

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JEFFERSON COUNTY COMMISSION, PATRICIA  
NOLAND, as an individual and behalf of all other similarly  
situated, and DALE MANUEL, as an individual and on behalf  
of all other similarly situated,**

*Plaintiffs,*

v.

**Civil Action No. 2:11-CV-00989  
(Judges Bailey, King and Berger)**

**THORNTON COOPER,**

*Intervening Plaintiff,*

v.

**NATALIE E. TENNANT, in her official capacity as the Secretary of State,  
EARL RAY TOMBLIN, in his capacity as the Chief Executive  
Officer of the State of West Virginia, JEFFREY KESSLER, in his  
Capacity as the Acting President of the Senate of the West Virginia  
Legislature, and RICHARD THOMPSON, in his Capacity as the Speaker of the  
House of Delegates of the West Virginia Legislature.**

*Defendants.*

**NOTICE OF INTENT TO CALL WITNESSES**

Pursuant to the Scheduling Order (Doc. 23) the Plaintiffs hereby provide notice of their intention to call witnesses at the evidentiary hearing to be held on December, 27, 2011.<sup>1</sup> Plaintiffs reasonably anticipate calling the following witnesses:

1. Kenneth C. Martis, Professor of Geography, West Virginia University.

Kenneth C. Martis is the author and co-author of six award winning books on the United States Congress and American politics. The first book in his series of historical congressional atlases, *The Historical Atlas of United States Congressional Districts: 1789-1983*, was designated a Selected Reference Book by the journal College and Research Libraries and won the American Historical Association's Waldo G. Leland Prize for the best reference book in all fields of history for the period 1981-1986. The Atlas was the first book in American history to map every congressional district for every

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<sup>1</sup> No location has yet been ordered. As a result, plaintiff's counsel has been unable to issue subpoenas.

election and catalog all state redistricting laws. Based on the archival work for this book, Martis and Ruth A. Rowles were awarded the 1984 Organization of American Historian's Charles Thomson Prize for their article "Mapping Congress: Developing a Geographic Understanding of American Political History." His most recent work "The Original Gerrymander" appeared in the journal *Political Geography* in 2008.

### Selected Works

- *Historical Atlas of U. S. Presidential Elections: 1788-2004*. Washington, DC: Congressional Quarterly Press, 2006. (with J. Clark Archer, Stephen J. Lavin, Fred M. Shelley).
- *Atlas of American Politics: 1960-2000*. Washington, DC: Congressional Quarterly Press, 2002. (with J. Clark Archer, Stephen J. Lavin, Fred M. Shelley)
- *The Historical Atlas of the Congresses of the Confederate States of America: 1861-1865*. New York: Simon and Schuster, 1994. (with Gyula Pauer - Cartographer and R. Reed Durbin - Research Assistant).
- *The Historical Atlas of State Power in Congress: 1790-1990*. Washington, DC: Congressional Quarterly Press, 1993. (with Gregory Elmes).
- *The Historical Atlas of Political Parties in the United States Congress: 1789-1989*. New York: Macmillan, 1989. (with Ruth A. Rowles and Gyula Pauer – Cartographers).
- *The Historical Atlas of United States Congressional Districts: 1789-1983*. New York: The Free Press, 1982. (with Ruth A. Rowles - Cartographer).
- "Geographical Patterns of Reapportionment, 1790-2000." *Guide to U.S. Elections*. Washington, DC: Congressional Quarterly Press, 2005. 863-864.
- *Database of Historical Congressional Statistics*. Blacksburg, Virginia: Virginia Polytechnic Institute and State University, Department of Political Science, 2001. (with Elaine K. Swift, et. al.).
- "The Original Gerrymander." *Political Geography*. Vol. 27, No. 4. November 2008, 833-839. See the Wikipedia article, "Gerrymandering – Origin of the Term," to which Martis added research findings in 2010.
- "Sectionalism and the United States Congress." *Political Geography Quarterly*. Vol. 7, No. 2, April 1988, 99-109.

- "Mapping Congress: Developing a Geographic Understanding of American Political History." *Prologue - Journal of the National Archives*. Vol. 16, No. 1, Spring 1984, 4-21. (with Ruth A. Rowles).
- "The History of Natural Resources Roll-Call Voting in the United States House of Representatives: An Analysis of the Spatial Aspects of Legislative Voting Behavior." Ph.D. Dissertation, Department of Geography, The University of Michigan, 1976.
- "Tides of Party Politics: Two Centuries of Congressional Elections 1789-1989," Museum exhibition, February--August, 1989, Library of Congress, Madison Building, Washington, DC (with John R. Sellers and Ingrid M. Maar).
- "Electoral Map." Mark Monmonier, ed. *The History of Cartography, Volume Six: Cartography in the Twentieth Century*. Chicago: University of Chicago Press, forthcoming.

Dr. Martis will testify as an expert witness upon the history of congressional district composition in West Virginia from West Virginia's founding to present; the historical/geographical meaning of the term "compact" and the significance of that term in understanding qualitative compactness; and, Dr. Martis will testify regarding the concept of "community of interest" and its significance in West Virginia congressional redistricting. Dr. Martis is expected to opine that the current configuration of the West Virginia 2<sup>nd</sup> Congressional District is not in compliance with the "compact" requirement of the West Virginia Constitution, Article I, Section 1-4 and the movement of Mason County from the 2<sup>nd</sup> District did not alter its current non-compliant status. Professor Martis may testify regarding questions of equality under *Karcher*.

2. John Unger, II, West Virginia Senate, 16<sup>th</sup> Senatorial District, Majority Leader

Senator Unger is expected to testify regarding statewide hearings conducted by the West Virginia State Senate Redistricting Committee (also known as the State Senate Redistricting Task Force); The congressional redistricting proposals, information received (including other states achievement of perfect equality), process and procedures

followed by the West Virginia Select Committee on Redistricting on August 3<sup>rd</sup> and August 4<sup>th</sup>, 2011 on which Senator Unger served as the Chair. He may also testify as to his official remarks made on August 5, 2011 as well as community interests.

3. Herb Snyder, West Virginia Senate, 16<sup>th</sup> Senatorial District, Chair of Government Organization

Senator Snyder will testify regarding the congressional redistricting proposals and amendments thereto including his official remarks made on August 4 and 5<sup>th</sup> 2011.

Senator Snyder may also testify regarding communities of interest.

4. Dale Manuel, Jefferson County Commissioner, Plaintiff

Commissioner Manuel is a named plaintiff in this civil action. He is a former member of the West Virginia House of Delegates. He may testify regarding community interests.

Dated this the 20<sup>th</sup> day of December, 2011.

Respectfully submitted,

/s/ David M. Hammer  
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County Commission, Patricia  
Noland, and Dale Manuel

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House of Delegates of the West Virginia Legislature.**

*Defendants.*

**CERTIFICATE OF SERVICE**

I, David M. Hammer, hereby certify that on December 20, 2011, I electronically  
filed the foregoing with the Clerk of the Court using the CM/ECF system evidencing  
electronic service of *Notice of Intent to Call Witnesses* upon the following counsel of  
record:

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