

Daniel John Dieterich

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN  
\* \* \* \* \*  
WILLIAM WHITFORD, et al.,  
Plaintiffs,  
vs. Case No. 15-CV-421-JDP  
BEVERLY R. GILL, et al.,  
Defendants.  
\* \* \* \* \*  
THE WISCONSIN ASSEMBLY DEMOCRATIC CAMPAIGN  
COMMITTEE,

Plaintiff,  
vs. Case No. 18-cv-763-JDP  
BEVERLY R. GILL, et al.,  
Defendants,

\* \* \* \* \*  
VIDEOTAPED DEPOSITION OF DANIEL JOHN DIETERICH  
TAKEN AT: Godfrey & Kahn  
LOCATED AT: 200 South Washington Street  
Green Bay, WI  
April 9, 2019  
3:06 p.m. to 4:35 p.m.

REPORTED BY ANITA KORNBURGER  
REGISTERED PROFESSIONAL REPORTER  
\* \* \* \* \*

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1           A P P E A R A N C E S  
2    C A M P A I G N   L E G A L   C E N T E R,   b y  
3    M a r k   G a b e r,   E s q u i r e  
4    7 3   W e s t   M o n r o e   S t r e e t,   S u i t e   3 0 2  
5    C h i c a g o,   I L   6 0 6 0 3  
6    3 1 2 - 5 6 1 - 5 5 0 8  
7    m g a b e r @ c a m p a i g n l e g a l c e n t e r . o r g  
8    A p p e a r i n g   o n   b e h a l f   o f   t h e   P l a i n t i f f s .  
9  
10    S T A T E   O F   W I S C O N S I N,   D E P A R T M E N T   O F   J U S T I C E,   b y  
11    K a r l a   Z .   K e c k h a v e r,   E s q u i r e  
12    1 7   W e s t   M a i n   S t r e e t  
13    M a d i s o n,   W I   5 3 7 0 7 - 7 8 5 7  
14    6 0 8 - 2 6 4 - 6 3 6 5  
15    k e c k h a v e r k z @ d o j . s t a t e . w i . u s  
16    A p p e a r i n g   o n   b e h a l f   o f   t h e   D e f e n d a n t s .  
17  
18           I N D E X  
19  
20           E x a m i n a t i o n                           P a g e  
21    M s .   K e c k h a v e r . . . . . 4  
22    M r .   G a b e r . . . . . 4 6  
23    M s .   K e c k h a v e r . . . . . 4 9  
24  
25           E X H I B I T S  
26  
27   P a g e  
28    E x h i b i t   N o .   D e s c r i p t i o n                   I d e n t i f i e d  
29    1 1 9    A n s w e r s   t o   i n t e r r o g a t o r i e s . . . . 3 9  
30  
31           (O r i g i n a l   e x h i b i t   a t t a c h e d   t o   o r i g i n a l  
32           t r a n s c r i p t .   C o p i e s   p r o v i d e d   t o   a l l   c o u n s e l . )  
33  
34  
35

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1    B Y   M S .   K E C K H A V E R :  
2    Q .   S o   M r .   D i e t e r i c h ,   I ' m   K a r l a   K e c k h a v e r ;  
3    I ' m   w i t h   t h e   a t t o r n e y   g e n e r a l ' s   o f f i c e .   A n d   I ' m  
4    g o i n g   t o   b e   a s k i n g   y o u   s o m e   q u e s t i o n s   t o d a y .   C a n  
5    y o u   s t a t e   y o u r   n a m e   f o r   t h e   r e c o r d ,   p l e a s e ?  
6    A .   M y   f u l l   n a m e   i s   D a n i e l   J o h n   D i e t e r i c h .   I  
7    g o   b y   D a n ,   b u t   --  
8    Q .   W h a t ' s   y o u r   a d d r e s s ?  
9    A .   1 4 9 0   E v e r g r e e n   D r i v e ,   S t e v e n s   P o i n t ,  
10   W i s c o n s i n .   I   l i v e   i n   t h e   t o w n   o f   H u l l .  
11   Q .   H a v e   y o u   e v e r   b e e n   d e p o s e d   b e f o r e ?  
12   A .   N e v e r .  
13   Q .   S o   w h a t ' l l   h a p p e n   i s   I ' m   g o i n g   t o   a s k   y o u  
14   s o m e   q u e s t i o n s ,   y o u ' l l   h o p e f u l l y   p r o v i d e   s o m e  
15   r e s p o n s e s .   I t ' s   r e a l l y   i m p o r t a n t   t h a t   w e   n o t   t a l k  
16   o v e r   e a c h   o t h e r ,   b e c a u s e   t h e   c o u r t   r e p o r t e r   h a s   t o  
17   t a k e   d o w n   e v e r y t h i n g   w e   s a y .   A n d   i t ' s   a l s o  
18   i m p o r t a n t   t h a t   y o u   v e r b a l i z e   y o u r   r e s p o n s e s ,   a g a i n ,  
19   s o   t h e   c o u r t   r e p o r t e r   c a n   t a k e   d o w n   w h a t   w e   s a y .  
20   I s   t h a t   f a i r ?  
21   A .   Y e s .  
22   Q .   A n d   I   m a y   r e m i n d   y o u   o f   t h a t   i f ,   a s   w e ' r e  
23   t a l k i n g ,   w e   s t a r t   t o   t a l k   o v e r   e a c h   o t h e r ,   ' c a u s e  
24   i t   c e r t a i n l y   d o e s   h a p p e n .   D o   y o u   u n d e r s t a n d   t h a t  
25   y o u ' r e   u n d e r   o a t h   t o d a y ?

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1           T R A N S C R I P T   O F   P R O C E E D I N G S  
2           T H E   V I D E O G R A P H E R :   W e   a r e   n o w   o n   t h e  
3   r e c o r d .   M y   n a m e   i s   C o n n i e   H a n s e n ,   c e r t i f i e d   l e g a l  
4   v i d e o   s p e c i a l i s t   w i t h   G o l k o w   L i t i g a t i o n   S e r v i c e s .  
5   T o d a y   i s   A p r i l   9 ,   2 0 1 9 ,   a n d   t h e   t i m e   i s   3 : 0 6   p . m .  
6   T h i s   v i d e o   d e p o s i t i o n   i s   b e i n g   h e l d   i n   G r e e n   B a y ,  
7   W i s c o n s i n ,   i n   t h e   m a t t e r   o f   W i l l i a m   W h i t f o r d ,   e t  
8   a l . ,   v e r s u s   B e v e r l y   R .   G i l l ,   e t   a l . ,   a n d   t h e  
9   W i s c o n s i n   S t a t e   A s s e m b l y ,   f o r   t h e   U n i t e d   S t a t e s  
10   D i s t r i c t   C o u r t ,   W e s t e r n   D i s t r i c t   o f   W i s c o n s i n .   T h e  
11   d e p o n e n t   i s   D a n i e l   D i e t e r i c h .  
12           W i l l   c o u n s e l   p l e a s e   i d e n t i f y  
13   t h e m s e l v e s ,   a n d   t h e n   t h e   c o u r t   r e p o r t e r ,   A n i t a  
14   K o r n b u r g e r ,   w i l l   s w e a r   i n   t h e   w i t n e s s   a n d   w e   c a n  
15   p r o c e e d .  
16           M R .   G A B E R :   M a r k   G a b e r   f o r   t h e   C a m p a i g n  
17   L e g a l   C e n t e r   i n   W a s h i n g t o n ,   D . C . ,   c o u n s e l   f o r  
18   M r .   D i e t e r i c h   a n d   t h e   i n d i v i d u a l   p l a i n t i f f s .  
19           M S .   K E C K H A V E R :   A s s i s t a n t   a t t o r n e y  
20   g e n e r a l   K a r l a   K e c k h a v e r   a p p e a r i n g   o n   b e h a l f   o f   t h e  
21   W i s c o n s i n   E l e c t i o n   C o m m i s s i o n   d e f e n d a n t s .  
22           D A N I E L   J O H N   D I E T E R I C H ,   c a l l e d   a s   a   w i t n e s s  
23   h e r e i n ,   h a v i n g   b e e n   f i r s t   d u l y   s w o r n   o n   o a t h ,   w a s  
24   e x a m i n e d   a n d   t e s t i f i e d   a s   f o l l o w s :  
25           E X A M I N A T I O N

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1    A .   I   d o .  
2    Q .   W h a t ' s   y o u r   o c c u p a t i o n ,   M r .   D i e t e r i c h ?  
3    A .   I   a m   a   r e t i r e d   p r o f e s s o r   o f   E n g l i s h   f r o m  
4    t h e   U n i v e r s i t y   o f   W i s c o n s i n - S t e v e n s   P o i n t ,   a n d  
5    b u s i n e s s   w r i t i n g   c o n s u l t a n t .  
6    Q .   A r e   y o u   c u r r e n t l y   a   b u s i n e s s   w r i t i n g  
7    c o n s u l t a n t ?  
8    A .   I t ' s   h a r d   t o   s a y .   I   g u e s s   y e s .  
9    Q .   A n d   I ' m   g o i n g   t o   g e t   i n t o   y o u r   f o r m e r   j o b  
10   a s   a   p r o f e s s o r ,   b u t   l e t ' s   j u s t   t a l k   a b o u t   y o u r  
11   c o n s u l t a n t   w o r k   f i r s t .   T e l l   m e   a b o u t   t h a t   w o r k .  
12    A .   I   c o n d u c t   w o r k s h o p s   f o r   o r g a n i z a t i o n s ,   o r  
13    c o n d u c t e d   w o r k s h o p s   f o r   o r g a n i z a t i o n s   m a i n l y   i n  
14    c e n t r a l   W i s c o n s i n ,   t h o u g h   I ' v e   d o n e   t h e m   i n   o t h e r  
15    s t a t e s   a s   w e l l ,   a b o u t   e f f e c t i v e   b u s i n e s s   w r i t i n g .  
16    Q .   A b o u t   h o w   o f t e n   d o   y o u   c o n d u c t   t h o s e  
17    w o r k s h o p s ?  
18    A .   T h i s   p a s t   y e a r ,   I   d i d   i t   t w i c e .  
19    Q .   A n d   h o w   l o n g   h a v e   y o u   b e e n   a   b u s i n e s s  
20    w r i t i n g   c o n s u l t a n t ?  
21    A .   A b o u t   2 8   y e a r s ,   s o m e t h i n g   l i k e   t h a t .  
22    Q .   S o   i t   o v e r l a p p e d   w i t h   y o u r   t i m e   a s   a  
23    p r o f e s s o r ?  
24    A .   Y e s .  
25    Q .   A n y t h i n g   e l s e   y o u   d o   i n   c o n n e c t i o n   w i t h

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1 being a business writing consultant?  
 2 A. No.  
 3 Q. So you said you were a professor at  
 4 Stevens Point, UW-Stevens Point. How long were you  
 5 a professor there?  
 6 A. I was a full-time professor there  
 7 beginning in 1976, and ending my full-time  
 8 employment in 2010, though I was called back three  
 9 times after that to teach individual courses.  
 10 Q. And you said you were an English  
 11 professor?  
 12 A. Yes.  
 13 Q. Was there any particular area of study  
 14 that you engaged in?  
 15 A. I specialized in business writing, and  
 16 also in editing and publishing.  
 17 Q. And did you teach courses?  
 18 A. Yes, I did.  
 19 Q. How about did you write articles and do  
 20 other -- other work?  
 21 A. Not as part of my employment, no.  
 22 Q. Did you do that separate from your  
 23 employment?  
 24 A. I compiled a book dealing with business  
 25 writing, which I provided to my students, with the

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1 proceeds devoted to a scholarship fund, and a book  
 2 on writing, editing, and publishing which I  
 3 provided to my students, and the proceeds went to a  
 4 scholarship fund.  
 5 Q. So you moved to your current residence in  
 6 2003; is that correct?  
 7 A. Yes.  
 8 Q. Where did you live before that?  
 9 A. 2132 Ellis Street, Stevens Point,  
 10 Wisconsin.  
 11 Q. And was that in -- if you know, was that  
 12 in the same district, assembly district, as your  
 13 current house?  
 14 A. Yes.  
 15 Q. Have you ever run for political office or  
 16 for public office?  
 17 A. No.  
 18 Q. Why is that?  
 19 A. Because I'm too busy.  
 20 Q. Any other reasons?  
 21 A. No.  
 22 Q. Have you ever been a party to litigation  
 23 before?  
 24 A. No.  
 25 Q. Are you a regular voter?

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1 A. Yes.  
 2 Q. Would you say since you were 18, since  
 3 you were eligible to vote?  
 4 A. I voted, I would assume, almost every  
 5 election for president since I was eligible to  
 6 vote. Perhaps not in every primary or other  
 7 election. But since I've been here in Wisconsin in  
 8 1976, I believe I voted in every major election and  
 9 in most primaries.  
 10 Q. Did you vote in the 2008 presidential  
 11 primary?  
 12 A. Yes, I did.  
 13 Q. Do you remember who you voted for?  
 14 A. I believe it was for Barack Obama.  
 15 Q. And why did you vote for Mr. Obama?  
 16 A. I voted for Obama because I felt that he  
 17 would do the best job of helping our nation realize  
 18 its potential, by which I mean that we could enable  
 19 our citizens to succeed.  
 20 Q. Anything -- any qualities that Mr. Obama  
 21 had that caused you to vote for him over Hillary  
 22 Clinton?  
 23 A. I can't think what they might be right  
 24 now.  
 25 Q. Can you think of why you thought Obama

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1 was the best person to help the nation succeed  
 2 rather than Hillary Clinton?  
 3 A. He articulated a vision for what America  
 4 could be which I identified with, one that enabled  
 5 people at all levels of our society to advance and  
 6 succeed not just financially, but socially.  
 7 Q. How about in 2016, did you vote in that  
 8 presidential primary?  
 9 A. Yes, I did.  
 10 Q. Who did you vote for there?  
 11 A. I voted for Hillary Clinton.  
 12 Q. And this time why did you vote for  
 13 Hillary Clinton?  
 14 A. I voted for Hillary Clinton because I  
 15 felt that she would be the best person to enable  
 16 our country to advance educationally and  
 17 economically and in other areas.  
 18 Q. Did you vote for her because you thought  
 19 she would have a better chance of winning against a  
 20 Republican?  
 21 A. Yes, that was part of it too.  
 22 Q. Any other reason that you voted for her  
 23 over Bernie Sanders?  
 24 A. Perhaps the fact that he was older than  
 25 she was might be an element, though it wasn't the

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1 only one, certainly.  
 2 Q. Anything else?  
 3 A. Not that I can think of.  
 4 Q. Did you vote in the primary or have you  
 5 voted in the primary for assembly candidates?  
 6 A. I have.  
 7 Q. Did you vote in the Walker recall  
 8 election?  
 9 A. Yes, I did.  
 10 Q. Has anyone ever prevented you from  
 11 voting?  
 12 A. No.  
 13 Q. Any reason to believe that your vote  
 14 hasn't been counted?  
 15 A. I believe my vote has always been  
 16 tabulated.  
 17 Q. Do you always vote for Democrats?  
 18 A. The only exception I can think of was  
 19 a -- an individual in our community who was the  
 20 coroner, and he ran several times for coroner, and  
 21 I believe he was a Republican. He was also the  
 22 only candidate for coroner.  
 23 Q. And why did you vote for him?  
 24 A. He had never, to my knowledge, had anyone  
 25 indicate that he was not a good coroner.

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1 Q. So was it his experience?  
 2 A. Yes.  
 3 Q. Any other non-Democrats that you've ever  
 4 voted for?  
 5 A. Not that I can recall.  
 6 Q. And what made you make an exception then  
 7 for -- was it Scott Rifleman?  
 8 A. That was he, yes.  
 9 Q. What made you make an exception there and  
 10 vote for him?  
 11 A. We needed a coroner, and he was the only  
 12 one available.  
 13 (Laughter.)  
 14 Q. Are there other political offices where a  
 15 Republican was running unopposed where you didn't  
 16 vote at all?  
 17 A. I'm sure there were. I can't think of  
 18 specifics. But I'm sure there were, yes.  
 19 Q. Do you consider yourself an informed  
 20 voter?  
 21 A. Yes.  
 22 Q. And what do you do to inform yourself of  
 23 candidates' positions?  
 24 A. I pay attention to information about  
 25 elections on National Public Radio, I subscribe to

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1 my local newspaper, I read Time magazine, I read  
 2 The Week, which contains news summaries, I keep up  
 3 to date on some information provided through the  
 4 Internet. And though I'm not on social media, I do  
 5 have people e-mail me links to articles, and I  
 6 follow those too.  
 7 Q. Do you ever go to candidate forums?  
 8 A. Rarely.  
 9 Q. Can you think of any you have gone to?  
 10 A. I have listened to candidate forums or  
 11 watched them on TV. Candidate forums, local ones,  
 12 I can't recall any, no.  
 13 Q. And then you mentioned that you've gotten  
 14 some e-mails.  
 15 A. Yes.  
 16 Q. From whom did you get e-mails?  
 17 A. I get e-mails from my friends and  
 18 colleagues who also pay a great deal of attention  
 19 to political matters. Some of them subscribe to  
 20 newspapers, international newspapers, that I don't  
 21 subscribe to.  
 22 Q. About how often would you say you get an  
 23 e-mail from a friend or colleague on a political  
 24 matter?  
 25 A. Weekly, certainly.

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1 Q. And is that -- would that be on a variety  
 2 of topics?  
 3 A. At the moment I'm mainly concerned about  
 4 climate change and its impact worldwide, but here  
 5 in Wisconsin as well, and so I get a lot of e-mails  
 6 regarding that.  
 7 Q. Any other topics?  
 8 A. Candidates for public office, I get  
 9 information from friends occasionally about that  
 10 sort of thing.  
 11 Q. Encouraging you to vote for a particular  
 12 person?  
 13 A. For the most part, no. Providing me  
 14 information, knowing what my political positions  
 15 are, and providing information about people that  
 16 they know I'm interested in.  
 17 Q. So aside from e-mails, any other way your  
 18 friends and colleagues communicate with you  
 19 regarding political issues?  
 20 A. We sometimes talk face to face. We  
 21 sometimes communicate on the phone.  
 22 Q. About how often would you say you talk  
 23 face to face with friends and colleagues about  
 24 political issues?  
 25 A. At least weekly.

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1 Q. And is it just by chance that you meet  
 2 with them, or is there some set meeting time?  
 3 A. There's a set meeting time. I meet  
 4 every Thursday with about six colleagues of mine  
 5 from -- starting out being from my church; it's  
 6 expanded a little bit from that. And we have lunch  
 7 together, and the topic inevitably ends up being  
 8 political.  
 9 Q. Is the purpose of the lunch to talk about  
 10 politics or is that just what you guys tend to talk  
 11 about?  
 12 A. The purpose started out being to talk  
 13 about religion, and it -- it morphed, and we always  
 14 talk about politics now.  
 15 Q. So then you mentioned you also talk with  
 16 friends and colleagues by phone about political  
 17 issues. About how often would you say you talk by  
 18 phone?  
 19 A. Again, maybe weekly, maybe a little less  
 20 than weekly.  
 21 Q. What are the issues that are important to  
 22 you?  
 23 A. The main issue that's of importance to me  
 24 is climate change. I believe it's an existential  
 25 issue and it's survival of our society. And

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1 millions of people depends on what we do about it.  
 2 Another issue of concern to me, since I spent my  
 3 professional life as an educator, is education.  
 4 Those are two of the main issues. There may be  
 5 others as well, but those are biggies.  
 6 Q. So if a candidate held stances that were  
 7 different from yours on these two important issues,  
 8 would you vote for him or her?  
 9 A. That's hard to say. If all the other  
 10 candidates hold issues different from mine on those  
 11 issues, I might very well vote for that person if  
 12 they held positions similar to mine on other  
 13 important issues.  
 14 Q. So what if a Democrat was -- had  
 15 different ideas than you on climate change and  
 16 education, would you still vote for that person?  
 17 A. I would find it difficult to do so, but I  
 18 might, given what the situation was.  
 19 Q. Do you ever disagree with Democrats on  
 20 some issues?  
 21 A. Yes, I do.  
 22 Q. Can you give me some examples of that?  
 23 A. Democrats with whom I disagree. They  
 24 might not, for example, have positions regarding  
 25 natural resources that I think are appropriate.

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1 Q. Can you think of anything more specific  
 2 than -- is there some specific thing that you're  
 3 thinking about when you say they might not have  
 4 ideas on natural resources the same as yours?  
 5 A. I'm concerned, for example, about water  
 6 resources and the impact of, say, CAFOs on ground  
 7 water and a -- they may have different views on  
 8 that than I do. I can't think of a time when that  
 9 has happened, but if it were, I would -- it would  
 10 concern me.  
 11 Q. Okay. Any other issues that you disagree  
 12 with some Democrats on?  
 13 A. Not offhand.  
 14 Q. Do you ever agree with some Republicans  
 15 on some issues?  
 16 A. Certainly.  
 17 Q. Can you think of what those issues might  
 18 be?  
 19 A. Republicans I might agree on issues.  
 20 There might be a Republican who takes a position on  
 21 some aspect of education that I would agree with  
 22 them about. It might be on some environmental  
 23 issue that I agree with them about. It might be on  
 24 something regarding warfare, with whatever war it  
 25 might be that I might agree with them on. I don't

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1 know.  
 2 Q. Aside from voting, are you politically  
 3 active in any other ways?  
 4 A. Yes.  
 5 Q. Can you tell me about those?  
 6 A. Certainly. I'm -- I work actively in  
 7 support of candidates by doing things like going  
 8 door to door and campaigning, by putting up yard  
 9 signs, by doing telephone calling in support of  
 10 candidates that I support, by carrying signs in the  
 11 snow and the wind in supporting, say, for example,  
 12 the recall of a governor, for example. There are a  
 13 wide variety of ways that I get involved in  
 14 political action.  
 15 I'm also involved with the -- an  
 16 organization called Citizens Climate Lobby. And we  
 17 lobby members of Congress. We are a nonpartisan,  
 18 nonprofit organization, and we lobby members of  
 19 Congress from both parties in support of their  
 20 taking climate action.  
 21 Q. How long have you been a member of  
 22 Citizens Climate Lobby?  
 23 A. Since August 12, 2012.  
 24 Q. And what other activities do you do in  
 25 connection with Citizens Climate Lobby?

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1 A. I am the -- in addition to being a  
 2 volunteer, I'm the head of the Stevens Point  
 3 chapter, and I am a co-coordinator for the state of  
 4 Wisconsin. We have about 20 chapters of Citizens  
 5 Climate Lobby in the state.  
 6 Q. So as head of the Stevens Point chapter,  
 7 what are your duties?  
 8 A. I solicit members, I make presentations,  
 9 I lead our monthly meetings, I keep track of the  
 10 work of our members regarding climate change  
 11 throughout the -- throughout our area, and  
 12 sometimes table or, you know, work at a booth,  
 13 write letters to the editor. All these things are  
 14 things I have done a lot of.  
 15 Q. How many people are members of the  
 16 Stevens Point chapter of Citizens Climate Lobby?  
 17 A. About 650 people are on our mailing list.  
 18 Q. For just Stevens Point?  
 19 A. It's the Stevens Point chapter. It  
 20 covers Plover as well as a Portage county chapter,  
 21 basically. It was a central Wisconsin chapter, but  
 22 we eventually pared it down to just Portage county.  
 23 Q. And then you said there were monthly  
 24 meetings. How many people attend those meetings?  
 25 A. It varies. Probably the lowest has been

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1 six or so. Highest it's been about 30. Last  
 2 meeting I think we had 25, 26.  
 3 Q. And what's discussed at those meetings?  
 4 A. How to persuade fellow citizens and  
 5 members of Congress to take climate action. Most  
 6 recently, specifically there's a bill we are  
 7 encouraging people to support called the energy  
 8 innovation and carbon dividend bill, which is a  
 9 bipartisan bill introduced in the House of  
 10 Representatives.  
 11 Q. And then you mentioned some duties with  
 12 the state in connection with that.  
 13 A. Yes. I'm the state co-coordinator, along  
 14 with Dale Mitchler, who lives in Appleton. And for  
 15 that what I -- what we do is we have monthly Zoom  
 16 meetings with the group leaders throughout the  
 17 state; we have monthly meetings with the Great  
 18 Lakes regional coordinators, are two of those  
 19 throughout the Great Lakes. We just had a -- an  
 20 annual conference.  
 21 Wisconsin was the first state to have  
 22 a state conference for Citizens Climate Lobby, and  
 23 that was six years ago. So this was the sixth such  
 24 state conference. And when people have questions,  
 25 I try to help them answer them so they can succeed

Page 20

1 with their chapter. I try to form new chapters and  
 2 train new members in how to be successful as  
 3 climate advocates.  
 4 Q. So Citizens Climate Lobby is a national  
 5 organization?  
 6 A. It's now international. It has, yeah,  
 7 chapters in some other nations as well.  
 8 Q. About how many hours a week would you say  
 9 you spend on Citizens Climate Lobby?  
 10 A. A lot. I consider myself to be a  
 11 full-time volunteer.  
 12 Q. So you think you spend 40 hours a week?  
 13 A. At least.  
 14 Q. So other than Citizens Climate Lobby, any  
 15 other political parties or organizations of which  
 16 you're a member?  
 17 A. No, I am not an official member of any  
 18 other that I know of.  
 19 Q. This one takes a lot of time, so you  
 20 don't have time to do anything else. Have you ever  
 21 campaigned for a particular candidate?  
 22 A. Yes, I have.  
 23 Q. Who?  
 24 A. I've campaigned for a lot of them. I've  
 25 campaigned for Barack Obama, I have campaigned

Page 21

1 for -- mental blank -- several candidates before  
 2 that.  
 3 Q. Okay. Presidential candidates?  
 4 A. Yes, right.  
 5 Q. How about any other candidates?  
 6 A. I have not campaigned for local  
 7 candidates that I'm aware of.  
 8 Q. Okay. So just presidential candidates?  
 9 A. Yeah, that's mainly what I've done.  
 10 Q. Do you recall what you did campaigning  
 11 for those candidates?  
 12 A. I have, again, written letters to the  
 13 editor in support of them and against their  
 14 opponents, I have made telephone calls for them.  
 15 Let me correct myself for just a second. I said I  
 16 haven't campaigned for any others. When I have  
 17 been campaigning for, say, a presidential  
 18 candidate, I would also campaign for others farther  
 19 down the ticket.  
 20 Q. Okay.  
 21 A. I would campaign for a senator or  
 22 representative or whoever else it might be in  
 23 addition to the -- to the presidential candidate.  
 24 Q. So letters to the editor, calls, door to  
 25 door --

Page 22

1 A. Door-to-door solicitation, leafletting,  
 2 all that sort of stuff. Data entry. Yeah.  
 3 Q. Do you remember what years you did that?  
 4 A. I would guess it would be -- I was most  
 5 active since 2008, but I had done it even before  
 6 that, I know. I did it even before coming here in  
 7 1976. I was campaigning in Illinois when I was  
 8 living there.  
 9 Q. And why -- why did you start campaigning  
 10 more in 2008?  
 11 A. I strongly supported the candidate.  
 12 Q. So your letters to the editor -- well,  
 13 first of all, you mentioned earlier that as part of  
 14 your work with Citizens Climate Lobby you wrote  
 15 letters to the editor; is that correct?  
 16 A. That's true.  
 17 Q. About how often did you do that just in  
 18 connection with Citizens Climate Lobby?  
 19 A. How often. At one time I was writing  
 20 them, I would say a couple a month or more.  
 21 Q. And letters to the editor about a  
 22 particular candidate?  
 23 A. I, again, wrote several of those in each  
 24 election that I was involved with. I don't know, a  
 25 few a month, I guess. I don't know.

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1 Q. And were those supporting a presidential  
 2 candidate?  
 3 A. Or opposing a presidential candidate, or  
 4 supporting a candidate for governor or opposing a  
 5 candidate for governor.  
 6 Q. Did you ever write a letter about any  
 7 other candidates further down the ballot?  
 8 A. Candidates further down the ballot than  
 9 governor. I don't recall having done that.  
 10 Q. Do you remember which candidates in  
 11 particular you wrote letters about?  
 12 A. Barack Obama, certainly Scott Walker,  
 13 certainly. That's all that comes to mind.  
 14 Q. And when you wrote a letter about Scott  
 15 Walker, I'm assuming it was an unfavorable letter?  
 16 A. You assume right.  
 17 Q. And do you recall exactly what you  
 18 were -- what you said in the letter to the editor  
 19 about former Governor Walker?  
 20 A. No, I do not recall. I have provided  
 21 those, but I don't recall what was in them. There  
 22 were dozens and dozens that I wrote over the years.  
 23 Q. Okay. Have you ever campaigned for a  
 24 candidate who's gone on to lose an election?  
 25 A. Yes, I have.

Page 24

1 Q. Did you believe at the outset that that  
 2 candidate would lose?  
 3 A. I only campaign for candidates that I  
 4 hoped would win.  
 5 Q. Did anyone ever stop you from campaigning  
 6 for a candidate?  
 7 A. No, nobody ever stopped me from  
 8 campaigning.  
 9 Q. Have you ever campaigned for a state  
 10 assembly candidate?  
 11 A. I don't -- I certainly have handed out  
 12 campaign literature for state assembly candidates,  
 13 yes.  
 14 Q. Was this literature on a slate of  
 15 candidates where that assembly candidate happened  
 16 to be on the lit, or was it a piece of literature  
 17 unique to that?  
 18 A. It was a separate piece of literature  
 19 unique to that candidate.  
 20 Q. Do you recall who that was?  
 21 A. Amy Sue Vruwink.  
 22 Q. And how did you get involved in handing  
 23 out literature for Amy Sue Vruwink?  
 24 A. I got involved by volunteering at the  
 25 Portage county Democratic office to work on the

Page 25

1 campaign.  
 2 Q. And do you remember which campaigns you  
 3 delivered literature for Amy Sue Vruwink?  
 4 A. I believe it was for more than one  
 5 campaign, but I can't tell you which campaigns.  
 6 Q. And she was a longtime assembly district  
 7 representative in your district, district 55;  
 8 correct?  
 9 A. Yes.  
 10 Q. Beginning at least as early as 2002?  
 11 A. Yes.  
 12 Q. And is it true that she won in both 2010  
 13 and 2012, that you know?  
 14 A. I believe so, yes. 2014 Mark Holbrook  
 15 ran, so I believe, yeah, 2000 -- oh -- yeah, I  
 16 believe she was a candidate then, yeah.  
 17 Q. So she won political office in your  
 18 assembly district after the districts were changed?  
 19 A. I am not sure of that.  
 20 Q. If the districts were changed in 2011 --  
 21 A. 2011, yes.  
 22 Q. -- and she won in 2012 --  
 23 A. I am not sure of that. I'm not sure.  
 24 Q. Okay. And you said you didn't know which  
 25 years you campaigned for her?

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1 A. Yes, I'm not sure which years it was. I  
 2 know it was more than once I did it, but I don't --  
 3 Q. Do you think it was after 2011?  
 4 A. I don't recall. I don't recall.  
 5 Q. Do you ever donate to candidates?  
 6 A. Yes, we do.  
 7 Q. Do you donate to candidates who've gone  
 8 on to lose an election?  
 9 A. Yes, we do.  
 10 Q. Have you donated to candidates since  
 11 2011?  
 12 A. I believe so, yes.  
 13 Q. Have you donated to assembly candidates  
 14 since 2011?  
 15 A. I don't recall having done that, no.  
 16 Q. How about prior to 2011 for assembly  
 17 candidates?  
 18 A. Assembly candidates. Yes, I believe we  
 19 have. We may have donated to a candidate after  
 20 2011 as well.  
 21 Q. Has anyone ever stopped you from making a  
 22 donation to a candidate?  
 23 A. No, never.  
 24 Q. Do you always donate to Democrats?  
 25 A. Yes.

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1 Q. Do you use social media? I think you  
 2 said you don't.  
 3 A. I do not. I'm not proud of it, but --  
 4 Q. No shame in not using social media, as  
 5 far as I'm concerned. And I guess by "use social  
 6 media," I should -- I should clarify that. Do you  
 7 ever look at Facebook?  
 8 A. No.  
 9 Q. Do you ever look at political posts  
 10 anywhere on the Internet?  
 11 A. Yes, a lot. If by "political" you mean  
 12 climate change information, yes, I look at a lot of  
 13 that.  
 14 Q. And where do you look at that?  
 15 A. I get a daily news feed about climate  
 16 change. Usually has six or seven pieces of  
 17 information about bills or about research or about  
 18 something.  
 19 Q. Anything -- and where are those political  
 20 posts from? What's --  
 21 A. I think it's called Inside Climate News.  
 22 Q. Any other political posts that you look  
 23 at?  
 24 A. I have received -- I've gotten on a list  
 25 for the Daily Kos, K-O-S, and it is -- deals with

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1 political issues.  
 2 Q. You mentioned that part of your  
 3 campaigning work you did through the Portage County  
 4 Democrats?  
 5 A. Uh-huh.  
 6 Q. And I think you mentioned that you are  
 7 not a member of the Portage County Democrats?  
 8 A. Uh-huh.  
 9 Q. But do you have some interaction with  
 10 them other than that?  
 11 A. I have several friends who are active in  
 12 the Portage County Democrats. I do not attend  
 13 their meetings. I -- I am not a member.  
 14 Q. And is that because you think you don't  
 15 have time to do that?  
 16 A. I am very busy. That's definitely part  
 17 of it. Maybe it's all of it.  
 18 Q. Okay. Have your friends ever encouraged  
 19 you to join the Portage County Democrats?  
 20 A. Oh, yes.  
 21 Q. Do you have a sense of how many people  
 22 are members of the Portage County Democrats?  
 23 A. No, I don't.  
 24 Q. Is the reason that you're not a member of  
 25 the Portage County Democrats because of the

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1 redistricting?  
 2 A. No.  
 3 Q. Do you know how often they meet?  
 4 A. I think it's monthly, but I'm not  
 5 positive of that.  
 6 Q. So you mentioned your letters to the  
 7 editor about some specific candidates and in  
 8 connection with the Citizens Climate Lobby. Any  
 9 other letters to the editor? I think you've  
 10 written many, so --  
 11 A. Many, many. Those are the two topics I  
 12 write about.  
 13 Q. And are your letters published,  
 14 typically?  
 15 A. Yes, they were. Our local newspaper in  
 16 the last couple of months has stopped publishing  
 17 letters to the editor about climate change. They  
 18 only deal with local issues, and they have  
 19 determined that climate change is not a local  
 20 issue. So they are not publishing them. That's  
 21 the Stevens Point Journal. I still publish letters  
 22 in the Portage County Gazette, which is a weekly  
 23 newspaper.  
 24 Q. So the Stevens Point Journal said that  
 25 they wouldn't publish any letters about climate



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1 change, and the reason they gave was because it's  
 2 not a local issue?  
 3 A. That's exactly right. They -- they --  
 4 again, it's not just simply climate change, but  
 5 because any issue that's not a local issue, if it's  
 6 not about local elections or the new roundabout,  
 7 they are not going to publish it.  
 8 Q. Have you ever written a letter to the  
 9 editor about a local issue?  
 10 A. Yes, climate change.  
 11 Q. Other than climate change.  
 12 A. I can't think of any.  
 13 Q. How about a letter to the editor about  
 14 some other political issue?  
 15 A. Candidates running for office, the recall  
 16 election, that sort of thing, yes.  
 17 Q. Have you ever written a letter to the  
 18 editor about redistricting?  
 19 A. Redistricting. No, I have not.  
 20 Q. So we talked about how many times you've  
 21 written letters to the editor about particular  
 22 candidates and with Citizen Climate, but just total  
 23 of all the letters to the editor that you've  
 24 written, about how many would you say you do a  
 25 week?

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1 A. At the moment, less than one.  
 2 Q. How about on average per month?  
 3 A. In the past I would write a couple a  
 4 month at least, yeah.  
 5 Q. And then maybe during election you'd do  
 6 more?  
 7 A. I think so, yes.  
 8 Q. Okay. Do you ever encourage your friends  
 9 or colleagues to write letters to the editor?  
 10 A. Absolutely.  
 11 Q. And has anyone ever done it, to your  
 12 knowledge?  
 13 A. Lots of times.  
 14 Q. Have you ever contacted your elected  
 15 representatives?  
 16 A. Yes.  
 17 Q. Who have you contacted?  
 18 A. I have met with or phoned or written Ron  
 19 Kind. I have met with Amy Sue Vruwink. I have --  
 20 those are my two representatives, one federal and  
 21 one state.  
 22 Q. So when you -- how many times have you  
 23 met with Amy Sue Vruwink?  
 24 A. I have met with her rarely while she was  
 25 in office. Since she was in office. She has now

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1 become an aide to Congressman Ron Kind, and I've  
 2 met with her a few times in that capacity.  
 3 Q. And when she was in office, what did you  
 4 meet with her about?  
 5 A. I don't recall.  
 6 Q. How about have you ever written to your  
 7 elected representative either by e-mail or letter?  
 8 A. If by that you mean my state  
 9 representative, no.  
 10 Q. Have you ever contacted, in writing or in  
 11 person or by call, Nancy Lynn VanderMeer?  
 12 A. I don't recall. I don't think so. But I  
 13 may have.  
 14 Q. Have you contacted other Republicans in  
 15 office?  
 16 A. Yes, I have contacted my state senator,  
 17 who is a Republican, and asked his -- him and his  
 18 people in his office whether they would be  
 19 interested in a presentation dealing with climate  
 20 change.  
 21 Q. And did you receive a response?  
 22 A. Yes, I did. And the response was no.  
 23 Q. Any other time you've contacted a  
 24 Republican legislator?  
 25 A. Not that I can recall, no.

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1 Q. Do you encourage others to contact their  
 2 elected representatives?  
 3 A. I certainly do, yes.  
 4 Q. Have you ever provided a letter or  
 5 something that other people could send on to an  
 6 elected representative?  
 7 A. Like -- again, by "elected  
 8 representative," are you talking about the state  
 9 level, or federal, or --  
 10 Q. I'm talking about any elected person.  
 11 A. Any elected person. I have often  
 12 provided letters to people to send to their elected  
 13 federal representatives, yes.  
 14 Q. Are you aware of Act 43?  
 15 A. Yes, I am aware of Act 43.  
 16 Q. When did you first learn about Act 43?  
 17 A. I assume it was 2011.  
 18 Q. And when did you first learn that your  
 19 boundaries -- the boundaries of your assembly  
 20 district what they looked like as drawn by Act 43?  
 21 A. I don't remember.  
 22 Q. Do you remember how you learned about Act  
 23 43?  
 24 A. At the time, I had had many discussions  
 25 with friends who were progressives, and I assume I

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1 learned about it from one of them.  
2 Q. You allege in your complaint that your  
3 assembly district is cracked. What do you mean by  
4 that?  
5 A. What I mean by that is I -- my district,  
6 when Amy Sue Vruwink was my representative, was a  
7 tight, compact district that encompassed two  
8 counties, and it is now an enormous, twisted  
9 district going across four counties. And it was  
10 designed in such a way that only Republicans can  
11 win office in it. And I was placed in it because  
12 no matter how I vote, the district is going to go  
13 Republican. I have been cracked off from the  
14 district I was in before and put in this district  
15 so that my vote will count for nothing.  
16 Q. Do you think it's impossible for a  
17 Democrat to win your district?  
18 A. With God, all things are possible. But  
19 it would be highly unlikely, in my view, that a  
20 Democrat would ever win in my district as it is now  
21 constituted.  
22 Q. You said you don't know whether -- if I  
23 said to you that Amy Sue Vruwink won your district  
24 in 2012, does that sound right?  
25 A. I believe you if you say it.

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1 Q. So she's a Democrat and she won your  
2 district post-Act 43?  
3 A. I believe you if you say it.  
4 Q. Are you aware of what the Republican and  
5 Democratic vote share is of your district as drawn  
6 by Act 43?  
7 A. I cannot give you those percentages. I  
8 have seen them, but I can't tell you them off the  
9 top of my head.  
10 Q. If I said it was 50.43 percent Republican  
11 and 49.75 percent Democrat, does that sound right?  
12 A. I can't say, to be honest. I don't know.  
13 Q. You allege in your complaint that your  
14 ability to affiliate with like-minded voters and  
15 pursue Democratic associational goals has been  
16 impaired.  
17 A. True.  
18 Q. And how -- how has that happened?  
19 A. I cannot associate with fellow Democrats  
20 through the election process to accomplish our  
21 common goals, including actions at the state or  
22 federal level regarding climate change.  
23 Q. When did you first come to believe that  
24 you were being injured in this way?  
25 A. When I found out what had occurred as a

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1 result of Act 43 as it applied to me. As for a  
2 specific date, I don't know that.  
3 Q. Do you understand your lawyers to be  
4 proposing a different assembly map?  
5 A. I understand my lawyers to be proposing  
6 that there be a different assembly map. I do not  
7 understand them to have one specific one they are  
8 proposing.  
9 Q. Have you ever seen a computer-simulated  
10 map as drawn by Dr. Jowei Chen?  
11 A. Yes, I have.  
12 Q. And have you inspected your new district,  
13 new proposed district, as drawn by Dr. Jowei Chen?  
14 A. I did not know that was my new proposed  
15 district, but I have seen what he proposed.  
16 Q. And do you think with the new proposed  
17 district you would continue to suffer the harms  
18 we've talked about?  
19 A. If that were to be my district, I do not  
20 believe I would.  
21 Q. And why is that?  
22 A. Because I believe I would no longer be  
23 cracked.  
24 Q. If Dr. Chen's map drew your district as  
25 having a 41.68 Republican vote share and a

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1 58.32 percent Democratic share, would that be more  
2 fair?  
3 A. Given that the -- given the political  
4 affiliations of the resident citizens of Portage  
5 county, I believe it would be.  
6 Q. When did you first decide to become a  
7 plaintiff in this lawsuit?  
8 A. I think it was August of 2018 or so when  
9 Andy Feldt, who is the leader of the union at the  
10 University of Wisconsin-Stevens Point, called me  
11 and asked if I would be interested in being a  
12 plaintiff.  
13 Q. And did you say that you would right  
14 away?  
15 A. Yes, I said that I would right away.  
16 Q. And then what happened?  
17 A. I then heard -- got a telephone call from  
18 my attorney, Annabelle Harless, who asked --  
19 MR. GABER: I'll just caution you not to  
20 divulge any of the contents of the call you had  
21 with Ms. Harless.  
22 THE WITNESS: Okay.  
23 BY MS. KECKHAVER:  
24 Q. Yeah, I'll try to ask questions that  
25 won't elicit those kinds of responses, but -- do

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1 you know when that first conversation was with  
 2 Annabelle?  
 3 A. September. What date in September, I  
 4 couldn't tell you.  
 5 Q. So September 2018?  
 6 A. Yes.  
 7 Q. And then were there any other times that  
 8 you talked to your lawyers?  
 9 A. I've talked to my lawyers several times  
 10 since then.  
 11 Q. Do you remember when those times were?  
 12 A. I don't know of all of them, but I did  
 13 have one meeting in November with them.  
 14 Q. So that was an in-person meeting?  
 15 A. In-person meeting, yes.  
 16 Q. And were other plaintiffs there?  
 17 A. Yes, they were.  
 18 Q. This was at Bill Whitford's house?  
 19 A. Yes, it was.  
 20 Q. What did you do to prepare for this  
 21 deposition?  
 22 A. I read the materials that I had submitted  
 23 earlier in a response to a request, I spoke with my  
 24 attorneys, I read material that they had provided  
 25 to me. That was it.

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1 Q. Are you aware that trial is scheduled for  
 2 July 15th, or the week of July 15th, in Madison?  
 3 A. Yes, I am.  
 4 Q. Are you planning to attend the trial?  
 5 A. Yes, I am.  
 6 Q. Are you planning to testify?  
 7 A. Yes, I am.  
 8 Q. Any reason that you couldn't attend trial  
 9 in the week of July 15th?  
 10 A. Not that I'm aware of.  
 11 Q. All right. I'm going to have us look at  
 12 an exhibit.  
 13 MR. GABER: Do you need a bathroom break  
 14 or --  
 15 THE WITNESS: No, I'm fine.  
 16 MR. GABER: Okay.  
 17 (Exhibit 119 marked for identification.)  
 18 BY MS. KECKHAVER:  
 19 Q. Why don't you take a minute to just have  
 20 a look at that. Do you recognize that document?  
 21 A. Yes, I do.  
 22 Q. And do you understand that to be your  
 23 narrative responses to the interrogatories?  
 24 A. Yes, I do.  
 25 Q. Did you write these responses?

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1 A. Yes, I did.  
 2 Q. And do you understand that this document  
 3 is a sworn statement under oath?  
 4 A. Yes, I do.  
 5 Q. Do you have any reason to believe that  
 6 the information in this document is incorrect?  
 7 A. No, I don't.  
 8 Q. Do you have any corrections to the  
 9 document? We're going to go through it in detail,  
 10 but --  
 11 A. Not -- not now.  
 12 Q. Okay. Look at interrogatory number six,  
 13 which is on page 6. That asks you to describe your  
 14 political donations.  
 15 A. Uh-huh.  
 16 Q. And your response is down there at the  
 17 bottom of the page. Is your response there  
 18 complete and accurate?  
 19 A. That is complete and accurate.  
 20 Q. It continues up on the top of page 7.  
 21 A. I have --  
 22 Q. I didn't include the exhibits, so --  
 23 A. Oh. Yes. Okay.  
 24 Q. As you sit here today, do you have  
 25 anything to add to that response?

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1 A. No, I don't.  
 2 Q. So you've contributed to Democratic  
 3 assembly candidates after Act 43 in 2011; correct?  
 4 A. Um.  
 5 Q. I'm just wondering if you remember.  
 6 A. Democratic assemblies -- yes, I have.  
 7 Yes, I have.  
 8 Q. Okay. All right. Have a look at  
 9 interrogatory number seven, which is on page 7.  
 10 That asks you to list your political activity since  
 11 2002. And I believe we've talked about most of  
 12 these. If you just look that over, is that  
 13 response complete and accurate?  
 14 A. Yes, it is.  
 15 Q. All right. Have a look at interrogatory  
 16 number eight, which starts on the bottom of page 7.  
 17 That asks you to identify people with whom you want  
 18 to associate with but are unable to because of Act  
 19 43.  
 20 A. Uh-huh.  
 21 Q. And is your response there complete and  
 22 accurate?  
 23 A. Yes, it is.  
 24 Q. What other Democrats do you mean?  
 25 A. I'm a Democrat in that I vote for -- I'm

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1 not a member of the Democratic party, but I vote  
 2 for Democratic candidates. So other Democrats in  
 3 addition to myself.  
 4 Q. And how have you been burdened in that  
 5 association?  
 6 A. I am unable to join with them to  
 7 accomplish political goals in the state and the  
 8 nation.  
 9 Q. With any of your political activities  
 10 have you ever been involved in recruiting  
 11 candidates?  
 12 A. I do not believe so.  
 13 Q. In any of your activities have you had  
 14 discussions with anyone about the effect of Act 43  
 15 on the district or on your political participation?  
 16 A. Not that I can recall.  
 17 Q. Has anyone ever expressed concern to you  
 18 that fellow Democrats aren't participating because  
 19 of Act 43?  
 20 A. No.  
 21 Q. Anyone ever tell you they are reluctant  
 22 to get involved in politics because of Act 43?  
 23 A. No.  
 24 Q. So interrogatory number nine, which is on  
 25 page 8, that asks you to identify ways that Act 43

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1 impaired your ability to associate with Democrats.  
 2 You've got a fairly long response there. If you  
 3 want to just look at that and let me know if that's  
 4 complete and accurate.  
 5 A. The only thing that I'm -- I now question  
 6 is the third bullet item under item nine, which  
 7 says the 70th district was composed of Marathon,  
 8 Portage, and Wood counties. I'm not sure if it was  
 9 three counties or two involved.  
 10 Q. Okay. Bullet point two you said you've  
 11 been prevented from electing Wisconsin legislators.  
 12 And later down you say a Democratic candidate  
 13 cannot win an election. And I'm assuming you're  
 14 saying in your assembly district. And what makes  
 15 you believe that?  
 16 A. What makes me believe that is the fact  
 17 that I don't -- I think my district was  
 18 deliberately designed in such a way that it would  
 19 exclude Democrats and include Republicans to such  
 20 an extent that Democrats can't win an election  
 21 there.  
 22 THE VIDEOGRAPHER: Excuse me. Can you  
 23 move your mic up so it's not against your arm?  
 24 Thank you.  
 25 THE WITNESS: Thank you.

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1 BY MS. KECKHAVER:  
 2 Q. Are you aware that Amy Vruwink won your  
 3 district from at least 2002 to 2012?  
 4 A. I will check my list here and see if  
 5 that's who I have put down here. Yes, uh-huh.  
 6 Q. And do you believe the power of  
 7 incumbency helps people win elections?  
 8 A. Yes, I do.  
 9 Q. And do you think that can benefit both  
 10 Democrats and Republicans?  
 11 A. Yes, I do.  
 12 Q. What other associational activity would  
 13 you engage in were it not for Act 43?  
 14 A. There are no other associational  
 15 activities that I would take part in, except for  
 16 electing Democratic candidates to the Wisconsin  
 17 legislature, and that would be it.  
 18 Q. And do you believe the Democratic  
 19 assembly loss in your district has impaired your  
 20 ability to associate with like-minded Democrats?  
 21 A. Yes, I do.  
 22 Q. And how is that?  
 23 A. We cannot elect legislators who are  
 24 Democrats or progressives to do the work of the  
 25 people of Wisconsin.

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1 Q. Do you believe that every time a  
 2 candidate loses, the supporters lose their ability  
 3 to associate?  
 4 A. No.  
 5 Q. And why is that?  
 6 A. Because if -- if the citizen who has  
 7 voted for a candidate who has lost, was --  
 8 proportionally had an opportunity to elect that  
 9 candidate, and the others in that non-gerrymandered  
 10 district wished it to be the way it was, then it's  
 11 quite just that they -- the individual citizen did  
 12 not have their candidate elected.  
 13 Q. But I think you -- there's no additional  
 14 political activity that you would engage in or  
 15 political associational activity that you would  
 16 engage in if the districts were drawn differently?  
 17 A. Not that I can think of, no.  
 18 Q. Okay. Last interrogatory here, number  
 19 ten, if you want to just look at that. Is your  
 20 response there complete and accurate? Looks like  
 21 you're just referring back to your responses to  
 22 interrogatories number eight and nine.  
 23 A. Yes.  
 24 Q. So aside from what we've talked about  
 25 today, is there any other way in which Act 43 has

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1 impaired your ability to pursue your associational  
 2 goals?  
 3 A. Not that I can think of.  
 4 Q. Has anyone ever deterred or hindered your  
 5 ability to vote?  
 6 A. No.  
 7 Q. Anyone ever deterred or hindered you from  
 8 donating to candidates?  
 9 A. No.  
 10 Q. How about deterred or hindered you from  
 11 advocating for your policies?  
 12 A. No.  
 13 MS. KECKHAVER: Okay, I think that is all  
 14 I have.  
 15 MR. GABER: Let's just take a quick break  
 16 and --  
 17 MS. KECKHAVER: Sure.  
 18 THE VIDEOGRAPHER: Going off the record.  
 19 The time is 4:17.  
 20 (Break taken.)  
 21 THE VIDEOGRAPHER: We are back on the  
 22 record at 4:30.  
 23 EXAMINATION  
 24 BY MR. GABER:  
 25 Q. Thank you. And I just have a few

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1 questions for you, Mr. Dieterich. So you said you  
 2 voted for Amy Sue Vruwink when she ran for state  
 3 assembly and all her races?  
 4 A. Yes, that's true.  
 5 Q. What is your view of how she performed as  
 6 a state assembly person?  
 7 A. I think she was an excellent assembly  
 8 person. And I think she provided significant help  
 9 to her constituents. I have a great admiration for  
 10 her.  
 11 Q. Is that a position that, in your  
 12 experience, with your community members and folks  
 13 that you know in the Stevens Point area, is that a  
 14 position that's sort of generally held among folks?  
 15 A. Oh, very much I think that's the case. I  
 16 think people in my community also respect and  
 17 admire Amy Sue.  
 18 Q. Do you have a view as to why she lost her  
 19 election in 2014?  
 20 A. My view is that it was because the  
 21 electorate had -- there were more Republicans  
 22 voting for her than there were more Democrat --  
 23 than there were Democrats -- voting against her  
 24 than there were Democrats voting for her.  
 25 Q. And so do you think that the drawing of

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1 her district line as a result of Act 43 was the  
 2 cause --  
 3 A. Oh, absolutely.  
 4 Q. -- for her loss?  
 5 A. Yes. Yes, I do.  
 6 Q. Was there any sort of scandal or other  
 7 newsworthy story negative about Amy Sue Vruwink  
 8 during the course of the 2014 campaign that might  
 9 have contributed?  
 10 A. No.  
 11 Q. Anything else that you can think of that  
 12 caused her to lose?  
 13 A. No, I can't think of anything other than  
 14 that Act 43 that caused her to lose.  
 15 Q. Are you familiar with the margin of her  
 16 election result in 2012?  
 17 A. No, I am not.  
 18 Q. Was 2012 generally a good year for  
 19 Democrats in Wisconsin in election results when  
 20 President Obama was on the ticket?  
 21 A. I suspect it was, yes.  
 22 Q. Was Tammy Baldwin elected in 2012?  
 23 A. Yes, she was.  
 24 Q. She defeated the long-term former  
 25 governor Tommy Thompson that year?

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1 A. Yes.  
 2 Q. Let's talk a little bit about Stevens  
 3 Point and the surrounding townships. How would you  
 4 characterize the city of Stevens Point and the  
 5 townships that surround it in terms of their  
 6 partisan lean and their etiology?  
 7 A. It is a progressive area. I think it is  
 8 one of the most progressive areas in the state of  
 9 Wisconsin, probably after Madison. That's my  
 10 perception of it.  
 11 Q. Democratic candidates generally carry  
 12 Stevens Point and the surrounding suburbs and  
 13 townships around the city?  
 14 A. Yes, they do.  
 15 Q. Is it your view that in the absence of  
 16 partisan intent, that naturally the Stevens Point  
 17 area would have more than one assembly district in  
 18 which a Democratic candidate would be likely to  
 19 win?  
 20 A. That would be my estimation, yeah.  
 21 MR. GABER: Thank you. I don't have any  
 22 further questions.  
 23 THE WITNESS: Okay.  
 24 EXAMINATION  
 25 BY MS. KECKHAVER:

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1 Q. What did you understand your attorney to  
 2 mean when he said "in the absence of partisan  
 3 intent"?

4 A. You'd have to refresh my memory. What do  
 5 you mean by that?

6 MS. KECKHAVER: Let's have Anita read it  
 7 back, the last question that Mark read -- said.

8 COURT REPORTER: "Is it your view that in  
 9 the absence of partisan intent, that naturally the  
 10 Stevens Point area would have more than one  
 11 assembly district in which a Democratic candidate  
 12 would be likely to win?"

13 THE WITNESS: I would take that to mean  
 14 that if there weren't gerrymandering, that the  
 15 number of candidates who would win would be more  
 16 than one -- more than one district would be  
 17 Democratic.

18 BY MS. KECKHAVER:  
 19 Q. I don't understand your response.

20 MR. GABER: Maybe it's the question.

21 THE WITNESS: I think ours is a heavily  
 22 Democratic, progressive area, and that -- that  
 23 Democrats are more likely to win in our area than  
 24 Republicans are, unless there is gerrymandering.

25 MS. KECKHAVER: Okay. I don't have

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1 anymore questions.

2 MR. GABER: None for me.

3 THE VIDEOGRAPHER: This concludes the  
 4 deposition, and we are off the record at 4:35.

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1 STATE OF WISCONSIN )  
 ) ss.  
 2 COUNTY OF MILWAUKEE )  
 3 I, ANITA KORNBURGER, Registered  
 4 Professional Reporter and Notary Public in and  
 5 for the State of Wisconsin, do hereby certify  
 6 that the preceding deposition was recorded by  
 7 me and reduced to writing under my personal  
 8 direction.

9 I further certify that said deposition was  
 10 taken at 200 South Washington Street, Green  
 11 Bay, Wisconsin, on April 9, 2019, commencing at  
 12 3:06 p.m. and concluding at 4:35 p.m.

13 I further certify that I am not a relative  
 14 or employee or attorney or counsel of any of  
 15 the parties, or a relative or employee of such  
 16 attorney or counsel, or financially interested  
 17 directly or indirectly in this action.

18 In witness whereof, I have hereunto set my  
 19 hand and affixed my seal of office at  
 20 Milwaukee, Wisconsin, this 16th day of April,  
 21 2019.

22 \_\_\_\_\_  
 23 ANITA KORNBURGER, RPR - Notary Public

24 My commission expires May 24, 2021.  
 25

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1 -----  
 2 ERRATA  
 3 -----  
 4 PAGE LINE CHANGE  
 5 \_\_\_\_\_  
 6 REASON: \_\_\_\_\_  
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 25

Daniel John Dieterich

1 ACKNOWLEDGMENT OF DEPONENT

2

3 I, \_\_\_\_\_, do hereby  
4 certify that I have read the foregoing pages, and that  
5 the same is a correct transcription of the answers  
6 given by me to the questions therein propounded, except  
7 for the corrections or changes in form or substance, if  
8 any, noted in the attached Errata Sheet.

9

10

11 \_\_\_\_\_

12 DANIEL JOHN DIETERICH DATE

13

14

15 Subscribed and sworn to

16 before me on this \_\_\_\_\_ day

17 of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_

18 \_\_\_\_\_,

19 proved to me on the basis of satisfactory  
evidence to be the person(s) who appeared before me.

20

21 Signature \_\_\_\_\_

22

23

24

25