text-align: right;">Page 244</p> <p>1 degrees of constitutionality? How did the board 2 assess what was a better constitutional good 3 versus less good that is also constitutional? 4 A. I don't know. I don't quantify 5 constitutional. I think that's a pretty 6 standard black and white, it is or it isn't. 7 There may be a fence with constitutionality, and 8 you can be on this side of the fence or you can 9 be on this side of the fence, as long as you're 10 inside the fence I guess you're within the 11 balance of the constitution. 12 We felt it was better to be on this 13 side of the fence than on this side of the 14 fence. 15 Q. So what makes a map better or 16 worse, assuming that you have two maps that are 17 both constitutional, what would make one better 18 than the other? 19 A. Well, I think one better 20 socioeconomic -- continuity is pretty black and 21 white, but it makes a difference, as well. 22 MS. GARDNER: Can we take a short 23 break, would that be all right? 24 THE WITNESS: Yes. 25 THE VIDEOGRAPHER: Okay. Going off</p>
<p style="text-align: right;">Page 243</p> <p>1 different or to have huge differences among 2 them? 3 A. No. I think there's socioeconomic 4 integration in that Calista region. 5 Q. So is it your testimony that it was 6 impossible -- or that it is impossible to create 7 a constitutional map that has Scammon Bay, 8 Hooper Bay, and Chevak in the same district as 9 Bethel? 10 A. That's not impossible, no. 11 Q. Did the board look at any maps that 12 would have been constitutional that did that? 13 A. I think if you devise a map that's 14 constitutional that accomplishes that, but in 15 our judgment, the judgment of the board and the 16 me, as well, it wasn't the best map and pairing 17 of districts that we could have done. And so we 18 made the judgment that, despite the fact that 19 those communities didn't want to move, that 20 there might be a way constitutionally that you 21 could do that, but on balance it made more sense 22 in which better, overall, for all the different 23 communities to keep -- to have Hooper and 24 Scammon in District 39. 25 Q. Let me say it better: Are there</p>	<p style="text-align: right;">Page 245</p> <p>1 record. The time is 4:11. 2 (Recess.) 3 THE VIDEOGRAPHER: We're back on 4 record. The time is 4:23. 5 MS. GARDNER: Thank you. 6 BY MS. GARDNER: 7 Q. Mr. Binkley, thanks for coming 8 back. 9 And so I'd like you to look at 10 Exhibit 7, which is the proclamation packet, 11 specifically page 33, which shows District 36, 12 and I'm going to ask you a few questions about 13 this district. I'm not sure I can hear you. 14 A. Yeah, I was going to try and get 15 this on full page. I'm not sure why -- 16 MR. SINGER: That's their screen. 17 THE VIDEOGRAPHER: Yeah, and I'm 18 having trouble with that. Just give me just one 19 second. 20 MR. SINGER: You got it, right? 21 THE VIDEOGRAPHER: Yeah, for some 22 reason I'm getting the whole screen instead of 23 one sheet. 24 MR. SINGER: Mr. Binkley has 25 Exhibit 7 in front of him turned to page ARB054,</p>

<p style="text-align: right;">Page 246</p> <p>1 I believe, which is the District 36 map. 2 BY MS. GARDNER: 3 Q. Yeah, and we don't need it on the 4 screen if you're comfortable with your paper 5 copy? 6 A. I think I'm fine with it. 7 Q. You seem to have a pretty good 8 memory of the districts, as it is. 9 THE VIDEOGRAPHER: Okay. 10 BY MS. GARDNER: 11 Q. Okay. So Mr. Binkley, how is this 12 district, District 36, how is it 13 socioeconomically integrated? 14 A. They're all primarily rural areas, 15 and most are all a part of the REAA school 16 districts. They have, I would say, common 17 issues with regard to waste water, sanitation, 18 drinking water. They're small communities. 19 They're somewhat isolated, to different degrees. 20 They share, some of them, common ANCSA areas. 21 Linguistically, there's some similarities in 22 some of the areas. 23 You know, in putting this together 24 we had to combine different areas, as well, 25 so...</p>	<p style="text-align: right;">Page 248</p> <p>1 that you have to do in order to get 40 2 individual districts that are as close as 3 practicable to the ideal of 18,335. 4 So sometimes it's a stretch, in 5 terms of socioeconomic integration, but it's the 6 reality of trying to put together 40 districts 7 around a very, very large state with a lot of 8 small, sparsely populated areas. 9 Q. When you say sometimes it's a 10 stretch, what does that mean? Does that mean 11 it's a low degree of socioeconomic integration? 12 A. I would say it's lower than, for 13 example, the municipality of Anchorage. 14 Q. Would you say it's lower than the 15 Calista ANCSA boundary? 16 A. That's -- I think they're pretty 17 close. 18 Q. So going back through my questions, 19 how is the Ahtna region integrated with the 20 Doyon region, if it is integrated? And if it's 21 not a clarification would be appreciated. 22 A. Yeah, I think it's -- there are 23 some integrations with linguistics. They are 24 primarily REAA school districts. They're part 25 of the unorganized boroughs of Alaska, so it's</p>
<p style="text-align: right;">Page 247</p> <p>1 Q. When you say you had to combine 2 different areas, can you explain why? 3 A. Well, there's an Ahtna region that 4 may be linguistically is different from the 5 Doyon region. There's Gwich'in in some areas, 6 Han in other areas, different types of 7 Athabascan is spoken in some of the interior 8 portions, versus the linguistic differences 9 maybe down towards the Copper Center area and 10 some of the Ahtna districts. 11 And then, of course, there's 4,000 12 people from the Fairbanks North Star Borough 13 that are in that district, as well, some of my 14 neighbors from back in Fairbanks, so it's a 15 diverse district. 16 Q. And I'd like to understand better 17 how some parts are better integrated than other 18 parts. For example, how is the Ahtna region 19 socioeconomically integrated with the Doyon 20 region? 21 A. There are similarities but, again, 22 this is one of the difficulties of putting such 23 a large geographic area with many small 24 communities together to form a district. 25 But it's one of the practicalities</p>	<p style="text-align: right;">Page 249</p> <p>1 some linguistics, some economics. 2 Q. Can you be more specific about the 3 linguistics and the economics? 4 A. Well, I think it's primarily 5 Athabascan throughout that area, to the extent 6 that there is a -- I think Mr. Brena -- didn't 7 he say it was less than 50 percent, so whatever 8 that percentage is, but most of the indigenous 9 people in that area are Athabascan. 10 Q. And in terms of economics, what -- 11 what integration is there in terms of the 12 integration? 13 A. Healthcare facilities, government 14 services, actually, another one, too, is that a 15 lot of the Doyon region, and I believe quite a 16 few of the Ahtna region shareholders work in the 17 oil industry. 18 Q. And do they work -- 19 A. On the pipeline or on the north 20 slope. 21 Q. Is that unusually true of this 22 region or is that true around the state of 23 Alaska that people head to work on the north 24 slope? 25 A. I think that it's probably, as a</p>

<p style="text-align: right;">Page 250</p> <p>1 percentage, it might be rather high, 2 particularly Doyon side, they have an interest 3 in drilling rigs up on the north slope and try 4 to employ shareholders as much as possible. 5 And Ahtna, I think, has quite a few 6 contracts with Alyeska pipeline, I think, for 7 services, oil, pipeline related services. 8 Q. You use the words "I think" and 9 "might" a couple times in there. Did you hear 10 testimony on this during the redistricting 11 process? 12 A. I don't recall. There might have 13 been some testimony, as far as Doyon workers in 14 the oil industry, but it's just my knowledge, 15 general knowledge of it and understanding of it. 16 Q. Okay. Are there other ANCs in the 17 State of Alaska that have an interest in the oil 18 and gas industry? 19 A. Certainly the Arctic Slope regional 20 corporation does. 21 Q. So you said -- you mentioned 22 healthcare, what can you tell me about 23 healthcare in the region? 24 A. Well, there's a series of clinics, 25 usually, in all these small communities. They</p>	<p style="text-align: right;">Page 252</p> <p>1 manages the VPSO program for this entire 2 district the way ABCP manages it for the Calista 3 region? 4 A. I think it's probably through 5 Tanana Chiefs and through Ahtna's non-profit 6 side. I'm not sure what the name of that is, 7 but I would -- I am fairly certain that it is 8 consistent with the Tanana Chiefs region, 9 consistent with ABCP, and I'm not certain about 10 Ahtna. 11 Q. So it would be multiple separate 12 organizations administering within their area 13 within District 36, not a single organization 14 administering the VPSO program for all of 15 District 36; correct? 16 A. That would be correct, the same 17 program, but maybe administered by different 18 entities, but certainly an interest in the VPSO 19 program as a common thread. 20 Q. And similar question for 21 healthcare, would the actual clinics and 22 healthcare services be provided by different 23 entities within District 36, not by a single 24 entity for all of District 36? 25 A. Yes.</p>
<p style="text-align: right;">Page 251</p> <p>1 don't have readily available large hospitals or 2 healthcare facilities that are adjacent to them, 3 so there's a series of health aids in many of 4 these small communities that take care of 5 immediate needs. 6 Q. And are you -- is your testimony 7 that they're integrated because they all are 8 served by small clinics or do you know if the 9 clinics are all operated by the same entity? 10 A. No, I think that's a consistency in 11 part of the socioeconomics of those, the makeup 12 of those small communities. They have an 13 interest to make certain at a level -- 14 governmental level that those services are 15 provided to small communities. 16 Probably I think maybe you 17 mentioned it about VPSOs, the same way, village 18 public safety officers. So small communities 19 that don't have the resources of a -- of a 20 police force that are readily available. So 21 those are common interests and concerns that 22 they would share. And hopefully their 23 representative would articulate those things in 24 a legislative setting. 25 Q. Do you know if a single entity</p>	<p style="text-align: right;">Page 253</p> <p>1 Q. For example, Ahtna's healthcare 2 services and that region should be based in 3 Glennallen whereas Doyon's may be based in 4 Fairbanks? 5 A. Yes. 6 Q. Are there any other similarities 7 you can think of between communities within 8 District 36? 9 A. Not offhand. 10 Q. Why did the board feel it had to 11 put these regions together to District 36? 12 A. I think to make -- you know, again, 13 it's -- it's easy to take one section and make a 14 change that looks right. But when you put it 15 together in totality all 40 have to fit. And 16 they all have to pass the constitutional test. 17 And so many times it's a tradeoff. 18 You have to, you know, maybe not make it ideal, 19 but the best you can to get them, all 40, to be 20 constitutional. 21 MS. GARDNER: I think I am done 22 with my questions for today. Thank you again, 23 Mr. Binkley. It's already 4:30, you've been in 24 that chair for quite a long time, so I'll hand 25 it off to the last questioner.</p>

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1 Thank you for your service to the
2 State of Alaska.
3 **THE WITNESS: Thank you,**
4 **Ms. Gardner, pleasure to meet you.**
5 MS. WELLS: Good afternoon or, I
6 guess, good evening. Are you ready or do you
7 want to take a small break?
8 **THE WITNESS: I'm ready.**
9 MS. WELLS: All right. Here we go.
10 EXAMINATION
11 BY MS. WELLS:
12 Q. I'm sure you know this, but I
13 represent the East Anchorage plaintiffs, and so
14 I'm hoping that we can be pretty quick, because
15 unlike the other plaintiffs we very much support
16 the board's work on the house districts and are
17 focused solely on the senate pairings and
18 Anchorage.
19 So hopefully --
20 **A. Just -- I'm not seeing you on the**
21 **screen and I'm not certain who I'm talking to,**
22 **either. Apologies, but I probably missed that**
23 **in the introduction.**
24 MR. SINGER: Here let me -- that's
25 strange.

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1 **A. I saw Holly Wells.**
2 Q. That's me.
3 **A. Oh, now I got you.**
4 Q. Oh, good.
5 **A. It says Holly Wells but the little**
6 **muted button was on, so I didn't know. I didn't**
7 **have a picture of you, either.**
8 Q. I have a doppelganger on here
9 somewhere.
10 All right. So I'm just going to
11 start with some questions regarding the board's
12 process. I want to take a moment to talk about
13 the substantial efforts the board took during
14 the house district meetings and work sessions.
15 To keep -- okay. Let's see, I'm
16 going to focus on November 5th, just to keep it
17 short. I'm hoping you'll be able to recall the
18 process, but I know it's been a really long day,
19 so if we run into some questions and you can't
20 recall then we'll pull up the November 5th
21 transcript and I hopefully will be able to
22 refresh your memory.
23 **A. Thank you.**
24 Q. So do you recall the steps the
25 board took to encourage and facilitate public

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1 process on November 5th?
2 **A. I'm going to have to just think**
3 **back to which day that was in the sequence. Was**
4 **that the day we had adopted the house pairings?**
5 Q. That was the day that you -- yes,
6 that's the day that you guys adopted the final
7 house district.
8 **A. So is that a Thursday?**
9 Q. I think it was -- November 5th, was
10 a -- was it a Thursday or a Friday? I'm not
11 sure. I can check. I -- I will look at my
12 calendar.
13 **A. I'm just thinking back in my mind,**
14 **I thought we completed it --**
15 Q. I mean, you were done until the
16 weekend, so -- I believe, but --
17 **A. Yeah.**
18 Q. -- even after that meeting, so it
19 was a Friday.
20 **A. A Friday? Okay.**
21 Q. Does that help?
22 **A. That does, then I think Monday we**
23 **started working on the -- had public testimony,**
24 **as I recall, and started working and asked the**
25 **public to keep that to the senate pairings and**

Page 257

1 **then started work on the -- on the senate**
2 **pairings on Monday. So I think I've got it**
3 **straight in my mind.**
4 Q. Okay. No, that sounds right, from
5 what I've seen in the transcripts.
6 So do you recall, when you think
7 back to -- on that day, do you recall what the
8 process looked like, what kinds of steps that
9 you and the staff worked on to make sure that
10 you were including the public in that process?
11 **A. On that day, specifically, or --**
12 Q. On that day, specifically.
13 **A. Yeah, no, I don't.**
14 Q. Okay. Do you -- well, let's --
15 maybe we'll start generally, and then I'll
16 help -- I'll help walk through some of the steps
17 you took on that particular day.
18 **A. Okay. Generally that's when we**
19 **finalized our -- our 40 house district map**
20 **and --**
21 Q. Yes.
22 **A. And then that would have allowed**
23 **staff the time over the weekend to start to**
24 **quantify that into metes and bounds and other**
25 **checking that they did over the weekend. So I**

<p style="text-align: right;">Page 258</p> <p>1 do recall we concluded that. 2 I -- typically we would have 3 started our meeting Friday morning with public 4 testimony, gone through the process, concluded 5 with public testimony, but probably there we 6 concluded with the 40 district map and then 7 recessed for the weekend. I guess that's the 8 short version. 9 Q. That's -- that's -- that's good. 10 That's a good starting place. So I would ask 11 you that at least to the Anchorage house 12 district proposals, and I think you did this 13 throughout, but did the board post the proposals 14 online for the public to view? 15 A. After we concluded our work on 16 Friday? 17 Q. So when you -- when you commenced 18 your meeting on November 5th -- 19 A. Okay. 20 Q. -- did you -- at the time I would 21 represent that you had an alternative best 3 and 22 an alternative best 4 that board members had 23 been working on. 24 A. That sounds familiar. 25 Q. Okay. Did you post those online,</p>	<p style="text-align: right;">Page 260</p> <p>1 you. 2 BY MS. WELLS: 3 Q. So if we go to lines 18 through 22. 4 A. Okay. 5 Q. Okay. So these lines, I see I did 6 ask staff to do that with board version 4 best 7 this morning. I didn't know that it had already 8 been put up, especially since we've been 9 starting to seriously consider board version 3 10 best and board version 4 best starting on 11 Tuesday. 12 A. I must be on the wrong page, here. 13 I don't see that. We're on page 46? 14 Q. Oh, it's page 45. I apologize. 15 That would be the problem. Uh-oh, we're off to 16 a rocky start. I promise it will get better 17 from here. 18 MR. SINGER: Is that page 45 of the 19 transcript? 20 MS. WELLS: Of the transcript, yes, 21 which is Exhibit 24. 22 THE WITNESS: Okay. And the lines 23 again? 24 BY MS. WELLS: 25 Q. You know what, you can -- and I'll</p>
<p style="text-align: right;">Page 259</p> <p>1 do you recall? 2 A. I don't. I don't recall. 3 Q. Okay. I think that -- you know 4 what I'm going to do, and I'll try to do it 5 quickly, I'm going to pull up the transcript. 6 A. Okay. 7 Q. And just sort of walk you through 8 some of these process -- these procedures that 9 you adopted. 10 A. Thank you. 11 Q. So can we pull up the November 5th, 12 2021 transcript, page 46? And that's Exhibit 13 24. 14 THE VIDEOGRAPHER: Are you asking 15 me to do this? 16 HOLLY WELLS: We can do it either 17 way, Tempest, if you can -- 18 MR. SINGER: I will put Exhibit 24 19 in front of witness so he can look at paper 20 copies, if you want to direct him to a page 21 number. 22 MS. WELLS: Tempest, do you want to 23 put it up on the -- we can share a screen, Eric, 24 we can do it that way. 25 THE VIDEOGRAPHER: Okay. Thank</p>	<p style="text-align: right;">Page 261</p> <p>1 let you just read them to yourself, if you start 2 at line -- I think you can start at line -- I 3 wanted it to make sense to you, so maybe we'll 4 scroll up a little bit. 5 Tempest, can you scroll up a little 6 bit, to the start of his -- his comments? All 7 right. There we go -- or to the Board Member 8 Bahnke's comments. 9 So if you read the rest of this 10 page I think it will help refresh your memory. 11 Well, Tempest, you can go ahead and 12 scroll so that maybe line 13 is at the top of 13 everybody's -- it might be easier. There. 14 That's great. Thank you. 15 A. Okay. So this is Board Member 16 Bahnke discussing the different versions of 3 17 and 4 best. 18 Q. Yes. And it might be helpful to go 19 to page 46, as well, because what -- what you're 20 seeing here, I would represent, and you can 21 correct me if I'm wrong, if you don't agree when 22 we get there, but this is a discussion with the 23 board members about the posting efforts that 24 they're taking and what they're doing to make 25 sure that those maps are in front of the public.</p>

<p style="text-align: right;">Page 262</p> <p>1 So I'm going to ask several questions just about 2 that process. 3 A. Okay. 4 Q. So I think that the total 5 conversation, so I have about five questions 6 here, and it's all included in page 45 through 7 46 and 47. 8 MS. WELLS: So Matt, unless you 9 have an objection, I think it might be a more 10 efficient way to address those, just have him 11 read those three pages so he can see those 12 procedures. 13 MR. SINGER: No objection here. 14 THE WITNESS: Okay. I think I've 15 got it. 16 BY MS. WELLS: 17 Q. All right. So I'm going to ask you 18 several questions, really just highlighting the 19 amount of process that went into your efforts 20 here. 21 Do you recall that the board posted 22 house district map versions alternate 3 best or 23 alternate best 3 and alternate best 4 on the 24 website? 25 A. Yes.</p>	<p style="text-align: right;">Page 264</p> <p>1 alternate version 4 or alternate best 4? 2 A. I don't recall. If you give me a 3 minute, I can read through -- 4 Q. Okay. 5 A. -- and refresh my memory. Do you 6 want me to go ahead and read ahead and see? I 7 can't remember what the motions were or how that 8 evolved. 9 Q. That one I do not have the line 10 identified, so that -- so the motion -- so 11 basically the order went -- so it's going to be 12 at the end of the transcript the order went that 13 a motion was made to adopt alternate best 4, and 14 that was the final vote, and then you went to 15 a -- the -- I guess the final-final vote on the 16 promulgated plan. 17 So if we -- if we can have a moment 18 I can get you a page from each site for that. 19 Okay. I think that's page 262, and -- oh, what 20 page is -- hold on. Yeah, I think the votes are 21 on page 262, the discussion of the motion starts 22 on page 258, so it might be more convenient 23 to -- or more helpful to read the discussion on 24 the motion, as a whole. 25 But so if we could pull up page</p>
<p style="text-align: right;">Page 263</p> <p>1 Q. And the board also created a popup 2 to make it easier to access. I think that was a 3 decision you made sort of on the fly to make it 4 more user friendly; does that sound correct? 5 A. I see it on page 47, it looks like 6 it. 7 Q. Great. And did the board print 8 versions of these options for the members of the 9 public attending in person? 10 A. I know they were printing almost 11 continually, and I can't recall specifically on 12 these, but I know that they were -- there were 13 reams of paper that burned off. 14 Q. And do you recall that the board 15 permitted public testimony after posting these 16 options and before adopting them? 17 A. Yes. And quite a bit of this 18 conversation is about how much time we were 19 going to give the public to testify on these two 20 different versions. And I think we came to the 21 conclusion that we would try and limit people to 22 two minutes. 23 Q. And after the -- at the end of the 24 day, after all the testimony, did you -- how did 25 you end up voting on the motion to adopt</p>	<p style="text-align: right;">Page 265</p> <p>1 258, and you can read page 258, 259, and 2 -- 2 actually, that's a lot of reading. 3 Okay. Let's do it this way: Let's 4 pull up page 262, which is your vote on it, and 5 then if we need to, if you feel like you just 6 really cannot -- this doesn't jog your memory, 7 then we'll step it back further and we'll go 8 through the motions. Does that sound good, 9 Mr. Binkley? 10 A. I think so. I think I'm just 11 glancing at 257, that was a motion by Board 12 Member Bahnke to adopt board V4 best. There was 13 a motion before us, there was some discussion, 14 and then 262, this when we adopted? Okay. Let 15 me just -- okay, I'll be supporting V4. 16 Okay. There's a request to call a 17 question on the motion, is there an objection to 18 calling the question, hearing none, the motion 19 is before us. We do a rollcall mode, and then 20 we took the vote on 4 best. That's page 262. 21 Okay. I see it. 22 Q. Does this sort of jog your memory 23 as to what you were voting on when you were 24 voicing on the 4 best? 25 A. Yes.</p>


<p style="text-align: right;">Page 266</p> <p>1 Q. So why did you vote against this 4 2 best or why don't we call it alternate best 4 is 3 it alternate best 3 and then just 4 best? So, 4 for the record, whatever it is, if that -- 5 A. We refer to it in different ways 6 here. 7 Q. So we'll just sort of officially 8 call it 4 best. Do you recall why you voted 9 against it? 10 A. I thought there was a better 11 pairing, pairings of districts in Anchorage -- 12 excuse me -- I thought V3 was a better option. 13 Q. Okay. And this was just the house 14 districts; correct? 15 A. Correct. 16 Q. Okay. 17 A. Yeah. 18 Q. So did you -- did you think it was 19 unreasonable -- did you think that -- oh, I'll 20 put it this way: Did you think that all version 21 3 was unlawful? 22 A. No. 23 Q. Did you think that 4 best was 24 unlawful? 25 A. No.</p>	<p style="text-align: right;">Page 268</p> <p>1 lot of different ways to make the senate 2 pairings, and so we looked at all kinds of 3 different information, different combinations, 4 different proposals, articulated primarily by 5 Member Marcum and then also Member Bahnke and 6 Member Borromeo, too, all three had suggestions 7 as to the pairings in Anchorage. 8 Q. And what were you -- for you, what 9 were you really looking at, what kinds of things 10 were you taking into consideration? 11 A. Well, I think number one was 12 constitutional requirement, that they be 13 contiguous. And beyond that, what makes sense, 14 what was reasonable. 15 Q. Do you -- did you think about the 16 term sort of as near as practically contiguous, 17 did that -- or was it really -- 18 A. No. 19 Q. Okay. 20 A. Never heard of that term. 21 Q. Okay. 22 A. I mean, practicably is what -- is a 23 new one for me, but nearly practicable, that's 24 one I hadn't heard, particularly with 25 contiguity.</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. Did you think it was unreasonable, 2 though, 4 best? 3 A. No. No. 4 Q. Okay. Okay. But you just thought 5 there were -- there were better options? 6 A. Yeah. 7 Q. Okay. All right. And then I think 8 that, really, I know it was a little bit 9 painful -- 10 A. No, it was fine. 11 Q. -- but I don't really -- that kind 12 of concludes the questions there. 13 THE WITNESS: That was easy. 14 MS. WELLS: I am going to move onto 15 some questions regarding the dilution analysis. 16 And I'll just check in with Matt 17 and you, are you good to go? 18 MR. SINGER: We're fine. 19 MS. WELLS: Good? Okay. 20 BY MS. WELLS: 21 Q. So when you were considering the 22 senate pairings was the only consideration 23 whether or not the house districts touched? 24 A. I think there were a lot of 25 different considerations. I mean, there were a</p>	<p style="text-align: right;">Page 269</p> <p>1 Q. Okay. Were -- so let's see, so 2 were you involved in the selection process for 3 the board's voting rights at dilution 4 consultants? 5 A. Ultimately it was a board decision, 6 but most of that work was left to counsel and 7 staff. 8 Q. Okay. Do you remember -- do you 9 remember discussing whether or not you were 10 going to use the requests for information or the 11 requests for proposal option with staff? 12 A. No. 13 MS. WELLS: Okay. I'm going to 14 pull up an e-mail, if we could. And this one -- 15 it might be easier, Tempest, if you can just 16 pull this one up, as well, it might be easier to 17 access, but this was produced -- this is 18 ARB111034, Matt, and it was sent with the 19 materials today. 20 MR. SINGER: Okay. I got it. 21 THE WITNESS: Counsel just give me 22 a hard copy of it. 23 MS. WELLS: Oh, good. Tempest can 24 you pull that up on the screen? Thank you. 25 ///</p>

<p style="text-align: right;">Page 270</p> <p>1 BY MS. WELLS:</p> <p>2 Q. This was longer than -- longer ago</p> <p>3 than November 5th, so I'll give you a moment to</p> <p>4 read it, certainly it's been awhile.</p> <p>5 A. Okay. It looks like there was an</p> <p>6 attachment of some sort, and then there's --</p> <p>7 okay, so this is an RFI, request for</p> <p>8 information, this is attached, it looks like.</p> <p>9 And then the e-mail string, let's see, starts</p> <p>10 with an e-mail from Peter Torkelson to myself,</p> <p>11 and then a response.</p> <p>12 Q. Oh, yes, and what is the</p> <p>13 attachment? I guess it may say RFI, but we</p> <p>14 don't have -- we can't identify where the</p> <p>15 attachments are to the e-mails, so is it the --</p> <p>16 is it just the request for information that's</p> <p>17 attached to it?</p> <p>18 A. Yeah. Here's -- here's what it</p> <p>19 looks like, if that's a help.</p> <p>20 Q. That is helpful, yes. I think I</p> <p>21 have that, we have a request for information</p> <p>22 that's on your website, so I think it's probably</p> <p>23 the same document. We'll confirm that before we</p> <p>24 finish, just to be clear.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 272</p> <p>1 with the RFA -- sorry -- RFI process or if you</p> <p>2 ended up using the RFP process?</p> <p>3 A. I really don't recall. I -- I -- I</p> <p>4 see this RFI document, here in the back, but I</p> <p>5 don't recall which was the actual mechanism that</p> <p>6 we used and it would be -- you know, the staff</p> <p>7 would certainly be familiar with that, and</p> <p>8 counsel.</p> <p>9 Q. Okay. So when it came to</p> <p>10 developing the scope of the analysis that was --</p> <p>11 that was something that legal counsel and staff</p> <p>12 worked on?</p> <p>13 A. Yeah. I think I suggested in my</p> <p>14 response is that we should wait until we have</p> <p>15 legal counsel aboard to help in determining</p> <p>16 whether it should be an RFP or RFI.</p> <p>17 MS. WELLS: And so I have an RFI</p> <p>18 that's posted on the website, but I don't -- we</p> <p>19 haven't found it in the production. So I would</p> <p>20 ask Matt, you know, relying on the one that's on</p> <p>21 the website, that's the document we sent, can we</p> <p>22 pull that up or can we, you know -- can I</p> <p>23 represent that we used a request for information</p> <p>24 as opposed to the request for proposal?</p> <p>25 MR. SINGER: Holly, it's your</p>
<p style="text-align: right;">Page 271</p> <p>1 Q. So does this e-mail look like an</p> <p>2 e-mail you received from staff, from Peter</p> <p>3 Torkelson?</p> <p>4 A. It does look like it, yes.</p> <p>5 Q. After reading this e-mail, do you</p> <p>6 remember if staff -- if -- if you ended up using</p> <p>7 a request for information or an RFP?</p> <p>8 A. I really haven't had a chance to</p> <p>9 read the e-mail, if you give me a few minutes</p> <p>10 I'll read it.</p> <p>11 Q. Sure.</p> <p>12 A. Okay.</p> <p>13 THE VIDEOGRAPHER: Excuse me,</p> <p>14 counsel, do you want that admitted as Exhibit</p> <p>15 39?</p> <p>16 MS. WELLS: Yes, that would be</p> <p>17 great. Thank you.</p> <p>18 THE VIDEOGRAPHER: Okay. Got it.</p> <p>19 (Exhibit No. 39 was marked for</p> <p>20 identification.)</p> <p>21 THE WITNESS: Okay. I got it.</p> <p>22 BY MS. WELLS:</p> <p>23 Q. I'm not going to ask you questions</p> <p>24 about the text, but the -- Peterson, but I just</p> <p>25 want to ask whether or not you ended up going</p>	<p style="text-align: right;">Page 273</p> <p>1 deposition, you can show the witness a Coke can</p> <p>2 for all I care. It will either work or it</p> <p>3 won't.</p> <p>4 MS. WELLS: It's just difficult,</p> <p>5 because the hard part for me, Matt, is I'm</p> <p>6 trying to establish a process of the board</p> <p>7 because the only person who understands the</p> <p>8 process thus far is legal counsel. So I --</p> <p>9 without calling you into a deposition, which I</p> <p>10 certainly don't want to do, I'm just trying to</p> <p>11 figure out how to ask questions about the</p> <p>12 process, it's really a --</p> <p>13 MR. SINGER: Somebody's noticed</p> <p>14 Mr. Torkelson's deposition for this weekend, and</p> <p>15 he's probably going to be far more familiar with</p> <p>16 these matters than a board member. So I think</p> <p>17 you have a person noticed who can answer these</p> <p>18 questions, you just haven't gotten to that</p> <p>19 person yet.</p> <p>20 MS. WELLS: Okay. I just want to</p> <p>21 also make sure, then, because we did not include</p> <p>22 Mr. Torkelson on our witness list, but that was</p> <p>23 that question I was going to ask you what our</p> <p>24 participation was or what our anticipated</p> <p>25 participation was on those depositions. So you</p>

<p style="text-align: right;">Page 274</p> <p>1 anticipated that we would participate fully? 2 That's a lot of participating, sorry. 3 MR. SINGER: Holly, let's just 4 finish Mr. Binkley's deposition before you go on 5 questions on other things we can take it up 6 later. 7 MS. WELLS: Well, this will inform 8 my questions, because I'm trying to get answers 9 regarding this these questions. So in order to 10 do that I need to understand the scope of how 11 I'm going to obtain information. 12 MR. SINGER: I understand this, and 13 the deposition of Mr. Torkelson and the prior 14 four depositions, I understand them all to be 15 discovery depositions, and your clients are 16 parties to the lawsuit, presumably they're 17 entitled to discovery, so -- 18 MS. WELLS: Great. Thank you. 19 That's very helpful. 20 BY MS. WELLS: 21 Q. So did you remember -- and you may 22 not, and that's okay -- but do you recall asking 23 the voting rights analyst to expand the scope of 24 their analysis to include the Anchorage area, 25 more specifically other minority groups in the</p>	<p style="text-align: right;">Page 276</p> <p>1 THE VIDEOGRAPHER: The 2 proclamation? I'm sorry, I -- 3 MS. WELLS: Yeah, it's kind of in 4 the middle. It's in the proclamation. 5 THE VIDEOGRAPHER: Yes. 6 MS. WELLS: Yeah? Okay. Good. 7 BY MS. WELLS: 8 Q. Mr. Binkley, have you seen this 9 supplemental analysis by Bruce Adelson and 10 Dr. Katz? 11 A. Is this -- I'm sure I did. I don't 12 recall the specifics of it, but let me -- 13 which -- which page number are you on, Holly. 14 MR. SINGER: Can you give us the 15 Bates number again? 16 MS. WELLS: Yeah, I'll give you 17 both, so the Bates number is ARB000113. 18 MR. SINGER: Page 113, okay. 113, 19 in our copy that's the only page number we have. 20 MS. WELLS: Oh, I see. 21 MR. SINGER: Are you looking at the 22 top right page number? 23 MS. WELLS: I'm not sure that that 24 corresponds. 25 MR. SINGER: We'll look at Bates</p>
<p style="text-align: right;">Page 275</p> <p>1 Anchorage area, and the -- a more generalized 2 voting dilution analysis? 3 Let me phrase that in a clearer 4 way. 5 I believe it was to expand the 6 scope of the examination to look at both the 7 voting patterns of non-Alaska native minorities 8 in the municipality of Anchorage. Do you 9 remember doing that, as a board? 10 A. I'm still not quite clear on that, 11 Ms. Wells. Is this a specific time that you're 12 talking about or is this in regards to the RFI? 13 Q. This is -- so this is after -- oh, 14 go ahead. I think I can help you. I can pull 15 up an exhibit that has the -- that the 16 supplemental analysis by the VRA consultants, so 17 that would be under Exhibit 7, and it's page 18 107. 19 MS. WELLS: Tempest, could you pull 20 that up, please? And that's -- Matt, it's 21 ARB113, if that's helpful. 22 Eric, can I just confirm the 23 exhibit number on this? I have it marked as an 24 Exhibit 7, but I just want to make sure that 25 that's correct.</p>	<p style="text-align: right;">Page 277</p> <p>1 page number 00113. We can find that. 2 A. For me, let's see, okay, dated 3 November 1st, 2021. 4 Q. Yes, that's the one. 5 A. Okay. 6 Q. And we can maybe increase the size 7 of the print on screen, too, if that would be 8 useful. 9 MR. SINGER: Mr. Binkley has it in 10 front of him. 11 MS. WELLS: Okay. Great. 12 BY MS. WELLS: 13 Q. So I'm just wondering if you have 14 any memory of the process the board went through 15 to take the steps to request this additional 16 analysis. 17 A. It's vague. I mean, I remember 18 going through this process, but I don't remember 19 the details of it or sequentially when it 20 happened. 21 Q. Well, do you remember the -- the -- 22 any reports or presentations? And I -- you 23 know, that were given regarding the findings or 24 the scope of this analysis? 25 A. Yeah, I do recall a couple of times</p>

<p style="text-align: right;">Page 278</p> <p>1 we met and got reports, I believe. 2 Q. And when you were considering the 3 dilution issues or potential issues in Anchorage 4 how did you think about -- how did you process 5 the difference between, say, an equal protection 6 clause dilution issue and a voting rights issue? 7 MR. SINGER: Can we get the screen 8 back up? My screen's -- oh, do we -- do you 9 still see John on your screen? 10 MS. WELLS: No. 11 THE VIDEOGRAPHER: I don't. 12 MR. SINGER: Looks like it lined 13 him out or something. 14 MS. WELLS: Uh-oh, did I scare him 15 off? 16 THE VIDEOGRAPHER: Yeah, I think 17 he's dropped off. We're listening to you 18 through your own terminal, Mr. Singer. 19 MR. SINGER: Yes, let's get back. 20 Okay. And then can you hear Mr. Binkley? John, 21 speak up. 22 THE WITNESS: Test, 1, 2, 3, 4. 23 THE VIDEOGRAPHER: Yeah, I think we 24 may have -- we may have lost him again. 25 MR. SINGER: You lost John?</p>	<p style="text-align: right;">Page 280</p> <p>1 A. I don't think so. I mean, you 2 know, I looked at that totality, as I recall. 3 Q. So in order to have dilution or 4 consider dilution did you need to have, in your 5 opinion, a Voting Rights Act violation? 6 A. I -- I don't know the answer to 7 that. 8 Q. Okay. 9 A. I'm not sure that was well formed 10 in my mind. 11 Q. So when the board took on the 12 senate pairings, in Anchorage, were there 13 considerations regarding the voter 14 representation in the East Anchorage districts? 15 A. As -- as I recall, we did -- we did 16 discuss that. 17 Q. And did you discuss the impacts 18 that pairing those with Eagle River might have 19 on those -- on those East Anchorage voters? 20 A. I need to be careful, maybe in 21 terms of what we discussed in executive session 22 sometimes blurs a little bit, making certain 23 that I don't go outside of the privilege. So I 24 can maybe ask counsel to stop me if I'm headed 25 in the wrong direction.</p>
<p style="text-align: right;">Page 279</p> <p>1 THE VIDEOGRAPHER: Yeah. 2 MS. WELLS: I see him. 3 THE VIDEOGRAPHER: Do you see him? 4 Okay. 5 MR. SINGER: I see him. 6 THE VIDEOGRAPHER: Okay. 7 MR. SINGER: In person and 8 digitally. 9 THE VIDEOGRAPHER: I hate these 10 problems. 11 MR. SINGER: Today's been a -- 12 MS. WELLS: Mr. Binkley, are you 13 ready to jump back in. 14 THE WITNESS: Yep. 15 MS. WELLS: Eric, are you ready? 16 THE VIDEOGRAPHER: Yes. We're 17 still on record. 18 MS. WELLS: Okay. Great. 19 BY MS. WELLS: 20 Q. So what I'm trying to understand is 21 how the board considered dilution versus how it 22 considered Voting Rights Act issues. 23 In your mind, did you think of 24 dilution as a different issue than the Voting 25 Rights Act analysis?</p>	<p style="text-align: right;">Page 281</p> <p>1 I do recall discussing the pairing 2 of the senate districts. And I can't remember 3 the specifics, but I think there was advice 4 given to us by our expert, our consultant on 5 senate pairings. 6 Q. Do you remember the general 7 principles of law you were keeping in your mind 8 when you decided, for example, house districts, 9 what you were looking at, the criteria? 10 A. Yeah, that was voting rights, 11 making sure that -- 12 MR. SINGER: She's asking you about 13 house districts. 14 MS. WELLS: Yes. 15 BY MS. WELLS: 16 Q. Yes. So with the house districts, 17 when you were trying to decide where to draw the 18 lines, you considered -- I hear you talk often 19 about the parameters and criteria you 20 considered? 21 A. Yeah. 22 Q. In 3, right? 23 A. I think my recollection is we drew 24 the 40 districts, got our districts, and then 25 had those analyzed by the consultant to make</p>

<p style="text-align: right;">Page 282</p> <p>1 sure they complied with the Voting Rights Act. 2 Q. And outside the Voting Rights Act, 3 just from the constitution, itself, when you 4 were thinking about how these districts complied 5 or did not comply with the constitution, do you 6 remember the general principles of law that you 7 applied? 8 A. Well, I think when we looked 9 really, first, to the big three, as we all 10 referred to them, and then making as close as 11 practicable to the ideal district size, and we 12 came up with our 40 district plan and then had 13 that looked at in terms of the other areas that 14 are required. 15 Q. And when you did that, when you -- 16 I mean, I know you likely had some general 17 knowledge coming into this, but were you 18 provided some training and guidance on exactly 19 what the criteria were under the constitution 20 and how to weigh it and how it had been weighed 21 in the past? 22 A. I think general guidance is a good 23 description. And I by no means was an expert on 24 this, so I had very little knowledge coming into 25 it.</p>	<p style="text-align: right;">Page 284</p> <p>1 for senate pairings, and you're free to answer 2 about that. 3 We also gave you specific 4 litigation-related advice in an executive 5 session, and that's confidential. So that's 6 the -- 7 A. Okay. That's what we talk about, 8 the pairings, and I guess that would have been 9 an executive session when advice was given on 10 specific pairings for senate districts. 11 Q. Okay. I think -- I feel like I 12 will try to ask it one more time. 13 A. Okay. 14 Q. And it's -- so when you're looking 15 at these senate pairings in a specific area, and 16 really I'm asking specifically about Anchorage 17 because that is an area where additional 18 analysis was requested, you know, did you -- in 19 your mind were you thinking, okay, I have to 20 avoid dilution of a -- a minority voter or a 21 person who's in the minority political 22 affiliation or a minority language or national 23 origin, were you -- did you have sort of a 24 concept of I need to pay attention to how our 25 pairings may or may not dilute the voice of the</p>
<p style="text-align: right;">Page 283</p> <p>1 Q. But you sort of -- so the board 2 sort of -- it had some general knowledge in its 3 criteria, and then once it formulated a plan 4 then it would -- it would check that, check the 5 legality of that plan with legal counsel; does 6 that sound right? 7 A. That sounds fair, yeah. 8 Q. So when you were looking at these 9 issues of dilution and racial polarization in 10 East Anchorage did you have a similar set of 11 criteria that you were applying? 12 A. I mean, would you suggest -- are 13 you talking about the senate districts, now? 14 Q. Yes, let's start there, with the 15 senate pairings, in particular. Was there 16 criteria that your legal counsel and your 17 analysts had provided you to give you some 18 guidance on how to really, you know, the 19 criteria that you were applying to get to where 20 you were and to your decision? 21 MR. SINGER: And I'm going to 22 counsel, so there's -- you got to draw a line in 23 your mind, here. We provided you advice about 24 the general legal principles, we did that in 25 public session with regard to the requirements</p>	<p style="text-align: right;">Page 285</p> <p>1 individuals in this district? 2 A. Yeah, I believe we did. I think 3 we -- you know, that was something that all of 4 us were conscious of. 5 Q. Okay. And so do you remember what 6 that was, what you sort of looked at as you 7 weighed the potential pairings? 8 A. Not specifically. 9 MS. WELLS: Okay. Well, it has 10 been a long day, and I think the few other -- 11 lucky for you, I have two pages of questions 12 that have already been completely addressed, so 13 you -- 5:19 is not so bad. So I want to thank 14 you, really, for everything that you guys did. 15 I know that even the staff, this was truly a 16 herculean effort, so on behalf of the East 17 Anchorage plaintiffs, who do very much approve 18 of the house district map. 19 THE WITNESS: Well, thank you, 20 Ms. Wells. And I should just say, as for the 21 plaintiffs from East Anchorage, the ones that 22 are a party to this litigation, they were really 23 a great people. I appreciated their 24 participation. They were articulate, passionate 25 about what they felt, and to have members of the</p>

Page 286	Page 288																																																																		
<p>1 public come out and engage I -- I was impressed</p> <p>2 with that and appreciated them doing that, and</p> <p>3 so you've got great clients that you're</p> <p>4 representing.</p> <p>5 MS. WELLS: I do. I do, but I will</p> <p>6 tell them that. They will be -- they will</p> <p>7 really appreciate that. So enjoy your evening</p> <p>8 and hopefully you can go do something fun. I</p> <p>9 have no further questions.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 THE VIDEOGRAPHER: Anything</p> <p>12 further, anybody?</p> <p>13 MR. SINGER: Oh, Tanner, do you</p> <p>14 have any questions?</p> <p>15 MR. AMDUR-CLARK: I do not. Thank</p> <p>16 you again, and thank you for all your work on</p> <p>17 this process.</p> <p>18 THE WITNESS: You bet, Tanner.</p> <p>19 THE VIDEOGRAPHER: Let me close it</p> <p>20 out. This concludes the deposition of John</p> <p>21 Binkley. The time is 5:12.</p> <p>22 (Signature having not been waived,</p> <p>23 the deposition of John Binkley was concluded at</p> <p>24 5:20 p.m.)</p> <p>25</p>	<p>1 CERTIFICATE OF SHORTHAND REPORTER</p> <p>2 I, Cassandra E. Ellis, Registered</p> <p>3 Professional Reporter, the officer before whom the</p> <p>4 foregoing proceedings were taken, do hereby</p> <p>5 certify that the foregoing transcript is a true</p> <p>6 and correct record of the proceedings; that said</p> <p>7 proceedings were taken by me stenographically and</p> <p>8 thereafter reduced to typewriting under my</p> <p>9 supervision; and that I am neither counsel for,</p> <p>10 related to, nor employed by any of the parties to</p> <p>11 this case and have no interest, financial or</p> <p>12 otherwise, in its outcome.</p> <p>13 IN WITNESS WHEREOF, I have hereunto set</p> <p>14 my hand this 12th day of January 2022.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 </p> <p>20</p> <p>21</p> <p>22 CASSANDRA E. ELLIS, CSR-HI, CCR-WA, RPR, CRR</p> <p>23 REALTIME SYSTEMS ADMINISTRATOR</p> <p>24</p> <p>25</p>																																																																		
<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, John Binkley, do hereby acknowledge</p> <p>3 that I have read and examined the foregoing</p> <p>4 testimony, and the same is a true, correct and</p> <p>5 complete transcription of the testimony given by</p> <p>6 me and any corrections appear on the attached</p> <p>7 Errata sheet signed by me.</p> <p>8</p> <p>9 _____</p> <p>10 (DATE) (SIGNATURE)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 E R R A T A S H E E T</p> <p>2 IN RE: In the matter of the 2021</p> <p>3 Redistricting plan</p> <p>4 RETURN BY: _____</p> <table border="1"><thead><tr><th>PAGE</th><th>LINE</th><th>CORRECTION AND REASON</th></tr></thead><tbody><tr><td>5</td><td>_____</td><td>_____</td></tr><tr><td>6</td><td>_____</td><td>_____</td></tr><tr><td>7</td><td>_____</td><td>_____</td></tr><tr><td>8</td><td>_____</td><td>_____</td></tr><tr><td>9</td><td>_____</td><td>_____</td></tr><tr><td>10</td><td>_____</td><td>_____</td></tr><tr><td>11</td><td>_____</td><td>_____</td></tr><tr><td>12</td><td>_____</td><td>_____</td></tr><tr><td>13</td><td>_____</td><td>_____</td></tr><tr><td>14</td><td>_____</td><td>_____</td></tr><tr><td>15</td><td>_____</td><td>_____</td></tr><tr><td>16</td><td>_____</td><td>_____</td></tr><tr><td>17</td><td>_____</td><td>_____</td></tr><tr><td>18</td><td>_____</td><td>_____</td></tr><tr><td>19</td><td>_____</td><td>_____</td></tr><tr><td>20</td><td>_____</td><td>_____</td></tr><tr><td>21</td><td>_____</td><td>_____</td></tr><tr><td>22</td><td>_____</td><td>_____</td></tr><tr><td>23</td><td>_____</td><td>_____</td></tr><tr><td>24</td><td>_____</td><td>_____</td></tr><tr><td>25</td><td>_____</td><td>_____</td></tr></tbody></table> <p>(DATE) (SIGNATURE)</p>	PAGE	LINE	CORRECTION AND REASON	5	_____	_____	6	_____	_____	7	_____	_____	8	_____	_____	9	_____	_____	10	_____	_____	11	_____	_____	12	_____	_____	13	_____	_____	14	_____	_____	15	_____	_____	16	_____	_____	17	_____	_____	18	_____	_____	19	_____	_____	20	_____	_____	21	_____	_____	22	_____	_____	23	_____	_____	24	_____	_____	25	_____	_____
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1 Errata Sheet
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3 NAME OF CASE: In the Matter of the 2021 Redistricting Plan
4 DATE OF DEPOSITION: 01/11/2022
5 NAME OF WITNESS: John Binkley
6 Reason Codes:
7 1. To clarify the record.
8 2. To conform to the facts.
9 3. To correct transcription errors.
10 Page _____ Line _____ Reason _____
11 From _____ to _____
12 Page _____ Line _____ Reason _____
13 From _____ to _____
14 Page _____ Line _____ Reason _____
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16 Page _____ Line _____ Reason _____
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