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March 13, 1992

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MAR 16 1992
Ans'd.....

Don Abel
Mail Station A500

Dear Mr. Abel:

Re: Tina DeBaca, et al. v. County of San Diego, et al., U.S.D.C. No. 91-1282 R (M)

Attached is the original of volume 2 of the Supervisor's deposition. Please have him review it carefully, making whatever corrections he deems appropriate directly on the page. After he is done, please have him sign and date the signature page, and please return it to the undersigned at Mail Station A12. If you have any questions, please contact the undersigned at S48-6218 (531-6218). Thanks for your assistance in this matter.

Very truly yours,

LLOYD M. HARMON, JR., County Counsel

By Ian
IAN FAN, Deputy

IF:if
91-90530

[Leon,
Please sign and return to Ian.]

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TINA C. DeBACA, JAMES MINER, and ELENA ANITA MORENO on behalf of themselves, and all others similarily situated, Plaintiffs, vs. COUNTY OF SAN DIEGO, NORMAN HICKEY, Chief Administrative Officer of San Diego County, BRIAN P. BILBRAY, County Board of Supervisors, GEORGE F. BAILEY, County Board of Supervisors, SUSAN M. GOLDING, County Board of Supervisors, LEON L. WILLIAMS, County Board of Supervisors, JOHN MacDONALD, County Board of Supervisors, Defendants.	No. 91-1282 G(BTM)

DEPOSITION OF LEON WILLIAMS

VOLUME II

(Pages 116 through 145, Inclusive)

Reported by Lynn Penfield
CSR No. 8589
March 4, 1992

KRAMM & ASSOCIATES
Certified Shorthand Reporters

2224 Third Avenue
San Diego, California 92101
(619) 239-0080

ORIGINAL

I N D E X

THE WITNESS: LEON WILLIAMS	EXAMINATION
By Mr. Johnson	2

SAN DIEGO STATE UNIVERSITY 1897

APPEARANCES

FOR THE PLAINTIFFS:

LAW OFFICES OF AGUIRRE & MEYER
By: ANDERS JOHNSON, ESQ.
1060 Eighth Avenue, Suite 200
San Diego, California 92101

FOR THE DEFENDANTS:

COUNTY OF SAN DIEGO
OFFICE OF COUNTY COUNSEL
By: IAN FAN, ESQ.
1600 Pacific Highway
San Diego, California 92101

CADWALADER, WICKERSHAM & TAFT
By: JOHN E. McDERMOTT, ESQ.
660 Figueroa Street
Los Angeles, California 90047

ALSO PRESENT: ROCHELLE FELITTI

DEPOSITION OF LEON WILLIAMS

taken by Plaintiffs at 1060 Eighth Avenue, San Diego, California 92101, commencing on March 4, 1992, at 1:35 P.M., before Lynn Penfield, Certified Shorthand Reporter, pursuant to Notice and Stipulation.

1 LEON WILLIAMS,

2 having been first duly sworn, testified as follows:

3

4 EXAMINATION

5 BY MR. JOHNSON:

6 Q. Mr. Williams -- Supervisor Williams, I'm sorry.

7 Have you had a chance to review your prior transcript with

8 regard to your deposition?

9 A. Yes.

10 Q. Have you reviewed any other documents prior to

11 coming here today?

12 A. You mean pertaining --

13 Q. Since your last deposition.

14 A. Pertaining to this?

15 Q. Yes.

16 A. No.

17 Q. Have you discussed this with anyone besides your

18 counsel since your previous deposition?

19 A. No.

20 Q. What I'd like to do, I know -- Mr. Aguirre went

21 through the process with you as far as the redistricting

22 process as well as some of your past with regard to your

23 holding office, and what I want to do today is kind of go

24 through some of the additional evidence that has been

25 acquired since your deposition to kind of get a feel from

26 you as to some of the things that happened.

27 The first thing I wanted to ask you about, with

28 regard to District 4, you state in your prior deposition

1 that you did not hire a consultant; is that correct? You
2 did not consult a political consultant with regard to
3 redistricting?
4 A. That's correct.
5 Q. Did you at any time or with regard to
6 redistricting, ever review any prior election results?
7 A. You mean for purposes of redistricting?
8 Q. Correct.
9 A. I did not.
10 Q. Did you consult anybody with regard to prior
11 election results in the area of your district in terms of
12 who voted for who within a certain census tract or a certain
13 precinct?
14 A. I did not.
15 Q. Are you familiar with any evidence with regard to
16 that?
17 A. What do you mean by "evidence"?
18 Q. Are you familiar with any evidence, not in terms
19 of talking with anybody or anything, but with regard to
20 election results, any type of evidence with regard to your
21 district?
22 A. I really don't understand.
23 MR. McDERMOTT: You are switching back and forth between
24 "election results," and then you use the word "evidence."
25 It's a bit confusing. If you can clarify the question.
26 BY MR. JOHNSON:
27 Q. Have you seen any evidence, any election results
28 from your district?

A. At any time?

Q. At any time.

A. Well, sure.

MR. McDERMOTT: You mean in connection with the redistricting process?

BY MR. JOHNSON:

Q. In connection with the redistricting process.

A. No, not in connection with the redistricting process.

Q. Outside the redistricting process, have you analyzed election results in your district, reviewed, analyzed, looked at?

A. I'm having difficulty, because are you talking redistricting, or talking about any time ever?

Q. Any time ever.

A. Well, sure, of course.

Q. Did you ever at any time -- and I'm assuming you are referring to -- or are you referring to your election results?

A. I have looked at the Registrar of Voters results in times past.

Q. Have you looked at those results by precinct, or how did you --

A. I have looked at them by precinct.

Q. Have you looked at them by census tract?

A. Not really. Not really, no.

Q. So you've analyzed election results by way of precinct; is that correct?

1 A. There's a difference between analyze and looking
2 at, I think.
3 Q. Let's look at looked at.
4 A. I have looked at election results, yes.
5 Q. Which election results would those be?
6 A. I don't know.
7 Q. Would you have looked at the election results,
8 for example, of the 1988 Jackson-Dukakis primary?
9 A. No.
10 Q. No, you wouldn't have; or you don't recall?
11 A. You mean in connection with this?
12 Q. Just in general.
13 A. No, I did not.
14 Q. Did you ever look at the 1986 election results
15 by precinct of the Tom Bradley, George Deukemajian 1986
16 election for Governor?
17 A. I can't say.
18 Q. Okay.
19 MR. McDERMOTT: You are breaking in over his answer. If
20 you can let him finish, and same thing for you. Let him
21 finish his question before you start answering. She can't
22 take down two people talking at the same time.
23 BY MR. JOHNSON:
24 Q. So you state you don't know; you can't recall?
25 A. I do not.
26 Q. Are you aware -- well, let me ask it to you this
27 way: What do you think, looking at -- what would you think
28 if one were to tell you that Jesse Jackson could not have

1 won your district in the 1988 election? What would you have
2 to say about that, that he could not have won the primary
3 against Michael Dukakis in your district as it stands
4 today? Does that surprise you?
5 MR. McDERMOTT: Are you asserting that as a fact?
6 MR. JOHNSON: It's supposing, hypothetically, at this
7 point.
8 THE WITNESS: I'd have no comment on that.
9 BY MR. JOHNSON:
10 Q. What would you say if one were to say to you that
11 Tom Bradley -- well, you are aware that Tom Bradley is an
12 African-American; is that correct? I think it's pretty
13 obvious --
14 MR. McDERMOTT: We'll stipulate to that, Anders.
15 MR. JOHNSON: Thank you.
16 Q. What would you say if someone were to say to you
17 that Tom Bradley could not win your district in the 1986
18 Governor's race?
19 MR. McDERMOTT: You are just saying supposing. You are
20 not asserting that is the case?
21 MR. JOHNSON: I'm supposing at this point.
22 THE WITNESS: What would I say?
23 BY MR. JOHNSON:
24 Q. What would your comment be about that?
25 A. I don't know. It would depend on how they said
26 it and how serious they were. I wouldn't say that's true at
27 all.
28 Q. What I'm going to show you here is Plaintiffs'

1 Exhibit 42, which has already been entered into evidence,
2 and what it does --
3 MR. McDERMOTT: It has not been entered into evidence.
4 It has been marked for purposes of a deposition.
5 MR. JOHNSON: Fine.
6 Q. I'll have you look at this real quickly. What
7 they mean by the proposed VRA district is a district that
8 has been proposed by the Plaintiffs, but there is a
9 district, the fourth district is a district as comprised
10 currently, and the Voting Rights Act proposed district is
11 one that combines the minority census tracts all in one
12 district. I'm going to ask you to review that exhibit
13 briefly.
14 A. I really don't know what you are asking me to
15 review.
16 Q. In looking at that chart, what does that say to
17 you in terms of the different results between the two
18 districts in that particular race, Jackson versus Dukakis?
19 MR. McDERMOTT: You are asking him to understand and
20 analyze your own exhibit?
21 MR. JOHNSON: No. I'm asking him to look at it and ask
22 him if he would like to -- if that surprises him with regard
23 to the fact that Jackson cannot win his district.
24 Q. Does that surprise you?
25 MR. McDERMOTT: Don't answer the question yet. What's
26 the question?
27 BY MR. JOHNSON:
28 Q. Are you surprised that Jesse Jackson cannot win

1 your district -- could not have won your district in the
2 1988 election based on that exhibit?
3 MR. McDERMOTT: I'm going to object to the question as
4 assuming facts not in evidence and lack of proper
5 foundation. Your exhibit purports to represent that, but at
6 this point, we have not reviewed that district and the way
7 in which you calculated those numbers, we may not agree with
8 you and you can't -- I'm not --
9 MR. JOHNSON: That's fine.
10 MR. McDERMOTT: If you want to ask the question if it
11 were true, that's the case, what would be his response.
12 That's a question.
13 MR. JOHNSON: I've asked him that, but I'll ask again to
14 be sure.
15 Q. If that were the case in a district that
16 comprised all minority tracts, and Jackson were to win the
17 primary in 1988, but in your district as it is composed now,
18 he cannot win, what is your comments with regard to that?
19 MR. McDERMOTT: If it were true.
20 BY MR. JOHNSON:
21 Q. If it were true.
22 A. Well, first of all, I'd have to say I wouldn't
23 accept it as true.
24 Q. Let's stop there a minute. Why would you say
25 that?
26 A. Because I would not, because I won in the
27 district, so if somebody else didn't win, I don't know that
28 that proves anything.

1 Q. What if it were -- let's say if it were true
2 that -- there's not an exhibit to show this offhand. What
3 if it were shown to be true -- what if it were true in 1986
4 in the Governor's race, Tom Bradley could have won in the
5 VRA proposed district, yet he could not have won in the
6 fourth district as it is comprised now. If that were true,
7 what would your comment be with regard to that?
8 A. No comment. It would be irrelevant, as far as I
9 can see.
10 Q. Why do you say it's irrelevant?
11 A. I won in the district. If a person were prepared
12 and a candidate and known in the districts, I wouldn't say
13 this figure means anything. People vote for people that
14 they know. They vote for a specific candidate for specific
15 issues.
16 Q. Do you believe, based on -- do you believe that
17 an Afro -- African-American besides yourself can win in the
18 fourth district?
19 A. Yes.
20 Q. Do you believe that it is, in fact, an
21 African-American district, per se?
22 MR. McDERMOTT: Objection. Vague as to what you mean by
23 African-American district.
24 BY MR. JOHNSON:
25 Q. Would you classify -- well, I think I am asking
26 his personal opinion. Would you classify the fourth
27 district as an African-American district?
28 MR. McDERMOTT: And I'm objecting as vague as to what

1 you mean by African-American district.
2 Do you know what he means?
3 THE WITNESS: I don't know.
4 BY MR. JOHNSON:
5 Q. Would you think that an African -- let me ask it
6 to you this way: Do you think that your district is --
7 would be more favorable to an African-American candidate,
8 than say, District 1?
9 A. You asked me to answer a question based on your
10 assumptions, and I act on my own perceptions, not somebody
11 else's.
12 Q. I'm asking your perceptions in terms of do you
13 believe District 4 would be more favorable to an
14 African-American candidate than District 1?
15 A. I don't know how many elaborate -- I think
16 candidates are individual. I think people vote for
17 individuals. They vote for people's qualifications. They
18 vote for people as to how they present themselves, and I
19 don't categorize people until they present themselves, and
20 that's how it is as far as I'm concerned, and I can't answer
21 those questions on a speculative basis.
22 Q. During the redistricting process, did you
23 approach the creation of the present District 4 from the
24 standpoint of creating a district which was a minority
25 district, or were you thinking of it -- what other factors
26 were you looking at?
27 You state that each candidate is based
28 individually -- each candidate should be looked at in terms

1 of their various qualifications; is that correct? I think
2 that's what you stated. They shouldn't be looked at just
3 for the fact they are African-American; is that correct?
4 A. I'm saying that I think. I think that's what the
5 voters do.
6 Q. What did you look at with regard to redistricting
7 in terms of District 4, creation of District 4 and District
8 1? Were you looking at the ability of a minority to be
9 elected in those districts?
10 A. Yes.
11 Q. Were you looking at the numbers per se, or were
12 you looking at some other factor with regard to -- let me
13 strike that.
14 Let me ask you this way: Did you intend by
15 adopting this District 4 that it would be more favorable to
16 an African-American candidate than, say, District 1?
17 A. Probably. That's guessing, but yes, I think so.
18 Q. Okay. Did you -- are you aware, for example,
19 what -- you've seen the Chicano Federation proposed plan; is
20 that correct?
21 A. Yes.
22 Q. Are you aware that the current District 4, in
23 fact, has fewer percentage African-Americans than the
24 Chicano Federation plan had in its proposed district form?
25 Are you aware of that?
26 A. Not right now in my consciousness, no.
27 Q. Did you, during the redistricting process,
28 attempt to place as many African-American census tracts

1 within District 4?
2 A. I didn't draw the maps.
3 Q. Did you give any suggestions or discuss with
4 anybody placing African-American districts, more districts
5 within District 4?
6 MR. McDERMOTT: Districts? You mean census tracts?
7 MR. JOHNSON: Census tracts.
8 THE WITNESS: I didn't really talk with them about
9 preparing the map.
10 BY MR. JOHNSON:
11 Q. Do you believe that minority candidates or
12 minority communities in San Diego County are cohesive, that
13 they vote alike?
14 A. Minority communities?
15 Q. Hispanic, African-American, Asian? Do you
16 believe those communities vote alike?
17 A. I have not seen evidence. I don't know.
18 Q. Okay. Do you believe that they vote -- do you
19 believe in your district, for example, and I'm talking about
20 prior to now when you ran in say -- I believe you ran in
21 '88; is that correct -- or '90, I'm sorry.
22 When you ran in 1990, do you believe that
23 Hispanic, African-American, Asian communities voted for you
24 overwhelmingly?
25 A. I've never analyzed it. I don't know
26 overwhelmingly. I think they vote for me by majority.
27 Q. Do you believe that they voted for you based on
28 your race primarily?

1 A. I believe they voted on me based on my
2 performance, what they know about me.
3 Q. Do you know whether when you first ran for
4 Supervisor, whether or not a majority of the
5 African-American, Asian, and Latino communities voted for
6 you?
7 A. Did you say "know"?
8 Q. Do you know?
9 A. I do not know.
10 Q. Do you believe that a majority --
11 A. I believe that the majority, yes.
12 Q. Do you believe that during that first race for
13 Supervisor, that they voted for you based on your race?
14 A. No, I do not.
15 Q. What do you believe they voted for you with
16 regard to the first race for Supervisor?
17 A. I believe they voted because they know me and
18 they know my performance.
19 Q. Now, with regard to --
20 A. I think the same thing is true with white folks,
21 too. I think they voted for me by majority, I think, for
22 the same reasons.
23 Q. With regard to, say, a candidate who does not
24 have experience, for example, or a candidate who is in his
25 first election who is, say, African-American, do you believe
26 that he could win in the fourth district, he or she?
27 A. Going back to what I said earlier, being
28 prepared, being able and having people know that, I think

yes, absolutely.

Q. Do you believe that that person would be -- would be electable based on his race?

A. I think based on his or her performance on what people know about them.

Q. And if they had no prior experience or -- in your case, for example, you were a member of the City Council. A person not having that background, do you believe they would have an opportunity to be elected based on the issues if they were black?

A. Yes, I do.

Q. Do you believe that a minority candidate has an opportunity to be elected in the first district based on their ethnicity or race?

MR. McDERMOTT: Based on their ethnicity or race?

MR. JOHNSON: Yes. I'm kind of expanding it on this point in terms of the first district.

THE WITNESS: That's an oxymoron. From what we've been talking about, because I'm saying that's not a determining factor, because I'm saying that people are not being elected on race or sex, but if they are known and people respect them, and I think that's true, and the contrary wouldn't be true, based on their race.

BY MR. JOHNSON:

Q. Do you believe that there are white voters who will vote against a candidate because of their race?

A. I believe that, yes.

Q. Do you believe that that occurs here in San Diego

1 County?
2 A. Yes, I believe it does.
3 Q. Do you think it would be to the benefit of a
4 minority candidate to have as many minority precincts in
5 their district as possible, if that is, in fact, the case to
6 get elected?
7 A. No, not necessarily. As possible, I would say
8 yes.
9 Q. What would you consider to be a safe -- what
10 would you consider to be a reasonable amount or a reasonable
11 percentage of minority census tracts that you would be
12 comfortable with?
13 A. I wouldn't put it in those terms. I would look
14 for a simple majority.
15 Q. Simple majority of minority census tracts?
16 A. Not census tracts, but persons, people. These
17 tracts, I don't know what census tracts mean.
18 Q. So you think a simple majority, that being 50
19 plus 1 would be --
20 A. A majority, I think, yes. I would accept that,
21 assuming there are some people that vote against a person
22 because of that. There may be some people that vote for a
23 person because of it, so my observation is that it works
24 out.
25 Q. Now, based on your experience in running for
26 election, do you believe that -- and I'm asking for your
27 opinion, do you believe that minorities in general register
28 to vote on a large scale?

1 MR. McDERMOTT: Vague as to what you mean by a large
2 scale. I mean, are you saying in relation to
3 non-minorities?
4 BY MR. JOHNSON:
5 Q. Do you believe that most minority voters -- that
6 most minority citizens are registered to vote based on your
7 experience?
8 MR. McDERMOTT: And you are defining "minority" as
9 Hispanics, Blacks, and Asians?
10 MR. JOHNSON: Yes.
11 THE WITNESS: I don't know that I can answer that.
12 BY MR. JOHNSON:
13 Q. Do you believe there is a problem --
14 A. I don't know that most of any -- I don't know
15 that.
16 Q. Do believe there has been a problem in the past
17 with regard to registering minority citizens to vote?
18 A. There is a problem, yes.
19 Q. Okay.
20 A. There's a problem getting anybody to register to
21 vote. Registration drives go across the spectrum.
22 Q. Do you think it's more prevalent among minorities
23 versus white citizens, Anglo citizens?
24 A. You mean failure to register?
25 Q. Yes.
26 A. I think that's true, yes.
27 Q. Do you believe that -- based on that, do you
28 believe that if, for example, a district had 50-plus

1 minority voters or minority citizens, do you believe that
2 that, in fact -- well, let me ask it this way: Do you
3 believe that 50 percent plus of a minority community in a
4 district guarantees a 50 percent or more minority vote?
5 Let me ask it this way: It's kind of a complex
6 question, and I want to ask it properly here. Do you
7 believe based on what you've stated, that minority citizens
8 are less likely to be registered to vote than Anglo
9 citizens? Do you take that into account in determining what
10 percentage of minorities should be in a district?
11 A. Well, it depends what you mean taking into
12 account. It is all very vague and undefined and subjective
13 and judgmental, and I don't know anybody has any figures
14 that proves anything about any specific number of people
15 doing any specific thing.
16 I act on what I believe is reasonable and doable,
17 and in issues like this, assuming that somebody is able, an
18 able person, an able candidate who is willing to work and
19 let people know, has a track record, I think they can be
20 elected, yes, I certainly do.
21 Q. Do you recall --
22 A. I think the evidence establishes that, not just
23 here but around the country.
24 Q. Do you recall whether or not you have looked at
25 or discussed -- do you recall discussing the issue of
26 whether or not -- of what percentage of the minority
27 citizens, in fact, were registered to vote? Do you recall
28 that coming up in the redistricting process?

1 A. No, I do not.
2 Q. Do you recall looking at any evidence with regard
3 to that issue?
4 A. No.
5 Q. Would you want to know in redistricting -- would
6 you want to know what percentage of minority citizens were,
7 in fact, registered to vote? Do you feel that's a relevant
8 factor?
9 A. Not really.
10 Q. Why is that?
11 A. Well, because I think people can be motivated to
12 register and to vote.
13 Q. Okay. Are you familiar with any organizations
14 within your district which actively attempt to register
15 minority voters or minority citizens?
16 A. Familiar with?
17 Q. Can you name me organizations or individuals who
18 are actively attempting to register minority citizens to
19 vote?
20 A. Well, normally that occurs around election time.
21 I don't know that anybody has that as a mission to do all
22 the time, but during times when elections are imminent,
23 people do organize themselves and try to educate and
24 motivate people to register to vote.
25 Q. Have you ever personally involved yourself in
26 that type of activity in terms of specifically going --
27 specifically attempting to register minority citizens to
28 vote?

1 A. Yes, I have.
2 Q. Okay. With regard to other African-American
3 leaders in the community, do you know George smith -- George
4 Stephens -- off the record.
5 (Discussion off the record.)
6 MR. JOHNSON: Back on the record.
7 Q. You know George Stephens; is that correct?
8 A. Yes.
9 Q. How long have you known Mr. Stephens?
10 A. Probably 30 years.
11 Q. Do you consider Mr. Stephens to be a good friend
12 of yours?
13 A. We're friends.
14 Q. Do you socialize with him?
15 A. No.
16 Q. Do you consider yourself -- do you consider the
17 two of you to have similar views on all the issues?
18 A. On all the issues? No.
19 Q. Do you consider yourself to -- so I take it you
20 two disagree at times; is that correct?
21 A. Those are two separate questions.
22 Q. Right. Do you feel that you and Mr. Stephens
23 disagree at times with regard to certain issues?
24 A. I don't know. You have to define "disagree" for
25 me, too.
26 Q. Do you feel that -- for example, do you feel that
27 you and Mr. Stephens see eye to eye on the issues with
28 regard to minorities, issues that are important to

1 minorities?

2 A. Well, you are saying issues that are important,

3 and I'm having difficulty, unless -- I don't want you to

4 elaborate on your question, so --

5 Q. Let me ask you this: What issues do you think

6 are most important to the African-American community in San

7 Diego County? Do you feel there are certain issues that are

8 more than important to them than, say, to Anglos?

9 A. I think probably, yes, although I don't see any

10 difference between the hopes and dreams of African-Americans

11 of anybody else, so that's hard for me to -- you say

12 "issues." Everybody wants a job, they want to take care of

13 their kids, spouses, wants to have a home to live in, and so

14 African-Americans want that like everybody else does.

15 When you say "issue," I'm not sure if you mean

16 there is less economic opportunity for African-Americans.

17 I'd say that's true. I'm saying something that is what I'm

18 thinking is apart from the question you've asked me.

19 Q. Let's take that issue, then, the economic issue.

20 Do you think that you and George Stephens see eye to eye on

21 that issue with regard to proceeding with that issue as it

22 applies to African-Americans?

23 A. Not necessarily.

24 Q. And are there any other issues that you perceive

25 to be specifically with regard -- specifically important to

26 African-American communities besides that one issue, for

27 example, that would be more important to African-Americans

28 in San Diego County? Can you think of any others, I should

1 say?
2 A. Well, I suppose.
3 Q. Why don't you name a few?
4 A. Health care, a significant issue, education.
5 Q. Are you talking about the lack of such for
6 African-Americans?
7 A. Yes.
8 Q. Versus Anglos?
9 A. To some extent, yes.
10 Q. Do you see yourself and George Stephens -- do you
11 believe you and George Stephens see eye to eye on those --
12 with regard to how to approach those issues?
13 MR. McDERMOTT: If you don't understand the question --
14 THE WITNESS: I don't understand the relevance of
15 what -- I don't know what George thinks about a lot of
16 things, so I don't understand why you are asking these
17 things.
18 MR. McDERMOTT: Assuming facts not in evidence; not
19 laying a foundation. Is there a specific issue you want to
20 give an example of, something to make it more specific?
21 BY MR. JOHNSON:
22 Q. For example --
23 A. I prefer to say what I believe, than what I
24 believe somebody else believes.
25 Q. I understand. Have you ever made any derogatory
26 remarks regarding George Stephens?
27 A. I don't know what you mean.
28 Q. What?

1 A. I don't know what you mean.
2 Q. Have you ever made any remarks that were critical
3 of George Stephens?
4 A. I have known George Stephens 30 years. That's a
5 question that's -- I don't remember it, but I don't know
6 what you are referring to.
7 Q. Do you know -- do you recall whether or not you
8 discussed the redistricting proposals or the process in
9 general with George Stephens last year?
10 A. I have no memory of it.
11 Q. You don't know whether you would have
12 discussed --
13 A. I have no memory of having done it. I don't
14 think so, and I don't remember it if I did.
15 Q. Do you know -- would you have any idea as to what
16 his stand was with regard to redistricting?
17 MR. McDERMOTT: For the County?
18 MR. JOHNSON: Yes.
19 Q. Do you have any idea what his position was on
20 that?
21 A. I have no memory of discussing it with him
22 whatsoever, so I have no way of knowing.
23 Q. And I mean his position as a citizen, not as a
24 City Councilman, obviously. Do you recall discussing the
25 redistricting process with any other African-American
26 community members, organization leaders?
27 MR. McDERMOTT: Other than the public session?
28 MR. JOHNSON: Other than the public session.

1 THE WITNESS: I don't remember.
2 BY MR. JOHNSON:
3 Q. Do you recall ever attending any organization
4 meetings, African-American organization meetings which you
5 attended in which redistricting was discussed as a topic?
6 A. I don't remember any.
7 Q. Okay. You don't know whether you showed up at
8 the Black Political Action Committee, for example, or other
9 organizations, whether you attended any meetings that they
10 held regarding redistricting?
11 A. I don't even know that committee, as far as I
12 know.
13 Q. Okay. Do you recall discussions regarding a case
14 called Garza versus City of Los Angeles?
15 MR. McDERMOTT: I think it's County of Los Angeles.
16 MR. JOHNSON: County of Los Angeles, thank you.
17 THE WITNESS: Discussing it?
18 BY MR. JOHNSON:
19 Q. Have you ever heard of Garza versus County of Los
20 Angeles?
21 A. I might have heard of it. I don't know. I have
22 no memory of having discussed it, if I did.
23 Q. Do you know anything about Garza versus the
24 County of Los Angeles? Do you recall anything about it?
25 A. That would be inconsistent. If I don't remember
26 anything about it, I don't remember anything about it. I
27 really don't. I don't know.
28 Q. Do you recall any discussions in public session

1 with regard to the political cohesiveness of minority
2 communities?
3 MR. McDERMOTT: Do you know what he means?
4 THE WITNESS: I don't know what -- no, I don't.
5 BY MR. JOHNSON:
6 Q. Do you remember ever having any discussions at
7 public meetings regarding the Voting Rights Act last year,
8 the redistricting process? Do you remember ever discussing
9 the Voting Rights Act in public session?
10 A. Well, I remember -- yes, but I don't remember
11 specifically when it was done or anything. I just remember
12 being aware.
13 Q. Do you remember Michael Aguirre appearing before
14 the Board of Supervisors discussing the Voting Rights Act?
15 A. I remember him making a statement, yes.
16 Q. Do you remember County Counsel, Mr. Sansone -- do
17 you know Mr. Sansone?
18 A. Yes.
19 Q. Do you remember him appearing before the Board as
20 well when Mr. Aguirre appeared?
21 A. Not really, specifically.
22 Q. Okay. I'm going to ask you to look at
23 Exhibit 38, which has been previously marked, and I'm asking
24 you to review this --
25 MR. McDERMOTT: You can ask him questions, but we
26 haven't checked that transcription, and you can ask him if
27 he said 'X' or whatever.
28 MR. JOHNSON: It's my understanding that this tape was

played last week --

MR. McDERMOTT: Not with this witness.

MR. JOHNSON: I think the transcript was verified with regard to that, if I'm not mistaken.

MR. McDERMOTT: Not by this witness, and not by the County. A tape was played to June Komar, who after hearing the tape answered some questions about it, but it is not proper interrogation technique to put something in front of the witness that there's a lack of foundation and assumes facts not in evidence that it's a valid document.

I don't doubt that it is, but -- I also am not trying to be an obstruction, because whatever is in there, you can simply ask him the question about, "Did you say" or "What did you say about this?"

MR. JOHNSON: I'm trying to save some time without having to play the tape.

MR. McDERMOTT: I'm not going to assume the correctness of transcription. You can either do it the long way with the tape or you can ask him questions, "Do you remember that John Sansone said 'X'." He either does or he doesn't.

MR. JOHNSON: I think I'll play the tape. We'll go off the record.

(Discussion off the record.)

MR. JOHNSON: Back on the record.

Q. Supervisor Williams, I'm going to ask you to listen to this, see if you recall these statements which were made by Mr. Sansone. I'm going to ask you if you recall these statements.

1 (Tape was turned on.)
2 "According to what Mr. Aguirre said,
3 that's certainly not what the decision of
4 Judge Rhoades was.
5 "I'm going to let Mr. Sansone answer
6 that question, okay? He hasn't spoken today,
7 and I've had the opportunity several times.
8 "John Sansone, Deputy County Counsel.
9 Mr. Chairman, Supervisor Golding. It's our view,
10 in terms of interpreting the Voting Rights Act,
11 that the court cases that have come down
12 interpreting it have more or less held that
13 the Voting Rights Act protects minority groups
14 in terms of the -- their political -- their voting
15 rights and to how you redistrict your boundaries.
16 "Minority groups in terms of each singular
17 group, there has not been a case that has been
18 reported that combines minority groups for purposes
19 of creating an affirmative legal obligation on
20 the part of a public entity.
21 "Are you familiar with the Judge Rhoades
22 decision that Mr. Aguirre is listing?
23 "We are familiar with that. The point
24 that I believe Mr. Aguirre is speaking to only
25 relates to the fact that Judge Rhoades approved
26 a class of plaintiffs to bring a lawsuit. The
27 Judge is -- to our knowledge, there is no official
28 holding by Judge Rhoades -- no official legal

1 holding by Judge Rhoades that the group that
2 Mr. Aguirre mentioned has been found to be
3 politically cohesive within the meaning of the
4 Voting Rights Act.
5 "He did allow the plaintiffs to file
6 the lawsuit as class plaintiffs, which is a
7 distinctly different situation from making a
8 finding, a holding that is, that they are
9 politically cohesive. This is a completely
10 different question. That was not decided by
11 Judge Rhoades. That question has not been
12 answered in the County of San Diego."
13 (Tape was turned off.)
14 BY MR. JOHNSON:
15 Q. Do you recall those statements or the statements
16 being made to the Board by Mr. Sansone?
17 A. I think so, yes.
18 Q. Do you believe -- do you recall -- I think this
19 might be a better way of asking. Do you recall being
20 advised by County Counsel in public session that, in fact,
21 minority groups are not politically cohesive?
22 MR. McDERMOTT: Objection to the question and to the
23 characterization of what advice was given by County
24 Counsel. That's not what County Counsel said.
25 BY MR. JOHNSON:
26 Q. Do you recall your County Counsel advising you
27 that there has not been a case reported that combines
28 minority groups in terms of -- I'm going to say in terms of

1 politically cohesive -- that determined that minority groups
2 are, in fact, politically cohesive? Do you recall that
3 advice being given to you?
4 MR. McDERMOTT: You can answer that question.
5 THE WITNESS: I don't know that I directly recall those
6 precise words. I, of course, now hearing it, remember them,
7 yes.
8 BY MR. JOHNSON:
9 Q. Were you looking at proposals for
10 redistricting -- redistricting proposals from the standpoint
11 that no -- that no case had held that minority groups were
12 politically cohesive? Do you recall that? Is that how you
13 looked at the redistricting plans, based on that advice?
14 A. You are asking a question that's from my point of
15 view kind of a simple question, because you don't make a
16 decision on one simple piece of information. I heard that
17 and I remember it, but that wasn't the sole factor in making
18 my decision, if that's what you are asking.
19 Q. But was that one of the factors in terms of
20 looking at a particular --
21 A. Well, sure. You don't want to do something that
22 is illegal.
23 Q. Did you -- you say you looked at other factors.
24 What other factors, if you recall, did you look at in
25 redistricting proposals?
26 A. I don't understand.
27 Q. What other factors did you look at with regard to
28 the redistricting -- you say you looked at other factors

1 besides the --

2 A. We've been talking about them all the time. I

3 guess I'm having difficulty when the same question is asked

4 over again. That's what we've been talking about.

5 Q. Okay. You stated earlier that you believe that a

6 majority of the minority communities voted for you, is that

7 correct, in your district?

8 A. Yes, I think so.

9 Q. And you've stated that that's based on your

10 record, is that correct, based on that factor alone?

11 MR. McDERMOTT: I don't believe that's what he said.

12 MR. JOHNSON: Okay.

13 MR. McDERMOTT: Is there a question?

14 MR. JOHNSON: Hang on.

15 MR. McDERMOTT: Okay.

16 BY MR. JOHNSON:

17 Q. Do you believe that minority communities voted

18 for you based on -- do you believe that the minority

19 communities voted for you as a whole?

20 MR. McDERMOTT: Do you understand the question?

21 THE WITNESS: Well, I don't understand the difference

22 between this one and the ones we already answered, and I've

23 already said what I thought about that, so I'm trying to

24 figure out what's the difference.

25 BY MR. JOHNSON:

26 Q. I just want to make it clear.

27 A. I thought it was clear. It was clear to me when

28 I said what I said before.

1 MR. FAN: Anders is from Iowa.

2 MR. JOHNSON: Off the record.

3 (Discussion off the record.)

4 BY MR. JOHNSON:

5 Q. If you were to -- and this is a hypothetical.

6 If you were to run against a white candidate, do you believe

7 that the minority community is going to vote for you --

8 would be more likely to vote for you as a whole than the

9 Anglo candidate?

10 MR. McDERMOTT: Objection. Lack of foundation.

11 MR. JOHNSON: It's a hypothetical.

12 MR. McDERMOTT: I know, but a hypothetical that involves

13 400 factors.

14 BY MR. JOHNSON:

15 Q. In your district, if you were to run against a

16 white candidate, do you believe that the minority voters in

17 that district are going to vote for you more so than for the

18 Anglo candidate, and I'm asking for your belief with regard

19 to that.

20 MR. McDERMOTT: You understand he is asking your belief,

21 not whether you know it or have any evidence about it.

22 THE WITNESS: Well, it's hard to -- because I'm not sure

23 what the difference is. You've We've already asked that question.

24 I've already answered it, and so I'm trying to figure out

25 what difference you are trying to make now between this

26 question and the other question.

27 BY MR. JOHNSON:

28 Q. Do you believe you can count on the minority

1 community to vote for you in an election -- in your
2 elections?
3 A. Earlier I said that I thought I would probably
4 get a majority of the minority vote. I thought that had
5 been true in the past, but I said I think that depends on
6 qualifications and the confidence and all that. That's what
7 I've already said. I don't know what else to say about it.
8 Q. Do you believe, though, that another minority
9 candidate can count on the minority communities?
10 A. If he or she is able and promotes confidence, I
11 do, yes.
12 Q. More so than an Anglo candidate?
13 A. I don't say more so, but I think they could count
14 on it.
15 MR. JOHNSON: I have no further questions.
16 MR. McDERMOTT: Great. Neither do I.
17 MR. JOHNSON: Thank you, Supervisor Williams.
18 (The Deposition ended at 2:30 P.M.)
19 * * *
20 I declare under penalty of perjury that the
21 foregoing is true and correct. Subscribed at
22 _____, California, this _____ day of
23 _____, 1992.
24
25
26
27 _____
28 LEON WILLIAMS

COUNTY OF SAN DIEGO,)

STATE OF CALIFORNIA.)

I, Lynn Penfield, a Certified Shorthand Reporter, CSR No. 8589, State of California, do hereby certify:

That the witness in the foregoing deposition,

LEON WILLIAMS

was by me sworn to testify the truth, the whole truth and nothing but the truth in the within entitled cause; that said deposition was taken at the time and place therein named; that said deposition was reported by me in shorthand and was later transcribed under my direction into print by means of computer-assisted transcription, and that the foregoing 31 pages is a full, true and correct record of the testimony adduced at the aforementioned time and place.

And I further certify that I am a disinterested person and am in no way interested in the outcome of said action, or connected with or related to any of the parties in said action, or to their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Seal of Office this 6th day of March, 1992.

Lynn Penfield

Lynn Penfield, CSR No. 8589