

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

- - -

THE SOUTH CAROLINA STATE	:	3: 21-cv-03302-MGL-TJH-RMG
CONFERENCE OF THE NAACP,	:	
<i>et al.</i>	:	OCTOBER 12, 2022
	:	
Plaintiffs,	:	
v.	:	VOLUME VI (PAGES 1327 - 1610)
	:	
THOMAS C. ALEXANDER, <i>et al.</i> ,	:	
	:	
Defendants.	:	

- - -

TRANSCRIPT OF BENCH TRIAL PROCEEDINGS  
BEFORE THREE-JUDGE PANEL:  
HONORABLE MARY GEIGER LEWIS, HONORABLE TOBY J. HEYTENS,  
HONORABLE RICHARD M. GERGEL,  
UNITED STATES DISTRICT COURT JUDGES

- - -

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1                   *(The following bench trial proceedings resumed on*  
2                   *Wednesday, October 12th, 2022, at 9:00 a.m.)*

3                   THE COURT: Good morning, everyone. Please be  
4                   seated.

5                   I see my friend, Mr. Tyson, standing up, so I don't  
6                   know if you're getting ready to ask me for something.

7                   MR. TYSON: Not yet.

8                   JUDGE GERGEL: I have trouble turning down anything  
9                   you ask me, so I'm glad.

10                  Okay. We have one more witness for the plaintiff.  
11                  Of course, we're not going to rest because we still have the  
12                  other expert. And what we also need is -- I need to get the  
13                  data in that y'all are working on with Mr. Rainwater and Mary  
14                  Katherine. And I want to put all that in the record so we  
15                  have a record. And I want everyone happy with it. Whatever  
16                  data people want to use, as long as -- if there's a fuss  
17                  between parties about it, I want to help resolve it, because  
18                  we just have to have numbers we can rely on. I understand the  
19                  difference, that experts use different numbers, but if we've  
20                  got to land somewhere, I'm inclined to land on "DOJ Black,"  
21                  just because it's what the General Assembly used. But let's  
22                  sort all that out.

23                  Okay. Anyone need to raise anything with the Court  
24                  before we proceed?

25                  MR. CHANEY: Not for the plaintiffs. No, your Honor.

JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN

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1 MR. GORE: No, your Honor.

2 MR. MOORE: No, your Honor.

3 THE COURT: Very good. Okay. Let's bring in the  
4 next witness.

5 MR. AUDAIN: Your Honors, the plaintiffs call Mr.  
6 James Felder.

7 JUDGE GERGEL: You do not need to lead, Mr. Felder.

8 MR. AUDAIN: No. Mr. Felder will be leading me.

9 ***JAMES FELDER, having been first called as a witness,***  
10 ***was duly sworn and testified as follows:***

11 **DIRECT EXAMINATION**

12 **BY MR. AUDAIN:**

13 Q. Can you tell the Court again your full name?

14 A. James L. Felder, Sr. And I'm proud and pleased and  
15 honored to be here this morning in this building named for the  
16 late Judge, J. Waties Waring, my hero. He was a man who did  
17 more for civil rights to level the playing field than any  
18 jurist I know.

19 In 1951, my parents drove down from Sumter to this  
20 building, this courthouse, the old building next door, to  
21 witness the *Briggs vs. Elliott* decision. Judge Waring  
22 dissented, of course. In 1968, I came to Charleston for his  
23 funeral after he passed in New York. The NAACP had organized  
24 a memorial service for him here in Charleston at St. Matthews  
25 Baptist Church. Following that memorial service, we



*JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN*

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1 motorcaded up to Magnolia Cemetery in North Charleston for the  
2 burial of the old man that we respected so much.

3 Back to you.

4 Q. Thank you for that, Mr. Felder. Where were you born,  
5 sir?

6 A. Born in Sumter, South Carolina, April 4th, 1939.

7 Q. So, how young does that make you?

8 A. Eighty-three.

9 Q. And where do you work, sir?

10 A. I'm retired from Allen University and Boise College. And  
11 I spend time today doing a lot of voluntary things at my  
12 church and an historic cemetery in Sumter. Even though I live  
13 in Columbia, I still go to church in Sumter at Union Station  
14 AME Church.

15 Q. Terrific. We'll get to that. How long did you work at  
16 Allen University before you retired from there?

17 A. Oh, it was total of 23 years.

18 Q. Can you tell me some of the roles and responsibilities  
19 that you discharged there?

20 A. I chaired the department of business and economics, and I  
21 taught insurance and also served on the board of trustees at  
22 Allen University as well. Faculty representative, yes.

23 Q. Are you a registered voter?

24 A. Yes, sir, I am. And I've been so since 1961.

25 Q. In 1961 you were 21?

*JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN*

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1 A. That's correct.

2 Q. Why was it important to you to register to vote?

3 A. Well, I watched my parents, who were very active over in  
4 Sumter. My dad was a World War II veteran. And they could  
5 not participate those years in the Democratic party primary,  
6 so they were a part of the Republican primary. And during  
7 that period in South Carolina, most Blacks were a part of the  
8 Republican party, party of Lincoln, because we couldn't vote  
9 in the Democrat -- all-white Democratic primary, which was the  
10 only game in town if you wanted to get elected to office. So,  
11 I learned it at the kitchen table and witnessed their  
12 involvement in Sumter.

13 Q. Where did you attend high school?

14 A. Lincoln High School in downtown Sumter. The building is  
15 still there. It is now owned by the alumni. We bought the  
16 building some 12 years ago. And while it's no longer an  
17 educational institution, we do have a museum there, where we  
18 preserve the history of African Americans in Sumter and the  
19 surrounding counties. Yes.

20 Q. What year did you graduate?

21 A. 1957. I graduated during the spring of 1957. My class  
22 came to Columbia -- went to Columbia on a field trip. We were  
23 not allowed to come into the statehouse, so we took a picture  
24 in front of the statehouse to preserve that moment and to show  
25 that we were there and that we did try to get into our own

JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN

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1 statehouse and were denied.

2 Q. 1957, do you remember when the first *Brown v. Board* came  
3 down? Was it 1954?

4 A. Term '54. May 17th, 1954.

5 Q. So, had your high school desegregated by 1957?

6 A. Oh, no. No, it did not desegregate until 1969 -- was the  
7 last class out of that school. It took from 1954 to 1964  
8 before we saw any integration of schools in South Carolina,  
9 and that occurred here in Charleston where the first students  
10 to integrate the public schools with the White students  
11 occurred here in Charleston in '64.

12 Q. Where did you attend college, sir?

13 A. I attended college at Clark College in Atlanta. Clark  
14 College is one of six HBCUs in Atlanta. The name now is Clark  
15 Atlanta University because it merged with Atlanta University  
16 back in 1988. Atlanta University was a graduate school. And  
17 it was that because Blacks could not obtain advanced degrees  
18 from White universities in the South.

19 So, Atlanta University was kind of the Citadel. If you  
20 wanted a master's degree in library science or any of the  
21 sciences, you would have to attend Atlanta University. With  
22 integration, Atlanta University began to fade and almost  
23 close, because now one could go to the Citadel and USC and  
24 Alabama and so forth. So, Clark College trustees opted to  
25 pull Atlanta University into its department. So, it's now

JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN

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1 known as Clark Atlanta University. But when I was there, it  
2 was Clark College.

3 Q. Got it. Did you attend graduate school?

4 A. I did attend graduate school, yes. After Clark, I went  
5 to Howard University School of Law and also the Atlanta School  
6 of Law as well.

7 Q. Are you currently a member of any civic organizations?

8 A. Yes. If you say Omega Psi Phi Fraternity is a civic  
9 organization, yes, I am a member. As a matter of fact, it was  
10 the Omega Psi Phi Fraternity here in Charleston that honored  
11 Judge Waring as the citizen of the year back in 1948.

12 Also, I'm an NAACP member, lifelong member. Been so,  
13 since I was 14 years old, when Jim Clyburn and myself joined  
14 the youth council of the NAACP in Sumter. The NAACP is  
15 divided into three different divisions. You have the youth  
16 council for the younger people; you have the college division;  
17 and then the adult division. And I've been through all three  
18 and now part of the adult division. I guess you might say I'm  
19 the old man of the adult division now.

20 Q. So, you're currently a member of the NAACP; is that  
21 right?

22 A. Currently a member. Life member. I served as president  
23 of the Columbia branch NAACP. I've served as the executive  
24 director of the State Conference NAACP as well.

25 Q. Other than being President of the Columbia branch of the

*JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN*

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1 NAACP, have you had any additional leadership roles in the  
2 Columbia branch?

3 A. Yes. I served as the Chair of the political action  
4 committee. I missed one organization. There was the Voter  
5 Education Project, which came into being following the passage  
6 of the 1965 Voting Rights Act. I returned home from  
7 Washington, D.C. and Howard University Law School to run that  
8 project, and I did for two years. And during that two-year  
9 period, we increased the Black voters in South Carolina from  
10 50,000 to 200,000.

11 The story is told about Senator Strom Thurmond, who,  
12 after we were able to register a hundred thousand voters --  
13 Senator Thurmond couldn't say "Negro," or wouldn't say Negro.  
14 He would say "the nigras, the nigras." But after we had a  
15 hundred thousand Blacks registered to vote, all of a sudden,  
16 the Senator learned how to say negro. We got 150,000  
17 registered, Senator Thurmond was sending out letters like:  
18 "My dear Black constituents. May I be of service to you?" We  
19 got 200,000 registered, Senator Strom Thurmond was the first  
20 of all of the southern congresspersons to hire a Black  
21 staffer. And that person was Thomas Moss, who stayed with  
22 Strom Thurmond for 30 years.

23 So, the Voter Education Project was certainly quite an  
24 experience for me, traveling the state, all 46 counties,  
25 working with NAACP chapters and other civic groups to get

*JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN*

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1 African Americans registered to vote and to run for office.

2 Q. Thank you for that, sir. Let's talk a little bit more  
3 about your role as political action committee chair for the  
4 Columbia branch NAACP. I'm sorry if you've already covered  
5 this. But do you remember the years that were political  
6 action chair?

7 A. Yes. As political action chairman from 19 -- first of  
8 all, I was branch president from '90 to '92. Political action  
9 chairman of the branch from -- well, for the last six years up  
10 until this past year, when I stepped down to pass the baton to  
11 a younger person.

12 Q. What were some of your responsibilities as political  
13 action committee chair?

14 A. Well, to go to council meetings, city council, county  
15 council and over at the statehouse, monitor the activities  
16 that were going on, and then report back to the branch and the  
17 community what was happening at the statehouse, and  
18 recommending efforts that we should put forward in order to  
19 change some of the practices that were going on over there.

20 Q. What congressional district do you currently live in?

21 A. I currently live in the 6th. But I have lived in the 2nd  
22 and the 6th and the 5th because of the drawing of lines.

23 Q. And you currently live in the city of Columbia; is that  
24 correct?

25 A. I live in the city of Columbia. I live at 1825 St.

*JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN*

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1 Julian Place, which is just off Forest Drive, downtown  
2 Columbia.

3 Q. Under the new map, is Columbia contained in one  
4 congressional district?

5 A. No. Columbia is divided into two districts, 6th and 2nd.  
6 And that has caused confusion through the years, people not  
7 understanding which district they're in and how the districts  
8 have changed over the years. It continues to cause great  
9 confusion because of the way the lines are drawn.

10 MR. AUDAIN: So, your Honors, we've pulled up a map  
11 off of the Senate's website. It's basically the same map  
12 that's in evidence as Exhibit S-29b. It's just an interactive  
13 version, so it allows you to get a lot more detail.

14 **BY MR. AUDAIN:**

15 Q. Mr. Felder, can you tell the Court what you see in terms  
16 of how the lines described on this map impact the Black  
17 communities that you work with?

18 A. Yes. What I'm looking at here is almost something like a  
19 puzzle. You have got the 2nd Congressional District moving  
20 over the top of Columbia and Richland County and coming down  
21 on the east side, and the Black community is in the center  
22 there. It's like a thumb or a figure. And that is where the  
23 problems occur. We've been packed into that area as opposed  
24 to being left in part of the 2nd Congressional District. As I  
25 said, I was in the 2nd Congressional District two cycles --

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1 three cycles ago I guess, when Joe Wilson was my  
2 congressperson. Now I'm switched back to the 6th District  
3 with this map, and it still causes confusion.

4 The other thing is that the congressperson in the 6th --  
5 2nd Congressional District, which happens to be Joe Wilson at  
6 this point -- had not had any affinity with the Black  
7 community. We don't see him. We don't hear from him. We  
8 invite him to functions, he doesn't show up. So, that's a  
9 problem for us.

10 My idea of a congressional district is not to cut across  
11 county lines or precinct lines. We have situations in the  
12 Columbia area where the line runs right down the street. And  
13 you've got persons on one side in the 6th Congressional  
14 District and the persons on the other side in the 2nd  
15 Congressional District.

16 So, Richland County, as I see it, should not be divided  
17 that way.

18 Q. And, sir, in what ways does this map divide the city of  
19 Columbia, in your estimation?

20 A. Okay. In the middle of the map -- I'm looking at Eau  
21 Claire. And if we circle around the Eau Claire area, you get  
22 a heavy Black population, and that goes right up through the  
23 Greenville area up to Dentsville. Fairwold, Dentsville,  
24 Keenan, Ward One, Edgewood, all of those are predominantly  
25 Black areas. And, of course, when you go down south here,



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1 into the county, including Eastover and the Hopkins area,  
2 again, you've got heavy Black population. But it's right in  
3 the center here where you find a predominantly Black  
4 population.

5 Q. Is there a sizable Black population in Forest Acres?

6 A. No, not a -- I'm in Forest Acres, believe it or not,  
7 because I'm right on the edge of it, but I am considered a  
8 Forest Acres resident even though I vote in -- but I'm in the  
9 6th District in terms of voting. My precinct is Ward 18 -- or  
10 is that 19 -- 18, yes.

11 And if you look at the map, again, it's like a finger  
12 sticking up through Richland County and through Columbia that  
13 causes real concern. Why are all the Black persons  
14 congregated or packed into that area? And you go around the  
15 top of the map from Monticello all the way over to Fort  
16 Jackson. The thinking has been through the years they do that  
17 in order to keep Fort Jackson in the 2nd Congressional  
18 District so that Joe Wilson, who sits on the Armed Service  
19 Committee, has a reason for being there, because Fort Jackson  
20 is in his district. And I think we can do better than that.  
21 We can have Fort Jackson a part of the 6th District if we're  
22 going to stay with the 6th District as it is, just move the  
23 lines around there.

24 Q. Last question, Mr. Felder. Do you believe that race  
25 played a role in how the maps were drawn to split Columbia

*JAMES FELDER - DIRECT EXAMINATION BY MR. AUDAIN*

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1 between two congressional districts during this redistricting  
2 cycle?

3 A. Well, there's no doubt in my mind that race has played a  
4 position here. Remember, South Carolina -- and then, of  
5 course, Richland County also -- does not come into this with  
6 clean hands. Through the years we have been moved around  
7 because of who we were in terms of color. And as a result of  
8 that, we're where we are here today.

9 Now, back in 1974, Matthew J. Perry ran for congress in  
10 the 2nd Congressional District. At that time Floyd Spence was  
11 the congressman from the 2nd Congressional District. And it  
12 was a kind of close race. And Judge Matthew Perry, who the  
13 courthouse is named for in Columbia, Perry did a good job of  
14 organizing his campaign. And as a result of that, they moved  
15 part of Richland County into -- no, no. Back up. As a result  
16 of his coming so close to it, they decided to move him out of  
17 the picture. Senator Strom Thurmond saw what had happened, so  
18 he recommended to President Gerald Ford to appoint Matthew  
19 Perry to the Court of Military Appeals to get him out of the  
20 way, because they didn't want that to be a close race again.  
21 Of course, later on Jimmy Carter did appoint Judge Perry to a  
22 district post, which is a lifetime appointment, as opposed to  
23 the term limits in the Court of Military Appeals.

24 But we've had problems with the 2nd District, moving it  
25 around to protect people and to keep Black folk from having a

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1 chance to win that race. So, yes, it's racial, is my answer.

2 MR. AUDAIN: No further questions, your Honors.

3 JUDGE GERGEL: That's it?

4 MR. AUDAIN: That's it.

5 JUDGE GERGEL: Very good. Cross-examination.

6 **CROSS-EXAMINATION**

7 **BY MS. STRINGFELLOW:**

8 Q. Good morning, Mr. Felder. How are you?

9 A. I'm fine. And you?

10 Q. Pretty good.

11 A. Good.

12 Q. My name is La'Jessica Stringfellow. I met you virtually  
13 when I took your deposition a little while back.

14 A. I remember.

15 Q. So it's good to see you in person.

16 A. Thank you.

17 Q. Mr. Felder, do you recall being deposed last month for  
18 this case?

19 A. Yes, I do.

20 Q. And during your deposition, you testified that you were  
21 called at the last minute to be a part of this litigation --

22 A. Yes.

23 Q. -- is that correct?

24 A. Uh-huh.

25 Q. Mr. Felder, you testified about being in District 6. Do

*JAMES FELDER - CROSS-EXAMINATION BY MS. STRINGFELLOW*

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1 you recall previously testifying that that allows you to vote  
2 and elect your friend and colleague, James Clyburn, to  
3 Congress?

4 A. I did say that, yes.

5 Q. And also during your deposition -- would you agree with  
6 me that politics plays a role in the redistricting process?

7 A. Politics does play a role in it. But when you do  
8 something to deny fairness to persons of color, then it  
9 becomes political racism.

10 Q. Okay. Mr. Felder, are you aware that the congressional  
11 lines between District 6 and 2 were drawn between the senate  
12 districts in Columbia?

13 A. The current State Senate districts, are you saying?

14 Q. Yes, sir.

15 A. No, I'm not aware.

16 Q. Okay. Mr. Felder, would you agree with me that Shandon  
17 and the Rosewood communities are predominantly White?

18 A. Yes.

19 Q. Okay. And would you agree with me that both of those  
20 areas pretty reliably vote for Democratic candidates?

21 A. Well, I can't answer that based on -- well, if that is  
22 the case, then it means that we would be able to -- no. Let  
23 me rephrase it. Let me rephrase it.

24 If that is the case, it's okay; but still because of the  
25 realignment, you've moved so many Blacks out of that district,

*JAMES FELDER - CROSS-EXAMINATION BY MR. BARBER*

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1       therefore, we're not -- it could be a Democratic District --  
2       not a Democratic District, but you would have more White  
3       Democrats leaning in that direction.

4       Q.   And both of those neighborhoods of Shandon and Rosewood  
5       are in District 6; is that correct?

6       A.   Yes. They took the map away, but most of that is in  
7       District 6, right. That's the southern part of District 6, I  
8       believe it is.

9       Q.   Thank you so much, Mr. Felder. It's been a pleasure.

10      A.   Yes, ma'am. Thank you.

11               JUDGE GERGEL: Cross-examination.

12                               **CROSS-EXAMINATION**

13       **BY MR. BARBER:**

14      Q.   Good morning, Mr. Felder. My name is Hamilton Barber.  
15      During your direct, I believe you said that splitting  
16      precincts and counties should be avoided, right?

17      A.   Say again?

18      Q.   Splitting precincts and counties should be avoided,  
19      correct?

20      A.   At all -- it should be. You should keep precincts  
21      together.

22      Q.   Okay. So, you would agree with me that splitting two out  
23      of 155 total precincts in Richland County is not a whole lot  
24      of splits, right?

25      A.   I can't answer that because I don't know how many are

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1 split.

2 Q. If it's two out of 155 precincts, would that be a lot?

3 A. Well, anything would be too much to split a precinct.

4 People in a precinct tend to be cohesive, they know each other  
5 and all of that. So...

6 Q. All right. Well, those are all my questions. Thank you.

7 A. Okay.

8 THE COURT: Anything on redirect?

9 MR. AUDAIN: No, sir.

10 JUDGE GERGEL: Could we pull up the Sumter map? I  
11 know Mr. Felder knows Sumter, and I want to see if he could  
12 give us some guidance on the division of Sumter. Could  
13 someone pull that up, please?

14 Mr. Felder, I know I'm catching you cold here --

15 THE WITNESS: Uh-huh.

16 JUDGE GERGEL: -- but there's been an allegation that  
17 Sumter is split racially, the city of Sumter and county of  
18 Sumter. And I wonder -- looking at this map, the blue  
19 reflects CD 6, Congressional District 6, and the green  
20 reflects Congressional District 5. Am I correct about that?

21 THE WITNESS: Yes, sir.

22 JUDGE GERGEL: And I wanted to know, looking at those  
23 precincts, whether that tells you anything about the nature of  
24 the split of the city of Sumter and Sumter County?

25 THE WITNESS: That is pretty much it. As it's laid

*JAMES FELDER - EXAMINATION BY JUDGE GERGEL*

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1 out here, the -- except the area of Salterstown as you're  
2 going up the Florence Highway in the green, that is part of  
3 Sumter also. And you do have a heavy Black population there.  
4 But the rest of it is pretty much predominantly -- I won't say  
5 predominantly, but you have a lot of persons in the area that  
6 is blue there.

7 JUDGE GERGEL: That is predominantly an  
8 African-American area?

9 THE WITNESS: Predominantly African American, I guess  
10 I should say, yes, sir.

11 JUDGE GERGEL: And we've been shown some maps of  
12 other parts of Sumter County that has significant  
13 African-American populations. The allegation is that it's  
14 split and cracked -- that vote is cracked.

15 Can you tell me anything about the African-American  
16 vote outside of the city of Sumter? Are there other  
17 significant concentrations of African-American voters?

18 THE WITNESS: Yes. Up on the north side, 378, in  
19 that area you've got heavy Black populations there. And the  
20 Ebenezer precinct, you've got a heavy Black population out  
21 there in Ebenezer. Both of them, 1 and 2.

22 JUDGE GERGEL: What's the effect of cracking votes,  
23 splitting them between two districts like that, in terms of  
24 the effectiveness of African-American voting?

25 THE WITNESS: Well, when you split it like that, it

*JAMES FELDER - REDIRECT EXAMINATION BY MR. AUDAIN*

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1 causes confusion with the voters. The average voter doesn't  
2 follow politics on a daily basis and the lines. They  
3 oftentimes just think because they're living in an area, they  
4 don't realize a precinct line might be right down the road.  
5 So, when you split them that way, it takes away their voting  
6 strength, their voting potential.

7 MR. AUDAIN: May I ask a follow-up to that, sir?

8 JUDGE GERGEL: You certainly may. And so can the  
9 defense.

10 **REDIRECT-EXAMINATION**

11 **BY MR. AUDAIN:**

12 Q. You spoke about voter confusion. What impact do you  
13 think that split has on Black political power?

14 A. Well, it takes away some of the power that they could  
15 have in the -- if you didn't -- when you split it this way,  
16 you're taking away power for the 5th Congressional District,  
17 and you are -- I can't think of the word, but you're pushing  
18 it all into the 6th Congressional District. And therefore,  
19 they -- when I say "they," the voter -- feel that they should  
20 have a choice of who they vote for, a person of color or a  
21 person of non-color. So, it does affect them in the sense  
22 that: My neighbor can vote for Clyburn, why can't I vote for  
23 Clyburn in the 6th District? So, it causes a good deal of  
24 confusion there.

25 Q. Good. Thank you.



JAMES FELDER - RECROSS-EXAMINATION BY MS. STRINGFELLOW 1351

1 A. All right.

2 JUDGE GERGEL: Anything from the defense on that  
3 line?

4 MR. MOORE: Your Honor, just one moment?

5 JUDGE GERGEL: Yes.

6 MS. STRINGFELLOW: Briefly, your Honor.

7 **RECROSS-EXAMINATION**

8 **BY MS. STRINGFELLOW:**

9 Q. Mr. Felder, are you familiar with the demographics for  
10 Dalzell 1 and 2 precincts?

11 A. In which county?

12 Q. In Sumter County. It's in --

13 A. Which precincts again?

14 Q. Dalzell 1 and Dalzell 2.

15 A. Dalzell 1, uh-huh.

16 Q. Are they predominantly Black?

17 A. It's mixed now. It used to be a predominantly Black  
18 area, but now you've had a lot of new construction out there,  
19 and so you have a lot of Whites in the area out there now as  
20 well.

21 Q. And they are located in CD 5?

22 A. They're now in CD -- yes. They're now in CD 5, yeah.

23 MS. STRINGFELLOW: No further questions, your Honor.

24 JUDGE GERGEL: Thank you.

25 Anything further? Very good.

1           You may step down. Thank you, Mr. Felder.

2           THE WITNESS: Thank you.

3           MR. CHANEY: Your Honor, as we mentioned before,  
4           that's our last witness for today.

5           JUDGE GERGEL: That's fine.

6           MR. CHANEY: We obviously have Dr. Imai and some of  
7           the witnesses the defense intends to call that we would have  
8           called but for their representation.

9           JUDGE GERGEL: That's fine. Nobody owns a witness.

10          Mr. Gore, you've been waiting a long time for this.  
11          Call your first witness.

12          MR. GORE: I have, your Honor. I just want the  
13          record to reflect, because the plaintiffs haven't rested is  
14          the only reason we wouldn't move for judgment at this point.

15          JUDGE GERGEL: Absolutely. Absolutely. You will  
16          have an opportunity.

17          MR. GORE: Thank you.

18          MR. MATHIAS: The House as well.

19          JUDGE GERGEL: Yes, sir.

20          MR. GORE: At this time, your Honor, we'd like to  
21          call Mr. Will Roberts to the stand.

22          JUDGE GERGEL: Very good.

23                 ***WILLIAM FRANCIS ROBERTS, JR., having first been***  
24                 ***called as a witness, was duly sworn and testified as follows:***

25          MR. GORE: Your Honor, may I approach?

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1 JUDGE GERGEL: You may.

2 MR. GORE: Your Honor, I just handed to the Bench and  
3 to Mr. Roberts a binder with some hard copies of maps that  
4 we'll be discussing during Mr. Roberts' testimony. I've also  
5 provided a copy of this binder to plaintiffs' counsel.

6 JUDGE GERGEL: Thank you.

7 **DIRECT EXAMINATION**

8 **BY MR. GORE:**

9 Q. Mr. Roberts, we've heard your name a lot this week, but  
10 do you mind introducing yourself to the Court?

11 A. Good morning. My name is Will Roberts.

12 Q. And can you move the microphone a little closer to you?

13 A. Is that better?

14 Q. Yes. What is your current professional position?

15 A. I am currently the director of legislative cartography  
16 for the South Carolina Legislative Council.

17 Q. And how long have you been in that position?

18 A. A little over four months.

19 Q. What are your responsibilities in that position?

20 A. I create maps for drafting purposes for legislation to go  
21 through the legislative process. These maps would include  
22 voting precinct changes as well as local redistricting for  
23 school boards.

24 Q. And what was your prior professional position?

25 A. Before taking the position with the legislative council,

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1 I was the Senate cartographer.

2 Q. How long did you hold that position?

3 A. About two and a half years.

4 Q. What were your responsibilities in that position?

5 A. Same as it was with the legislative council, which would  
6 be drafting maps for introduction into the legislative  
7 process, then redistricting maps of school boards, as well as  
8 the State Senate, State Congressional, and redrawing voting  
9 precincts.

10 Q. Who hired you for that position?

11 A. I was hired by Andy Fiffick.

12 Q. And what's Mr. Fiffick's title?

13 A. He is chief of staff of Senate Judiciary.

14 Q. Were you hired specifically in connection with the  
15 post-2020 redistricting?

16 A. Yes. I was hired as the cartographer to draw the Senate  
17 and Congressional District maps.

18 Q. As Senate cartographer, were you involved in the Senate's  
19 redistricting efforts following release of the 2020 census  
20 data?

21 A. Yes. I drafted maps for members. That would include the  
22 Senate plans as well as Congressional plans.

23 Q. Do you understand that this lawsuit is a challenge to the  
24 Congressional Plan adopted by the General Assembly in January  
25 of this year?

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1 A. Yes.

2 Q. Did you draw that map on behalf of the General Assembly?

3 A. Yes.

4 Q. I'm going to refer to that plan today as "the enacted  
5 plan" or "Senate Amendment 1." Does that work for you?

6 A. Yes.

7 Q. Before we discuss it, though, I'd like to get some more  
8 questions about your background. Where were you born?

9 A. I was born in Columbia, South Carolina.

10 Q. Where do you live now?

11 A. I currently reside in Irmo, South Carolina.

12 Q. Have you lived in South Carolina your entire life?

13 A. All 42 years.

14 Q. Will you give the Court a brief overview of your  
15 educational background after high school.

16 A. After high school, I went off to college. I actually  
17 attended Charleston Southern University for a year, located in  
18 North Charleston. I ended up moving back up to Columbia and  
19 then graduated from the University of South Carolina in 2003  
20 with a degree in geography with emphasis on GIS and remote  
21 sensing techniques.

22 Q. Do you have any credits towards a master's degree?

23 A. I've got three credit hours from Clemson University  
24 towards a master's in public administration.

25 Q. When did you start working as a GIS professional and

*WILLIAM ROBERTS - DIRECT EXAMINATION BY MR. GORE*

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1 cartographer?

2 A. I was hired by Bobby Bowers with the -- back then it was  
3 called the Office of Research and Statistics. Later on it was  
4 renamed the Revenue of Fiscal Affairs Office. And so, that  
5 was around January of 2000. I had a part-time position there  
6 and then was offered a full-time position after I graduated  
7 USC in 2003.

8 Q. What were your job responsibilities at Revenue and Fiscal  
9 Affairs?

10 A. My job responsibilities included creating maps for  
11 introduction to the legislature for the legislative process,  
12 voting precincts, and redistricting for school boards, as well  
13 as redistricting local governments around South Carolina.

14 Q. Who was your boss at the end of your time at Revenue and  
15 Fiscal Affairs?

16 A. That was Frank Rainwater.

17 Q. During your time at Revenue and Fiscal Affairs, how many  
18 jurisdictions did you draw redistricting plans for?

19 A. I'd say in between 75 to a hundred jurisdictions across  
20 South Carolina.

21 Q. Did you ever conduct a racially polarized voting analysis  
22 while you were drawing any of those plans?

23 A. No.

24 Q. And are you aware whether anyone else conducted a  
25 racially polarized voting analysis in connection with the

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1 drawing of those plans?

2 A. No.

3 Q. Have you ever drawn any redistricting plans in any other  
4 state?

5 A. Yes. After the 2010 census release, Bobby Bowers and I  
6 did some consulting work up in North Carolina. It was  
7 probably about three or four municipalities in one county up  
8 there.

9 Q. Have you ever assisted a court in any redistricting  
10 cases?

11 A. Yes. Two court cases, I've been appointed as technical  
12 advisor. The first one was going to be in the *Backus* case.  
13 It was after the 2010 legislation. I worked with Judge Floyd,  
14 Judge Seymour and Judge Duffy on that case. The second one, I  
15 was a technical advisor with Judge Gergel on a Jasper County  
16 School District case in which Judge Gergel actually came up to  
17 Columbia and we had a nice conversation, sat down and drew a  
18 map that the school district currently operates under today.

19 There's two other cases in which we were involved with  
20 the Court, but not technical advisors, and that was a Colleton  
21 County School District case in which we met with Judge Duffy,  
22 talked to him about the problems going on with that one. And  
23 then also there was a Georgetown County School District case  
24 in which and the Justice Department sued the school district,  
25 and Bobby and I were tasked with mediating a remedy to that

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1 situation by the legislative delegation for Georgetown County  
2 at that time. And so, we worked out a compromise, and that  
3 was put in a consent decree and signed by the judge.

4 Q. What do you consider your professional specializations?

5 A. I'd say redistricting, GIS, cartography and geography,  
6 especially South Carolina geography.

7 Q. Have you ever drawn redistricting plans for Sumter?

8 A. Yes, I have. I've drawn county council in around 2001 as  
9 well as 2011.

10 Q. Have you ever drawn any redistricting plans for  
11 Charleston?

12 A. I have drawn plans for the City of Charleston after the  
13 2010 census release.

14 Q. During your time at Revenue and Fiscal Affairs, did you  
15 serve as a state certifying official for municipal and county  
16 annexations for the U.S. Census?

17 A. Yes, I did. On a yearly basis we would get a report from  
18 the Census Bureau of all annexations that had been sent up  
19 there. As part of the review, we would sign off to make sure  
20 that we received those annexations at the state level.

21 Annexations are required to go to three different places --  
22 well, actually four: The secretary of state receives a copy,  
23 the South Carolina Department of Transportation receives a  
24 copy, and the secretary of state receives a copy, as well as  
25 Revenue and Fiscal Affairs.



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1 Q. And through your experience as a cartographer in South  
2 Carolina, have you become familiar with city and town  
3 boundaries in the state?

4 A. Extremely familiar.

5 MR. GORE: Can we pull up Plaintiffs' Exhibit 67 and  
6 go to page 21.

7 **BY MR. GORE:**

8 Q. Mr. Roberts, can you see that map on your screen?

9 A. Yes, I can.

10 Q. We've heard testimony that those red lines are the  
11 boundaries of the city of Sumter. Are these lines an accurate  
12 representation of the city of Sumter lines?

13 A. No, they're not.

14 Q. Will you point out any inaccuracies you see?

15 A. Yes, sir. So the line following --

16 MR. CUSICK: Objection, your Honor, to the extent  
17 that this is being offered as an expert opinion to rebut Dr.  
18 Duchin's report. We understand he can testify to the actual  
19 lines, but I'm not sure --

20 JUDGE GERGEL: Well, I think this is a factual issue,  
21 and I overrule that. I think he can testify as to a fact. He  
22 knows he's not offering an opinion, he's offering a fact. He  
23 apparently knows the city lines. So I overrule that  
24 objection.

25 Proceed, Mr. Gore.

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1 MR. GORE: Thank you, your Honor.

2 **BY MR. GORE:**

3 Q. Mr. Roberts, will you continue?

4 A. Certainly. So, I'm going to try to draw this line on  
5 here. So, this right here is the Clarendon/Sumter County  
6 boundary. And this area right here that I just circled, that  
7 is what they depict as the city limit line of the city of  
8 Sumter. The city limit line of Sumter comes nowhere close to  
9 the boundary between Sumter County and Clarendon County.

10 Q. Mr. Roberts, did you embed the city lines into the  
11 version of the enacted map that you placed on the Senate  
12 redistricting website?

13 A. Could you repeat that question?

14 Q. Did you depict city lines in the maps of the enacted plan  
15 that you generated and placed on the website?

16 A. Yes. On the enacted map there are the city limit lines  
17 according to the 2020 Census data that was released prior to  
18 the release of the PL94171 database.

19 JUDGE GERGEL: Mr. Roberts, if you could pull the  
20 microphone a little closer to you. Thank you.

21 MR. GORE: Can we get Senate Exhibit 29b side by side  
22 here? And would it be possible on 29b to zoom in on the  
23 Sumter area? Thank you.

24 **BY MR. GORE:**

25 Q. Mr. Roberts, looking at this zoomed-in focus of the city

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1 of Sumter, can you point out to the Court where the city lines  
2 are on this map?

3 A. Certainly. I'm going to start out with the Sumter  
4 Clarendon County boundary that I just drew. So, that's going  
5 to be this line coming down through here. And the city of  
6 Sumter is located up here. As you can see, there is no line  
7 in this area for the city of Sumter municipal limits.

8 MR. GORE: Can we zoom back out of this and go back?

9 JUDGE GERGEL: Can we slow down a second? I see  
10 these lines -- I'm sorry. If we go back to the zoom, I was  
11 just trying to make sure I saw what I was looking at. Can we  
12 go back to where we were there? Thank you.

13 There are these black lines in Sumter County. Is  
14 that the city of Sumter, those thin black lines, Mr. Roberts?

15 THE WITNESS: Yes, sir. So, the city of Sumter would  
16 be the black lines up in here.

17 JUDGE GERGEL: Right.

18 THE WITNESS: Yes, sir, that's correct.

19 JUDGE GERGEL: So, the city is split?

20 THE WITNESS: Yes, sir, it is split.

21 JUDGE GERGEL: Okay. And, you know, this other map,  
22 which unfortunately is not apparently accurate, what is the --  
23 I'm trying to figure out is there a racial division of the  
24 city, a racial division of the county? I'm just trying to  
25 figure that out.

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1 THE WITNESS: I couldn't speak to that because we  
2 didn't look at race when we made the cuts in Sumter.

3 JUDGE GERGEL: You don't know that?

4 THE WITNESS: I do not -- I do not know what the  
5 changes were, no, sir.

6 JUDGE GERGEL: Okay. But you know the general  
7 population of the city of Sumter?

8 THE WITNESS: Not off the top of my head, no, sir.

9 JUDGE GERGEL: Okay. Very good.

10 MR. GORE: Thank you. All right. So, if we can zoom  
11 out of that and return on the left-hand side in Plaintiffs'  
12 Exhibit 61, and can we go to page 19? If it's easier we can  
13 close out the side by side. Great.

14 **BY MR. GORE:**

15 Q. So, Mr. Roberts, the red lines here have been represented  
16 as the city lines for the city of Columbia. Are they an  
17 accurate representation of the city lines of the city of  
18 Columbia?

19 A. No, they are not.

20 Q. Will you point out any inaccuracies you see there?

21 A. On the map that this shows, it shows the city limit lines  
22 running all the way up to the Fairfield/Richland County  
23 boundary. And that is not an accurate depiction of the city  
24 of Columbia city limits.

25 MR. GORE: And can we take down this one and get back

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1 to 29b? Can we zoom in a little closer on Columbia?

2 **BY MR. GORE:**

3 Q. And, Mr. Roberts, can you indicate to the Court where the  
4 Columbia city lines are here?

5 A. So, the city of Columbia lines are going to be located  
6 generally in this area here and run out to Fort Jackson,  
7 around Fort Jackson up through the Wood Creek subdivision,  
8 down through there and then back down towards this way.

9 Q. Do the city of Columbia lines extend to the Richland  
10 Fairfield County line?

11 A. No, they don't.

12 MR. GORE: And let's go back now to Plaintiffs'  
13 Exhibit 67.

14 JUDGE GERGEL: Can I just interrupt to make sure I  
15 understand? I take it you don't know the racial data on the  
16 city of Columbia either, correct?

17 THE WITNESS: That's correct, sir.

18 JUDGE GERGEL: But you're telling us the city of  
19 Columbia is split?

20 THE WITNESS: Yes, sir.

21 JUDGE GERGEL: Thank you. Okay.

22 MR. GORE: If we can go back to Plaintiffs'  
23 Exhibit 67, the report, on page 17.

24 **BY MR. GORE:**

25 Q. Mr. Roberts --

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1 JUDGE GERGEL: Remind me where this came from.

2 MR. GORE: This is Dr. Duchin's report.

3 JUDGE GERGEL: Yeah. I mean, I'm satisfied. I mean,  
4 I know Mr. Roberts, he's a very precise guy.

5 MR. GORE: Sure.

6 JUDGE GERGEL: What I want is if that report isn't  
7 accurate -- and I'm persuaded if he tells me it's not, that's  
8 good enough for me -- we do need this kind of data ourselves  
9 to assess the allegations and the defenses, you know?

10 MR. GORE: Sure.

11 JUDGE GERGEL: And, if this isn't accurate -- and I'm  
12 satisfied it's not -- then we need to figure out a way in  
13 which the Court gets accurate data on this.

14 MR. GORE: Yeah.

15 JUDGE GERGEL: Because, just because the lines are  
16 wrong doesn't mean the premise is wrong -- or right, for that  
17 matter. And was there a racial division of these communities?  
18 And, if so, you know, obviously he's here to provide  
19 alternative explanations, but we need to know accurately what  
20 it is.

21 MR. GORE: We agree, your Honor. Let me ask a couple  
22 more questions.

23 JUDGE GERGEL: Good.

24 MR. GORE: And then I think we'd be happy to work  
25 with the Court and plaintiffs' counsel to get the data that

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1 the Court needs.

2 JUDGE GERGEL: Thank you very much.

3 **BY MR. GORE:**

4 Q. The questions I wanted to ask about this, without  
5 belaboring the point, Mr. Roberts, is: Are these the accurate  
6 city lines for Charleston and North Charleston?

7 A. No, they're not.

8 Q. Will you explain, or point out to the Court, any  
9 inaccuracies you see?

10 A. So, one of the inaccuracies for the city of Charleston is  
11 going to be this tail down here. That's almost out to Kiawah  
12 Island. The city of Charleston limits does not run that far  
13 out to the southwest of Charleston.

14 Another one for North Charleston is going to be this  
15 appendage up here in Berkeley County. There's only one census  
16 block that's in Berkeley County that's in the city of North  
17 Charleston, and it's actually a shopping center. And it would  
18 not be that large on a map.

19 Q. Mr. Roberts, I think you mentioned --

20 JUDGE GERGEL: Let me stop you just for a second to  
21 make sure whether we're on a wild goose chase or not.

22 In the city of Charleston, is there a split of the  
23 city of Charleston between CD 1 and CD 6?

24 THE WITNESS: Yes, there is.

25 JUDGE GERGEL: And is there a split of North

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1 Charleston between CD 1 and CD 6?

2 THE WITNESS: Yes, there is.

3 JUDGE GERGEL: Okay. Thank you.

4 **BY MR. GORE:**

5 Q. And, Mr. Roberts, I think you mentioned before that  
6 various government entities keep track of the municipal  
7 boundaries; is that right?

8 A. That's correct.

9 Q. And are those publicly available or accessible in some  
10 format from those entities?

11 A. Yes. The U.S. Census Bureau provides the data that we  
12 rely upon for municipal boundaries. The South Carolina  
13 Department of Transportation also keeps geographic files of  
14 the municipal boundaries that they receive annexations for.

15 Q. Thank you. Moving on to the next area, I'd like to ask  
16 you some questions about the redistricting process following  
17 the release of the 2020 census data.

18 What were your primary responsibilities this cycle?

19 A. To draw maps and answer requests from members of the  
20 legislature regarding maps.

21 Q. Did you attend any of the public hearings that the Senate  
22 Redistricting Committee held in July and August of 2021?

23 A. I believe I attended all of them.

24 Q. What do you recall about those meetings?

25 A. There was really a lot of people complaining, complaining



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1 about the process, a lot of people asking for the maps to be  
2 drawn politically fair. We didn't -- from a cartography  
3 standpoint, we didn't get a lot of information that we were  
4 looking for such as communities of interest. You know, there  
5 was a lot of talk about the Lowcountry, but no one would give  
6 me the actual geographic area of what they considered the  
7 Lowcountry.

8 What I might consider the Lowcountry, Mr. Gore, you might  
9 have a different opinion of what the Lowcountry is. But very  
10 rarely do we get any information of what these communities of  
11 interest were or are according to geographic boundaries that I  
12 could relate to a map. We did have -- some of that  
13 information came in. One area was in York County. They  
14 called it the Saluda Road Corridor. And I'll never forget, a  
15 lady stood up and started naming off road names, and it was  
16 something that we could actually put a physical boundary on.  
17 We also had a gentleman in Orangeburg talk about the Limestone  
18 area of Orangeburg County and the precincts up there. We also  
19 had testimony about the Gullah Geechee community in which they  
20 actually named islands that we could put geographic boundaries  
21 on. But a lot of testimony was really just open ended. And  
22 from a cartographic standpoint, it was hard to figure out what  
23 communities of interest these folks were talking about.

24 Q. Did you hear any testimony about the Sun City communities  
25 of interest?

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1 A. Yeah. Sun City, we had a pretty good amount of testimony  
2 on Sun City. And I've worked with Judge Gergel on that area  
3 with Jasper County School District. But that is an area that  
4 we did hear testimony on, wanting to be part of the 1st  
5 Congressional District.

6 Q. Do you recall approximately when the 2020 Census data was  
7 released?

8 A. It was August of 2021.

9 Q. Was that on time?

10 A. No. It was delayed from the original release schedule,  
11 which would have been early spring, due to the COVID pandemic.

12 Q. At some point during the process, did you become aware  
13 that this Court had set a timeline for the General Assembly to  
14 enact a Congressional Plan?

15 A. Yes. I knew there was a timeline, but I couldn't tell  
16 you what the date was. But we were under pressure to get a  
17 Congressional Plan done.

18 Q. And notwithstanding those time constraints, were you able  
19 to do a thorough and professional job drawing the map?

20 A. Yes.

21 Q. So, will you walk through the timeline for drawing the  
22 congressional map starting in 2021?

23 A. As soon as we got the data, we hit the ground running  
24 working on the Senate districts. The first thing we did was  
25 create the benchmark map of the Senate districts and started

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1 looking at the population deviations of the districts and  
2 trying to get an idea of who needed to move where. We started  
3 reaching out to members, getting feedback on how they wanted  
4 to see their Senate districts drawn; wanted to get their input  
5 on their communities of interest and what they wanted to see  
6 on a map.

7 After meeting with the Senate members, we developed the  
8 staff plan and got the ball rolling that allowed members to  
9 offer amendments, if they wanted to, to that staff plan. And  
10 once we got to a point where we were comfortable with the map,  
11 and the General Assembly seemed to be comfortable with the  
12 map, we turned our focus to congressional redistricting. And  
13 that would have been about mid November of 2021.

14 Q. First, you completed the work on Senate redistricting,  
15 and then you went to congressional redistricting; is that  
16 right?

17 A. Yes.

18 Q. As a Senate cartographer, were you a nonpartisan staffer?

19 A. Yes.

20 Q. Did the Senate have a policy about who you would draw  
21 maps for?

22 A. Senator Rankin had an open-door policy with the map room.  
23 Literally, an open-door policy. And we would have members  
24 come and stop by all the time. Senator John Scott was two  
25 doors from us, and he would drop in all the time just to check

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1 on how we were doing or to give us suggestions on what he  
2 wanted to see in the map-drawing process. But we really had  
3 an open-door policy drawing for every member of the Senate.

4 Q. And were those visits in person about the Senate Plan or  
5 the Congressional Plan?

6 A. They were the Senate Plan.

7 Q. And you mentioned Senator Rankin. Was he chair of the  
8 redistricting subcommittee?

9 A. Yes, he was.

10 Q. Did you draw maps only for senators who personally  
11 visited the map room?

12 A. No. We would get requests through Andy Fiffick from  
13 different members on how they wanted to see the maps drawn,  
14 and we would honor those requests and produce the maps for  
15 them.

16 Q. Were senators generally aware of the policy that you were  
17 available to draw maps for any senator?

18 A. Yes. I had numerous phone calls during the Senate  
19 redistricting on my personal cellphone as well as e-mails.

20 Q. Did you meet with every senator regarding senate  
21 redistricting?

22 A. I believe so. There might have been one or two that we  
23 did not meet with, but pretty much everybody.

24 Q. Did that include Senator Margie Bright Matthews?

25 A. Yes, multiple times.

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1 Q. And what was Senator Bright Matthews' interest in senate  
2 redistricting?

3 A. She was really looking out for her area of the state and  
4 just trying to give input on the way she wanted to see her  
5 district and keep her communities whole. She was really a  
6 pleasure to work with.

7 Q. Have you worked with Senator Bright Matthews on other  
8 matters?

9 A. Yes, I have. I've worked with her on Colleton County  
10 School District redistricting as well as Jasper County School  
11 District redistricting.

12 Q. And would you have been eager to work with Senator Bright  
13 Matthews on congressional redistricting if she had approached  
14 you?

15 A. Yes.

16 Q. Did you ever meet with Senator Harpootlian about Senate  
17 Plan redistricting?

18 A. We spoke briefly in passing, but he never came to the map  
19 room and never reached out to me personally.

20 Q. And did he have any interest in the Senate redistricting?

21 A. He did. And we met with him during the Senate  
22 redistricting process. We met with him in Room 603 of the  
23 Gresset building, which was really the meeting room where we  
24 would meet with members. So, it wasn't inside the actual map  
25 room where the computers were. And Senator Harpootlian came

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1 in and told us to blow his district up, that he didn't need a  
2 district, that he had an embassy.

3 Q. And what did you understand him to mean when he said  
4 that?

5 A. We understood that he wasn't looking for running for  
6 reelection, that, you know, if we needed to move his district,  
7 that we could.

8 JUDGE GERGEL: And the reference, for the record, was  
9 the Ambassador of Slovenia.

10 BY MR. GORE:

11 Q. How would you describe the Senators' interest level in  
12 Senate redistricting compared to Congressional redistricting?

13 A. Oh, wow. Everybody cared about Senate redistricting. I  
14 mean, I was getting phone calls late at night asking, you  
15 know, how is the plan going, where are we at, has anything  
16 changed in my district? And when it came to Congressional  
17 redistricting, we got no feedback. There was no one calling,  
18 asking about the process, that I can remember. And it was  
19 really no contact with members. No one wanted to talk about  
20 Congressional redistricting.

21 Q. Was there a confidentiality policy for maps you drew  
22 during the Congressional redistricting process on behalf of  
23 members?

24 A. Yes. We take that confidentiality extremely strict when  
25 we're talking about proposed legislation with members,

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1 especially during the redistricting process. And typically,  
2 if we had a request come in from a member, we would not  
3 divulge that information to another member without express  
4 consent from the member that requested it.

5 Q. So, even though Senator Rankin chaired the subcommittee,  
6 did you ever share maps with him without permission from the  
7 requesting senator?

8 A. Not that I can recall, no.

9 Q. Is that confidentiality policy followed for all  
10 legislation and amendments you work on?

11 A. It is.

12 Q. Now, we have heard testimony that Senator Harpootlian  
13 hired his own map drawer for congressional redistricting.  
14 Would you have drawn Senator Harpootlian's plan for him if he  
15 had asked?

16 A. Certainly, yes.

17 Q. And would you have abided by the confidentiality policy  
18 with respect to that map?

19 A. Yes.

20 Q. Mr. Roberts, who was on the core team for redistricting  
21 in the Senate process?

22 A. That would have been Charlie Terrine, who was outside  
23 counsel; Andy Fiffick, who is chief of staff of Senate  
24 Judiciary; Paula Benson, who is a staff attorney; Breeden  
25 John, who is also a staff attorney; and myself.

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1 Q. What was Mr. Terrine's role?

2 A. He was outside counsel.

3 Q. What was Mr. Fiffick's role?

4 A. He was chief of staff for Senate Judiciary.

5 Q. And what duties or responsibilities did he have for  
6 redistricting?

7 A. Andy pretty much oversaw the process as far as  
8 coordinating with members, their requests. He'd set up the  
9 meeting schedules and handle really the administrative  
10 functions of the redistricting process.

11 Q. Did he ever draw any maps?

12 A. Not that I'm aware of.

13 Q. Did Mr. Terrine ever draw any maps?

14 A. Not that I'm aware of.

15 Q. You mentioned Ms. Benson, who's a staff attorney. What  
16 was her role in congressional redistricting?

17 A. She was there just to observe the process and rarely gave  
18 any input, but did not draw any maps.

19 Q. How about Mr. Breeden John?

20 A. Breeden John was really my backup. So, we spent long,  
21 long, long hours in the map room. And if I needed a break or  
22 something like that, Breeden was trained on the redistricting  
23 software and he could step in and help draw the maps when I  
24 was out of the room.

25 Q. And did he draw any congressional maps, to your knowledge



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1 or memory?

2 A. Not that I'm aware of.

3 Q. Who is Grayson Morgan?

4 A. Grayson Morgan was an employee that I hired who worked  
5 offsite. His responsibilities were to take the public  
6 submissions, create the maps for those, and run the reports  
7 and statistics for the publicly submitted plans.

8 Q. And was he an employee, or a contractor?

9 A. He was a contractor.

10 Q. And how about Mora Baker?

11 A. She's a staff attorney on the Senate Judiciary.

12 Q. And what was her role for congressional redistricting?

13 A. Mora was in and out of the map room. She never drew any  
14 plans, but she coordinated the meeting minutes from the public  
15 meetings that we had across the state.

16 Q. And who is Madison Faulk?

17 A. Madison Faulk is also a staff attorney with the Senate  
18 Judiciary. And she, too, was really part of collecting the  
19 minutes and information from the public meetings we had.

20 Q. Did Ms. Faulk ever draw any maps?

21 A. No.

22 Q. I'd like to find out more about where the drawing of maps  
23 took place and that process. Where did the drawing of  
24 congressional maps take place?

25 A. We had two map rooms -- two primary map rooms. One was

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1 in 503 of the Gresset building. And that was sort of mine and  
2 Breeden's home base. So, we both had a desk up there. We had  
3 two work stations that we drew maps on for redistricting up  
4 that way. There was four 42-inch monitors on the screens so  
5 that we could see the maps. And, really, a lot of the map  
6 drawing took place down in Senator Rankin's office on the  
7 first floor of the Gresset building, right in front of the big  
8 picture windows. And so, we would meet down there in the  
9 mornings around 9:00 o'clock, and we'd draw maps till late in  
10 the afternoon, till it was time to go home.

11 Q. What was the setup in Senator Rankin's office?

12 A. In Senator Rankin's office there was a small desk that I  
13 would have my laptop on so that I could draw maps. And then  
14 we had a projector that sat against the wall that projected  
15 the maps and stats up on the screen, probably about a  
16 12-foot-by-12-foot screen that was projected up there so that  
17 the attorneys could provide me with input on how to draw the  
18 maps.

19 Q. Once you started working on the new congressional map,  
20 how often were you in Senator Rankin's office to draw maps?

21 A. Pretty much daily.

22 Q. Who was generally present with you in Senator Rankin's  
23 office during the map-drawing process?

24 A. It would have been the core redistricting team of Charlie  
25 Terrine, Andy Fiffick, Breeden John, Paula Benson and myself.

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1 Q. And how about Ms. Baker or Ms. Faulk?

2 A. They were in and out of the room, but didn't really give  
3 too much input.

4 Q. How about Senator Rankin?

5 A. I never saw him in there while we were drawing maps.

6 Q. Which members of the Senate did you draw congressional  
7 maps for?

8 A. I know on our system we had one for Margie Bright  
9 Matthews. I know that we had a couple for Senator  
10 Harpootlian. There were maps on the system that we had done  
11 for Ronnie Sabb. We had done some for Senator Wes Climer,  
12 definitely Senator Campsen. And that's all I can recall.

13 Q. Did you draw a map for Senator Scott?

14 A. Yes. That's another one that we did maps for, Senator  
15 Scott.

16 Q. And what kind of map was Senator Scott interested in?

17 A. Senator Scott was looking for a map that really kept  
18 counties whole, as well as we had another map that he was  
19 trying to draw what he called "anchor counties" where you'd  
20 have one main county in each senate district that would sort  
21 of drive the population.

22 Q. How about Senator Sabb, what kind of maps was he  
23 interested in?

24 A. He was really interested in keeping the 1st down in --  
25 keeping Charleston whole in the 1st as well as maps that would

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1 do a Charleston/Beaufort combination.

2 Q. You mentioned Senator Campsen as well. What kind of maps  
3 did you draw for Senator Campsen?

4 A. We did several maps for Senator Campsen. One of the ones  
5 that we did was what we called a "Charleston strong map,"  
6 which was putting more of Charleston into the 1st  
7 Congressional District. And then we had, of course, House  
8 Plan 2, Senate Amendment 1.

9 Q. Did the Charleston strong map place all of Charleston in  
10 District 1?

11 A. No, it did not.

12 Q. You also mentioned Senator Climer. What kind of maps was  
13 Senator Climer interested in?

14 A. Senator Climer had me draw two maps in which there were  
15 seven majority Republican districts.

16 Q. And I think you mentioned Senator Martin as well; is that  
17 right?

18 A. I did not mention it, but we did do a map for Senator  
19 Martin as well.

20 Q. And what kind of map was that?

21 A. The map Senator Martin requested was putting more of  
22 Spartanburg in Congressional District 4. And Spartanburg is  
23 Senator Martin's home county.

24 Q. Did you draw maps for Senator Hutto?

25 A. We did do maps for Senator Hutto. The maps for we did

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1 for Senator Hutto were going to be offered as amendments to  
2 the plan that was before the General Assembly. And so, what  
3 we had to do was take the plans that were publicly submitted  
4 and balance the population deviation out to one person.

5 Q. And you mentioned before the MBM map. What do you recall  
6 about that?

7 A. I remember it was on the system. We took a look at it.  
8 We created the map that everyone's seen that's got the Senate  
9 logo on it. We also ran the reports and statistics on it.

10 Q. Do you know who drew that map -- or the plan behind that  
11 map?

12 A. I can't say if it was us or if it was someone else.

13 JUDGE GERGEL: Which plan was that? I'm sorry.

14 MR. GORE: MBM.

15 JUDGE GERGEL: Thank you.

16 **BY MR. GORE:**

17 Q. So, when a member requested a plan or a map, did you also  
18 generate reports relating to that map or plan?

19 A. Yes. We generated multiple reports.

20 Q. Is that an automatic function within Maptitude to  
21 generate those reports?

22 A. Not an automatic function. It's something that we have  
23 to choose, and then we could run the reports.

24 Q. They're generated by the software related to the map or  
25 the plan; is that right?

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1 A. That's correct.

2 Q. What kind of political data was included in those  
3 reports?

4 A. We used the 2020 Trump/Biden political numbers on those  
5 reports.

6 Q. And was racial data included in those reports?

7 A. Yes, it was.

8 Q. And what kind of racial data?

9 A. It would have been racial data from the Census Bureau's  
10 PL94171 database that was released in August. For the racial  
11 breakdowns, we used total population, non-Hispanic White and  
12 the non-Hispanic DOJ Black.

13 Q. What software did you use to draw congressional maps?

14 A. That would be Maptitude For Redistricting.

15 Q. Have you generally used Maptitude to draw maps throughout  
16 your career?

17 A. Generally, yes. It's some kind of Maptitude product.

18 When I was with Revenue and Fiscal Affairs, we used a

19 Maptitude extension for ArcGIS.

20 Q. And how many congressional maps do you think you drafted  
21 throughout this process, either for members or otherwise?

22 A. I'd say over 20.

23 Q. What data was available to you in Maptitude while you  
24 were drawing congressional maps?

25 A. It would have been the entire PL94171 database that

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1 included multiple racial categories as well as total  
2 population.

3 Q. How is race data displayed in Maptitude?

4 A. So, in the Maptitude software, you, of course, got your  
5 map as the largest area on the screen, and then you have your  
6 population and demographic statistics typically at the bottom.  
7 And then you have what they call a "pending change box" where  
8 you can go and see what your changes are before you make them,  
9 as far as the population and racial changes.

10 Q. And I think you mentioned before that when you generate  
11 these reports, the reports also show racial data; is that  
12 right?

13 A. That's correct.

14 Q. And does Maptitude have a shading function to display  
15 racial data?

16 A. Yes. You can shade based on different attributes, and it  
17 will color-code the map based on the concentration of those  
18 attributes.

19 Q. When you were drawing congressional maps, did you ever  
20 activate the shading function for race?

21 A. For race? No.

22 Q. Is there a similar shading function for political data?

23 A. Yes. We did use the shading function for just a couple  
24 minutes to take a look at the shading of a particular area  
25 based on politics. But Charlie said he was about to throw up,

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1 so we turned it off.

2 Q. That's Mr. Terrine?

3 A. Yes.

4 Q. Throughout the congressional redistricting process, did  
5 you draw any maps or lines based on race?

6 A. No.

7 Q. Did you ever use a racial target?

8 A. No.

9 Q. Did you ever use race as a proxy for politics?

10 A. No.

11 Q. Did you ever use politics as a proxy for race?

12 A. No.

13 Q. Did you ever look at the BVAP of any district or area  
14 while you were drawing draft congressional lines or districts?

15 A. Not while we were drawing, no.

16 Q. Did you ever see it afterwards?

17 A. We did. After the plans were completed, we'd run the  
18 continuity check, as well as make sure there was unassigned  
19 areas, and also make sure that we were within a one-person  
20 deviation. And then Charlie Terrine would ask what the BVAP  
21 in certain districts were.

22 Q. And was that part of his legal review of plans?

23 A. That's my understanding, yes.

24 Q. Did any senator ever ask you to draw any congressional  
25 lines or districts based on race or to achieve a certain



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1 racial result?

2 A. No.

3 Q. Did you also have political data available to you in  
4 Maptitude?

5 A. Yes.

6 Q. And where did that data come from?

7 A. We reached out to a consultant named Clark Benson to  
8 provide us the information so that we could load it into our  
9 GIS system.

10 Q. Did Mr. Benson ever draw maps, to your knowledge?

11 A. No. I've never seen a map that he's drawn.

12 Q. What was the data you received from Mr. Benson?

13 A. We received the 2020 presidential and senate election  
14 results, as well as some 2016 election results.

15 Q. Was Mr. Benson's data broken down to the census block  
16 level?

17 A. Yeah. So, we received it in three different geography  
18 levels. We had it at the county level, the VTD level, as well  
19 as the census block level.

20 Q. What did Mr. Benson's data allow you to do?

21 A. It allowed us to look at the performance -- draw a map,  
22 look at the performance of how that district would perform in  
23 the election in which we were looking.

24 Q. And did Mr. Benson's data allow you to do that anywhere  
25 you split a precinct in a map?

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1 A. Yes. We could go sub precinct in that area as well.

2 Q. And why did Mr. Benson's data allow you to do that?

3 A. Because it was broken down to the census block level.

4 And the election report -- the election results are broken

5 down into individual precincts which are tied to the VTDs.

6 And we hired Mr. Benson to break that and just de-aggregate

7 that information down to the block level.

8 Q. Is the data that the South Carolina Election Commission

9 provides also broken down to the block level?

10 A. No, it is not.

11 Q. What level is that broken down?

12 A. It is broken down to the precinct.

13 Q. I think you mentioned that Mr. Benson provided you 2020

14 and 2016 election results; is that right?

15 A. That's correct.

16 Q. Which results did you rely on or use to draw plans or

17 maps for the congressional redistricting?

18 A. We relied on the 2020 presidential election results

19 between Donald Trump and Joe Biden. The 2016 information we

20 looked at had flaws in it, because anything that the State

21 Election Commission put on their website from 2016 and prior

22 allocated the absentee votes as a separate absentee precinct.

23 And so, for more accurate data, we wanted to make sure that we

24 used the absentee votes broken down back -- allocated back to

25 the precinct in which that voter resided.

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1 Q. Were the 2020 election results reported at the precinct  
2 of the voter's residence for absentee ballots?

3 A. That's correct, yes.

4 Q. And when you referred to the 2020 election results, did  
5 you sometimes shorthand that as a "Trump number" or the "Biden  
6 number?"

7 A. Yes.

8 Q. And using the data Mr. Benson provided, were you able to  
9 see the Trump/Biden breakdown in various plans and areas where  
10 you drew?

11 A. Yes. When we were drawing the maps, we would have the  
12 total population of the VTD and then the percent Trump in that  
13 VTD.

14 Q. And did the Senate staff make the Clark Benson 2020  
15 political data available on the Senate redistricting website?

16 A. Yes. There's two different versions of the data on the  
17 website. One is the election commission data, and then the  
18 other is the GIS format of the data in which Mr. Benson  
19 provided.

20 Q. And does that GIS data that Mr. Benson provided include  
21 Mr. Benson's breakdowns to the census block level?

22 A. Yes, it does. In one zip file, there's going to be three  
23 different files in it. And you can link that back to the  
24 census geography that was released prior to the release of the  
25 2020 census data. There's a GEOID code or some kind of field

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1 that allows that linkage.

2 MR. GORE: Your Honor, this is the data I raised  
3 yesterday. We'd like to move to admit that as an exhibit. I  
4 think we'd be up to Senate Exhibit 243.

5 JUDGE GERGEL: Is there an objection?

6 MR. FREEDMAN: Your Honor, our analysts are still  
7 analyzing the accuracy of that data. We're happy to allow --

8 JUDGE GERGEL: Well, here's the problem: We've got a  
9 witness on the stand, it's been offered, so we've got to rule.

10 MR. FREEDMAN: It's a new exhibit, your Honor, and we  
11 are vetting it. And we're willing to allow it to come in  
12 conditionally. We don't have any reason to think their data  
13 is incorrect, but --

14 JUDGE GERGEL: Let me make sure, for the record, we  
15 can describe exactly what this is.

16 Mr. Gore, could you help me with that?

17 MR. GORE: Sure. This is the data that Mr. Roberts  
18 actually used to judge the political effects of --

19 JUDGE GERGEL: This is the so-called Benson data?

20 MR. GORE: It's the so-called Benson data. I  
21 understand --

22 JUDGE GERGEL: I mean, the accuracy of it doesn't  
23 seem particularly relevant. It is what he used. Whether it's  
24 accurate or inaccurate, he used it.

25 MR. FREEDMAN: So, as I said, we do not have an

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1 objection to it coming in provisionally and allowing the  
2 witness to testify about it. We may come in and move to  
3 strike it, depending -- I think that's probably the way to  
4 proceed.

5 JUDGE GERGEL: Well, I think the better thing is to  
6 just cross-examine him. You know, this sort of tentative  
7 thing doesn't work well. It may make sense to you as a  
8 litigator; it doesn't make sense to us as a Court. I'll  
9 overrule the objection. It's admitted. You can cross-examine  
10 the witness.

11 Senate 243 is admitted.

12 *(Senate Exhibit 243 was admitted into evidence.)*

13 MR. GORE: Thank you, your Honor.

14 **BY MR. GORE:**

15 Q. Mr. Roberts, throughout the congressional redistricting  
16 process, did you ever draw maps or district lines based on  
17 politics?

18 A. Yes, all the time.

19 Q. Did you inform the members of the subcommittee that this  
20 data was available to you and them?

21 A. Yes, they were very aware of it.

22 Q. Did members of the Senate ever ask you to draw maps or  
23 districts with a political result?

24 A. Yes, they did.

25 Q. Can you give us an example?

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1 MR. CUSICK: Objection to the extent it's being  
2 offered for the truth of the matter, but understand the effect  
3 that it had on drawing maps, your Honor.

4 JUDGE GERGEL: Well, he's offering it to identify  
5 senators. So, what's the objection to that?

6 MR. CUSICK: Your Honor, to the extent it's being  
7 offered for the truth of the representations for what the  
8 Senators' goals were in drawing the maps, I understand that if  
9 it was a fact that he used in drawing the map and the effect  
10 on his mind, but if it's just offered for the --

11 JUDGE GERGEL: It's admitted for that purpose. Thank  
12 you.

13 MR. CUSICK: Thank you.

14 MR. GORE: Thank you, your Honor.

15 Go ahead.

16 THE WITNESS: Can you repeat the question please?

17 **BY MR. GORE:**

18 Q. Can you give us some examples of senators asking you to  
19 draw congressional maps to achieve a certain political result?

20 A. Certainly. Senator Campsen was asked multiple times to  
21 look at the political numbers and to make the 1st  
22 Congressional District more Republican leaning, based on the  
23 Trump/Biden numbers that we had.

24 Q. Speaking of Senator Campsen, did you ever discuss race or  
25 BVAP data with him?

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1 MR. CUSICK: Again, your Honor, just a standing  
2 objection to the extent these questions are being offered for  
3 the truth of the matter, but understand that they play a role  
4 in how it might have impacted the maps he was drawing for  
5 those specific vendors.

6 JUDGE GERGEL: It's admitted. Overruled.

7 Go ahead.

8 THE WITNESS: No, Senator Campsen never asked about  
9 the racial demographics of a district.

10 **BY MR. GORE:**

11 Q. And turning back to senators who asked about political  
12 results, would that include Senator Climer?

13 A. Yes. Senator Climer asked me to produce two maps with  
14 seven majority Republican districts.

15 Q. And whether they had asked you to draw the plan or not,  
16 did members ever ask you to see the Trump/Biden breakdown in  
17 master plans you drew?

18 A. All the time.

19 Q. Did both Democratic and Republican Senators ask you that?

20 A. Yes.

21 Q. Did you discuss politics in the Congressional Plan with  
22 Senator Grooms?

23 A. Yes, we did.

24 Q. And when did those discussions take place?

25 A. I believe it was in the middle of the congressional

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1     redistricting process or early on in the congressional  
2     district process.

3     Q.   And what was your understanding of Senator Grooms'  
4     interest in the political effect of the Congressional Plan?

5     A.   We had two maps that we were doing a Zoom call showing  
6     Senator Grooms, and one of them had a higher Trump number than  
7     the other, but the other one had more of -- I believe it was  
8     Charleston County in it than the other. And Senator Grooms  
9     said the one that had the higher Trump number -- he -- Senator  
10    Grooms said he liked both plans because it included more of  
11    Berkeley County in the district, but he said that one plan  
12    would pass the General Assembly and one would not. And the  
13    plan that would pass the General Assembly was the plan with  
14    the higher Trump number.

15    Q.   How many discussions about politics and congressional  
16    redistricting did you have with Senator Campsen?

17    A.   Many.

18    Q.   And when did those discussions take place?

19    A.   All throughout the redistricting process.

20    Q.   Mr. Roberts, using Maptitude, did you run partisan  
21    analysis reports on plans you drew?

22    A.   I did.

23    Q.   How about on plans that were drawn by members of the  
24    public?

25    A.   Yes, we did.



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1 Q. And how about plans proposed by members of the Senate?

2 A. Yes, we did.

3 Q. And where a plan was publicly released, were those  
4 partisan analysis reports also posted on the Senate  
5 redistricting website?

6 A. That I cannot recall.

7 Q. Mr. Roberts, during your career as a redistricting  
8 professional, have you become familiar with traditional  
9 redistricting criteria?

10 A. Yes, I have.

11 Q. And what are some examples of traditional criteria?

12 A. Compactness, continuity, preserving cores of existing  
13 districts, minimizing VTD splits, minimizing county splits,  
14 and respecting communities of interest.

15 Q. Does Maptitude have any functionality for measuring a  
16 plan's performance on traditional districting criteria?

17 A. It does. Many.

18 Q. And what is that functionality?

19 A. To measure the compactness. It can measure -- we ensure  
20 that the districts are contiguous. We get a core constituency  
21 report as well as a breakdown of the population deviations of  
22 those, as well as we also get subdivision splits, which will  
23 tell us how many counties and VTDs that are split in the plan.

24 Q. Does Maptitude have a functionality to ensure that all  
25 districts are contiguous?

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1 A. Yes, it does.

2 Q. And did you activate that function while you were drawing  
3 congressional maps?

4 A. We would check the continuity after each plan was  
5 finished.

6 Q. And so, you mentioned a variety of reports that Maptitude  
7 can run. Did you generally run those reports on plans you  
8 drew?

9 A. Yes, we did.

10 Q. And how about plans that were drawn by members of the  
11 public?

12 A. We ran those as well.

13 Q. And plans proposed by members of the Senate?

14 A. Yes.

15 Q. And were these various reports also posted on the Senate  
16 redistricting website?

17 A. If the plan was going to be offered as an amendment or  
18 discussed in subcommittee or full committee, those were posted  
19 online.

20 Q. And when you drew plans for a senator, did you provide  
21 the full workup of reports to that senator?

22 A. Yes, we did.

23 Q. And did that include all the reports on traditional  
24 districting principles?

25 A. It included that, as well as the partisan analysis

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1 breakdown.

2 Q. And the racial breakdown as well?

3 A. And the racial breakdown, yes.

4 MR. GORE: Can we get Senate Exhibit 3?

5 **BY MR. GORE:**

6 Q. Mr. Roberts, this is the Senate redistricting guidelines.

7 Are you familiar with this document?

8 A. Yes.

9 Q. Did you have any role in creating these guidelines?

10 A. No, I did not.

11 Q. Did you rely on these guidelines in drawing the  
12 congressional map?

13 A. These guidelines are really just general principles that  
14 guide the redistricting process, but these don't really tell  
15 me where to put district lines.

16 Q. In your experience, does a set of criteria guidelines  
17 like this tell the map drawer everything she or he needs to  
18 know to draw a redistricting plan?

19 A. No.

20 Q. Why not?

21 A. It doesn't tell me where to put the lines. These are  
22 just general guidelines about the redistricting process. So,  
23 we look for input from the public, senate members, as well as  
24 congressional members on how they would like to see the plan.

25 Q. In your experience, is it common for a map drawer to

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1 receive instructions or requests or recommendations that are  
2 not contained in a set of criteria or guidelines?

3 A. Yes.

4 Q. Earlier you mentioned drawing maps for various members of  
5 the Senate. Did those members make requests or  
6 recommendations for how the maps would be drawn?

7 A. Yes.

8 Q. And were those requests or recommendations contained  
9 expressly in the Senate guidelines?

10 A. No, they were not.

11 Q. Do the guidelines say anything about reuniting Charleston  
12 in a single district?

13 A. No, they do not.

14 Q. How about reuniting Richland in a single district?

15 A. No, they do not.

16 Q. And did you similarly receive requests or recommendations  
17 for drawing the enacted plan?

18 A. Could you repeat that question? I'm sorry.

19 Q. Did you similarly receive requests for how the enacted  
20 plan should be drawn?

21 A. Yes.

22 Q. And did you incorporate any of those requests?

23 A. Yes, we did.

24 Q. And were those requests expressly included here in the  
25 guidelines?

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1 A. No, they were not.

2 MR. GORE: Let's take this exhibit down.

3 BY MR. GORE:

4 Q. I'd like to ask you some questions about the Senate staff  
5 plan that was released on November 23rd, 2021. Do you recall  
6 that plan?

7 A. Yes.

8 Q. And you said you started working on that plan in  
9 mid-November 2021; is that right?

10 A. That's correct.

11 Q. And in your career as a map drawer, have you ever used an  
12 existing plan to draw a new redistricting map?

13 A. Every single time I create a new redistricting plan, I  
14 start with the benchmark map.

15 Q. And why do you do that?

16 A. The benchmark map was the latest enacted map that we had  
17 to start from. And to preserve the cores of the existing  
18 districts, we start with the original benchmark map, which is  
19 a traditional redistricting principle. And so, we use the  
20 benchmark and then balance out the population from there.

21 Q. Does the benchmark map ordinarily represent policy  
22 choices that have already been made?

23 A. Yes, it does.

24 Q. And does using the benchmark plan make it easier to the  
25 balance out the population?

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1 A. It does. It gives us an idea of where the population  
2 shift needs to occur in order to balance out the districts to  
3 one person.

4 Q. Does using the benchmark plan help maintain communities  
5 of interest?

6 A. It does, yes.

7 Q. How so?

8 A. It would have been choices made by the previous  
9 cartographer on what the communities of interest are. And so,  
10 we would preserve those by using the benchmark.

11 Q. Does using the benchmark plan also help keep incumbents  
12 in their districts with their core constituents?

13 A. Yes, it does.

14 Q. How so?

15 A. You start out with the existing map, you make minor  
16 changes to balance the population and try to keep the cores of  
17 the districts into the districts in which they previously  
18 were.

19 Q. Did you start with the congressional benchmark plan when  
20 you drew the enacted plan at issue here?

21 A. Yes, we did.

22 Q. And were there any additional reasons why you used the  
23 benchmark plan as your starting off point?

24 A. It was the latest enacted plan, plus we knew that it  
25 survived the court challenge in the *Backus* case and was also

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1 pre-cleared by the Obama Justice Department.

2 Q. And how close were the districts in the benchmark plan to  
3 equal population?

4 A. They were pretty close, except for the 1st and 6th  
5 Congressional Districts, which the 1st District was  
6 overpopulated by approximately 80,000. The 6th was  
7 underpopulated by about 80,000.

8 MR. GORE: Can we pull up Senate Exhibit 28a? This  
9 is in tab 1 of the binders that have been submitted to the  
10 Court as well.

11 **BY MR. GORE:**

12 Q. Mr. Roberts, I'm now showing you a map on your screen.  
13 Do you recognize this map?

14 A. Yes. This is the benchmark map.

15 Q. Does this map split Charleston County?

16 A. Yes, it does.

17 Q. Does it split Dorchester?

18 A. Yes, it does.

19 Q. Does it split Beaufort?

20 A. Yes, it does.

21 Q. Does it split Berkeley?

22 A. Yes, it does.

23 Q. Does it split Orangeburg?

24 A. Yes, it does.

25 Q. Does it split Richland?

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1 A. Yes, it does.

2 Q. Does it split Sumter?

3 A. Yes, it does.

4 Q. Does it split Florence?

5 A. Yes, it does.

6 Q. Mr. Roberts, do you recall at some point seeing proposed  
7 maps drafted by the National Republican Redistricting Trust?

8 A. Yes, I do.

9 Q. What is your understanding of how those maps got to  
10 Senate staff?

11 A. They did not come in through the public portal like the  
12 other publicly submitted plans. They came in -- I believe  
13 Andy Fiffick somehow got them to us in a way that we could  
14 load those into our Maptitude software.

15 Q. Did you ever speak with anyone at the National Republican  
16 Redistricting Trust?

17 A. No, I did not.

18 Q. Did you ever speak to the Adam Kincaid?

19 A. I don't know who that is.

20 Q. Did you ever speak to Dale Oldham?

21 A. No.

22 Q. Did you communicate with any partisan groups regarding  
23 congressional redistricting?

24 A. No.

25 Q. Did you communicate with any Republican-affiliated



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1 groups?

2 A. No.

3 Q. Any Democratic-affiliated groups?

4 A. No.

5 Q. How many NRRT maps do you recall seeing?

6 A. I remember there were two of them that we had.

7 Q. In your deposition I believe you said you were unable to  
8 recall on the spot the precise date you saw those maps --

9 A. Yes.

10 Q. -- but that you could go back and confirm. Have you now  
11 been able to confirm the date you saw those maps?

12 A. Yes. After my deposition I was confused about when the  
13 date was and what the map names were, so I went back into the  
14 redistricting system and found out that we had received those  
15 on November 19th of 2021.

16 Q. And that was shortly before the staff plan came out; is  
17 that correct?

18 A. Yes, that was before the staff plan.

19 Q. And so, within the redistricting system, did you save the  
20 maps by date?

21 A. I had a folder by date. And then we had also created PDF  
22 maps, and those PDF maps have a timestamp on them when they  
23 were created.

24 MR. GORE: Can we bring up Senate Exhibit 38a?

25 BY MR. GORE:

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1 Q. Do you recognize this map, Mr. Roberts?

2 A. Yes. This is the Palmetto Plan that was sent in by the  
3 NRRT.

4 MR. GORE: And can we get Exhibit 39a side by side?

5 **BY MR. GORE:**

6 Q. Do you recognize Senate Exhibit 39a?

7 A. Yes. That's the Wren Plan that was submitted with the  
8 NRRT maps.

9 MR. GORE: I'll just note for the record that these  
10 maps are also in the binders at tabs 2 and 3.

11 **BY MR. GORE:**

12 Q. Mr. Roberts, how long did you spend reviewing each of  
13 these maps when you received them in November?

14 A. Probably about five to 10 minutes.

15 Q. What did you think of these maps?

16 A. I'm not going to use my exact words, what I said when we  
17 pulled them up, but I told the staff they looked like crap and  
18 we needed to move on to something else.

19 Q. Why did you say that?

20 A. There's a lot of bizarre shapes in these maps, and really  
21 there's no explanation for the way these are drawn.

22 Q. So, after you viewed these maps, did you just move on to  
23 the next, or did you do anything else?

24 A. We just -- we ran the typical reports that we did on  
25 every plan.

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1 MR. GORE: Let's go ahead and take down those  
2 exhibits.

3 **BY MR. GORE:**

4 Q. Mr. Roberts, do you recall revealing a plan?

5 JUDGE GERGEL: Mr. Gore, we've been going about an  
6 hour and 35 minutes. We normally take a morning break. Let's  
7 take it now.

8 MR. GORE: That will be fine. Sure. Thank you, your  
9 Honor.

10 **(Recess.)**

11 JUDGE GERGEL: Please be seated.

12 Please continue, Mr. Gore.

13 MR. GORE: Thank you, Your Honor.

14 **BY MR. GORE:**

15 Q. Mr. Roberts, do you recall ever seeing a plan from the  
16 National Republican Redistricting Trust called the Jessamine  
17 Plan?

18 A. I do not recall that, no.

19 Q. Were the NRRT plans ever posted on the Senate  
20 redistricting website?

21 A. No, they were not.

22 Q. Do you know why?

23 A. My understanding was they didn't come in through the  
24 typical staff portal, the public submission portal. But that  
25 was also a call for Andy Fiffick to make.

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1 Q. And after looking at the maps the first time, did you  
2 ever look at them again?

3 A. No.

4 Q. Did you ever refer back to them?

5 A. No.

6 Q. And did any of the maps from the NRRT influence how you  
7 drew any line or plan?

8 A. Not at all.

9 Q. Now, I think you testified a couple minutes ago that you  
10 received some requests and recommendations for how to draw the  
11 enacted plan; is that correct?

12 A. That's correct.

13 Q. What request did you receive from Senator Rankin?

14 A. Senator Rankin told us not to touch the 7th Congressional  
15 District but to just balance the population out with as  
16 minimal change as possible.

17 Q. Did that request make sense to you?

18 A. Yes, it did.

19 Q. Why?

20 A. Because District 7 was almost exactly where it needed to  
21 be, just a little bit of tweaking around the edges to balance  
22 the population.

23 Q. And does District 7 also have borders that affect how it  
24 can grow?

25 A. Yeah. So, 1 and 7 both border the Atlantic Ocean. And

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1 you can't put people in the ocean during the redistricting  
2 process, so we were limited geographically where we could go.

3 Q. Is 7 also on the state line?

4 A. It is.

5 Q. Did you receive any requests on behalf of members of  
6 Congress on how the enacted plan should be drawn?

7 A. We did.

8 Q. What were those requests?

9 MR. CUSICK: Objection, your Honor, to the extent  
10 they're being offered for the truth of the matter. But,  
11 again, we understand that to the extent --

12 JUDGE GERGEL: You've challenged intent. Overruled.  
13 Offered for what he relied on.

14 THE WITNESS: We did receive a -- we placed a phone  
15 call with Congressman Joe Wilson. Charlie Terrine, Andy  
16 Fiffick and myself were in the room. I believe it was Breeden  
17 John as well and possibly Paula Benson. Charlie picked up the  
18 cellphone and called Joe Wilson and asked him what he wanted  
19 to see in his congressional district, what he thought about  
20 the redistricting process.

21 **BY MR. GORE:**

22 Q. And what did you understand Congressman Wilson to want  
23 through that process?

24 A. Congressman Wilson told us he wanted to keep Fort Jackson  
25 in his district, that he was either chair or served on the

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1 Armed Services Committee for the U.S. House, and that was very  
2 important to him. And he also said he did not want his  
3 district going down to Beaufort County again. He said it was  
4 a long drive. He said he loved the voters down there, but  
5 that it was a long drive from Lexington down to Beaufort.

6 Q. And what was your understanding of why he loved the  
7 voters there?

8 A. My understanding was that they are Republican voters who  
9 voted for him.

10 Q. Had the House staff proposed a plan that would've place  
11 Beaufort County back in District 2?

12 A. The first staff plan that came out placed Beaufort County  
13 in District 2, yes.

14 Q. Did you receive any other requests on behalf of any other  
15 members of Congress?

16 A. We met with a gentleman by the name of Dalton Tresvant,  
17 who is on Congressman Clyburn's staff. That meeting took  
18 place November 19th, about mid -- late morning, early  
19 afternoon.

20 Q. I believe, during your deposition, you stated you  
21 couldn't recall the date of that meeting with Mr. Tresvant off  
22 the top of your head. How were you able to confirm the date  
23 of that meeting?

24 A. We actually produced a map for Mr. Tresvant to take back  
25 to Congressman Clyburn. And it, again, was a pdf map. And

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1 the pdf map had a timestamp on it and date.

2 MR. GORE: Can we pull up Senate Exhibit 37, which is  
3 in tab 4 of the binders?

4 MR. CUSICK: Excuse me, your Honor. We'd offer just  
5 a little foundation for the e-mail that was represented that  
6 was sent back to Mr. Tresvant with this map on it. I don't  
7 know if that's been disclosed during the discovery process.

8 MR. GORE: I don't believe the testimony was he  
9 e-mailed a map. I believe he said he handed it to him.

10 JUDGE GERGEL: The testimony was he handed him the  
11 map.

12 MR. CUSICK: Okay.

13 JUDGE GERGEL: Thank you.

14 **BY MR. GORE:**

15 Q. Do you recognize this document, Mr. Roberts?

16 A. Yes, I do.

17 Q. What is this document?

18 A. This is the document that Mr. Tresvant brought us,  
19 stating what they wanted to see in their redistricting plan.

20 Q. And do you know who prepared this document or map on  
21 behalf of Mr. Tresvant and Congressman Clyburn?

22 A. On the map down here at the bottom where it says  
23 "source," it says it was created by Tony Fairfax with  
24 CensusChannel LLC.

25 Q. So, you did not -- did you prepare this map?

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1 A. No, I did not.

2 Q. Okay. In the upper right-hand corner, someone hand-wrote  
3 "Clyburn map from Dalton?"

4 A. Yes.

5 Q. Is that your handwriting?

6 A. Yes, it is.

7 Q. And why did you write that?

8 A. So we could keep track of this map and put it in our  
9 records and remember who it came from and what the map was  
10 about.

11 Q. Let's discuss the presentation of this map for a moment.  
12 What does the blue line show on this map?

13 A. So, the dark blue outline is the current benchmark map.

14 Q. Is that benchmark District 6?

15 A. Yes, it is.

16 Q. Now, can you point out to the Court where there are some  
17 gray lines on this map?

18 A. Certainly. So, down in the Berkeley -- I'm going to try  
19 this as best as possible. So, one gray line is going to be  
20 down here in Berkeley County, that faint gray line there.  
21 Another is going to be up here in Florence County. Another is  
22 going to be around Sumter, up in this area. And you've got  
23 also a little bit of change in Richland, which isn't a gray  
24 line but it is a change in the map showing that the blue  
25 district, which is District 2, now encompasses that area, as



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1 well as this change here. And we've also got a dash line down  
2 here in Jasper County.

3 Q. Can you briefly walk the Court through -- are those the  
4 changes that were requested by Mr. Tresvant on behalf of  
5 Congressman Clyburn?

6 A. Yes. This is the map that they said they were trying to  
7 get something that was minimal change. Dalton said that  
8 Congressman Clyburn had an upcoming election, and they did not  
9 want a large new geographic area that he'd have to go campaign  
10 in.

11 Q. Was there anything else that Mr. Tresvant conveyed to you  
12 about the changes represented here on this map?

13 MR. CUSICK: Objection again, your Honor, to the  
14 extent that it calls for inadmissible hearsay for the truth of  
15 the matter.

16 JUDGE GERGEL: I think it goes to the issue of  
17 intent. Overruled.

18 THE WITNESS: He said that they were really looking  
19 for minimal change in these particular areas.

20 **BY MR. GORE:**

21 Q. And what changes were made down there in Jasper?

22 A. So, down there in Jasper, it's moving the Sun City area  
23 as well as Margaritaville. And it looks like it splits the  
24 town of Hardeeville around I-95 headed towards the Savannah  
25 River along the South Carolina/Georgia border.

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1 Q. How about in Berkeley?

2 A. In Berkeley, it draws a large portion of Berkeley County  
3 into the 6th Congressional District, including the residence  
4 of Senator Grooms.

5 Q. How about in Charleston?

6 A. In Charleston, it keeps the hook that was previously in  
7 the benchmark in the downtown Charleston area.

8 Q. And does it keep what looks like crab claws coming  
9 through Dorchester and Berkeley into Charleston?

10 A. Yes. It keeps that same split with the benchmark.

11 Q. What about in Sumter?

12 A. In Sumter, Congressman Clyburn asked for more of Sumter  
13 to be put in his district -- or Dalton had asked on behalf of  
14 Congressman Clyburn for more of Sumter to be put in his  
15 district. Congressman Clyburn had a long family history in  
16 the Sumter area and was requesting more of Sumter to be placed  
17 in this district.

18 Q. What about changes in Richland? Can you tell what those  
19 changes were?

20 A. The changes in Richland were very minimal. It does  
21 continue to keep Fort Jackson in District 2.

22 Q. And what about in Orangeburg?

23 A. In Orangeburg, the Limestone area of Orangeburg County,  
24 which is really a rural area that we had public testimony on  
25 at the public hearings, was actually moved into the 2nd

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1 Congressional District.

2 Q. And what about over there in Florence?

3 A. In Florence, it just minimizes the change with District  
4 7. It looks it's repairing a split precinct -- or moving one  
5 precinct over.

6 Q. So, does this map, requested on behalf of Congressman  
7 Clyburn, extend District 2 into Beaufort?

8 A. No, it does not.

9 Q. Does it keep Fort Jackson in District 2?

10 A. It does.

11 Q. Does it maintain District 2's hook shape in Richland  
12 County?

13 A. It does.

14 Q. Does it split Jasper County?

15 A. Yes.

16 Q. Was Jasper split in the benchmark plan?

17 A. No, it was not.

18 Q. Does it keep Beaufort County split?

19 A. Yes.

20 Q. How about Colleton County?

21 A. Yes.

22 Q. Does it keep Orangeburg County split?

23 A. Yes.

24 Q. How about Charleston County?

25 A. Yes.

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1 Q. Dorchester County?

2 A. Yes.

3 Q. Berkeley County?

4 A. Yes.

5 Q. Sumter County?

6 A. Yes.

7 Q. Florence County?

8 A. Yes.

9 Q. Was this map you received from Mr. Tresvant ever posted  
10 publicly on the Senate redistricting website?

11 A. No, it was not.

12 Q. Do you know why not?

13 A. Again, this map came in, I believe, after the public  
14 submission deadline. And that also would be a call for Andy  
15 Fiffick to make, not myself.

16 Q. Did you receive this map from Mr. Tresvant the same day  
17 you received the two maps we discussed earlier from the  
18 National Republican Redistricting Trust?

19 A. Yes. We reviewed those maps early in the morning, and we  
20 received this map late morning, early afternoon.

21 Q. Did Mr. Tresvant convey any other information about this  
22 map?

23 A. Not really. Just that it was a minimal change map and  
24 that's what they were looking for in a plan.

25 Q. How long did your meeting with Mr. Tresvant last?

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1 A. I'd say approximately an hour.

2 Q. Did Mr. Tresvant provide you a Shapefile from which you  
3 could recreate this map?

4 A. No. He did not provide any GIS files, just this  
5 eight-and-a-half-by-11 piece of paper.

6 Q. As part of your meeting with Mr. Tresvant, did you  
7 attempt to recreate this map?

8 A. Yes, I did.

9 Q. How did you do that?

10 A. Walked this map up to the -- we met in Senator Rankin's  
11 office, and I took this map up to the fifth floor map room.  
12 And using ArcGIS, I pulled in the VTDs of which I could  
13 approximate that this map was including, and I printed off  
14 either a 3-foot-by-3-foot, or a 4-foot-by-3-foot map to hand  
15 to Mr. Tresvant for him to take back to Congressman Clyburn.

16 Q. Why didn't you recreate this map in Maptitude during your  
17 meeting with Mr. Tresvant?

18 A. This is just one district. We've got six others to go.  
19 And balancing out the population would take a little bit of  
20 time. Mr. Tresvant seemed to be in a hurry. It was around  
21 lunchtime when he left. And so, we waited till a little bit  
22 later in the day to create an actual plan based off of this  
23 map.

24 Q. Later that day, did you recreate this district into a  
25 statewide map in Maptitude?

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1 A. Yes, I did.

2 Q. What did you call that plan?

3 A. It was called "the Milk Plan."

4 Q. Why did you -- why in the world did you call it the Milk  
5 Plan?

6 A. We were running out of naming conventions for the maps,  
7 and milk is the official beverage of South Carolina.

8 Q. How did you figure out that milk is the official beverage  
9 of South Carolina?

10 A. It's in the back of the legislative manual.

11 Q. Did you generate a map for the Milk Plan?

12 A. We did.

13 Q. And did you generate the associated reports in Maptitude  
14 for the Milk Plan.

15 A. Yes, we did.

16 MR. GORE: Your Honor at this time, I want to move to  
17 admit Senate Exhibits 223a, 223b, 223c, 223d, 223e and 223f,  
18 which are the Milk Plan map and reports.

19 JUDGE GERGEL: That's 223a through E?

20 MR. GORE: A through F.

21 JUDGE GERGEL: A through F. And they're not all in  
22 here, I see.

23 MR. GORE: The map is in there, but the reports  
24 themselves are not. But we have those that we can display on  
25 the screen.

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1 JUDGE GERGEL: Is there an objection?

2 MR. CUSICK: Your Honor, we just maintain our  
3 objections for the relevancy of these offerings with the map  
4 and then the subsequent -- I think it's the reports that were  
5 generated from 223b through F.

6 JUDGE GERGEL: That objection is overruled. Senate  
7 Exhibits 223a through F are admitted.

8 MR. GORE: Thank you.

9 *(Senate Exhibits 223a through F were admitted into*  
10 *evidence.)*

11 BY MR. GORE:

12 Q. We'll now see 223f, which is the Milk Plan map. Is this  
13 the map you drew to draw the version of District 6 requested  
14 by Congressman Clyburn into a statewide map?

15 A. Yes, it is.

16 MR. GORE: And if we can pull up some side by side  
17 here. Can we pull up 223a right next to it?

18 BY MR. GORE:

19 Q. This is the political subdivision split report for the  
20 Milk Plan. Do you recognize that document?

21 A. Yes, I do.

22 Q. And how many counties and VTDs are split in the Milk  
23 Plan?

24 A. There are 12 counties and 27 voting district splits.

25 Q. Do any of those voting district splits involve zero

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1 population?

2 A. Yes, there are.

3 Q. And just for our edification, where might that happen in  
4 a redistricting plan?

5 A. When we're drawing lines pretty quickly, we can mouse  
6 over and actually pick up some geography in which there might  
7 not be any population, and that's probably what occurred in  
8 this situation.

9 Q. Okay. So, does the Milk Plan have more split counties  
10 and VTDs than the enacted plan?

11 A. Yes.

12 Q. And which counties are split in this Milk Plan that  
13 incorporates Congressman Clyburn's requested district?

14 A. The counties that are split in this are going to be  
15 Beaufort County, Berkeley County, Charleston County, Colleton  
16 County, Dorchester County, Florence County, Greenville County,  
17 Jasper County, Orangeburg County, Richland County, Spartanburg  
18 County and Sumter County.

19 Q. And let's look now at the VTDs. In addition to splitting  
20 Beaufort and Berkeley Counties, did this version of the plan  
21 incorporating Congressman Clyburn's request also split VTDs  
22 within those counties?

23 A. Yes, it did.

24 Q. And if we go to the next page of 223a, does it also split  
25 VTDs in Charleston?



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1 A. Yes, it does.

2 Q. How many?

3 A. It'd be VTD Charleston 8, as well as Charleston 9,  
4 Wadmalaw Island number 2.

5 Q. And how many VTDs does it split in Richland?

6 A. In Richland it splits Briarwood, Hampton, Keenan,  
7 Monticello, North Springs 3, Pontiac, Spring Valley West, Ward  
8 18, Woodfield, Converse Fire Station -- I'm sorry. Converse  
9 Fire Station is in Spartanburg.

10 Q. And looking at this report, does it split VTDs in Sumter  
11 as well?

12 A. Yes, it does. That would be the Bates, Bernie, Folsom  
13 Park and South Liberty.

14 Q. And does the Milk Plan incorporate the changes that  
15 Congressman Clyburn requested in Sumter?

16 A. Yes, it does.

17 Q. How about the changes he requested in Richland?

18 A. Yes, it does.

19 Q. In Charleston?

20 A. Yes.

21 Q. In Berkeley?

22 A. Yes.

23 Q. In Beaufort?

24 A. Yes.

25 Q. In Orangeburg?

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1 A. Yes.

2 Q. Does it incorporate all of the changes to District 6 that  
3 Congressman Clyburn requested?

4 A. Yes.

5 MR. GORE: We can take down 223a. Let's go to 223d.  
6 If we can put that side by side.

7 **BY MR. GORE:**

8 Q. Mr. Roberts, this is the core constituency's report for  
9 the Milk Plan. Is this the report you prepared using  
10 Maptitude?

11 A. Yes, it is.

12 Q. And can you educate us a little bit? This report has --  
13 in the first column it says "population" and has some  
14 percentages?

15 A. Yes.

16 Q. Can you just tell us what those numbers mean and what  
17 those percentages are?

18 A. Certainly. So, the gray line up here, on the first line  
19 where it says "District 1," under the column header  
20 "population," it shows you that there are 711,776 people that  
21 are currently -- that were in the 1st District that are again  
22 in the enacted 1st District, and that percentage is a  
23 percentage of the total population of the enacted district.

24 So, if you take that 711,776 and divide it by the enacted  
25 population, which is 731,204, you come up with 97.34 percent.

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1 The column right below it, District 6, shows that 19,428  
2 people that were in District 6 are now moved into the 1st  
3 Congressional District.

4 Q. And what percentage does that represent?

5 A. 2.66 percent.

6 Q. Mr. Roberts, is there more than one way to do the math of  
7 core preservation?

8 A. Yes, sir. You can look at the percentage two different  
9 ways. You can look at it as a percentage of the enacted  
10 district population, or you can look at that percentage as a  
11 percentage of the population of the benchmark total  
12 population.

13 Q. And when you generated reports, did you always use the  
14 new district total population as the denominator?

15 A. We did.

16 Q. So, you've talked about District 1. What was the core  
17 preservation percent in District 2 for the version of the map  
18 that incorporated Congressman Clyburn's request to changes to  
19 6?

20 A. It was 97.91 percent.

21 Q. How about in District 3?

22 A. District 3 was 94.75 percent.

23 MR. GORE: And would it be possible to bring up page  
24 two of 223b? Perfect.

25 BY MR. GORE:

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1 Q. Can you see that on your screen, Mr. Roberts?

2 A. Yes. If you can blow it up, that'd be great.

3 Q. Mr. Roberts, what are the core preservation percentages  
4 for Districts 4, 5, 6 and 7?

5 A. District 4 is 98.09. District 5 is 95.03. District 6 is  
6 83.15. And District 7 is 99.55.

7 Q. Is there a reason District 6's core preservation number  
8 would be lower than the others?

9 A. We expect that to happen because the need for District 6  
10 to pick up approximately 80,000 people from another district.

11 Q. And are these numbers you see here on the screen  
12 consistent with Congressman Clyburn's request for a minimal  
13 changed plan?

14 A. Yes, they are.

15 MR. GORE: Let's take that down. And can we pull up  
16 just 223c? And if we can blow that up.

17 **BY MR. GORE:**

18 Q. Mr. Roberts, is this the population summary showing  
19 demographic information that you generated for the Milk Plan?

20 A. Yes, it is.

21 Q. And in the version of District 6 requested by Congressman  
22 Clyburn, what was the BVAP percentage in the far right column?

23 A. It looks to be 47.87 percent.

24 Q. And how about in District 1?

25 A. District 1 is going to be 15.48 percent.

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1 Q. Okay.

2 MR. GORE: And can we pull up Exhibit 223e?

3 **BY MR. GORE:**

4 Q. Mr. Roberts, what is this efficiency gap report?

5 A. This shows us the political breakdown of the  
6 congressional districts.

7 Q. And according to this report, in how many districts does  
8 the Republican get more votes than the Democrat?

9 A. That would be six out of the seven districts.

10 Q. And this is the Milk Plan that incorporates Congressman  
11 Clyburn's requested changes to District 6; is that right?

12 A. That's correct.

13 Q. Was the Milk Plan ever posted on the Senate redistricting  
14 website?

15 A. No, it wasn't.

16 Q. Do you know why not?

17 A. That would have been a call for Andy Fiffick to make.

18 Q. And did you ever rely on the map you received from Mr.  
19 Tresvant when you drew the staff plan or the enacted plan?

20 A. Yes, we did. Heavily.

21 Q. Will you explain?

22 A. Congressman Clyburn was looking for a minimal change  
23 plan, so that's what we did with the initial staff plan as  
24 well as incorporated some of the changes that he asked for  
25 around Beaufort, Orangeburg, and Sumter and minimal change up

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1 in the Florence area.

2 Q. And did you ever rely on the Milk Plan to draw subsequent  
3 plans?

4 A. Yes, we did.

5 Q. Can you give some examples?

6 A. The enacted plan is really a modification of the staff  
7 plan, which originated from the Milk Plan.

8 Q. Okay.

9 MR. GORE: Let's go ahead and take this down. And  
10 can we get Senate Exhibit 32a? Thank you.

11 **BY MR. GORE:**

12 Q. Mr. Roberts, do you recognize this document?

13 A. Yes. This is the staff plan that we produced.

14 MR. GORE: This is available at tab 6 of the binders.

15 **BY MR. GORE:**

16 Q. Is this the staff plan that was released in November of  
17 2021?

18 A. Yes, it is.

19 Q. When you were drawing the staff plan, how did you decide  
20 which areas to move between districts?

21 A. It's really based on population. And it was based on the  
22 feedback that we had received from the Congress members as  
23 well as some information that we had obtained from Senator  
24 Grooms on the staff. That's how we created the staff plan.

25 Q. Did you look at politics or election results to determine

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1 which areas to move?

2 A. Definitely, we did. Yes.

3 Q. And did you consider race at all?

4 A. No, we did not.

5 Q. Can you just briefly walk the Court through the changes  
6 you made from the benchmark plan to the staff plan?

7 A. Certainly. So, some of the areas that we looked at in  
8 the staff plan are going to be down in the Jasper County area,  
9 where we moved the Sun City portion into District 1. We also  
10 changed some of the lines in Sumter to add a little bit more  
11 of the city of Sumter -- I'm sorry, Sumter County into the 6th  
12 Congressional District.

13 We also made minimal change up into district -- between  
14 Districts 6 and 7. We still kept the hook of Fort Jackson in  
15 Richland County. We moved the Limestone area of Orangeburg  
16 into the 6th Congressional District. And we moved a large  
17 portion of Berkeley County into the 1st Congressional  
18 District. And we ended up pulling District 6 into the  
19 downtown Charleston peninsula area and through West Ashley.

20 Q. So, did you look at racial data while you were drawing  
21 the staff plan?

22 A. No, we did not.

23 Q. Did you consider the BVAP of any district when you drew  
24 the plan?

25 A. No, we did not.

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1 Q. Did you use any racial target to draw the staff plan?

2 A. No, I did not.

3 Q. Did you use race as a proxy for politics?

4 A. No.

5 Q. Did you use politics as a proxy for race?

6 A. No.

7 Q. Did you discuss the BVAP of any district in the staff  
8 plan with anyone before it was released publicly?

9 A. Charlie Terrine would have asked what the BVAP was in  
10 districts, but other than that, no.

11 Q. And I believe you testified you did use and rely on  
12 political data to draw the staff plan; is that right?

13 A. Absolutely.

14 Q. Did you set out to make District 1 more Republican  
15 leaning than it had been in the benchmark plan?

16 A. We did.

17 Q. And why did you do that?

18 A. We knew we had a Republican-controlled General Assembly,  
19 and the only way were going to be able to get a map passed was  
20 to increase the Republican percentage in District 1, because  
21 that precinct had previously flipped -- I believe it was the  
22 2018 election, somewhere around there -- with Congressman  
23 Cunningham. And so, we knew that in order to get a map  
24 passed, it better have a higher percentage than what the  
25 benchmark had.



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1 Q. Can you explain to the Court what specific changes you  
2 made to District 1 to make it more Republican leaning?

3 A. Certainly. We pulled District 1 up into Berkeley County  
4 a little bit further up towards Moncks Corner, including the  
5 Hanahan area. More of the Hanahan area was previously split  
6 under the benchmark. We also made Daniel Island whole.

7 That's really strong Republican areas. And to get Democrats  
8 out, we ended up pulling District 6 into West Ashley,  
9 including more of the downtown -- the peninsula of Charleston  
10 as well as the Deer Park area of North Charleston.

11 Q. I think you mentioned also that you made some changes in  
12 Sumter. Were those changes consistent with the requested  
13 changes from Congressman Clyburn?

14 A. They were.

15 Q. And also in Orangeburg, was the same true there?

16 A. Yes. The Limestone area on the map that Dalton had  
17 handed us, we included in District 2.

18 Q. In the staff plan did you make changes to the Saul Dam  
19 area?

20 A. Yes. So -- actually, no. I'm sorry. Not in the Saul  
21 Dam area on this map.

22 Q. Okay. Did the staff plan incorporate the request we  
23 discussed before, of keeping Fort Jackson in and Beaufort out  
24 of 2, not touching District 7, and the minimal changes to  
25 District 6 requested by Congressman Clyburn?

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1 A. Yes, it did.

2 Q. Did anyone else have input on the staff plan before it  
3 was released publicly?

4 A. No. We didn't discuss -- from what I recall, we didn't  
5 display or give this to any member before it was released to  
6 the public.

7 Q. Was it discussed amongst staff?

8 A. Yes, it was.

9 Q. Was it shared with any senator?

10 A. Not that I can recall.

11 Q. Why not?

12 A. This is the staff plan. It was our first shot to sort of  
13 get something out there. Typically, the way redistricting is  
14 done is we start with a staff plan and then amendments are  
15 offered to the map. And those amendments can either be  
16 adopted or struck down.

17 Q. And using Maptitude, did you generate the set of full  
18 workup of reports regarding the staff plan's performance on  
19 politics and traditional criteria and race?

20 A. Yes, we did.

21 Q. Was it common practice for the staff to provide the  
22 redistricting subcommittee members that full workup of reports  
23 before a plan was to be discussed by the subcommittee?

24 A. Yes. We would provide the members with binders. If a  
25 plan was going to come up in front of either the subcommittee

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1 or full committee, it would have the map as well as the full  
2 report workup of each plan.

3 Q. Did the full workup of reports include the partisan  
4 analysis report showing the Trump/Biden results?

5 A. Yes.

6 Q. And was the partisan analysis report for the staff plan  
7 provided to the redistricting subcommittee?

8 A. Yes.

9 Q. Was it also posted on the Senate redistricting website?

10 A. Yes.

11 MR. GORE: Let's go ahead and go to 32d, if we can.

12 **BY MR. GORE:**

13 Q. Mr. Roberts, this is the partisan analysis report for the  
14 staff plan that you prepared. What is the Trump number in  
15 District 1 in this plan?

16 A. It's 54.73.

17 Q. And in how many districts is there a majority Republican  
18 vote share?

19 A. It would be six out of the seven.

20 Q. Did this plan achieve the goal of making District 1 more  
21 Republican leaning?

22 A. Yes, it did.

23 Q. Mr. Roberts, I now want to ask you about the  
24 November 29th, 2021, hearing of the redistricting  
25 subcommittee. Do you recall attending that hearing?

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1 A. Yes.

2 Q. Do you recall presenting a short summary of the staff  
3 plan at that hearing?

4 A. I do.

5 Q. And what do you recall about that?

6 A. I remember stating that the staff plan was a minimal  
7 change plan. And I believe I talked about one area of the  
8 map, which would have been the Sun City area, being put into  
9 the 1st Congressional District.

10 Q. Did you discuss all the changes you made at the staff  
11 plan in that summary?

12 A. No, I did not.

13 Q. Did you mention that the staff plan made District 1 more  
14 Republican leaning?

15 A. No, I did not.

16 Q. Could anyone with Internet access look up this report to  
17 see the District 1 Trump number?

18 A. Yes.

19 Q. Now, what feedback do you recall hearing at that  
20 November 29, 2021, hearing?

21 A. We got a lot of negative feedback on the staff plan that  
22 was put out for public consumption. I remember former  
23 Congressman Joe Cunningham saying that it was drawn along  
24 racial lines and that it was done by a political hack out of  
25 Washington, D.C.

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1 Q. Had the staff plan, in fact, been drawn by someone out of  
2 Washington, D.C.?

3 A. No.

4 Q. Who had it been drawn by?

5 A. It had been drawn by me and the core redistricting team  
6 of the Senate.

7 Q. You mentioned that Congressman Cunningham alleged that  
8 communities were split along racial lines; is that right?

9 A. That's correct.

10 Q. And where did he say that had occurred?

11 A. Down in the Charleston area along the peninsula, as well  
12 as I believe he referenced either Johns Island or West Ashley.

13 Q. And what was your reaction to former Congressman  
14 Cunningham's allegation?

15 A. We had no idea what we had done, because we didn't look  
16 at race when making modifications, we were looking at strictly  
17 political data. So, after he raised those concerns, we went  
18 back and started analyzing what we had changed.

19 Q. Were you concerned about Congressman Cunningham's  
20 allegations?

21 A. We were.

22 Q. Did you take them seriously?

23 A. We did.

24 Q. And what did you do to investigate them?

25 A. We started looking at the racial makeup of the areas

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1 which we had moved from -- what we had placed in the districts  
2 from the benchmark.

3 Q. And what did you determine when you took that look?

4 A. That he was incorrect in his analysis that the areas that  
5 we had moved were majority -- they were predominantly White  
6 areas.

7 Q. And what was the political composition of those areas?

8 A. They were majority Democratic areas.

9 Q. Which areas in particular are we talking about in  
10 Charleston?

11 A. That would be West Ashley, as well as the Deer Park  
12 portions of North Charleston.

13 Q. So, did you look at BVAP in those areas as part of  
14 investigating Congressman Cunningham's allegations?

15 A. We did.

16 Q. Was it true that the staff plan had been drawn along  
17 racial lines?

18 A. No.

19 Q. Now, did you start working on Senate Amendment 1 after  
20 the November 29th, 2021, hearing?

21 A. Yes, we did. And along with the feedback that we got  
22 about splitting racial lines, we also got feedback on  
23 communities of interest in the Charleston area. And so, we  
24 started working on a modification to the staff plan with  
25 Senator Campsen that he was eventually going to offer as House

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1 Plan 2, Senate Amendment 1.

2 Q. Why was it called Senate Amendment 1?

3 A. It was really a modification -- the House plan that came  
4 out, the second iteration, was really just a tweaking of the  
5 original Senate Plan that was released. And so, we were going  
6 to use that as the vehicle to move forward. So, we were just  
7 going to make small modifications to the House Plan 2,  
8 according to Senator Campsen's wishes with Amendment 1.

9 Q. How many conversations about the Congressional Plan --  
10 let me ask you this: Which senators did you discuss the  
11 drawing of Senate Amendment 1 with?

12 A. It was mostly Senator Campsen, but we may have discussed  
13 it with Senator Grooms as well.

14 Q. Why was it predominantly Senator Campsen?

15 A. Senator Campsen is from the Charleston area and he's also  
16 on the subcommittee. And that was really the area of focus  
17 that we heard public testimony on from the November 29th  
18 meeting. And so, we were really concerned about how we were  
19 going to split Charleston, what we were going to do with  
20 Charleston. And so, we had to really weigh -- we wanted local  
21 input on how Charleston was going to be split.

22 Q. Was Senator Campsen the sponsor of Amendment 1?

23 A. He was, yes.

24 Q. And how many conversations about Amendment 1 do you think  
25 you had with Senator Campsen in that two-month period?

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1 A. A lot.

2 Q. And what did you and Senator Campsen discuss?

3 A. Senator Campsen was looking at two different maps and  
4 having us draw different iterations of them. One of them was  
5 going to be putting more of Charleston into the 1st  
6 Congressional District, and the other iteration was going to  
7 be increasing the Trump number. And what we found out is the  
8 more of Charleston that we put into the 1st Congressional  
9 District and honoring the communities of interest would result  
10 in a map that had a lower Trump percentage.

11 Q. And that was a lower Trump percentage in District 1?

12 A. Yes, that's correct.

13 Q. What was your understanding of why Senator Campsen was  
14 engaging with this tradeoff between -- including more of  
15 Charleston in District 1 or improving the Trump number in  
16 District 1?

17 A. So, in the General Assembly and in state government a lot  
18 of the boards and commissions that run state agencies -- to  
19 give an example, like the university boards of trustees, the  
20 Department of Transportation Commission -- they're all voted  
21 on by not only -- they're voted on by these congressional  
22 districts. And so, Senator Campsen was trying to get more of  
23 Charleston into the 1st Congressional District for those kinds  
24 of reasons.

25 Q. Is he also from Charleston?



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1 A. He is.

2 Q. Okay.

3 MR. GORE: Can we pull up Plaintiffs' Exhibit 434?

4 **BY MR. GORE:**

5 Q. Mr. Roberts, this is an e-mail you sent to Senator  
6 Campsen on January 5th, 2022. We can go to the next page.  
7 It's an attachment to the e-mail.

8 So, one of the attachments of this e-mail is a map called  
9 "the Charleston strong map." Is that right?

10 A. That's correct.

11 Q. And will you explain this map?

12 A. So, this map is trying to put more of Charleston into the  
13 1st Congressional District by including the West Ashley area  
14 as well as taking a look at the political numbers and the  
15 political makeup of this map.

16 Q. There was a second map attached to this e-mail. I think  
17 we'll be at the third page. And that's called House Plan 2  
18 with Senate staff changes. Do you see that map?

19 A. Yes.

20 Q. Will you explain this map to the Court?

21 A. So, what this map does is it places more of Berkeley  
22 County into the 1st Congressional District, which raises the  
23 Trump percentage numbers while pulling out the heavy  
24 Democratic area of West Ashley.

25 Q. Did you and Senator Campsen discuss politics in

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1 connection with these two maps?

2 A. About every time we had a conversation about it.

3 Q. And did you discuss race in connection with these two  
4 maps?

5 A. No.

6 Q. And ultimately did you gain an understanding of which of  
7 these maps Senator Campsen favored?

8 A. Yes. Senator Campsen called me, and we discussed his  
9 options. His options were either support the one that -- the  
10 map that contained more of Charleston in it but had a lower  
11 Trump performance number in the 1st, or else to support the  
12 map that has the higher Trump performance number in the 1st  
13 but less of Charleston. And he chose to go with the higher  
14 Trump-performing map.

15 Q. And did you have any understanding of the reason why?

16 A. This one had a better chance of getting through the  
17 legislature with a Republican-controlled majority.

18 MR. GORE: Let's go ahead and look, if we can, at  
19 Senate Exhibits 92a and 92b. If we can get those side by  
20 side.

21 **BY MR. GORE:**

22 Q. This is an e-mail from you to Senator Campsen, dated  
23 January 7th, 2022. And it's called "The Plan Comparison  
24 Sheet." Do you remember preparing this plan comparison sheet?

25 A. Yes, I do.

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1 Q. Why did you prepare it?

2 A. Senator Campsen was weighing, you know, the population  
3 percentages of the counties that were going to be in the 1st  
4 Congressional District against the Trump performance in the  
5 district. And he was looking for a quick little sheet that  
6 would show the difference between the plans that we had that  
7 were up for review by the General Assembly.

8 Q. What does this sheet show generally?

9 A. So, it generally shows the population. So, we'll walk  
10 down it real quick. So, the first column's going to be the  
11 plan that we're looking at. The second is going to be the  
12 population of the county in the 1st Congressional District.  
13 And then it's going to be the percentage of Charleston and  
14 Berkeley County population, the percentage of Berkeley; the  
15 Dorchester population, the percentage of Dorchester  
16 population; the Beaufort population, and then the percentage  
17 of Beaufort population. And, then the next column would be  
18 the district population as drawn, and then the  
19 Trump-performance number at the very last column.

20 Q. Do these percentages show the percentage of population in  
21 each county that's in the district?

22 A. That's correct.

23 Q. And does this chart examine District 1?

24 A. Yes, it does.

25 Q. Does it examine any other district?

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1 A. No, it does not.

2 Q. Does it include the Trump number in the far right column?

3 A. It does.

4 Q. Did Senator Campsen ask to see the Trump vote share in  
5 each version of District 1?

6 A. Yes, he did.

7 Q. Did he care about the political effect of these various  
8 plans in District 1?

9 A. Yes, he did.

10 Q. And, ultimately, how did he resolve that tradeoff?

11 A. He chose the plan that had the higher Trump performance  
12 over the plan that had the higher percentage of Charleston.

13 Q. Mr. Roberts, is there any race data on this spreadsheet?

14 A. No, there's not.

15 Q. Did Senator Campsen ever ask you for race data related to  
16 these districts?

17 A. No, he did not.

18 Q. Did you ever discuss race at all with Senator Campsen?

19 A. No, I did not.

20 Q. Did he ever convey to you that he did not want to discuss  
21 race?

22 A. No, not that I recall.

23 Q. And did you discuss BVAP with Senator Campsen?

24 A. No, I did not.

25 Q. Mr. Roberts, as you were working with Senator Campsen on

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1 Amendment 1, did you discuss with him making CD 1 more  
2 Republican?

3 A. Yes, I did.

4 Q. Would it have been possible to draw a more Republican  
5 version of District 1 than what you drew in the enacted plan?

6 A. It would have been possible, yes.

7 Q. How so?

8 A. We'd have to go into the West Ashley area as well as the  
9 tip of the peninsula and put those precincts into the 1st  
10 Congressional District and then carve out Democratic leaning  
11 precincts out of the 1st.

12 Q. So, that would have required moving the line in  
13 Charleston to grab Republican precincts; is that what you're  
14 saying?

15 A. That's correct.

16 Q. And do you have an understanding as to why Senator  
17 Campsen ultimately chose not to do that?

18 MR. CUSICK: Your Honor, just objection to the extent  
19 we're going to hear from Senator Campsen later this afternoon.  
20 To the extent he can testify --

21 JUDGE GERGEL: Only if he has a reason to know.

22 MR. GORE: If you have a reason to know.

23 THE WITNESS: Could you repeat the question, please?

24 **BY MR. GORE:**

25 Q. Yeah. Did you have any understanding -- so, let me ask

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1 you this: Would increasing District 1's Republican vote share  
2 above the level in the enacted plan have acquired any  
3 tradeoffs in terms of traditional districting principles?

4 A. Yes. We would have ended up splitting some communities  
5 of interest in Charleston in order to achieve that.

6 Q. And did you have an understanding as to why Senator  
7 Campsen did not then want to increase the Republican vote  
8 share even more?

9 A. It would have split the communities of interest in  
10 Charleston.

11 Q. And why didn't you draw an enacted District 1 with a  
12 higher Republican vote share?

13 A. It would have gone against the traditional redistricting  
14 principles of keeping communities of interest together.

15 Q. Did you draw any lines in the enacted plan based on race?

16 A. No.

17 Q. Did you look at racial data while you were drawing the  
18 enacted plan?

19 A. No.

20 Q. Did you consider the BVAP of any district while you were  
21 drawing the enacted plan?

22 A. No.

23 Q. Did you use a racial target to draw the enacted plan?

24 A. No.

25 Q. Did you use race as a proxy for politics in drawing the

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1 enacted plan?

2 A. No.

3 Q. Did you use politics as a proxy for race?

4 A. No.

5 Q. Did you discuss the BVAP of any district in the enacted  
6 plan with anyone before that plan was released publicly?

7 A. Just Charlie Terrine. He would have asked after the plan  
8 was finalized what the BVAP was in certain districts.

9 Q. Was that after the plan was drawn?

10 A. Yes.

11 Q. Did you use and rely on political data to draw the  
12 enacted plan?

13 A. Absolutely.

14 Q. Did you set out to make District 1 in the enacted plan  
15 more Republican leaning than it had been in the benchmark  
16 plan?

17 A. Yes. We've got a Republican-controlled legislature, and  
18 we knew there would be no way that we would pass a plan that  
19 did otherwise.

20 MR. GORE: Can we pull up Senate Exhibit 29b? It's  
21 in tab 7 of the binders. It's the enacted plan map.

22 **BY MR. GORE:**

23 Q. Mr. Roberts, can you identify, using this map, the areas  
24 where you made changes compared to the benchmark plan?

25 A. Certainly. A lot of these requests are going to be based

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1 off the map that Dalton Tresvant handed us. Some of the areas  
2 that we're going to be looking at are going to be down in  
3 Beaufort with Sun City. We're going to be looking at the  
4 Limestone area of Orangeburg. We've also continued to have  
5 the split of Fort Jackson up in Richland County. We added  
6 more of Sumter to Congressional District 6 and made minimal  
7 changes along Districts 6 and 7 in Florence.

8 Q. What about in Berkeley County?

9 A. In Berkeley County, we made Berkeley County whole and  
10 alleviated a split county in that situation. We also in the  
11 enacted plan made Beaufort County whole, making that county  
12 just complete in the 1st Congressional District.

13 Q. What changes did you make in Dorchester?

14 A. In Dorchester County, we kept the district pretty much  
15 the same, except on the south end we ended up following  
16 Congressional District 98, which is Chris Murphy's House  
17 district, which he requested his entire House district be in  
18 the 1st Congressional District.

19 Q. And that District 98, is that a State House district or a  
20 congressional district?

21 A. That's a State House District.

22 Q. Did you make any changes in the Saul Dam area?

23 A. The Saul Dam area, which is just -- let me look at this  
24 real quick. So, the Saul Dam area is located down here. It's  
25 a very large geographic precinct, but it doesn't have too many



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1 people in it. It is an extremely high Trump-performing  
2 district. And we ended up putting that in District 6 so that  
3 we could actually make a clear path to downtown Charleston and  
4 West Ashley through this way.

5 Q. Did that move improve the shape of District 6 in that  
6 area?

7 A. It did.

8 Q. Mr. Roberts, what information did you use to decide which  
9 areas to move in this map?

10 A. That would have been based on the comments from the  
11 Congressman. It would have been based on input from Senator  
12 Campsen, Senator Grooms, Representative Murphy, and it would  
13 have been based on the political information we had available  
14 to achieve the goal of the General Assembly of making the 1st  
15 a more Republican district.

16 Q. Were there any other goals you pursued to make the plan  
17 better in terms of traditional districting principles?

18 A. In Charleston we really respect the communities of  
19 interest in Charleston. We'll get to that in just a little  
20 bit. We also made sure that we put the entire coastal area,  
21 this area through here, in the 1st Congressional District to  
22 preserve that core of the sea islands and the coastal areas of  
23 South Carolina.

24 Q. Did you set out to repair county splits?

25 A. We did. We started off trying to draw by VTD and repair

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1 as many county splits as we could.

2 Q. And did you also set out to repair VTD splits?

3 A. We did.

4 Q. Now, Mr. Roberts, you testified that after former  
5 Congressman Cunningham's allegations in November, you went  
6 back to the staff plan and took a look at his allegations,  
7 right?

8 A. That's right.

9 Q. And you concluded that his allegations about the use of  
10 race were incorrect; is that right?

11 A. That's correct.

12 Q. What changes, nonetheless, did you make to the map in  
13 response to those allegations?

14 A. After hearing those allegations, we moved some pieces  
15 around in Charleston and started following national geographic  
16 features that really define the communities of interest around  
17 Charleston County.

18 Q. And did you make any of these changes we've discussed  
19 based on race?

20 A. No.

21 Q. Did you make some of these changes based on politics?

22 A. Yes.

23 MR. GORE: So, if we can pull up Exhibit 3 side by  
24 side with this map.

25 BY MR. GORE:

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1 Q. So, Mr. Roberts, you testified earlier you're familiar  
2 with these redistricting guidelines; is that right?

3 A. That's correct.

4 Q. Okay. I want to turn your attention to Section 1A2,  
5 Population Equality For Congressional Districts. In that  
6 paragraph, the final sentence starts, "So that the state..."  
7 Can you see that on your screen?

8 A. Yes.

9 Q. Will you read that sentence for us?

10 A. "So that the state may avoid assuming this additional  
11 burden under federal law, a congressional redistricting plan  
12 should not have a population deviation greater than  
13 one person."

14 Q. Did you draw the enacted plan with the total deviation of  
15 one person?

16 A. Yes.

17 Q. Parts 1B and 1C mentioned voting rights and avoidance of  
18 racial gerrymandering. Are you qualified to determine whether  
19 a plan complied with those requirements?

20 A. No. I'm not an attorney.

21 Q. And so, who is responsible for analyzing that on behalf  
22 of the Senate?

23 A. We looked at outside counsel to make that determination.

24 Q. Section 2 at the bottom of page one lists contiguity?

25 A. Yes.

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1 Q. I believe we discussed before there was an Maptitude  
2 function for contiguity; is that right?

3 A. Yes.

4 Q. And are the districts in the enacted plan contiguous?

5 A. Yes.

6 Q. On page three it lists additional considerations that can  
7 be brought to bear. Do you see that?

8 A. I do.

9 Q. It mentions communities of interest, constituent  
10 consistency, minimizing divisions of county boundaries,  
11 minimizing divisions of cities and towns, and minimizing  
12 divisions of voting precinct boundaries as well as district  
13 compactness; is that right?

14 A. That's correct.

15 Q. Did you consider each of these factors across the state  
16 when you drew the enacted plan?

17 A. Yes, we did.

18 Q. Were there any of these criteria that you elevated over  
19 others when you were drawing the enacted plan?

20 A. When we first started out drawing, we did elevate some of  
21 them. We made sure that we were going to start with the  
22 benchmark plan, which would have preserved the cores of the  
23 existing districts and make only modest changes to the lines  
24 to balance out the population. We also set out from the  
25 beginning to minimize divisions of county boundaries and to

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1 minimize divisions of voting precincts.

2 Q. Was there a particular reason you were interested in  
3 preserving the cores of existing districts?

4 A. It's a traditional redistricting principle. And it was  
5 requested by Congressman Clyburn to have minimal change, so we  
6 were going to respect that. You can make the argument that  
7 preserving cores of the existing districts is also the same as  
8 respecting communities of interest.

9 Q. Does keeping counties and VTDs whole facilitate election  
10 administration?

11 A. Yes. It makes it a lot easier on election officials on  
12 election day if precincts are kept whole as well as counties.

13 Q. What did you do to ensure that the districts were  
14 compact?

15 A. We used the eyeball test on this. We had the capability  
16 of running a statistical analysis based on different  
17 algorithms, but none of us could understand what those numbers  
18 meant, so we just used the eyeball test for the compactness.

19 Q. And did you preserve communities of interest in the  
20 enacted plan?

21 A. Yes, we did.

22 Q. So, Mr. Roberts, I want to ask you about the first  
23 sentence in Section 3, additional considerations. It says:  
24 Other criteria -- well, actually, will you just go ahead and  
25 read that for us.

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1 A. Talking about where it says "other criteria"?

2 Q. Yeah.

3 A. "Other criteria that should be given consideration where  
4 practical and appropriate in no particular order or  
5 preference, are..."

6 Q. And who was responsible to determine whether these  
7 principles had been considered in a particular order of  
8 preference or not?

9 A. That would have been something that we all discussed  
10 during the map-drawing process.

11 Q. And, ultimately, did you have a vote on the map?

12 A. No, I did not.

13 Q. Was the General Assembly ultimately responsible for  
14 determining whether the guidelines had been applied?

15 A. Yes.

16 Q. And to what extent?

17 A. Yes.

18 Q. And was it up to the General Assembly to determine which  
19 tradeoffs to make in these various principles?

20 A. Yes.

21 Q. Mr. Roberts, I'd like to go down to paragraph 4. It says  
22 "data."

23 MR. GORE: Will you bring that up?

24 BY MR. GORE:

25 Q. Will you read that last sentence?

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1 A. It says, "The other succinct and importable sources of  
2 demographic and political information may be considered in  
3 drafting and analyzing proposed redistricting plans."

4 Q. And did you consider political information in drafting  
5 the enacted plan?

6 A. Yes, we did.

7 MR. GORE: Let's go ahead and -- we can take this  
8 document down. And can we just get enacted -- Senate  
9 Exhibit 29c?

10 **BY MR. GORE:**

11 Q. Mr. Roberts, this is the core constituencies report for  
12 Amendment 1. Do you see that?

13 A. Yes.

14 Q. And we talked a little bit about the map before. But is  
15 this the same method of calculating district cores as we  
16 talked about with the Milk Plan?

17 A. Yes.

18 Q. And what are the core retention percentages for each  
19 district here in the enacted plan?

20 A. So, District 1 is 92.78. District 2 is 96.75. District  
21 3 is 94.75.

22 Q. And we can go to the next page.

23 A. District 4 is 98.09. District 5 is 95.04. District 6 is  
24 77.41.

25 Q. And there should be one more page.

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1 A. And District 7 is 99.51.

2 Q. Is there a reason District 6's core preservation number  
3 is lower than the others?

4 A. Given the fact that it was underpopulated in the 2020  
5 census, we expected it to drop because it needed to pick up  
6 approximately 80,000 people from another district.

7 Q. Do these core preservation numbers indicate that the  
8 enacted plan is a minimal change plan?

9 A. Yes, it does.

10 Q. Is that true across the state?

11 A. Yes.

12 Q. Including Districts 6 and 7?

13 A. Districts 6 and 7, definitely, yes.

14 MR. GORE: Let's see if we can pull up side by side  
15 Senate Exhibits 28b and 29e -- I'm sorry, it should be 29d --  
16 or 28b and 29e. Can we get 29e?

17 **BY MR. GORE:**

18 Q. So, this is the political subdivision splits between  
19 districts in the enacted plan. How many counties are split in  
20 the enacted plan?

21 A. There are 10 splits.

22 Q. How many were split in the benchmark plan?

23 A. I believe it was more than that, but I have to go back to  
24 my sheet.

25 MR. GORE: Can we pull up 28d as well -- or I'm



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1       sorry, 28b -- no, 28d. Thank you.

2       **BY MR. GORE:**

3       Q.    So, looking at 28d, how many county splits were there in  
4       the benchmark plan?

5       A.    There are 12.

6       Q.    And how many voting district splits were there in the  
7       benchmark plan?

8       A.    Sixty-five.

9       Q.    And how many of those affected no population?

10      A.    Thirteen of them.

11      Q.    Okay.

12               MR. GORE: And can we go back to 29e? I'm sorry.

13      **BY MR. GORE:**

14      Q.    And so, comparing that to the enacted plan, how many  
15      county splits were in the enacted plan?

16      A.    We've got 10 county splits.

17      Q.    And how many VTD splits?

18      A.    Thirteen.

19      Q.    And which counties split in the benchmark plan did you  
20      make whole in the enacted plan?

21      A.    I know that we made whole Beaufort and Berkeley County in  
22      the enacted plan.

23      Q.    And this document shows that Jasper was split in the  
24      enacted plan. Was that split in the benchmark plan?

25      A.    No, it was not.

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1 Q. And did you make Newberry County whole in the enacted  
2 plan?

3 A. We did.

4 MR. GORE: Let's go ahead and pull up 29d, if we can,  
5 as well as 28c. If we can get those side by side. Thank you.

6 **BY MR. GORE:**

7 Q. If you look at this, Mr. Roberts, it's 29d, and it shows  
8 the Trump percentage in District 1. Do you see that?

9 A. Yes.

10 Q. And what is the Trump percentage in District 1 under the  
11 enacted plan?

12 A. It's 54.39 percent.

13 Q. And is that higher or lower than in the benchmark plan?

14 A. It's higher than the benchmark.

15 Q. And so, does the enacted plan achieve the goal of making  
16 District 1 more Republican leaning?

17 A. Yes, it does.

18 Q. And how many districts are majority Republican in this  
19 plan?

20 A. That would be six out of the seven.

21 MR. GORE: Can we pull up Exhibit 28b, as in boy?

22 **BY MR. GORE:**

23 Q. Mr. Roberts, this is a report on the demographics in the  
24 benchmark districts under the 2020 census. Did you prepare  
25 this report?

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1 A. Yes, I did.

2 Q. And according to this report, what is the BVAP percentage  
3 in District 1 under the benchmark plan?

4 A. It is 16.56.

5 MR. GORE: And can we pull up 29g?

6 **BY MR. GORE:**

7 Q. And, Mr. Roberts, this is the population summary for the  
8 enacted plan. What's the BVAP in District 1 in the enacted  
9 plan?

10 A. 16.72.

11 Q. So, did the enacted plan increase the BVAP in District 1  
12 as a percentage?

13 A. It did.

14 Q. And it also increased the Republican vote share in  
15 District 1 as a percentage; is that right?

16 A. That's correct.

17 Q. Now, we see here also that District 6's BVAP percentage  
18 declined from the benchmark plan to the enacted plan; is that  
19 right?

20 A. That's correct.

21 Q. Why did that result occur?

22 A. That occurred from moving 80-something-thousand people  
23 from District 1 to District 6.

24 Q. Was benchmark District 6 underpopulated under the 2020  
25 census data?

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1 A. Yes.

2 Q. How severely?

3 A. 84,741 people.

4 Q. Did you set out to change District 6's BVAP in the  
5 enacted plan?

6 A. No.

7 Q. Did you consider changing District 6's BVAP in the  
8 enacted plan?

9 A. No.

10 Q. How about any other district's BVAP?

11 A. No.

12 MR. GORE: Thank you. We can take this down. Can we  
13 get Plaintiffs' Exhibit 332?

14 **BY MR. GORE:**

15 Q. So, Mr. Roberts, this is an e-mail you sent to Andy  
16 Fiffick on January 16th, 2022; is that right?

17 A. That's correct.

18 Q. Do you recall about when the enacted plan was adopted?

19 A. Sometime in January. I can't recall the exact date.

20 Q. Was it around January 20th or so?

21 A. I believe so, yes.

22 Q. And this e-mail's subject line is "Analysis For Senator  
23 Campsen Notes on Essay 1..X". And you're telling Mr. Fiffick  
24 this is an analysis you put together on Senate Amendment 1; is  
25 that right?

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1 A. That's correct.

2 Q. Okay. If we can go to the next page of this exhibit,  
3 there is an attachment which has an analysis. Do you recall  
4 drafting this document?

5 A. Yes.

6 Q. And do you know why you drafted it and sent it to Mr.  
7 Fiffick?

8 A. I don't know exactly why, but it would have been a  
9 request from Andy for me to put something like this together.

10 Q. Now, it appears to contain an analysis of adherence to  
11 the Voting Rights Act and avoidance of racial gerrymandering.  
12 Did you write all that?

13 A. Yes, I did.

14 Q. And are you qualified to conduct that kind of legal  
15 analysis?

16 A. No, I'm not.

17 Q. Do you know whether Mr. Fiffick ever relied on this  
18 e-mail?

19 MR. CUSICK: Objection. Speculation.

20 JUDGE GERGEL: Well, how would he know that? Lay a  
21 foundation.

22 **BY MR. GORE:**

23 Q. Did you ever discuss this e-mail with Mr. Fiffick --

24 A. Not that I recall.

25 Q. -- after you sent it?

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1 A. Not that I recall.

2 Q. Did you ever discuss it with Senator Campsen?

3 A. No, I did not.

4 Q. Do you have any basis one way or the other to know  
5 whether Mr. Fiffick or Senator Campsen relied on this?

6 A. Both of them know me personally. They know I'm not an  
7 attorney. So, if they relied on it, then I can't speak to  
8 that, no.

9 MR. CUSICK: Objection again. Motion to strike that  
10 answer because he already --

11 JUDGE GERGEL: It sounds like to me it's  
12 non-responsive. I mean, the question -- he doesn't know, I  
13 think that's the answer.

14 MR. GORE: That's the answer. Thank you.

15 JUDGE GERGEL: He does not know.

16 MR. GORE: Thank you, your Honor.

17 JUDGE GERGEL: I sustain the objection based on the  
18 additional language stated.

19 MR. GORE: Let's go to Plaintiffs' Exhibit 334, if we  
20 can.

21 **BY MR. GORE:**

22 Q. This is an e-mail from Breeden John to Senator Campsen on  
23 January 18th, 2022, on which you are copied. Do you see that?

24 A. Yes.

25 Q. It appears that Mr. Fiffick and Mr. Terrine also are

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1 copied; is that right?

2 A. That's correct.

3 Q. Okay. And this is an e-mail to which Mr. John attaches  
4 talking points; is that right?

5 A. Yes, it is.

6 Q. And if we can skip ahead to the next page, do you  
7 recognize these talking points?

8 A. Yes, I do.

9 Q. And do you know why Mr. John put these together?

10 A. This would have been a request that came from Senator  
11 Campsen before he attended one of the meetings about the  
12 plans.

13 Q. Did Senator Campsen express interest in particular  
14 talking points or areas he wanted to know about?

15 A. Yes, he did.

16 Q. And what were those?

17 A. Really an overall view of how the district changes impact  
18 -- or were moved, especially in the Charleston area.

19 Q. Okay. Were any members of the staff permitted to share  
20 this kind of document without Senator Campsen's permission?

21 A. If it was requested from Senator Campsen, we would not  
22 share it without express consent from him.

23 MR. GORE: Let's go ahead and take that down and see  
24 if we can pull up Senate Exhibit 62.

25 BY MR. GORE:

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1 Q. Now, Mr. Roberts, do you recognize this document?

2 A. Yes, I do.

3 Q. What is it?

4 A. It's talking points that we provided to Senator Campsen.  
5 And I believe this is some of the other areas as well.

6 Q. And do you know why this document was put together?

7 A. I believe this is the document that we were going to talk  
8 about on the House floor. It was going to be used on the  
9 House floor as talking points from the different areas of the  
10 state.

11 Q. Was this document provided to the Republican Senators?

12 A. Yes, it was.

13 Q. Was it provided to any Democratic Senators?

14 A. Not that I recall.

15 Q. Did the Republicans who received this document all  
16 support the plan?

17 A. I believe so, yes.

18 Q. And did any Democrats support the plan?

19 A. Not that I'm aware.

20 Q. And were any members of the staff permitted to share this  
21 kind of talking point document without Senator Campsen's  
22 permission?

23 A. Not without his permission, no.

24 Q. Mr. Roberts, what was Senate Amendment 2?

25 A. Senate Amendment 2 was an amendment that was going to be



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1 put forward by Senator Harpootlian.

2 Q. And when the Senate staff received the plan from Senator  
3 Harpootlian, did you notice some kind of problem with it?

4 A. Yes. It was out of the -- it did not satisfy the  
5 one-person deviation.

6 Q. And what did you do about that?

7 A. We let Senator Harpootlian know that his plan was out of  
8 deviation.

9 Q. And what was done to address that problem?

10 A. He told us to fix it or get it fixed.

11 Q. And what did you do in response to that instruction?

12 A. I can't remember if we fixed it or if we contacted Joey  
13 Oppermann to fix it.

14 Q. And did that fix become Senate Amendment 2A?

15 A. Yes, it did.

16 Q. And using Maptitude, did you prepare reports regarding  
17 Amendment 2 and Amendment 2A?

18 A. Yes, I did.

19 Q. And did those reports include a partisan analysis report?

20 A. Yes, it did.

21 Q. And were those reports posted on the Senate redistricting  
22 website along with those plans?

23 A. Yes, they were.

24 MR. GORE: Can we pull up Senate Exhibit 31a, which  
25 is at tab 8 of the binder?

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1 **BY MR. GORE:**

2 Q. Will you briefly describe to the Court some of the  
3 differences between Amendment 1 and Amendment 2A.

4 A. Some of the differences in between the two are you've got  
5 District 7 that's now running from Horry County through  
6 Georgetown County to Berkeley County down to Dorchester  
7 County. That was not the same as in amendment -- House Plan  
8 2, Senate Amendment 1. It did not correspond to the request  
9 that we had from Senator Rankin not to touch District 7.

10 District 5 now runs from Rock Hill all the way out towards  
11 Mullins on the way to Horry County. That, again, is a big  
12 change in the way District 5 is shaped. District 3 now comes  
13 into portions of Greenville and Laurens, which I believe  
14 Laurens was already in there. But it really dramatically  
15 shifts the core of that district.

16 District 2, which used to be really in the Midlands area,  
17 now extends up into the upstate of South Carolina, coming  
18 through Abbeville, Greenville, portions of Union County.

19 District 4 is now stretched from Greenville and Spartanburg  
20 all the way across the northern border with North Carolina.  
21 And District 6 goes from basically Kingstree up into Richland  
22 down through Barnwell, Allendale and down to Hampton. So, the  
23 cores of these districts are really, really different.

24 Another thing that it looks like it does is it does keep  
25 Charleston whole, from what I can tell from this map, Colleton

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1 whole, Beaufort whole, and Jasper whole.

2 Q. Does it keep Fort Jackson in District 2?

3 A. No, it does not.

4 Q. Would you describe this as a minimal change plan?

5 A. Not at all.

6 Q. Why not?

7 A. It does not respect the cores of the existing districts  
8 with the dramatic modifications that this map has.

9 Q. Is this a least-changed plan to District 7?

10 A. No, it's not.

11 Q. Where is District 7 in the enacted plan or Amendment 1  
12 compared to where it is in this plan?

13 A. District 7 is really anchored by the Pee Dee and the  
14 Grand Strand areas. And this one, it goes from Horry down to  
15 Dorchester.

16 Q. Is this a minimal-change plan for District 6?

17 A. No, it is not.

18 Q. Why not?

19 A. It now includes Allendale and Hampton counties -- I'm  
20 sorry. It includes all of Richland County, it includes all of  
21 Sumter County in this map.

22 Q. Does District 6 extend into Colleton in this map?

23 A. It does not extend into Colleton in this map, no.

24 Q. How about Dorchester?

25 A. No.

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1 Q. How about Charleston?

2 A. No.

3 Q. All right.

4 MR. GORE: All right. Can we get Senate Exhibit 31c?

5 **BY MR. GORE:**

6 Q. This is the core constituency's report for Senate  
7 Amendment 2A. And if you look at the first page of this  
8 report, are these core preservation numbers lower than  
9 Amendment 1?

10 A. Yes, they are.

11 MR. GORE: Can we go to the next page?

12 **BY MR. GORE:**

13 Q. And focusing in on District 6, what is the core  
14 preservation percentage in District 6 under Amendment 2A?

15 A. By looking at it as a percentage of the total population  
16 of 731,204 it is 54.34 percent.

17 Q. Does that mean that more than 45 percent of Congressman  
18 Clyburn's constituents would be new to him under Amendment 2A?

19 A. That's correct.

20 Q. And would that be a minimal-change district for  
21 Congressman Clyburn?

22 A. No.

23 MR. GORE: Let's take this down and go to Exhibit  
24 31d -- Senate Exhibit 31d.

25 **BY MR. GORE:**

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1 Q. This is the partisan analysis report for that plan. Did  
2 you generate this report?

3 A. Yes, I did.

4 Q. And in how many of the districts does a Republican get  
5 more votes than the Democrat?

6 A. It would be five out of the seven.

7 Q. Is District 1 a Republican-leaning district in this plan?

8 A. No, it's not.

9 Q. What is the Republican vote share in this plan?

10 A. It's 48.17 percent.

11 Q. Did you ever discuss the political effect of Amendment 2A  
12 with any senator?

13 A. Senator Campsen.

14 Q. What did you understand Senator Campsen to convey to you  
15 about that, if anything?

16 A. That he was not going to vote for this.

17 Q. Did you have an understanding as to why?

18 A. The Trump percentage was a lot lower in the plan that he  
19 had, and it was lower than the benchmark.

20 Q. Did you ever discuss race or BVAP with Senator Campsen or  
21 any other senator?

22 A. No.

23 MR. GORE: Let's take that down if we can. Let's go  
24 to Exhibit 68a.

25 BY MR. GORE:

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1 Q. Mr. Roberts, are you familiar with this partisan -- with  
2 this map?

3 A. Yes, I've seen it before.

4 Q. Is this the League of Women Voters' map?

5 A. It's a modified version of the League of Women Voters'  
6 map.

7 Q. Do you know what modifications were made to it?

8 A. I believe it was to -- I believe the original League of  
9 Women Voters' map had two incumbent congressmen in the same  
10 difference, and I believe this one was modified to separate  
11 those incumbents.

12 Q. Was this map proposed as Senate Amendment 3?

13 A. Yes, it was.

14 Q. Do you recall how you received this particular plan?

15 A. I don't recall exactly. I know it was on our  
16 redistricting system. We ran all the reports and everything  
17 for it. I don't remember how we received this one.

18 Q. Looking at this map, can you briefly describe to the  
19 Court the differences between this map and Senate Amendment 1?

20 A. Starting with District 1, this looks to have Colleton  
21 whole, Dorchester whole, and Charleston whole down through  
22 this area. It does split Berkeley County down in the Hanahan  
23 area, it looks like. District 7 is modified to, instead of  
24 having a Pee Dee/Grand Strand anchor, it actually comes down  
25 into Berkeley County, down towards Moncks Corner and Bono

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1 Beach.

2 District 5 is now elongated along the North Carolina  
3 border, coming from Spartanburg County all the way to Marlboro  
4 County. District 4 is pretty close to where it was in the  
5 enacted map, but it does have two splits in Greenville County  
6 under this. District 3 has got a little bit of change into  
7 it. But District 2 now runs from Lexington down to Beaufort.  
8 District 6, it is no longer in the downtown Charleston area.  
9 It does pick up Fairfield County. And then, again, you've got  
10 Fort Jackson not in District 2.

11 Q. So, speaking of District 2 first, does this version of  
12 District 2 extend that district into Beaufort?

13 A. Yes, it does.

14 Q. Does this version of District 6 extend into Colleton?

15 A. No, it does not.

16 Q. Or Dorchester?

17 A. No, it does not.

18 Q. Or Charleston?

19 A. No, it does not.

20 Q. Would you describe this as a minimal-change plan?

21 A. No.

22 Q. Why not?

23 A. It does not respect the cores of the existing districts  
24 under the benchmark plan.

25 MR. GORE: Can we pull up Senate Exhibit 68c?

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1 **BY MR. GORE:**

2 Q. This is the core constituency's report for Amendment 3,  
3 the LWV Plan. Does this plan generally preserve less of the  
4 cores than Amendment 1?

5 A. Yes.

6 MR. GORE: And if we can go to the next page, I'd  
7 like to focus on District 6 there at the bottom.

8 **BY MR. GORE:**

9 Q. How much of the core of District 6 does the LWV Plan  
10 preserve?

11 A. Again, given the total population of 731,202, District 6  
12 has 50.70 percent.

13 Q. Does that mean that nearly 50 percent of Congressman  
14 Clyburn's constituents would be new to him under this version  
15 of the plan?

16 A. That's correct.

17 Q. Would that be a minimal-change district for Congressman  
18 Clyburn?

19 A. No, it would not.

20 MR. GORE: All right. Can we pull up Senate Exhibit  
21 68d?

22 **BY MR. GORE:**

23 Q. This is the partisan analysis report for this plan. Did  
24 you prepare this report?

25 A. Yes, I did.



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1 Q. And according to this report, in how many districts do  
2 the Republicans get more than the Democrats?

3 A. That would be five out of the seven.

4 Q. Is District 1 a Republican-leaning district in this plan?

5 A. No, it is not.

6 Q. What is the Trump vote share in District 1 in this plan?

7 A. It's 48.25 percent.

8 Q. Did you ever discuss this plan with any senator?

9 A. I believe I did discuss this with Senator Campsen.

10 Q. And what did you understand Senator Campsen's view of  
11 this plan to be?

12 A. It would have been the same.

13 MR. CUSICK: Your Honor, just an objection here.  
14 Senator Campsen will be here later today. And the relevance  
15 of his understanding as to why Senator Campsen voted on this  
16 plan.

17 JUDGE GERGEL: He didn't vote on the plan.

18 MR. GORE: Didn't vote on the plan.

19 MR. CUSICK: I'm sorry. His views on the --

20 JUDGE GERGEL: I think it's going to his intent.  
21 Overruled.

22 MR. GORE: Thank you, your Honor.

23 THE WITNESS: Can you repeat the question please?

24 **BY MR. GORE:**

25 Q. Sure. What did you understand Senator Campsen's view of

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1 this plan to be?

2 A. This wasn't going to go anywhere because it had the Trump  
3 percentage lower than the benchmark in District 1.

4 Q. And did Senator Campsen want to increase the Trump number  
5 in District 1?

6 A. Yes.

7 MR. GORE: Your Honor, at this time I'm about to move  
8 into a whole new area. Would you prefer --

9 JUDGE GERGEL: Do you think this is a good time for a  
10 break, Mr. Gore?

11 MR. GORE: I do.

12 JUDGE GERGEL. We'll take a break then, and let's  
13 come back at 1:15.

14 *(Lunch recess.)*

15 JUDGE GERGEL: Please be seated.

16 Any matters any of the parties need to address before  
17 we continue with direct?

18 MR. CHANEY: Not for plaintiffs, your Honor.

19 MR. GORE: Not for Senate Defendants, your Honor.

20 MR. MOORE: Not for the House Defendants, your Honor.

21 JUDGE GERGEL: Thank you. Okay. Go for it, Mr.

22 Gore.

23 MR. GORE: Thank you, your Honor.

24 **BY MR. GORE:**

25 Q. Mr. Roberts, I'd like to go back to Senate Exhibit 31a

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1 and ask you just a couple followup questions about it. This  
2 is the map of Senate Exhibit Senate Amendment 2A. Do you see  
3 that on your screen?

4 A. Yes, I do.

5 Q. I may have misunderstood your testimony earlier. But  
6 does the Amendment 2A Plan split Richland County in the  
7 northwest corner?

8 A. Yes, it does.

9 Q. Do you know anything about the political makeup of the  
10 portion of Richland County that's placed in District 2 under  
11 Amendment 2A?

12 A. It's a predominantly Republican voting area.

13 Q. Thank you.

14 JUDGE GERGEL: I missed that. This is the -- we're  
15 talking about the enacted plan?

16 MR. GORE: This is Amendment 2A.

17 JUDGE GERGEL: That's the --

18 MR. GORE: The Harpootlian Plan.

19 JUDGE GERGEL: The Harpootlian. Okay. Got you. I'm  
20 sorry.

21 MR. GORE: Thank you, your Honor. I understood we  
22 were trying to get away from calling it that.

23 JUDGE GERGEL: That's fine. I lapse myself. Excuse  
24 me. 2A is fine.

25 MR. GORE: Thank you.

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1 **BY MR. GORE:**

2 Q. Okay. Mr. Roberts, I'd now like to discuss the specific  
3 changes you made in the enacted plan from the benchmark plan.  
4 Did you prepare a set of maps showing various counties and  
5 statewide the changes in the enacted and benchmark plan?

6 A. Yes, I did.

7 Q. How did you prepare those?

8 A. Pulled in information into ArcGIS, a mapping software  
9 that we used to produce the maps. It was the enacted plan  
10 with the benchmark lines overlaid, did a statewide map as well  
11 as individual county splits.

12 Q. Are those maps true and accurate representations of the  
13 district lines and geography they depict?

14 A. Yes, they are.

15 MR. GORE: Your Honor, at this time I'd like to move  
16 into evidence Senate Exhibits 47, 48, 49, 50, 51, 52, 53, 54,  
17 55, and 56.

18 JUDGE GERGEL: Are there objections from the  
19 plaintiffs?

20 MR. CUSICK: Yes, your Honor. Yes. We renew our  
21 objections in ECF 355 and 351, that these were produced I  
22 believe for the sole purposes of trial, so these are post-hoc  
23 justifications that were created. Even though they rely on  
24 data that might have been available to folks during the  
25 process, these were produced from what I believe on the last

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1 day of discovery, August 12th, after depositions and all had  
2 been taken. And so, this would be all relatively new.

3 JUDGE GERGEL: What is 47 through 56, Mr. Gore?  
4 Could you explain it to me?

5 MR. GORE: Your Honor, yes. There are tabs 9 through  
6 the end of the binder. These are maps that Mr. Roberts  
7 prepared. We did produce them in discovery. And they are  
8 maps showing the bench -- the enacted districts with the  
9 benchmark lines superimposed over them. And these are maps  
10 that were prepared -- perhaps, it starts at tab 10 -- by Mr.  
11 Roberts using the software that he used to produce other  
12 maps --

13 JUDGE GERGEL: So we can visualize the difference?

14 MR. GORE: So that you can visualize the differences.

15 JUDGE GERGEL: It's just for demonstrative purposes.  
16 What's the objection? I mean, I don't think they argue that  
17 they were -- were they used in the debate or anything?

18 MR. GORE: No, they were not.

19 JUDGE GERGEL: It's part of the discovery. It's just  
20 a demonstrative exhibit. I overrule the objection.

21 MR. GORE: Thank you.

22 JUDGE GERGEL: And so, let me just say, Senate  
23 Exhibits 47 through 56 are admitted.

24 MR. GORE: Thank you, your Honor.

25 *(Senate Exhibits 47 through 56 were admitted into*

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1 *evidence.)*

2 MR. GORE: Can we pull up Senate 47?

3 BY MR. GORE:

4 Q. So, Mr. Roberts, do you recognize this document?

5 A. Yes, I do.

6 Q. What is it?

7 A. This is the statewide map that I created that shows the  
8 enacted districts in color with the dark blue outline as the  
9 benchmark lines.

10 Q. And can you just briefly walk through for the Court and  
11 show where those enacted districts and benchmark lines are in  
12 this plan?

13 A. Yes, certainly. So, the enacted lines are going to be  
14 the colored lines. The benchmark are the dark blue lines. To  
15 give you some examples of what's changed, as you can see in  
16 Greenville, we changed here; Spartanburg here. We made  
17 Newberry whole here. In Florence, it shows you the change  
18 that we did in this area. In Sumter, adding more of Sumter to  
19 District 6 here. We changed the outer boundary of the hook  
20 here in Richland County. We put the Limestone area of  
21 Orangeburg into District 2 here. We've got the Sun City and  
22 Okatie precincts down here in District 1. And then we bring  
23 in District 6 into the West Ashley downtown area here.

24 Q. So, let's back up a minute and make sure we understand  
25 what we're looking at. So, each enacted district is shaded in

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1 a color; is that right?

2 A. That's correct.

3 Q. Okay. And are the black lines county lines?

4 A. That's correct.

5 Q. And the dark blue lines are the old benchmark lines where  
6 they deviate from the enacted lines; is that right?

7 A. That is correct.

8 Q. And you've just highlighted on the screen some of the  
9 changes that were made and some of the areas in which changes  
10 were made in the map; is that correct?

11 A. That's correct.

12 MR. GORE: And that map is at tab 10 for the Court's  
13 reference.

14 **BY MR. GORE:**

15 Q. Mr. Roberts, did you also prepare individual  
16 county-specific maps showing the changes from the benchmark  
17 district to the enacted districts?

18 A. Yes, I did.

19 MR. GORE: Can we get Exhibit 53, which is at tab 11  
20 of the binder?

21 **BY MR. GORE:**

22 Q. Mr. Roberts, what does this depict?

23 A. So, the black line is going to be the boundary between  
24 Beaufort County and Jasper County. The purplish color is  
25 going to be District 1, where the gray color is District 6.

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1 The red lines depict the voter tabulation districts in both  
2 Jasper and Beaufort County.

3 Q. And will you explain to the Court what change you made in  
4 Jasper County in the plan?

5 A. Certainly. Jasper County was whole under the benchmark  
6 plan. And after public testimony and talking with people in  
7 the area around -- after public feedback, we ended up making a  
8 change into Jasper County, splitting the county, putting all  
9 of Sun City in the 1st Congressional District. And so, we did  
10 that by including this portion of Jasper County into the 1st  
11 Congressional District.

12 And so, this area, if you're familiar with Beaufort  
13 County, if you get off I-95, you're heading towards Hilton  
14 Head, it's going to be on the left side of 278 as you're going  
15 towards Hilton Head. It's the Sun City portion of Jasper  
16 County. And the reason why we included both Sun City VTD as  
17 well as the Okatie 2 precinct is because the way that this Sun  
18 City precinct was developed, the Sun City area has actually  
19 expanded outside of that boundary. So, to include the entire  
20 Sun City area, we had to include that Okatie 2 precinct as  
21 well. And Sun City is a retirement community, a gated  
22 retirement community, that I believe you have to be over a  
23 certain age in order to reside in that area. And so, after  
24 public testimony, we moved that into District 1.

25 Q. Mr. Roberts, it looks like there are several Sun City



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1 precincts or VTDs in Beaufort; is that right?

2 A. That's correct.

3 Q. The Sun City community exists across the county line  
4 between Beaufort and Jasper?

5 A. It does.

6 Q. And does it extend into that Okatie 2 precinct in Jasper  
7 County?

8 A. Yes, it does.

9 Q. Was this move a decision to unify the Sun City community  
10 of interest in a single district?

11 A. Yes, it was.

12 Q. Was race a factor in the decision to move these precincts  
13 to District 1?

14 A. No.

15 MR. GORE: Would you bring up Senate Exhibit 48,  
16 which is at tab 12 of the binder.

17 **BY MR. GORE:**

18 Q. Okay. Mr. Roberts, this is showing Beaufort County; is  
19 that right?

20 A. That's correct.

21 Q. And will you briefly explain to the Court what's being  
22 shown here.

23 A. Certainly. What we did in this -- and this sort of  
24 explains the numbering on this. So, you see where the  
25 District 1 is down here and the District 6 here, these labels

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1 are for the benchmark. So, we don't want to look at those  
2 when we're trying to determine exactly where the new line is.  
3 We really want to look at the color in this situation.

4 So, this depicts the benchmark line roughly following  
5 through here. So, everything south of here would be in  
6 District 1, and everything in north would be in District 6  
7 according to the benchmark. So, what we did is we made  
8 Beaufort County whole by including this northern portion of  
9 Beaufort County into District 1. And that really -- we had  
10 some testimony about the Gullah Geechee community in Beaufort  
11 County. And what doing this does is, for one, it makes  
12 Beaufort County whole; and the second, it pulls in that  
13 historically -- that Gullah Geechee community out of the  
14 Sheldon area in northern Beaufort County and unites it with  
15 the Gullah Geechee community in Lady's Island and St. Helena  
16 Island. So, you've got Highway 21 that runs roughly somewhere  
17 down here, and it ties that whole Gullah Geechee community  
18 together in Beaufort County.

19 Q. Can you indicate on this map where that Sheldon area of  
20 Beaufort County is?

21 A. Sure. That Sheldon area is going to be located right in  
22 this area.

23 Q. And was that area in District 6 in the benchmark plan?

24 A. It was.

25 Q. By uniting Beaufort County, did you unite the Gullah

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1 Geechee Heritage Corridor in that county as well?

2 A. In that county, yes.

3 Q. Were there any other changes you made to Beaufort?

4 A. In making Beaufort whole, we did repair one split VTD  
5 that was down there, and that's going to be this VTD here. I  
6 believe it's Burton 1D, but I could be wrong on the letter.

7 Q. This map also shows Colleton County. Was that county  
8 split in the benchmark plan?

9 A. Yes, it was. And it was split right here along the  
10 river.

11 Q. And was race a factor in the decision to make any changes  
12 in Beaufort or Colleton County?

13 A. No, it was not.

14 Q. Let's go next to Exhibit 54, which is Tab 13 in the  
15 binder. Mr. Roberts, is Orangeburg split in both the  
16 benchmark and enacted plans?

17 A. Yes, it is.

18 Q. Will you explain this map to the Court?

19 A. Certainly. So, this is the Limestone area that I've been  
20 referencing that was on the Clyburn map that we were handed.  
21 We ended up moving it from District 6 to District 2. The  
22 testimony at the public hearing in Orangeburg said that they  
23 really have a lot -- it's a rural area, and they have a lot  
24 more in common with the southern part of Lexington County,  
25 which is a really rural area, mostly farmland out that way.

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1 And the request was to the put Limestone 1 and 2 into District  
2 2. We did that. This was also in the Clyburn map that was  
3 provided to us by Dalton Tresvant.

4 Other things we did in Orangeburg is we repaired VTD  
5 splits. Here's a VTD split here, one here, and Cordova,  
6 number 2 down there. And so, by changing this map around, we  
7 repaired those VTD splits in Orangeburg.

8 Q. Using this function, can you just quickly trace across  
9 where the line was in the benchmark plan?

10 A. Certainly. So, again, we're using a thick, dark blue  
11 line for the benchmark. So, that would have been -- this is a  
12 rough sketch. So, that's the benchmark line.

13 Q. Again. Are the numbers on this, the 2 and the 6, they  
14 indicate the benchmark districts?

15 A. That's correct. The colored shading represents the  
16 enacted plan.

17 Q. And the blue shading, is that enacted District 2?

18 A. That's correct.

19 Q. Mr. Roberts, was race a factor in making any of these  
20 changes in Orangeburg?

21 A. No, it was not.

22 Q. Thank you.

23 MR. GORE: Can we go to Senate Exhibit 55, please?

24 **BY MR. GORE:**

25 Q. Mr. Roberts, is this the map you prepared of Richland

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1 County?

2 A. Yes, it is.

3 Q. And will you first just trace the benchmark line for the  
4 Court?

5 A. Certainly. So, I'm going to start at the  
6 Lexington/Richland line up here in northwest Richland County,  
7 and we're going to follow this benchmark line around as best  
8 as possible. And that's the benchmark line.

9 Q. Mr. Roberts, we heard testimony earlier today that  
10 District 6 extends like a finger or a thumb into the city of  
11 Columbia in the enacted plan. Was that also true in the  
12 benchmark plan?

13 A. Yes.

14 Q. We also heard testimony about the hook of District 2  
15 around the city of Columbia and Richland. Did that hook exist  
16 in the benchmark plan?

17 A. Yes.

18 Q. And do you know if that basic configuration of Richland  
19 County existed even before the benchmark plan?

20 A. I believe it did.

21 Q. There's a number 2 and a number 6 on this map. Are those  
22 references to the benchmark districts?

23 A. Yes, they are.

24 Q. What is located in this area to the right in the blue  
25 shading?

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1 A. So, Fort Jackson is located in Ward 26 here. This large  
2 area, geographic area, is Fort Jackson.

3 Q. And will you explain to the Court the changes you made in  
4 Richland?

5 A. Certainly. I'm going to clear this benchmark line if  
6 that's all right.

7 Q. Please.

8 A. So, in Richland County, we repaired a lot of the split  
9 precincts in there. I believe it was 19 out of the 21 split  
10 precincts, or somewhere in that ballpark. I'm going to start  
11 out at the Lexington/Richland County boundary and work  
12 eastward, describing the changes we made.

13 So, up through here, the Pine Grove VTD and Harbison, we  
14 ended up repairing that precinct split coming up using the  
15 Walden area, which is the benchmark. And then we repaired the  
16 Monticello precinct. And so what we did is we follow the line  
17 of the southern portion of the Monticello precinct over  
18 towards the Fairlawn precinct. At that point, we turn north  
19 to meet back up with the benchmark line, and then we follow  
20 the benchmark line eastward, going down through the southern  
21 side of Blythewood 3 and north of the Killian precinct. And  
22 we continue to follow that benchmark line all the way till we  
23 get to the eastside of Columbia. So, we're following this all  
24 the way down until we hit the Spring Valley precinct. And at  
25 the Spring Valley precinct, we make a modification to go from

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1 the benchmark line and actually follow the boundary between  
2 Senate Districts 20, 21 and 22, one represented by Mia  
3 McCloud, the other one by Darrell Jackson.

4 And so, we follow the Senate district line all the way  
5 till we get close to the south side of Fort Jackson. And  
6 then, at this point, we end up picking back up with the  
7 benchmark, going around and then repairing the two Brandon  
8 precinct splits there, and then run that boundary out,  
9 completing the hook shape or running along the south side of  
10 Fort Jackson.

11 Q. Okay. Can you indicate for me where around the Brandon  
12 precincts the line runs?

13 A. So, the Brandon precincts would be located down here.  
14 And so, you can see where the benchmark line splits those two  
15 precincts. So, we included both of those precincts in  
16 District 2, repairing that split.

17 Q. Mr. Roberts, does following the Senate District 21 and 22  
18 line make election administration easier?

19 A. Yes, it does.

20 Q. How so?

21 A. The people on that line that would vote in Senate  
22 District 22 would be in Congressional District 6; and those  
23 folks that vote in Senate District 21 would vote in the other  
24 congressional district.

25 Q. Does repairing 19 of the 21 precinct or VTD splits in

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1 Richland make election administration easier?

2 A. Yes, it does.

3 Q. How so?

4 A. There's no ballot styles you have to the split in  
5 Richland County based on that. So, the hardest thing for a  
6 poll worker to do on election day is to determine the ballot  
7 style for somebody. So, having one ballot style per precinct,  
8 especially on the Senate congressional lines, makes it a lot  
9 easier for election administrations.

10 Q. Did you honor Congressman Wilson's request to leave Fort  
11 Jackson in District 2?

12 A. Yes. Fort Jackson is still in his district.

13 Q. Was race a factor in any of the decisions you made about  
14 where to place lines in Richland County?

15 A. No.

16 Q. Let's move, if we can, to Senate Exhibit 56. We'll head  
17 to Sumter County. Mr. Roberts, is Sumter County split in both  
18 the benchmark and enacted plans?

19 A. Yes, it is.

20 Q. Will you first trace the line of the benchmark district?

21 A. Certainly. We're going to begin down here at the  
22 Clarendon/Sumter County line and follow the benchmark line  
23 northwest into the city of Sumter, showing the split that was  
24 existing in Sumter under the benchmark plan. So, that is the  
25 benchmark line.



WILLIAM ROBERTS - DIRECT EXAMINATION BY MR. GORE

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1 Q. Will you explain to the Court the changes you made in  
2 Sumter County in the enacted plan?

3 A. Certainly. Congressman -- well, Mr. Tresvant relayed to  
4 us that Congressman Clyburn wanted more of Sumter in his  
5 district. The map that he provided actually -- we were able  
6 to tell, looking at it, that this Pocotaligo area in Sumter  
7 was included in his District 6 under that map. And then so we  
8 just added more of Sumter in there, repairing the precinct  
9 splits that we had in there. So we ended up making South  
10 Liberty, which is right here, we fixed that split. I believe  
11 there was another split somewhere up in that area. And we  
12 added the Swan Lake precinct to Congressional District 6.

13 Another thing that we did in there is -- the way the  
14 benchmark map looked, it sort of looked like we had a goalpost  
15 kind of right here. To make that look more clean, we added  
16 the Turkey Creek precinct into Congressional District 6, just  
17 to round that area off on the northeast side of Sumter.

18 Q. Did adding the Turkey Creek precinct improve the shape of  
19 District 6?

20 A. Yes.

21 Q. And, Mr. Roberts, was race a factor in any of the changes  
22 you made in Sumter County?

23 A. No.

24 MR. GORE: Let's pull up Senate Exhibit 52. This is  
25 Florence County.

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1 **BY MR. GORE:**

2 Q. Mr. Roberts, is Florence split in both the benchmark and  
3 enacted plans?

4 A. Yes.

5 Q. Will you briefly trace the line between the -- the  
6 benchmark district line shown here?

7 A. Certainly. I'm going to start over here at the  
8 Sumter/Florence County boundary, and we're going to follow  
9 this benchmark line down through Sumter -- I'm sorry, down  
10 through Florence, until we meet back up with the Williamsburg  
11 County boundary.

12 Q. Will you explain to the Court the changes you made in  
13 Florence County?

14 A. Certainly. We were looking at trying to make District 6  
15 more compact around the Lake City area. And so, the way we  
16 did that was repaired the Hanahan precinct split here by  
17 moving that all into District 7. And then we dropped the  
18 Alanna/McAllister Mill precincts so that we didn't have the  
19 elongated line on the southern part of Florence County. And  
20 then to balance the population, we ended up splitting the  
21 Scranton area there. So we ended up having a pretty compact  
22 area around Lake City, which is right there.

23 Q. Mr. Roberts, was race a factor in any of the changes you  
24 made in Florence County?

25 A. No.

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1 Q. Let's move next to Berkeley County, which is Senate  
2 Exhibit 49, tab 17 of the binder. Mr. Roberts, was Berkeley  
3 County split in the benchmark plan?

4 A. Yes, it was.

5 Q. Will you briefly trace the benchmark district line for  
6 the Court?

7 A. Certainly. There's two different splits in Berkeley  
8 County. The first one is going to be down here in the Daniel  
9 Island area. There you can see that. And the second split's  
10 going to be a large geographic portion of Berkeley County,  
11 which comes out of Hanahan and goes up towards Bonneau --  
12 Bonneau Beach, and then goes to Pimlico, cross, coming through  
13 Berkeley County down to the Dorchester County line.

14 Q. And did this split create a finger or thumb-like  
15 extension into Berkeley?

16 A. Yes, it did.

17 Q. And did it create a crab-claw extension into Charleston?

18 A. Yes, it did.

19 Q. Did you make Berkeley County whole in this plan?

20 A. We did.

21 Q. Will you explain to the Court the changes you made to  
22 Berkeley County and why?

23 A. Certainly. So, we made Berkeley County whole, which  
24 repaired a county split in the plan. The reason for that is  
25 we knew that there were a lot of Republican votes down in this

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1 area, which is really the Hanahan area, down towards the naval  
2 base -- old naval base. There's also some Republican vote out  
3 this way. And in addition to the Republican vote, we also  
4 knew that -- we were told early on in the process that Senator  
5 Grooms and Senator Campsen would both have a pretty important  
6 role in determining the congressional redistricting in this  
7 area. We knew that Senator Grooms had worked on Congressional  
8 redistricting before back in 2010. I believe he had an  
9 amendment at some time that they called the Grooms Plan. And,  
10 in speaking with Senator Grooms, he wanted to get as much of  
11 Berkeley County as he could into the 1st Congressional  
12 District.

13 Like I said before, a lot of the commissions, the boards  
14 of commissions that run state agencies and government are  
15 elected by -- based on the percentage that a senator or House  
16 member represents in each Congressional District. And so, he  
17 was really, you know, trying to get more Berkeley County in  
18 this district. And so, we were able to accommodate that as  
19 well as give us some room to play with the political numbers  
20 to make District 1 a more Republican district.

21 In addition to all that, we did repair some precinct  
22 splits down through there. Also, Nancy Mace was residing on  
23 Daniel Island, so we made Daniel Island whole, which is  
24 located down here. That also included the Yellow House in the  
25 Village precincts. And that's really, overall, the changes we

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1 made for Berkeley County.

2 Q. Is Nancy Mace the incumbent in District 1?

3 A. Yes, she is.

4 Q. And is Daniel Island in Berkeley County?

5 A. Yes, it is.

6 Q. Did repairing the Berkeley County split place the entire  
7 county in the district with Congresswoman Mace?

8 A. Yes, it did.

9 Q. What was the political effect of uniting Berkeley County  
10 in District 1?

11 A. It allowed us to make District 1 a more Republican  
12 district by pulling population out of Charleston.

13 Q. Was race a factor in any decision or changes you made in  
14 Berkeley County?

15 A. No.

16 Q. We'll go next to Senate Exhibit 51, which is at tab 18 of  
17 the binder. Mr. Roberts, this is the map of Dorchester  
18 County. Is Dorchester County split in both the benchmark and  
19 the enacted plan?

20 A. Yes, it is.

21 Q. Will you highlight the benchmark district line for the  
22 Court?

23 A. Certainly. We're going to start at the  
24 Dorchester/Berkeley County line up here at the north. We're  
25 going to follow the benchmark line all the way around, looking

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1 in and out until we go off the page. So, that is the  
2 benchmark line in the benchmark plan.

3 Q. Do the number 1 and the number 6 in this map refer to the  
4 benchmark districts?

5 A. That's correct. To see the enacted districts, we would  
6 look at the colored shading. To look at the enacted map, we  
7 would look at the colored shading.

8 Q. Mr. Roberts, will you explain to the Court the changes  
9 you made in Dorchester County?

10 A. Certainly. We will start down on the southern end of the  
11 district. And so, we're going to follow this line here. This  
12 line is following House District 98, Chris Murphy's current  
13 House District. And then we're going to follow the Ashley  
14 River coming up. And I want to point out the Saul Dam  
15 precinct here. This is a large geographic precinct. You'll  
16 be able to see it better in a different map. But this is a  
17 large geographic heavy Trump area that we had to put in  
18 Congressional District 6 to sort of open a corridor for us to  
19 get down into West Ashley. Otherwise, if we had included that  
20 Saul Dam precinct, we would have been about one precinct less,  
21 getting into the West Ashley area of Charleston County. So,  
22 we ended up moving Saul Dam into the 6th Congressional  
23 District to widen that base.

24 Then we needed to achieve equal population. And so, we  
25 come up this way, splitting some of those precincts along the

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1 way. And a lot -- the majority of these precincts up here  
2 actually hurt the performance of District 1, because they're  
3 pretty much all leaning towards Trump, except for, I believe,  
4 the Delmars might be a Biden Democrat. But those are all  
5 heavy Trump boxes there that we ended up splitting.

6 Q. So, let's talk a little bit more about these split VTDs.  
7 You mentioned that at the south side of the county, there  
8 are -- it appears to be three split VTDs; is that right?

9 A. That's correct. Roughly, yes.

10 Q. And why did you split the VTDs at the south end of the  
11 county?

12 A. The House did not draw by VTDs like the Senate did. So  
13 trying to follow that House district line, we ended up  
14 splitting VTDs.

15 Q. So, is the reason you split those VTDs that you were  
16 following House District 98 lines?

17 A. Yes.

18 Q. And then let's go to the north end of the county where  
19 you also split some VTDs. Do you see that?

20 A. Yes.

21 Q. Are those areas Republican leaning politically?

22 A. They are.

23 Q. Why did you split those VTDs?

24 A. We were trying to get sort of a rounded shape, sort of  
25 like the benchmark was for the city of Summerville so we could

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1 be more compact around the town of Summerville. But in doing  
2 that, we ended up decreasing the Trump performance in District  
3 1 had we not done that.

4 Q. Did these splits of these VTDs, particularly at the north  
5 end of the county, also facilitate drawing a district to equal  
6 population?

7 A. Yes. Yes.

8 Q. Did these changes in Dorchester improve the shape of  
9 districts?

10 A. I believe it did. We get a more rounded edge around  
11 there. You know, if we would have included something like  
12 Beech Hill, it would have stuck out as sort of like a hook out  
13 there. So we ended up trying to go more around compact around  
14 the town of Summerville.

15 Q. Was race a factor in any of the changes or decisions you  
16 made in Dorchester County?

17 A. No.

18 MR. GORE: Let's go to Senate Exhibit 50, which is  
19 tab 19 of the binder.

20 **BY MR. GORE:**

21 Q. This is the County of Charleston. Do you recognize this  
22 map?

23 A. Yes, I do.

24 Q. Is Charleston County split in both the benchmark plan and  
25 the enacted plan?



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1 A. Yes, it is.

2 Q. And will you highlight the benchmark district lines for  
3 the Court?

4 A. Certainly. So, I'm going to start over here on the east  
5 side where the Berkeley County/Charleston County line is. And  
6 we're going to come up this way, really splitting that Deer  
7 Park area and then coming over to the county boundary between  
8 Dorchester and Charleston and go southeast along that  
9 boundary, and then a little southwest on that boundary. We're  
10 then going to follow the Ashley River in the benchmark down to  
11 the peninsula of Charleston and then across the peninsula of  
12 Charleston and back up to the Berkeley/Charleston County line.

13 On the other side, we've also got another split. We're  
14 going to start up here where the Dorchester/Charleston County  
15 line is. We're going to come down -- Rantowles Creek is right  
16 here. We're going pick up at Stono River, on the Stono River  
17 around. And then we're going to come in this area here and  
18 really just cuts that Wadmalaw 2 precinct.

19 Q. So, Mr. Roberts, in the enacted plan, did you follow the  
20 natural and geographic features in Charleston?

21 A. Yes, I did.

22 Q. Will you show the Court where you did that?

23 A. Certainly. Let me clear this out so I can get a clear  
24 draw. So, one of the things that we did is moved the Deer  
25 Park area in North Charleston along with Lincolnville and

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1 Ladson into the 6th Congressional District. And that's going  
2 to be this area here. So, this boundary that I'm following is  
3 actually the county boundary. So, this thing that looks like  
4 a flagpole up here is really just the way Charleston County's  
5 boundary is.

6 And then we come to this little hook right here, that  
7 hook is the Exchange Fairgrounds up in North Charleston. It  
8 was annexed from Berkeley to Charleston in, I believe, the  
9 late 80s, early 90s. And then we continue to follow the  
10 county boundary here between Charleston and Berkeley. That's  
11 near Remount Road up there by the port terminals.

12 And then we're going to come down this way following the  
13 county boundary between Berkeley and Charleston all the way  
14 until we get to -- I'm sorry. Remount Road is down here at  
15 North Charleston where the terminal's at. We're going to  
16 follow that out to the Cooper River. And that will be the  
17 Berkeley County line. And then we'll follow the Cooper River  
18 here all the way down to The Battery, around The Battery and  
19 the Charleston Harbor. And then we're going to come up to a  
20 point up here. At this point we end up heading west,  
21 separating District 1 and District 6. We use the Wappoo  
22 Creek. If you're familiar with Charleston, it's over there by  
23 Albemarle Point. California Dreaming Restaurant's over there.  
24 The Country Club of Charleston is there. We're going to  
25 follow that creek over to the west until we pick up the Stono

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1 River, and we're going to follow the Stono River that  
2 separates the West Ashley and Johns Island area, we'll follow  
3 the Stono River all the way till we hit the Wadmalaw river.  
4 We follow the Wadmalaw River on out until we hit the Wadmalaw  
5 Sound, coming down this way across Wadmalaw Island. And then  
6 pick up the Dawho River here. And we run the Dawho River  
7 around until we hit the South Edisto River, which is the  
8 boundary between Colleton and Charleston.

9 Q. Did making these changes place all of coastal Charleston  
10 in one district?

11 A. Yes, it did.

12 Q. Did they place all of the Charleston peninsula in one  
13 district?

14 A. Yes, it did.

15 Q. Was the peninsula split in the benchmark plan?

16 A. Yes, it was.

17 Q. Now, you've mentioned a couple of times -- did you also  
18 fix any precinct splits in Charleston?

19 A. I believe there were just a handful of precincts in there  
20 that were split, but they repaired every single split that's  
21 in Charleston County.

22 Q. You mentioned a couple of times today West Ashley.

23 A. Yes.

24 Q. Can you indicate here on this map where that West Ashley  
25 neighborhood is?

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1 A. Let me clear this real quick. So, we're going to start  
2 at the Dorchester/Charleston County line. And this would be  
3 the Ashley River here. So when I say "West Ashley," I'm  
4 referring to everything that's west of the Ashley, north of  
5 the Wappoo Creek, north of the Stono River over until you get  
6 to Rantowles Creek, up Rantowles Creek until you hit the  
7 Dorchester/Charleston County boundary. So this area in here  
8 is what I refer to as West Ashley.

9 Q. And I believe you testified earlier that, back in  
10 November of 2021, former Congressman Cunningham alleged that  
11 adding West Ashley to District 6 cut across racial lines. Do  
12 you recall that?

13 A. He said the plan that we had drawn did cut across racial  
14 lines, yes.

15 Q. And following that I believe your testimony was that you  
16 investigated the racial demographics in the West Ashley area;  
17 is that right?

18 A. That's correct.

19 Q. And what did you learn?

20 A. It's a predominantly White area that predominantly votes  
21 Democratic.

22 Q. Now, you mentioned earlier the Deer  
23 Park/Ladson/Lincolnvile area?

24 A. That's correct.

25 Q. Can you circle that on this map as well?

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1 A. Yes. Let me clear this real quick. So the  
2 Lincolnville/Ladson area and Deer Park would be in this  
3 portion here.

4 Q. And I believe you just testified that these black lines  
5 that you followed are the county boundaries; is that right?

6 A. That's correct.

7 Q. And even with that odd flagpole shape and everything,  
8 that's a county line; is that correct?

9 A. That's a county line, yes, sir.

10 Q. And following former Congressman's Cunningham's  
11 allegations, did you look into the racial demographics of this  
12 area?

13 A. We did.

14 Q. And what did you discover?

15 A. It's a predominantly White, predominantly Democratic  
16 voting area.

17 Q. Now, we heard some testimony last week about Meggett,  
18 Ravenel, and Hollywood communities in Charleston County. Do  
19 you know where those are?

20 A. Yes. The Meggett, Ravenel, and Hollywood communities  
21 would be down in this Saint Paul's area here.

22 Q. And were those communities in District 6 in the benchmark  
23 plan?

24 A. Yes, they were.

25 Q. And did they remain in District 6 in the enacted plan?

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1 A. Yes, they do.

2 Q. Did you ever have any conversations or discussions about  
3 treating these communities differently in this enacted plan?

4 A. No.

5 Q. So, all told, Mr. Roberts, what is the political effect  
6 of these moves you made in Charleston County?

7 A. The political effect is we actually made District 1 a  
8 more Republican district.

9 Q. Mr. Roberts, is there a portion of Charleston County  
10 located in enacted District 6?

11 A. Could you repeat that question?

12 Q. Sure. Is Charleston County split in the enacted plan?

13 A. Yes, it is.

14 Q. What is the Trump/Biden vote share in the portion of  
15 Charleston County that's contained in District 1?

16 A. District 1 would be about a 50/50 Trump/Biden number.

17 Q. And what is the Trump/Biden vote share in the portion of  
18 Charleston County that's in District 6?

19 A. District 6 would be a 65-Biden, 35-Trump split.

20 Q. Mr. Roberts, was race a factor in any decision or change  
21 you made in Charleston County?

22 A. No.

23 MR. GORE: One moment, your Honor.

24 **BY MR. GORE:**

25 Q. Mr. Roberts, what factors drove the enacted plan you

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1 drew?

2 A. It would be really politics, preserving cores, repairing  
3 county splits, repairing VTD splits.

4 Q. How about carrying out the request you received from  
5 Senator Rankin, Congressman Wilson, and Congressman Clyburn?

6 A. That too. It does honor those three requests, as well as  
7 for Senator Grooms to get more of Berkeley County in his  
8 district.

9 Q. Are you aware of any evidence that anyone used race in  
10 the enacted plan?

11 A. No.

12 Q. Are you aware of any evidence that anyone intended to  
13 discriminate on the basis of race in the enacted plan?

14 A. No.

15 Q. Did you use race to draw any lines in the enacted plan?

16 A. No.

17 Q. Did you use race as the predominant factor in drawing  
18 lines in the enacted plan?

19 A. No.

20 Q. And did you intend to discriminate against anyone based  
21 on race in the enacted plan?

22 A. No.

23 MR. GORE: Thank you, your Honor. Pass the witness.  
24  
25

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 JUDGE GERGEL: Very good. Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. CUSICK:

4 Q. Good afternoon, Mr. Roberts.

5 A. Hey, good afternoon.

6 Q. We met a few months ago when I took your deposition. Do  
7 you recall that?

8 A. Yes, I do.

9 Q. And you've been sitting in the court -- at least a few  
10 days this past week -- as a representative of the Senate  
11 Defendants?

12 A. Yes.

13 Q. At the time the congressional map was drafted and passed,  
14 you were employed by the Senate, right?

15 A. That's right.

16 Q. And you serve in a nonpartisan role?

17 A. Yes.

18 Q. Mr. Gore asked you a set of questions about CD 1 and a  
19 potential motive that it was to increase Republican advantage  
20 in that district. Do you recall that?

21 A. Yes.

22 Q. You didn't make that determination because you're a  
23 nonpartisan actor, right?

24 A. That determination was made by the team. And we knew  
25 that there was a Republican-controlled legislature and in



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1 order to get a map passed, we would need to do that, politics  
2 could come into play.

3 Q. But I'm asking you. You did not, as a nonpartisan actor,  
4 decide to use partisanship to motivate the drawing of CD 1,  
5 correct?

6 A. Could you repeat that question?

7 Q. As a nonpartisan actor in the Senate, you did not choose  
8 to look at partisanship when you were drawing maps for the  
9 entire Senate, correct?

10 A. Not myself, no. It was a group decision to look at  
11 politics.

12 Q. You were instructed to do so, right, as a nonpartisan  
13 actor?

14 A. That's correct.

15 Q. So, you actually can't say partisanship drove it one way  
16 or the another, because you were instructed to look at that  
17 data, right?

18 A. We, as a team, decided to look at the political makeup of  
19 the district in order to get a bill passed through the South  
20 Carolina Senate.

21 Q. The lawyer who instructed you to do that was Mr. Terrine,  
22 right?

23 A. Yes.

24 Q. And you referenced outside counsel a number of times  
25 today, correct?

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1 A. That's correct.

2 Q. You did not expose that that's Mr. Gore, correct?

3 A. That's correct -- I don't think I've stated that.

4 Q. And Mr. Gore was part of conversations about the drawing  
5 of different lines, correct?

6 A. Not on the drawing of different lines, but we did send  
7 reports to Mr. Gore. He never was in the conversations while  
8 we were in the process of drawing.

9 Q. He was in the map room with you, though, right, via Zoom?

10 A. No, not while we were drawing maps. We could not run  
11 Zoom and the mapping software at the same time.

12 Q. While you weren't drawing maps, you had conversations  
13 with him in the map room with other core redistricting team  
14 members, correct?

15 A. I can't say if we met via Zoom with Mr. Gore during that  
16 time. I just can't say. I don't recall.

17 Q. Do you recall during your deposition that you said Mr.  
18 Gore joined calls with you about the maps?

19 A. Yes.

20 Q. You're not a lawyer?

21 A. No.

22 Q. You were asked today about an analysis you created for  
23 Senator Campsen, right?

24 A. Yes.

25 Q. And in that analysis, you made a determination that there

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1 was no racial gerrymandering, right?

2 A. That's correct.

3 Q. You also made a determination that there was no intent to  
4 discriminate on the basis of race?

5 A. That's correct.

6 Q. And you made those determinations knowing you're not  
7 qualified to do so, right?

8 A. That's correct.

9 Q. And you made the determination also on racial  
10 gerrymandering, correct?

11 A. That's correct.

12 Q. I want to begin and just confirm I have an understanding  
13 of your role during this process. You were primarily  
14 responsible for drawing maps at the request of senators and  
15 staff, correct?

16 A. Yes.

17 Q. In your role you were the primary map drawer from just a  
18 technical perspective, right?

19 A. Yes.

20 Q. You did not make substantive determinations about how  
21 weight of criteria should be?

22 A. That's correct.

23 Q. So, it would be fair to say you simply took direction of  
24 people in moving lines on the map, right?

25 A. Yes. I drew what I was told to draw.

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1 Q. And you take no position on whether the drawing of those  
2 lines complied with redistricting criteria, right?

3 A. I disagree with that. There are functions in the  
4 software that can allow us to determine if a map complies with  
5 traditional redistricting principles, such as continuity.

6 Q. Mr. Fiffick was your supervisor?

7 A. That's correct.

8 Q. And you ultimately answered to Senator Rankin?

9 A. That's correct.

10 Q. Would you say you reported to Senator Rankin?

11 A. I wouldn't say "reported to," because Senator Rankin is  
12 from Horry County. He was rarely in the office, if at all,  
13 and Andy basically ran the day-to-day operations in the  
14 Senate -- for the Senate Judiciary.

15 Q. We just talked about you took instructions from staff and  
16 senators in drawing maps, correct?

17 A. That's correct.

18 Q. You primarily sought input and instructions from Mr.  
19 Terrine and Mr. Fiffick when drawing staff congressional maps,  
20 correct?

21 A. As well as Congressman Clyburn, Congressman Wilson and  
22 other senators.

23 Q. You never met with Congressman Clyburn, correct?

24 A. No. I met with Dalton Tresvant on his staff.

25 Q. So you didn't take any direction from Congressman

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1 Clyburn, correct?

2 A. I took direction from Dalton Tresvant.

3 Q. For Senate staff you took primary direction from Mr.  
4 Fiffick and Mr. Terrine, correct?

5 A. As well as Senate members, yes.

6 Q. And you come to congressional map drawing with experience  
7 working with a ton of localities throughout South Carolina,  
8 right -- you've come to Congressional redistricting having a  
9 ton of knowledge about South Carolina localities, right?

10 A. That's correct.

11 Q. I think I heard the number of 75 to a hundred localities  
12 you've worked in over the past 20 years?

13 A. Yes.

14 Q. And you began in January of 2000 -- it's not the RFA  
15 office anymore. Was it the Office of Research and Statistics?

16 A. That's correct.

17 Q. And in that role, you primarily worked with local  
18 redistricting school boards, special districts, and so forth?

19 A. That's correct.

20 Q. Before this redistricting cycle, you always looked at  
21 race data in the 75 to a hundred districts you worked in,  
22 correct?

23 A. Yes.

24 Q. And the benefits of looking at a BVAP is because it's  
25 helpful in assessing compliance with the Voting Rights Act;

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1 true?

2 A. Yes.

3 Q. Indeed, while you were at RFA, you provided guidance to  
4 localities that they should be looking at BVAP in drawing  
5 lines, correct?

6 A. That's correct.

7 Q. You even conducted presentations to localities to that  
8 effect, correct?

9 A. Yes.

10 Q. And it's helpful looking at BVAP when you're moving  
11 voters in and out, because you don't want to run the risk of  
12 disproportionately moving certain voters in and out of  
13 districts, right?

14 A. That's correct.

15 Q. It's also important to show BVAP because it helps the  
16 general public understand the race of voters getting moved in  
17 and out of districts, right?

18 A. Yes.

19 Q. And you can consider BVAP without having a target in a  
20 district, correct?

21 A. That's correct.

22 Q. And you've actually done that a number times throughout  
23 your --

24 A. Yes.

25 Q. And I heard -- I won't go into detail, but you served as

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1 a technical advisor to federal courts?

2 A. That's correct.

3 Q. And I think I heard you say, in that role, you always  
4 considered race as well?

5 A. Not necessarily. For the *Backus* case, we did not draw  
6 any plans, so we did not analyze the racial breakdown of  
7 anything. Working with Judge Gergel, I don't recall ever  
8 looking at the racial makeup of the districts. I do recall  
9 testifying. Judge Gergel had me on the stand in the Jasper  
10 case. And the only question he asked me was how many  
11 minority/majority districts there were in the plan that the  
12 Court had drawn. Other than that, we didn't -- I do not  
13 recall ever looking at individual census block racial makeup  
14 for the courts.

15 Q. Looking at majority/majority districts, you have to look  
16 at race data, right?

17 A. Minority/majority districts, yes.

18 Q. You look at race?

19 A. You look at the overall BVAP of the plan. That's  
20 correct.

21 Q. And so in your 20 years of redistricting, this was the  
22 only time again you didn't look at race?

23 A. That's correct.

24 Q. And you were instructed not to do so by Mr. Terrine -- I  
25 heard that before in your testimony -- is that right?

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1 A. Can you repeat that question again?

2 Q. I think I heard you say that you were instructed by Mr.  
3 Terrine when you were in Maptitude to turn off the BVAP  
4 signal, right?

5 A. No. The BVAP was actually displayed in the statistics at  
6 the bottom of the screen the entire time we were drawing.

7 Q. So BVAP was visible on the screen while you were drawing  
8 maps?

9 A. Yeah. It was in the statistics window at the bottom of  
10 the screen.

11 Q. So, you could see BVAP as you were making changes in real  
12 time as you were drawing lines?

13 A. We could see the statistics update after a change was  
14 made.

15 Q. So, if you moved a district line, you could see if the  
16 BVAP went up or down, right?

17 A. You could see on the statistics what the overall district  
18 BVAP would be.

19 Q. So it's not accurate to say you did not look at BVAP as  
20 you were drawing lines in Maptitude, right?

21 A. We didn't look at that information to make a judgment on  
22 moving a district one way or another.

23 Q. I hear you on the judgment determination. My question is  
24 just: You saw BVAP as you were moving district lines in real  
25 time?



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1 A. We would have to scroll over in order to do that. You  
2 have to either scroll down to see it in the pending changes  
3 box or scroll to the far right; otherwise, it's not displayed  
4 on the screen.

5 Q. So, you could see it?

6 A. Oh, I definitely could, yes.

7 Q. And Mr. Fiffick could see it?

8 A. If I scrolled over on the screen, yes. Anybody could see  
9 it, anyone that was in the room.

10 Q. Mr. Terrine?

11 A. He could see it as well.

12 Q. Ms. Benson?

13 A. She could see it.

14 Q. Senator Rankin?

15 A. Never was in the room with us while we were drawing.

16 Q. But you gave him BVAP data afterwards, correct?

17 A. Yes. Yes. And that's what Charlie looked at, was the --  
18 for his legal analysis, he would ask what the BVAP was in the  
19 districts once the plans were completed.

20 Q. Given your 20 years of redistricting work in South  
21 Carolina, you have a pretty good sense where there are certain  
22 concentrations of Black voters throughout the state, right?

23 A. On a large geographic scale, yes.

24 Q. For example, you would understand where there are  
25 concentrations of Black voters in the county of Orangeburg?

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1 A. Not Orangeburg, per se, no.

2 Q. What about in Sumter, where you've worked and drawn maps?

3 A. Yes.

4 Q. And you would know where those communities exist, right?

5 A. I would know from the 2010 numbers because I have not  
6 conducted any local redistricting as far as county councils or  
7 city councils post the 2020 Census release. So, any  
8 population shifts I would not know about.

9 Q. And I think I heard you mention that you even know some  
10 distinct communities of interest, like the Gullah Geechee  
11 community, as an identifiable community based on race,  
12 correct?

13 A. That's according to public testimony, yes.

14 Q. In your work in localities, history was important for  
15 ensuring that minority voters had an opportunity to elect  
16 candidates of their choice, right?

17 A. Yes.

18 Q. So in a place like Sumter, the history of discrimination  
19 against Black voters would be relevant as you were drawing  
20 lines?

21 MR. GORE: I'm going to object. This sounds like a  
22 question about legal compliance with Section 2 of the Voting  
23 Rights Act, which he did not testify to and is not --

24 JUDGE GERGEL: It's up for consideration. Overruled.

25 THE WITNESS: Yes, that would be a factor in the

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1 local redistricting.

2 **BY MR. CUSICK:**

3 Q. But factoring a history of discrimination in the drawing  
4 of congressional lines did not occur, right?

5 A. I never did a historical review of the congressional  
6 districts or anything like that, no.

7 Q. You were not instructed to do so?

8 A. No.

9 Q. You didn't become aware of any analysis?

10 A. No.

11 Q. You reviewed public submissions of congressional maps in  
12 the map room, right?

13 A. That's correct.

14 Q. Including maps submitted by the plaintiffs in this case,  
15 the NAACP?

16 A. Yes.

17 Q. The League of Women Voters?

18 A. Yes.

19 Q. And there were other maps submitted by other members of  
20 the public, right?

21 A. That's correct. Those maps were submitted through the  
22 public portal. And Grayson Morgan was responsible for  
23 producing the reports and the maps and converting those into a  
24 Shapefile format for us to load.

25 Q. And I think you've testified that you or Mr. John would

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1 run the sheets that included a set of data and statistics,  
2 right?

3 A. On the maps that the senators requested yes.

4 Q. And for the submissions of public maps, the core  
5 redistricting team was you, Mr. Terrine, Mr. Fiffick, Mr. John  
6 and Ms. Benson?

7 A. That's correct. That's the core redistricting team.  
8 But, again, the public submissions came through the public  
9 portal, went to the Grayson Morgan, who created the maps, the  
10 reports, and then sent those on to us.

11 Q. And those reports include racial demographic statistics?

12 A. That's correct.

13 Q. It was automatically there every time you generated a  
14 report, right?

15 A. Yes.

16 Q. And attorneys were in the map room as well while you were  
17 doing this?

18 A. Everyone was an attorney but me.

19 Q. And whether maps were publicly posted was a determination  
20 by Mr. Fiffick and Mr. Terrine, correct?

21 A. That's correct.

22 Q. I know I asked you this question before, but I want to  
23 come back to it. You met with Mr. Gore via Zoom from the map  
24 room, correct?

25 A. I can't recall if it was from -- it was in either 503,

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1 where we just printed off the maps, or else it was in Senator  
2 Rankin's office, which is where we drew maps, but I don't  
3 recall which room we met.

4 Q. But you do recall Zoom meetings with Mr. Gore?

5 A. Yes, I did have meetings with Mr. Gore. I just don't  
6 remember where I was at when they took place.

7 Q. Were you in the room for Mr. Oppermann's testimony?

8 A. No, I don't believe I was.

9 Q. You've worked with Mr. Oppermann on local redistricting  
10 efforts, correct?

11 A. Yes.

12 Q. And I think during your deposition you said he does great  
13 work?

14 A. He does pretty good work, yes, sir.

15 Q. You've also worked with Dr. John Ruoff; correct?

16 A. That's correct.

17 Q. Indeed, you actually were swapping South Carolina State  
18 Conference branch maps during this redistricting cycle,  
19 correct?

20 A. I believe so, yes.

21 Q. And in those maps, you were looking at BVAP; true?

22 A. Which -- which maps are you referring to?

23 Q. The ones that you and Dr. Ruoff are swapping on behalf of  
24 the state conference on local redistricting matters.

25 A. On local redistricting matters, yes. Yes.

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1 Q. And I think you said he, too, is a great map drawer?

2 A. He is.

3 Q. I won't belabor the point with the NRRT maps, but do you  
4 understand what I'm referring to there?

5 A. I do.

6 Q. And you didn't share those with all the senators,  
7 correct?

8 A. That's correct.

9 Q. Not your determination?

10 A. Not my determination.

11 Q. But from a map-drawing perspective, it would have been  
12 helpful to share those maps publicly, right?

13 A. They -- they look like crap. I don't know what to say  
14 other than that. And, you know, I mean, that's -- we could  
15 release them if we wanted to, but that wasn't my call.

16 Q. But just from a map-drawing perspective, more maps to the  
17 public is helpful, correct?

18 A. Sure.

19 Q. You were not asked about the Jessamine map and didn't  
20 have a side-by-side comparison of that map with the enacted  
21 map today, correct?

22 A. That's correct.

23 Q. And that was the third map that was submitted by NRRT;  
24 true?

25 A. I believe so, yes.

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1 Q. And it was submitted I think you said November 19th?

2 A. I don't know when -- you're talking about the Jessamine  
3 map?

4 Q. Yes.

5 A. I don't know when it was submitted.

6 Q. But it was before the initial staff plan was publicly  
7 posted on November --

8 MR. GORE: I'm going to object, your Honor. His  
9 testimony on direct was that he didn't recall ever seeing that  
10 map.

11 JUDGE GERGEL: Lay a foundation.

12 **BY MR. CUSICK:**

13 Q. You just referenced the Jessamine map?

14 A. Yes. I've heard of it.

15 Q. You've never seen it?

16 A. Never seen it until I was sitting in court the other day.

17 Q. Only Mr. Fiffick discussed that map with you?

18 A. I don't recall ever really discussing that map.

19 Q. I want to now talk a little bit about the benchmark plan.

20 A. Yes.

21 Q. From a map-drawing perspective, a previous plan may no  
22 longer be justified because of population changes. Simple  
23 concept, true?

24 A. True.

25 Q. And there might be changes in communities of interest,

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1 especially in a congressional redistricting cycle from 10  
2 years ago?

3 A. It's possible.

4 Q. And there might be changes in the way to assess and  
5 measure certain traditional redistricting principles?

6 A. I don't agree with that, because a district is either  
7 contiguous or not contiguous.

8 Q. But for compactness, which you've mentioned before,  
9 you're aware that there are tests and advances since 2010 in  
10 measuring compactness, right?

11 A. I haven't studied that, so I can't speak to it.

12 Q. But you're aware of it?

13 A. I'm aware that there's algorithms in order to judge  
14 compactness.

15 Q. There's also a risk if you prioritize core -- retaining  
16 core districts, that you might keep some of the negative  
17 features of a previous map as a general matter, true?

18 A. If there are negative features, I would assume that would  
19 be true.

20 Q. One example might be that a district has a BVAP that is  
21 higher than necessary for minority voters to elect a candidate  
22 of their choice, true?

23 A. I'm assuming. Yes, true.

24 Q. And the inverse is true, there might be changes where  
25 it's too low for minority voters to elect a candidate of their



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1 choice, right?

2 A. That's correct.

3 Q. And during the deposition, we talked about vote dilution.  
4 And you gave an example that that might occur when a BVAP is  
5 lower to a percentage in which minority voters might not be  
6 able to elect a candidate of their choice. Do you recall  
7 that?

8 A. Yes, I do.

9 Q. And I think I heard your testimony that you're not  
10 qualified to make any assessments whether a minority  
11 population in a district is high or low enough to elect  
12 candidates of their choice?

13 A. That's correct.

14 Q. From a technical side, it's your understanding that only  
15 a demographer can do that?

16 A. That's something a geographer would not -- that a  
17 cartographer would not do.

18 Q. A demographer?

19 A. A demographer would be the one to make that  
20 determination.

21 Q. I think you might recall this. You're not a demographer,  
22 right?

23 A. No, I'm not. I'm a geographer.

24 Q. You're not aware of any assessment on whether  
25 congressional maps -- on how congressional districts might

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1 perform for minority voters, true?

2 A. I have no idea. That's true.

3 Q. And you were not given any analyses from a demographer or  
4 otherwise that assessed whether BVAPs in the congressional  
5 districts map were high or low enough to do that?

6 A. No, I was not.

7 Q. You've testified that decisions about moving voters in  
8 and out of areas were made by the core redistricting team?

9 A. That's correct.

10 Q. And whether those determinations were legal, assessments  
11 were made by either Mr. Fiffick, Mr. Terrine or Mr. Gore,  
12 true?

13 A. That's true.

14 Q. You were, in fact, not responsible to make assessments or  
15 even review plans on whether they complied with the Senate's  
16 redistricting guidelines, true?

17 A. A majority of them. I would check for compactness -- I  
18 mean continuity, to make sure that the plans were contiguous.  
19 Also, I was in charge of pulling the statistics together to  
20 make sure that they were in deviation.

21 Q. So, just deviation and continuity, those were the only  
22 two statistics that you were responsible for producing --

23 A. As well as --

24 Q. Total population and continuity were the only two  
25 statistics you were responsible for providing?

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1 A. That, along with the split VTD and county splits.

2 Q. But you weren't making determinations on whether there  
3 were too many or too few splits, right?

4 A. That's correct.

5 Q. You also weren't aware, or you didn't conduct, any  
6 district-by-district analysis about how the districts complied  
7 with the guidelines; true?

8 A. We would just run the same reports that we typically ran,  
9 which would look for continuity, look at the VTD, county  
10 splits, and then run the population numbers to make sure it  
11 complied with the "one person, one vote" criteria.

12 Q. And while you produced those reports, you didn't do a  
13 district-by-district analysis of whether the districts  
14 complied with the guidelines, correct?

15 A. The software would run each individual district to make  
16 sure it's contiguous. The stat sheet would have each district  
17 on it with the population in the district. And the VTD report  
18 would show each district with whatever splits were in it.

19 Q. You reviewed the racial composition of each district  
20 before it was publicly posted; true?

21 A. That was put onto the stat sheet that we did for every  
22 plan, yes.

23 Q. I heard you earlier discuss the confidentiality agreement  
24 that governed the drawing of maps by senators.

25 A. Yes.

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1 Q. And there were protocols in place in which maps that were  
2 drawn by senators were kept with the core redistricting team  
3 unless that senator gave consent to share elsewhere?

4 A. That's correct. Unless it was told -- directed by  
5 someone -- unless someone else from the core redistricting  
6 team staff directed me to release information.

7 Q. So, Mr. Terrine, for example, could say send Senator  
8 Bright Matthews' map to Senator Campsen?

9 A. If he did that, then I would be under the impression that  
10 he had cleared that with Senator Bright Matthews before that  
11 was sent.

12 Q. But you did not have any conversations where you were  
13 told explicitly to override any commands to keep maps just  
14 with you, right?

15 A. Not that I can recall.

16 Q. And that included the conversations you had about why  
17 maps were drawn in certain ways; true?

18 A. I believe so, yes.

19 Q. And that still governs today?

20 A. Anything that we do, we don't release unless the senator  
21 allows us to release it.

22 Q. You've talked about Senator Bright Matthews' map today  
23 and the reasons why she drew those maps; true?

24 A. I judged the map, but I don't know the reasons why she  
25 did certain things in that map.

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1 Q. But you've talked about her map, the MGM (*sic*) map?

2 A. Yes. MBM.

3 Q. From a technical perspective, you drew the initial staff  
4 plan, right?

5 A. That's correct.

6 Q. And that initial staff plan was the basis for sending  
7 Amendment 1?

8 A. I'd say the Milk Plan was the original basis for the  
9 staff plan, which then became the basis for Senate Amendment  
10 1.

11 Q. Sorry. Can you say that again?

12 A. So, the first plan that came up was the Milk Plan, and  
13 that was after our meeting with Dalton Tresvant with the  
14 wishes of Congressman Clyburn. That plan evolved into the  
15 staff plan, which then evolved into Senate Amendment 1.

16 Q. Senate Amendment 1 relied on the same application of  
17 criteria as the initial staff plan?

18 A. With some changes to it, yes. Same set of guidelines,  
19 right.

20 Q. Those didn't change, the ones that you were elevating or  
21 prioritizing?

22 A. That's correct.

23 Q. When I say "you," referring to the core redistricting  
24 team?

25 A. Yes.

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1 Q. The attorneys?

2 A. Yes.

3 Q. For S.865, whether that map complied with the criteria,  
4 that was a decision by the attorneys before it was publicized?

5 A. Yes.

6 Q. I want to talk about these set of instructions that you  
7 received for Congressional Districts 2, 6 and 7. Do you  
8 recall that testimony today?

9 A. Yes.

10 Q. Don't touch Congressional District 7 by Senator Rankin  
11 and Mr. Fiffick?

12 A. I believe it was Mr. Fiffick told us, but we knew it came  
13 from Senator Rankin.

14 Q. And you followed that instruction for Senate Amendment 1?

15 A. Yes, that's correct.

16 Q. I'll do the same thing as Mr. Gore. That also refers to  
17 S.865 and can be interchangeable?

18 A. Yes.

19 Q. For Congressional District 2, you understood Congressman  
20 Wilson didn't want Beaufort County in his district; true?

21 A. That's correct.

22 Q. And you followed that directive?

23 A. Yes.

24 Q. You also followed the directive from what you understood  
25 of keeping Fort Jackson in Congressional District 2?

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1 A. Yes.

2 Q. And then we come to Congressional District 6. And you  
3 had a meeting with Mr. Tresvant?

4 A. That's correct.

5 Q. I've heard your testimony today that you said you  
6 understood Congressman Clyburn wanted a minimal-changed plan  
7 throughout the state?

8 A. We knew it for his district, but we were going to do a  
9 minimal change -- in order to keep with the traditional  
10 redistricting principles of keeping cores to the districts, we  
11 were going to honor his request as well as do that across the  
12 state.

13 Q. So, his request was a minimal change for only  
14 Congressional District 6 from what you understood?

15 A. The map that he provided changed the multiple districts  
16 in which District 6 touched.

17 Q. But that was just a screenshot of just CD 6 and part of  
18 2, right?

19 A. It would have been 6, 2, 5 and 1.

20 Q. But you didn't have any conversation about the entire map  
21 with Mr. Tresvant?

22 A. We didn't discuss the Greenville/Spartanburg area, no.

23 Q. But just so I'm clear, the minimal-change instruction  
24 from Mr. Tresvant that you said was only for Congressional  
25 District 6?

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1 A. The minimal change would have impacted the surrounding  
2 districts as well, because District 6 needed to pick up 80,000  
3 people. So, you can't pull them out of thin air, you've got  
4 to pull them from another district.

5 Q. You also understood there was a request to have Sumter  
6 County in Congressional District 6; true?

7 A. He said more of Sumter, so I didn't know if that meant  
8 the city or the county.

9 Q. Do you remember your deposition, Mr. Roberts?

10 A. Vaguely, yes.

11 Q. You had a chance to review that deposition?

12 A. I did.

13 Q. Do you recall mentioning that it might have been Sumter  
14 County that he wanted in?

15 A. It could have been. It's possible.

16 Q. So, it could be that Sumter County?

17 A. Yes. But we did give him more of Sumter County as well.

18 Q. But your understanding was he wanted the entire county;  
19 true?

20 A. Oh, yes.

21 Q. And you didn't give him that full request; true?

22 A. That's correct. The map that he provided us did not give  
23 him all of Sumter County, just a larger portion of it.

24 Q. In fact, you split the city of Sumter?

25 A. Yes. And it was split in the benchmark as well.



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1 Q. And the county?

2 A. Yes. And the county was split in the benchmark as well.

3 Q. And whether to keep Sumter County whole would have been  
4 an instruction from Mr. Fiffick or Mr. Terrine?

5 A. Yes.

6 Q. You never followed up with Mr. Tresvant, right?

7 A. No, I did not.

8 Q. During the conversation, either you or Mr. Fiffick even  
9 asked him what he meant by least changed, right?

10 A. I don't recall asking him, no.

11 Q. And you just testified it would have been impossible for  
12 CD 6 to be a least-changed map because it needed to bring in a  
13 lot of population, right?

14 A. That's correct. That's why we call it a minimal change.

15 Q. And we've already talked about what was the map that he  
16 provided to you in hard copy today that I think is Senate  
17 Exhibit 37. Do you recall that?

18 A. I don't remember the exhibit number, but we have looked  
19 at that map today, yes.

20 Q. Referred to as the Milk Plan?

21 A. The Milk Plan is not what Dalton brought us. The Milk  
22 Plan was a product of the map that Mr. Tresvant brought us.

23 Q. Mr. Tresvant didn't give you any instructions in creating  
24 the Milk Plan, right?

25 A. He provided us a map which we incorporated into the Milk

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1 Plan.

2 Q. But he did not give you any instructions on making the  
3 Milk Plan?

4 A. The map that he provided was included in the Milk Plan.  
5 The suggestions that he made with the map that he produced was  
6 included in the Milk Plan and is included in the enacted plan.

7 Q. You never followed up with him to share that plan to see  
8 if it was accurate, right?

9 A. No.

10 Q. It would have been helpful to?

11 A. He could have called us if he wanted to express comment.  
12 We had public meetings. He could have expressed his wishes  
13 then.

14 Q. So, members of Congressman Clyburn's district meets with  
15 you, give you suggestions on how to draw a map, you produce  
16 that map, and you don't share the map with them to see if it's  
17 accurate?

18 A. No. We released that map -- a version of that map to the  
19 public right before Thanksgiving.

20 Q. In releasing that map, you didn't disclose on  
21 November 29th that you received instructions from Congressman  
22 Clyburn; true?

23 A. True. That's true.

24 Q. So, people didn't know that he wanted Sumter County kept  
25 whole?

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1 A. The map he provided did not have Sumter County whole.

2 Q. You didn't share that initial CD 6 map that he provided  
3 you with all the Senate subcommittee members, right?

4 A. That's correct.

5 Q. Would have been helpful to?

6 A. Yes, it would have.

7 Q. It would have given them a sense on how to analyze some  
8 of the changes in CD 6?

9 A. Exactly, yes.

10 Q. That wasn't your call?

11 A. That was definitely not my call.

12 Q. Mr. Terrine and Mr. Fiffick's call?

13 A. Yes.

14 Q. It would have been helpful to also publicize that map,  
15 right?

16 A. Helpful, yes. But it was also in a different format than  
17 what we're used to receiving. So, it would have been in a  
18 different format, and we -- it would have been a scanned PDF,  
19 the same as you have an exhibit today. The other maps that we  
20 had were full plans along with the reports that we ran. Those  
21 came in through a public web portal where people could submit.  
22 Several of the plans that came in were done through this  
23 program called Dave's Redistricting. And that software does  
24 not allow people to draw to a population deviation of  
25 one person. So, there were several plans that we had to tweak

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1 when Senator Hutto went to the floor and tried proposing some  
2 of the public plans as amendments.

3 Q. You could have asked him for the Shapefiles for the map,  
4 correct?

5 A. I don't know if he had the Shapefiles, because that map  
6 was not prepared by Dalton, it was done by someone else that  
7 they had hired.

8 Q. But you could have asked him to get those from someone  
9 else?

10 A. I could have, yes.

11 Q. I think you've already testified that the instructions  
12 we've talked about with CDs 2, 6 and 7 aren't in the Senate  
13 criteria, right?

14 A. Yes, that's correct.

15 Q. And those instructions were never publicly disclosed by  
16 you when you produced the initial staff plan and read it  
17 during the redistricting subcommittee meeting on  
18 November 29th?

19 A. That's correct.

20 Q. I won't belabor this either. But that, too, would have  
21 been helpful to members of the public?

22 A. Yes. It would have explained the districts we were  
23 looking at.

24 Q. You've testified about concerns from a process point of  
25 view that people had about the redistricting process?

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 A. That's correct.

2 Q. And that would have addressed concerns that the process  
3 was rigged?

4 A. I wouldn't say "rigged." I would say that the process is  
5 political in nature. And, with having a Republican controlled  
6 legislature, the reasons why we did what we did in some of the  
7 changes were strictly political.

8 Q. But you've also said that you've heard concerns that it  
9 was nontransparent, the process?

10 A. Yes, I've heard those.

11 Q. And the instructions that you received to not touch CD 7  
12 and to keep CD 2 with Beaufort County constrained your ability  
13 to move certain populations in and out of CDs 1 and 6?

14 A. That's correct.

15 Q. In making CD 1 more Republican leaning, you took  
16 instructions on what geographic areas to focus on from the  
17 attorneys, correct?

18 A. It would have been from the attorneys as well as  
19 respecting Senator Grooms' wishes of putting more of Berkeley  
20 County into the 1st Congressional District.

21 Q. You've talked about the ease of election administration  
22 as another benefit to some of the changes you made for VTDs?

23 A. I wouldn't say ease of election districts, but none of  
24 the -- I'm sorry, ease of elections, because running elections  
25 is a very hard process to do. But it does allow for --

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1 drawing by VTD does allow for easier administration.

2 Q. That was never disclosed when you were presenting any of  
3 the maps either, correct?

4 A. That's correct.

5 Q. Mr. Gore asked you a series of questions about the Senate  
6 guidelines and the additional considerations; do you recall  
7 that?

8 A. Yes.

9 MR. CUSICK: I'll ask Mr. Najarian to bring up Senate  
10 Exhibit 3, which are those guidelines. And if you could bring  
11 both pages side by side. Thank you.

12 BY MR. CUSICK:

13 Q. And you can see those, Mr. Roberts?

14 A. Yes.

15 Q. And so, Mr. Gore already asked you that these are to be  
16 considered -- at least in the explicit portion of Roman  
17 Numeral III -- equal consideration, right?

18 A. That's correct.

19 Q. And you were instructed to elevate Roman Numeral IIIB,  
20 constituent consistency?

21 MR. GORE: Objection. Foundation.

22 JUDGE GERGEL: Lay your foundation.

23 BY MR. CUSICK:

24 Q. Do you see constituent consistency here?

25 A. I do.

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1 Q. Did you have discussions with the core redistricting team  
2 about this guideline?

3 A. Yes, we did.

4 Q. And I think I've heard you say that it was a priority in  
5 the maps that you presented of retaining core districts; is  
6 that true?

7 A. That's correct.

8 Q. And who made that instruction to elevate this criteria  
9 above other ones?

10 A. We were going to start from the benchmark and make  
11 minimal change at the request of Congressman Clyburn. So, in  
12 doing that, we maintained the constituent consistency by  
13 trying to keep the cores of existing districts intact.

14 Q. But who gave you that instruction from the redistricting  
15 team?

16 A. I can't recall.

17 Q. No idea?

18 A. It would have been something we discussed. Jim Clyburn  
19 asked for a minimal-change map. In order to create a  
20 minimal-change map, you start with the benchmark and make  
21 minimal changes.

22 Q. I don't mean to belabor this point, but you just said  
23 Congressman Clyburn asked for a minimal-change map. You're  
24 just saying for CD 6, not for the entire map?

25 A. Well, his district also touches Districts 1, 2, 5 and 7.

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1 Q. But he did not actually ask you to do that?

2 A. He handed me a map. Dalton said, This is what we want.  
3 We want a minimal change because we've got a campaign coming  
4 up and we don't want to have to go trucking all over every  
5 place in order to campaign. We don't want a large geographic  
6 area that we have to go learn.

7 Q. And the next portion there you see minimizing divisions  
8 of county boundaries for C?

9 A. Yes.

10 Q. And then the next one down is minimizing divisions of  
11 cities and towns?

12 A. That's correct.

13 Q. And minimizing divisions of voting precincts and  
14 boundaries?

15 A. Yes.

16 Q. You had discussions with the core redistricting team  
17 about these three as well?

18 A. We did. Early on in the process we decided we were going  
19 to draw by VTD and try to minimize as many county splits as we  
20 could. But then, again, there are other factors that come  
21 into play in creating a map. These are just overall  
22 guidelines. These do not direct the cartographer on how to  
23 produce a map.

24 Q. But not all county lines are treated equally, right?

25 A. That's right. We tried to keep the ones that were split,



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1 split; and the ones that we could repair, we tried.

2 Q. You've talked a lot about conversations you've had with  
3 Senator Campsen. Were you aware that he received any documents  
4 that some county lines were more important than others as  
5 talking points?

6 A. I can't speak for Senator Campsen.

7 Q. And so, it's fair to say the application of criteria was  
8 not uniformly applied from district to district, right?

9 A. It depends on what we were trying to -- what the  
10 directions were for the maps we were creating. There's a set  
11 of choices that everyone's got to make when creating a map.  
12 And, you know, these are just overarching, guiding principles,  
13 but not directing me exactly how to create a map.

14 Q. But wouldn't some be weighted more in certain districts  
15 vary depending on the district; true?

16 A. Not necessarily. I mean, it depended on what the other  
17 requests were that were coming in.

18 Q. And those requests would have made different applications  
19 of criteria in those districts, right?

20 A. Again, these are overall guiding principles that we use  
21 to do redistricting. It does not direct me on how to create a  
22 map.

23 Q. I think I understood that BVAP was available to you as  
24 you were drawing maps in the map room?

25 A. That's right. It was definitely available.

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 Q. And you always looked at BVAP when you were looking at a  
2 final product after the finalization of it?

3 A. That's correct.

4 Q. Mr. Terrine would ask you for it?

5 A. Yes.

6 Q. He'd ask for BVAPs, the whole team?

7 A. That's correct.

8 Q. You never participated in discussions about maintaining  
9 increasing -- or maintaining, increasing or decreasing BVAPs  
10 in a district, right?

11 A. Not that I can recall, no.

12 Q. Those were discussions for the attorneys?

13 A. Yes. There were multiple conversations of which I was  
14 not a part of with the attorneys and outside counsel.

15 Q. During your conversation with Mr. Gore, you talked about  
16 not being qualified to conduct a racially polarized voting  
17 analysis, right?

18 A. That's correct.

19 Q. But you agree that there are certain areas of the state  
20 that you're aware of that are racially polarized?

21 A. No doubt, yes.

22 Q. And map drawers, like Dr. Ruoff and others throughout the  
23 state, consider RPV when they're drawing maps?

24 A. They may. But I've never looked at an RPV analysis or a  
25 racially polarized voting analysis for any redistricting that

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1 I've done.

2 Q. You're aware that RFA during this redistricting cycle  
3 provided guidance to localities to look at RPV?

4 A. Yes.

5 Q. We've talked about compactness a little bit; do you  
6 recall that?

7 A. Yes, I do.

8 Q. I think you might have heard Dr. Duchin's testimony. You  
9 were in the courtroom for some of the statistical ways you can  
10 measure compactness?

11 A. Yes, I did.

12 Q. And the Maptitude software had the capacity to generate  
13 scores, right?

14 A. That's correct.

15 Q. You and the core redistricting team just didn't  
16 understand how to assess those outputs, right?

17 A. That's correct.

18 Q. It would have been possible to seek guidance to  
19 understand those?

20 A. Yeah. We looked a little bit into it, but we just used  
21 the eyeball test.

22 Q. Jones Day was hired as outside counsel for assessing  
23 congressional maps during this cycle; true?

24 A. I'm assuming. I didn't hire him, so I can't speak to  
25 that.

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1 Q. You were directed to send some congressional maps to Mr.  
2 Gore during the process?

3 A. Yes.

4 Q. Some that you drew?

5 A. Yes.

6 Q. And the only other outside counsel was Mr. Terrine, who  
7 was providing legal advice?

8 A. Yeah. He was in the room with us every time we were  
9 drawing.

10 Q. And after you produced those reports, you didn't join in  
11 any conversations about the compliance of redistricting  
12 guidelines with maps that you were considering from the public  
13 or that you drew?

14 A. No. That would have been -- I guess that would have been  
15 a call the attorneys made between each other.

16 Q. So, you're offering no testimony today on compliance with  
17 any traditional redistricting principles?

18 A. I can speak that the enacted map is contiguous. It falls  
19 within the one-person-one-vote criteria that was adopted by  
20 the subcommittee, and I can tell you how many counties and  
21 VTDs were split in, but I cannot tell you if it adheres to the  
22 Voting Rights Act. No, I cannot.

23 Q. As someone with 20 years of map-drawing experience, you  
24 would agree that not diluting minority voting strength does  
25 have an impact from a technical perspective on how you draw

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1 maps, right?

2 A. That's correct.

3 Q. Compliance with the voting rights, for example, impacts  
4 the way maps look in the process for drawing those maps?

5 A. That's correct.

6 Q. From a technical side, if you were assessing vote  
7 dilution, you would have to look at minority populations in a  
8 district, right?

9 A. You would look -- yes.

10 Q. And, again, that was for a demographer to consider?

11 A. That was outside my scope of work. I was just drawing  
12 maps.

13 Q. But you agree it would have been helpful to have a  
14 demographer as another set of eyes in that area?

15 A. Oh, no doubt, yes.

16 Q. I think I heard you say earlier that Mr. Terrine used  
17 race in his legal analysis. Did I hear that right?

18 A. I'm not sure. He would just ask for the BVAP after each  
19 plan.

20 Q. You testified that the initial staff plan had a lot of  
21 negative feedback from members of the public?

22 A. That's correct.

23 Q. There was also a lot of comments made about the process  
24 being rigged?

25 A. Yes.

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 Q. You talked about looking into former Congressman  
2 Cunningham's allegations during the redistricting process at  
3 the November 29th meeting?

4 A. That's correct.

5 Q. And you said you conducted an analysis?

6 A. We went and looked at the demographics of the areas that  
7 we had moved in between CDs 1 and 6 in the Charleston area.

8 Q. And that was written down?

9 A. I don't believe it was.

10 Q. Was it shared with any other subcommittee members?

11 A. I cannot say for sure.

12 Q. And so at least from November 29th, you were keeping that  
13 in mind as you were drawing maps, allegations of racial  
14 gerrymandering?

15 A. Could you repeat that question one more time?

16 Q. The allegations of racial gerrymandering that former  
17 Congressman Cunningham made were front and center after  
18 November 29th when you were drawing maps?

19 A. Yes. That's part of the reason why we ended up following  
20 natural geographic boundaries in Charleston County.

21 Q. You didn't speak with any members of the South Carolina  
22 House of Representatives regarding congressional maps, right?

23 A. No.

24 Q. Collaboration was minimal to the extent you just shared  
25 data?

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 A. Yes. It was in passing I saw Patrick Dennis a couple  
2 times and then exchanging data with Thomas Hodges.

3 Q. You didn't even review the House's criteria, though,  
4 right?

5 A. No.

6 Q. Do you ever recall if you went live, or watched House  
7 hearings?

8 A. I don't recall.

9 Q. I think I heard you say you drew maps for Senator Grooms  
10 on the congressional side; is that right?

11 A. No. We took input from Senator Grooms, but we never did  
12 produce an actual map for Senator Grooms.

13 Q. Would you say you primarily drew maps just for  
14 subcommittee members who reached out to you?

15 A. As well as Senator Hutto, yes, and Senator Martin, and  
16 Senator Climer.

17 Q. Who was the last one?

18 A. Senator Climer.

19 Q. Oh, Climer. After Senate Amendment 1 was produced on  
20 January 13th, then there was a hearing held on it; do you  
21 recall that?

22 A. I do.

23 Q. You attended that hearing?

24 A. Yes.

25 Q. Members of the public provided feedback?

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 A. Yes.

2 Q. And at that time, you were not in any position to weigh  
3 the public feedback, right?

4 A. That's correct.

5 Q. You were simply tasked with implementing instructions  
6 moving forward by Senator Rankin, Senator Campsen or other  
7 senate staff members, right?

8 A. That's correct.

9 Q. And so, if more members of the public supported Senate  
10 Amendment 2, that didn't influence or impact any of your roles  
11 or responsibilities?

12 A. That's correct. I don't have a vote in the General  
13 Assembly.

14 Q. But you've talked about you took into consideration  
15 whether a map would pass a Republican-led General Assembly;  
16 true?

17 A. That's true. And that was told to us by members of the  
18 Senate.

19 Q. So, you were instructed to take that into consideration?

20 A. Yes.

21 Q. And you're aware that it would have been possible to keep  
22 Charleston and Beaufort Counties whole and in Congressional  
23 District 1?

24 A. Yes. And I believe I did a whole map for Senator Sabb to  
25 that point.



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1 Q. Earlier, Mr. Gore asked you questions about Dr. Duchin's  
2 report; do you remember that?

3 A. Yes.

4 Q. And that there were potentially purported inaccuracies  
5 with her depiction of municipal and county boundary lines --

6 A. That's correct.

7 Q. -- in her report?

8 A. That's correct.

9 Q. If Dr. Duchin was using whole precincts, including an  
10 entire precinct in city borders, when any part of that city  
11 was in a precinct, could that explain some of the differences?

12 A. Yes. And that's my theory on why those maps look like  
13 they do. But they are not depictions of the actual municipal  
14 boundaries.

15 Q. And so, that would explain it?

16 A. Yes. But to put in front of this Court that those were  
17 actual municipal boundaries is misleading.

18 Q. You were also asked questions about Exhibit 243; do you  
19 remember that?

20 A. I don't know what Exhibit 243 is.

21 MR. CUSICK: It was admitted today.

22 MR. GORE: It's on the website.

23 MR. CUSICK: Do you mind if you could give us a  
24 second, your Honor?

25 JUDGE GERGEL: Take your time.

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1 MR. CUSICK: Your Honor, it might take us a few  
2 minutes.

3 JUDGE GERGEL: Do you want to move on to something  
4 else and come back to it? How about that?

5 MR. CUSICK: Sure.

6 JUDGE GERGEL: Give them a chance to look it up.

7 MR. CUSICK: I think we might actually be able to get  
8 it on the screen.

9 JUDGE GERGEL: It's a miracle.

10 MR. CUSICK: Thank you.

11 JUDGE GERGEL: Lawyers are usually very fallible in  
12 finding things on the Internet while we're sitting in court.  
13 Congratulations. I'm probably speaking too early.

14 MR. CUSICK: Fair enough.

15 **BY MR. CUSICK:**

16 Q. Mr. Roberts, do you recall the data from Senate  
17 Exhibit 243 that's on the screen?

18 A. Yes.

19 Q. And the portions that you were asked questions about  
20 contain political data at a county precinct and block level?

21 A. Yes.

22 Q. And it includes GIS files that match the data down at the  
23 precinct and census block level?

24 A. That's correct.

25 Q. And it includes information from the presidential and

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1 senate races in 2020, correct?

2 A. That's correct.

3 Q. Are you aware that the county level data and the GIS file  
4 here don't match?

5 A. I remember that there was an issue with the numbering  
6 format, but I didn't put this data together. This is  
7 something that the Senate paid for, and we just posted it to  
8 the website.

9 Q. South Carolina does not report election results at the  
10 census block level right?

11 A. That's correct.

12 Q. Are you aware that the block total file in this data uses  
13 only round vote totals?

14 A. I couldn't speak to the data. We paid for this data. I  
15 didn't put it together.

16 Q. So, you couldn't speak to whether the data shows  
17 different election result totals than the actual election  
18 results reported by the South Carolina Election Commission?

19 A. I couldn't speak to that, but this is the data I used for  
20 our analysis.

21 Q. Are you aware that there are more than 14,000 voters  
22 missing in both the senate and the presidential elections in  
23 the GIS data here?

24 A. I'm not aware of that.

25 Q. So, in S.865 you've talked about a number of different

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 counties -- is that right -- today --

2 A. Yes.

3 Q. -- and why decisions were made?

4 And in Beaufort County there was an instruction to you to  
5 keep that whole even though it was split in the benchmark  
6 plan?

7 A. That's correct.

8 Q. And if somebody instructed you to make or to still have  
9 Charleston whole, you would have implemented that as well?

10 A. Yes.

11 Q. And it's reasonable, based on your work that Charleston,  
12 as a county, represents a community of interest?

13 A. Yes.

14 Q. And you're aware that there are portions of North  
15 Charleston that have distinct communities of interest that  
16 might want to be kept within the whole county?

17 A. Yes.

18 Q. You think that's common knowledge throughout the Senate  
19 in the interactions you've had?

20 A. I can't speak for what some of the Senate members do and  
21 do not know.

22 Q. And the 2012 plan kept Jasper County whole, but you were  
23 instructed to make cuts in the Senate 865, right?

24 A. That's correct.

25 Q. Again, instructed to do so?

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 A. Yes.

2 Q. You've talked about some of the public hearings in  
3 Orangeburg and other places, right?

4 A. That's correct.

5 Q. There were ten of those that were held in the summer of  
6 2021?

7 A. Yes.

8 Q. And they ranged anywhere from an hour to two hours?

9 A. Roughly, yes.

10 Q. There was oral testimony?

11 A. Yes.

12 Q. Written testimony?

13 A. Yes.

14 Q. You didn't take any notes during those hearings; true?

15 A. No, I did not.

16 Q. Didn't go back and review those transcripts when you were  
17 drawing any maps or looking at communities of interest?

18 A. No, I did not.

19 Q. In fact, you didn't take any notes during the entire  
20 redistricting process, correct?

21 A. That's correct.

22 Q. You didn't conduct any review of Senate Amendment 2  
23 outside of just creating statistics in the map and putting  
24 those in binders for the core redistricting team, right?

25 A. That's correct.

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 Q. And so, you have no reason to dispute -- let me back that  
2 up for a sec.

3 Do you remember Mr. Oppermann's written testimony about  
4 Senate Amendment 2?

5 A. Vaguely, yes.

6 Q. You didn't make any assessments of the claims that he  
7 submitted in that testimony?

8 A. I barely recall his -- I remember his speaking at one of  
9 the meetings, but I don't remember reviewing his written  
10 testimony. I may have, but I just don't recall at this point.

11 Q. You testified that the General Assembly had the task to  
12 weigh tradeoffs along redistricting principles, right?

13 A. I'd say there's decisions to be made. The principles are  
14 the principles, and those are the overall guiding principles.  
15 But there's decisions that have to be made both politically  
16 and geographically that the General Assembly has to weigh.

17 Q. And you're not speaking here today on behalf of the  
18 entire General Assembly on any of the votes that were cast,  
19 right?

20 A. Right, that's correct.

21 Q. You'd have to go to each senator?

22 A. That's correct.

23 Q. And what information was conveyed about criteria that the  
24 core redistricting team might have had or not had, that free  
25 flow or that exchange of information was, again, Mr. Terrine,

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 Mr. Fiffick making determinations, right?

2 A. They would give suggestions on how to create maps, yes.

3 Q. I think I heard you say that there were talking points  
4 that were created in one of your exhibits?

5 A. Yes.

6 Q. And only Republicans had access to those talking points?

7 A. Those were requested by Senator Campsen, and we gave  
8 those to whoever he allowed us to give them to.

9 Q. Mr. Roberts, I'm not going to go through all of those  
10 county maps that we went through, but Mr. Gore asked you a  
11 number of questions about those maps, right?

12 A. That's correct.

13 Q. And at the end of each one he asked was race a  
14 consideration in the movement, right?

15 A. That's correct.

16 Q. And you said no?

17 A. That's correct.

18 Q. And that is only to the extent that you were instructed  
19 to draw lines in certain ways of any testimony about how race  
20 factored into that decision, right?

21 A. We took public testimony. A lot of the changes we made  
22 were based on public testimony. I don't know the demographics  
23 of the areas that we changed.

24 Q. But when you said race was not a factor in how the lines  
25 were drawn, you're simply saying that BVAP was not looked at

*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 when you were making changes, right?

2 A. I'm telling you I do not know the demographics of the  
3 areas in which we changed.

4 Q. Right. But somebody was considering BVAP from a legal  
5 and from a compliance side, right?

6 A. Once the plan was completed, yes.

7 Q. And so, when you were asked those questions, you're just  
8 simply saying that it was there, but you, yourself, didn't  
9 look at it and can't speak to any other core redistricting  
10 member?

11 A. I can't speak to the demographics of the areas that we  
12 changed, no.

13 Q. And you don't know if senators looked at BVAP and  
14 considered the impact on how the map that you drew might have  
15 impacted Black voters?

16 A. I have no idea what senators saw, and no.

17 Q. And we talked earlier about your local redistricting work  
18 in Richland County; is that right?

19 A. I've not done any redistricting in Richland County, no.

20 Q. Columbia?

21 A. I have done City of Columbia redistricting, yes.

22 Q. And you're aware of the racial demographic makeup of  
23 Columbia?

24 A. Just vaguely from the 2010 census.

25 Q. And so, before, you said you sent maps to assess



*WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK*

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1 compliance?

2 A. I sent them. I don't know what they're doing with them.

3 Q. You had no subsequent conversations with them?

4 A. No.

5 Q. Didn't see any analyses?

6 A. No.

7 Q. Didn't have any understanding of what their assessments  
8 were?

9 A. I have no idea.

10 Q. Did you do any mathematical analyses or were asked to do  
11 so in response to their assessment?

12 A. Just run the reports and send the reports on to whoever  
13 asked.

14 Q. And so, even though you drew several maps for the  
15 congressional conference, which one to evaluate or to vote on  
16 was the entire General Assembly, not you, right?

17 A. That's correct.

18 Q. And so, you can't talk about whether people relied on how  
19 it complied with the law or not?

20 A. That's correct.

21 Q. Or what their motivations were at all?

22 A. That's correct.

23 Q. So, my final few questions, Mr. Roberts, just to close  
24 out: You were instructed as a first order priority to make CD  
25 1 more Republican?

WILLIAM ROBERTS - CROSS-EXAMINATION BY MR. CUSICK

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1 A. Yes -- not as a priority, but it was in the mix. It was  
2 one of the criteria that we -- not criteria. It is one of the  
3 objectives that we looked at.

4 Q. Never publicly disclosed?

5 A. No.

6 Q. And you reviewed talking points throughout the process  
7 that didn't mention partisanship as a motivating factor,  
8 right?

9 A. I don't have the talking points in front of me. I'd have  
10 to go back and review them.

11 Q. In any of the talking points for how you drew the map,  
12 did you suggest that we should disclose making CD 1 more  
13 Republican leaning would be helpful?

14 A. Never did I state that to any of the members, no.

15 Q. That's because you're nonpartisan?

16 A. That would be a decision for the General Assembly to  
17 make, not staff.

18 MR. CUSICK: I think that's it, your Honors.

19 JUDGE GERGEL: Let's take an afternoon break.

20 *(Recess.)*

21 MR. MOORE: We don't have any questions. So that's  
22 good, right?

23 JUDGE GERGEL: That would be one step forward.

24 MR. MOORE: Yes, sir. I did want to ask one  
25 question. I know we have a rule that there's a representative

*WILLIAM ROBERTS - REDIRECT EXAMINATION BY MR. GORE*

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1 from each group, each defendant and each party. Is someone  
2 who is a party allowed to be in? We're going to call  
3 representative Jordan tomorrow. He's here.

4 JUDGE GERGEL: Representative?

5 MR. MOORE: Jordan.

6 JUDGE GERGEL: Yes.

7 MR. MOORE: He's here and he is a named party in this  
8 case. Can he come in, is my question?

9 JUDGE GERGEL: Okay. If he's one of the named  
10 parties --

11 MR. MOORE: Yes, sir.

12 JUDGE GERGEL: -- he can be here.

13 MR. MOORE: That's what I thought. I just wanted to  
14 make sure. Thank you, your Honor.

15 JUDGE GERGEL: Yes.

16 Okay. Redirect, Mr. Gore.

17 MR. GORE: Thank you, your Honor.

18 **REDIRECT EXAMINATION**

19 **BY MR. GORE:**

20 Q. Mr. Roberts, Mr. Cusick asked you a few questions about  
21 the attorneys.

22 A. Yes.

23 Q. Who did you understand him to be referring?

24 A. Charlie Terrine and Andy Fiffick.

25 Q. And I was flattered to hear my name come up in the

*WILLIAM ROBERTS - REDIRECT EXAMINATION BY MR. GORE*

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1 cross-examination.

2 JUDGE GERGEL: We didn't really care, Mr. Gore.

3 MR. GORE: Rightly so.

4 **BY MR. GORE:**

5 Q. Did I ever draw any plans?

6 A. No.

7 Q. Did I ever direct the drawing of any plans?

8 A. Never.

9 Q. Did I do anything other than give legal advice?

10 A. No.

11 Q. I believe you testified that in Maptitude there are two  
12 kinds of shading functions, one for race data and one for  
13 political; is that right?

14 A. You could select different attributes to shade it  
15 different colors. And we tried it one time with the political  
16 data, and we started moving the map around for a couple  
17 seconds, but Charlie said he was about to throw up and to turn  
18 it off.

19 Q. And so, when Charlie asked you to turn off the shading,  
20 it was for the political data, right?

21 A. That's correct.

22 Q. And it was because it was giving him a headache or  
23 something like that?

24 A. Exactly. He was getting motion sick.

25 Q. And I think you testified earlier today that you could

*WILLIAM ROBERTS - REDIRECT EXAMINATION BY MR. GORE*

1547

1 testify about splits and contiguity and some other issues; is  
2 that right?

3 A. That's correct.

4 Q. And does that include the core preservation numbers?

5 A. It does.

6 Q. Mr. Cusick asked you a couple questions about Mr.  
7 Tresvant. After you released the staff plan to the public,  
8 did you ever hear from Mr. Tresvant?

9 A. Never did.

10 Q. And do you know whether Mr. Fiffick or anyone else had  
11 any contact with him?

12 A. I can't speak to what they know.

13 Q. And one more question about the availability of race data  
14 in Maptitude. I believe you said it was in the pending  
15 changes box; is that right?

16 A. There was a pending change box as well as the overall  
17 statistics at the bottom of the screen.

18 Q. And when you were drawing in Maptitude, could you see  
19 those, or did you have to scroll through them?

20 A. You'd have to scroll to the very end on the bottom table,  
21 and all the way down to the bottom on the pending changes  
22 table.

23 Q. Now, during your cross-examination for Mr. Cusick, you  
24 mentioned you drew plans for a few senators; do you recall  
25 that?

*WILLIAM ROBERTS - REDIRECT EXAMINATION BY MR. GORE*

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1 A. Yes.

2 Q. Did you also draw plans for Senators Scott and Sabb?

3 A. I did.

4 Q. And I think you also said a few times in the  
5 cross-examination that you can't speak to the demographics of  
6 areas you moved; do you recall that?

7 A. Yes.

8 Q. Are you able to speak to the demographics of West Ashley,  
9 Deer Park, Ladson and Lincolnville?

10 A. Yes, I can speak to those. Those were the areas that we  
11 actually went and took a look at after Joe Cunningham's  
12 comments at the public hearing. But the other changes, such  
13 as Sumter, Florence, the other changes, I do not know the  
14 demographic changes of those, but just the ones in Charleston  
15 County.

16 Q. And I believe that Mr. Cusick asked you about Senator  
17 Margie Bright Matthews; do you recall that?

18 A. Yes.

19 Q. And do you recall whether she publicly supported moving  
20 Sun City into District 1?

21 A. She did.

22 Q. And Mr. Cusick also asked you about the use of race to  
23 draw local redistricting plans; do you recall that?

24 A. Yes.

25 Q. And when you're drawing those plans, was race a factor

WILLIAM ROBERTS - REDIRECT EXAMINATION BY MR. GORE

1549

1 for those plans?

2 A. It was.

3 Q. Were you drawing plans to comply with Section 2?

4 A. More predominantly to comply with Section 5 of the Voting  
5 Rights Act.

6 Q. And that was before -- that was while there was still a  
7 non-retrogression requirement; is that right?

8 A. That was before the *Shelby* case, yes.

9 Q. And, Mr. Roberts, did you understand the Senate  
10 guidelines to require use of algorithms or mathematical  
11 measures for judging compactness?

12 A. No.

13 Q. And I believe Mr. Cusick asked you if the process was  
14 rigged. Do you recall that question?

15 A. I do.

16 Q. Do you believe the process was rigged?

17 A. It's not rigged, no.

18 Q. Do you care to elaborate?

19 A. Redistricting is a political process. And you can't take  
20 politics out of a political process. So, you know, it's a  
21 Senate majority, House majority, both Republicans, so we  
22 expected a Republican leaning plan to ultimately pass the  
23 General Assembly.

24 Q. And who was ultimately responsible for enacting the plan?

25 A. That would be the General Assembly itself.

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1550

1 Q. And was it up to the General Assembly and the senators or  
2 someone else to determine whether the guidelines had been  
3 followed?

4 A. It's up to the House and Senate members.

5 MR. GORE: I have no further questions.

6 JUDGE GERGEL: Thank you.

7 I have a few questions for you, sir.

8 THE WITNESS: Yes, sir, Judge Gergel.

9 JUDGE GERGEL: I've always liked asking you  
10 questions. You've always been helpful to me when we had our  
11 school district case.

12 Charleston County, let's focus on that, because I  
13 know you've spent some time there. The Lincolnton area,  
14 that's up in North Charleston; is that correct?

15 THE WITNESS: That's correct.

16 JUDGE GERGEL: That formerly was in CD 1, and it  
17 became part of District 6; is that right?

18 THE WITNESS: I believe so, yes, sir.

19 JUDGE GERGEL: And what is the racial composition of  
20 Lincolnton?

21 THE WITNESS: I know the Lincolnton and Ladson area  
22 together is predominantly White. I don't know the individual  
23 makeup.

24 JUDGE GERGEL: I know about it's predominantly White,  
25 but is it -- you know, the issue here is -- you're talking



*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

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1 about partisanship, and I'm looking at racial numbers trying  
2 to see if there's an issue there. The previous district had  
3 been around 17-and-a-half-percent African American, correct,  
4 CD 1?

5 THE WITNESS: I believe so, yes, sir.

6 JUDGE GERGEL: And that's where it ended up again,  
7 correct?

8 THE WITNESS: That's correct.

9 JUDGE GERGEL: Okay.

10 THE WITNESS: There's a slight increase from the  
11 benchmark as far as the --

12 JUDGE GERGEL: Right. Very slight. And there was a  
13 -- and if you put a district, say, 35 percent African American  
14 into that -- you kept that in a district -- that could affect,  
15 you would say, the partisanship, and it might also be the  
16 racial numbers of the district, correct?

17 THE WITNESS: That's correct.

18 JUDGE GERGEL: So, looking at majority Black  
19 districts is not necessarily as helpful as -- Lincolnville has  
20 a very significant African-American population, does it not?

21 THE WITNESS: It does.

22 JUDGE GERGEL: The origin is Lincolnville was a freed  
23 slave community named for the President, the deceased  
24 president, correct?

25 THE WITNESS: I'll take your word for it, sir.

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1552

1 JUDGE GERGEL: Trust me on that. And it was  
2 previously in CD 1 and it was moved to CD 6, correct?

3 THE WITNESS: That's correct.

4 JUDGE GERGEL: And what is the communities of  
5 interest of the people in Lincolnville in being in a district  
6 in Columbia?

7 THE WITNESS: I'll say the only thing they have in  
8 common is right around I-26, the area around the I-26  
9 corridor.

10 JUDGE GERGEL: They're along the same highway?

11 THE WITNESS: Yes.

12 JUDGE GERGEL: Other than that, anything you can  
13 think of? They're 120 miles apart. Other than that, anything  
14 else?

15 THE WITNESS: Not off the top of my head, your Honor.

16 JUDGE GERGEL: And then let's turn to the Deer Park  
17 area.

18 THE WITNESS: Yes.

19 JUDGE GERGEL: That has a significant  
20 African-American population, does it not?

21 THE WITNESS: It does.

22 JUDGE GERGEL: A couple -- I think at least one  
23 majority African-American precinct and some with significant  
24 numbers; is that about right?

25 THE WITNESS: I believe so, yes, sir.

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1553

1 JUDGE GERGEL: And that had been in CD 1 and was  
2 moved to District 6, correct?

3 THE WITNESS: That's correct.

4 JUDGE GERGEL: And there had been a considerable  
5 growth in those precincts between 2010 and 2020, had they not?

6 THE WITNESS: I don't recall looking at the  
7 population numbers.

8 JUDGE GERGEL: Sir, you've heard discussions and  
9 you've heard about the gentrification of North Charleston and  
10 African Americans moving into those areas because they  
11 couldn't afford to live in the city, correct?

12 THE WITNESS: That's correct.

13 JUDGE GERGEL: And do you know whether or not those  
14 precincts were affected by that migration to North Charleston?

15 THE WITNESS: I can't speak to that, sir.

16 JUDGE GERGEL: But you know there was a significant  
17 African-American presence in those Deer Park precincts?

18 THE WITNESS: Yes. I believe the racial breakdown  
19 for Deer Park is approximately 10,000 Whites to 8,500 African  
20 Americans.

21 JUDGE GERGEL: So, it's higher than the 17 percent?

22 THE WITNESS: Yes.

23 JUDGE GERGEL: And what is the community of interest  
24 of the Deer Park residents with Columbia?

25 THE WITNESS: Not with Columbia but with the

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1554

1 peninsula of Charleston and North Charleston.

2 JUDGE GERGEL: Well, they're now in the 6th District,  
3 which goes all the way to Columbia. I'm just wondering what  
4 is their community of interest, because they certainly would  
5 have a community of interest with Charleston generally,  
6 correct?

7 THE WITNESS: That's correct, yes, sir.

8 JUDGE GERGEL: You know, a lot of the North  
9 Charleston residents work in the port, correct?

10 THE WITNESS: Yes, that's correct.

11 JUDGE GERGEL: And they have a lot of interests --  
12 economic interests in Charleston. So, those precincts, the  
13 line moved up. It was -- North Charleston was already split,  
14 correct?

15 THE WITNESS: That's correct.

16 JUDGE GERGEL: And it moved up further, correct?

17 THE WITNESS: That's correct.

18 JUDGE GERGEL: And it followed the migration of  
19 African Americans from the city of Charleston to the city of  
20 North Charleston, didn't it?

21 THE WITNESS: I haven't studied the migration, but  
22 I'll take your word for it.

23 JUDGE GERGEL: Okay. And then let's turn to West  
24 Ashley for a minute. You talk about a least-changed plan.

25 THE WITNESS: Yes.

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1555

1 JUDGE GERGEL: And there is no question a significant  
2 amount of this plan is a least-changed plan. It substantially  
3 tracks it. Some of it is almost identical, right?

4 THE WITNESS: Yes, sir.

5 JUDGE GERGEL: But Charleston is actually different,  
6 is it not?

7 THE WITNESS: It is. It's where most of the change  
8 occurred.

9 JUDGE GERGEL: And most of the change occurs in  
10 Charleston. And if I'm not correct -- well, I believe I'm  
11 correct on this: The majority of Charleston was in CD 1 in  
12 2010. Does that sound right?

13 THE WITNESS: Population wise?

14 JUDGE GERGEL: Yes. Population wise.

15 THE WITNESS: Yes. Yes.

16 JUDGE GERGEL: It was an overwhelmingly Charleston  
17 County district, with some intrusion by CD 6, correct?

18 THE WITNESS: I would agree with that, yes, sir.

19 JUDGE GERGEL: And then by the 2020 plan, a majority  
20 proposed into CD 6 out of CD 1, correct?

21 THE WITNESS: It was roughly a hundred and some odd  
22 thousand people moved from CD 1 to 6.

23 JUDGE GERGEL: But that's not a least-changed plan,  
24 is it?

25 THE WITNESS: Not for Charleston County, no, sir.

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1556

1 JUDGE GERGEL: I didn't think so. And then when you  
2 look at the percentage of African Americans who were in CD 1  
3 in 2010 versus CD 6, it was almost a split. We've had data  
4 that it's 51-49. Does that sound about right?

5 THE WITNESS: I believe so, yes.

6 JUDGE GERGEL: Okay. But by the time -- in 2020,  
7 that shift, 80 percent of the African Americans are in CD 6,  
8 20 percent are now in CD 1, correct?

9 THE WITNESS: For Charleston County?

10 JUDGE GERGEL: For Charleston County.

11 THE WITNESS: I believe so. That sounds roughly  
12 correct, yes.

13 JUDGE GERGEL: Yeah. And that's a pretty dramatic  
14 change, is it not?

15 THE WITNESS: I believe so.

16 JUDGE GERGEL: Okay. And then we look at the city of  
17 Charleston. Have you looked at the data on the city of  
18 Charleston?

19 THE WITNESS: No, I have not looked at the city of  
20 Charleston.

21 JUDGE GERGEL: Well, would it surprise you that the  
22 city of Charleston is now split about 85 percent in CD -- 85  
23 percent of the African-American population is in CD 6 now and  
24 about 15 percent in CD 1, correct?

25 THE WITNESS: I'll take your word for it, yes, sir.

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1557

1 JUDGE GERGEL: And the city of Charleston, which had  
2 substantially been CD 1, moved to CD 6, correct?

3 THE WITNESS: I'd speak for the peninsula but --

4 JUDGE GERGEL: The peninsula and St. Andrews is a  
5 part of the city of Charleston, correct?

6 THE WITNESS: That is correct, yes.

7 JUDGE GERGEL: So, it's a pretty big shift into --  
8 from CD 1 to CD 6 in Charleston County, correct?

9 THE WITNESS: That's correct. In Charleston County,  
10 yes, sir.

11 JUDGE GERGEL: So, it would be fair to say that,  
12 though it's clearly true for a substantial part of the state,  
13 it is not true for Charleston that it was a least-changed  
14 situation, correct?

15 THE WITNESS: I'd agree with that for Charleston  
16 County itself, yes.

17 JUDGE GERGEL: Yes, sir. And you told me you haven't  
18 looked at the racial numbers. But to have 80 percent of the  
19 African Americans in a very diverse county put into one  
20 district when they're spread across the state -- spread across  
21 the county is something that requires some attention, does it  
22 not?

23 THE WITNESS: It does. But then, again, you have to  
24 look at the geography of Charleston. You don't have a large  
25 African-American population in Kiawah, Isle of Palms, Folly

*WILLIAM ROBERTS - EXAMINATION BY JUDGE GERGEL*

1558

1 Beach, Sullivan's Island. That's a predominantly White area.  
2 So, if you're trying to keep a coastal community of interest  
3 together, of course, you're going to have a large racial --  
4 White racial population.

5 JUDGE GERGEL: Well, of course, if you want to worry  
6 about a community of interest, the African Americans living in  
7 Charleston have a very close community of interest with the  
8 rest of Charleston County, do they not?

9 THE WITNESS: I agree with you on that.

10 JUDGE GERGEL: Far more than they would have in  
11 Columbia, correct?

12 THE WITNESS: That's correct.

13 JUDGE GERGEL: And Congressman Clyburn did not  
14 request going into St. Andrews, did he?

15 THE WITNESS: Not from the map we received, no.

16 JUDGE GERGEL: No. And that was basically an effort  
17 you would describe as focusing on the partisan lean of the  
18 district, correct?

19 THE WITNESS: One hundred percent, yes, sir.

20 JUDGE GERGEL: Okay. And moving that line up into  
21 those African-American areas of North Charleston, you would  
22 also say was for a partisan lean, correct?

23 THE WITNESS: Yes, sir.

24 JUDGE GERGEL: But they substantially affected the  
25 African-American placement in CD 1 and CD 6, did they not?



*WILLIAM ROBERTS - REDIRECT EXAMINATION BY MR. GORE*

1559

1 THE WITNESS: It did increase the African-American  
2 percentage.

3 JUDGE GERGEL: It created tremendous disparity  
4 between CD 1 and CD 6 that had not been consistent, correct?

5 THE WITNESS: In Charleston County, yes.

6 JUDGE GERGEL: Okay. Mr. Gore, I'm sure you have  
7 questions in response to the Court.

8 MR. GORE: Thank you, your Honor.

9 **FURTHER REDIRECT EXAMINATION**

10 **BY MR. GORE:**

11 Q. So, speaking of Lincolnville, Ladson and Deer Park, did  
12 drawing the district the way you did up there fix a county  
13 split?

14 A. It did. We followed the county boundary all the way up  
15 the neck of Charleston County.

16 Q. And do you know what changes happened to the racial  
17 demographics of Charleston County over the last 10 years?

18 A. I believe the White population has increased in  
19 Charleston County, bringing the Black voting age population  
20 down in Charleston County.

21 Q. And did that have any effect on where you drew the lines?

22 A. No, not at all. We were following the geographic  
23 features around Charleston, such as the Cooper River, the  
24 Wappoo Creek, Stono River and Wadmalaw Sound.

25 MR. GORE: That's all I have.

WILLIAM ROBERTS - REDIRECT EXAMINATION BY MR. GORE

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1 JUDGE GERGEL: Thank you.

2 Anything occasioned by the Court's questions?

3 MR. CUSICK: No, thank you, your Honor.

4 JUDGE GERGEL: Don't buy it back, Mr. Cusick.

5 MR. CUSICK: No thank you. Sitting back down.

6 JUDGE GERGEL: Thank you, Mr. Roberts.

7 THE WITNESS: Good to see you.

8 JUDGE GERGEL: Good to see you, sir.

9 I've got to tell you, one of the great things that  
10 the State has done over the years is had this research office.  
11 Mary Katherine over here is there. Frank Rainwater. My dear  
12 long-time friend, the late Bobby Bowers, and Will here all  
13 have worked for years. They are a tremendous benefit to our  
14 panel, and they have been for other panels over the years.  
15 And where a lot of other panels have to go figure out how to  
16 pay money to hire, the State provides this without cost. And  
17 I think the Court is blessed for having this help, and  
18 certainly the legislature's blessed to have Mr. Roberts.

19 Okay. Call your next witness.

20 MR. GORE: We're bringing in the next witness who's  
21 Senator Shane Massey.

22 JUDGE GERGEL: Good.

23 **ANTHONY SHANE MASSEY, having first been called as a**  
24 **witness, was duly sworn and testified as follows:**

25 JUDGE GERGEL: Senator Massey, good to have you here

ANTHONY MASSEY - DIRECT EXAMINATION BY MR. TYSON

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1 with us, sir.

2 THE WITNESS: Thank you, sir.

3 DIRECT EXAMINATION

4 BY MR. TYSON:

5 Q. Hi, Senator. Can you tell us your name, please?

6 A. Sure. Anthony Shane Massey.

7 Q. And you're a senator, correct?

8 A. I am, yes.

9 Q. In what district?

10 A. I represent District 25, which is portions of Aiken,  
11 Lexington, McCormick, Saluda and all of Edgefield County.

12 Q. Do you serve in a leadership position in the Senate?

13 A. I do.

14 Q. And what was that?

15 A. I was elected majority leader in April 2016, and I've  
16 served in that capacity since.

17 Q. Let me just ask you a quick question before we get to  
18 that. The Court and both the plaintiffs have acknowledged  
19 that partisanship and politics played a role in redistricting.  
20 But let's go another step further. In your opinion as leader  
21 of the South Carolina GOP Caucus, was partisanship a factor  
22 used by the Senate in drawing the plan?

23 MR. HIRSCHER: Objection, your Honor. Mr. Tyson's  
24 opinion, your Honor.

25 JUDGE GERGEL: It's not. Overruled.

ANTHONY MASSEY - DIRECT EXAMINATION BY MR. TYSON

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1 BY MR. TYSON:

2 Q. In your opinion?

3 A. Well, I think saying that it was a factor is an  
4 understatement. It was one of the most important factors.  
5 But the Senate was not going to pass a plan that sacrificed  
6 the 1st. And so, making sure that we retained the 1st was --  
7 I'm not going to say it was paramount, but it was pretty  
8 important.

9 Q. In the criteria that the Senate used, was politics listed  
10 as a factor for the Senate to consider?

11 A. I believe it was. I didn't look at those before coming  
12 in here today, but I looked at those criteria before, and  
13 politics was one of them that was indicated.

14 Q. And is partisanship a districting principle?

15 A. Yeah, absolutely. My recollection is -- and I'm  
16 certainly no expert on this, but I think the U.S. Supreme  
17 Court has even blessed that. So, we knew that going in. We  
18 knew that that was something that we could consider, and so we  
19 did.

20 Q. Senator, now that we've hit the high points, let's work  
21 our way back through. How long have you been a senator?

22 A. I was elected to the Senate in a special election in  
23 November 2007.

24 Q. And tell me again how many counties District 25  
25 encompasses?

*ANTHONY MASSEY - DIRECT EXAMINATION BY MR. TYSON*

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1 A. Right now, it's five. When I was first elected, it was  
2 four. But I've had to pick up more population.

3 Q. And what are the five counties?

4 A. Aiken, Edgefield, Lexington, McCormick and Saluda.

5 Q. Of those five, which of those would you call rural or  
6 small counties?

7 A. Well, Edgefield, Saluda and McCormick definitely fit that  
8 category of rural and small. I would say that the portion of  
9 Aiken County that I have is rural as well. I don't have the  
10 downtown Aiken -- I don't have Aiken Proper or North Augusta  
11 Proper. The parts of Lexington County that I have are peach  
12 farms and poultry farms in the Gilbert Summit area primarily,  
13 some in the Leesville area. So, I mean, I go a little bit  
14 into Lexington. But I would say my district is a very  
15 agricultural district, so it's very rural overall.

16 Q. And where do you live, Senator?

17 A. I live in Edgefield.

18 Q. And what congressional district is Edgefield?

19 A. It's in the 3rd.

20 Q. And how long has Edgefield been in the 3rd Congressional  
21 District, would you say?

22 A. Since before I was born. I mean, I'd say it's been in  
23 the 3rd for generations. In fact, I was looking -- not too  
24 long ago, I was looking at some election for summaries. I was  
25 looking at some election data from like the 1950s when William

ANTHONY MASSEY - DIRECT EXAMINATION BY MR. TYSON

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1 Jennings Bryan Dorn was our congressman, and he was from  
2 Greenwood, and Edgefield was in the 3rd then.

3 Q. So, at least 70 years it's been in the 3rd Congressional  
4 District?

5 A. It's a little bit beyond my memory, but it's been a long  
6 time, yeah.

7 Q. And you said you were elected Senate majority leader  
8 when?

9 A. April 2016.

10 Q. And what are your responsibilities as majority leader?

11 A. It's -- a lot of it is just keeping the team together,  
12 which is a lot of one-on-one conversations with individual  
13 senators, trying to make sure that somebody hasn't gotten  
14 their feelings hurt and going to do something different. So,  
15 just trying to stay in touch, trying to stay engaged.

16 A lot of my job is also trying to manage the legislation  
17 that we're going to take up. So, part of it is strategy about  
18 what we're going to take up, when we're going to take it up,  
19 that type of thing, and try to stay engaged with the committee  
20 chairman to say, look, we need to do this by a certain date so  
21 we can move along.

22 And then when it gets to the senate floor, I'm typically  
23 involved in running the floor and trying to manage the  
24 legislation from there. I mean, sometimes there will be a  
25 committee chairman or a subcommittee chairman that's doing

*ANTHONY MASSEY - DIRECT EXAMINATION BY MR. TYSON*

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1 some of that work, but I'm typically right in the middle of  
2 that. Anything that's controversial, I somehow get dragged  
3 into it. And then there's also the campaign side that the  
4 leader has to be involved in.

5 Q. And you mentioned -- right off the bat, you said you're  
6 on the team. Who is the team of your team?

7 A. Well, typically, it is -- it's Republican senators. And  
8 we tend to work pretty well in the Senate. It's not nearly as  
9 bad as you see on television out in Washington. We get along.  
10 We like each other for the most part. And I mean that  
11 bipartisan wise. We all get along really well. But what I  
12 was talking about there specifically as the majority leader,  
13 my job is to keep the team of the majority, which is the 30  
14 Republicans, as much as possible together.

15 Q. And how many members are in the South Carolina State  
16 Senate?

17 A. We have 46 total. And right now following the 2020  
18 elections, it's 30 Republicans and 16 Democrats.

19 Q. And you just mentioned a second ago that part of your  
20 responsibilities are that you have to run the floor. Can you  
21 explain that for us a little bit better, please?

22 A. Sure. I mean, almost always the legislation that we take  
23 up is legislation after it's been voted on at the committee  
24 level. Sometimes it's very rare that we'll pull stuff out of  
25 a committee without it having the committee work, but that's

*ANTHONY MASSEY - DIRECT EXAMINATION BY MR. TYSON*

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1 very rare. But when it comes out of the committee, then  
2 somebody's got to explain it, somebody's got to answer  
3 questions about it, somebody's got to figure out where the  
4 votes are. That type of thing. That's what I mean by running  
5 the floor. I mean, I'm typically engaged in -- even if it's  
6 legislation that I haven't been involved in at the committee  
7 level, like even if it came from a committee that I wasn't  
8 involved in, I don't serve on, I often am involved in trying  
9 to manage that debate and count the votes and things of that  
10 nature.

11 Q. Let me move to this process for redistricting. There's  
12 been a lot of discussion about the opportunities for the  
13 public to have input. Did you participate in any of those  
14 public meetings, or did you attend any of those public  
15 meetings?

16 A. I did. And I'll say, first of all, you know, typically  
17 most pieces of legislation in the Senate, they'll have a  
18 subcommittee meeting and then a full committee meeting. It's  
19 very rare for a piece of legislation to have more than maybe  
20 two, three subcommittee meetings. And a subcommittee meeting  
21 is where you have public input. And those meetings are almost  
22 always held in Columbia on the campus, the capitol campus.

23 The redistricting legislation was very different in that  
24 they had public input sessions across the state. And I don't  
25 know how many they did -- probably five or six. They also had



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1 some in Columbia. But I attended -- there was one that was  
2 held in my senate district. It was in Graniteville at Aiken  
3 Technical College. So, I attended that one.

4 Q. So, the Senate had a number of these public meetings  
5 across the state. And are you aware that the House had a  
6 number of those public meetings across the state?

7 A. I do know they had public meetings. I remember seeing  
8 advertisements for them. I don't remember where they went,  
9 but I know the House also did that.

10 Q. When you're talking about there was more public input on  
11 this rather than a normal piece of legislation, can you  
12 describe the legislative process for just a bill, just  
13 quickly? I apologize for asking the civics question, but I  
14 want to kind of understand how the redistricting legislation  
15 gets through as compared to a normal bill.

16 A. Yeah, it's different. So, typically a bill -- let's say  
17 a bill gets introduced by a senator. So, the Senate is the  
18 originating body. It gets introduced, and once it's  
19 introduced, it gets its first reading, and then it's referred  
20 to a committee. And our senate rules identify which  
21 committees have jurisdiction over different subject matters.  
22 So, it will get referred to a committee. And then, it's  
23 really up to the committee chairman as to what happens from  
24 there. Lots of times bills just die at that point. But the  
25 ones that move along are the ones that the chairman of the

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1 committee assigned to a subcommittee. Most of our  
2 subcommittees in the Senate are ad hoc. You may have a few  
3 standing committees on the finance committee, but for the most  
4 part they're ad hoc. The chairman makes them up as he goes  
5 along. And then the bill will go through the subcommittee  
6 process. Probably 75 percent of legislation you're going to  
7 get one subcommittee meeting. Then it will get passed on to  
8 the full committee. The committee will debate it, explain it,  
9 maybe make some changes. Most of the work is done at the  
10 subcommittee level. It goes to full committee, maybe a few  
11 more changes. Then it goes out to the full Senate. Then it  
12 could take it a little while to come out even when it gets up  
13 on the floor, depending on what the subject matter is. But it  
14 goes to that process. It's going to get two more votes --  
15 it's going to get two votes for three readings. Then it goes  
16 to the House. And it's essentially the same process in the  
17 House. And then what the House passes has to be exactly the  
18 same as what the Senate passes. Every comma has to be in the  
19 same place, or else we have to work things out in conference  
20 committees.

21 That's the typical process for a regular piece of  
22 legislation. This piece of legislation, redistricting, it  
23 follows the same process, but it's much more intense, and  
24 there's a lot more to it because there's a lot more public  
25 input opportunities. You know, we don't have court reporters

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1 and recordings of testimony typically. You'll have some  
2 things that are done by video, but it's not nearly what is  
3 done with this, all of the expense that goes into this because  
4 we know it's not important.

5 But it's much more involved from soliciting public input,  
6 advertising, hey, we're coming to Aiken. It's going to be  
7 about this. If you've got any interest in the redistricting  
8 process, come out to this meeting. That type of thing goes on  
9 that typically you don't see in legislation.

10 Q. The public had an opportunity to provide comments at the  
11 subcommittee level too, correct?

12 A. Yeah, absolutely. They had some subcommittee meetings --  
13 in addition to the public input sessions, they had  
14 opportunities to do that. And I think if I remember right,  
15 they allowed for electronic submissions that typically you  
16 don't see in regular legislation.

17 Q. And moving on as to your role in the redistricting. You  
18 attended a public session. But beyond that, can you explain a  
19 little bit about your role specifically in this congressional  
20 redistricting leading up to the floor debate?

21 A. It was pretty limited. I was not on the subcommittee. I  
22 really was not all that involved at all until -- I think it  
23 was January 19th when the full Judiciary Committee met. I  
24 served on the Judiciary Committee. So when the full Judiciary  
25 Committee met to consider it, I was there for that. And then

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1 after that committee meeting, as best I recall, I got asked to  
2 help with the floor debate. And so really up until the 19th,  
3 I had very limited involvement.

4 Q. So, let's just walk through then, starting with the  
5 benchmark plan. What's your understanding of how the new  
6 map -- the enacted map is what we've been calling it --  
7 compares to the benchmark plan?

8 A. Well, from my review of them, I mean, they're very  
9 similar. I mean, there were a few changes because of  
10 population differences in the 1st and the 6th, and there might  
11 have been some tweaks in other places, but for the most part,  
12 as I remember looking at it, the 1st, 2nd, 3rd, 4th and 5th  
13 were all pretty close to where they needed to be. But,  
14 overall, it's very similar to where we were under the old  
15 plan.

16 Q. And we're not going to walk through the guidelines. The  
17 panel's seen that a whole bunch. But, in the guidelines, are  
18 you aware of whether that's a traditional criteria that's  
19 listed in the guidelines?

20 A. I think, if I remember right, when I was looking at  
21 those -- when we did the deposition, I had to look at those.  
22 But I think maintaining core constituencies, it was one of  
23 those criteria, which was one of the things that we looked at.  
24 I mean, you don't want to -- you don't want somebody having a  
25 different member of Congress every -- every few years. So,

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1 trying to keep people together and having all those things  
2 together was one of the things that we looked at.

3 Q. And I think in your deposition you had a good example  
4 when you talked about Representative Duncan, who's the current  
5 congressman for District 3, right?

6 A. He is.

7 Q. And you talked about the importance of preserving his  
8 district. Can you explain a little bit about that or walk us  
9 through that, please?

10 A. Well, I mean I think it's important that people know who  
11 their congressman is or their congresswoman is, that the  
12 congressman and congresswoman know his or her constituency.  
13 Because you get a better feel for who you're representing,  
14 what they believe, what they -- how they feel about certain  
15 issues. The more you know them, the better you're going to be  
16 able to represent them. And from a constituent's perspective,  
17 just a citizen's perspective, the more I know my member of  
18 congress, the more comfortable I am in communicating with that  
19 person, and it's easier to -- I mean, I think it's just a  
20 better relationship overall if you change around -- and  
21 sometimes that's got to happen, right, you have population  
22 shifts.

23 Q. That's right.

24 A. But I think you want to minimize that as much as possible  
25 and try to keep those cores together. I mean, you know, like

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1 I said, I wasn't involved that much in the beginning of it,  
2 but that was something I think that if the Judiciary Committee  
3 had come out with a plan that just completely shook everything  
4 up, you're going to have a real problem on the Senate floor on  
5 the day of the debate because of that.

6 Q. That's right. Let's go to Senate Exhibit No. 3, the  
7 guidelines. I just want to ask you one question about these,  
8 if we can. And let's go to the second page.

9 Senator, if you look at Roman Numeral III, you see the  
10 additional considerations, and then we've got the definition  
11 of communities of interest. Do you see that in A?

12 A. I do.

13 Q. And I asked you the question earlier about whether a  
14 political was referenced in the guidelines. Do you see it  
15 anywhere in the communities of interest?

16 A. It's in the third line.

17 Q. And what's the lead-in to that? What are the guidelines  
18 saying about those communities?

19 A. It's talking about different communities of interest.  
20 There's different things that can bind people together. And  
21 there are lots of things that can do that, right. It  
22 identifies a number of things. But political interests is one  
23 of those communities of interest that's identified.

24 Q. And let's scroll down to the bottom to Roman Numeral IV,  
25 too. And then Roman Numeral IV talks about data. And then

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1 the last sentence, can you read that, please, Senator?

2 A. "Other succinct and importable sources of demographic and  
3 political information may be considered in drafting and  
4 analyzing proposed redistricting plans."

5 Q. So, your guidelines clearly say that you can review  
6 political information, correct?

7 A. Yeah, that's what they say. And I'll tell you, it was  
8 going to be considered regardless.

9 Q. No. That's right. Why do you say that?

10 A. Well, I mean, we're a political body, right? For better  
11 or worse, we're a political body. And we have -- as I said  
12 earlier, we have 30 Republicans and 16 Democrats. The Senate  
13 was not going to pass a plan that sacrificed the 1st. We were  
14 not going to pass a plan that made it more likely that a  
15 Democrat was going to win the -- it's political malpractice.

16 Q. Did members of the Senate understand that concept?

17 A. If you had a plan that came out of the Judiciary  
18 Committee, and when you looked at the numbers in the 1st  
19 district, if it was one that the Trump/Biden numbers were  
20 closer than where they were in the benchmark plan, it would  
21 have been a free-for-all, because that was something -- I  
22 mean, our senators, our 30 senators were not -- this was one  
23 of the few things -- this doesn't happen very often. This is  
24 one of the few things where we had all 30 people on the team.  
25 And those 30 senators were not going to allow something to

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1 pass that was going to sacrifice the 1st.

2 Q. So, would it be fair -- or could partisanship ever not be  
3 a predominant part of redistricting, in your opinion?

4 A. No. I don't think it should. There's definitely no way  
5 that's going to happen if the legislature is the one drawing  
6 the lines.

7 Q. Right.

8 A. And there are a number of people who advocate for  
9 independent commissions. And I've been willing to listen to  
10 those things in the past, but you're going to have  
11 partisanship involved in that, too. I mean, it's hard -- all  
12 of us have different preferences on things. So, wherever you  
13 put it, there's going to be partisanship engagement. At least  
14 this way, you have some accountability to the public.

15 Q. Why do persons promote redistricting commissions or  
16 independent commissions?

17 A. Well, we've had that -- I mean, there was a big push --  
18 what, I guess it was last year -- for a redistricting  
19 commission. I mean, you know, that idea was: Let's take  
20 partisanship out of the process. So I think there was a  
21 recognition from everybody that: Partisanship is a big part  
22 of the process. We want an independent commission so it's not  
23 as much of a part of the process.

24 And, like I said, I've been open to considering those  
25 things in the past. The more I've looked at them, the more



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1 skeptical I've become about how it works, because it's hard to  
2 find people who are truly independent. And if you're really  
3 independent and don't know anything, I don't know that I want  
4 you to be involved in something like this, you know?

5 Q. Did you talk to Senator Rankin -- or let me step back.

6 Senator Rankin was the chair of the Judiciary Committee,  
7 correct?

8 A. Luke Rankin is chairman of the Judiciary Committee,  
9 that's right.

10 Q. And what's his role in redistricting?

11 A. He's the chairman of the committee. And I think Senator  
12 Rankin even chaired the subcommittee as well, so he was  
13 intimately involved with the process.

14 Q. Did you talk to Senator Rankin about your political  
15 concerns?

16 A. Just one. I mean, I said earlier I had very limited  
17 involvement before the full committee meeting and the floor  
18 debate. But there was some time -- it was either December or  
19 early January, I heard a rumor. And the rumor was -- and you  
20 know how rumors are, especially in our business. But the  
21 rumor was -- at that point -- this was after we had passed --  
22 we came back in early December of 2021, and we passed the  
23 State House and State Senate lines. This litigation was  
24 already pending. And at that point, the litigation included  
25 challenges not just to the congressional lines, but also to

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1 the State House lines. And so, there was a rumor -- late  
2 December, early January -- that the House of Representatives  
3 might be willing to sacrifice the 1st if that meant that they  
4 could resolve the challenge against the State House lines.

5 And I heard that, and that concerned me. So, I called  
6 Senator Rankin just to make sure that he wasn't planning to do  
7 something like that, because, look, when I'm looking at the  
8 congressional map, the first thing I look at is where my  
9 district is. And my district is split between the 2nd and  
10 3rd. And I want to see if there's any changes there because  
11 I'm going to hear from my people before I hear from anybody  
12 else. So I want to know what that is. But after that, I also  
13 knew that the most competitive district in the state was the  
14 1st. And I wanted to make sure we weren't going to sacrifice  
15 the 1st. And so that's what prompted my call to Senator  
16 Rankin, to make sure that he was going to do something --  
17 because I hadn't been involved, like I said, and I wanted to  
18 make sure he wasn't going to propose something that was going  
19 to maybe flip the 1st, because if that were going to happen,  
20 we were going to have a real problem.

21 Q. I mean, presumably the enacted map doesn't do that  
22 because there wasn't a real problem that you're talking about,  
23 right?

24 A. I don't think it sacrifices the 1st. I mean, I've -- if  
25 I'd been involved in drawing it, it would have been safer for

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1 Nancy Mace. But it doesn't -- at least not yet. I mean, I'm  
2 concerned that before 2030 gets here, with the growth this  
3 area is experiencing, that it's going to change, but it  
4 doesn't sacrifice it, so we were okay with that.

5 Q. And, Senator, that comment, what makes CD 1 staying --  
6 you just mentioned the growth. What makes it difficult? Why  
7 does the growth play a role in that?

8 A. Well, for anybody who -- especially anybody who lives in  
9 Charleston or who visits -- I mean, heck, I came in just a  
10 couple hours ago, you can't find a parking spot anywhere,  
11 right? I mean, Charleston is a very appealing place.  
12 Berkeley and Beaufort and Dorchester are attractive places to  
13 live. And you can see that not only from the tourism but also  
14 when you look at the number of folks that have been moving  
15 into the area.

16 So, when you're looking at District 1, the growth plays a  
17 significant factor, because what we have seen over the years  
18 is that much of that growth that is coming in is coming in  
19 from northern states, from places that typically vote  
20 Democratic, and it's having an impact on the outcomes here.

21 But District 1, the concern about District 1 is growth  
22 and trying to figure out where that growth is going to be, and  
23 how do we draw it in such a way that the growth is not going  
24 to overtake us. And we can't hold on to that. I mean, growth  
25 was -- when you're looking at District 1, growth was extremely

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1 important. I mean, that's the thing you look at from a  
2 partisanship perspective.

3 Q. Let me ask you then: If you're worried about keeping  
4 Congressional District one in the GOP column, did race play a  
5 factor in that decision or in your consideration?

6 A. No. I mean, as a matter of fact, as Senator Campsen said  
7 on the floor, they didn't look at it at all, because -- well,  
8 for a number of reasons. One is, I mean, we're all smart  
9 enough to know we can't. I mean, that's not -- you can't --  
10 we know -- I'm no expert in the redistricting law, but I know  
11 enough to know that you can't do that.

12 But besides, that wouldn't be the issue. Even if you  
13 wanted to draw it based on race, that wouldn't help you with  
14 the 1st. That's not the issue. You know, we talked about  
15 this some in my deposition, but if you look at the racial  
16 breakdown numbers, the Black voting age population in the 1st  
17 is very, very close to the Black voting age population in the  
18 3rd. It's less than a half of a percentage point difference.

19 Q. Sixteen-and-a-half percent sound right?

20 A. Yeah, that sounds about right. I think the difference  
21 between the two is very small.

22 Q. Right.

23 A. But, you know, if you look at November general elections,  
24 Jeff Duncan, who is my Congressman, who represents the 3rd, I  
25 mean, Congressman Duncan is going to get 80 percent of the

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1 vote in a general election; whereas, down here, whoever wins  
2 in the 1st District is not going to get anywhere near  
3 80 percent of the vote. But the issue down here is growth,  
4 and it's growth from northern states that's having a change in  
5 the political environment in this area. We don't have that in  
6 the 3rd. So, race isn't an issue in the 1st.

7 Q. Let me just kind of follow that up. Representative Joe  
8 Cunningham won back in 2018, correct?

9 A. I remember that.

10 Q. And with just a little over 50 percent?

11 A. Yeah, it was real close.

12 Q. And so, if the BVAP was approximately 16-and-a-half  
13 percent at that point in time, what does that say about the  
14 White vote that he received?

15 A. That means a lot -- well, that means he got a lot, right?  
16 I mean, he had a lot of White vote. I mean, he had to. I  
17 mean, I don't know how the Black vote broke down because I  
18 don't like to stereotype things. And I think you're going to  
19 have a lot of crossover with that -- with any type of groups.  
20 You know, all Black folks don't vote the same. They don't all  
21 think the same. All White folks don't think the same. They  
22 don't vote the same. Same thing for Asians or in any other  
23 type of group. And I know there are some statisticians and  
24 political folks who try to drill down deep and look at stuff,  
25 but it's pretty clear from that, if 16-and-a-half percent of

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1 the voting population is African American -- and Cunningham  
2 won with over 50 percent -- he got a lot more than just Black  
3 folks voting for him, which is what you would hope from any  
4 perspective. And then, you know, I think even when Nancy Mace  
5 beat Joe Cunningham, it was real close too.

6 Q. Right. Now, Senator, I'm going to show two the maps for  
7 you.

8 MR. TYSON: Your Honor, The Panel has said, Let's get  
9 to maps. And I just want to ask you two, and I'm going to ask  
10 you two questions about both of them. So we're not going to  
11 be here too long, your Honor. But let's go to 68a.

12 Q. And this is one of the maps that was submitted to the  
13 Senate by the League of Women Voters, okay? And so, I've got  
14 a simple kind of question.

15 MR. TYSON: Let's blow up Edgefield if we can.

16 BY MR. TYSON:

17 Q. Senator, I'm showing you the League of Women Voters' map.  
18 Have you seen this before?

19 A. I think it was in the information -- the packet that was  
20 included in my big notebook of deposition exhibits.

21 Q. And this map proposed by the League of Women Voters, what  
22 does it do to Edgefield County?

23 A. You didn't have to blow this one up because, like I said  
24 earlier, that's the first thing I'm going to look at, I'm  
25 going to look at my Senate district, but this map splits

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1 Edgefield County.

2 Q. And that's a good thing?

3 A. That was never going to happen.

4 Q. What do you mean?

5 A. There was no way that we were going to pass a map that  
6 does that. And I know there are people who don't like  
7 counties being split, and I would prefer that too. But, you  
8 know, my understanding of the congressional redistricting is  
9 that you've got a deviation of zero, so you've got to have the  
10 populations balanced. And I saw Will Roberts out there. He  
11 does some magical work in trying to get all these things  
12 together, and we split fewer counties than we did before than  
13 we did in the previous map. But you're going to have to split  
14 some. But, here, like, if you do this, Edgefield never  
15 matters because Edgefield is small anyway. We have fewer than  
16 30,000 people.

17 Q. Fewer than how many?

18 A. Fewer than 30,000 people in the whole county. And right  
19 now we're at the edge of the congressional district. But if  
20 you split Edgefield into two different congressional  
21 districts, we don't have enough people to matter to any member  
22 of Congress, whichever district it is. And it would be the  
23 same -- well, actually you kind of zoomed out there. I see  
24 they've done the same thing with Barnwell. It would be the  
25 same thing that happened with Barnwell, right? They're never

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1 going to have any attention at all because of that. Whereas,  
2 if you look at -- like, I think Greenville is split, Richland  
3 is split, Charleston is split. The larger populated areas are  
4 split. But look in those places, you've got so many people  
5 there that the members of congress who represent that  
6 county -- like in Greenville, it's William Timmons and Jeff  
7 Duncan, well, there's enough people that both of them have to  
8 pay attention to it. Now, William Timmons lives there, but  
9 even with Duncan, he's got a bunch of other stuff, but there's  
10 a lot of people in that little small part of Greenville County  
11 that he's got. He's got to pay attention to them.

12 But that is not the same as what you would have happen if  
13 it were Edgefield or Barnwell or some smaller counties do  
14 that. I mean, if this map had come up on the floor, there's  
15 no way in the world that I was going to let this happen.

16 Q. And your role as majority leader, you would have had  
17 significant impact on whether a bill passes; is that correct?

18 A. Well, I hope I would have.

19 Q. Yeah.

20 A. They would have heard from me for a long time, I know  
21 that.

22 Q. Let's move -- well, tell me about Allendale and Barnwell.  
23 You said it splits them? Where's the Savannah River site?  
24 Can you tell if we blow that up?

25 A. I don't know if it splits Allendale, but it splits



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1 Barnwell. But I think this one has all the Savannah River  
2 site together.

3 Q. Okay. That's right. All right. Let's move to one other  
4 map real quick, Senator Harpootlian's Amendment 2A, which is  
5 Exhibit 31a.

6 Before we get to that map, were you surprised that  
7 Senator Harpootlian and the Democratic Caucus got involved?

8 A. Of course not. I mean, I would have been disappointed if  
9 they didn't.

10 Q. What does this map do to the 3rd Congressional District?  
11 Let me ask that question again. Where's Edgefield?

12 A. It completely changes the 3rd. I mean, it takes it up to  
13 -- I don't even know if Duncan still lives in that district,  
14 where that is. But it puts Edgefield in the 2nd. Edgefield,  
15 Saluda, McCormick -- even up to Greenville and Abbeville, it  
16 puts them all into the 2nd. That's different.

17 Q. What are communities of interest in that district?

18 A. Well --

19 Q. Are there communities of interest in that district?

20 A. Well, I mean, there are some, but they're not the same.  
21 I mean, Aiken -- at least part of Aiken has been in the 2nd  
22 for as long as I can remember. I think it used to be in the  
23 3rd way back. And then, as it's grown in population, it's  
24 been moved out piece by piece. And now the entire county is  
25 in the 2nd, because we had a fight about that in 2011.

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1 But in this District 2, Aiken and Lexington are going to  
2 dominate the rest of it. And so, your congressman who is --  
3 and the 2nd, it's Joe Wilson, who's from Lexington, I mean,  
4 he's going to pay attention to Lexington and Aiken. This is  
5 different.

6 Now, this one, you were talking about the Savannah River  
7 site, this one does split the Savannah River site.

8 Q. Oh, yes.

9 A. Because the Savannah River site -- which is a major  
10 economic engine for the state, and it is also the source of --  
11 probably at the federal level. I mean, one of the things that  
12 our federal delegation has to engage on is with the Savannah  
13 River site; one of the few things that pulls them all  
14 together. But this one splits because this one's got all the  
15 plutonium in the 6th, and then it's got the other parts in the  
16 2nd because the plutonium is mostly in Barnwell County. But  
17 it's kind of the south portion -- Savannah River site is in  
18 the southwestern portion of Aiken and then I guess the  
19 northwestern portion of Barnwell. And it also goes into some  
20 of -- it comes into Allendale just a little bit right there in  
21 that corner.

22 Q. Senator, in this one, if we scroll back up to District 5,  
23 I think you made a comment about communities of interest from  
24 York County to Lake City. Is that a community of interest?

25 A. Yeah. This has got Lake City and Rock Hill in the same

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1 district. And, you know, there's a lot -- if you're going to  
2 have congressional districts, unless we're going to be Wyoming  
3 and have everybody in the same one, if you're going to have  
4 districts, Lake City and Rock Hill probably don't need to be  
5 in the same district.

6 Q. Understood. All right. Let's go to the floor debate.  
7 And we'll finish up here in the next five or so minutes.

8 MR. TYSON: Lisle, can we pull up Exhibit No. 62?

9 BY MR. TYSON:

10 Q. What role were you asked to perform for the floor debate  
11 on January the 20th?

12 A. Yeah. So, after the committee meeting on the 19th, the  
13 full Judiciary Committee meeting on the 19th, when the  
14 committee voted out the plan, sent it to the floor, we knew we  
15 were going to take it up the next day. After that meeting,  
16 some of the committee staff asked me if I could come meet and  
17 talk, and there were a couple senators in there, too. But  
18 they basically asked me if I would help on the floor. And I  
19 really had two roles. I mean, really I guess from that  
20 meeting, I had one role. And that role was they broke the  
21 state up into different segments, and they had different  
22 senators explaining the changes in those segments. And I was  
23 assigned the Midlands area to explain that.

24 And I think what happened is one of the senators who was  
25 on the subcommittee changed committees so he wasn't on the

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1 subcommittee anymore. And so somebody had to come in, and I  
2 just happened to get drafted to do that. So they wanted me to  
3 explain the Midlands section.

4 And then my other role, as it turned out to be, was that  
5 I ended up responding to Senator Harpootlian's amendment and  
6 debating that issue.

7 Q. This exhibit here, are talking points sent by Breeden  
8 John, they were sent to you, correct, and a number of other  
9 people?

10 A. I think he sent them that morning -- yeah, that morning.  
11 It was the 20th.

12 Q. And, Senator, when there's a big bill that's coming up,  
13 is it uncommon or is it common for staff to prepare talking  
14 points and provide them?

15 A. No. That's -- I mean, that's normal. Especially if  
16 you've got a bill that's more than a page or two, you're going  
17 to have some notes just to help you answer questions if you  
18 get something like that. And that's definitely the case for  
19 something this massive.

20 Q. And, Senator, you're a well-spoken senator. If you  
21 didn't like something in the talking points or disagreed with  
22 it, you could say whatever you wanted to, right?

23 A. Well, yes. I typically read most things on my own. And  
24 I think when I've gone back and read the transcript from the  
25 floor debate, I used some of the information that Breeden

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1 provided me here, but a lot of it I added in myself, just from  
2 looking at the map, looking at some of the data that we'd been  
3 provided. So, yeah, I mean, sometimes I use it, sometimes I  
4 don't. It just kind of depends on how comfortable I am in  
5 talking about legislation.

6 Q. Let's scroll down to page five, and that's the Midlands  
7 talking points. And then this is the overview. And it  
8 provides comments on District 2, District 3, District 5, and  
9 District 6.

10 Senator, you want to hit any highlights of some of the  
11 things that you recall that were important to you about --  
12 well, let's talk about District 2.

13 A. I remember. And I did make some comments about this. I  
14 mean, District 2 -- and I think one of the important things  
15 here is that Fort Jackson is in Richland County, and under the  
16 map -- under the existing -- the benchmark and the new one,  
17 Fort Jackson is in District 2. And, you know, for those who  
18 aren't familiar, Fort Jackson is, I mean, it's like -- it's  
19 the basic training facility for the U.S. Army. It is a major  
20 military installation. And South Carolina is a big military  
21 state. But Fort Jackson is probably one of the main ones.

22 So, Fort Jackson has been in the 2nd for a number of  
23 years. And it just so happens that it's represented by Joe  
24 Wilson who's been in congress probably for about 20 years.  
25 But Congressman Wilson, he tends to focus a lot on military

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1 issues.

2 And I remember talking about this on the floor, because I  
3 said, you know, if the majority in the U.S. House were to flip  
4 -- and grant it, you don't know, but it certainly is a  
5 possibility. But if the majority of the U.S. House flips and  
6 Republicans take control of the U.S. House, Joe Wilson is in  
7 line to be chairman of the Armed Services Committee. And so  
8 having the chairman of the Armed Services Committee represent  
9 Fort Jackson would be a big deal not just for the 2nd, it  
10 would be a big deal for the state, if not the country as a  
11 whole. So, I thought that was important about the 2nd.

12 Q. And how about just hitting some highlights of District 5?

13 A. But that one -- again, I think that one was the one --  
14 that was the one where I was concerned about with Senator  
15 Harpootlian's amendment, because it changed it so much that it  
16 put Rock Hill in with Lake City.

17 I mean, there's not a whole lot of difference between the  
18 benchmark plan and the plan we adopted. I mean, it's, what,  
19 94.38 percent of the population. And that was probably a  
20 little bit less than the others. But we tried as well as we  
21 could to keep the core constituency together.

22 Q. And you have District 6 right there. How about the  
23 highlights of that?

24 A. Yeah. Similarly, I mean, you tried to keep as much as  
25 you could together. I mean, those folks -- the folks who live

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1 in the 6th, I mean, Congressman Clyburn has represented them  
2 for a long time. I don't know how long Congressman Clyburn  
3 has been in office, but he's been there for a long time. They  
4 know him. He knows them. I think that's important.

5 Now, this is one where, you know, as I recall, the 2nd  
6 through the 5th -- well, 2, 3, 4, 5 and 7, the populations  
7 were about where they needed to be, so you didn't have to make  
8 many changes. The 6th, though, was underpopulated. So, we  
9 kept 87 percent of it together. But it was underpopulated, so  
10 you're going to have to add people to it. And as I recall, it  
11 just happened to be that the 1st was overpopulated about as  
12 much as the 6th was underpopulated. And so, that's why you  
13 get some of the shifts. But we tried to keep as much of that  
14 together as we could. So, I think that was important.

15 Also, you know, it runs along a lot of I-95. And, you  
16 know, we hear a lot about -- over the last ten years or so, I  
17 mean, we've heard about the I-95 corridor. You know, when it  
18 comes to education, we hear about the "corridor of shame."  
19 Having somebody who is familiar with those issues, who can  
20 articulate them -- and Congressman Clyburn has been very  
21 successful in articulating a number those issues, gained a lot  
22 of national attention for that. Having somebody who  
23 understands those issues and having people who have confidence  
24 in him matters.

25 Q. There were a number charts over here at the end. Let's

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1 just scroll down and look through those as we conclude.

2 The first chart after the talking points is splitting  
3 counties, splitting VTDs, and splitting cities. And this is  
4 Breeden's talking points that puts all of those and highlights  
5 those. The benchmark plan, we know what that is. Amendment 1  
6 was Senator Campsen's plan, correct?

7 A. That's the one we passed, right?

8 Q. Right.

9 A. Yeah.

10 Q. Amendment 2A is Senator Harpootlian's proposal, correct?

11 A. Yes. I think that is correct.

12 Q. And then the League of Women Voters Plan. So, there are  
13 a variety of numbers on the split counties, split VTDs, and  
14 the split cities. All of those are traditional criteria,  
15 correct?

16 A. Yeah, they were in the criteria. Right.

17 Q. And so, the Senate, when they passed it, they looked at  
18 whether it made sense to have less split counties, to have  
19 less split VTDs. And let's look at VTDs. How many VTDs were  
20 split in the benchmark plan?

21 A. Daggone, 65.

22 Q. And then the plan that the Senate passed -- or that was  
23 enacted, how many were there?

24 A. Thirteen.

25 Q. That's a significant decrease, correct?



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1 A. Yeah. I would think it's a significant decrease.

2 Q. All right. Let's go to the next chart. Black voting age  
3 population, did you look at this chart as part of your  
4 consideration?

5 A. I looked at this chart only in response to Senator  
6 Harpootlian's amendment. I don't know that I looked at this  
7 chart at all until that point. But, you know, Senator  
8 Harpootlian when he presented his amendment, he made the  
9 argument that -- well, his argument was what we had drawn was  
10 all about race. And he made the argument that the plan that  
11 the Senate had adopted -- because we had just voted on an  
12 amendment, and he was putting up another amendment here. His  
13 argument was that we had bled the 1st in order to pack the  
14 6th. And when I was listening to him, I was flipping through  
15 the notebook looking at different things, and I was looking at  
16 this in relation to that. So, that was really the first time  
17 that I really paid any attention to any of these numbers, was  
18 in relationship to Senator Harpootlian's amendment.

19 Q. Was he factually correct?

20 A. When I look at them, he was just wrong.

21 Q. How so? How do we see that?

22 A. Well, you know, I made this argument on the floor. Like  
23 I said, again, Senator Harpootlian made the argument that we  
24 were bleaching the 1st and packing the 6th. Now, my  
25 interpretation of that is he was saying that we were pulling

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1 African Americans out of the 1st to make it Whiter and putting  
2 those African Americans into the 6th. But when I look at  
3 these numbers, this tells me that, under the benchmark plan in  
4 District 1, it was 16.56 percent BVAP, but under what we  
5 adopted was 16.72. Now, it's not a big number, but this  
6 suggests to me that the Black voting age population is higher  
7 under what we adopted than what it was originally.

8 Q. Not a bleaching?

9 A. It was the opposite of that.

10 Q. Yeah. How about Congressional District 6?

11 A. It's the same thing, but in reverse, right? The idea was  
12 that we had packed more Black folks into District 6. But  
13 that's not what these numbers say. I mean, what this chart  
14 says is that in District 6, it was 51.44 percent beforehand,  
15 and it was now going to be 45.9. So, the Black voting age  
16 population actually decreased by five-and-a-half percent. So,  
17 I mean, if the goal was to bleach the 1st and pack the 6th, we  
18 did a pretty bad job at it.

19 Q. Let's move to the next chart. This one is labeled  
20 "partisan analysis." Do you see that, Senator?

21 A. I do. And I did look at this.

22 Q. And why did you look at this?

23 A. Well, because, again, I wanted to make sure that we  
24 weren't doing something -- if you look at -- if you look at  
25 this under District 1, you look under the benchmark plan,

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1 where just over 53 percent voted for -- I think this was the  
2 Trump/Biden numbers.

3 Q. That's right.

4 A. But just over 53 percent voted for President Trump, and  
5 just under 47 percent voted for President Biden. If you look  
6 at that -- and then I remember that was a close race. The  
7 congressional race, when Nancy Mace beat Joe Cunningham, it  
8 was tight -- I don't remember what those numbers were, but it  
9 was real tight. So, when I'm looking at it, I don't want a  
10 scenario that is going to make it even tighter or less likely  
11 that Nancy is going to be able to hold on. And if I'd have  
12 seen something that was going to be tighter, then we were  
13 going to have a blowup on the floor. So, when I look at this,  
14 what I see is that they increased the spread marginally.

15 Q. Increased what spread?

16 A. So, whereas, under the benchmark plan, 53 percent of  
17 those voters voted for Trump, under the proposed amendment, if  
18 you had those same people in there, it would have been 54.39.  
19 So, then the Democratic numbers went down by 1.3 points. So,  
20 it increased it a little bit.

21 So, when I look at that, I'm thinking, okay, I mean, I  
22 can live with that. I actually wished they'd have gone  
23 further, but I can live with that because it didn't regress.  
24 And, I mean, I'm concerned -- I think I said this earlier.  
25 But I'm concerned that with the growth this area is getting,

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1 that even that may not be enough of a spread, because, man,  
2 this area has been growing like crazy. But, in looking at  
3 those numbers, I felt more comfortable. And if it had been  
4 the other way, I wouldn't have.

5 When I look at this map, right, and the first thing I  
6 look at is my district, because that's who I'm going to get  
7 questions from. But after I look at my district, I look at  
8 District 1. And I look specifically -- this is the number  
9 that I looked at.

10 Q. So let me make sure I understand it. And you see under  
11 where it's labeled partisan analysis up top? Do you see it  
12 says: Percentage of voters in the 2020 presidential election.  
13 And so there's Trump/Biden numbers.

14 A. Right.

15 Q. And then in the benchmark plan it's 53 percent  
16 Republicans for District 1, right?

17 A. Right.

18 Q. And what you're talking about is the increase just went  
19 up one percentage point -- 1.36 -- for Republican, right?

20 A. Yeah.

21 Q. All right. Let's move over to the next column. What did  
22 Amendment 2A, Senator Harpootlian's Democratic Caucus plan do?  
23 What did it do to the Republican votes?

24 A. Senator Harpootlian's plan did what I would expect  
25 Senator Harpootlian's plan to do. I mean, my goal was to keep

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1 6 out of the 7 congressional seats Republican. Senator  
2 Harpootlian's goal with this was to create at least two --  
3 and, really, two and a half -- so, two maybe could go three --  
4 but at least two seats Democrat. Well, I understand that. I  
5 don't blame him for trying that. But his amendment flips the  
6 1st. I mean, it flips it, because Congresswoman Mace won very  
7 closely under 53-47. He's got it flipped to 48-52. So he  
8 flips the 1st, all right? That's all I need to see. At that  
9 point, there's no other consideration. All right. He's not  
10 getting more than 16 votes once that happens.

11 Q. And, in fact, that that's what his plan got, right, when  
12 it came up for a vote?

13 A. If everybody was there, he would have gotten 16 votes.

14 Q. That's right. And the reason that you're saying that  
15 that's -- your justification for that was based on  
16 partisanship, correct?

17 A. Yeah. And I get it, there's some people who don't like  
18 this being the issue or, you know, you may be upset with me  
19 for this being the issue, but that's the issue, right? We  
20 were not going to do something -- we had -- we were one vote  
21 away from a super majority in the Senate, 30 votes in the  
22 Senate. We are not going to pass a plan that flips the 1st.

23 Q. In your opinion, did race play a role in drawing the 1st  
24 District?

25 A. No.

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1 Q. Are you aware of any evidence that the new congressional  
2 map was based on race?

3 A. Well, again, I'll say, if it was based on race, they did  
4 a poor job of it. What it was based on, I mean, from my  
5 perspective, from my involvement in it, when I really got  
6 involved in it and I started looking at it and I know what the  
7 effect of it is, this was about making sure that Republicans  
8 have a better-than-even chance of holding the 1st. That was  
9 my goal on the floor. And when I spoke on Harpootlian's  
10 amendment, that was what I talked about. I mean, he brought  
11 race into the conversation, and so I wanted to address that.  
12 But, really, this was what we were looking at, was whether she  
13 could win or not. That's what we were looking at.

14 Q. Thank you, Senator.

15 JUDGE GERGEL: Cross-examination.

16 MR. HIRSCHL: Good afternoon, your Honors.

17 And good afternoon, Senator Massey.

18 **CROSS-EXAMINATION**

19 **BY MR. HIRSCHL:**

20 Q. Senator Massey, you mentioned that you're responsible for  
21 running the floor. Do you know how many members of the South  
22 Carolina Senate are Black?

23 A. There are -- I think it's -- is it 12?

24 Q. And do you know how many of them are Republicans, how  
25 many of those 12?

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1 A. Actually, it's probably 13. There's one.

2 Q. And the rest are Democrats?

3 A. Yes.

4 Q. Senator Massey, you weren't on the Senate Redistricting  
5 Subcommittee, right?

6 A. That's correct.

7 Q. You didn't attend meeting of the redistricting  
8 subcommittee for congressional redistricting?

9 A. Just the one meeting that was held at Aiken Technical  
10 College.

11 Q. And that was back in the fall of 2021?

12 A. It probably -- I think we were not in session then, I  
13 think, so it probably would have been the fall. I can't  
14 remember the time frame. Yeah, I'm sure it would have been  
15 the fall. Yeah, they would have been doing that in the fall.

16 Q. You weren't involved in the creation of any of the  
17 congressional redistricting guidelines, right?

18 A. I was not.

19 Q. And at the time that you voted on the congressional map,  
20 you didn't actually know whether any formal guidelines  
21 existed, right?

22 A. I -- I -- when I look back at the transcript on the  
23 floor, I -- I did reference some criteria, which I'm guessing  
24 that was the guidelines. But I didn't really know there were  
25 any guidelines, no. Because I wasn't involved, as you

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1 mentioned -- I mean, I wasn't involved in the subcommittee  
2 process.

3 Q. You didn't personally draw any congressional maps, right?

4 A. I did not.

5 Q. You didn't access the map room for congressional  
6 redistricting purposes?

7 A. I did not.

8 Q. You didn't get involved in the details of where specific  
9 lines were being drawn or not drawn in any particular  
10 congressional map proposal; is that right?

11 A. I did not. I mean, I looked at that from a partisanship  
12 perspective once we get to the committee level, but before  
13 that, I wasn't involved in that at all.

14 Q. So, you didn't personally review any draft congressional  
15 maps before they were released to the public; is that right?

16 A. No. That's correct. I did not.

17 Q. You don't actually know who drew the Senate's map  
18 proposals, right?

19 A. I don't know.

20 Q. During the congressional redistricting process, if other  
21 legislators came to you with questions about congressional  
22 redistricting, you tended to direct them to Senator Rankin,  
23 right?

24 A. Yeah. That's what I would have done.

25 Q. And you testified today that, prior to the meeting of the



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1 Judiciary Committee on January 19th, you really had no role in  
2 the congressional redistricting process; is that correct?

3 A. That's true.

4 Q. You did mention one conversation that you may have had  
5 with Senator Rankin about a rumor. In that conversation you  
6 didn't discuss the details of any particular map proposal,  
7 right?

8 A. I did not. My only -- I just wanted to make sure that  
9 Luke and I were on the same page, that he was not going to do  
10 something to sacrifice the 1st. And I can't remember what he  
11 told me specifically, but I came away from that conversation  
12 feeling confident that he was not going to sacrifice the 1st.  
13 And so, we didn't get into details about which line is where  
14 and what the numbers are. I just wanted to make sure that we  
15 weren't going to give up the 1st.

16 Q. Right. And besides that conversation with Senator Rankin  
17 and everything that happened starting with the Judiciary  
18 Committee meeting on January 19th, you didn't take any other  
19 personal action to make sure that any map got drawn in any  
20 particular way that you desired; is that right?

21 A. No. I really didn't get involved in the drawing of the  
22 congressional maps and really probably didn't pay a whole lot  
23 of attention to them until the 19th. And I probably looked at  
24 some maps heading in just to prepare myself a little bit for  
25 that committee meeting, but I didn't get involved in anything

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1 up until that point.

2 MR. HIRSCHL: Mr. Najarian, could you pull up  
3 Plaintiffs' Exhibit 722, please?

4 BY MR. HIRSCHL:

5 Q. Senator Massey, you received this e-mail on the morning  
6 of January 20th, 2022, right?

7 A. It looks like it -- my e-mail address is on there, yeah.  
8 Are these the talking points -- no, this is something  
9 different. That is my e-mail address, yeah.

10 Q. And this is an e-mail from Andy Fiffick, who's a senate  
11 staffer, right?

12 A. He is, that's right.

13 Q. And it looks like he was sending you a document called:  
14 General Questions for Congressional Redistricting Amendment 1;  
15 is that right?

16 A. That's what the subject is.

17 Q. Amendment 1 means Senator Campsen's map, right? If I  
18 call it Senator Campsen's map, we're on the same page  
19 about it?

20 A. That's fine.

21 Q. Okay. And that would be the map that the Senate  
22 ultimately passed, right?

23 A. I believe that's correct.

24 MR. HIRSCHL: Mr. Najarian, can we look at the  
25 second page?

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1 BY MR. HIRSCHL:

2 Q. So, in these general questions for congressional  
3 redistricting that you received from Mr. Fiffick on the  
4 morning of the meeting of the Senate, there's no reference to  
5 partisanship, is there?

6 A. I don't see any references to partisanship on this page.

7 Q. And nothing about preserving a 6-1 Republican split?

8 A. I don't see -- I don't see that on this page.

9 Q. Or about showing up Nancy Mace's seat in Congressional  
10 District 1?

11 A. No, I don't see that on here.

12 Q. There is a line, though, at 3C that says: "County lines  
13 are more important in some places than others." Right?

14 A. That's what it says.

15 Q. And that is reflected in the map that was ultimately  
16 passed, right?

17 A. I mean, I agree with that statement.

18 Q. Mr. Tyson also showed you some talking points that you  
19 received from Breeden John on the same morning. There's  
20 nothing in that document about partisanship or 6-1 Republican  
21 split or Nancy Mace either, was there?

22 A. I don't remember seeing it. I don't know.

23 MR. HIRSCHL: Mr. Najarian, would you pull up  
24 Plaintiffs' Exhibit 474?

25 THE WITNESS: I doubt it. I mean, those talking

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1 points, as I recall, were just explaining what the differences  
2 were in each area. And honestly they probably -- I mean, I  
3 wouldn't have expected any of the staff to have sent me  
4 political talking points.

5 **BY MR. HIRSCHER:**

6 Q. Okay. So, just to be clear, the talking points you  
7 received from Breeden John on the morning of the meeting of  
8 the full Senate didn't say anything about preserving a  
9 Republican advantage or showing up Nancy Mace's seat, right?

10 A. Yeah, I don't think -- I think you're right about that.  
11 I don't think it did.

12 Q. And so, later that day, the full Senate meets, and you  
13 spoke on the Senate floor about the congressional map, right?

14 A. I did.

15 Q. You were there to present Senator Campsen's map, and then  
16 you also defended it against some comments that Senator  
17 Harpootlian made, right?

18 A. I presented a portion of that, only the Midland section.  
19 And then, yes, I responded to Senator Harpootlian.

20 Q. Because Senator Harpootlian made some comments that you  
21 thought were inaccurate, right?

22 A. I thought they were inaccurate. And also Senator  
23 Harpootlian was offering an amendment on redistricting.  
24 That's probably all I needed to know.

25 Q. And one of those comments that Senator Harpootlian made

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1 that you objected to was that Senator Campsen's map was,  
2 quote, "all about race." Do you remember that?

3 A. Yeah, I remember him making that comment.

4 Q. And in order to rebut that argument, you looked at some  
5 race data, right? You just spoke about it with Mr. Tyson.

6 A. Yes.

7 Q. And in everything that you said on the floor that day in  
8 presenting the portion of the map that you were there to  
9 present and defending it against comments by Senator  
10 Harpootlian, at no point did you say anything about securing a  
11 6-1 Republican advantage in South Carolina as an objective of  
12 congressional redistricting, right?

13 A. That's probably true. I mean, the sky was blue; I didn't  
14 say that either. I mean, you know, I didn't have to say that.  
15 There were things that Senator Harpootlian said that needed to  
16 have a response on the record. Because I knew that's what he  
17 was doing anyway, Harpootlian was playing to the Court. And  
18 so I wanted to respond to that and make some points to try to  
19 make sure everything -- and honestly, I didn't have any real  
20 advance notice. This is something that I just kind of came up  
21 with on the floor there as I was looking through stuff as he  
22 was talking. Because, you know, Senator Harpootlian, usually  
23 he'll give me plenty of time to prepare because he's going to  
24 talk for a while. But so I had some time to flip through some  
25 notes to get that. But I wanted to make those points.

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1 But you're right, I didn't say specifically, Hey, we want  
2 to keep 6-1, he flips it to 5-2. I didn't have to say that.

3 Q. And so, when you were responding to his criticism that  
4 the map that the Senate would ultimately pass was all about  
5 race, you didn't feel moved to explain that the lines had been  
6 drawn in order to the protect Nancy Mace?

7 A. No. I didn't think that was necessary because what he  
8 was doing is he was attacking it based on race. And so, what  
9 I wanted to do was to respond to the allegations because I  
10 thought that was important, especially when I looked at the  
11 demographic data that Mr. Tyson and I were talking about, and  
12 I see on this chart what the BVAP is under the benchmark and  
13 under Senator Campsen's plan, and then I see how that compares  
14 with the benchmark versus Senator Harpootlian's plan. I  
15 wanted to point those things out.

16 But I was just responding to his argument. I mean, I  
17 wasn't making -- I didn't think that I needed to make an  
18 argument about why we did certain things. I wanted to make an  
19 argument about why he's wrong.

20 Q. No further questions. Thank you, Senator.

21 JUDGE GERGEL: Mr. Moore?

22 MR. MOORE: I do have a few, your Honor.

23 JUDGE GERGEL: Go right ahead.

24 MR. MOORE: Thank you, your Honor.

25 JUDGE GERGEL: I will tell you that Senator Massey

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1 was not in the House.

2 MR. MOORE: And I'm probably going to ask a question  
3 or two about that, your Honor. So, you read my mind.

4 **CROSS-EXAMINATION**

5 **BY MR. MOORE:**

6 Q. Senator Massey, I just have a few questions for you. I  
7 represent the House.

8 You talked for a few minutes -- I guess we started with  
9 this rumor that you heard about the House, right? Okay.  
10 There are a lot of rumors running around the legislature,  
11 right?

12 A. Sure. And it was a rumor. And I don't think there was  
13 any validity to it in the end, but it was one of those things  
14 that got my attention.

15 Q. Right.

16 A. And I wanted to make sure we weren't going to do it.

17 Q. And I understand that. Okay. And you did want to make  
18 sure you didn't do it, your caucus didn't do that, correct?

19 A. I wanted to make sure that Senator Rankin was not going  
20 to push something through the Judiciary Committee that did  
21 that.

22 Q. Right.

23 A. Because I knew my caucus wouldn't do it. I wanted to  
24 make sure he wasn't going to put something up that was going  
25 to cause us to have a fight among Republicans on the floor.

*ANTHONY MASSEY - CROSS-EXAMINATION BY MR. MOORE*

1606

1 Q. And Mr. Hirschel asked you a couple questions. I'm going  
2 to ask you questions in response. You know your caucus pretty  
3 well, right?

4 A. Well, I hope I do. I mean, I should.

5 Q. Okay. And you know what you do and don't have to say on  
6 the floor; is that safe to say?

7 A. Yeah.

8 Q. Okay. And --

9 A. Yeah.

10 Q. And he asked you a question or two about splitting  
11 counties. Is it less of a big deal to split a big county than  
12 it is to split a small county, Senator Massey?

13 A. Sure. Absolutely it is.

14 Q. Explain that, please.

15 A. You know, we can go back to the example of the League of  
16 Women Voters proposal that splits Edgefield. Again, Edgefield  
17 has fewer than 30,000 people. I mean, I don't know what  
18 Charleston's got. It's got a whole lot more than 30,000,  
19 right? And, so, you can split portions of larger counties,  
20 and you're still going to have a lot of people in both  
21 congressional districts. Whereas -- and it's going to be a  
22 lot of people, such that whoever the congressperson is,  
23 whether it's Nancy Mace or -- talking about Charleston,  
24 whether it's Nancy Mace or Jim Clyburn, both of them are going  
25 to have to pay attention to Charleston.



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1           If you split Edgefield, if you split Barnwell, if you  
2           split Williamsburg, something like that, I mean, those  
3           counties have such small populations, that it's hard to get  
4           the congressman's attention anyway. If you split them up such  
5           that I got 15,000 people -- because if that's where you draw  
6           the line, that's at the end of the district, that's where the  
7           line is, if you draw a district such that I got 15,000 people  
8           at the very end of my district, but I got a hundred thousand  
9           up here, 15,000 ain't going to get much attention at all.

10          So, I think splitting Edgefield is very different than  
11          splitting Greenville. It's different than splitting Richland  
12          or Charleston. So, I think there's a big difference between  
13          splitting a smaller county versus a larger county.

14          Q. And just a couple of final questions. You would agree  
15          with me that the plan that was enacted is a Senate Plan,  
16          correct?

17          A. Yes, sir.

18          Q. Okay. It started in the Senate, went over to the House,  
19          got enacted by the Senate, correct?

20          A. That why it's is such a good plan.

21          Q. On that note, Senator Massey, I'll yield the floor.

22                 MR. TYSON: No more questions, your Honor.

23                 JUDGE GERGEL: You may step down, Senator.

24                 THE WITNESS: Thank you, your Honor.

25                 JUDGE GERGEL: Thank you for being here.

ANTHONY MASSEY - CROSS-EXAMINATION BY MR. MOORE

1608

1 THE WITNESS: Good to see you.

2 JUDGE GERGEL: Good to see you.

3 THE WITNESS: Hope y'all have a safe trip home.

4 JUDGE GERGEL: Thank you, sir.

5 Who's our next witness, Mr. Tyson?

6 MR. TYSON: It's going to be our expert, Shawn

7 Trende. But I think it would better to start with him

8 tomorrow, your Honor.

9 JUDGE GERGEL: Okay. I think that's a good idea.

10 Okay. Folks, let's start bright and early

11 9:00 o'clock tomorrow morning.

12 MR. MOORE: Your Honor, before you go -- and I hate  
13 to ask for an advisory opinion, but we're going to do some  
14 House witnesses tomorrow by agreement with the Senate, because  
15 we have some people who have some deadlines and issues that we  
16 need to try to accommodate.

17 JUDGE GERGEL: Yes.

18 MR. MOORE: I've heard you loud and clear about  
19 Representative King, but I feel like I have to address those  
20 points unless you tell me it's irrelevant.

21 JUDGE GERGEL: No. You know, the concerns we've had  
22 with the repeating testimony about Representative King, it's a  
23 legitimate question to raise. There's just so much discussion  
24 about it, it's out of proportion to its importance. But it's  
25 an issue. It was, you know, arguably an irregular practice.

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1609

1 Y'all have an explanation for that, and I would expect you to  
2 address it.

3 MR. MOORE: All right. And that's just what I wanted  
4 to make sure of. And I will also tell the Court that, while  
5 we have some differences of agreement on deposition  
6 designations, I believe that the issue that I raised with the  
7 Court -- I can't remember if it was this morning -- I think it  
8 was yesterday afternoon -- I think we're going to resolve that  
9 issue in a way that accommodates the plaintiffs' concerns and  
10 our concerns, such that we will probably be presenting a  
11 redacted exhibit by agreement and making some redactions to a  
12 deposition.

13 JUDGE GERGEL: That sounds like it's very kind to The  
14 Panel. Thank you.

15 MR. MOORE: And so given that, I take it what the  
16 Court would want is you would want the -- we'll give you that  
17 transcript with the redactions, and we will highlight for The  
18 Panel where there is still disagreement, and we'll just give  
19 these transcripts -- I think possibly what we'll do is just  
20 give the transcripts to The Panel and let The Panel make  
21 decisions about what is in versus what is out.

22 JUDGE GERGEL: The last thing we wanted you to do is  
23 spend so much time fighting about this. We just would prefer,  
24 when it's large amounts of a deposition are irrelevant to your  
25 case, it may raise sensitive issues of confidentiality, just

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1 don't put them in -- because we're going to put them in the  
2 record, so just leave them off. We were just trying to --  
3 it's so much easier for us if there are six pages in a  
4 deposition of dispute, to give us those six pages. If it's  
5 more, you know, tell us where the dispute is, and we'll figure  
6 out.

7 MR. MOORE: And so hopefully we can have a little  
8 more discussion and maybe streamline the process.

9 JUDGE GERGEL: I'll bet if you bought him a drink  
10 tonight, you might make some progress.

11 MR. CHANEY: I will not drink any open glass that Mr.  
12 Moore hands me.

13 MR. MOORE: I'll make sure I give Mr. Chaney a  
14 bottle.

15 JUDGE GERGEL: Okay. We stand adjourned. Thank you.

16 \* \* \* \* \*

17 I certify that the foregoing is a correct transcript from  
18 the record of proceedings in the above-entitled matter.

19 s/Lisa D. Smith,

12/13/2022

20 Lisa D. Smith, RPR, CRR

Date

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