

EXHIBIT 15

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

MARTIN CROMARTIE, et al.,

Plaintiffs,

v.

JAMES B. HUNT, in his official
capacity as Governor of the
State of North Carolina, et al.,

Defendants,

and

ALFRED SMALLWOOD, et al.,

Defendant-Intervenors.

No. 4:96-CV-104-BO(3)

COPY

DEPOSITION OF LINWOOD LEE JONES

WEDNESDAY, SEPTEMBER 22, 1999

Conference Room 301

Sam Ervin Justice Building

114 West Edenton Street

Raleigh, North Carolina

11:00 a.m.

Volume 1 of 1

Pages 1 through 180

Kay McGovern & Associates

P. O. Box 31382 Raleigh, NC 27622-1382
(919) 782-9100 • FAX 782-0814 • (800) 255-7886

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

Robinson O. Everett, Esquire
Everett & Everett
Suite 300, First Union National Bank Building
301 West Main Street
Post Office Box 586
Durham, North Carolina 27702-0586
(919) 682-5691

Douglas E. Markham, Esquire
Attorney at Law
333 Clay, Suite 4510
Post Office Box 130923
Houston, Texas 77219-0923
(713) 655-8700

ON BEHALF OF THE DEFENDANTS:

Michael F. Easley
Attorney General
By: Tiare B. Smiley, Special Deputy Attorney General
Norma S. Harrell, Special Deputy Attorney General
Fran Carraway, Paralegal
North Carolina Department of Justice
Third Floor, Special Litigation Section
114 West Edenton Street
Post Office Box 629
Raleigh, North Carolina 27602-0629
(919) 716-6900

ON BEHALF OF THE DEFENDANT-INTERVENORS:

Adam Stein, Esquire
Ferguson, Stein, Wallas, Adkins, Gresham & Sumter, P.A.
Suite 2, 312 West Franklin Street
Chapel Hill, North Carolina 27516
(919) 933-5300

Also Present:

Martin Cromartie

KAY McGOVERN & ASSOCIATES
Post Office Box 31382
Raleigh, North Carolina 27622-1382

(919) 782-9100
FAX 782-0814
(800) 255-7886

1 P R O C E E D I N G S 11:14 a.m.

2 (This deposition was taken by agreement and pursuant
3 to the Federal Rules of Civil Procedure.)

4 (Whereupon,

5 LINWOOD LEE JONES

6 was called as a witness, duly sworn, and testified as
7 follows:)

8 D I R E C T E X A M I N A T I O N 11:14 a.m.

9 By Mr. Everett:

10 Q Would you please state your name, residence, and
11 occupation?

12 A It is Linwood Lee Jones. My residence is 4501 Eliot
13 Place, Raleigh, North Carolina 27609. And my occupation is
14 a staff attorney for the North Carolina General Assembly.

15 Q How long have you held that position?

16 A For 15 years.

17 Q And what training did you have for that position?

18 A I went to undergraduate school at the University of
19 North Carolina at Chapel Hill and law school at the
20 University of North Carolina at Chapel Hill.

21 Q And when did you graduate at those locations?

22 A From undergraduate school in December of 1980, from
23 law school in May of 1984.

24 Q And so you came here almost immediately after
25 graduation?

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1 told you he doesn't know if they are concentrated anywhere.

2 A I don't recall.

3 Q Now, in connection with the 1990 redistricting, did
4 you play any role in formulating the redistricting plan
5 enacted by the General Assembly in 1991?

6 A Yes.

7 Q And what was that role?

8 A I was staff counsel to the House redistricting
9 committee, or one of the staff counsels to the House
10 redistricting committee, and worked with several other people
11 in drawing the state House plan. I did not work on the state
12 Senate plan.

13 Q When you say several other people, to whom are you
14 referring?

15 A Bill Gilkeson was involved some with it. Carolyn
16 Johnson, who is no longer with our office, was involved with
17 Robeson County. Leslie Winner was special counsel to the
18 House committee at that time, so she was involved with it.
19 And Gerry Cohen was involved with it.

20 Q Now, at that particular time was Leslie Winner in
21 private practice, or do you know?

22 A She was not in the legislature. I do not know whether
23 she was actually in private practice.

24 Q And if she were in private practice, you would not
25 know what firm she was with at that particular time?

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1 to give a definition of geographic compactness, would you do
2 so for the record?

3 A I don't have a definition that would be based on area
4 dispersion or perimeter dispersion. I am not familiar with
5 that.

6 Q How about any other--I mean, just tell me, what is
7 geographic compactness?

8 A It is the drawing of a district in a particular area
9 of the state and the grouping of counties or precincts that
10 are within that general area.

11 Q Now, have you ever heard a term called "functional
12 compactness"?

13 A Yes.

14 Q In what context and when did you first hear the term
15 "functional compactness"?

16 A I don't recall.

17 Q Long ago and far away or pretty recently?

18 A I can't recall. I have heard the term.

19 Q Do you remember whether or not as one of the stated
20 objectives of the 1997 plan there was any reference to
21 functional compactness?

22 A Any reference where or when?

23 Q In the--well, let me put it this way. Did the
24 legislature or the committee when they had just started
25 drawing the 1997 plan in either committee, to your knowledge,

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1 say "What are our goals?" Was there any statement of goals?

2 A In 1997?

3 Q Yeah, in connection with the drawing of the plan.

4 A I don't recall a public statement of goals in the
5 beginning.

6 Q How about at the end or anytime along the way?

7 A There were statements, I believe, made during the
8 course of committee meetings about what the goals were.

9 Q Was geographic compactness ever stated as a goal---
10 Ms. Harrell: (interposing) Objection.

11 Q ---to your recollection?

12 Ms. Harrell: Unless you are talking about public
13 statements or statements by a legislator who has waived his
14 legislative immunity, we would object and instruct him not to
15 answer regarding any statements by a legislator who made a
16 statement in a closed session or not in a public forum unless
17 he has waived his legislative immunity.

18 And to my knowledge, the only ones that have are
19 Representative McMahan and Senator Cooper. After that, if
20 you can remember the question, you can go ahead and answer
21 it.

22 Mr. Everett: Okay.

23 A I believe Representative McMahan at one or more times
24 during public committee meetings referred to compactness.

25 Q Compactness, just compactness, or was there any

1 reference to geographic compactness you recall by anybody in
2 a public session?

3 A My recollection is he just used the word "compact" or
4 "compactness."

5 Q Do you recall any reference to functional compactness
6 in the public record at any point?

7 A I don't recall that term as part of our public
8 deliberations.

9 Q I am going to ask you a question as to which
10 legislative privilege is being claimed and I understand you
11 won't answer it. But I am going to ask you whether in any
12 other session, closed or otherwise, you heard any reference
13 by a legislator, including the chair, to geographic
14 compactness.

15 Ms. Harrell: . . . Objection and instruct the witness
16 not to answer as to any closed session or any nonpublic forum
17 in which there was any comment by or to a legislator who has
18 not waived his privilege.

19 Mr. Everett: Fine.

20 Ms. Harrell: Other than that, you can answer.

21 A I don't think I--I don't think I can answer about a
22 closed session by any other legislators.

23 Q Sure. And I am going to ask you the same question
24 with respect to functional compactness, that term. And I
25 realize that will be subject to the same objection, but for

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1 the record I am asking the question.

2 Ms. Harrell: And I am going to make the same
3 objection. You can only--please answer only as to public
4 statements or as to Representative McMahan or Senator Cooper.

5 A I don't recall specifically that term coming up with
6 the two of them and I have no comment on anyone else.

7 Q Now, in 1997 when the plan was being formulated, were
8 there some precincts that were not even loaded in the State's
9 computer system at that time?

10 Ms. Harrell: Objection unless he knows.

11 Q If you know.

12 A Yeah; there were some counties, primarily smaller
13 ones, where we did not have digitized precinct information.

14 Q As I understand it, then, at that point you had only
15 the computer information that had been put in as of 1990;
16 right?

17 A That is right.

18 Q And that did not show the precincts in a number of
19 counties; is that correct?

20 A That is correct.

21 Q How did you go about in 1997 trying to assure that no
22 precincts would be split as the plan was being drawn?

23 A Are we referring to the precincts in our database or
24 the actual precincts in use?

25 Q The actual precincts in use; if some were not in your