

Guy Costello

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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 GUY COSTELLO
TAKEN AT: Law Office of Peter Earle
LOCATED AT: 839 North Jefferson Street
Milwaukee, WI
January 31, 2019
1:44 p.m. to 5:56 p.m.

REPORTED BY ANITA KORNBURGER
REGISTERED PROFESSIONAL REPORTER

* * * * *

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1 APPEARANCES
 2 CAMPAIGN LEGAL CENTER, by
 Annabelle Harless, Esquire
 3 73 West Monroe Street, Suite 302
 Chicago, IL 60603
 4 312-561-5508
 aharless@campaignlegalcenter.org
 5 Appearing on behalf of the Plaintiffs.
 6 BELL, GIFTOS, ST. JOHN, LLC, by
 Kevin St. John, Esquire
 7 5325 Wall Street, Suite 2200
 Madison, WI 53718
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 9 Appearing on behalf of the Defendants.
 10

I N D E X

11	Examination by	Page
12	Mr. St. John	4

E X H I B I T S

13	Exhibit No.	Description	Page	Identified
14	73	Not properly identified.	68	
15	74	Not properly identified.	69	
16	75	Response to interrogatories.	82	
17	76	Communication between you and Representative Rodriguez.	113	
18	77	Response to production request.	161	

(Original exhibits attached to original transcript. Copies provided to all counsel.)

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1 the Whitford individual plaintiffs.
 2 GUY COSTELLO, called as a witness
 3 herein, having been first duly sworn on oath, was
 4 examined and testified as follows:
 5 E X A M I N A T I O N
 6 BY MR. ST. JOHN:
 7 Q. Good afternoon, Mr. Costello.
 8 A. Good afternoon.
 9 Q. Have you ever given a deposition before?
 10 A. I have not.
 11 Q. Okay. Let me go over a couple of basic
 12 requests, ground rules.
 13 A. Sure.
 14 Q. One is that the court reporter may only
 15 take our verbal statements, so that if I ask a yes
 16 or no question, or you elect to answer one of my
 17 questions with yes or no, please say the word "yes"
 18 or "no" so that she can write it down. Do you
 19 understand that?
 20 A. Yes. I mean --
 21 Q. That was good practice; right?
 22 A. Okay. But I can add more if I want to,
 23 right? Yes?
 24 Q. Absolutely.
 25 A. Yes.

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1 TRANSCRIPT OF PROCEEDINGS
 2 THE VIDEOGRAPHER: Good afternoon. We're
 3 on the record. My name is Jon Hansen, CLVS. I'm
 4 the videographer for Golkow Litigation Services.
 5 Today's date, January 31, 2019. The time, 1:44.
 6 This deposition is being held in Milwaukee in the
 7 matter of William Whitford, et al., versus Beverly
 8 R. Gill, et al., and the Wisconsin State Assembly,
 9 United States District Court, Western District of
 10 Wisconsin, case number 15-CV-00421 JDP, in the
 11 matter of the Wisconsin Assembly Democratic
 12 Campaign Committee versus Beverly R. Gill, et al.,
 13 and the Wisconsin State Assembly, United States
 14 District Court, Western District of Wisconsin, case
 15 number 18-CV-00763 JDP.
 16 The deponent this afternoon is Guy
 17 Costello. At this time counsel could please state
 18 their appearances for the record, after which our
 19 reporter will swear in the witness and we can
 20 proceed.
 21 MR. ST. JOHN: Kevin St. John from Bell,
 22 Giftos, St. John in Madison, Wisconsin, and I
 23 represent the Wisconsin State Assembly.
 24 MS. HARLESS: Annabelle Harless of the
 25 Campaign Legal Center in Chicago, and I represent

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1 Q. Absolutely. Just no nodding or shaking,
 2 because she can't write that down.
 3 A. I understand.
 4 Q. Another request is that, and I've gotta
 5 follow this like you, and it's difficult, is to
 6 make sure that we try to allow me to have my
 7 question be completed before you begin your
 8 response --
 9 A. Sure.
 10 Q. -- and I will try to make sure not to ask
 11 the next question until you've completed your
 12 response. If for some reason you want to take a
 13 break, just go ahead and let me know that you would
 14 like to take a break. So long as there's no
 15 question that's pending, we'll just go ahead and
 16 take a break. So if you need to use the restroom
 17 or whatever it is that you need to take a break
 18 for, just please let us know. But I'll just ask
 19 that you would answer the question that is pending.
 20 A. Okay.
 21 Q. Now, we don't have a lot of time today,
 22 but hopefully we'll be able to complete this and
 23 get everybody out of here by five o'clock. You
 24 know, we reserve the right to continue our times of
 25 depositions. We've been doing this with all the

<p style="text-align: right;">Page 6</p> <p>1 plaintiffs' depositions, as you know, but hopefully 2 we'll be able to complete everything that we have 3 today. 4 Is there any reason today that you are 5 unable to give your best answers to my questions? 6 Any medications? 7 A. No. 8 Q. Hearing issues? 9 A. No. 10 Q. Okay. If you don't understand a question 11 that I ask today, please feel free to ask me for a 12 clarification or to repeat the question before you 13 answer if you have trouble understanding. Do you 14 understand that? 15 A. Yes, I do. 16 Q. And you understand that you're under oath 17 today? 18 A. Yes, I do. 19 Q. Okay. How long -- can you tell me, where 20 do you currently reside? 21 A. I live at 1320 Manitowoc Avenue in South 22 Milwaukee, Wisconsin. 23 Q. And how long have you lived there? 24 A. Little over 27 years. 25 Q. Okay. That's been your primary residence</p>	<p style="text-align: right;">Page 8</p> <p>1 years as vice president of our state teachers' 2 union. So I was on leave for three years, then 3 came back to the middle school, where I taught 4 fifth grade language arts for five years. 5 Q. So the final five years of your teaching 6 career you were in middle school? 7 A. Correct, yes. 8 Q. Did that cover sixth through eighth 9 grades? 10 A. I taught just eighth grade. 11 Q. Okay. Language arts? 12 A. Reading, writing. 13 Q. Reading and writing? 14 A. Yeah. Literature. 15 Q. Let's talk about the three years that you 16 took off to be the vice president of your union. 17 Was that your state -- the state union? 18 A. Yeah, of the state union, yes. 19 Q. And that is the -- the WEAC? 20 A. WEAC. 21 Q. And as vice president at WEAC, what were 22 your responsibilities? 23 A. A variety of things, but basically as I 24 was directed by the president. So a lot was 25 visits, communication with our local and regional</p>
<p style="text-align: right;">Page 7</p> <p>1 the whole time? 2 A. Yes, it has. 3 Q. And you've voted -- when you've gone and 4 voted, you've used that as your residence? 5 A. I voted there. 6 Q. Okay. And what do you do for a living 7 today? 8 A. I'm a retired public school teacher. I 9 taught for 24 years in the South Milwaukee school 10 district. But I am working part-time right now 11 with my regional teachers' union, region seven of 12 WEAC, the Wisconsin Education Association Council, 13 helping them with the spring elections. 14 Q. Okay. 15 A. I am paid, you know, part-time. 16 Q. Okay. We'll talk a little bit more about 17 that. When we say WEAC today, the court reporter 18 should take that down as W-E-A-C; is that fair? 19 A. That's right. 20 Q. Okay. When did you retire from teaching? 21 A. June of 2015. 22 Q. What grades did you teach? 23 A. I taught mostly fifth grade, somewhat 24 fourth grade for 16 years in an elementary school 25 in South Milwaukee, and then I served for three</p>	<p style="text-align: right;">Page 9</p> <p>1 offices around the state and supporting various 2 programs that we were doing and, you know, again, 3 as I say, at the direction of our president. 4 Q. And when you say various programs that 5 you were doing, you mean that the state teachers' 6 union was doing? 7 A. That's correct. 8 Q. What kind of programs? Were any of these 9 political programs? 10 A. Yes. I mean we're -- we're involved with 11 politics. So, you know, informing members, 12 attending -- I ran as an Obama delegate during that 13 time and was elected -- 14 Q. Let's see -- 15 A. -- by the state convention. 16 Q. What years? 17 A. That would have been 2007 through 2010. 18 I took office in August of 2007 and left in August 19 of 2010. 20 Q. Did your activities for WEAC at that time 21 involve WEAC's participation in political 22 campaigns? 23 A. Yes. You know, in various ways. Well, 24 as I mentioned as an Obama delegate, holding 25 events, rallies, donating money, going door to</p>

<p style="text-align: right;">Page 10</p> <p>1 door, encouraging our members to do political 2 activity, yes. 3 Q. Were you ever involved in evaluating 4 whether WEAC would endorse a candidate for office? 5 A. Yes, I did participate with our PAC 6 committee that interviewed candidates and then 7 voted on -- and that would be candidates for 8 statewide office. 9 Q. Did you participate in the interviews of 10 statewide candidates? 11 A. Yeah, we had a big committee, and the 12 candidate would come before us and -- 13 Q. So you were part of that committee? 14 A. I was part of that committee. 15 Q. So did you interview the candidates for 16 governor in 2010? 17 A. Did I participate in the interviews for 18 governor in 2010. Best of my memory, I did not. 19 I'm not -- no, I don't think so. You know, I 20 remember a number of ones that I did, but that one 21 I don't believe I did. 22 Q. Can you recall the names of candidates 23 who you met with in your capacity as vice president 24 of WEAC and liaison to the PAC committee in 25 connection with WEAC endorsements of candidates?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Do you recall if WEAC had an endorsement 2 of Jeff Plale or Chris Larson in the senate 3 election in 2010? 4 A. I do remember. In 2010, we recommended 5 Jeff Plale. 6 Q. Now, when you say that these candidates 7 are evaluated for endorsement on the local level, 8 does that refer to the CESA region or the WEAC 9 region, or does that refer to individual assembly 10 districts? 11 A. It would be by the assembly districts, 12 and then teachers would volunteer to come in and 13 participate in the interviews. And the candidates, 14 we give them questionnaires. Sometimes they showed 15 up, sometimes they didn't. And then we had the 16 opportunity to listen to them, you know, and ask 17 them questions. Mostly based on the questionnaires 18 we would send out to them. 19 Q. And so you agreed then to participate in 20 those that involved assembly district 21; correct? 21 A. Correct. I'm remembering clearly two of 22 them, yeah. Yes. 23 Q. And which two were those? 24 A. Excuse me? 25 Q. And which two were those that you recall?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. They would be -- there was a spring court 2 race I remember where Gableman ran. That's one 3 that stands out. Gosh, I'm sorry, but I'm just 4 going blank on some of the other ones. But I 5 remember him for sure. 6 Q. Did that group ever interview state 7 assembly candidates? 8 A. Those are done on a local level. There's 9 a -- there's local committees that interview the 10 assembly candidates and then refer that to the 11 state board that the state board votes on. 12 Q. Have you participated in any WEAC group 13 which evaluated assembly candidates for -- 14 A. I did in my home district, yes. 15 Q. And during what years did you do that? 16 A. I'm -- I don't remember the exact years, 17 but I remember, I think there were two of them when 18 Jeff Plale -- first of all, when he was running -- 19 when he was running for senate, I believe, or 20 assembly. I'm sorry, my memory's not perfect on 21 those, but -- 22 Q. We'll talk about Jeff Plale in a little 23 bit. But since you bring him up -- 24 A. He was our state representative, then he 25 went on to be the state senator.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. And they were both with Plale. I'm 2 trying to remember if it was assembly or senate, 3 because he went from the assembly to the senate, 4 but -- 5 Q. Sure. 6 A. -- but they were definitely involving 7 him. 8 Q. And do you recall any other assembly 9 districts -- let me start that again. Besides 10 those elections which involved Jeff Plale, do you 11 recall any other state legislative elections in 12 which you sat on a committee to evaluate whether or 13 not WEAC should endorse? 14 A. To the best of my memory, and it's been a 15 number of years, for most of those others there 16 were, you know, other people who had volunteered 17 for that local committee. I may have for one for 18 when Rick Grobschmidt was running. 19 Q. About when -- 20 A. That's back a ways. 21 Q. -- would that have been? Before Plale? 22 A. Well, he was the state rep, and then he 23 went from the state rep to the senate. And then 24 Plale ran for the assembly, and then eventually 25 Plale ran for the senate. I don't -- I don't want</p>

<p style="text-align: right;">Page 14</p> <p>1 to speak to the years, but --</p> <p>2 Q. Fair enough.</p> <p>3 A. -- it was around -- I think maybe Rick</p> <p>4 went to the senate in 2000 -- or no, in '96.</p> <p>5 Q. In connection with your job as vice</p> <p>6 president at WEAC, and in connection with the</p> <p>7 political activities that you did with WEAC, you</p> <p>8 had mentioned money, door to door, and organizing.</p> <p>9 So just briefly, what do you mean by money?</p> <p>10 Donating?</p> <p>11 A. Personally donating or asking members to</p> <p>12 donate. I was not involved with the larger sort of</p> <p>13 money decisions by the union for candidates. That</p> <p>14 was not --</p> <p>15 Q. So you were not involved with the PAC for</p> <p>16 WEAC, for example? You didn't make decisions with</p> <p>17 respect to spending that the PAC would do?</p> <p>18 A. No.</p> <p>19 Q. Okay. But you would give money as an</p> <p>20 individual to candidates or PAC during this time?</p> <p>21 A. Yes.</p> <p>22 Q. And when you gave money, you did so as an</p> <p>23 individual?</p> <p>24 A. I gave as an individual.</p> <p>25 Q. Were you ever direct --</p>	<p style="text-align: right;">Page 16</p> <p>1 president, did you participate in union-organized</p> <p>2 campaign activities or union-recommended campaign</p> <p>3 activities?</p> <p>4 A. Sure. I -- again, it's been so long,</p> <p>5 it's hard to, you know, give you specifics. But</p> <p>6 again, helping our recommended candidates through</p> <p>7 donating money, making phone calls, knocking on</p> <p>8 doors, encouraging others of our members to do</p> <p>9 similar, yes.</p> <p>10 Q. We're going to talk a little bit more</p> <p>11 about that later, and maybe we'll try to get some</p> <p>12 of those specifics that you're able to remember.</p> <p>13 Were there any other responsibilities that you had</p> <p>14 at WEAC as vice president beyond the ones that you</p> <p>15 described to me that involved politics or public</p> <p>16 affairs?</p> <p>17 A. Our legislative committee, putting</p> <p>18 together -- you know, helping put together a</p> <p>19 legislative plan for that session that members were</p> <p>20 involved with, other staff were involved with. But</p> <p>21 I participated with that committee.</p> <p>22 Q. And would it be fair to say that this</p> <p>23 would be WEAC's goals for the legislative session,</p> <p>24 or would this be a scoring of how the legislature</p> <p>25 had performed?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. And through something we call a conduit,</p> <p>2 where me and members, you know, donate a certain</p> <p>3 amount each month. I still do -- I still do that.</p> <p>4 Q. Sure, I understand that process. And you</p> <p>5 said door to door. Did you do canvassing while you</p> <p>6 were at WEAC?</p> <p>7 A. I'm guessing I probably did, you know, in</p> <p>8 one way or another, especially closer to the</p> <p>9 elections. But often it was going out, you know,</p> <p>10 encouraging members to get involved and helping</p> <p>11 either a local candidate or statewide candidate or</p> <p>12 national candidate.</p> <p>13 Q. And this was during your time as vice</p> <p>14 president; correct?</p> <p>15 A. Yes. But I was active before and after</p> <p>16 that.</p> <p>17 Q. Okay. But as vice president, would you</p> <p>18 say that part of your responsibilities were to try</p> <p>19 to organize other local chapters or local unions to</p> <p>20 become engaged in the political affairs of the</p> <p>21 union?</p> <p>22 A. To encour -- you know, encourage their</p> <p>23 participation with our recommended candidates,</p> <p>24 yeah.</p> <p>25 Q. Okay. And before you became the vice</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No, that was something separate. No,</p> <p>2 this was goals of the legislation that we'd like to</p> <p>3 see passed, or sometimes things defeated or</p> <p>4 stopped. Sort of our legislative agenda. So help</p> <p>5 creating a legislative agenda.</p> <p>6 Q. And this was between 2007 and 2010?</p> <p>7 A. That's correct.</p> <p>8 Q. And were you successful in having your</p> <p>9 legislative agenda be enacted into law?</p> <p>10 A. I can't tell you the specifics at the</p> <p>11 moment, but some of the things we were. Some we</p> <p>12 were, some we were not.</p> <p>13 Q. In your first years in that position, so</p> <p>14 the first time that you developed a legislative</p> <p>15 agenda or helped in that, do you think that that</p> <p>16 would be during the 2007 and 2008 state biannual</p> <p>17 session?</p> <p>18 A. I'm trying to remember. I actually</p> <p>19 helped with the legislative committee even before</p> <p>20 that, before I was vice president. So yeah, I</p> <p>21 would have been, you know, involved through that</p> <p>22 committee with -- you know, in helping put together</p> <p>23 an agenda, educating our members about it.</p> <p>24 Q. Is it fair to say that during the time</p> <p>25 period of 2010 and before, during which you were</p>

<p style="text-align: right;">Page 18</p> <p>1 involved with WEAC in creating a legislative 2 agenda, that certain -- or that WEAC achieved 3 legislative victories in having some of its agenda 4 passed? 5 MS. HARLESS: Objection to form. 6 THE WITNESS: Can you state it again, 7 please? 8 BY MR. ST. JOHN: 9 Q. Is it fair to say that while you were 10 involved with WEAC in creating the legislative 11 agenda, and before 2010, that WEAC achieved 12 legislative victories in the form of having some of 13 its agenda enacted? 14 A. Were we successful with some things in 15 the legislature that we were trying to pass? Yes. 16 Don't ask me right now for specifics, but there 17 were things we were successful, there were things 18 we were not. 19 Q. And when you were successful, did those 20 measures sometimes go through a legislative body, 21 like the assembly, that had a majority of 22 Republicans? 23 A. Oh, gosh, I'm trying to remember who was 24 in the majority for all those years, 'cause it went 25 back and forth. I don't remember who had -- I</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I think there's few groups that pass 2 everything that they hope to pass. But a number of 3 things were. 4 Q. Is it true that in 2009, 2010, that WEAC 5 was unable to get passed everything that it wished 6 to have passed? 7 A. I wish I had those year's agendas right 8 in front of me at the moment. But to the best of 9 my knowledge, I'm just going to say I can't fairly 10 say to you, without those agendas in front of me, 11 what passed and what didn't. 12 Q. Did the committees that you were involved 13 in with WEAC that evaluated candidates for 14 endorsement also interview Republican candidates? 15 A. Yes. 16 Q. Do you recall whether or not you -- the 17 union ever endorsed a Republican candidate during 18 this -- in a -- 19 A. Yeah, I do. I remember one specifically. 20 I'm trying to think. I guess the year would have 21 been -- would it have been for 2008 with Dale 22 Schultz in southwest Wisconsin. There was debate 23 about it, but he was very strong on our issues. He 24 came out of an education background and our local 25 committee there, and leadership voted to recommend</p>
<p style="text-align: right;">Page 19</p> <p>1 can't remember at this point exactly who had the 2 majority for which years, for which sessions. 3 Q. Well, let me just try to identify then 4 what years you were working on legislative agendas. 5 2007 to 2010, you believe? 6 A. Well, no, I was on the committee before 7 that. This committee has existed at WEAC for many 8 years. And I was a member of the board. I was the 9 board liaison to our legislative committee. And 10 then -- but I can't remember exactly which year I 11 started or -- 12 Q. Sure. 13 A. -- but it was an agenda that was voted on 14 by our board, which was worked on by our -- by our 15 old union. And hard for me to give you specifics 16 beyond that. 17 Q. Is it fair to say that WEAC had a 18 legislative agenda for the 2009-2010 biannual 19 session? Yes or no? 20 A. They had legislative agendas for as long 21 as I can remember being active with them. I mean, 22 they had, you know, plans for what they hoped to do 23 and hoped to accomplish. 24 Q. And you had noted that they didn't 25 accomplish everything every year; correct?</p>	<p style="text-align: right;">Page 21</p> <p>1 him. 2 Q. And do you recall, in the meetings that 3 you participated in, whether or not you personally 4 ever recommended WEAC endorse a Republican 5 candidate? 6 A. You mean personally? 7 Q. Yes. 8 A. 'Cause I was not involved in the one with 9 southwest Wisconsin. I do not remember anytime, 10 through my personal involvement or locally, or at 11 the state level, recommending a Republican 12 candidate. Best of my knowledge. 13 Q. When did you first decide to become 14 involved in this lawsuit? 15 A. A few months ago I was called by my 16 attorney and asked if I would participate. She 17 mentioned the name of another attorney, Peter 18 Earle, who I had known from work in politics in 19 Chicago a long time ago with the Harold Washington 20 campaign, so it gave a personal connection to it. 21 And I said I would be honored to participate and 22 represent, to be able to talk about my experience 23 in the 21st district and how I felt the 24 gerrymandering had harmed my ability to do 25 political activity.</p>

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<p>1 MS. HARLESS: I just want to caution the 2 witness not to discuss the substance of any 3 conversations we've had on the phone about you 4 becoming a plaintiff in this case. Those are 5 privileged.</p> <p>6 THE WITNESS: Oh. Well, I don't know if 7 I said that, but I'm just saying --</p> <p>8 MS. HARLESS: No, I'm just cautioning 9 you.</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MR. ST. JOHN:</p> <p>12 Q. About when do you think that this contact 13 was? By month. Can you give me the month?</p> <p>14 A. It was a few months ago. I know it was 15 before -- a few months before the elec -- election. 16 I don't remember exactly. I mean, I was very 17 involved in the election. I was honored to be 18 asked. I don't remember the exact date, no.</p> <p>19 Q. Why did you decide to get involved in 20 this case?</p> <p>21 A. Why did I decide to get involved? I have 22 seen very much on a personal level how the 23 gerrymandering that took place through Act 43 has 24 had a very negative impact on my personal life, for 25 my family, for my school district, for public</p>	<p>1 participation, that we can start to get some 2 positive iss -- positive action on issues that need 3 to be addressed.</p> <p>4 Q. You described a contact with Annabelle, I 5 believe, as the first contact that you had with a 6 lawyer in this case. When was the next time, and I 7 just want a date, that you -- that you had a 8 discussion with lawyers about the case?</p> <p>9 A. I -- I do not -- I could not tell you a 10 date. I've talked with either Annabelle or -- I 11 don't think it's -- is it privileged to say the 12 other attorneys?</p> <p>13 Q. The name is not, no.</p> <p>14 A. Okay. And Ruth, Ruth Greenwood. But 15 just conversations with them. I couldn't tell you 16 a date. By phone or by e-mail.</p> <p>17 Q. About how many contacts have you had with 18 your attorneys?</p> <p>19 A. Oh, gosh, there's been quite a few. I 20 couldn't put a number on it, but there's been a 21 number either by phone or e-mail.</p> <p>22 Q. And have all those contacts been 23 regarding the case?</p> <p>24 A. Yes.</p> <p>25 Q. Have you met any of the other plaintiffs</p>
<p>Page 23</p> <p>1 education in general, and I -- I just feel at the 2 heart of it that gerrymandering is wrong. We can 3 do it better. We can do it a better, fairer, more 4 Democratic way.</p> <p>5 Q. Do you see getting involved as a way to 6 express your views about gerrymandering?</p> <p>7 A. Yes.</p> <p>8 Q. Do you consider getting involved as a 9 plaintiff in a lawsuit as a form of political 10 activity?</p> <p>11 A. I guess it's all how you define political 12 activity. I mean, I think gerrymandering is an 13 issue in our nation, especially right here in our 14 state. And to do the things we need to do to make 15 our state a better place, I think we need a fairer 16 map. I think we need legislative districts that 17 truly represent the will of the people and how 18 people feel about issues. And so I'm, you know, 19 very personally committed to it.</p> <p>20 Q. Do you see being involved as a plaintiff 21 in the lawsuit as a form of public advocacy or 22 public issue advocacy about districting?</p> <p>23 A. Well, it's surely my hope that what will 24 come out of this is a much fairer map for the state 25 that will allow the kind of more equal</p>	<p>Page 25</p> <p>1 in this case?</p> <p>2 A. I have not. Well, I just met the person 3 who was in here before, Mike. He's the first one 4 I've met.</p> <p>5 Q. Have you ever met Bill Whitford?</p> <p>6 A. I saw him. I don't know him. I saw him 7 at an event I went to when the original 8 gerrymandering case was doing. They had a 9 fundraiser or announcement or something; I remember 10 he was there. But I do not know him or have any 11 connection with him other than seeing him at that 12 event.</p> <p>13 Q. Are you anxious to tell your story in 14 court?</p> <p>15 A. I'd be glad to tell my story in court.</p> <p>16 Q. Are you planning to come and testify at 17 trial?</p> <p>18 A. I know that there's a lot of people. 19 It'll get decided who goes to testify. But if I 20 would be asked to testify, I would.</p> <p>21 Q. You have no problems getting to Madison, 22 Wisconsin, to testify at trial?</p> <p>23 A. No, no. I drove there three years.</p> <p>24 Q. Maybe today or Monday.</p> <p>25 A. I drove there three years; my car can</p>

<p style="text-align: right;">Page 26</p> <p>1 kind of go there on its own. Can I say one thing? 2 I want to clear up one thing I realized I'm not a 3 hundred percent sure on, and that's the years that 4 I was VP, I may have no longer been on that 5 legislative committee. That I was right up to it, 6 and then I was active with it again following it, 7 briefly. But I -- it's not something I looked at 8 or prepared, so I don't want to quote myself to the 9 exact dates I was on that committee, and when I was 10 off or when I was back on. 11 I know for sure I was before I served 12 as vice president. I'm starting to think in those 13 vice president years actually I was not, that my 14 work was more with, you know, the PAC committee 15 recommending -- 16 Q. Recommending candidates? 17 A. Recommending candidates, yes. 18 Q. One more question that I can think of 19 about this endorsement of candidates at WEAC. Were 20 you ever involved in decisions as to which 21 candidates to support with organization, people, 22 etcetera, in addition to endorsements? 23 A. Can you ask that again, please? 24 Q. Yes. Does WEAC -- I'll ask it a 25 different way.</p>	<p style="text-align: right;">Page 28</p> <p>1 working, we put attention towards that one. 2 Q. And is this in your new position as a 3 part-time -- 4 A. That was -- 5 Q. -- employee with -- 6 A. Yeah. 7 Q. Why don't you tell me a little bit about 8 that job first, and then we'll talk about specific 9 projects -- 10 A. Sure. 11 Q. -- that you've worked on. Tell me what 12 it is that you do and how much -- how much time do 13 you spend on it. 14 A. Right. And I want -- I want to clarify 15 one other thing too. You're asking about the PAC 16 contributions. I didn't want to be confusing PAC 17 contributions with independent expenditures. I 18 wasn't involved at all with independent expenditure 19 and those kind of decisions with our -- with our 20 union. 21 Q. Okay. 22 A. But with PAC there are kind of, you know, 23 minimums. And often when we would recommend, 24 whether it's locally or on the statewide, there 25 were some set levels that could go with that, you</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Okay. 2 Q. Does WEAC discriminate among candidates 3 that it endorses in terms of its encouragement of 4 its members to get out and support a campaign? 5 A. Honestly, I'm not sure how to answer 6 that. I mean -- that's unclear to me. I mean, 7 when we recommend a candidate, whether it's, you 8 know, from a local interview committee or on the 9 statewide level, I mean, it's kind of a given that 10 we want -- we would hope that our -- our members 11 would become informed, and if they so choose, to 12 become active and help those candidates. 13 Q. Does WEAC maintain, to your knowledge, a 14 target list of assembly districts or a list of 15 assembly districts to target for an election? 16 A. I'm not aware of that at this point. 17 Q. Do you know if WEAC ever has maintained a 18 target list? 19 A. I can't say I've seen a target list, but 20 I think -- give you an -- the "target list" part is 21 throwing me off. But I'll give you an example from 22 this most recent election where I helped in senate 23 district five, we felt that was very key to 24 potentially getting a majority again in the senate, 25 and so we put as a region, which is where I was</p>	<p style="text-align: right;">Page 29</p> <p>1 know, from the PAC. So yes, I was involved with 2 those. But the independent expenditure stuff, no, 3 I never had any involvement with that. 4 Q. And I suppose this set levels would 5 indicate a degree of intensity in terms of the PAC 6 support? 7 A. Yeah, the size, whether it's statewide or 8 whether there's assembly or that type of thing. 9 Q. And all of those contributions for that 10 PAC, those are all recorded and publicly filed; is 11 that correct? 12 A. They would be recorded and publicly filed 13 for either, you know, the state or on the regional 14 level, yes. 15 Q. So let's turn to your new job. 16 A. Sure. 17 Q. Or your new part-time job. Tell me, what 18 are your job responsibilities? 19 A. Well, I'm -- just to explain a little 20 bit. WEAC's divided now into regions and urbans. 21 The region that I work in, region seven, is huge. 22 It goes all the way up from near Cedarburg down to 23 Lake Geneva, west towards, like, Oconomowoc, 24 Watertown, and southwest, but it doesn't take in 25 like Milwaukee or Green Bay or Racine or Kenosha,</p>

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1 okay? So it's a large area.
 2 And my job is to help our staff that
 3 exists there, and leaders with those locals, to get
 4 involved in elections of that moment or time. So
 5 this past fall it was to get involved with the race
 6 for governor and our recommended candidates for
 7 attorney general and treasurer and governor. Also
 8 to help with assembly races, to help with state
 9 senate races. And also I was involved with school
 10 referenda as far as helping get them resources and
 11 advice about how to run a successful referendum
 12 campaign.
 13 Q. And in this last election cycle were
 14 there any assembly races which you were tasked with
 15 in this capacity?
 16 A. Yeah.
 17 Q. And focusing on it?
 18 A. I was. I was mainly focusing on the
 19 fifth senate district and the three assembly
 20 districts within that, 13, 14, and 15.
 21 Q. You had a victory in one of those, didn't
 22 you?
 23 A. And we had a victory in one of those, in
 24 14. And again, my work is not to the general
 25 public about the election, but to communicating

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1 members, fellow educators, educating them about the
 2 candidates and encouraging them to get out to vote.
 3 Q. And how do you communicate with those
 4 members?
 5 A. We do it all kinds of ways. We get
 6 flyers out to them in buildings, we do personalized
 7 postcards, we do robocalls, we do text messages
 8 from when -- you know, educator to educator, were
 9 some of the ways that we did that.
 10 Q. Sounds sophisticated. Do you also have,
 11 like, town halls or attend meetings?
 12 A. Yeah, I will get out to the locals to
 13 meet with their leaders and their activists and
 14 encourage them to participate. And we had work
 15 nights where we also did phone banks and had
 16 candidates come in and speak, and we would give
 17 them, you know, PAC donations from our region,
 18 'cause our region also has a PAC.
 19 Q. And these communications were always with
 20 members of one of the locals?
 21 A. Our communications were with members, or
 22 at times we did communication to fellow educators
 23 who were not yet members. But that's a -- that
 24 goes under a different classification. And -- we
 25 worked all that out.

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1 Q. Sure. How do you classify the people
 2 that you contact?
 3 A. Majority of the work we did was to
 4 communication with members, okay? But some of it,
 5 especially if it's on a nonpartisan basis, we can
 6 communicate with nonmembers who work in the
 7 buildings, but they're not paying us dues.
 8 Q. Sure. But with -- they would be
 9 educators?
 10 A. They're educators also. Active and
 11 retired. We also would communicate with retired
 12 educators. But we never really left that realm of
 13 communicating with educators.
 14 Q. So in your job that you've been doing,
 15 you didn't target communications to any groups that
 16 were outside of those that you've described?
 17 A. No, not that I can think of, no. It's
 18 mostly, you know, member-to-member communication
 19 and activation.
 20 Q. And when you say "activation," what do
 21 you mean by "activation"?
 22 A. Get them to do something. Come make
 23 phone calls, come help make contacts, give a
 24 donation, that type of thing.
 25 Q. To a candidate. Do you also encourage

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1 them to volunteer for campaigns then?
 2 A. Well, yeah, all those. I mean, sometimes
 3 they will go and work directly with the campaign.
 4 You know, that's -- that's up to them. But I go
 5 out and recruit and ask them to help us with the
 6 things that we're doing.
 7 Q. Communicate with members --
 8 A. Communicate with members.
 9 Q. -- with other educators?
 10 A. Yeah.
 11 Q. Okay. Got it. Do you enjoy this work?
 12 A. I do.
 13 Q. Do you think it's important?
 14 A. I think it's very important.
 15 Q. Why do you think it's important?
 16 A. Why do I think it's important? I believe
 17 very much in our democracy. And for an effective
 18 democracy, you have to have a system in which
 19 people can participate and have their voice heard.
 20 And it's part of the reason I'm involved with this
 21 case, because I feel people -- it's limiting the
 22 ability of the people's voice to be heard.
 23 Q. I want to return. You said that there
 24 was a special emphasis put on assembly districts
 25 13, 14, and 15?

<p style="text-align: right;">Page 34</p> <p>1 A. Right.</p> <p>2 Q. And with the associated senate district?</p> <p>3 A. Right.</p> <p>4 Q. Is that correct?</p> <p>5 A. Right, five, senate five.</p> <p>6 Q. Were there any districts in which your --</p> <p>7 that were targeted in your region?</p> <p>8 A. Yes, we helped a little bit towards the</p> <p>9 end -- oh, gosh, I think it was -- trying to</p> <p>10 remember, 23, Liz -- it's up in Whitefish Bay.</p> <p>11 Sumner. Liz Sumner. We helped with some text</p> <p>12 messaging towards the end in that race. We made a</p> <p>13 PAC donation in the 21st, where I live, to Gabriel</p> <p>14 Gomez. You know. But personally, I just gotta say</p> <p>15 I helped more in that -- in five, 13, 14 and 15</p> <p>16 'cause they had -- especially five had a better</p> <p>17 chance of winning. 14 had a good chance of</p> <p>18 winning, and won. Gabriel in my home district, I</p> <p>19 gave him money, or PAC gave him money. Tried to</p> <p>20 encourage him. I knew in my heart it was going to</p> <p>21 be a very hard one to win, so I tended to put my</p> <p>22 personal attention, you know, elsewhere.</p> <p>23 Q. The fact that it was a hard one to win,</p> <p>24 that didn't dissuade you from giving money to</p> <p>25 Mr. Gomez?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Sure. Did WEAC endorse the Democratic</p> <p>2 candidate in each of the districts in which you</p> <p>3 have described today?</p> <p>4 A. Did WEAC endorse them, yes. So they --</p> <p>5 they had support from our region, but they also had</p> <p>6 support from WEAC.</p> <p>7 Q. Why didn't WEAC pay attention to other</p> <p>8 assembly districts in your region in terms of doing</p> <p>9 the type of activity that you've described that you</p> <p>10 do in your new job?</p> <p>11 A. One of the main reasons is the maps</p> <p>12 become so hard to win in so many of those</p> <p>13 districts.</p> <p>14 Q. So it's fair to say that where WEAC</p> <p>15 focused some of its resources it believed that</p> <p>16 those were winnable districts?</p> <p>17 A. I'm not going to try to speak for WEAC.</p> <p>18 I was working for the region. And I'm not an</p> <p>19 officer or on their back or, you know, with this</p> <p>20 election, so I'd rather not speak for them. But I</p> <p>21 can say in general that many districts now, the way</p> <p>22 the map is drawn, it's next to impossible for a</p> <p>23 progressive Democratic candidate to win.</p> <p>24 Q. Who makes the decision for WEAC as to</p> <p>25 which districts to go ahead and target with</p>
<p style="text-align: right;">Page 35</p> <p>1 A. No.</p> <p>2 Q. You had mentioned the name Liz Sumner.</p> <p>3 Is that the reference to the candidate --</p> <p>4 A. She was the candidate, she was the</p> <p>5 Democratic candidate. And I don't remember --</p> <p>6 don't quote me on the number of the district, but</p> <p>7 it took in Whitefish Bay, I remember. We did some</p> <p>8 work for her. And I'm trying to remember what else</p> <p>9 we may have done for Gabe in 21. We did robocall.</p> <p>10 So we did -- you know, we did some. But not the</p> <p>11 extent that we did up in those other areas.</p> <p>12 Q. Those robocalls would encourage your</p> <p>13 members to go out and vote for Mr. Gomez?</p> <p>14 A. And any of our other recommended</p> <p>15 candidates, yeah, and to get out and vote early.</p> <p>16 Q. Any other districts that you can</p> <p>17 remember?</p> <p>18 A. Gosh, I'm trying to -- those are the</p> <p>19 ones. Some in 21, that's Gabriel Gomez; more in</p> <p>20 13, 14. 15 at the end a little bit to help Liz</p> <p>21 Sumner. Of the local legislative districts, those</p> <p>22 are the ones I'm remembering.</p> <p>23 Q. Sure.</p> <p>24 A. And I did not review my notes of -- I</p> <p>25 hope I'm not forgetting someone, but if I did --</p>	<p style="text-align: right;">Page 37</p> <p>1 additional efforts in order to sponsor a candidate?</p> <p>2 A. Again, for all who are involved, again,</p> <p>3 I'm not at WEAC anymore, so I'd prefer not to -- I</p> <p>4 mean but generally --</p> <p>5 Q. Who --</p> <p>6 A. -- our officers, our board, the officers</p> <p>7 of the union, the board of WEAC, input from staff.</p> <p>8 But I'm not going to answer. You should ask WEAC.</p> <p>9 Q. Sure.</p> <p>10 A. Because I haven't been there for quite</p> <p>11 awhile.</p> <p>12 Q. And I guess that's my question. If I</p> <p>13 were to ask WEAC, which group of individuals do you</p> <p>14 believe have the most information about WEAC's</p> <p>15 targeting of assembly districts from the period of</p> <p>16 time of 2012 to 2018?</p> <p>17 A. In my opinion?</p> <p>18 Q. Yes, just your opinion.</p> <p>19 A. And again, I'm not answering for WEAC.</p> <p>20 It would be the officers, the three officers, the</p> <p>21 executive board, input from the PAC committee, and</p> <p>22 executive director.</p> <p>23 Q. Has the executive director remained the</p> <p>24 same during this time period, to your knowledge?</p> <p>25 A. No.</p>

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1 Q. Who have -- who have been the executive
 2 director since 2010?
 3 A. Dan Burkhalter was the executive director
 4 in 2010. The executive director is now Bob Baxter.
 5 Q. Anyone in between the two of them?
 6 A. There may have been an acting that I
 7 don't remember. But again, I was gone from the
 8 state level at that point. So if I've forgotten
 9 someone, I just don't remember.
 10 Q. You reported to the president, is that
 11 correct, when you were the vice president?
 12 A. When you're vice president, supposedly
 13 basically duties assigned by the president.
 14 Q. Yeah. Is the president a different
 15 officer than the people that you've mentioned?
 16 A. No. I said the officers. The president,
 17 vice president, secretary, treasurer are the
 18 officers of WEAC.
 19 Q. Okay. Thank you. That helps me sort out
 20 the organization. So you're a regular voter;
 21 right?
 22 A. I'm a regular voter.
 23 Q. Can you remember the last time you missed
 24 an election?
 25 A. A long time ago, I believe. I really

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1 don't -- it's been a long time. There were a few
 2 times in some of those assembly races where there
 3 really was no race. At one time I wrote in the
 4 name of a friend of mine. But I think if there was
 5 a Democrat on the ballot, I always voted for the
 6 Democrat. But generally -- I mean like for
 7 president, governor, I can't remember when I did
 8 not vote. I mean, it's not impossible, but I
 9 cannot remember it --
 10 Q. Sure.
 11 A. -- in the last 20 years.
 12 Q. Why is it so important to you to vote?
 13 A. Well, again, I'm a believer in our
 14 democracy. Democracy works if people participate.
 15 Democracy works if people's voices are heard. If
 16 people stay on the sidelines, that's not going to
 17 make our country better, our communities better.
 18 Q. Do you believe that voting then
 19 influences public policy?
 20 A. Yes, I do. But I also believe that you
 21 have to have a chance for your vote to count and
 22 not be -- the value of it to be belittled by some
 23 of the things that have gone on with the
 24 gerrymandered map.
 25 Q. Did you vote in the 2008 presidential

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1 primary? This would have been between President
 2 Obama and Secretary Clinton.
 3 A. Yeah.
 4 Q. Did you vote in that election?
 5 A. Yeah, I was an Obama delegate. I voted
 6 for Obama.
 7 Q. Why did you vote for Obama?
 8 A. I thought he represented -- was very
 9 strong on all the issues that I believe in. I
 10 thought he was a leader and would take our country
 11 in a positive direction. I was proud to be a
 12 delegate for him.
 13 Q. In terms of the strength on issues, were
 14 there any issues that you recall during that 2008
 15 election that separated him and Secretary Clinton
 16 that stood out in your mind?
 17 A. Issues that -- the big one was, for me,
 18 was the Iraq war.
 19 Q. Not all Democrats agreed about the Iraq
 20 war, did they?
 21 A. I don't remember the tallies, but no.
 22 Q. But they had different positions, Clinton
 23 and Obama, at that time in 2008?
 24 A. Right.
 25 Q. You remember any other issues at that

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1 time that were influential?
 2 A. I'd say that's the one that stands out
 3 and I still remember now. But again, I think too
 4 was just his level of leadership, what I thought he
 5 could do to bring the country together.
 6 Q. And on leadership, did you feel like he
 7 would be a better leader than Secretary Clinton?
 8 Again, in 2008.
 9 A. In 2008, yes, that's why I voted for him.
 10 Q. Is there any other reasons that you
 11 recall for why you thought he was the better
 12 candidate for Democrat -- or Democrat candidate for
 13 president?
 14 A. Any other reasons. I thought he had
 15 great ability to motivate people, you know, to move
 16 people into action, which, as we talked about
 17 before, which is an important part of a democracy,
 18 an effective democracy. And I thought he was very
 19 strong that way.
 20 Q. Can you think of anything that would stop
 21 you from trying to go out and move people into
 22 action when it comes to public affairs or public
 23 policy issues?
 24 A. Well, I'll share an example with you.
 25 And it's one of the ways I feel that the

<p style="text-align: right;">Page 42</p> <p>1 gerrymandering has an effect on me personally. In 2 2013, there was a special election in the 21st 3 district. I was still teaching then. I was 4 outside doing recess duty, and Peter Barca, the 5 minority leader, showed up at my door and said we 6 want you to run for state rep in a special race. 7 And I took a number of things into consideration, 8 but one of them, and a very strong one, was I feel 9 I could go out and bust my hump for six weeks in 10 the cold of November, knocking on doors, and there 11 was very little hope of me winning. 12 Q. What year was this? 13 A. This was 2013. So the new map was in 14 effect. Also, another thing is I just asked a 15 little bit about it. They had a hand-picked 16 candidate, you know, in a district where you have 17 little chance of winning, it's hard to raise money. 18 She had tons of money 'cause she was backed by the 19 voucher forces, amongst others. It was going to be 20 very, very hard to win. Just by the map. And the 21 fact that that map has on money you can bring to a 22 race. So I decided not to. 23 Q. And are you referring to Jessie 24 Rodriguez? 25 A. That's right.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. You think that -- do you think that 2 familiarity, personal familiarity with a candidate, 3 is something that has influenced you in the past? 4 A. Oh, I think a person's character is very 5 important. And I had a very strong feeling of 6 positive personal character from Tony, and that's 7 one of the reasons I voted for him. 8 Q. So character would be one reason? 9 A. Issues. 10 Q. Issues would be another reason? 11 A. Willing to put yourself out there and 12 fight the good fight. It was not an easy time to 13 be a progressive, you know, state superintendent 14 while Walker was governor. But he stood his 15 ground, he did -- he did positive things, and I was 16 proud of him for that. And I thought he would be a 17 very positive governor. 18 Q. And in 2016 for the presidential election 19 do you recall whether you voted for Secretary 20 Clinton or Senator Sanders? 21 A. I voted for Bernie Sanders. 22 Q. And why is that? 23 A. I thought -- my gut feeling was Bernie 24 was capturing the moment of what people were 25 feeling, and I actually thought he would be a</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. We'll return briefly to the primary 2 voting. Just curious, who did you vote for for the 3 2008 Democratic primary for the office of governor? 4 A. 2008, the primary of governor. 5 Q. I'm sorry. I'm sorry. I meant 2018. 6 This most recent election. 7 A. Oh, Tony Evers. 8 Q. Why did you prefer Tony Evers to other 9 candidates who were running? 10 A. As you know, through the Department of 11 Public Instruction, and my activism over the years, 12 I've had an opportunity to meet him, to get to know 13 him. I'm not his best friend or, you know, he 14 would not say that of me, but I feel I know him and 15 I feel he's a very good man, and I feel that he 16 really, really has tried, in a difficult situation, 17 to do the best for public education, which is a key 18 issue to me. But it was more than his education 19 issues. Very impressed by his character, by his 20 willingness to put himself out there. So he got my 21 vote. 22 Q. Did having met Mr. Evers, Governor Evers, 23 influence you in deciding to vote for him in the 24 primary? 25 A. Yes.</p>	<p style="text-align: right;">Page 45</p> <p>1 stronger candidate against Trump. 2 Q. So strength of -- 3 A. But his issues, too; I really liked his 4 issues. I agreed with his issues. And nothing 5 really terribly against Hillary Clinton, I just 6 thought Bernie was better on the issues and would 7 actually be a better, stronger, candidate. 8 Q. And when you say "capture the moment," 9 what do you mean by that? 10 A. Well, catching that sort of anger about 11 people, that the way things were going were not 12 right. Very few people controlling the money and 13 power, and a lot of other people not really having 14 access to that. They need to take steps to make 15 health care even better, to make our elections more 16 fairly funded, to make education more available to 17 people. I believed in all those issues, that were 18 issues that he pushed. 19 Q. So is it fair to say that you preferred 20 Senator Sanders because you agreed with him on more 21 of the issues, that he captured the moment better 22 than Hillary Clinton, and that because he had a 23 better chance, in your view, of prevailing against 24 a Republican nominee for president? Are those 25 three reasons why you voted for Sanders?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. Issues, capturing the moment, how people 2 were feeling, and he actually had a better chance 3 to win. Yes, I'd say those three. 4 Q. Let's go to issues for one moment on this 5 one. Can you name one issue that you thought 6 separated or distinguished Senator Sanders from 7 Secretary Clinton in the 2016 primary? 8 A. I'll use the one of education. He was 9 talking about extending two more years -- two more 10 years of public education to make, you know, 11 technical or community college available to people 12 across the country. I mean, that's one. I think 13 about it a little bit, but that one stood out for 14 me. 15 Q. Sure. And I don't need you to give a 16 whole laundry list of the issues -- 17 A. Right. 18 Q. -- but Secretary Clinton, is it fair to 19 say that she did not endorse or support 20 extending -- 21 A. I can't remember exactly what she said 22 about it, but I thought Bernie was clearer, 23 stronger about it. 24 Q. Is it fair to say that Senator Sanders 25 and Secretary Clinton had different views on some</p>	<p style="text-align: right;">Page 48</p> <p>1 average American. 2 Q. Income gap or wealth gap? 3 A. However you want to call it. 4 Q. Do all Democrats agree on public funding 5 of elections? 6 A. On public funding of elections? 7 Q. Yes. 8 A. I didn't say anything about public 9 funding of elections. I said -- I'm talking about 10 things like -- I'm forgetting the Supreme Court 11 case now where corporations are -- Citizens United. 12 That just tore the lid off of what corporations can 13 give. And sort of dark money, or hidden money. 14 That's my concern. I wasn't speaking to public 15 funding of elections. 16 Q. I apologize. You said fair funding, and 17 I used the word public. And you're correct. And 18 now I understand. 19 A. Yeah. 20 Q. Do you vote in the assembly primaries? 21 A. I vote in everything. 22 Q. In 2016, who did you vote for in the 23 assembly? 24 A. For my district, I voted for Gabriel 25 Gomez. 2016. Oh, '16 or '18? Oh, two elections</p>
<p style="text-align: right;">Page 47</p> <p>1 issues? 2 A. They had a lot of things in common, and 3 they were different on some, yes. 4 Q. Is it fair to make the same observation 5 about the Republican candidates for president, that 6 they had different views than one another on some 7 issues? 8 A. I wasn't paying the attention to them 9 that I was to the Democratic candidates, 'cause I 10 knew I would not -- I was not going to vote in that 11 primary. But, yeah, they had differences; I'm sure 12 they had similarities. But I can't speak to 13 specifics on it, 'cause I didn't follow it the way 14 I did the Democratic one. 15 Q. Uh-huh. 16 A. But I wasn't seeing anyone in the 17 Republican candidates speaking to the issues that I 18 cared about significantly. 19 Q. And if you were going to list four or 20 five issues that were the most important to you as 21 a citizen, we can go ahead and do national or state 22 issues, what would those four or five be? 23 A. Education, health care, fair funding of 24 our elections, and really addressing this issue of 25 increasing disparity between the top and the</p>	<p style="text-align: right;">Page 49</p> <p>1 ago. Oh, gosh. 2 Q. If I said the names Redmond and Gratke, 3 would that help you? 4 A. I voted for -- yeah. I voted for Jack 5 Redmond. I'm sorry, I thought you were saying '18. 6 Q. Sure. So in 2016 you voted for Jack 7 Redmond -- 8 A. Yes, I did. 9 Q. -- in the primary? 10 A. Yes, I did. 11 Q. Why is that? 12 A. He had gotten our recommendation. I knew 13 him -- I knew him a little bit. He was a union 14 guy, he was working hard. I felt he was worthy of 15 my help and effort and my vote in a very tough, you 16 know, race to win. 17 Q. Sure. 18 A. And I just, you know, appreciate when 19 people are willing to take on races that it's very 20 unlikely they're going to be able to win because of 21 the way the districts are drawn. 22 Q. And you like to support people that have 23 courage; right? 24 A. Well, that's a good trait. I believe in 25 courage, yes.</p>

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<p>1 Q. You've had a history of supporting 2 candidates that were projected to have a difficult 3 time winning; is that right? 4 A. I haven't not voted for someone just 5 'cause I knew they couldn't win. 6 Q. But voting also -- 7 A. I'm not quite sure what you're asking me. 8 If you could rephrase it, please. 9 Q. For example, you've made donations to 10 candidates who you believe will have a difficult 11 time winning their election; correct? 12 A. Yes. And if I can add to that, it's 13 because I really respect people who will go out, 14 put themselves out, run for office. That's a hard 15 thing to do. And so whether they're going to win 16 or lose, you know, if I feel that they're good 17 people, good can -- I mean good on the issues, yes, 18 I've given money to people where I knew they 19 weren't going to win. Gabriel would be an example 20 of that. 21 Q. And remind me again, why haven't you run 22 for office? 23 A. Excuse me? 24 Q. Why haven't you run for office? 25 A. Oh, you know, a lot -- lot of -- well, I</p>	<p>1 A. You know, it's a big stress on your 2 family. My kids were young. 3 Q. Yeah. 4 A. You know. 5 Q. Would it be big stress now too, wouldn't 6 it? 7 A. Yeah. But I don't have little children 8 at the moment. So it's a different -- it's a 9 different scene. 10 Q. Uh-huh. Would you -- would you run for 11 assembly if you were guaranteed a chance to win? 12 A. Would I run for the assembly if I was 13 guaranteed a chance to win. I don't know. I would 14 think about it. But life -- you know, you have to 15 put it in the context of your life and where you 16 are and what's going on. And so would I think 17 about it, yes. 18 Q. It's fair to say that -- 19 A. Would I do it? I don't know. 20 Q. It's fair to say a lot of factors come 21 into play when considering whether or not to run 22 for office? 23 A. Oh, of course, of course. 24 Q. You're very well-versed on who's been 25 your representative but --</p>
<p>1 told you, you know, that first one, at that point 2 was unwinnable. I actually thought about it in '96 3 when Rick Grobschmidt was leaving as state rep and 4 he asked me if I would run for his, you know, his 5 seat, the one that Plale won. 6 But we were adopting a daughter, my 7 youngest daughter, who's from China. And I was 8 going to be going to China. And after a 9 conversation with my then wife -- I'm no longer 10 married, but with my then wife was like, you know, 11 nowhere on the face of the earth can you do that 12 right now. 13 Q. So between 2000 -- sorry, about 1996 and 14 2013 when you were approached by Representative 15 Barca -- 16 A. Right. 17 Q. -- did you consider running for the state 18 assembly? 19 A. Well, at that point either sort of 20 friends were in. And then I thought about it, but 21 not seriously. I mean, not -- those two times I 22 gave you, those times I gave it serious 23 consideration. But other than those, maybe. But 24 no -- it's -- it's hard. It's hard. 25 Q. Sure.</p>	<p>1 A. Excuse me? Say that again, please. 2 Q. You're very well-versed on who's been 3 your representative in the state assembly where you 4 live -- 5 A. Right. 6 Q. Is it correct that Jeff Plale was the 7 last Democrat to be -- 8 A. Yes. 9 Q. -- a representative of assembly district 10 21? 11 A. Right. Then Honadel won. And then when 12 he -- he dropped out to take a job in the private 13 sector, that was the new map at that point, and 14 Rodriguez won. 15 Q. And you follow politics pretty closely; 16 is that a fair statement? 17 A. That's a fair statement. 18 Q. Would you agree with me that Jeff Plale 19 won by wide margins in assembly district 21? 20 A. I don't remember the margins, but I think 21 he did pretty well. 22 Q. Do you happen to recall when it was that 23 Jeff Plale went to the senate? 24 A. You know, I was trying to remember that. 25 And that's when Honadel came in. I'm guessing</p>
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<p>1 2006. That's a guess.</p> <p>2 Q. That's --</p> <p>3 A. But --</p> <p>4 Q. That's fine. Let me ask about Chris</p> <p>5 Larson.</p> <p>6 A. Yes.</p> <p>7 Q. You had testified that at least WEAC had</p> <p>8 endorsed Plale over Larson in the senate?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Is that correct?</p> <p>11 A. Uh-huh.</p> <p>12 Q. How about you, who did you support</p> <p>13 between the two of them?</p> <p>14 A. You know, that's an interesting question.</p> <p>15 Our -- I was vice president then.</p> <p>16 Q. Uh-huh.</p> <p>17 A. And Plale had a very good voting record.</p> <p>18 Nothing against Chris Larson, but I felt that, you</p> <p>19 know, when somebody votes for you, you have to</p> <p>20 support them. So I -- I encouraged our -- I went</p> <p>21 along with our union recommendation of Plale.</p> <p>22 Q. Do you believe that there were</p> <p>23 substantive differences between Senator Plale and</p> <p>24 now-Senator Larson?</p> <p>25 A. Yes, there were. I mean, there were many</p>	<p>1 or Senator Plale during his time in the</p> <p>2 legislature --</p> <p>3 A. Getting calls, phone calls to him,</p> <p>4 meetings, meetings to hear from constituents.</p> <p>5 Q. Sure. Have you ever voted for a</p> <p>6 Republican in a partisan election?</p> <p>7 A. I can't remember. The only one I have a</p> <p>8 little bit of doubt about is the whole thing with</p> <p>9 Sheriff Clark.</p> <p>10 Q. Uh-huh.</p> <p>11 A. Because he was only a Democrat in name.</p> <p>12 I would not vote for him in those races. I cannot</p> <p>13 remember if I just didn't vote, or if I voted for</p> <p>14 the, you know, Republican.</p> <p>15 Q. Sure. Is it fair to say that whether --</p> <p>16 A. But that would be -- that would be it. I</p> <p>17 can't think of any other, no.</p> <p>18 Q. Keeping Sheriff Clark in mind, is it fair</p> <p>19 to say that a D or an R at the end of a candidate's</p> <p>20 name on a ballot does not indicate necessarily what</p> <p>21 their views or positions are?</p> <p>22 A. In theory. But I have to say that in</p> <p>23 most instances, Democrats tend to share policy</p> <p>24 positions, views, much more similar to mine. But</p> <p>25 he would be an example where that, you know, proves</p>
<p>Page 55</p> <p>1 things they had in common, but there were</p> <p>2 differences.</p> <p>3 Q. Would it be fair to describe Senator</p> <p>4 Plale as a more moderate or centrist Democrat?</p> <p>5 A. That would be fair.</p> <p>6 Q. And a centrist Democrat was able to win</p> <p>7 assembly district 21; is that correct?</p> <p>8 A. That's correct. Rick Grobschmidt won it</p> <p>9 too. I mean, again, 90-some percent of our issues,</p> <p>10 probably the biggest one for both Plale and</p> <p>11 Grobschmidt, was the issue that they got considered</p> <p>12 centrist is because of the position on abortion,</p> <p>13 which we don't take a position on as a union. But</p> <p>14 for most of our positions, not all of them, I had</p> <p>15 disagreements with Jeff. But for most of our</p> <p>16 issues he was there. Not always, but most of them.</p> <p>17 Q. "We" meaning WEAC in that context; right?</p> <p>18 A. Yeah, our union. Those days I was a</p> <p>19 teacher in South Milwaukee and encouraging him to</p> <p>20 do the right thing on how he voted.</p> <p>21 Q. Sure.</p> <p>22 A. But there are times I pushed him to vote</p> <p>23 the right way. You know, I just didn't take for</p> <p>24 granted that it was, you know.</p> <p>25 Q. And when you mean pushing representative</p>	<p>Page 57</p> <p>1 it's not a hundred percent always true. But most</p> <p>2 of the time in my experience it has been, that</p> <p>3 Democrats more reflect what I believe.</p> <p>4 Q. Nothing's ever prevented you from voting;</p> <p>5 is that correct?</p> <p>6 A. Gosh, physically preventing me from</p> <p>7 getting out to the poll or -- not that I can</p> <p>8 remember, no.</p> <p>9 Q. You've been encouraging people to go vote</p> <p>10 for a long time, is that --</p> <p>11 A. That's correct.</p> <p>12 Q. -- accurate?</p> <p>13 A. Yes.</p> <p>14 Q. And you still do that today?</p> <p>15 A. I still do that today.</p> <p>16 Q. If you weren't doing it professionally</p> <p>17 in --</p> <p>18 A. I wasn't being paid?</p> <p>19 Q. Yeah.</p> <p>20 A. Would I still do it?</p> <p>21 Q. Yes.</p> <p>22 A. Yeah. Probably not to the degree that I</p> <p>23 am, but I would still do it, yes.</p> <p>24 Q. You must know a thing or two about how to</p> <p>25 get people to go and vote with all of your</p>

<p style="text-align: right;">Page 58</p> <p>1 experience; is that fair?</p> <p>2 A. There are things we do within campaigns</p> <p>3 to try to encourage people to go vote, yes.</p> <p>4 Q. And what are some of those things?</p> <p>5 A. Well, I stated some of them to you</p> <p>6 already. I'll say them again. Going and talking</p> <p>7 to people face-to-face in a meeting or at their</p> <p>8 door, calling them on the phone, giving them flyers</p> <p>9 or sending them mail, robocalls, text messages.</p> <p>10 All these things today add to encouraging people to</p> <p>11 go vote.</p> <p>12 Q. Is it fair to say that if those things</p> <p>13 are done with less frequency, that it may affect</p> <p>14 the results of an election?</p> <p>15 A. I think the more people have those either</p> <p>16 educational pieces or reminders or friendly prods,</p> <p>17 they're more likely to go vote. And where, for</p> <p>18 various reasons, you can't do that due to lack of</p> <p>19 funding or interest in the election 'cause of</p> <p>20 feeling it's unwinnable, it probably does hurt</p> <p>21 people getting out to vote.</p> <p>22 Q. But it is fair to say that campaigns and</p> <p>23 the amount of contact to voters matters in terms of</p> <p>24 an election result; correct?</p> <p>25 A. Yes. But what matters too is that</p>	<p style="text-align: right;">Page 60</p> <p>1 plaintiff, but nothing in any kind of way of</p> <p>2 getting -- you know, no details, no.</p> <p>3 Q. Have you ever shared with your friends</p> <p>4 what the -- what you understand to be the nature of</p> <p>5 the case?</p> <p>6 A. No. I mean any -- any of the information</p> <p>7 I've received I have not shared with anyone, no.</p> <p>8 Q. Would you consider yourself to be a</p> <p>9 politically engaged person?</p> <p>10 A. I think I've answered that, but I'll</p> <p>11 answer again. Yes.</p> <p>12 Q. You know, how long have you been so</p> <p>13 politically engaged?</p> <p>14 A. Well, I'm 65 years old. I worked on --</p> <p>15 the first campaign I helped with was when I 17.</p> <p>16 The first time I voted was for McGovern. But a lot</p> <p>17 of my life has been involved through social action,</p> <p>18 unions.</p> <p>19 Q. It's fair to say then your whole adult</p> <p>20 life you've been an engaged, politically engaged,</p> <p>21 person?</p> <p>22 A. I think that's pretty accurate, yes.</p> <p>23 Q. Would you say -- what percent of your</p> <p>24 time, I guess I would say, how much of your time do</p> <p>25 you spend thinking about politics every day?</p>
<p style="text-align: right;">Page 59</p> <p>1 campaign's ability to raise money, that campaign's</p> <p>2 ability to get volunteers, that campaign's ability</p> <p>3 to generate enthusiasm.</p> <p>4 Q. All of those things matter.</p> <p>5 A. All of those things. And it's one of the</p> <p>6 thing of the map. That when a race is very hard to</p> <p>7 win, it's hard to do those other things. It has an</p> <p>8 effect on the election.</p> <p>9 Q. Does the quality of candidate matter?</p> <p>10 A. Yes, I think in all elections quality of</p> <p>11 candidate matters.</p> <p>12 MS. HARLESS: Would this be a good place</p> <p>13 for a break?</p> <p>14 MR. ST. JOHN: This is an excellent place</p> <p>15 to take a break.</p> <p>16 THE VIDEOGRAPHER: Going off the record</p> <p>17 at 3:02. We'll resume on media two.</p> <p>18 (Break taken.)</p> <p>19 THE VIDEOGRAPHER: We're back on the</p> <p>20 record at 3:14. Media number two.</p> <p>21 BY MR. ST. JOHN:</p> <p>22 Q. Other than your attorneys, Mr. Costello,</p> <p>23 have you spoken with anyone else about this</p> <p>24 lawsuit?</p> <p>25 A. Oh, just to tell friends that I'm a</p>	<p style="text-align: right;">Page 61</p> <p>1 A. I don't know. I couldn't answer that. I</p> <p>2 have no idea.</p> <p>3 Q. How about this one then. Are there</p> <p>4 people that you know that spend more time engaged</p> <p>5 with politics than you other than, say, the elected</p> <p>6 officials or their staff themselves?</p> <p>7 A. Oh, yeah, yes. Yes, I've met people who</p> <p>8 have, but -- I have a life. I don't only think</p> <p>9 about politics.</p> <p>10 Q. Sure. Are you a member of the Democratic</p> <p>11 party?</p> <p>12 A. I am not now, no. I haven't paid dues in</p> <p>13 a few years.</p> <p>14 Q. When was the last time that you were a</p> <p>15 member of the Democratic party?</p> <p>16 A. Well, I ran for delegate, I was a member</p> <p>17 of the Democratic party. And probably for a couple</p> <p>18 after that. But I guess that's kind of fallen off.</p> <p>19 Q. Was it a requirement to be a member to</p> <p>20 run as a delegate?</p> <p>21 A. Well, yeah, to be a delegate for the</p> <p>22 Democratic party for the state of Wisconsin, you</p> <p>23 have to be a member, yeah.</p> <p>24 Q. Is that why you became a member of the</p> <p>25 Democratic party, so that --</p>

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<p>1 A. I may have been before that sometimes off 2 and on. I don't remember.</p> <p>3 Q. Have you ever been a member of any other 4 political party?</p> <p>5 A. No.</p> <p>6 Q. Why aren't you a member of the Democratic 7 party?</p> <p>8 A. I try to put my effort, money, and time 9 into sort of direct action, doing things and giving 10 money to candidates.</p> <p>11 Q. Sure.</p> <p>12 A. I just felt, you know, I prefer to give 13 it to candidates that I support and believe in than 14 to a party. I have nothing against the party, 15 they're great, but I'm -- I'd rather do it through 16 candidates and issues.</p> <p>17 Q. Have you ever been involved in any party 18 activities that relate to the election of 19 Democratic candidates?</p> <p>20 A. Strictly party activities. Other than 21 the Democratic convention in 2008 in the process of 22 running for delegate or being appointed as a 23 delegate; I may have gone to rallies or things put 24 together by the Democratic party. But most of the 25 things were either through my union or that the</p>	<p>1 myself that way too.</p> <p>2 Q. Have your views over time changed?</p> <p>3 A. Well, yeah, I hope I've changed since I 4 was 17, to 65. I mean, things change and issues 5 change. And there are issues today we weren't even 6 thinking about in 1972, when I first voted for 7 president. Or there were issues in '72 that were 8 going on that aren't going on today. So issues 9 change, and then I make a decision about how I feel 10 about them and support them.</p> <p>11 Q. Is it fair to say that you've been a 12 lifelong Democrat under the definition that you've 13 given for being a Democrat?</p> <p>14 A. I would say so, you know. Yes.</p> <p>15 Q. Are there any issues that you can recall 16 where you have a strong disagreement with a 17 Democratic party platform?</p> <p>18 A. Oh, probably going way back to about 19 Vietnam, you know. But other specifics since then, 20 I'm not coming up with one immediately. I can't 21 remember.</p> <p>22 Q. You had mentioned that Senator Plale had 23 a difference of opinion on abortion than Senator 24 Larson. Did I understand that testimony correct?</p> <p>25 A. I don't know -- I don't want to -- I</p>
<p>1 campaign was putting together.</p> <p>2 Q. You mean a candidate's campaign; is that 3 correct?</p> <p>4 A. A candidate's campaign, yes.</p> <p>5 Q. Sure. Any connection with the ADCC? Is 6 that a no?</p> <p>7 A. The assembly --</p> <p>8 Q. The Assembly Democratic Campaign 9 Committee.</p> <p>10 A. They call and ask me for money. I give 11 it to them through the conduit, my union. No, I'm 12 not involved with them, no.</p> <p>13 Q. So you don't provide money directly?</p> <p>14 A. No. I think I mentioned to you before 15 about conduit. I really try to keep those 16 donations through my union conduit.</p> <p>17 Q. Sure. I understand. Do you consider 18 yourself a Democrat?</p> <p>19 A. Am I a Democrat? Yes, I'm a Democrat.</p> <p>20 Q. What makes you a Democrat?</p> <p>21 A. I share the same values and positions of, 22 historically, or at least in most recent history, 23 of the Democratic party and fellow Democrats who 24 run for office. I think when they look at major 25 issues, I tend to agree with them. So I think of</p>	<p>1 don't want to be held to that. I'm just saying 2 that with -- you had said about Plale as a moderate 3 Democrat, that I think at times what sort of got 4 them labeled sort of that way, one of the issues 5 was abortion. Our union did not take a position on 6 that. Honestly, I think Larson's pro-choice, but I 7 don't -- I don't know.</p> <p>8 Q. Is it your --</p> <p>9 A. I'd rather not say. I don't know.</p> <p>10 Q. That's fine.</p> <p>11 A. I don't know what made him --</p> <p>12 Q. Do you recall what Jeff Plale's position 13 was on abortion?</p> <p>14 A. If I remember correctly, he was 15 antiabortion, but I could be wrong.</p> <p>16 Q. Do you believe that his views on that 17 important issue were the minority views of 18 Democrats -- among the minority of people who were 19 Democrats who had that view on abortion?</p> <p>20 A. I don't know. I can't say. I can't 21 speak for other people.</p> <p>22 Q. Is your -- is Mr. Plale's position 23 consistent with your own position on abortion?</p> <p>24 A. No, I believe in -- in pro-choice.</p> <p>25 Q. Would you agree that that's a pretty</p>

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1 significant issue within the Democratic party?
 2 A. Well, it's an issue of significance
 3 across our country. Yes, it's a significant issue.
 4 Q. Do you believe that abortion is a
 5 significant issue among the Republican party as
 6 well?
 7 A. Uh-huh. Yes.
 8 Q. Do you believe that there are pro-choice
 9 Democrats in the Republican party? I'm sorry, are
 10 there pro-choice --
 11 A. Pro-choice Republicans?
 12 Q. Are there pro-choice Republicans?
 13 A. I think there have been. I couldn't tell
 14 you right now how many are and how many are not. I
 15 don't have those kind of numbers.
 16 Q. But there are differences between
 17 Republicans on some significant issues; you'd agree
 18 with that?
 19 A. Say that again, please.
 20 Q. Are there differences between Republicans
 21 on significant issues?
 22 A. There are differences, but I think it's
 23 becoming less and less.
 24 Q. Do you believe the same to be true of
 25 Democrats, that there's less diversity?

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1 A. Personally, no, I think there's much more
 2 diversity among Democrats than we're seeing
 3 about -- than we're seeing from Republicans.
 4 Q. A bigger tent then, would you agree with
 5 that?
 6 A. I think so, yes.
 7 Q. And not all Democrats then are the same;
 8 would you agree with that?
 9 A. Not all Democrats are the same. They
 10 don't all agree on every issue, no.
 11 Q. And the different candidates then have
 12 different positions, so that one Democratic
 13 candidate won't necessarily have the same positions
 14 as another Democratic candidate; is that correct?
 15 A. The majority of the ones are going to be
 16 the same. They may have a few that are different.
 17 Q. And would you agree then, that districts
 18 vote for candidates for assembly as opposed to
 19 Democrat or Republican?
 20 A. Personally? You're asking me personally?
 21 I think it's both. I think people vote for a party
 22 because they vote at that party, they have a
 23 history of that party of their family, but
 24 sometimes they vote for a candidate.
 25 Q. Do you believe --

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1 A. You know, for whatever reason, they know
 2 them or they know the name or the name recognition
 3 or whatever. But there's a number of reasons why
 4 people vote for candidates.
 5 Q. And we've talked about some of those
 6 reasons in terms of your own voting decisions. Do
 7 you believe that there are independents who decide
 8 who to vote for on the merits of the two candidates
 9 before them in any given general election?
 10 A. Are there independents? Yes, there are
 11 independents.
 12 Q. Do you believe that there are individuals
 13 who vote Democrat in assembly district 21 in one
 14 year and then vote Republican in assembly district
 15 number one in another year?
 16 A. It could be, yes.
 17 Q. Do you believe that persons who voted for
 18 Jeff Plale also voted for Mark Honadel?
 19 A. I couldn't tell you.
 20 Q. I want to show you a document.
 21 MR. ST. JOHN: Are we at 73?
 22 COURT REPORTER: Yes.
 23 (Exhibit 73 marked for identification.)
 24 THE WITNESS: This is the old district.
 25 This is the old 21.

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1 BY MR. ST. JOHN:
 2 Q. Do you believe that this district harms
 3 you in any way?
 4 A. The old district?
 5 Q. Do you believe --
 6 A. The district that was in effect before
 7 43?
 8 Q. Correct. Do you believe that that
 9 district harmed you in any way?
 10 A. No, I think it was a very fair district.
 11 Q. Why do you know that is the 2000 -- the
 12 prior district?
 13 A. 'Cause I know it's -- it's -- 'cause we
 14 lost that part. We got -- we lost that part of
 15 Milwaukee at the north that goes up by the airport,
 16 and they added on more of Oak Creek and Franklin,
 17 and it changed the -- it drastically changed the
 18 political makeup of the district, or significantly
 19 changed the political makeup of the district.
 20 (Exhibit 74 marked for identification.)
 21 BY MR. ST. JOHN:
 22 Q. I'm going to give you another exhibit we
 23 marked as Exhibit 74.
 24 A. Yeah, this is the new one.
 25 Q. Do you recognize what that is?

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<p>1 A. This is the one currently in effect after 2 43, yes.</p> <p>3 Q. So looking at Exhibit No. 73 -- 4 A. Uh-huh.</p> <p>5 Q. -- which is the 2002 map, and Exhibit 6 No. 74, do those appear to be similar to you? 7 A. Well, a little bit. But they're 8 significantly different in what got cut off the 9 northern end of the old one and got added onto the 10 western portion of the new one.</p> <p>11 Q. Do those districts both -- do each of 12 those maps contain the entire city of Oak Creek? 13 A. Each of those maps -- you know, it's -- 14 the way it's written here, it's hard to tell where 15 South Milwaukee is, Oak Creek is, where Franklin 16 starts. I believe that some of Oak Creek got added 17 in in the second one; that all of Oak Creek wasn't 18 there initially. I could be wrong. I'm not an 19 expert on these maps.</p> <p>20 Q. Sure. 21 A. But I do know them basically. 22 Q. Sure. 23 A. And I know we lost area northern, up 24 towards the airport, and we got it on -- added on 25 some of Oak Creek and Franklin.</p>	<p>1 this rectangle that appears to potentially be in 2 Franklin?</p> <p>3 A. Yes, some of it. But also -- again, I'm 4 not an expert, but it was my understanding there 5 was more than just the addition of Franklin.</p> <p>6 Q. Do you agree that Oak Creek and South 7 Milwaukee are similar communities? 8 A. No. 9 Q. No. Tell me why they're different. 10 A. No, they're not. South Milwaukee is a 11 very middle-class, blue-collar community. There 12 are parts of Oak Creek that are like that. The 13 part near South Milwaukee and towards the north end 14 of Oak Creek you can hardly tell the difference if 15 you're in South Milwaukee or Oak Creek. But as you 16 continue to go west, clearly homes get larger, the 17 financial status of the families in those homes 18 increases. It becomes quite significantly 19 different than most of the makeup of South 20 Milwaukee.</p> <p>21 Q. Do you believe that if Act 43's assembly 22 district 21 is nearly identical to the court-drawn 23 map in 2002, that it would not present a problem if 24 that were an accurate description? 25 A. I'd have to see it. And it all depends</p>
<p>1 Q. Do you believe that the map in 2002 was a 2 fair map? 3 A. I did. I mean -- yes, I think it was a 4 fair map.</p> <p>5 Q. And do you believe that it's a value to 6 maintain consistency from one map to the next? 7 A. It all depends on what you mean by 8 consistency. I think -- I think it's a problem 9 when you take off a significant part of a district 10 and add another part. It changes the district.</p> <p>11 Q. Do you believe that Act 43 significantly 12 changed assembly district 21? 13 A. Yes, I do. 14 Q. In your estimate, how many people, or 15 what percentage of this district is different than 16 the court-drawn map in terms of people? 17 A. Again, I'm not an expert on that. I 18 cannot tell you. But there was a consistency, you 19 know, as you went through South Milwaukee, sort of 20 eastern part of Oak Creek, up until just that 21 southern edge of Milwaukee, socioeconomically lot 22 of consistency. But then when they added on this 23 other part and took away a part, it became a very 24 different district. 25 Q. Are you referring to this -- to this --</p>	<p>1 on what they put in and take out. I mean, it -- 2 this doesn't look like a lot, but they took out 3 that section.</p> <p>4 Q. You're pointing -- 5 A. That made a significant difference. 6 Q. And just for the record, you were 7 pointing to the area that appears to be north of 8 the -- the north -- 9 A. Northwest corner. 10 Q. -- west corner of the -- 11 A. Yes. 12 Q. Do you -- 13 A. And then they also brought some down and 14 added it to 20. If you look at it, they brought 15 some in that corridor, or that area. That's my 16 understanding. It's hard to tell on these maps, 17 but the area around the airport.</p> <p>18 Q. If you were to learn that 98 percent of 19 assembly district 21 was maintained in Act 43, do 20 you believe that that would be a consistent map 21 with the court-drawn map? 22 A. 98 percent of what? 23 Q. The persons. 24 A. Population? 25 Q. The population.</p>

<p style="text-align: right;">Page 74</p> <p>1 A. Small changes can make a significant 2 difference.</p> <p>3 Q. And do you believe that those very narrow 4 changes have made a significant difference in 5 act -- or in assembly district 21?</p> <p>6 A. Yes.</p> <p>7 Q. Do you believe that if the shape of 8 assembly district 21 was in 2002 as it is today, 9 that Jeff Plale would have lost?</p> <p>10 A. I can't speak to that. I don't know. I 11 mean, I don't know.</p> <p>12 Q. Can a Democrat win assembly district 21, 13 Mr. Costello?</p> <p>14 A. As it is today?</p> <p>15 Q. Correct.</p> <p>16 A. I think it would be extremely hard for a 17 Democrat today to win 21.</p> <p>18 Q. Do you know the last time that a 19 candidate for any office earned more votes in 20 assembly district 21 than their Republican 21 opponent, any Democrat candidate?</p> <p>22 A. Wait. Ask that again, please.</p> <p>23 Q. Do you know the last time that a Democrat 24 candidate for any office earned more votes in 25 assembly district 21 than their Republican</p>	<p style="text-align: right;">Page 76</p> <p>1 A. I'm not sure how to answer that. I know 2 he -- I know -- at least he won South Milwaukee 3 both times. I'm not really sure if he won the 4 whole 21st district. But I know he won South 5 Milwaukee.</p> <p>6 Q. Would it surprise you to learn that Tammy 7 Baldwin had won more votes in assembly district 21 8 than Leah Vukmir?</p> <p>9 A. Again, it's a very different race than 10 assembly. I know -- I know Vukmir did very well in 11 the Republican parts of the district, but I haven't 12 seen the numbers.</p> <p>13 Q. So when you say it's a very different 14 race, would you then say that it would be improper 15 to draw conclusions about the performance of a 16 district in statewide elections to predict whether 17 or not there is a Democrat or Republican district?</p> <p>18 A. I think it's unfair to compare votes for 19 statewide candidates for that of local candidates. 20 I mean they're on -- I mean -- for a multitude of 21 reasons.</p> <p>22 Q. So how would you measure whether or not 23 assembly district 21 could be run by a Democrat -- 24 won by a Democrat?</p> <p>25 A. Well, I'll say this. If we had had the</p>
<p style="text-align: right;">Page 75</p> <p>1 opponent?</p> <p>2 A. I think -- like Obama won; I think Evers 3 won by a little bit. But I don't have the numbers 4 in front of me. Please don't quote me on --</p> <p>5 Q. Sure. But -- but it wouldn't surprise 6 you to learn that a Democratic candidate for office 7 has earned more votes than their Republican 8 opponent in assembly district 21 as recently as the 9 last general election; correct?</p> <p>10 A. Not in assembly races.</p> <p>11 Q. Please --</p> <p>12 A. I mean, I just think it's unfair to 13 compare a presidential or a gubernatorial race to 14 an assembly race and how people know that 15 candidate, know that name, name recognition, to 16 compare those to the lower level races.</p> <p>17 Q. So you believe that name recognition is 18 an important reason that people vote for a 19 candidate?</p> <p>20 A. I think it's one, yes.</p> <p>21 Q. Do you believe that President Obama was a 22 superior candidate to your typical Democrat 23 candidate?</p> <p>24 A. For assembly or for president?</p> <p>25 Q. For the office for which he ran.</p>	<p style="text-align: right;">Page 77</p> <p>1 old map, okay, still the map from 2002, my personal 2 effort to give money to work, to generate 3 volunteers, to encourage more participation from my 4 union, to help in 21 with that old map, I would 5 have done all those things.</p> <p>6 Q. So you're saying that those two 7 geographic differences between these maps is the 8 thing that caused you not to participate by 9 providing more money to the candidates?</p> <p>10 MS. HARLESS: Objection to form.</p> <p>11 BY MR. ST. JOHN:</p> <p>12 Q. Mr. Costello, please look at those maps.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Is it your testimony that the difference 15 in shapes between those maps caused you to not 16 provide additional money to candidates in assembly 17 district 21?</p> <p>18 A. I need to speak for myself personally.</p> <p>19 Q. Yes.</p> <p>20 A. I'm speaking personally, not for anyone 21 else. But under the old map, there was a much 22 better chance, much higher -- there was a higher 23 percentage of Democratic voters, a better chance to 24 win. If we could have won, it would -- that, to 25 me, would say, to me -- I'm telling you</p>

<p style="text-align: right;">Page 78</p> <p>1 personally -- to give more of my time, to give more 2 of my money, to do more to encourage other people 3 to go and work in a district where we truly feel we 4 have -- we have a chance for that candidate to win. 5 Q. Did you communicate any of those ideas to 6 any other persons prior to joining this lawsuit? 7 A. Oh, I've been in conversations about the 8 change in the district going back to when it got 9 changed. It became a different district. That's 10 why I -- I already told you it's one of the reasons 11 why when I was asked to run, I didn't run. 12 Q. Because -- because of the two geographic 13 changes? 14 A. It makes a significant change in the 15 number of -- 16 Q. Have you -- 17 A. -- voters. 18 Q. -- studied how much of a change it makes 19 in terms of a candidate's performance? 20 A. I'm not an expert on these maps or the 21 numbers, but I've seen the results in the 22 elections. 23 Q. Have you studied the ward results in the 24 two wards that have changed? Have you studied how 25 much of those are Republican and Democrat?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. I thought that was a fair map, personally 2 speaking for myself, yes. 3 Q. And the one in 2011 you believe favors 4 Republicans too much; is that correct? 5 A. Passed by Act 43? 6 Q. Correct. 7 A. Yeah, I think it was -- part was cut off 8 and a part was added on. It became a different 9 district. 10 Q. And your -- 11 A. And it's had an effect on me. 12 Q. And your basis for believing it's a 13 different district is these geographic changes that 14 are before you; is that correct? 15 A. Yes. 16 Q. But not on the basis of any study of any 17 election results; is that correct? 18 A. I haven't seen a printout of precincts, 19 no. 20 Q. Okay. But you've been told that your 21 district is a lot different; is that correct? 22 A. I've seen that the district by the 23 percentage of voters, the percentage of vote that 24 our candidates are able to receive. 25 Q. Has Jessie Rodriguez outperformed Mark</p>
<p style="text-align: right;">Page 79</p> <p>1 A. I am not an expert on these maps. 2 Q. So you have a feeling that the district 3 is different, but you don't have any kind of 4 information, based upon election results, to base 5 that; correct? 6 A. There are -- I know this. That areas 7 that were strongly Democratic voters were taken 8 off. Areas that have a history of voting 9 Republican were added on. I can't tell you the 10 exact numbers -- 11 Q. How do you know that? 12 MS. HARLESS: Let him finish his answer. 13 BY MR. ST. JOHN: 14 Q. My apologies. Go ahead and finish. 15 A. I'll say again, those areas going north 16 into that southern end of Milwaukee, okay, strongly 17 Democratic, they were taken out. Areas were added 18 on in western -- and again, I'm not an expert, but 19 I believe that some of it was western Oak Creek and 20 that part of Franklin, which farther west you go, 21 the sort of wealthier Oak Creek is, and Franklin 22 gets. And that's more likely Republican voters. 23 Q. I just want to understand your testimony. 24 The map in 2002 you would consider to be fair in 25 terms of assembly district 21; is that correct?</p>	<p style="text-align: right;">Page 81</p> <p>1 Honadel, do you know? 2 A. I don't know. 3 Q. Okay. 4 A. I don't know. 5 Q. We'll move on from that. I want to ask 6 about your campaign activity. We've talked about 7 your efforts for WEAC. 8 A. Right. 9 Q. Not including donations for a moment, 10 just campaign activity. 11 A. Right. 12 Q. Calls, volunteering -- 13 A. Right. 14 Q. -- canvassing. 15 A. Right. 16 Q. Can you tell me all of the assembly 17 candidates whose campaigns you have supported 18 through those types of efforts? 19 A. Since 2002? 20 Q. Yes. 21 A. That I have personally helped. Well -- 22 well, the Democratic candidates in 21. I helped 23 Chris Sinicki in Cudahy. I helped -- 24 Q. Let me stop for each one. What did you 25 do for Chris Sinicki?</p>

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1 A. Probably for her I just donated money. I
 2 think it was money to her.
 3 Q. Let's try to separate money for a second,
 4 because we do have -- you produced for us your
 5 donations to different candidates. And we can talk
 6 about that later. But those documents can't
 7 describe what kind of political activities that you
 8 did for those individuals outside of that. And let
 9 me go ahead and get your interrogatory out and we
 10 can take a look at that and don't have to do this
 11 blind.
 12 A. Uh-huh.
 13 (Exhibit 75 marked for identification.)
 14 BY MR. ST. JOHN:
 15 Q. I'm marking as Exhibit No. 75 a document
 16 called "Plaintiff Guy Costello's Response to
 17 Defendant's First Set of Interrogatories and
 18 Document Production Requests."
 19 Mr. Costello, please take a moment to
 20 review that document. And when you are done, just
 21 tell me, are you familiar with this document and
 22 have you seen it before?
 23 A. Yes, I've seen this document.
 24 Q. Can you describe for me in your own words
 25 what it is?

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1 A. It's just asking about my past political
 2 activity that I can best remember. And also the
 3 impact, in my opinion, that gerrymandering has had
 4 for me personally.
 5 Q. Sure. Let me --
 6 A. And for my family, my community, my
 7 union.
 8 Q. You said that this is asking you for
 9 responses as far as what you can best remember?
 10 A. Yeah.
 11 Q. Did you consult any materials to help you
 12 prepare the answers to the questions relating to
 13 your political activity?
 14 A. Well, I was -- I was having trouble
 15 getting the names of the candidates in 2004 and
 16 2006. Same with '10 and '12. But other than that,
 17 it was just -- it was based on my knowledge or, you
 18 know, looking at e-mails that I sent, or other
 19 things.
 20 Q. Sure. If I could ask you to look at
 21 page 6, at the very bottom, interrogatory number
 22 seven.
 23 A. Uh-huh.
 24 Q. It asks for you to describe political
 25 activity, including volunteering for political

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1 campaigns that you've engaged in since 2002, and to
 2 identify the nature of that activity and the date
 3 on which you engaged in that activity. Do you see
 4 that?
 5 A. Yes, I do.
 6 Q. If we turn to page 7, there's a response.
 7 Do you see that?
 8 A. Yes, I do.
 9 Q. Did you write that response?
 10 A. Yes, I did.
 11 Q. The first sentence says that there are so
 12 many, I could not come close to listing them all.
 13 What do you mean that you could not come close to
 14 listing them all?
 15 A. I've been involved in a lot of different
 16 campaigns and political efforts over the last
 17 16 years.
 18 Q. Were you physically unable to list them?
 19 A. Physically unable to list them. Well, I
 20 didn't know that, you know, specifically saying I
 21 went door-to-door for this candidate on this date
 22 was something that was going to be necessary.
 23 Q. Sir, let me just ask you. Have you
 24 listed each campaign in which you have volunteered
 25 from 2002 to the present in your interrogatory

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1 response?
 2 A. Each campaign that I volunteered for.
 3 No, it is not here.
 4 Q. Have you listed the activities that you
 5 engaged in in each campaign from 2002 to the
 6 present in this interrogatory response?
 7 A. No, 'cause I felt it would be impossible
 8 to do.
 9 Q. Impossible because of a physical
 10 impossibility?
 11 A. I don't remember everything I did in 2002
 12 or 2004, if I knocked doors or if I made a phone
 13 call or if I went to a rally or -- other than the
 14 donating money, where there is a list. I -- I
 15 don't have that kind of memory and I don't have
 16 that kind of record.
 17 Q. Sir, you just said that -- okay. So when
 18 you say "I could not come close to listing them
 19 all," that is because the only race that you --
 20 specific candidate that you remember working on a
 21 race for is Barack Obama; is that correct?
 22 A. No.
 23 Q. So you could identify individual cases,
 24 individual candidates, individual races on which
 25 you worked and identify the activities; correct?

<p style="text-align: right;">Page 86</p> <p>1 Ones that you did not do so here; is that correct?</p> <p>2 A. I don't know if I'd be able to remember</p> <p>3 all of them.</p> <p>4 Q. But you haven't provided the ones that</p> <p>5 you can; is that correct?</p> <p>6 A. I guess, sir, I didn't understand what</p> <p>7 was being demanded of the detail of the activity.</p> <p>8 I tried to answer the best I could.</p> <p>9 Q. I understand that you answered what you</p> <p>10 have answered. I -- we're going to have to ask</p> <p>11 about, you know, what else you left off here in</p> <p>12 this deposition.</p> <p>13 A. Okay.</p> <p>14 Q. And you'll have an opportunity to</p> <p>15 supplement your interrogatory responses. So --</p> <p>16 A. Want me to start with school board?</p> <p>17 Q. Let's go to political activity, including</p> <p>18 volunteering for political campaigns, that you've</p> <p>19 engaged in since 2002, including the nature of</p> <p>20 activity and the date on which you engaged the</p> <p>21 activity. Let's go ahead and go by race. And I'd</p> <p>22 like to start, if you don't mind, with president of</p> <p>23 the United States.</p> <p>24 A. Obama was not the first. 2002. Let's</p> <p>25 think. George Bush was in office. In 2004 he ran</p>	<p style="text-align: right;">Page 88</p> <p>1 A. The same. I went to rallies, I went door</p> <p>2 to door. I remember specifically in the Racine</p> <p>3 area went door to door, helped with a Get Out the</p> <p>4 Vote effort there. I encouraged my union members</p> <p>5 to get out and vote. I'm sure I probably made</p> <p>6 phone calls or handed out literature.</p> <p>7 Q. And in 2012 -- which was the Obama</p> <p>8 reelect; is that correct?</p> <p>9 A. Uh-huh. And then the same things, phone</p> <p>10 calls, door to door, handed out literature, yes.</p> <p>11 Q. And how about during the general election</p> <p>12 in 2016 for Hillary Clinton, did you engage in</p> <p>13 those activities?</p> <p>14 A. Yes. Mostly some -- mostly towards the</p> <p>15 end in the Get Out to Vote efforts, knocking on</p> <p>16 doors, making phone calls, handing out literature.</p> <p>17 Q. Were those efforts organized by the</p> <p>18 Hillary for Clin -- Hillary Clinton for president</p> <p>19 campaign?</p> <p>20 A. I think for the -- I arrived the</p> <p>21 weekend -- the weekend before, I think that was</p> <p>22 done, yes, through the campaign, not through the</p> <p>23 union. 'Cause I was going to all kinds of</p> <p>24 neighborhoods.</p> <p>25 Q. Sure. Let's go to state assembly. Let's</p>
<p style="text-align: right;">Page 87</p> <p>1 for reelection, and I supported John Kerry.</p> <p>2 Q. What kind of campaign activities did you</p> <p>3 do for Mr. Kerry's campaign?</p> <p>4 A. To the best of my memory, I participated</p> <p>5 in rallies, I made phone calls. I don't remember</p> <p>6 if I gave him money or not. I went door to door,</p> <p>7 you know, to get out the vote, made phone calls to</p> <p>8 get out the vote.</p> <p>9 Q. When you did those activities for</p> <p>10 Mr. Kerry -- let's go specifically to door to door</p> <p>11 in 2004. Would you talk to voters about other</p> <p>12 races in addition to President of the United</p> <p>13 States?</p> <p>14 A. Honestly, this is so long ago, I do not</p> <p>15 remember. But it was very likely that sometimes</p> <p>16 when -- the presidential race, that they'll put a</p> <p>17 couple of them together. I may have. I don't</p> <p>18 remember.</p> <p>19 Q. With respect to 2008 in the presidential</p> <p>20 election, I understand that you had the honor of</p> <p>21 being a delegate for Barack Obama?</p> <p>22 A. Uh-huh.</p> <p>23 Q. In addition to serving as a delegate for</p> <p>24 Barack Obama, what other activities did you perform</p> <p>25 for the presidential campaign?</p>	<p style="text-align: right;">Page 89</p> <p>1 go to 2002. If I told you that Jeff Plale was</p> <p>2 running for assembly district 21 in 2002, does</p> <p>3 that -- would that ring --</p> <p>4 A. I'm sure the same thing, especially as it</p> <p>5 got closer to the election, you know, encouraged my</p> <p>6 union members, but also, you know, did door to door</p> <p>7 handing out literature, making phone calls,</p> <p>8 encouraging people to go vote. And I think I gave</p> <p>9 him money, but I don't remember. That would be --</p> <p>10 you have that list.</p> <p>11 Q. When Jeff Plale left the assembly, there</p> <p>12 was a special election in assembly district 21.</p> <p>13 Does that comport with your memory?</p> <p>14 A. Yes, that's the one where Honadel won.</p> <p>15 Q. Did you engage in any campaign --</p> <p>16 A. Other than voting -- and I may have given</p> <p>17 him money; I wasn't real involved with that one,</p> <p>18 no.</p> <p>19 Q. And when you mean giving him money, you</p> <p>20 would be talking about the Democratic candidate for</p> <p>21 the assembly?</p> <p>22 A. The candidates name I don't remember.</p> <p>23 Q. How about 2004 in the general, do you</p> <p>24 recall working on the assembly campaign in 2004?</p> <p>25 A. That would have been -- was that still</p>

<p style="text-align: right;">Page 90</p> <p>1 Plale, or -- I'm getting mixed up. That would have 2 been Plale again, still. So probably helped in 3 some way. 4 Q. Let me ask instead of dates, dates can be 5 hard, but after Mr. Honadel was elected in the 6 special election, and Mr. Honadel was the 7 incumbent, in the first election in which 8 Mr. Honadel was the incumbent, that was a general 9 election? 10 A. Right. 11 Q. Did you do any campaigning for the -- 12 A. I didn't in 2006. I did help in 2008. I 13 have the name down here. I did help with -- shoot, 14 now I'm forgetting his name. But in 2008 I did 15 help with that race, yes. Glenn Brauer. I went 16 door to door, donated money, made phone calls. 17 Q. And when you say going door to door, what 18 do you mean by that? How does that come about that 19 you go door to door for a candidate? 20 A. Well, campaigns get lists, they give you 21 lists of likely voters, you follow those lists, you 22 knock on the door, you talk to them if they're 23 there. If not, you leave literature. 24 Q. And then you did this in 2018 for the 25 assembly district candidate; is that correct?</p>	<p style="text-align: right;">Page 92</p> <p>1 Honadel. 2 Q. Did you -- do you recall whether or not 3 you volunteered for the candidate? 4 A. I don't remember. 5 Q. How about in the special election in 6 2013? Is that correct, there was a special 7 election in 2013? 8 A. That one I did help with. 9 Q. Who was the candidate in that, do you 10 recall? 11 A. It was the famous -- who did the 12 godfather? Who was the movie producer who's the 13 director? Coppola. Yeah, Coppola. Her name is 14 also Coppola. Yes, I helped her. 15 Q. Did you consider her to be a strong 16 candidate? 17 A. I thought she had a shot. I appreciated 18 that she was running. Again, though, that was the 19 new map. Honestly, I knew she had an uphill 20 battle. 21 Q. Did you make calls for her? 22 A. Yeah, I -- yes, I did. 23 Q. Did you go door to door? 24 A. Yes, I did doors, I handed out 25 literature, I made calls for her.</p>
<p style="text-align: right;">Page 91</p> <p>1 A. In 2018, yes. And I also -- I also 2 helped in that special election. The woman who did 3 run, I helped her in the 2013. Same thing, phone 4 calls, knocking on doors, especially close to the 5 election. 6 Q. I don't mean to ask about the 2018 again 7 now that you've given me the answer, but I meant to 8 actually say 2008, and I stumbled. We were talking 9 about Glenn Brauer. Am I -- did I understand you 10 correctly that you did the door to door in 2008 11 with Mr. Brauer's campaign? 12 A. Uh-huh. And made phone calls and donated 13 money to him and encouraged fellow union members to 14 support him. 15 Q. Sure. And in 2010 do you recall if you 16 engaged in activity for the assembly candidate? 17 A. I don't -- I'm trying to remember who -- 18 I don't remember who opposed Honadel. I don't 19 believe I was very involved with that one. And 20 part of the reason is because at that point I was 21 commuting back and forth from Madison and active 22 weekends off at Madison. 23 Q. Sure. How about in 2012? 24 A. That was the same thing. My memory is we 25 didn't have a very strong candidate against</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. The same type of activity that you 2 engaged in with -- 3 A. Brauer. 4 Q. -- for Brauer? 5 A. Uh-huh. And Plale and probably 6 Grobschmidt before that. But that would have been 7 before 2002. 8 Q. In 2014 do you recall whether or not you 9 participated in the election for assembly? 10 A. Again, we did not have -- I'm trying to 11 remember when Jack ran. I think it was 2014 or 12 2016. I think it was 2016. I did help Jack 13 Redmond. 2014, I don't believe we had a very 14 strong candidate. I did not get very involved, 15 feeling there really wasn't much of a chance. 16 Q. Sure. So the strength of candidate 17 mattered to you in terms of how much effort that 18 you would put out? 19 A. It added to it, knowing how hard that 20 district was now to win. 21 Q. Uh-huh. And for Mr. Redmond you did the 22 same types of activities as you listed? 23 A. Yes, door to door, phone calls, handing 24 out literature. 25 Q. And for Mr. Gomez in -- is it Mr. Gomez</p>

<p style="text-align: right;">Page 94</p> <p>1 in 2018?</p> <p>2 A. Yeah, Gabriel Gomez. It's mister.</p> <p>3 Q. Did you also work for that campaign?</p> <p>4 A. Yes, I did. I did towards the end to get</p> <p>5 out the vote. So making phone calls and our union</p> <p>6 did a little bit of a work for him. But I went --</p> <p>7 I went door to door, handed out literature, made</p> <p>8 phone calls, etcetera.</p> <p>9 Q. I'm going to ask you about assembly races</p> <p>10 outside of your district. With the same types of</p> <p>11 questions, I would like to ask about the types of</p> <p>12 activities that you were involved in in terms of</p> <p>13 volunteering for campaigns. I am not asking in</p> <p>14 this sequence of questions about donations. So</p> <p>15 when I ask if you supported a campaign think about</p> <p>16 that for this series of questions in terms of</p> <p>17 something other than just providing money, okay?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you support campaigns by volunteering</p> <p>20 your labor, etcetera, for a state assembly in 2018</p> <p>21 other than assembly district 21?</p> <p>22 A. Yes, through my work.</p> <p>23 Q. And we've talked about those?</p> <p>24 A. You want me to put that aside?</p> <p>25 Q. No, I want to make sure that I understood</p>	<p style="text-align: right;">Page 96</p> <p>1 weekend.</p> <p>2 Q. And Sinicki was unopposed?</p> <p>3 A. Sinicki was unopposed in Bay View, yes.</p> <p>4 Q. Any other districts in 2018 that you can</p> <p>5 recall?</p> <p>6 A. That I helped, no, I cannot remember.</p> <p>7 Not that I remember of assembly. I mean, we helped</p> <p>8 with the senate district, but that was kind of all</p> <p>9 combined.</p> <p>10 Q. Can you think of any other senate</p> <p>11 districts that you focused on in 2018 other than</p> <p>12 the one that you described to me earlier, senate</p> <p>13 district five?</p> <p>14 A. No.</p> <p>15 Q. Let's go back to the previous election of</p> <p>16 2016. The assembly -- the general election in</p> <p>17 2016. You told me that you volunteered on</p> <p>18 Mr. Redmond's campaign.</p> <p>19 A. Right. That's correct.</p> <p>20 Q. Were there any other assembly district</p> <p>21 campaigns in which you provided your time or your</p> <p>22 labor to support?</p> <p>23 A. In 2016. I do not remember.</p> <p>24 Q. I probably should have asked this</p> <p>25 earlier, but have you ever been paid by any</p>
<p style="text-align: right;">Page 95</p> <p>1 what that work was. As I understood it, you</p> <p>2 contacted union members and educators specifically</p> <p>3 in assembly district 13, assembly district 14,</p> <p>4 assembly district 15, some in assembly district 21,</p> <p>5 and some in, you believe assembly district 23, but</p> <p>6 certainly the district that involved the candidate</p> <p>7 whose last name was --</p> <p>8 A. Sumner.</p> <p>9 Q. -- Sumner.</p> <p>10 A. And it takes in Whitefish Bay.</p> <p>11 Q. Correct. Outside of what we've already</p> <p>12 talked about with respect to 2018 and those</p> <p>13 elections, are there any other assembly district</p> <p>14 campaigns which you supported in ways other than</p> <p>15 simply making a donation?</p> <p>16 A. Trying to think. I did work in Bay View,</p> <p>17 but Sinicki was unopposed, so it was mainly for</p> <p>18 Evers. Baldwin, you know, etcetera. So I did -- I</p> <p>19 did do work up there.</p> <p>20 Q. Let's go --</p> <p>21 A. And part of my -- and I'm going to add,</p> <p>22 for part of my personal reason for doing it there</p> <p>23 is I felt I was being more effective with my time</p> <p>24 in a district where it was going to be very hard to</p> <p>25 win. But I did go back to that district the last</p>	<p style="text-align: right;">Page 97</p> <p>1 campaigns to do work for the campaign?</p> <p>2 A. Paid by a campaign?</p> <p>3 Q. Correct.</p> <p>4 A. No.</p> <p>5 Q. In 2014 do you recall working on any</p> <p>6 assembly district campaigns?</p> <p>7 A. I thought you already asked me that, that</p> <p>8 I -- oh, any other ones other than 21.</p> <p>9 Q. Other than assembly district 21, that's</p> <p>10 correct.</p> <p>11 A. Honestly, I do not remember.</p> <p>12 Q. How about 2012? Do you recall whether</p> <p>13 you worked on any assembly district campaigns in</p> <p>14 2012?</p> <p>15 A. I do not remember, no.</p> <p>16 Q. How about in 2010, do you recall working</p> <p>17 on any other assembly district campaigns besides</p> <p>18 the -- your individual district of assembly</p> <p>19 district 21?</p> <p>20 A. Not that I remember, no.</p> <p>21 Q. Do you have any specific recollection of</p> <p>22 working on any assembly district campaigns other</p> <p>23 than the one of assembly district 21 prior to 2010?</p> <p>24 A. Not that I'm remembering at the moment,</p> <p>25 no.</p>

<p style="text-align: right;">Page 98</p> <p>1 Q. Your commitment to -- it's pretty clear 2 from your testimony that you are quite committed to 3 volunteering for campaigns and races, and that you 4 spend -- 5 A. Uh-huh. 6 Q. Accurate to say that you spend every two 7 years campaigning for one campaign? 8 A. Or another. 9 Q. Or another. And that you've done so in 10 every year since 2002, you've been involved with at 11 least one campaign? 12 A. At least one, yes. 13 Q. Is it fair to say it's often more than 14 one? 15 A. Often more than one candidate, you know. 16 But some of those were statewide candidates. 17 Q. Sure. 18 A. Or national candidates. 19 Q. And is it fair to say that you've been 20 engaged in multiple assembly district elections 21 since 2012? 22 A. Since 2012. I wish I was remembering 23 better as far as -- 'cause then I was still 24 teaching. No, it would have been what I did within 25 21, and it would have really depended on whether we</p>	<p style="text-align: right;">Page 100</p> <p>1 of Wisconsin? 2 A. Citizen Action is, I call them a consumer 3 interest organization of many years here. I've 4 been involved on their board. And they 5 occasionally tend to get involved with -- with 6 elections. I wouldn't say that my work with them 7 has been where I was always specifically going, 8 say, for something door to door, making phone 9 calls, but as a member of their board voting to 10 support certain candidates. 11 Q. So as a member of the board, Citizen 12 Action in Wisconsin would endorse candidates for 13 office; is that correct? 14 A. Yes. 15 Q. Would they endorse candidates for state 16 assembly? 17 A. In some cases, they have. More it's been 18 the -- you know, the bigger statewide offices. 19 Q. Do you recall whether Citizen Action of 20 Wisconsin has ever supported or endorsed a 21 Republican candidate for office? 22 A. Not that I'm aware of, no. 23 Q. Does Citizen Action of Wisconsin support 24 Democratic candidates during the -- I'm sorry, let 25 me start that again. Does Citizen Action of</p>
<p style="text-align: right;">Page 99</p> <p>1 had a strong candidate. 2 Q. In terms of -- 3 A. How much I did. 4 Q. Can you tell me -- would you say that 5 your activity has, with respect to volunteering for 6 campaigns, has increased since 2012? 7 A. Yes, because of the urgency and impact of 8 Act 10, yes. 9 Q. I think we'll talk about Act 10 a little 10 bit later, because your responses seem to have 11 concerns about that piece of legislation. 12 A. Uh-huh. 13 Q. But before we do that, I want to ask 14 about the other aspect of this interrogatory number 15 seven, in which you write that you do political 16 work for Citizen Action of Wisconsin. 17 A. Uh-huh. 18 Q. "And through my union, the Wisconsin 19 Education Association Council, and our region seven 20 office." Do you see that? 21 A. Yes. 22 Q. We've talked at a fair amount of length 23 today about your -- the work that you do with WEAC. 24 A. Uh-huh. 25 Q. But can you tell me who is Citizen Action</p>	<p style="text-align: right;">Page 101</p> <p>1 Wisconsin endorse Democratic candidates for office 2 prior to the primary? 3 A. Has Citizen Action endorsed before the 4 primary? Yes, they have. 5 Q. So does Citizen -- I'll ask this another 6 way. Does Citizen Action of Wisconsin endorse one 7 Democratic candidate in a contested primary and not 8 endorse the other candidate in a contested primary? 9 A. Yes, they have. 10 Q. Are consumer issues important to you? 11 A. Uh-huh. Health care is important to me. 12 Environmental issues are important to me. Things 13 like Foxconn are important to me. They are some of 14 the things they take on. 15 Q. Would you agree that Democrats -- strike 16 that, please. 17 Have you campaigned for persons who 18 have -- are surefire losers? 19 A. Are surefire -- I can't define surefire. 20 But I have campaigned for people that the chances 21 were very good that they were going to lose. 22 Q. Anyone ever stop you from campaigning? 23 A. Stop me? I got run out of a guy's yard 24 for school board trying to give him a flyer 'cause 25 I put something on his truck, but -- he physically</p>

<p style="text-align: right;">Page 102</p> <p>1 threatened me. But no, you know. 2 Q. Would you consider yourself to be an 3 activist? 4 A. Yes. 5 Q. What does that mean to you? 6 A. That you speak up about things that 7 concern you. You take action about things that 8 concern you and you try to do something in a 9 positive way. 10 Q. Does this include then unpopular causes? 11 A. That's all in the person's determination 12 of unpopular. So I guess I'm going to not answer 13 that one. But can you rephrase it? 14 Q. Yeah. Do you speak up about causes -- 15 issues where change is required? 16 A. Yes. 17 Q. Have you ever found yourself speaking 18 about, and speaking loudly about, a viewpoint that 19 you know that you are probably in the minority as 20 far as holding that viewpoint? 21 A. Over my lifetime? 22 Q. Yes. 23 A. Yes, at times I have. 24 Q. How about involving public issues and 25 making public presentations about things, have you</p>	<p style="text-align: right;">Page 104</p> <p>1 accessible. 2 Q. We've already talked about this, but you 3 agree candidates' positions on issues matters in 4 terms of who you vote for? 5 A. Uh-huh. Yes. 6 Q. And you try to inform yourself about the 7 positions of the candidates; is that correct? 8 A. Yes, I do. 9 Q. You read about the candidates and their 10 positions? 11 A. Yes, I do. 12 Q. And you become familiar with the 13 candidates' positions before you vote; is that 14 correct? 15 A. Yes, I do. 16 Q. And why do you inform yourself about the 17 candidates' positions? 18 A. I want to be an informed, good voter. I 19 mean, I don't want to -- I want to vote based on 20 the issues that are important to me. 21 Q. So you don't blindly vote for Democrats; 22 is that correct? 23 A. That's correct, yeah. 24 Q. You examine each Democrat and determine 25 whether or not --</p>
<p style="text-align: right;">Page 103</p> <p>1 done that? 2 A. Yes, probably thinking about changes to 3 health care, where I knew we were a long way from 4 getting those things passed. 5 Q. That might be a good example. Do you 6 believe that -- when did you first become active in 7 political issues involving health care, 8 approximately? 9 A. '80s. 10 Q. Do you support a single-payer system for 11 health care? 12 A. Do I support a single-payer system for 13 health care. Yes, I personally do. 14 Q. Do you believe that that's the position 15 of a majority of Americans? 16 A. I don't know what the position is. I'm 17 not going to try to speak for them. 18 Q. And that's fair. Do you believe that 19 additional advocacy on the issue will convince more 20 people to support single-payer health care? 21 A. I think speaking to the issue of health 22 care helps promote the issue of health care and 23 make positive steps forward. Whether with single 24 payer or not, I don't know. But my voice is 25 towards just making health care better and more</p>	<p style="text-align: right;">Page 105</p> <p>1 A. As best I can. 2 Q. Let me just try to finish the question. 3 You examine each Democrat and determine whether or 4 not you have -- you agree with them on issue 5 positions as compared to who they're running 6 against? 7 A. As best I can. 8 Q. Have you ever voted for a third party? 9 A. Have I ever voted for a third party. I 10 do not believe so. 11 Q. What do you think of the president? 12 A. Excuse me? 13 Q. What do you think of the president of the 14 United States? 15 A. What do I think of the president of the 16 United States. Can you make your question a little 17 more specific, please? I mean, it's so -- or do 18 you want a broad answer? 19 Q. Do you support him? 20 A. I do not support -- I do not support 21 President Trump. We agree on next to nothing, 22 maybe except for infrastructure, which he hasn't 23 done. No, I agree with President Trump on very 24 little, and do not feel his style is positive for a 25 president style of leadership.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. What about his style of leadership do you 2 find negative?</p> <p>3 A. Well, when you pit one group of people 4 against another, when you do not tell the truth, 5 when you sort of appeal to the worst instincts in 6 people instead of the best, those are the things I 7 greatly object to. And that's what I see him do, 8 sadly.</p> <p>9 Q. If a Democrat candidate had Mr. Trump's 10 style with respect to pitting individuals against 11 one another, not telling the truth, and appealing 12 to a person's worst instincts instead of the best, 13 would you vote for that Democrat?</p> <p>14 A. Those are issues I do not believe in. I 15 vote with people based on their issues and how they 16 represent themselves. No, I would not.</p> <p>17 Q. So not every Democrat would earn your 18 vote, that's correct?</p> <p>19 A. Not if they acted like that.</p> <p>20 Q. Have you contacted your elected 21 representative for assembly?</p> <p>22 A. Yes, I have, a number of times.</p> <p>23 Q. Let's try to march through those. First 24 let's go with time, and let's just talk about 25 Assembly Representative Rodriguez. Approximately</p>	<p style="text-align: right;">Page 108</p> <p>1 message to the representative. So that does not, 2 you know -- so, yes, I mean, as best I could.</p> <p>3 Q. Did you search for those automatic 4 alerts, copies of those automatic alerts that you 5 would have sent to your representative?</p> <p>6 A. I don't have the means of -- I wasn't 7 aware of the means of how to search for those.</p> <p>8 Q. We can get back to the documents in a 9 second. I want to see if I understood. You 10 contacted her office multiple times since --</p> <p>11 A. Yes, I have. I've called, I've visited, 12 I've talked to her personally, I've talked to her 13 staff.</p> <p>14 Q. And she's returned calls personally to 15 you; is that correct?</p> <p>16 A. This last one she did. And I was glad 17 she did, because I made sort of a personal appeal 18 to her.</p> <p>19 Q. And her staff has also returned your 20 calls in the past?</p> <p>21 A. Yes. She's had very nice staff. They 22 have been very polite.</p> <p>23 Q. And do you contact her office about the 24 same types of issues that you contact Senator 25 Larson's office --</p>
<p style="text-align: right;">Page 107</p> <p>1 how many times have you contacted her or her 2 office?</p> <p>3 A. Oh, gosh. I've e-mailed her a number of 4 times, called her office a number of times. It's 5 very hard to put a number on it. She's been in the 6 office for a while now. Especially on issues 7 related to education, I'd often send her -- and 8 Chris Larson, you know, those two representatives, 9 e-mails about it. I just spoke with her recently 10 about the whole lame-duck bills and strongly -- and 11 I was very glad she called me back and we talked. 12 I strongly encouraged her not to support that 13 legislation.</p> <p>14 I've gone to town halls with her, I've 15 invited her to events that if she hasn't come, 16 she's sent staff. I cannot give you a number, but 17 in the years that she's been in, I've communicated 18 with her significantly, I'd say.</p> <p>19 Q. It sounds like it. When you were 20 producing documents in the context of this 21 litigation, did you search for your contacts that 22 you had with --</p> <p>23 A. Yeah. Yes, we did. And I also -- we 24 have a system through our union that our union will 25 send us an alert, and from that alert I can send a</p>	<p style="text-align: right;">Page 109</p> <p>1 A. Uh-huh.</p> <p>2 Q. -- about?</p> <p>3 A. Uh-huh.</p> <p>4 Q. And is Senator Larson your state senator?</p> <p>5 A. Yeah, he's my state senator. Now their 6 positions are very different, but --</p> <p>7 Q. Sure.</p> <p>8 A. -- I still contact him.</p> <p>9 Q. But you contact them about the same kinds 10 of issues?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Sometimes the same legislation, I assume?</p> <p>13 A. Yes. Mostly around education.</p> <p>14 Q. And does Mr. Larson, Senator Larson, does 15 he also return your contacts, he or his staff?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Did you look for communications that 18 you've had with Senator Larson in connection with 19 this litigation?</p> <p>20 A. If it would have shown up on the search 21 we did of all my e-mail, I'm sure there were some 22 in there for --</p> <p>23 Q. Okay.</p> <p>24 A. -- that went to Chris Larson.</p> <p>25 Q. Let me just ask you about Mr. Honadel</p>

<p style="text-align: right;">Page 110</p> <p>1 too, as he was -- when he was --</p> <p>2 A. I contacted him also.</p> <p>3 Q. And did he --</p> <p>4 A. I had conversations with him, invited him</p> <p>5 to events.</p> <p>6 Q. Do you feel that all three of those --</p> <p>7 let's go one by one. Do you feel that Mr. Honadel</p> <p>8 was receptive to hearing your views on issues?</p> <p>9 A. He was always very polite. He's a polite</p> <p>10 man. I still talk with him when I see him. But</p> <p>11 no, he did not move in my direction on the issues.</p> <p>12 Q. Okay.</p> <p>13 A. And neither has Rodriguez.</p> <p>14 Q. But she's also receptive to listening to</p> <p>15 what you have to say?</p> <p>16 A. They listen, but it hasn't changed votes.</p> <p>17 Q. And Mr. Larson, does he listen to what</p> <p>18 you have to say, do you feel?</p> <p>19 A. Yes. And he did support our votes, my</p> <p>20 positions, our positions.</p> <p>21 Q. Do you feel that contacting your</p> <p>22 representatives or contacting any elected</p> <p>23 representatives is a useful way to influence public</p> <p>24 policy?</p> <p>25 A. Yes, I do.</p>	<p style="text-align: right;">Page 112</p> <p>1 form letter or -- some kind of thing.</p> <p>2 Q. Do you contact your members of Congress?</p> <p>3 A. Yes, I have to senators and -- and</p> <p>4 Congress, yes, I do. Gwen Moore is with me a</p> <p>5 hundred percent. I tend not to always send stuff</p> <p>6 to her, but occasionally I do.</p> <p>7 Q. How about the governor, do you contact</p> <p>8 the governor?</p> <p>9 A. I have occasionally, but kind of</p> <p>10 knowing -- well, the past governor, Governor</p> <p>11 Walker, my feeling was there wasn't much success</p> <p>12 with it. I can't say I did as much as I might have</p> <p>13 with a senator or others.</p> <p>14 Q. Do you think that Republicans, over the</p> <p>15 years, sometimes support education issues that you</p> <p>16 agree with?</p> <p>17 A. Some Republicans have been supportive.</p> <p>18 Dale Schultz, I gave that example. He was very</p> <p>19 supportive.</p> <p>20 Q. And do you believe that education is</p> <p>21 generally an important issue, whether you agree on</p> <p>22 the specifics, but --</p> <p>23 A. I think it's an extremely important</p> <p>24 issue, yes.</p> <p>25 Q. And do you believe that Republicans also</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Do you believe that absent contacts from</p> <p>2 constituents about issues like education -- let me</p> <p>3 try this again. Do you believe that public</p> <p>4 interest in issues like education affects the</p> <p>5 education policy that's enacted by the legislature?</p> <p>6 A. Does public input affect the legislature?</p> <p>7 Hopefully it does. The last several years, it has</p> <p>8 not had the impact I would have hoped, because we</p> <p>9 have often contacted Republican members, and their</p> <p>10 votes have not changed. But I think it's always</p> <p>11 important to communicate with legislators whether</p> <p>12 you agree with them or not.</p> <p>13 Q. Have you ever interacted with a</p> <p>14 legislative office that did not return your</p> <p>15 contacts?</p> <p>16 A. I'm sure. I mean, I've made a lot of</p> <p>17 different calls over the years, sometimes to state</p> <p>18 senators or reps who had a key vote in another part</p> <p>19 of the state. I can't say they always got back to</p> <p>20 me, no. No, they didn't always get back to me.</p> <p>21 Q. Do you think that your current</p> <p>22 delegation, Ms. Rodriguez and Mr. Larson, are both</p> <p>23 particularly good at returning contacts?</p> <p>24 A. Most of them get back to you with</p> <p>25 something. If not a phone call, they'll send you a</p>	<p style="text-align: right;">Page 113</p> <p>1 believe that it's an important issue even if they</p> <p>2 might disagree with you on certain policies?</p> <p>3 A. Well, I mean, it's one thing to say it's</p> <p>4 important, and then it's another thing to put your</p> <p>5 votes in a way that really support education. And</p> <p>6 that's where I would differ with some of the</p> <p>7 Republicans.</p> <p>8 Q. I assume that you're not a supporter of</p> <p>9 vouchers; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. But would you concede that the people who</p> <p>12 support vouchers by and large are interested in</p> <p>13 education as an issue and value it?</p> <p>14 A. People have their right to take positions</p> <p>15 on various issues that they may disagree with me,</p> <p>16 but -- you know, everybody loves their kids. What</p> <p>17 can I say.</p> <p>18 (Exhibit 76 marked for identification.)</p> <p>19 BY MR. ST. JOHN:</p> <p>20 Q. I'm going to mark as Exhibit No. 76 what</p> <p>21 appears to me to be a communication between you and</p> <p>22 Representative Rodriguez.</p> <p>23 A. Okay.</p> <p>24 Q. I just want to ask about your</p> <p>25 communication to her. It states -- can you read</p>

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<p>1 the first paragraph in your letter to her?</p> <p>2 A. "Wisconsin Retirement System is tops in</p> <p>3 the nation because unlike other states, lawmakers</p> <p>4 have taken great care, over decades, to be sure our</p> <p>5 system is fully funded and secure. That's a credit</p> <p>6 to legislators on both sides of the aisle. A</p> <p>7 strong and stable retirement system is essential to</p> <p>8 solving" -- oh, you just wanted the first</p> <p>9 paragraph.</p> <p>10 Q. Just the first paragraph. I just wanted</p> <p>11 to ask you if you still -- if you still -- do you</p> <p>12 agree with what you wrote in that e-mail?</p> <p>13 A. Yeah, I think it's very important that</p> <p>14 we -- that we protect the Wisconsin Retirement</p> <p>15 System. I think it's one of the best in the nation</p> <p>16 and it shouldn't be messed with.</p> <p>17 Q. Do you think that Republicans have, by</p> <p>18 and large, been supportive of a stable and</p> <p>19 well-funded Wisconsin Retirement System?</p> <p>20 A. I -- I'm not an expert on this. I can't</p> <p>21 speak to every instance. They're part of this</p> <p>22 system too. You know, they're going to get a check</p> <p>23 some day. But at times there have been efforts to</p> <p>24 make changes that I know as a union we had thought</p> <p>25 were not wise. And so I encouraged her to, you</p>	<p>1 remember the number.</p> <p>2 Q. Are there any e-mails or letters that you</p> <p>3 have with your legislators that you did not provide</p> <p>4 to your attorneys?</p> <p>5 A. It's the same system. I have another</p> <p>6 older laptop, but I think all the same, you know,</p> <p>7 Word documents go through there. I don't know.</p> <p>8 For me to check the other old one, that's not a</p> <p>9 problem. But I believe I've given them everything.</p> <p>10 Q. Do you believe that -- I believe you</p> <p>11 testified that contacting your representatives is</p> <p>12 an important thing that you do. You feel it's</p> <p>13 important; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Do you encourage other people to contact</p> <p>16 their representatives when they may be upset about</p> <p>17 a policy?</p> <p>18 A. That's correct.</p> <p>19 Q. Do you believe that those contacts are</p> <p>20 sometimes effective in persuading the public policy</p> <p>21 debate and what legislators do?</p> <p>22 A. I think I already answered that, yes.</p> <p>23 Q. Do you ever agree with Republicans on any</p> <p>24 issues?</p> <p>25 A. It's such a general question. There may</p>
<p>1 know, not to go in that direction.</p> <p>2 Q. And do you know if Ms. Rodriguez cast any</p> <p>3 votes that you found particularly problematic with</p> <p>4 respect to the stability of the Wisconsin</p> <p>5 Retirement System?</p> <p>6 A. Honestly, I do not know. I don't know</p> <p>7 the detail on that.</p> <p>8 Q. Do you often communicate with your</p> <p>9 legislators by letter or e-mail?</p> <p>10 A. Yeah, I -- I think I answered that. But</p> <p>11 I'll say again, yes, I send them e-mails.</p> <p>12 Q. And did you provide all of those</p> <p>13 communications to your attorneys?</p> <p>14 A. I hope I got everything that I possibly</p> <p>15 get to, to them. I wasn't trying to --</p> <p>16 Q. How about how many documents -- how many</p> <p>17 letters did you hand over to your attorneys?</p> <p>18 A. I don't know. Can I ask that as a</p> <p>19 question? I didn't count them.</p> <p>20 Q. Can you estimate about how many contacts</p> <p>21 with legislators that you provided to your</p> <p>22 attorneys?</p> <p>23 A. How many?</p> <p>24 Q. Yeah.</p> <p>25 A. I don't -- honestly, I don't really even</p>	<p>1 have been something that we agreed on, but I -- I</p> <p>2 can't answer yes or no unless there's a specific.</p> <p>3 Q. Sure. You personally, do you have any</p> <p>4 views that you know are usually associated with</p> <p>5 Republicans?</p> <p>6 A. Well, there used to be Republicans who</p> <p>7 were very concerned about their environment. I</p> <p>8 mean, that from years ago. Unless -- if you can</p> <p>9 give me a specific one and -- it's just too general</p> <p>10 to -- there could have been things that we agreed</p> <p>11 on, but I can't say specifically, 'cause I don't</p> <p>12 see it or can't hear it.</p> <p>13 Q. Do you hold views that you feel</p> <p>14 uncomfortable sharing with any other person?</p> <p>15 A. Do I?</p> <p>16 Q. Yeah.</p> <p>17 A. I'm not sure what you mean by that.</p> <p>18 Q. Well, let me give you an example. Say</p> <p>19 that you are at an event with a bunch of</p> <p>20 like-minded Democrats.</p> <p>21 A. Okay.</p> <p>22 Q. Are there any topics that you would feel</p> <p>23 uncomfortable sharing what your personal view is?</p> <p>24 A. Politically? So political social views?</p> <p>25 Q. Yes. Politically, yes.</p>

<p style="text-align: right;">Page 118</p> <p>1 A. Not that I'm aware of, no.</p> <p>2 Q. Do you have any respect for Republican</p> <p>3 public officials?</p> <p>4 A. Respect for?</p> <p>5 Q. Yes.</p> <p>6 A. I'll say again Dale Schultz. He showed a</p> <p>7 great deal of courage to do what he did.</p> <p>8 Q. Do you believe that it is important for</p> <p>9 districts to be compact assembly districts?</p> <p>10 A. I think -- this is my feeling about</p> <p>11 districts. They should be fair. Both of our major</p> <p>12 parties should have an opportunity to compete in</p> <p>13 them on a fair basis. I think as much as you can</p> <p>14 sort of keep, what's the right words, sort of</p> <p>15 social fabric personality, economic base, whatever,</p> <p>16 of a community, can keep communities together. But</p> <p>17 I realize you can't always do that. At some point</p> <p>18 large ones are going to have to be divided up to a</p> <p>19 certain degree.</p> <p>20 But the basic thing is that they</p> <p>21 should be fair. That at the end of the day, that</p> <p>22 you're going to have, you know, both a Republican</p> <p>23 and a Democrat, if they run a good, hard race and</p> <p>24 work hard, have a chance to win.</p> <p>25 Q. Is that with respect to every single</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Is there a statewide election for</p> <p>2 assembly?</p> <p>3 Q. Yeah.</p> <p>4 A. No. But when we have statewide elections</p> <p>5 for governor or president, you'll see how many</p> <p>6 Democratic votes there are. And over the last</p> <p>7 several years, that hasn't been reflected by how</p> <p>8 many seats -- how many races are won in the</p> <p>9 assembly.</p> <p>10 Q. So it is important, then -- how a</p> <p>11 statewide candidate performs in an individual</p> <p>12 assembly district is an important way to judge how</p> <p>13 Democrat or Republican a district is; is that</p> <p>14 correct?</p> <p>15 MS. HARLESS: Objection to form.</p> <p>16 THE WITNESS: That isn't what I was</p> <p>17 saying. What I'm saying is if you have a race</p> <p>18 where a candidate for governor gets 52 percent of</p> <p>19 the vote, Republican gets 48, your number of</p> <p>20 legislative seats, it's not going to be that</p> <p>21 exactly, but it should be close, okay? In my</p> <p>22 opinion. If you have a fair map, those are at</p> <p>23 least going to be close. They're not going to be</p> <p>24 exact, but they should be close.</p> <p>25 BY MR. ST. JOHN:</p>
<p style="text-align: right;">Page 119</p> <p>1 district?</p> <p>2 A. I'm not sure what you mean by that.</p> <p>3 Q. Do you believe that if a Democrat or if a</p> <p>4 Republican runs a good, hard race, that they should</p> <p>5 have the opportunity and the ability to win all 99</p> <p>6 districts in the state of Wisconsin?</p> <p>7 A. Will it happen for all 99? No, just due</p> <p>8 to geography. You know, the geography of western</p> <p>9 Oak Creek is very different than the geography of</p> <p>10 southern Milwaukee, you know, southern edge of the</p> <p>11 city of Milwaukee. You know, geography does play a</p> <p>12 role. But to the best of ability, over the whole,</p> <p>13 over the whole state, I think you have to really</p> <p>14 look at the whole state. And when you look at</p> <p>15 total votes for things like governor or president,</p> <p>16 whatever it might be, that those total votes should</p> <p>17 come somewhat close to reflecting, you know, what's</p> <p>18 happening out in those districts. There shouldn't</p> <p>19 be huge disparities.</p> <p>20 Q. And by "huge disparities," you mean</p> <p>21 between the amount of a statewide vote and the</p> <p>22 number of seats that are won?</p> <p>23 A. Yes.</p> <p>24 Q. Is there a statewide election for</p> <p>25 assembly?</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. You said that because of geography it</p> <p>2 would be difficult or not possible to have every</p> <p>3 district be of a nature where a Democrat candidate</p> <p>4 or a Republican candidate running a good, hard race</p> <p>5 would have an opportunity to win; is that correct?</p> <p>6 MS. HARLESS: Objection to form.</p> <p>7 THE WITNESS: Reality is, by districts</p> <p>8 and numbers of people, let's say in Milwaukee, you</p> <p>9 are going to have a district where very likely a</p> <p>10 Democrat's going to win. Again, to just draw a</p> <p>11 district, define the number of people in some rural</p> <p>12 parts of the state, it would be very hard for a</p> <p>13 Democrat to win. That will help -- that will</p> <p>14 happen some places. But what counts is the</p> <p>15 overall -- that the map is not just for that one or</p> <p>16 that one, but you draw maps based on the whole</p> <p>17 state.</p> <p>18 BY MR. ST. JOHN:</p> <p>19 Q. If --</p> <p>20 A. And that it's fair for the whole state.</p> <p>21 Q. Now, you're claiming in this lawsuit that</p> <p>22 you're harmed by the boundaries of your assembly</p> <p>23 district; is that correct?</p> <p>24 A. Uh-huh. Uh-huh, yes.</p> <p>25 Q. If --</p>

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1 A. I would very much like to speak to that.
 2 Q. If your assembly district were more
 3 Democratic, such that you would agree with me that
 4 a Democrat candidate could win your assembly
 5 district --
 6 A. Uh-huh.
 7 Q. -- but the state map as a whole did not
 8 change, would you be satisfied?
 9 A. No. I mean, I'd be very glad my district
 10 was good, that I lived and voted in a fair
 11 district. But the only real way to determine
 12 whether districts are fair is to look at the whole
 13 picture.
 14 Q. If --
 15 A. And to see that they -- that they
 16 reflect, at least close, you know, statewide votes
 17 that you have. When it doesn't, it's not fair.
 18 Q. If your district were to remain the same
 19 as it is under Act 43 as it is today --
 20 A. Uh-huh.
 21 Q. -- but other districts in the state were
 22 to change such that under your definition, if all
 23 Democrats ran good, hard races, that they would
 24 have a reasonable likelihood of winning a majority
 25 of seats in the state assembly, would that address

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1 your concerns in this lawsuit?
 2 A. If mine didn't change, but overall it
 3 changed?
 4 Q. Correct.
 5 A. To the point we had a fair
 6 representation? My -- you know, again, it's sort
 7 of a theoretical question. What really counts is
 8 that statewide we create a map that fairly
 9 represents the voters. If mine came out a little
 10 more challenging but we had a fair map statewide, I
 11 could probably learn to live with it. Not that I'd
 12 like it, but I'd live with it.
 13 Q. Earlier I gave you a document that was
 14 marked as Exhibit 75. Do you still have that in
 15 front of you?
 16 A. I have 73, 74, 76. Oh, this 75. Okay.
 17 Yeah, I have 75.
 18 Q. If you don't mind, if you can pull that
 19 out again.
 20 A. I've had it here right in front of me the
 21 whole time. Can I just ask, I'm going to need to
 22 ask for a break soon, 'cause I was supposed to be
 23 someplace at five o'clock.
 24 MR. ST. JOHN: Let's take that break
 25 right now.

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1 THE WITNESS: Okay. I want them to know
 2 I'm going to not be there.
 3 THE VIDEOGRAPHER: Going off the record
 4 at 4:44.
 5 (Break taken.)
 6 THE VIDEOGRAPHER: We're back on the
 7 record at 4:55. Media number three.
 8 BY MR. ST. JOHN:
 9 Q. Mr. Costello, before we went on break I
 10 asked you to have in front of you --
 11 A. 75.
 12 Q. -- 75. So you have that in front of you?
 13 A. Yes, I do.
 14 Q. If you would please turn to interrogatory
 15 number seven, which we had been talking about
 16 previously.
 17 A. Uh-huh.
 18 Q. In that response, you were generally
 19 addressing your activities campaigning for
 20 individual candidates. Do you recall that?
 21 A. Yes.
 22 Q. I want to ask just a couple more
 23 questions on that for now.
 24 A. Sure.
 25 Q. And we look forward to your supplemental

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1 responses on the interrogatories. Have you ever
 2 solicited money on behalf of a campaign?
 3 A. Solicited money on behalf of a campaign.
 4 Yeah, we've held -- held events like the, you know,
 5 fundraiser events, yes.
 6 Q. When you say "we," do you mean your
 7 family? Or what do you mean by "we"?
 8 A. I'm trying to think if I -- since 22, no
 9 probably -- no, I've not had one at my individual
 10 home, but have organized or been a part of events
 11 with you know fundraising for a candidate.
 12 Q. Let's just talk about assembly
 13 candidates. Can you recall with specificity any
 14 assembly candidates that you may have solicited
 15 donations for?
 16 A. Redmond.
 17 Q. And that was in 2016; is that right?
 18 A. I think that's correct, yes. Either I
 19 wasn't able to go to -- Gomez had some fund-raising
 20 events that, for other reasons I wasn't able to go.
 21 I gave him individual money. But I wasn't part of
 22 his fund-raising events.
 23 Q. When you were called to solicit funds for
 24 Mr. Redmond, did anyone ever refuse your request to
 25 provide Mr. Redmond money?

<p style="text-align: right;">Page 126</p> <p>1 A. What we did was I would call -- this was 2 through our members, say we're having this event at 3 Barbieri's restaurant, come and, you know, if you 4 can, write a check. So we did it at the event. I 5 wasn't, like, asking over the phone.</p> <p>6 Q. Sure. Did anyone ever tell you that they 7 would not give any money to Mr. Redmond?</p> <p>8 A. Oh, I'm sure there were people that would 9 say they couldn't. But we'd still encourage them 10 to come.</p> <p>11 Q. Can you recall any person telling you 12 that I will not give money to Mr. Redmond?</p> <p>13 A. Because they objected to his politics, 14 or --</p> <p>15 Q. Just for any reason, do you remember 16 anyone saying that?</p> <p>17 A. I don't remember.</p> <p>18 Q. Okay. If you would turn, please, to -- 19 or turn your attention to interrogatory number 20 eight.</p> <p>21 A. Eight.</p> <p>22 Q. I'd like to ask you a couple questions 23 about that. Yes. Let me know when you've read the 24 interrogatory and the response.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 128</p> <p>1 but have been prevented from associating with?</p> <p>2 A. Well, association is more than just 3 talking to somebody. It's working together to 4 accomplish something. And our ability to do that 5 has -- has been impacted.</p> <p>6 Q. Is there any particular person with whom 7 you are not associating with because of Act 43?</p> <p>8 A. I can't give you the name, but I can tell 9 you it's hurt participation from our union. Our 10 membership has greatly dropped. People who were 11 active before are not active now. And I should say 12 it's Act 10 reinforced by 43. Our ability to do, 13 you know, activity and to communicate with -- even 14 just within my fellow members, has gone down 15 significantly.</p> <p>16 Q. Can you name me one person that you've 17 been unable to communicate with?</p> <p>18 A. There are -- trying to think of within my 19 own local. But people in other parts of the state 20 who are no longer members. And our communication's 21 limited to communicating with members. They were 22 members, I can't communicate with them, it's a 23 loss. It -- it --</p> <p>24 Q. Let me just --</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Did you write this?</p> <p>2 A. Did I write the bullet?</p> <p>3 Q. The bullet generally.</p> <p>4 A. Yes, uh-huh.</p> <p>5 Q. How come it's the same as every other 6 plaintiff in this case?</p> <p>7 A. I don't know. I'm not sure. I don't 8 know. I don't have an answer.</p> <p>9 Q. Is it accurate?</p> <p>10 A. It's accurate, yeah. 'Cause 11 association's not just within the district, it's 12 across the state. It's working with -- you know, 13 when you want to get things done politically, you 14 can't just be in your assembly district or you're 15 not going to get much done effectively statewide. 16 And that's where we've been greatly hurt.</p> <p>17 Q. In places other than your district?</p> <p>18 A. Oh, I -- as you get to, if we ever get 19 there, to nine, we've been hurt in my district. 20 I've been hurt in my home, been hurt by my family. 21 But there have been things statewide, very much so, 22 where we worked with other people.</p> <p>23 Q. So who is the -- are there any Democrats 24 in your assembly district region or across the 25 state who -- with whom you want to associate with</p>	<p style="text-align: right;">Page 129</p> <p>1 MS. HARLESS: Let him finish.</p> <p>2 THE WITNESS: Let me finish, please.</p> <p>3 Because it's one thing I can go down talk to Andy 4 down the hall who I know is a Republican, okay, 5 where I worked in the middle school, and we can 6 communicate. And -- or some other -- Sara, I'll 7 say, who no longer is a part of the union, not 8 paying union dues anymore, I can go talk to her, 9 but there's thousands of other people across the 10 state who are our members who I used to be able to 11 associate with, communicate with, organize with, 12 that the impact of Act 10, fortified by the ability 13 not to change it because of 43, has really hurt. 14 So there's a lot of people I can no longer talk to.</p> <p>15 BY MR. ST. JOHN:</p> <p>16 Q. So you can communicate with union members 17 today just as you did before; is that correct?</p> <p>18 A. With the union members as we did before, 19 yes. But I'll add also too it's been sort of on 20 the psyche of our members. And it hurts. 21 Sometimes they're more scared to do things they 22 were before.</p> <p>23 Q. Is there a particular member who's told 24 you that they are hurt by the lines in Act 43?</p> <p>25 A. They don't even -- they have been -- I'm</p>

<p style="text-align: right;">Page 130</p> <p>1 going to say this again --</p> <p>2 Q. Mr. Costello --</p> <p>3 MS. HARLESS: Let him answer.</p> <p>4 THE WITNESS: They have --</p> <p>5 BY MR. ST. JOHN:</p> <p>6 Q. No. I'm sorry, I'm asking a question.</p> <p>7 I'm asking for you to answer the question that I</p> <p>8 have asked. And I will ask it again.</p> <p>9 MS. HARLESS: He's answering, you just</p> <p>10 may not like the answer.</p> <p>11 MR. ST. JOHN: Please.</p> <p>12 MS. HARLESS: Yeah, please.</p> <p>13 BY MR. ST. JOHN:</p> <p>14 Q. The question on the table is this. Is</p> <p>15 there a particular member who's told you that they</p> <p>16 have been hurt by the lines in Act 43?</p> <p>17 A. Most of my members are not even aware of</p> <p>18 Act 43. The number, okay? They know the result of</p> <p>19 what's happened because of Act 10. 43 was being</p> <p>20 developed while Act 10 was being put forward. The</p> <p>21 impact has been a number of things happened during</p> <p>22 Act 10, none of them good for educators, my fellow</p> <p>23 educators. Their ability to do something about</p> <p>24 them has been greatly limited by 43. They're aware</p> <p>25 of that. But no one has come up to me and said</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Are they all Democrats?</p> <p>2 A. I have no idea.</p> <p>3 Q. Mr. Costello, your response to</p> <p>4 interrogatory number eight states that, "Generally</p> <p>5 other -- other Democrats in my assembly district,</p> <p>6 region, and across the state of Wisconsin." Do you</p> <p>7 see that?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Are there any other groups that you did</p> <p>10 not supply in your response to interrogatories that</p> <p>11 you are burdened with -- with whom you want to</p> <p>12 associate but are allegedly burdened in doing so by</p> <p>13 Act 43 other than the ones that you have listed on</p> <p>14 your interrogatory response?</p> <p>15 A. I'm not sure how to answer that question.</p> <p>16 Q. You are providing testimony about people</p> <p>17 that may or may not be in a union, may or may not</p> <p>18 be Democrats. I'm trying to get a sense of who</p> <p>19 you're saying that you would like to associate with</p> <p>20 but are allegedly burdened in doing so.</p> <p>21 A. I would like to be able to associate with</p> <p>22 all of the people who were our members before</p> <p>23 the -- the combined impact of Act 10 and Act 43.</p> <p>24 Q. And no individual person --</p> <p>25 A. Some -- some of them are Democrats, some</p>
<p style="text-align: right;">Page 131</p> <p>1 yes, 43. Those discussions don't happen.</p> <p>2 Q. No one has told you that they're unable</p> <p>3 to communicate with you because of Act 43. Has</p> <p>4 anyone, any individual, any individual person, told</p> <p>5 you that they are burdened in communicating with</p> <p>6 you or associating with you because of Act 43?</p> <p>7 A. Many members have expressed and have</p> <p>8 shown their decreased willingness to be -- to</p> <p>9 participate politically, to speak up, to complain,</p> <p>10 okay?</p> <p>11 Q. Mr. Costello, let me ask you this</p> <p>12 question.</p> <p>13 A. Yes.</p> <p>14 Q. Has anyone told you that they are</p> <p>15 burdened in communicating with you or associating</p> <p>16 with you because of Act 43?</p> <p>17 A. That exact language I've not heard a</p> <p>18 person say, but I have been unable to communicate,</p> <p>19 work with, organize with thousands of members,</p> <p>20 people who are -- thousands of my fellow members</p> <p>21 before 2011. And we've -- and it's been impossible</p> <p>22 to do anything about it because of 43.</p> <p>23 Q. These are union members?</p> <p>24 A. Union. They were -- some still are union</p> <p>25 members, some used to be union members.</p>	<p style="text-align: right;">Page 133</p> <p>1 of them are Republicans. I would like to be able</p> <p>2 to better communicate with all of them and talk</p> <p>3 about our issues and promote our issues.</p> <p>4 Q. And does Act 43 prevent you from speaking</p> <p>5 with any individual?</p> <p>6 A. I'll say again, association is more than</p> <p>7 just the ability to speak to one person. It's the</p> <p>8 greater effort to be able to organize kindred</p> <p>9 spirits, union members, others, who were with us</p> <p>10 who because of these actions that's now much harder</p> <p>11 to do.</p> <p>12 Q. So you cannot identify a single person</p> <p>13 who's told you that they do not -- or, sorry. So</p> <p>14 you cannot identify a single person that Act 43</p> <p>15 prevents you from speaking with; is that correct?</p> <p>16 A. No one --</p> <p>17 Q. Sir, we will get to go home if you just</p> <p>18 answer the questions.</p> <p>19 A. No one individual person has come to me</p> <p>20 and said I cannot speak to you because of Act 43.</p> <p>21 Q. And can you identify for me a single</p> <p>22 person that Act 43 has prevented you from speaking</p> <p>23 with?</p> <p>24 A. I can't put a name on it, but there are</p> <p>25 thousands of people right in this area across the</p>

<p style="text-align: right;">Page 134</p> <p>1 state who, as a union activist and leader, I used 2 to be able to communicate with, where now that is 3 next to impossible. 4 Q. And it is next to impossible to 5 communicate with that person because why? 6 A. Either they're no longer a union member, 7 or fear. 8 Q. Has -- let's take the first, they are no 9 longer a union member. 10 A. Uh-huh. 11 Q. Does this mean that you no longer have 12 them as access on a LISTSERV? 13 A. I don't know if you know how unions work, 14 but with our money, our union money, it has to be 15 communication directly, you know, political or 16 other things, with our -- with our fellow union 17 members. 18 Q. Mr. Costello, you are bringing this 19 lawsuit as an individual, and you are claiming in 20 this lawsuit that you are unable to associate with 21 people. I am asking you whether you as an 22 individual are prohibited or burdened from 23 associating with individuals, not whether a union 24 has been. So let me ask the question again. Do 25 you have access to these individuals who are no</p>	<p style="text-align: right;">Page 136</p> <p>1 within the union? 2 A. Well, no, I can speak to -- I can talk to 3 people locally and -- 4 Q. And you can still talk to people locally; 5 isn't that correct? 6 A. I talk to people locally, but to be able 7 to associate to the volume and the effect that I 8 wish to has been greatly impacted. 9 Q. Since Act 43 was passed have you created 10 any new associations relating to -- that you 11 believe have been caused by Act 43? 12 A. Well, the whole thing of looking at 13 gerrymandering was something that Citizen Action 14 was doing a couple years ago. And there was a 15 committee about it. I wasn't on that specific 16 committee. And now I've been asked to participate 17 with this and I'm participating in this lawsuit. 18 Excuse me. 19 Q. Is there anyone that you've been unable 20 to communicate with about politics? 21 A. Excuse me? 22 Q. Is there anyone who you've been prevented 23 from communicating with about politics? 24 A. Prevented from communicating with about 25 politics. Well, if it's about passing legislation,</p>
<p style="text-align: right;">Page 135</p> <p>1 longer union members? 2 A. Generally, no. 3 Q. And is this because they are no longer 4 union members? 5 A. Generally, yes. 6 Q. And does Act 43, by its terms, affect 7 union membership? 8 A. I'll give you my answer, but I will say 9 it again. 43 -- because of 43 and our inability to 10 do anything to amend or repeal Act 10, has greatly 11 impacted my ability to associate with fellow union 12 members either locally or across the state. 13 Q. And if you were not a member -- let me 14 start this question again. As a retired teacher, 15 do you have access to the union membership list 16 with -- in order to communicate with all union 17 members? 18 A. Personally, ac -- 19 Q. Correct. 20 A. No, it's through our -- through the 21 union. I don't have -- no, I don't -- I don't have 22 personally those lists, no. 23 Q. Is it fair to say that the only thing 24 that had provided you access for the ability to 25 communicate with union members is your position</p>	<p style="text-align: right;">Page 137</p> <p>1 if it's about taking action, if it's about electing 2 people, yeah, I've been restricted. 3 Q. Prevented is the question, sir. 4 A. Prevented. Due to access -- 5 Q. Have you been restrained? 6 A. Please tell me what you mean by the 7 definition of restrained. 8 Q. Have you been restrained from contacting 9 these individuals? 10 A. No one's held me back. But if we 11 don't -- no longer have the names and lists of 12 people, how can we do it? 13 Q. And the people that -- that you're 14 referring to, these are people that used to be 15 union members; is that correct? 16 A. Yes. 17 Q. And they are no longer union members; is 18 that correct? 19 A. Some of them, yes. 20 Q. Have any of these persons communicated to 21 you that -- that they do not wish to speak with you 22 anymore because of Act 43? 23 A. No one's said those words exactly, no. 24 Q. Has anyone communicated to you that they 25 are dropping out of the union because of Act 43?</p>

<p style="text-align: right;">Page 138</p> <p>1 A. Not those words exactly. But that is not 2 the issue.</p> <p>3 Q. Substituting the word Act 43. Because of 4 the redistricting law, has anyone told you that 5 they are dropping out of the union because of the 6 redistricting law?</p> <p>7 A. They're dropping out of the union because 8 Act 10 was passed. We can't do anything about it 9 because of Act 43. People get frustrated and -- 10 and then sometimes don't -- you know, for that 11 reason they're stepping aside from the union or 12 they're being hesitant to speak up.</p> <p>13 Q. When was Act 10 passed?</p> <p>14 A. Act 10 was passed in the winter of and 15 early spring of 2011, at the exact same time that 16 steps were already being taken to draw 43. 17 Legislators who voted for it knew 43 was coming. 18 They felt they could go out on a limb to do 19 something quite radical knowing that the new map 20 would back them up. So I think the two are very 21 much related.</p> <p>22 Q. Did any legislator tell you that that's 23 what they were doing?</p> <p>24 A. Did any legislator come right out and say 25 that?</p>	<p style="text-align: right;">Page 140</p> <p>1 legislators' willingness to vote for it, knowing 2 that they were going to be under a map that would 3 be a lot safer for them.</p> <p>4 BY MR. ST. JOHN:</p> <p>5 Q. Let's turn to the next interrogatory, 6 number nine. Yeah, number nine.</p> <p>7 A. Yeah, number nine.</p> <p>8 Q. The interrogatory asks for you to 9 describe all of the ways that Act 43 has allegedly 10 impaired your ability to affiliate with like-minded 11 Democrats and to pursue Democratic associational 12 goals.</p> <p>13 A. Uh-huh.</p> <p>14 Q. It asks you to describe all the ways.</p> <p>15 A. Okay. Would you like me to speak to 16 that?</p> <p>17 Q. You have provided a response, an 18 interrogatory answer, on the next page --</p> <p>19 A. Yes.</p> <p>20 Q. -- page 8.</p> <p>21 A. Yes.</p> <p>22 Q. And there are three bullets. Do you see 23 those?</p> <p>24 A. Yes, I do.</p> <p>25 Q. Is there anything -- why don't you take a</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. Correct.</p> <p>2 A. No. Legislators didn't even know what 3 was going on with 43. They didn't know about it 4 either. They were in the -- they were -- they 5 weren't -- they weren't told until later what the 6 map was going to be. They weren't told until 7 after -- just about after it was drawn. But 8 it -- but they knew when they voted. When they 9 voted -- when they voted for Act 10, that they were 10 going to -- they were going to be covered. They 11 weren't going to have to worry as much about their 12 districts because they were going to have a lot 13 better map. That was known.</p> <p>14 Q. By whom? How do you know this?</p> <p>15 A. It's just what I've heard.</p> <p>16 Q. Do you have any factual -- do you have 17 any factual basis for those statements?</p> <p>18 A. I can't produce a document.</p> <p>19 Q. So you have no factual basis for those 20 statements. That's fine.</p> <p>21 MS. HARLESS: Objection to form.</p> <p>22 THE WITNESS: I mean, you're asking me of 23 my knowledge. I'm an expert. And that's what I've 24 heard and learned and believe very strongly that 25 the two documents are -- interrelate as far as</p>	<p style="text-align: right;">Page 141</p> <p>1 moment to read those and then let me know whether 2 there's anything that you would like to add to 3 those responses or if that's a complete response.</p> <p>4 A. I read the first one. I agree and 5 support all three of them.</p> <p>6 Q. And these are all the ways in which Act 7 43 allegedly impairs your ability to affiliate with 8 like-minded Democrats and to pursue Democratic 9 associational goals?</p> <p>10 A. Yes.</p> <p>11 Q. I'd like you to take a look at bullet 12 two, if you don't mind.</p> <p>13 A. Sure.</p> <p>14 Q. You write that "public schools were cut 15 by over \$800 million." Do you see that?</p> <p>16 A. Yes, I do.</p> <p>17 Q. When did that occur?</p> <p>18 A. In fact, that figure may be low. That 19 was between the first budget that was passed in 20 2011 until the time that Walker was defeated.</p> <p>21 Q. And how does it, the cut to education, 22 impair your ability to affiliate with like-minded 23 Democrats?</p> <p>24 A. It hurts -- I give these examples, okay, 25 for myself. But these are really true for</p>

<p style="text-align: right;">Page 142</p> <p>1 thousands of other people around the state. When 2 you -- when education is cut by 800 million, 3 programs were cut, curriculum was cut, work rules 4 were cut that we used to have a voice in, that we 5 could talk about, that we could negotiate. Talking 6 about, you know, communicating with other fellow 7 members; we lost our ability to negotiate with our 8 school districts. 9 Q. And this was because -- 10 A. That would -- and Act 43 insured that 11 nothing was going to be done to change those. And 12 that had an impact on me personally, for my family, 13 my income, programs across the state, and how much 14 input we could have in our daily work life. 'Cause 15 we went from a contract to a, what do they call it, 16 a workbook or something. I forget the term now. 17 But that hurt me. 18 Q. Would you agree that it was Act 10 that 19 first affected your take-home pay and the number of 20 persons who were in your union? 21 A. That was the initial step. But in my 22 view of the world, if we would have still had a 23 fair map, I think there was such public outrage 24 about it that there could have been steps taken to, 25 if not repeal it, amend it, change it, make it more</p>	<p style="text-align: right;">Page 144</p> <p>1 is when you ended your role -- 2 A. Yeah. 3 Q. -- as a vice -- as an officer of WEAC? 4 A. That's right. 5 Q. Okay. Did you personally bring any First 6 Amendment claims against the state under Act -- 7 because Act 10? Did you -- 8 A. Until this, no. 9 Q. So Act 10 caused your union to shrink; is 10 that correct? 11 A. Initially. But 43 caused it to continue 12 to, 'cause we couldn't do anything about it. 13 Q. So is there anything else which has 14 caused your union to shrink? 15 A. The combination of those two acts have 16 had a very detrimental affect upon me and upon my 17 union and upon educators, whether they're union or 18 not. 19 Q. And regardless of the public policy 20 impacts, this question is asking about your ability 21 to affiliate with like-minded Democrats. 22 A. Well, affiliate means to take action on 23 as part -- at least my understanding of the 24 definition, is affiliate is to take action. It's 25 hurt the ability to take action. And it's hurt</p>
<p style="text-align: right;">Page 143</p> <p>1 humane, where it wasn't doing the damage it was 2 doing. Act 43 made it impossible for us to do 3 any -- make any changes to that in the years that 4 Walker was in office. 5 Q. Okay. So Act 10 impaired your ability to 6 affiliate with like-minded Democrats; is that 7 correct? 8 A. That's correct. And fortified by 43. 9 Q. And Act 43 means that the impairment 10 caused by Act 10 will not be undone; is that 11 correct? 12 A. That's correct. We really had little to 13 no chance to do anything about repairing it. 14 Q. Have you ever been a party to litigation 15 previously? 16 A. Party to lit -- not that I'm aware of. 17 No, I don't think so. No. 18 Q. Do you know if your union was ever a 19 party to litigation over Act 10? 20 A. Probably did. Again, I wasn't at the 21 statewide level. I don't really remember exactly. 22 But there may have been that actually went to the 23 Supreme Court. Now that I think about it, I think 24 there was. 25 Q. You were -- just for the timeline, 2010</p>	<p style="text-align: right;">Page 145</p> <p>1 kids. I didn't put that in here. 2 Q. I'm going to turn to the first bullet in 3 this answer. The one that begins with "generally, 4 the current plan." Do you see that? 5 A. Yes, sir. 6 Q. Did you write that? 7 A. Did I write that? 8 Q. Yes. 9 A. I don't remember if I did all that 10 exactly. But I agree with it. 11 Q. Sure. 12 A. That's my belief. 13 Q. Outside of your responses that we've gone 14 through here in number nine, are there any other 15 ways in which Act 43 has harmed your ability to 16 affiliate with like-minded Democrats? 17 A. Sir, I think I've expressed them. I said 18 earlier about that -- I thought about running for 19 office, that was definitely a part of it. But we 20 talked about that. I think what's before us right 21 here pretty much says it. 22 Q. Any other ways in which Act 43 impaired 23 your ability to pursue associational goals? 24 A. I'll stick with what I have right here. 25 Q. Did act -- any other way in which Act 43</p>

<p style="text-align: right;">Page 146</p> <p>1 has punished you in any way for engaging in 2 associational activity? 3 A. Well -- 4 Q. Outside of what you have here. 5 A. Yeah, what it did to our health care and 6 our pension and our inability to -- our grievance 7 procedure and other things that -- personally, I 8 was able to navigate the -- I didn't have -- 9 personally have a grievance issue, but maybe other 10 members did. Me personally? No, I stick with 11 this. 12 Q. Any other way in which it deterred or 13 hindered you from going to vote? 14 A. No, sir. 15 Q. Any other way that it deterred or 16 hindered you from volunteering besides what we've 17 talked about today? 18 A. I think just sort of general enthusiasm. 19 But I'm an enthusiastic participant. 20 Q. You -- individually, you -- 21 A. Yeah. 22 Q. -- have continued to volunteer; correct? 23 A. Yes, I have. That's right. 24 Q. Act 43's not going to stop you from that, 25 is it?</p>	<p style="text-align: right;">Page 148</p> <p>1 Democrat from -- a Democrat majority in the 2 assembly -- 3 A. Excuse me, but you asked me whether it 4 would impair me communicating with independents. 5 Q. Correct, whether it impairs you from 6 appealing to independents. 7 A. And I'll just say again, knowing that a 8 good number of our members are independents. Not 9 all our members are Democrats. Some are. Some are 10 Republicans, some are independents. And the 11 ability to communicate with them has been hurt. So 12 yes, it's been impaired. 13 Q. But it's been hurt through the network of 14 your union; is that correct? 15 A. Yeah. And again, I think about that sort 16 of fear thing, of people -- just thinking of my own 17 school. Some people wouldn't -- you know, got 18 afraid to talk about stuff. 19 Q. Yeah, please identify for me one 20 individual who's expressed to you fear over talking 21 because of the redistricting law? 22 A. I've answered that already. I'll say it 23 again. No one directly expressed their fear 24 because of the redistricting law. But I've 25 answered that a couple times.</p>
<p style="text-align: right;">Page 147</p> <p>1 A. I'd like it better with a new map, but 2 it's not going to stop me now. 3 Q. The fact that Democrats might not get a 4 majority in the state assembly, that's not going to 5 stop you from engaging in public policy, is it? 6 A. No, we don't have one right now and I'm 7 doing this work, yeah. 8 Q. And it's not going to stop you from 9 promoting and supporting individual candidates who 10 you think are good, quality candidates? 11 A. Yeah, to work to make it better, yeah, 12 I'll keep working. I should say yes, not yep. 13 Excuse my bad English. I used to teach English. I 14 should not say "yep." 15 Q. And has it deterred or hindered you in 16 any way from appealing to independents? 17 A. Independents. Well, we have a lot of our 18 members who are independents, and so that it's 19 impacted my ability to communicate with members 20 who -- some of them are still members or 21 nonmembers. Yeah, I guess it has. Hadn't thought 22 about that, but -- 23 Q. So to the extent that Act 10 created a 24 reduction in membership of your union and has been 25 preserved in place by Act 43, which prevents a</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. Is there any other ways, other than we 2 talked about today, in which Act 43 has deterred or 3 hindered you from advocating for your policies? 4 A. Yeah, it -- I'll use my own district. 5 Not as many people -- you know, there's a feeling 6 that the district can no longer be -- has a real 7 chance to win. We don't get as many volunteers. 8 So yeah, it's had an impact right where I live. 9 Q. Is there any ways in which Act 43 has 10 deterred or hindered you from advocating for your 11 policies? That was my question, sir. Is your 12 answer to not answer how it's affected you? 13 A. No. I'm trying to answer that part of my 14 advocacy is you have to have other people with you. 15 And it's cut down on the people, even in my own 16 community, I kind of have with me who I have a 17 chance to talk to or organize with or communicate 18 with, because of a feeling that it's just, you 19 know, not possible to win there. 20 Q. So in act -- in district 21, is that what 21 we're talking about? 22 A. Yes. 23 Q. And which individual -- no individual has 24 told you that this is -- 25 A. Again, no individual has come up to me</p>

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<p>1 and said because of Act 43, I've not done this. 2 But I've seen, in the turnout and number of people 3 in gatherings -- if you go back to when Glenn 4 Brauer ran or, you know, to today, a significant 5 difference of volunteer participation. 6 Q. And we did talk about running for office 7 a little bit. You had volunteered that. But 8 please, I want to ask the question directly so I 9 understand your response. 10 A. Sure. 11 Q. Why did you not run for state assembly in 12 2013 when you were approached by Peter Barca? 13 A. Again, I'll say there were several 14 reasons. One of them was clearly this feeling of 15 why do this if I cannot -- if this race cannot be 16 won. I was getting close to retirement. I just 17 sort of -- you know, personal relationships. My 18 one daughter was -- youngest daughter was still at 19 home, was very much against it; my girlfriend at 20 the time was, you know, not supportive of it. 21 So there were reasons. But -- but I 22 gotta say, the first thing that came to my mind was 23 thanks, guys, but -- I'm honored you're asking me, 24 but I don't feel I can win. 25 Q. Did you communicate this to Peter Barca?</p>	<p>1 Q. So it was the two of them who -- 2 A. Yes. 3 Q. -- basically tried to recruit you to be 4 the candidate? 5 A. Yeah, that's right. 6 Q. And you gave your answer to Peter Barca 7 that you wouldn't do so. 8 A. Right. 9 Q. Did you give him that answer by letter? 10 A. No, I called him by the next morning. 11 'Cause like the deadline was also very close. So I 12 called him and said no. I really thought about it, 13 I thought about it overnight. 14 Q. And they did find a candidate for that 15 special election? 16 A. They did. Coppola, yes. 17 Q. You told Peter Barca that it would be too 18 difficult to win that election. Okay? 19 A. I gave -- I told him all my reasons. But 20 I also felt that at this point, you know -- I mean, 21 I don't have written out exactly what I had in my 22 conversation with him that morning, but those are 23 my -- I've shared with you my reasons. Those are 24 my reasons. 25 Q. And you shared those reasons with your</p>
<p>Page 151</p> <p>1 Is that what you told him? 2 A. I communicated all that to him that I 3 just shared with you. 4 Q. And was there anyone else that you 5 communicated this to? 6 A. No. He had -- I told him I'd think about 7 it overnight. Oh, I did, I spoke with the late 8 Rick Grobschmidt, who was a friend. And he had 9 called me about it. I told him no, and I told him 10 my reasons. But Rick has passed away. 11 Q. I'm sorry to hear that. 12 A. Yeah, me too. 13 Q. When Mr. Barca contacted you, was that -- 14 that was in person; is that correct? 15 A. Yes, he did. 16 Q. I remember you saying you were doing door 17 duty. 18 A. Yeah, yeah. Chris Sinicki was there. 19 But when I got back to him with my answer, I did 20 not communicate that to Sinicki, I solely did to 21 Barca. 22 Q. So Representative Sinicki contacted you 23 about -- 24 A. She was standing there with him when he 25 asked me.</p>	<p>Page 153</p> <p>1 late friend and with Peter Barca. Anyone else? 2 A. Well, just family or friends I talked to 3 about making a decision. 4 Q. Before you made the decision? 5 A. Well, it was like one -- one night. 6 Q. Yeah. So in that one night after in 7 which you were making that decision when you were 8 approached to run for assembly, which individuals 9 did you speak with about whether or not you should 10 run for office? 11 A. Which individuals. Jeez. I did go to 12 talk to the superintendent that if I did do it, if 13 I could get the -- work it out to do it to finish 14 the school year. 15 Q. You're referring to the superintendent at 16 public -- 17 A. South Milwaukee. 18 Q. -- of the South Milwaukee schools? 19 A. Uh-huh. 20 Q. Did you tell the superintendent at South 21 Milwaukee schools -- 22 A. Any of those reasons, no. I just wanted 23 to know that if I did, was I going to be able to 24 get the time -- it was a very -- whatever. No, I 25 did not tell her any -- only to ask if I could, you</p>

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<p>1 know, work it out for that year. I talked to my 2 daughter -- 3 Q. Your daughter. 4 A. -- I talked to both my daughters. One 5 was here, one was -- one's in -- where was she 6 then? Was she already in California? I can't 7 remember. Or she was in college. I don't remember 8 at the moment. I talked with my girlfriend at the 9 time, and I talked with Barca and Grobschmidt. 10 Q. With respect to your daughters, did you 11 go through with them the pros and cons of running 12 for office in that conversation? 13 A. Oh, no, I just mostly talked about what's 14 this -- what would you feel, what do you think, do 15 you think I should do this. You know, that -- no, 16 it was very personal. 17 Q. Did you tell either one of your daughters 18 that you felt it would be difficult to win? 19 A. I think I did. I mean, I don't ever -- I 20 don't have it recorded exactly what I talked to 21 them about more than the personal, but I think I 22 did. 23 Q. Please provide for me your daughters' 24 names that you had this conversation with? 25 A. Lillian Costello and Leah Costello-Swift.</p>	<p>1 A. Lynn Danjel (phonetic). 2 Q. And do you have present contact 3 information for Ms. Danjel? 4 A. Not here, no. 5 Q. Now, with respect to each of these 6 people, did you tell any of them that the district 7 would be difficult to win because of Act 43? 8 A. I told them the district would be 9 difficult to win because of the way the map was 10 drawn. 11 Q. And did you tell them -- 12 A. You know, just time out a second. These 13 were personal conversations. More about -- much 14 more about me doing something than -- and impact on 15 personal lives, than any kind of political angle or 16 me talking about, well, I don't know if I can get 17 money or this -- it wasn't that kind of 18 conversation. It was, you know, what do you -- 19 what do you think, you're my daughter; you know, 20 what do you think, you're my girlfriend, what are 21 you going to say. I mean, that's the way those 22 conversations were. 23 Q. I'm just trying to determine why that you 24 didn't run for office in 2013. 25 A. Okay. I've given you reasons. I'm just</p>
<p>Page 155</p> <p>1 But she was then just Leah Costello. She's 2 married. That's my older daughter. 3 Q. And where does Lillian live? 4 A. Okay, I'm wishing I could object. I feel 5 this is unfair. Honestly, I'm going to tell you I 6 don't have addresses for either of them. My 7 daughter in California just moved to a new house, 8 and I don't know the new address. It's in El 9 Sereno. And my younger daughter is living with her 10 boyfriend, and it's -- I can tell you it's in New 11 Berlin, but I don't -- I don't -- 12 Q. And the younger one is Leah? 13 A. The younger one is Lillian. Lily. The 14 older one is Leah. 15 Q. So Lillian lives in New Berlin and Leah 16 lives in -- 17 A. El Sereno, California. 18 Q. El Sereno. 19 A. Yes. 20 Q. And your ex-girlfriend, when you spoke 21 with her, did you talk to her about how difficult 22 it would be to win in assembly district 21? 23 A. I honest to God don't remember. I -- I 24 probably did. I probably did. 25 Q. And what was her name?</p>	<p>Page 157</p> <p>1 saying on the personal it's different than the way 2 I talked about it -- I'm trying not to lose my 3 temper -- but with Barca or Grobschmidt or others. 4 So -- and I probably mentioned -- I probably 5 mentioned to all three of them it would be hard 6 to -- you know, hard to win. 7 Q. Would you have -- 8 A. Because of the map. 9 Q. Because of the map. 10 A. Uh-huh. 11 Q. Would you have made a determination to 12 have run for this district if the map had been 13 drawn exactly as it was in 2002? 14 A. I don't know. I don't know. I can't go 15 back to that moment and put all those things 16 together. I don't know. It was a combination of 17 many of those things. No one was the sole one. I 18 don't know. I can't answer it. It's -- it's -- 19 hypothetical, and I can't go back to that moment in 20 a different district. 21 Q. You can't go back in time and say whether 22 or not you would have run in that -- a different 23 district? 24 A. No. 25 Q. Because you can't tell me that you would</p>

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<p>1 have run but if that district had been different; 2 correct?</p> <p>3 A. I've said from the beginning, if you 4 heard me, that there were several reasons why I 5 made a decision not to. The district map and the 6 difficulty to win and to put the time towards 7 trying to win in a cold November, was one of them. 8 It was not the only one.</p> <p>9 Q. And you cannot tell me that you would 10 have run if that district had been fairer; correct?</p> <p>11 A. No, 'cause I can't go back in time to 12 that moment. I cannot. I can't tell you.</p> <p>13 Q. You can go back in that time and say that 14 you didn't run potentially because of how the 15 district was drawn, but you can't go back in time 16 and tell me that you would have run had it been a 17 fair district; correct?</p> <p>18 MS. HARLESS: Objection to form.</p> <p>19 THE WITNESS: I think this question's 20 extremely unfair. I need to express that myself. 21 I have expressed to you as clearly as I can from 22 the beginning it was one of several, it was not the 23 only. There were things in my personal life, the 24 girlfriend at that time, with a daughter, with 25 thinking about retiring, all of it just being too</p>	<p>1 A. Yeah, I donated a lot of money this past 2 election cycle.</p> <p>3 Q. And having removed that information, and 4 I can get it out and we can go through it together, 5 but since you reviewed it earlier, I want to ask 6 you whether or not you noticed anything that was 7 inaccurate or whether you believe that those 8 donations or those reports --</p> <p>9 A. Well, they're -- I'm sorry to interrupt 10 you. Finish.</p> <p>11 Q. Whether those reports accurately 12 described who you donated money to.</p> <p>13 A. Yes, 'cause they have to be reported by 14 the campaigns. And I'm just saying that I don't 15 think -- school board doesn't have the 16 restrictions. I don't know what they are for 17 municipal offices. I've not made a lot of those, 18 but a couple of them. But yeah, those are 19 accurate.</p> <p>20 Q. And since Act 43 has passed would you 21 tell me if you agree with the following statements. 22 You have made campaign contributions to Democrats 23 running for assembly district 21?</p> <p>24 A. Yes.</p> <p>25 Q. You have made campaign contributions to</p>
<p>Page 159</p> <p>1 fast, too quick. So what that district would be, I 2 don't know. I can't go back to that moment and 3 tell you. And I don't think anyone could. But it 4 was one of the factors. It was not the only one.</p> <p>5 BY MR. ST. JOHN:</p> <p>6 Q. We might be able to determine -- strike 7 that. Did you review your donation history when 8 you provided us with information with respect to 9 your interrogatories and document production 10 request?</p> <p>11 A. I saw it briefly, you know, before this 12 meeting, yes. I mean, there's a lot of names on 13 there. And it doesn't even include, you know, 14 things like school board and city council and other 15 stuff.</p> <p>16 Q. Shows that you've been pretty active 17 over --</p> <p>18 A. Yes, yes.</p> <p>19 Q. -- your adult life supporting candidates 20 and causes --</p> <p>21 A. Yes.</p> <p>22 Q. -- that you agree with.</p> <p>23 A. Yes.</p> <p>24 Q. Would you agree that you've continued to 25 donate at high levels in the last ten years?</p>	<p>Page 161</p> <p>1 Democrats running in other assembly districts since 2 2012?</p> <p>3 A. In some, yes. Not a lot, but to some.</p> <p>4 Q. You have made campaign contributions to 5 Democrats who were running for state senate?</p> <p>6 A. Yes.</p> <p>7 Q. Have you made contributions to PACs who 8 also then support candidates?</p> <p>9 A. Well, when I was a member, you know, I 10 had PAC money taken out of my check. And I no 11 longer can contribute to PACs 'cause I'm not a -- 12 I'm not a member. You know, I'm retired. But I 13 still give to our conduit, which I said this early 14 on.</p> <p>15 Q. I would like to give you one more 16 document and hopefully we can be on our way.</p> <p>17 A. That would be nice. Do I keep these or 18 you want them back?</p> <p>19 MS. HARLESS: You gotta leave them here.</p> <p>20 MR. ST. JOHN: The court reporter will 21 take them.</p> <p>22 (Exhibit 77 marked for identification.)</p> <p>23 BY MR. ST. JOHN:</p> <p>24 Q. I'm going to mark as Exhibit 77 a 25 document entitled Plaintiff Guy Costello's Response</p>

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<p>1 to Assembly's First Set of Document Production 2 Requests to Plaintiff. 3 Mr. Costello, have you seen this 4 document before? 5 A. I believe so, yes. 6 MS. HARLESS: I think this is a 7 different -- this is the interrogatories. 8 MR. ST. JOHN: Do you want to slide over 9 and make sure that he's looking at the document 10 that I gave you so you have the same document? 11 MS. HARLESS: Sure. Yep, I think he has 12 the right document. 13 MR. ST. JOHN: Is this the document? 14 MS. HARLESS: Yes. 15 MR. ST. JOHN: I apologize for that. 16 Sorry. 17 MS. HARLESS: That's okay. 18 THE WITNESS: So return to document 19 request, is that what -- 20 BY MR. ST. JOHN: 21 Q. Yes. Have you seen that document before? 22 A. I believe so, yes. 23 Q. Do you understand that document to be a 24 list of requests that parties in this litigation 25 made of you to produce certain documents?</p>	<p>1 Q. Do you keep copies of your sent letters 2 that you send? 3 A. No. I'm not real organized that way. 4 No, I do not. 5 Q. The next request for production asks for 6 letters to the editor, editorials, op-eds, 7 commentary, opinion pieces, articles, or similar 8 documents, whether published or unpublished, 9 written by each plaintiff that relates to politics, 10 public policy issues, or political parties. Have 11 you written any materials that -- 12 A. Not that I -- 13 Q. -- meet that description? 14 A. Not that I sent out or that I have a 15 memory or still kept copies of, no, I do not. I'm 16 not big at that. 17 Q. The next request for production asks for 18 all posts to blogs, Facebook, Twitter, Instagram, 19 other form of social media. 20 A. I don't do -- in fact, I just totally 21 went off Facebook. And I don't do Twitter, and I 22 don't do -- I do Instagram to see my grandkids. 23 Q. Yeah, let's go through just each type. 24 Have you ever had a Twitter account? 25 A. No.</p>
<p>Page 163</p> <p>1 A. Yeah, if I have them. 2 Q. Sure. I just want to ask about the first 3 one first. It asks for all communications from 4 2002 to present between each plaintiff and his or 5 her local, state, and national elected 6 representative, or those representatives' offices 7 or staff. Do you see that? 8 A. Yes. 9 Q. In your response it says that, "Documents 10 bearing production numbers," and then there's some 11 words there, "Costello one to Costello 24, were 12 produced with this response." 13 A. Oh, yeah. 14 Q. Do you see that? 15 A. Oh, yes. Yes. We went through my -- 16 Q. Yep. 17 A. -- laptop. 18 Q. I just wanted to ask you, 'cause I was 19 asking a little bit out of order. Did you have 20 more than 24 pages of correspondence with your 21 representatives? 22 A. This is all we found on -- as I 23 mentioned, I had an older -- an old laptop. But I 24 think it's the same guy.costello@gmail.com. So I 25 don't think it would have been any different.</p>	<p>Page 165</p> <p>1 Q. Have you ever had an Instagram account? 2 A. Yeah, I have one. 3 Q. Have you ever discussed politics, public 4 policy issues or political parties on that account? 5 A. No. 6 Q. Do you -- do you use -- other than 7 Facebook, which we'll get to last, do you use any 8 other forms of social media? 9 A. No, I do not. 10 Q. Do you maintain a blog? 11 A. No, I don't. 12 Q. Do you ever post to blogs? 13 A. No, I don't. 14 Q. Do you post to newspaper stories about 15 public affairs? 16 A. I don't. 17 Q. Where it says that readers can comment, 18 do you ever comment? 19 A. I don't do that stuff. 20 Q. And now we'll just talk about Facebook. 21 You said that you recently deleted your account; 22 correct? 23 A. No, I still have my account, I've just 24 decided to go off for a while. I wanted a break 25 from Facebook. I still have a Facebook.</p>

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1 Q. It's a Facebook cleansing; is that
 2 correct?
 3 A. Well, yeah, if that's what you want to
 4 call it, that's it. For some personal reasons.
 5 Q. Why --
 6 A. Has nothing to do with politics.
 7 Q. Do you ever, on Facebook, write posts
 8 that relate to politics?
 9 A. Oh, God, I'm sure, like, I liked or made
 10 a little comment, but nothing significant, or like
 11 I was doing a big ad campaign or -- I don't even
 12 know how to find them.
 13 Q. Mr. Costello, did you go through your
 14 Facebook feed to determine whether or not you --
 15 A. If I said yes or did, like, a bad picture
 16 of Donald Trump or something? No, I did not. But
 17 I have not done anything significant on Facebook.
 18 Q. So have you gone through your Facebook to
 19 determine whether or not --
 20 A. I don't even know how to. I mean, that's
 21 just the truth. I'm telling you the truth. I
 22 don't even know how to. But I know there's nothing
 23 on there.
 24 Q. How do you know that there's nothing on
 25 there?

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1 A. 'Cause I don't use Facebook as a thing
 2 to -- I might like it or I may have shared
 3 something, but --
 4 Q. But you don't share your ideas on
 5 Facebook?
 6 A. Not much, no.
 7 Q. You don't comment on people's posts on
 8 Facebook?
 9 A. Sometimes, a little bit.
 10 Q. Do they --
 11 A. More personal than --
 12 Q. Yeah. Debate people on Facebook?
 13 A. Never debate, no.
 14 Q. Share stories about politics on Facebook?
 15 A. If somebody wanted to -- really wanted to
 16 go through it, I'm telling you I don't do much on
 17 Facebook. And I'm not saying that just to avoid
 18 it. I'm just not a big Facebook --
 19 Q. I just want to be sure that if you have
 20 any documents that meet this definition and
 21 description, that you provide them. That's all I'm
 22 concerned about.
 23 A. Well, if I can get help with that.
 24 'Cause I don't --
 25 Q. If there are any, if you feel, upon

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1 reviewing our conversation today that you need to
 2 supplement your production, I'm sure your
 3 attorney --
 4 A. Okay.
 5 Q. -- will be in touch with us about that.
 6 A. Okay. I'm not a social media person.
 7 There's some there, but it's insignificant.
 8 MR. ST. JOHN: I don't have any further
 9 questions.
 10 MS. HARLESS: No questions for me.
 11 MR. ST. JOHN: Thank you, Mr. Costello.
 12 THE WITNESS: Thank you. Thank you, and
 13 thank you.
 14 THE VIDEOGRAPHER: Going off the record,
 15 end of deposition. Media three of three.
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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 839 North Jefferson Street, Milwaukee,
 11 Wisconsin, on January 31, 2019, commencing at
 12 1:44 p.m. and concluding at 5:56 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 18th day of
 21 February, 2019.
 22 _____
 23 ANITA KORNBURGER, RPR - Notary Public
 24 My commission expires May 24, 2021.
 25

Guy Costello

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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 GUY COSTELLO 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
20 evidence to be the person(s) who appeared before me.
21 Signature _____
22
23
24
25