

Exhibit 4

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: Good afternoon members, viewing audience. Thank you for your patience. We are ready to resume our House and Governmental Affairs Committee. Today is Thursday, January 18, 2024. Ms. Baker, can you give me an updated roll call please?

MS. BAKER: Chairman Beaulieu?

CHAIRMAN BEAULLIEU: Here.

MS. BAKER: Present. Representative Billings? Present. Representative Boyd? Present. Representative Carlson? Present. Representative Carter? Representative Carver? Present. Representative Farnum?

REP. FARNUM: Here.

MS. BAKER: Present. Representative Gadberry? Present. Representative Johnson? Representative Larvadain?

REP. LARVADAIN: Here.

MS. BAKER: Present. Vice-Chair Lyons?

VICE-CHAIR LYONS: Present.

MS. BAKER: Present. Representative Marcelle? Representative Nuwall? Present. Representative Schamerhorn?

REP. SCHAMERHORN: Here.

MS. BAKER: Representative Thomas?

REP. THOMAS: Here.

MS. BAKER: Representative Wright? Representative Wyble?

REP. WYBLE: Here.

MS. BAKER: We have 13 and a quorum.

PHILLIP DEVILLIER: Thank you, Ms. Baker. Members, we have one item on our agenda today, the Senate Bill 8 by Senator Womack. Ms. Laurie, would you please read in the Bill?

MS. LAURIE: Thank you so much, Mr. Chairman. Members, Senator Womack brings Senate Bill No. 8 to provide relative to the redistricting of Louisiana's Congressional District to provide with respect to positions and offices other than Congressional based upon Congressional Districts and to provide related matters.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: Senator Womack, on your Bill.

SENATOR WOMACK: Thank you, Mr. Chairman, committee members. Good evening. Thank you for letting me come in today and present this Bill. As you know, Louisiana Congressional Districts must be redrawn given the Federal Voting Rights Act Litigation that is still ongoing at the U.S. District Court for the Middle District of Louisiana. The map and the Bill that I'm introducing which is the product of a long-detailed process achieve several goals. First, as you all are aware, Congresswoman Julia Letlow is my representative in Washington D.C. The boundaries in this Bill I'm proposing ensures that Congresswoman Letlow remains both unpaired with any other incumbents and the Congressional District that should continue to elect a Republican to Congress for the remainder of this decade. I have great pride in the work that Congresswoman Letlow has accomplished, and this map will ensure that Louisiana will continue to benefit from her presence in the Halls of Congress for as long as she decides and continue to serve our great state. As you know, Congresswoman Letlow sits on appropriations. She sits on an egg which is a big part of my district. Second, the Louisiana Sixth Congressional District, the map, and the proposed Bill ensures that for our safe Republican seats, Louisiana's Republican presence in the United States Congress has contributed tremendously to the national discourse and I am very proud that both speaker U.S. House of Representatives, Mike Johnson and U.S. House Majority Leader, Steve Scalise are both from our great state. This map ensures that the two of them will have solidly Republican Districts at home so they can focus on the national leadership that we need in Washington D.C. The map proposed and this Bill ensures that the conservative principles retained by the majority of those in Louisiana will continue to extend past our boundaries to our nation's capital. Third, the map that I presented goes along the Red River. It's the I49 corridor. We have commerce through there. We have a college through there. We have a lot of AG cattlemen as well as farm, road crop, and a lot of people up through that corridor come back to Alexandria using that corridor for their health care fine. Finally, these maps and the proposed Bill respond appropriately to the ongoing Federal Voting Rights Act case in the Middle District of Louisiana. For those who are unaware, the Congressional maps that we enacted in March 2022 have been the subject of litigation roughly since the day the 2022 Congressional Redistricting Bill went into effect. And even before we enacted it after a substantial amount of prolonged litigation, the Federal District Court has adhered to its view that the Federal Law required that the state have two Congressional Districts with a majority of black voters.

[00:05:02]

Our Secretary of State, Attorney General, and our prior legislative leadership appealed but have yet to succeed and we are now here because of the Federal Court's Order that we have a first opportunity to act. The District Court's Order that we must have to majority black voting-age population district to bind with the political imperatives I just described has largely driven the boundaries of our District 2 and District 6, both of which are over 50% black voting-age population. Given the state's current demographics, there is not enough a high black population in the Southeast portion of Louisiana to create two majority-black districts and to also comply with the US Constitution's one-person-one-vote requirement. That is the reason why District 2

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

was drawn around the Orleans Parish, and while District 6 includes the black population of East Baton Rouge Parish and travels up the I49 Corridor to include the black population in Shreveport, while this is a different map than the plaintiff's litigation have proposed, this is the only map I reviewed that accomplishes the political goals I believe are important for my district, for Louisiana, and for the country. While I did not draw these boundaries myself, I carefully considered a number of different map options and I firmly submit the Congressional voting boundaries represented in this Bill best achieve the goals of protecting Congressman Letlow's seat, maintaining strong districts for Speaker Johnson and Majority Leader Scalise ensuring four Republican districts and adhering to the command of the Federal Court in the Middle District of Louisiana. I'd be happy to answer any questions.

PHILLIP DEVILLIER: Thank you, Senator Womack. Representative Marcelle for a question?

REPRESENTATIVE MARCELLE: Thank you, Senator Womack for presenting this Bill. Did you have the opportunity to view the map that I filed?

SENATOR WOMACK: I reviewed several maps, Representative Marcelle.

REPRESENTATIVE MARCELLE: HB5.

SENATOR WOMACK: HB5, I didn't look at the HB5 per se. I looked at several maps, one of them could have been that.

REPRESENTATIVE MARCELLE: Okay, because I heard you say that you thought that your map was the best possible route, a pathway to get to what we needed to first of all make sure that we get out of the litigation, apply with Section 2 and go about the deviations and the compactness and all of those different things that we needed to do in order to create a second black seat, congressional seat. Is that what I heard you say?

SENATOR WOMACK: Yes, Ma'am.

REPRESENTATIVE MARCELLE: Okay. Well, I certainly want to thank you and I know I spoke to you yesterday about putting an amendment to your Bill to make sure that we could reduce the parish splits, and we had some conversations and it's a short period of time. Certainly, I don't know when the amendments are going to be offered up, but I certainly want to go down those same lines, since I could not get my map through which I thought was the best path that I would support this map with some cleanup done to it. So, I just want to make sure that I go on the record as saying that I spoke to you the things that my amendment would do would certainly be to add Red River Parish to Congressional District 6 and preserving the things in Red River Community as well. So, I want to go on the record as saying that I believe that we have had several maps that would have gotten us there, but I think because of political reasons we are here where we are today.

PHILLIP DEVILLIER: Representative Marcelle, just if I could chime in for a second so I can let the viewing members know that online there are two different amendments that will likely be

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

proposed today and both of those are available online for the viewing public. If we could hold off on those amendments. We have a handful of questions on the board, Representative Marcelle, and then we'll come back. Is that okay with you?

REPRESENTATIVE MARCELLE: Yes, just wanted to make mention too that while I was asking him some of the questions. So, when you did this map, you considered the population deviation?

SENATOR WOMACK: Well, we had had to create the two districts. We had to think about the population.

REPRESENTATIVE MARCELLE: And the parish splits as well?

SENATOR WOMACK: The parish splits as well.

[00:10:00]

REPRESENTATIVE MARCELLE: So, you felt like this was the best pathway after you viewed those areas that we certainly had to do to enact this map?

SENATOR WOMACK: Representative Marcelle, I want to be and I was hoping that that covered that in my opening statement but my map is politically drawn to protect our members of Congress. As it stands, as well as create the two districts, minority district, black districts.

REPRESENTATIVE MARCELLE: So, in your opinion, your map does two things. It satisfies the court and it also protects the politics for our congressional members. Is that what you say?

SENATOR WOMACK: Yes, ma'am.

REPRESENTATIVE MARCELLE: Okay. Thank you very much. And thank you for your work.

SENATOR WOMACK: Thank you.

PHILLIP DEVILLIER: Thank you, Representative Marcel. Representative Boyd?

REPRESENTATIVE BOYD: Good afternoon, Senator. How are you?

SENATOR WOMACK: Fine. Thank you.

REPRESENTATIVE BOYD: So, I agree with Rep. Marcel. This is not in my opinion, the best map that I've seen, but I do understand what it took to get here. And my congressman seems to

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

also be in support of the map. Therefore, I do plan on supporting the map, hopefully with some amendments. Are you open to an amendment on this?

SENATOR WOMACK: Yes ma'am. Once I see some amendments. You know, we look at amendments.

REPRESENTATIVE BOYD: Okay. And then she mentioned the parish splits. How many parish splits are they, do you know?

SENATOR WOMACK: I think we're 16 at the present time.

REPRESENTATIVE BOYD: And do you know the BVAPs for two and six?

SENATOR WOMACK: I'm sorry?

REPRESENTATIVE BOYD: The BVAPs for two and six. Do you know what they are right now?

SENATOR WOMACK: No, I don't.

REPRESENTATIVE BOYD: Okay. Do you have any communication with anybody with community influences on this? Have you met with other groups? Who did you meet with to come up with this map?

SENATOR WOMACK: I've had several meetings over the period of time with several groups.

REPRESENTATIVE BOYD: With community of interest as well?

SENATOR WOMACK: It was hard to create communities of interest with this map and still achieve some of the goals that we were trying to achieve from the congressional political standpoint.

REPRESENTATIVE BOYD: Okay. Again, based on the map in my conversation with our congressman, if we can get some things cleared up and straightened up on it, I would be in support of the bill as well.

SENATOR WOMACK: Okay. Thank you.

PHILLIP DEVILLIER: Thank you, Representative Boyd. Representative Newell?

REPRESENTATIVE NEWELL: Thank you very much, Mr. Chairman. Senator Womack, thank you for the time that you spent because I know myself, we've been in this redistricting process for almost three years now. So, I knew the time it took for me just to try to reach, redraw my house district because of the growth in Orleans Parish. So I do understand when you're looking at congressional districts. So again, I want to thank you for the time that you dedicated to

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

doing, to redrawing this map and submitting this bill. But I must say that I am along the lines of my two colleagues that just spoke that although this is a good map, this isn't the best map that has come before us. It does meet the court requirements. It does meet the statute and the jurisprudence that is before us that guides us as to what needs to be to satisfy congressional districts. I did look at your numbers, the BVAP and 2 and 6 as well as the total population for these two minority majority districts. However, there were two other maps that were presented that were stronger for those two minority majority districts and didn't do as many splits, that's House Bill 5 and Senate Bill 4. However, the politics of those two individuals that submitted those two maps, I guess have led us to having to work with yours. And it is disheartening that we do have so much politics that are guiding our maps instead of the policy and the people helping us to guide our maps and our decisions.

[00:15:00]

Because your map gives us what we're what we're wanting, I am going to support your map. And again, I'm going to say it's not because it's the best map, but it is because it looks as though it's giving what we need. It does not reflect what the African-Americans that we've heard from across the state during the roadshows in 2021 asked for, it does not reflect all of what the black caucus and the Democratic caucus has asked for these past three years, but it's the closest that we've gotten thus far, and it seems like it's the closest one that we're going to get that we could possibly get support from my other Republican colleagues on. But I just wanted to make that clear that it is not all that we asked for. And there have been better ones that were submitted by Democrats but this is the best one that we've seen that's been submitted by you, sir. And again, I thank you. That's all I have for now. Mr. Chair, I'll probably press my button again.

SENATOR WOMACK: Thank you.

PHILLIP DEVILLIER: Thank you, Representative Newell. Representative Marcel would like to just make a clarification for the committee.

REPRESENTATIVE MARCELLE: Thank you, Senator Womack. We keep using the term BVAP and we know that there are many people in the audience who may not understand that terminology. So, do you want to tell them what BVAP means? Or you want me to do it?

SENATOR WOMACK: Go ahead. You got the mic.

REPRESENTATIVE MARCELLE: I got. Okay, sir. I don't want to take over your Bill. It's the black voting age population for those that are looking online and maybe across the state because we keep using those terms, and I want to make sure that everybody understands what BVAP means. Thank you, Senator Womack.

SENATOR WOMACK: Thank you. When she when she asked that question, I started running through my mind. It's got to be voting age population and I hadn't heard the term BVAP. It's voting age population, which does meet the I don't know exactly, but it's in the high percentage 50 percentile on that on voting age population.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: Thank you, Senator Womack and look for the -- again, the viewing audience, those numbers are all on the Bill. They're part of the Bill that's been filed. So if you're listening online and you want to scroll through and look at different statistics on the maps and on the amendments, they're all there for you. Vice Chairman Lyons?

VICE CHAIRMAN LYONS: Thank you, Mr. Chairman. Thank you, Senator Womack for bringing this like that. Even though we were looking at this piece and I'm studying it as is there. And you mentioned in your opening statement about the plaintiffs and the cause of why you're doing this but my question is, did you do any comparisons to the plaintiff's map or the first map that was issued, drawn on this piece with your map?

SENATOR WOMACK: Representative Lyons, I've looked at so many maps in the last three days to say I did or didn't would be a -- I couldn't answer that, I'm sorry. But I've looked at so many maps, from what even through our roadshow and but in the last two or three days to say that that my map and how it compares to another map. I'm kind of where I'm at right now. And I can -- I know what my map looks like now.

VICE CHAIRMAN LYONS: Well, the reason why I asked that question was I wanted to know if you did any type of analysis to see how it would perform. I mean, it looks in particular, according to certain criteria that it is a workable map of some sort but how does it perform in comparison to the plaintiff's map that was out there, that existing map? I would think that you would compare it to that one because that was the map of not of choice but that was the map in litigation. How would your map perform along with that?

SENATOR WOMACK: I didn't look at a map, I looked at a performance chart.

VICE CHAIRMAN LYONS: Performance chart.

SENATOR WOMACK: Right. That was printed. It's online that we pull and it does perform very well. It does in the election it performs. I don't have that map in front of me. I'm sorry. I thought I'm looking for it, but I thought it was here, but it's not. But I did have that with me but it's not with me, but I do remember us looking at that.

VICE CHAIRMAN LYONS: Okay.

[00:20:00]

I just want to know, if you did an analysis and it was done in high compared, I know it could perform basically as I'm looking at it now, I would think it does. I don't think it will perform as better than the original map of the plaintiff, but it does perform -- I kind of want to see something at least close to that performance measures there, but this is a performing map. Thank you for answering my questions.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: Thank you, Vice Chairman Lyons. Representative Farnum for a question?

REPRESENTATIVE FARNUM: Thank you, Mr. Speaker. If it's the proper time, I'd like to offer an amendment.

PHILLIP DEVILLIER: Do we have any other questions before we go into the amendments? Because we have two amendments, no other buttons pushed, so give me two seconds and we'll come right back to you. We got one more question Representative Larvadain.

REPRESENTATIVE LARVADAIN: Thank you, Senator Womack, I want to thank you for trying to make an effort to comply with the federal judge, but when I look at your map and you have a copy in front of you, it goes from East Baton Rouge to West Baton Rouge to Pointe Coupee to St. Landry, some of [INDISCERNIBLE 00:21:09], some of Rapides, all of Natchitoches to DeSoto and then some of Caddo. Is that correct? Am I right? We're looking the right map?

SENATOR WOMACK: Which district are you going through? Two?

REPRESENTATIVE LARVADAIN: Yeah.

SENATOR WOMACK: District 5?

REPRESENTATIVE LARVADAIN: 6

SENATOR WOMACK: Right, you're right.

REPRESENTATIVE LARVADAIN: Okay. Now, when you look at the community of interest, I'm in Rapides. My district is cut up in two spots. I'm in District 4 and District 6. I know in the community of interest, you've got Rapides and Natchitoches, and I think that you've got the Creole Nation, you've got Northwestern State University. A lot of my students in my district attend those, so that's a community of interest. Would you agree?

SENATOR WOMACK: I agree.

REPRESENTATIVE LARVADAIN: When you look at Natchitoches, there's a community of interest with Natchitoches and Caddo. You've got lumber companies in that Natchitoches area. A lot of people work. RoyOMartin has a big plant at Natchitoches, and a lot of folks in my area work there. RoyOMartin from Alexandria, and a lot of folks work in DeSoto Way level of timber. And would you agree with that?

SENATOR WOMACK: I agree.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE LARVADAIN: You look at St. Landry. St. Landry has -- Opelousas has a nice size, medium sized hospital. So those folks in Pointe Coupee, they will go to St. Landry to get the medical care and so forth in Opelousas area. Would you agree with that?

SENATOR WOMACK: I agree.

REPRESENTATIVE LARVADAIN: And you look at West Baton Rouge, East Baton Rouge Parish. Is East Baton Rouge Parish cut in one district or two districts in your map because I'm having problems seeing it.

SENATOR WOMACK: I would have to look at the -- two.

REPRESENTATIVE LARVADAIN: Okay. I've seen maps till infinitum. So I think East Baton Rouge is divided into two. Is that two? It's yellow and I guess --

SENATOR WOMACK: Yeah right, two.

REPRESENTATIVE LARVADAIN: Okay. And it goes all the way to the great City of Shreveport?

SENATOR WOMACK: Right. Where our LSU hospital is.

REPRESENTATIVE LARVADAIN: The hospital is vital because in Alexandria, we had a Huey P. Long. You're familiar with that and Jindal shut down my Huey P. Long, so my folks in Rapides have to go to LSU. So that's a community of interest. Now, with your district, it goes from East Baton Rouge all the way to Caddo, which is probably about a two-hour ride, give or take. Because I take that ride a lot going up to my area in Alexandria. There was a different map that was heard in the senate, but it was a much cleaner map. That map didn't get out the senate and it didn't get out of this area. The map I'm talking about is Ed Price's -- I think Ed Price had a map. Price-Marcel map, I'm sorry. Did you get a chance to look at that map? That map was heard on the senate side.

SENATOR WOMACK: Yes.

REPRESENTATIVE LARVADAIN: Those districts were a lot closer, a lot compact, but you're presenting this district. When you look at District 4. That is the district for the speaker, Mr. Johnson. Is that correct?

SENATOR WOMACK: Right.

REPRESENTATIVE LARVADAIN: Does he have a problem with his district being cut in half like that? If you look at Winfield, if he's in Winfield and he goes to Sabine, he has to go through Natchitoches, which is not solid district. Do you think he has a problem with that?

SENATOR WOMACK: No, it looks like the shortest route would be through Natchitoches.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE LARVADAIN: But his prior map was just one continuous area. Now he has to leave one district and go to another area, which he'll be representing. Is that correct?

[00:25:04]

SENATOR WOMACK: Yeah, that.

REPRESENTATIVE LARVADAIN: Okay. Have you had a chance to talk to Congressman Johnson about this map?

SENATOR WOMACK: Not directly to him.

REPRESENTATIVE LARVADAIN: Okay. Is he content with this map?

SENATOR WOMACK: He's content.

REPRESENTATIVE LARVADAIN: Even though it slashes right through the middle of his district?

SENATOR WOMACK: Yeah.

REPRESENTATIVE LARVADAIN: Now, Ed Price and Denise Marcel, let's go to District 5. Let's go the District 5 area. Their map, they were looking at District 5, which is the eastern part of Louisiana. In their map, they had that as the majority minority district, I think. But you kept that map so you can help your friend, Congressman Letlow. Is that correct?

SENATOR WOMACK: Yes, sir.

REPRESENTATIVE LARVADAIN: So this is more of a political map?

SENATOR WOMACK: Exactly.

REPRESENTATIVE LARVADAIN: So our objective is to get two majority minority districts. But you have presented us a political map. Isn't that correct?

SENATOR WOMACK: The influence is political. We created two minority black districts.

REPRESENTATIVE LARVADAIN: But you also said earlier that you were trying to do your best to protect Congressman Scalise?

SENATOR WOMACK: Scalise as well as Johnson, Letlow, which is my representative, and Higgins.

REPRESENTATIVE LARVADAIN: You were trying to protect your Republican team?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

SENATOR WOMACK: That was a primary driver.

REPRESENTATIVE LARVADAIN: So this is a political map, but the judge wanted you to make sure that you presented two majority minority districts.

SENATOR WOMACK: And I've done that.

REPRESENTATIVE LARVADAIN: I don't know if you've done -- you've made an effort at it, but there was another map that was a lot cleaner map. Because the map that I see goes from Shreveport to Baton Rouge, which you're just zigzagging, and you picked up Alexander, you picked up Natchitoches, you picked up DeSoto. But it's more of a political map. The map that the Democrats pursued, it was a map that we agreed on two majority minority districts and this is more of a political map. Thank you.

PHILLIP DEVILLIER: Senator Womack, why are we here today? What brought us all to this special session, as it relates to what we're discussing here today?

SENATOR WOMACK: The middle courts of the district courts brought us here from the middle district and said, draw amount or I'll draw a map. So that's what we've done.

PHILLIP DEVILLIER: Is this map achieve that middle court's orders?

SENATOR WOMACK: It does.

PHILLIP DEVILLIER: Okay. When you were drawing the maps, you also took into consideration incumbency, correct?

SENATOR WOMACK: Right.

PHILLIP DEVILLIER: Okay, to protect not just our state, but our national interest as well. Is that correct?

SENATOR WOMACK: Right.

PHILLIP DEVILLIER: This is bigger than just us.

SENATOR WOMACK: It's bigger than just us and Louisiana has never been sitting in the poorest position that they are today.

PHILLIP DEVILLIER: What position does Congressman Mike Johnson have in the United States House of Representatives?

SENATOR WOMACK: He's a Speaker of the House.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: Okay. And what about Congressman Steve Scalise?

SENATOR WOMACK: Majority leader.

PHILLIP DEVILLIER: Okay. So if we've been able to accomplish what the judge has ordered through your map and also been able to protect the political interest, that is kosher, correct?

SENATOR WOMACK: Yes, exactly.

PHILLIP DEVILLIER: Okay. That's what I was thinking. That's what I've learned through the process and I just wanted to make sure that your map achieved that. Okay?

SENATOR WOMACK: Yes sir, Mr. Chairman.

PHILLIP DEVILLIER: All right. Senator, to the Board is cleared. We're going to go ahead, if you don't mind, and take up the amendments right now. Bear with me for two seconds. Senator Marcel -- sorry about that promotion. Representative Marcelle and Representative Farnum both have amendments. Hold that for me. Bear with me. So the first amendment is Amendment 68. That is Amendment 6 -- give me a second while it's loading. What amendment is 68?

MS. BAKER: [INDISCERNIBLE 00:29:51]

PHILLIP DEVILLIER: Representative Farnum, we're going to take up your amendment first?

[00:30:01]

Representative Farnum, we are going to take up your amendment first. Representative Farnum on your amendment.

REPRESENTATIVE FARNUM: Thank you Mr. Speaker. Do we need to read it in?

REPRESENTATIVE LAURA: Certainly.

PHILLIP DEVILLIER: Ms. Laura please read the amendment.

REPRESENTATIVE LAURA: Thank you so much Mr. Chairman. Representative Farnum is offering up HCASBA36268 and on page one, it is going to delete lines 13 through 17 and delete pages two through six and we will be inserting a new district configuration for the congressional districts for the state of Louisiana. This amendment is available online and is available in your packets members and contains maps and statistics relevant to the plan.

PHILLIP DEVILLIER: Thank you Ms. Laura. Representative Farnum on your amendment.

REPRESENTATIVE FARNUM: Thank you Mr. Chairman. So, in the beginning of this process, me and my colleagues from southwest Louisiana set out to accomplish making

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

Calcasieu in the history of our great parish. We have always had one congressman that represented us and with the current map is presented from Senator Womack, it is split Calcasieu Parish basically in half in population and with the community of interest in our industrial sector down there, we thought that was not just for our area. We probably wanted the top two or three economic engines for the state of Louisiana with our oil and gas industries and our LNG industry that is going on in our region. So, we thought it would be great to make an effort to get back to one congressman. We have issues with all sorts of natural disasters in our area and we have a hard enough time getting the adequate supplies and resources to our region in those situations with one congressman and I can imagine it might be a little more difficult with two. So, in that effort, we set out to make ourselves whole and in the process a lot of folks in other areas wanted to come along and be a part of this to correct little tweaks in their area. So last night a group of senators and representatives got together. I was not able to attend that meeting, so this is the product of that meeting. At the end of the day, we accomplished a few things. We kept the basic intent of what Senator Womack's Bill is in place and with a kind of a counterclockwise shift but the process has to happen that way to increase some areas in northeast Louisiana. To help that district to make Congressman Johnson come down some that inherently makes Congressman Higgins to have to shift to the east and so on and so forth. In the process, we increased both the black population and the voting population of both of the minority districts by almost a percent each in most cases. So, it helps the workability of the two new districts in what they are trying to accomplish and it accomplished making more parishes whole. I think we are down to 15 split parishes with this map, and so I think we have accomplished several things in the process and with that, we can answer questions or ask for your passage.

PHILLIP DEVILLIER: Represent Farnum. Does your amendment meet the judge's order?

REPRESENTATIVE FARNUM: Absolutely.

PHILLIP DEVILLIER: Okay. And so we have two majority minority districts or two black districts that have a majority voting age population over 50%.

REPRESENTATIVE FARNUM: I think it accomplished that but it actually increases the viability of the two minority districts.

PHILLIP DEVILLIER: Okay. And what about incumbency or the current members protects?

REPRESENTATIVE FARNUM: Protects all the current incumbencies. I think it meets all the checkboxes.

PHILLIP DEVILLIER: Okay. Thank you. Representative Marcelle. Give me a second Representative Marcelle because I am going to get Representative Farnum added back on. Bear with me.

REPRESENTATIVE MARCELLE: You ready? Thank you. Representative Farnum.

REPRESENTATIVE FARNUM: Yes, ma'am.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE MARCELLE: You said that some senators and some representatives met last night but you were not able to be there. Is that what you said?

[00:35:06]

REPRESENTATIVE FARNUM: That's correct.

REPRESENTATIVE MARCELLE: So whose map is this?

REPRESENTATIVE FARNUM: This is Senator Womack's map.

REPRESENTATIVE MARCELLE: No, no, no. The amendment.

REPRESENTATIVE FARNUM: The amendment.

REPRESENTATIVE MARCELLE: If senate --

REPRESENTATIVE FARNUM: -- it has to have an author from this committee.

REPRESENTATIVE MARCELLE: Okay. It has to have an author from this committee. So that is why. Who asked you to carry this is my question?

REPRESENTATIVE FARNUM: I started it myself without anybody asking me. Now, I allowed input from other members of this body to better my amendment because if mine was from my region's perspective.

REPRESENTATIVE MARCELLE: It is Calcasieu?

REPRESENTATIVE FARNUM: Calcasieu's perspective.

REPRESENTATIVE MARCELLE: And so let me walk down this really quick. In Calcasieu, you said that you wanted to make your parish whole. Did I understand that correctly? So instead of having two congressional representatives, you wanted to make sure you were whole and you just want one. Is that accurate?

REPRESENTATIVE FARNUM: That's correct.

REPRESENTATIVE MARCELLE: Okay. But over in East Baton Rouge if I am reading it correctly, we now have three congressional districts. Is that accurate?

REPRESENTATIVE FARNUM: That is accurate.

REPRESENTATIVE MARCELLE: That is accurate. Okay. Good. So on the one hand, you want to make yourself whole and you want to split us, three ways in East Baton Rouge Parish?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE FARNUM: That's the net result.

REPRESENTATIVE MARCELLE: That's the net result. Okay. Got it. So, are you aware of the population shift in Louisiana? You know, we had these hearings a year and a half ago, whatever those two years ago, whatever it was. Are you aware? Because I think you were on this committee?

REPRESENTATIVE FARNUM: Yes, ma'am.

REPRESENTATIVE MARCELLE: Okay. So, are you aware of the growth, the largest growth in the state?

REPRESENTATIVE FARNUM: Yes.

REPRESENTATIVE MARCELLE: Where was that?

REPRESENTATIVE FARNUM: Northshore.

REPRESENTATIVE MARCELLE: Where? Northshore?

REPRESENTATIVE FARNUM: Northshore.

REPRESENTATIVE MARCELLE: And where was Baton Rouge in that?

REPRESENTATIVE FARNUM: It's probably middle of the road.

REPRESENTATIVE MARCELLE: Middle of the road?

REPRESENTATIVE FARNUM: Yeah.

REPRESENTATIVE MARCELLE: Would you say that Baton Rouge had more growth than Calcasieu?

REPRESENTATIVE FARNUM: I do not know if that is accurate. I could not speak to that.

REPRESENTATIVE MARCELLE: They did. My point to you is that there was growth in Baton Rouge, they lost population in North Louisiana is that accurate?

REPRESENTATIVE FARNUM: That's correct.

REPRESENTATIVE MARCELLE: They did lose population and I am just trying to refresh my memory in North Louisiana so. But you wanted to make sure that North Louisiana because it looks like I am looking at his map and your map and it looks like you shifts Letlow back over.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE FARNUM: That's correct.

REPRESENTATIVE MARCELLE: And she picked up some more, right?

REPRESENTATIVE FARNUM: That's correct.

REPRESENTATIVE MARCELLE: His map, Womack's map didn't do that. So you added back Lincoln and Jackson, and you made a whole in Washita. Washita, Washita.

REPRESENTATIVE FARNUM: Washita whole.

REPRESENTATIVE MARCELLE: Right?

REPRESENTATIVE FARNUM: Correct.

REPRESENTATIVE MARCELLE: Is that right?

REPRESENTATIVE FARNUM: That is correct.

REPRESENTATIVE MARCELLE: Okay. I want to make sure I got this right. Are you aware that this map that you are proposing has less compact overall than Womack's map or the enacting map? Are you aware of that? That it has less compactness? I know you did not have a whole lot of time to study it because it was last night.

REPRESENTATIVE FARNUM: Yeah. I do not know if I agree with that.

REPRESENTATIVE MARCELLE: You do not know if you agree with it?

REPRESENTATIVE FARNUM: No.

REPRESENTATIVE MARCELLE: Okay. Well, it does. In fact, it is the lowest compactness of all of the maps. That's A. The district level and congressional district 6 is less compact than Womack's map and the congressional district 2 is half as compact as Womack's map. Are you aware of that?

REPRESENTATIVE FARNUM: So, what I do know is that the BVAP increased --

REPRESENTATIVE MARCELLE: --I am not asking about the BVAP.

REPRESENTATIVE FARNUM: The population increased and it helps the electability of those minority candidates in those areas.

REPRESENTATIVE MARCELLE: I guess that is your opinion, but what I'm asking you for right now is facts in terms of the compactness of the districts. So, let me go to another one. Are

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

you aware that it splits more municipalities than Womack's and almost twice as many as the Bill that I brought? Are you aware of that?

REPRESENTATIVE FARNUM: I'm not familiar with your bill.

REPRESENTATIVE MARCELLE: Okay. It was HB5 –

REPRESENTATIVE FARNUM: -- we did not have the chance to hear that.

REPRESENTATIVE MARCELLE: I presented it in here.

REPRESENTATIVE FARNUM: You voluntarily withdrew it.

REPRESENTATIVE MARCELLE: Pardon me?

REPRESENTATIVE FARNUM: You voluntarily withdrew it.

REPRESENTATIVE MARCELLE: But I presented it. But you had an opportunity to get it on your laptop and see like we get all bills, right? Because you are in this committee?

REPRESENTATIVE FARNUM: Yes.

REPRESENTATIVE MARCELLE: Okay. So, this map, well not the map, the amendments, if these amendments gets on this Bill, it will split more municipalities than Womack's. The deviation on these amendments that go to this map is a 129 which is both higher than Womack's Bill, which is almost twice as much as the enacted map at 65.

[00:40:13]

I think what I'm saying is, there were more than one goal to meet when we were told to draw these maps. It was more than one thing that we had to consider, compactness, communities of interest, not splitting municipalities, and it appears that this map or these amendments if we were to vote on this does far more harm than good.

REPRESENTATIVE FARNUM: So, it's my opinion that we addressed all of the issues that we were set out to do. We've accomplished all of the goals that we were mandated by the court to do. The two minority districts were very, very lightly touched and mostly white population was pulled out of those districts.

REPRESENTATIVE MARCELLE: Well, let me just say this, Representative Farnum. With all due respect, if you were just trying to make Calcasieu whole and that was your parish and you would try to do that, I might have a little bit more respect for this amendment. But since you are trying to make yourself whole and East Baton Rouge Parish split between three congressional districts, that would mean that -- for the public that's watching, because you can't see the map

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

but you may not be able to understand it, that would mean that Clay Higgins would represent the people on Lakeshore Drive in Baton Rouge. That's what that would mean.

REPRESENTATIVE FARNUM: So, in my area, Clay Higgins represents my house and if I drive 10 houses down the road, Congressman Johnson represents those people. Ten houses away from my house.

REPRESENTATIVE MARCELLE: I imagine because you're on the line. But what I'm saying is that's a far distance from where his district starts to bring him down to Baton Rouge. It's unclear to me what the motivation of often this amendment is other than political reasons. It certainly doesn't help us in Baton Rouge.

REPRESENTATIVE FARNUM: Well, all I can say is my constituents at home expressed a strong desire to remain whole.

REPRESENTATIVE MARCELLE: So do mine.

REPRESENTATIVE FARNUM: Now, whether we were in District 3 or District 4, I can appreciate that. I really can appreciate that and that's why we all get a vote here. This is my attempt to help my citizens in my area.

REPRESENTATIVE MARCELLE: I get that.

REPRESENTATIVE FARNUM: And in the process, I included a lot of other people from a lot of other regions who are included in the conversation. I can't speak to who all was included that night because I wasn't able to attend that. So, it was people from New Orleans. I think Senator Womack was in the room when it was discussed and feel free to jump in anytime.

SENATOR WOMACK: Okay. I was in that meeting and back to the BVAP and in the districts, District 2 and District 6 went up as far as black voter age population. Senator Gary Carter was in the room with us looking at this and working on this to try to come for the best outcome. We did include --

REPRESENTATIVE MARCELLE: I'm sorry. You said Senator Carter?

SENATOR WOMACK: Carter. Gary Carter.

REPRESENTATIVE MARCELLE: And that would be Congressional District 2, right?

SENATOR WOMACK: He was in the room.

REPRESENTATIVE MARCELLE: Okay.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

SENATOR WOMACK: He was in the room and looking at these districts with us. This one, several senators tried to work to try to accomplish, I guess, a lot of maybe concerns from different ones but I know Red River Parish was put in.

REPRESENTATIVE MARCELLE: The only one that could've been concerned about Congressional District 2 would be Congressman Troy Carter. Is that accurate? Did he have a concern about your map?

SENATOR WOMACK: I would think that Senator Carter would be speaking in that capacity as to watching the VAP, the voting-age population. He was watching that. He was working with us to try to best fit everything that people was wanting and concerns from each side that we're asking for. And to still maintain the fact that we got them out to draw and we had to draw this map.

REPRESENTATIVE MARCELLE: So, let me ask you senator.

[00:45:01]

Was somebody from Baton Rouge asking to be split three ways in that room? Because I want to know who that was.

SENATOR WOMACK: I don't know where these people -- all of the people lived. I think Carter is back toward New Orleans.

REPRESENTATIVE MARCELLE: Yeah, that's what I said.

SENATOR WOMACK: Okay, all right.

REPRESENTATIVE MARCELLE: Right. That's what I said and this is --

SENATOR WOMACK: And I can't say he's been on the phone but he was in the room and worked with us on this.

REPRESENTATIVE MARCELLE: Let me say this and I'll leave it alone at this. I respect you, Senator Womack, that's why when I proposed a cleanup amendment to your bill. I came over to talk to you about exactly what I was going to propose on your Bill. I think it's disingenuous that we said here and we dropped maps that changes Baton Rouge because some senators got in a room and decided to change my district. This what I represent. It's not your amendment but I'm just making a statement.

SENATOR WOMACK: Yes, ma'am.

REPRESENTATIVE MARCELLE: And I'm not voting for any map that has Baton Rouge split three ways because that's insane. It's insane. And so, for whatever motive that they had, I believe that they threw a monkey wrench in a Bill that I think would've gotten out of here

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

without any opposition which is your Bill. So, I don't know if you realized it but I mean I don't think what they have done has helped your Bill. And if Farnum wanted to protect Calcasieu, that's Calcasieu and I have not got nothing to do with Baton Rouge. So, he should have put amendment on this Bill that protects Calcasieu not Baton Rouge, not changing a thing in Baton Rouge. And that's just my honest opinion. So, I would object to this amendment being added and I want everybody in Baton Rouge who's listening to please call your senators and the people that represent you and tell them, "We do not want to be split in three ways in Baton Rouge." Thank you.

SENATOR WOMACK: Thank you. Just for correction, Senator Fields was in the room with us. So, I appreciate Senator Cathy reminded me of that. He was in the room as well.

PHILLIP DEVILLIER: Thank you, Representative Marcelle. Representative Johnson?

REPRESENTATIVE JOHNSON: Thank you, Mr. Chairman. Senator Womack, you represent Senate District -- what's the number?

SENATOR WOMACK: Thirty-two.

REPRESENTATIVE JOHNSON: Thirty-two. You're my senator and we share a lot of people, a lot of population. You have spent a lot of time on this map, haven't you?

SENATOR WOMACK: Yes, sir.

REPRESENTATIVE JOHNSON: And you've tried to do it as best you can and to make it legal and to make it to adjust the population shift that has occurred in our state, is that right?

SENATOR WOMACK: That's right.

REPRESENTATIVE JOHNSON: You're not doing it in a vacuum. It's affecting people that are in your district.

SENATOR WOMACK: Yes, sir. That's exactly right.

REPRESENTATIVE JOHNSON: And you were catching a lot of heat because of that, aren't you?

SENATOR WOMACK: That's right.

REPRESENTATIVE JOHNSON: You take your responsibility serious, don't you?

SENATOR WOMACK: I do.

REPRESENTATIVE JOHNSON: Even when it hurts you politically.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

SENATOR WOMACK: I do.

REPRESENTATIVE JOHNSON: And hurts me politically.

SENATOR WOMACK: It does and I've apologized.

REPRESENTATIVE JOHNSON: I know you to be a good and honest man who tries to do the right thing. Does this map, as amended by Representative Farnum, my good friend from Southwest Louisiana. Well, let me back up. You believe that you have presented a map that achieves all the necessary requirements and provides us with the best instrument that you could come up with?

SENATOR WOMACK: I do.

REPRESENTATIVE JOHNSON: Do you believe that Representative Farnum's amendment makes your bill better?

SENATOR WOMACK: Yes.

REPRESENTATIVE JOHNSON: And would you support your bill and your map and all of your time and all of your political pain that you and I are feeling if he presents that amendment?

SENATOR WOMACK: I do. I would.

REPRESENTATIVE JOHNSON: Thank you, senator.

PHILLIP DEVILLIER: Thank you, Representative Johnson. Representative Newell?

REPRESENTATIVE CANDACE NEWELL: Thank you very much, Mr. Chairman and Representative Farnum, I appreciate your attempt at drawing this map.

[00:50:09]

But what I don't appreciate, and I do understand that this is a compressed session, and let me pause right quick and say thank you to our staff, because our staff is truly overworked and underpaid. So, I understand how swiftly they work to try to get bills prepared, amendments prepared so that we can have them in order to get to committee. But with all of that, we also need to consider how critical it is for everyone to have this information and these documents and time that those of us who are sitting right here and about to vote on this. And senator, I'm sorry, I'm looking directly at you, but you right there, but this is no slight against you, this was not enough time to digest everything that is in this amendment. We went at ease at about 10:15, 10:20, whatever time it was in the 10:00 hour, but we just got these maps before we sat down, when you all saw us sit down and pick up these papers, that's why we were shuffling, because we just got these amendments. And I just needed to say this is too sensitive of an issue, too sensitive of a topic to rush through it and to be thrown a set of amendments. There's probably more splits than

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

what we are noticing. Rep. Marcelle saw Baton Rouge because that's where she lives. So that's what jumped out at her first. But I'm sure there's some other members that might feel slighted. There might be some other populations or communities of interest that feel that they are not being listened to or heard. I would have appreciated more time to understand this since I was not given the benefit of being in the room. Rep. Farnum's name is on this map, and he wasn't in the room. You mentioned a lot of senators in the room talking about something that representatives are now sitting here trying to pour over, talk about, discuss and understand in a shorter period of time. Most of us can't really pay attention to the discussions because we're looking and trying to understand these 15 pages that we've just been given. And I just needed to put that out there. Mr. Protem, that we should need to give each other more consideration in our futures, that we give each other more time to digest things that are this sensitive of an issue and of a topic. And I'm still not satisfied with this map. Thank you.

PHILLIP DEVILLIER: Thank you, Representative Newell. Representative Mark Wright.

REPRESENTATIVE MARK WRIGHT: Thank you, Mr. Protem. I didn't expect to get called on so soon. I thought there'd be a line. I don't know. I'm going to upset somebody with this statement, but I'm just going to say it. I don't understand the idea of wanting just one rep for a parish. I think if you got two, you got two people to go to. I don't think congressmen sit there and say, St. Tammany, 50% is there. I'm only going to give it 25% of my time. I think if you got three, I think it's possible you get three congressmen working for your parish. So I don't know what that does, but I've been hearing this all week, heard in the last time we did this, and to me, just not something I think matters. So I'll leave it there.

PHILLIP DEVILLIER: Thank you, Representative Wright. Representative Boyd.

REPRESENTATIVE BOYD: Thank you, Mr. Speaker Protem. I think what the problem is that, again, following up on Candace or Rep. Newell, we just were presented with these amendments in your map as a matter of fact. I do understand, Rep. Marcel, that Senator Fields was in the room with this, but that's Senator Fields and Senator Carter in the room. We were not privy to that conversation, so we had no idea what we were expecting to see today. And now we are shuffling through pages and pages of a Bill as well as an amendment. So I don't think anything was done intentionally, but the frustration comes from us not having this ourselves, to actually digest it and meet with our people, our community of interest, and speak about what's being presented.

[00:55:05]

Exactly. So I think that that's the main issue here. Well, we know now who were in the room when this was being discussed, but we weren't, if that makes any sense. Thank you.

PHILLIP DEVILLIER: Thank you, Representative Boyd. Representative Larvadain?

REPRESENTATIVE LARVADAIN: Thank you, Mr. Chair. Rep. Farnum, thank you for making an effort to try to comply with the judge's wishes, but I'm still confused with your map.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

In the great Parish of Rapides, we've divided three ways. Is that correct? Three. I see pink, green and yellow in the great -- is that correct? Am I seeing something right? Yes. Look at Rapides. The real parish where I'm from, and Mike Johnson. Rapides is on the east side. It's in the yellow, which is -- would be Clay Higgins in the middle. It'll be in district 6, and then it has a portion of district 5, so it's 3 in. Is that correct? Okay. But your parish is only single. Is that correct? I think Avoyelles Parish is divided into two areas. Is that correct?

REPRESENTATIVE FARNUM: Excuse me?

REPRESENTATIVE LARVADAIN: Avoyelles Parish is divided in district 5 and 4.

REPRESENTATIVE FARNUM: Yes. And they're five splitting the current map.

REPRESENTATIVE LARVADAIN: Okay. Now, we had a better map that we think we proposed. But once again, with your map, you're dipping and diving and you're going through. How many split districts do you have in that area? Do you know?

REPRESENTATIVE FARNUM: How many what?

REPRESENTATIVE LARVADAIN: Split parishes you have? Just in district 6.

REP. FARNUM: So in this map, there are 15 split parishes. And in the original map, if I counted it right, there's 32 split parishes.

REPRESENTATIVE LARVADAIN: If I told you it was 16 original, would that be correct? Where would you get 36?

REPRESENTATIVE FARNUM: That's not the count that I came up with. I don't know. I might be wrong, but I think the asterisk beside the parishes mean that they're split.

REPRESENTATIVE LARVADAIN: Okay, let me correct.

REPRESENTATIVE FARNUM: There's 32 of them.

REPRESENTATIVE LARVADAIN: Yeah. In Senator Womack's, it was 16 split. Is that correct?

REPRESENTATIVE FARNUM: I don't believe that's correct. I think there's 32 in the original map. Help me with that, Ms. Lowrey.

REPRESENTATIVE LARVADAIN: I think it's 16.

MS. LOWREY: Members, I think what Representative Farnum is counting the number of asterisks, but the asterisk in front of a parish on the report on the split parish report means it is split, but there are 16 split parishes in the plan.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE FARNUM: Okay, so we've reduced that by one.

REPRESENTATIVE LARVADAIN: Those 15?

REPRESENTATIVE FARNUM: If I'm adding it right.

MS. LOWREY: 15 in his original.

REPRESENTATIVE FARNUM: 15 in the original.

MS. LOWREY: And 16 in your amendment.

REPRESENTATIVE FARNUM: Okay, so we increase it.

REPRESENTATIVE LARVADAIN: You added one to it. Okay. Where does Congressman Graves live? Is he in district 6 or he's in district 5?

REPRESENTATIVE FARNUM: I have no idea where Congressman Graves lives.

REPRESENTATIVE LARVADAIN: I think he's in East Baton Rouge Parish.

REPRESENTATIVE FARNUM: I have no idea where he lives.

REPRESENTATIVE LARVADAIN: Would he be a part of district 5, that district, or you don't know?

REPRESENTATIVE FARNUM: I don't know. I don't know where any of the congressmen live, other than the regions that they come from.

REPRESENTATIVE LARVADAIN: Okay. Did you get a chance to talk to Congressman Mike Johnson about his district?

REPRESENTATIVE FARNUM: I have not. I talked to Congressman Higgins about his.

REPRESENTATIVE LARVADAIN: Okay. And what did Congressman Higgins say about his district?

REPRESENTATIVE FARNUM: He thought it was a good idea that we were okay to be split. I disagreed with him. Very civil conversation. He was disappointed that we would rather push to a single member. But I'm listening to my constituents, and that's who I have to answer to.

REPRESENTATIVE LARVADAIN: Does Congressman Higgins have a problem with going all the way from Cameron to Baton Rouge Parish? Is that ideal for him?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE FARNUM: That wasn't the issue that he expressed to me.

REPRESENTATIVE LARVADAIN: Okay.

[01:00:00]

REPRESENTATIVE FARNUM: He would like to retain part of Calcasieu if possible and we disagreed with that.

REPRESENTATIVE LARVADAIN: Yeah. I don't blame him. I know he wants to control opposite of Lake Charles.

REPRESENTATIVE FARNUM: I'm perfectly fine having Congressman Higgins or Congressman Johnson. I like both of them. We just want to have one.

REPRESENTATIVE LARVADAIN: And it's not Representative Congressman Higgins? You'd rather have –

REPRESENTATIVE FARNUM: No. That's the rotation that's possible.

REPRESENTATIVE LARVADAIN: Okay.

REPRESENTATIVE FARNUM: It's a counterclockwise rotation. It's the only one that's possible.

REPRESENTATIVE LARVADAIN: And I know with Congressman Mike Johnson, the Caddo Parish, they want to make sure Barksdale and Fort Johnson on the same district. Is that correct?

REPRESENTATIVE FARNUM: I believe so.

REPRESENTATIVE LARVADAIN: And this map does that?

REPRESENTATIVE FARNUM: I believe so.

REPRESENTATIVE LARVADAIN: Now, what about Congressman Scalise? Did he have a problem with his district?

REPRESENTATIVE FARNUM: I don't think. I haven't spoke with him. I hadn't spoke with any of his staff. I couldn't answer that question.

REPRESENTATIVE LARVADAIN: What about Congressman Letlow? Did she have a problem with her district?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE FARNUM: I think she very happy with the fact that she made Ouachita whole, which was one of her desires and gained more northern population for her district. People that she's represented in the past she wanted to retain those people.

REPRESENTATIVE LARVADAIN: And you had a good idea of what Congressman Carter wanted in district 2?

REPRESENTATIVE FARNUM: I have no idea.

REPRESENTATIVE LARVADAIN: And let me make sure. In district six, the new district, the VAP map is 54.32. Is that correct? I'm looking at it.

REPRESENTATIVE FARNUM: I'll take your word for it. They went up.

REPRESENTATIVE LARVADAIN: Yeah. BVAP. Okay. And we know that that district will perform at that capacity?

REPRESENTATIVE FARNUM: We feel like it'll perform better because the population, the BVAP, has increased.

REPRESENTATIVE LARVADAIN: And what about the BVAP for district 2 at 51.7?

REPRESENTATIVE FARNUM: It increased as well.

REPRESENTATIVE LARVADAIN: So your map will produce two majority minority districts. Is that correct?

REPRESENTATIVE FARNUM: That's correct.

REPRESENTATIVE LARVADAIN: But you've got several districts in district 6 where you have my district, Rapides is split three ways. And also, East Baton Rouge Parish is split three ways.

REPRESENTATIVE FARNUM: I think, in order to accomplish the shift in population. I think some of the white population was extracted from that minority district in order to increase their BVAP.

REPRESENTATIVE LARVADAIN: Okay, that's it. Thank you.

PHILLIP DEVILLIER: Thank you, Representative Larvadain and Representative Marcelle?

REPRESENTATIVE MARCELLE: Thank you. Let me start out by saying I'm not personally attacking any senator, particularly Gary Carter, whom I like and have served with. I believe that you said that Senator Carter was in the room. And I believe that you said that he probably was protecting the interest or speaking on behalf of Congressman Carter. So I asked the question, was

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

anybody in there from Baton Rouge? What I'm being told by my senator or one of my senators, which is Cleo Fields, that he was handed the finished product. He did not work on the product after the product was finished. That's what I was being told. That's A and B, we do have another senator in Baton Rouge. Her name is Senator Regina Barrow. She is the pro tem. So I'm wondering why she wasn't in the room. We are metropolitan area so I want to clear that up. I guess she wasn't invited to the party. I don't know. But I do want to ask our chairman if the Legal Defense Fund can come up and help to clear up some of the questions that we may have about this map and the performance, because we have the public who's listening and they should know what's going on. I believe that these are the people who could perhaps answer some of the questions that we have. And I certainly have some questions for them myself, since I can't get a clear answer on performance or compactness. All of these issues that we're talking about, the deviation, how many splits it is. I have an attorney right here by me, Mr. Larvadain, and because we were given this information a few minutes ago, as legislators, many of us can't decipher through it. So I would ask that LDF, the Legal Defense Fund, would be able to come up to the table to answer some questions as it relates to these amendments if you don't mind, Mr. Bollier. Chairman Bollier. Thank you.

[01:05:01]

PHILLIP DEVILLIER: Someone here present from the Legal Defense Fund like to come to the table? Ms. Lowery, on a clarification.

MS. LOWERY: Thanks, members. I'm sorry in the audience, I want to correct something I said earlier. Senator Womack's Bill presently has 16 split parishes, as well as Representative Farnum's amendment at 16 split parishes.

PHILLIP DEVILLIER: Thank you, Ms. Lowery, Rep. Marcelle. If you all wouldn't mind, please introduce yourselves and you all filled out cards?

VICTORIA WENGER: We did not, but we can.

CHAIRMAN BOLLIER: Please do. Thank you.

VICTORIA WENGER: My name is Victoria Wenger. I'm an attorney with the Legal Defense Fund.

JARED EVANS: Jared Evans, attorney with the Legal Defense Fund.

REPRESENTATIVE MARCELLE: Thank you all for coming to the table and thank you for your work on this matter. Can you please -- first of all, let me ask you a question, because perhaps you all got this map a lot sooner than us. You all have been working for how many years on getting this done?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

VICTORIA WENGER: We filed our litigation, Robinson v. Landry. At the time, it was Robinson v. Ardoin, the day that the legislature overrode the governor's veto. I believe it was March 30, 2022.

JARED EVANS: But the work started around the first roadshow in October 2021 -- September 2021.

REPRESENTATIVE MARCELLE: Okay, so can you all please tell me, in your opinion, if this amendment get on what does it do to Womack's Bill? Does it make it better? Does it make it worse? Is it more compactness? Is it more split parishes? Does it make sense? Help me and help walk us through it, because the public really needs to know what's going on. I know they can't know because we just got hit with it today.

ATTY. VICTORIA WENGER: Representative Marcelle, we're in a similar posture to you. The map that we advocated for was presented here in the legislature as SB4, which died in committee, and HB5, sponsored by you. That exact map has been in public discourse since the roadshow, as my colleague mentioned, at least a similar version. Our attempt was to create a new black majority district in District 5 uniting North Baton Rouge with the Delta parishes. We have also seen in the public domain other versions of maps, like HB12 and 2022 that run along the Red River in the I-49 corridor. But we, for a variety of different reasons, had really coalesced around another option here, and that's because it has been held up to court scrutiny for years now. It has made its way before the district court, but also before the Fifth Circuit Court of Appeals. We've had to show that it's possible to reduce parish splits in line with Joint Rule 21, which was passed by this legislature in 2021. So I guess our journey started earlier than we represented. We've been following redistricting since perhaps the census, and since you all made the rules.

REPRESENTATIVE MARCELLE: I guess my question is, does this amendment make more splits than because I think it has 16 in it?

ATTY. VICTORIA WENGER: You all put us on the spot so let me pull out my notebook and talk a little bit about the other maps we've seen in this process.

REPRESENTATIVE MARCELLE: Okay. Well, I'm just trying to get a little clarity for myself and other members and just trying to figure out exactly what putting this amendment, and I know you hadn't had a long time to digest it. What is your opinion about adding this amendment to Senator Womack's bill?

ATTY. VICTORIA WENGER: Sure. So I think I heard recently, and again, we're processing this information as quickly as you all are, that there were 16 parish splits. Am I accurate in that?

REPRESENTATIVE MARCELLE: Yes, that's been accounted.

ATTY. VICTORIA WENGER: Okay. The enacted map that is currently in place has 15 parish splits. The remedial map that we propose in litigation and that has been vetted by the courts has 11 parish splits. Representative Marcelle, I think you also have an amendment that, I don't know

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

if it has this beat, but it's certainly closer to that. And again, I know that there's been different opinions shared here about parish splits, but that's coming not only directly from doctrine around redistricting, but also Joint Rule 21. We have been abiding by the rules that this legislature put in place for yourselves so that is the rubric that we are guided by, that the courts are referring to, that our map drawer is accountable to so that's why parish splits are emphasized. There's also a logic to it. There's a lot of governing that's done at the parish level here.

[01:10:03]

There are elections, administration, school boards, and other elements of civic life that have been recognized in your politics, in your policy, in Joint Rule 21, and by the federal courts. So that's why that principle is so important. I think there are many other things, and again, I don't even have a copy of the Amendment in front of me here, but we have had to comply with principles like deviation, and trying to get that as close to zero as possible. Certainly, trying to keep important places. We've heard really compelling testimony about the importance of keeping military bases whole, or the communities that serve those areas, whether it's housing or other communities of interest. We have tried to comply with that over the course of the process. Even SB4 and HB5, we have alternative options that we could pursue to keep some of the military districts or military bases that have been mentioned whole. We'd be happy to work on that with you all. We would be happy to end this litigation with a map that complies with Section 2 and also can achieve other political ends. We understand for any type of politics, that our Bill was not successful here. We do, however, know, based on the Amendment that Representative Marcelle has presented here, based off of record, from prior Bills filed in this process, or presented by the civil rights community that follow the Red River and I-49, that there could be ways to clean up this Amendment, to otherwise perfect it, that maybe could get us further towards resolution in this litigation. But none that could do that as efficiently and cost-effectively for years and years of expensive litigation with folks far above my bracket, to get it over with and to finally just be resolved. There is a path forward there. It is in grasp. We would love, and on behalf of our clients, we would love to see that resolution.

REPRESENTATIVE MARCELLE: Well, thank you. I just was wondering, [PH 01:12:08] Rappees and East Baton Rouge are heavily populated by minorities, right? Would you agree with that? And I was just wondering, how would the court view that, that we split it three ways, both of them?

REPRESENTATIVE NEWELL: I think the court would have a lot of questions about what the politics are guiding this. And I think my question is, why, for three years or more, are we not listening to black people who came here? We had young people who drove here overnight in the snow, on back roads, from my colleague's alma mater up north at Grambling University, just to have their voices heard in the process. We had people who were here when the whole state was closed down and were here on Martin Luther King Day when the nation was closed down. And they came to advocate for SB4. And they still, after years, have never gotten a floor debate. They've never been able to see this conversation happen or to have their grievances met with any genuine effort to resolve the Section 2 violation, or just honor a principle of fairness. So, there might be a path forward here. We tried to give a much easier one to get this litigation over with. I

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

cannot speak to whether this is that path forward. I can speak to ways to do this better by redistricting criteria and hopefully give people some fairness and give you all some reprieve from federal court litigation.

REPRESENTATIVE MARCELLE: Okay, thank you. I'm just wondering if there's a risk that the judge would say that she would go ahead and draw it herself because instead of reducing it, we increased it. And so, the splits. I'm just curious. And we keep talking about the political motivations. And I heard, and I respect Senator Womack, who talked about. He wanted to make Scalise. He checked with Scalise, and he checked with Letlow. I heard every person's name except Gary Graves. And that's one of my congressmen. I was wondering if you all had a conversation with him as well.

REPRESENTATIVE WYBLE: Hope you're not asking us.

REPRESENTATIVE MARCELLE: Pardon me?

REPRESENTATIVE WYBLE: Yeah. You weren't asking that to me.

REPRESENTATIVE MARCELLE: No, I was just making a statement because I'm about to be quiet. But I just want to make sure that everybody understands when you start talking about, and I said this the other day when I was at the table if we could remove all of the people who represent the districts away from it and give it to somebody and allow them to draw it fairly, then we would get the best product. Because it's not impossible to draw two black congressional districts. But if everybody, nobody wants to give up any portion of anything, you're going to have the same problem over and over again. And I do respect that Senator Womack says his district is getting hit as well.

[01:15:03]

But everybody has to give up something to do what is right, and nobody wants to do that. Some people want to make sure that they have a certain number of a certain population to win, and it's just not right. It is not right. It is far too long that Louisiana has done things wrong. And it's about time that we do something that's right and get us out of the courts. And I want to thank you guys for your work. I don't know if anybody else has any questions for you, but I see this as strictly politics last minute. Let's throw in something and confuse the whole issue. But I will not vote for this Bill with that Amendment on it. Thank you.

PHILLIP DEVILLIER: Also, have you all filled out cards? If not, would you please?

[OVERLAY]

REPRESENTATIVE WYBLE: [INDISCERNIBLE 01:15:50].

PHILLIP DEVILLIER: Thank you. Representative Wyble.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE WYBLE: Yes. Thank you. If you could remain just for a minute, please. Sorry, I'm sorry. I didn't catch your name.

ATTY. VICTORIA WENGER: Sorry. I'm Victoria Wenger.

REPRESENTATIVE WYBLE: Thank you both for being here. I appreciate it. You mentioned in your remarks you connected splitting parishes with local politics and, like, school board elections. So, just connect for me. Where's the voter confusion if a parish is split with a school board election? Make that connection for me, because you mentioned school board particularly, specifically.

ATTY. VICTORIA WENGER: Yeah. This could vary based on parish to parish, based on what types of elections are happening, whether they're district at large, whether how many folks are on a school board, if there's someone elected at large in another position, it can happen a lot of different ways. Again, what I was speaking to again is Joint Rule 21, which signified the fact that this legislature, or the prior legislature that enacted it, wanted to keep in consideration how current lines, political lines, like parishes. That's probably the most significant one you could think of here. But another thing that our map considered, and that Joint Rule 21 is considering is municipalities or unincorporated areas. And so, you're thinking about, how are ballots drawn around that? How are people conceptualizing? And we don't just work on redistricting and litigating. We do civic education all the time, and we represent groups that are trying to get folks engaged in this process excited and knowing that their vote is going to matter. So, it's perhaps a way to reduce some confusion or to have, again, the lines line up. But again, I think the legislature and the folks behind Joint Rule 21, many of you all, colleagues or folks that have moved along to the Senate, but we're part of that process, can speak best to why that matters specifically to them. But it is something that's been dignified in the courts, that's been recognized both at a very Louisiana-specific level. In most other places, we're calling them counties instead of parishes. So, it means something here. It really matters. So, I think that's why perhaps it was involved in Joint Rule 21. Perhaps it's mattered to the courts. But parish splits are something you can quantify. You can look at how many times the parishes are split overall. There's this other quantitative metric we talk about called fracking, which is where multiple districts or different non-contiguous parts of a district are coming into a parish. We're just really looking at what are those metrics where it's fair to put one map side by side and make some observations about how they compare, where you can take politics, or you can take other subjective measures out of the equation for a moment just to do that side by side. So, I was mentioning that as one of those quantitative measures that are codified for this legislature in Joint Rule 21.

REPRESENTATIVE WYBLE: I was just curious where the correlation was because I'm not sure if you're aware, but we actually have parishes in Louisiana that have multiple public-school districts.

ATTY. VICTORIA WENGER: Absolutely.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE WYBLE: So, in some of those parishes, they're already voting for different school board members. And there are splits if you want to call it that. You caught my attention when you mentioned school boards, and I was trying to figure out the correlation between that and splitting a parish in a congressional district.

ATTY. VICTORIA WENGER: Yeah, it really depends on parish by parish. And those are the types of lines. Or, like, you could have the districts, those school districts. That's one of the things that map jars can actually have on the screen and can be used as a measure of how to look at that. So, you can also look at what's called landmark or COI landmark. So, think of school districts or hospitals, airports, and everything else when you're looking at that metric. All I can speak to. I can't speak to this Amendment. I just saw it. But in terms of landmark place splits, the map that we had proposed had the exact same amount as the enacted map. So, that was another metric that in our process we are able to hold ourselves accountable to,--

[01:20:00]

to make sure our map was as good as or in most of the instances better than the enacted map.

PHILLIP DEVILLIER: So, look, Representative Wyble, we can do. I know you're a big school board guy. Why don't we take you with them afterward, and y'all can talk in some detail about that?

ATTY. VICTORIA WENGER: We've got slide decks on this. I'd be happy to provide a course anytime.

REPRESENTATIVE WYBLE: Thank you so much.

PHILLIP DEVILLIER: Thank you, Representative Wyble. Members, that clears the board. Representative Farnum has a motion on the table to adopt Amendment Set --

REPRESENTATIVE MARCELLE: 68.

PHILLIP DEVILLIER: 68. One second, members. Vice Chairman Lyons.

VICE CHAIRMAN LYONS: Thank you, Mr. Chairman. I was going to address this to Representative Farnum on your Amendment, and after the table was clear with that information, I just want to say that for the past two years, I've been through every roadshow throughout this state. I was in Calcasieu, and I heard the testimony there, and I sympathized and empathized with the individual residents there as they talked about being whole as other communities of interest throughout the state. That was the most impacting testimony that we received throughout this process. And it went on not only from my community to your community, but everywhere else. And the question remains always, and we don't have an answer for, is, can we draw the perfect map? I don't think we ever can draw the perfect map. I don't think that there's ever going to be a situation where everybody's going to be happy or even whole. But I'm looking at the mission that we have here, and the mission that we have is that we have to create two majority of black

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

districts and performance of those maps that we saw earlier, some that didn't make it through, some that were here, including yours, Senator Womack. Some of them performed, some performed better than others. But we have to look at the center of this piece, and that is to create those districts that perform and some of that's going to be for debate, and some that's going to be for the clearing pieces to happen as we go forward. But I just want to put on the record that I know the senators worked hard on this piece, and that goal is what was in mind, to create these two majority-black districts and to do it with as much of the criteria as possible to be done to make sure that it is conforming. And with that being said, I wanted to get that clear of what that message is and what we're doing here which you remember before we go over this piece. And I want to say that Mr. Chairman, as we go forward with this opportunity. Thank you.

PHILLIP DEVILLIER: Thank you, Vice Chairman Lyons members back on the motion. We have a motion by Representative Farnum to adopt, Farnum to adopt Amendment Set 68. Are there any objections to the adoption of that Amendment Set? Hearing no objection, Amendment Set 68 is hereby adopted. On to the next Amendment, we have Amendment Set 70, I believe. Representative Marcelle on your Amendment.

REPRESENTATIVE MARCELLE: Ms. Laurie, would you mind reading that in?

MS. LAURIE: Thank you, Mr. Chairman. Representative Marcelle brings Amendments at HCASB 8362, No. 70. This is available to members in front of you and also for the members of the public, it's available online.

PHILLIP DEVILLIER: Representative Marcelle, on your Amendment.

REPRESENTATIVE MARCELLE: Thank you. Amendment No. 3 adds River, the Red River Parish to Congressional District VI. Better preserving the Red River community of interest and the community of interest formed by Red River, Natchitoches, and DeSoto Parishes. It also makes Ouachita Parish whole in Congressional District V. It keeps all the delta parishes whole and together. It reduces the Parish splits to 11, it reduces the deviation to 22, and it keeps more of Shreveport together in Congressional District VI. I did that for Representative Phelps. Substantially improves the compactness of Congressional District VI.

[01:25:02]

Performs as well for black voters as Senate Bill No. 8, with a lower black voting age population. And that's what it does. And I ask for your favorable passes. It's actually a Cleanup Bill, it doesn't change Senator Womack's Bill a whole lot. It's just a Cleanup Bill, and it gives us fewer splits. And I'd ask for your favorable passage.

PHILLIP DEVILLIER: Thank you, Representative Marcelle. Members, just as a clarification, the way these Amendments are drafted in a fashion that,

REPRESENTATIVE MARCELLE: It's the whole plan.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: It's the whole plan, we're not taking a precinct here or there and adding, so it's a whole plan. So, the Amendment set that we just adopted, Representative Farnum, is currently the whole plan. What Representative Marcelle is proposing is that we abandon Representative Farnum's plan, and adopt Amendments Set 70, which would be a separate whole plan. Should this Amendment pass, it would replace the Representative Farnum Amendment that just passed. So, I just want to make sure we have a clarification on there. Do we have any questions on the Amendment? There are no questions at this time. If you give me a second, I believe we have some cards. I got a bunch of cards up here. We might have some cards on the Amendment set. Bear with me for a second while I sort through some of these.

[BACKGROUND NOISE]

SENATOR PHELPS: Mr. Chairman, if I might.

PHILLIP DEVILLIER: Go ahead, Senator.

SENATOR PHELPS: I just want to clarify that Senator [PH 01:27:17] Fields did come in with the plan, on the plan, but he was not for splitting up Baton Rouge. I want to clarify that.

REPRESENTATIVE MARCELLE: I certainly thank you for that because I was going to vote against Senator Fields the next time he ran if you told me he was splitting up Baton Rouge three ways. And I like him, but he was going to have to go if he did that.

SENATOR PHELPS: Well, I just want to put that on the record.

REPRESENTATIVE MARCELLE: Thank you.

PHILLIP DEVILLIER: Thank you. Representative Marcelle, we do have some green cards, all of them present and do not wish to speak. But all in favor of this Amendment set: Ms. Martha Davis, Mr. Jared Evans, Ms. Ashley Shelton, and Ms. Victoria Wenger. So, all those green cards are in favor. There are no questions for you, Representative Marcelle. Members, Representative Marcelle has offered up Amendments Set 70 for your consideration. Representative Farnum has objected. MS. BAKER, would you please call? So, look, a vote yes replaces Representative Farnum's Amendment with Representative Marcelle's Amendment. A vote of no keeps Representative Farnum's Amendment as your primary map, Ms. Baker.

MS. BAKER: Thank you, Mr. Chairman. Chairman Devillier?

PHILLIP DEVILLIER: No.

REPRESENTATIVE MARCELLE: : Representative Billings?

REPRESENTATIVE BILLINGS: No.

MS. BAKER: Representative Boyd?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE BOYD: Yes.

MS. BAKER: Representative Carlson?

REPRESENTATIVE CARLSON: No.

MS. BAKER: Representative Carter? Representative Carver?

REPRESENTATIVE CARVER: No.

MS. BAKER: Representative Farnum?

REPRESENTATIVE FARNUM: No.

MS. BAKER: Representative Gadberry?

REPRESENTATIVE GADBERRY: No.

MS. BAKER: Representative Johnson? No.

MS. BAKER: Representative Larvadain?

REPRESENTATIVE LARVADAIN: Yes.

MS. BAKER: Representative, Vice-Chair Lyons?

REPRESENTATIVE LYONS: Yes.

MS. BAKER: Representative Marcelle?

REPRESENTATIVE MARCELLE: Yes.

MS. BAKER: Representative Newell?

REPRESENTATIVE NOEL: Yes

MS. BAKER: Representative Schamerhorn?

REPRESENTATIVE SCHAMERHORN: No.

MS. BAKER: Representative Thomas?

REPRESENTATIVE THOMAS: No.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

MS. BAKER: Representative Wright?

REPRESENTATIVE WRIGHT: No.

MS. BAKER: Representative Wyble?

REPRESENTATIVE WYBLE: No.

MS. BAKER: There are 5 yays and 11 nays.

PHILLIP DEVILLIER: Members Amendment Set 70 has failed to pass, so we're back on the Bill, which is the Amendment Set of 68, which we have just adopted. We're going to go ahead and read in some cards present in support and not wishing to speak. We have Ms. Brianna [PH 01:29:54] Robillard. Present and support not wishing to speak Debora [PH 01:29:59] A Bear, Gary [PH 01:29:59] A Bear as well.

[01:30:03]

Alice [PH 01:30:06] Blay is present, not been supporting not wishing to speak. All of these are present and support not wishing to speak, Ashley Dooley, Heather [PH 01:30:15] Trice, Catherine Maze, Gail [PH 01:30:20] Berrault, Julia Harris, Joyce [PH 01:30:26] Lequeur, Lucille Harris, Christine Robinson, Kathleen [PH 01:30:37] Forms and Tisha [PH 01:30:44] Lathan. We have a couple of red cards present, and do not wish to speak in opposition Christine Robinson, Gail [PH 01:30:55] Perrault. And then we have some red cards present and would like to speak. I will start with Chris Alexander. Sir if you give the floor, please Senator.

SENATOR CHRIS ALEXANDER: Thank you.

PHILLIP DEVILLIER: Mr. Alexander, if you please introduce yourself if you're ready. Give me one second Mr. Alexander. Representative Newell, we have a question.

REPRESENTATIVE NEWELL: Newell.

PHILLIP DEVILLIER: I get it right most of the time.

REPRESENTATIVE NEWELL: Sometimes you do it great. These are great clauses because they're on the minute that we just voted on and that Bill.

PHILLIP DEVILLIER: So, the Bill now is the Amendment so as the red cards come up if they have a clarification to where they are this is they're not in opposition anymore. They can waive and or correct and we can waive these red cards if they are in favor of this Amendment, so we give the liberty of those who turned in the red card to be able to clarify that I don't want to speak for them.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE NEWELL: Okay, so we listen in to red cards before we do the final vote on that path thing, the Bill as amended.

PHILLIP DEVILLIER: Yes, Ma'am.

REPRESENTATIVE NEWELL: Okay. Thank you for that clarification, Mr. Chairman.

PHILLIP DEVILLIER: No, thank you for asking, Mr. Alexander?

SENATOR CHRIS ALEXANDER: Thank you, Representative DeVillier. Members of the committee. My name is Chris Alexander. I'm here simply on behalf of Louisiana Citizen Advocacy Group. As each of you know conservatives in the U.S. House of Representatives now have a two-vote majority, a razor-thin Republican majority. This is a super-majority Republican legislature, and it's that for a reason because 70% of the citizens of Louisiana are conservatives and actually in the U.S. House of Representatives second there's a one-vote majority, Republican majority because Representative Scalise is on medical leave now. So, we're one vote away in our country right now in the U.S. Congress from having the Biden-Schumer agenda essentially unleashed on the country. Some people may say, "It's already been" but there is some protection in the U.S. Congress right now because of that razor-thin majority. By voting for this Bill creating an additional minority district in Louisiana, it's our view that you are giving that majority away and you're putting the very delicate balance of power in the U.S. Congress in very grave jeopardy on matters of profound consequence to citizens of Louisiana and citizens across the country. Everything is at risk here. Now the argument that we've heard from a lot of Republican members here is that if you don't pass a new plan creating an additional minority district in Louisiana, then the federal court judge will make that decision. While her actual order says that the plaintiffs when they went into court for a preliminary injunction never tried on the merits, just a summary proceeding said that they had carried their burden of showing that the current map violates Section 2 of the Voting Rights Act and that the plaintiffs had a substantial likelihood of making their claims successful, which is that we'll have a Second Minority District in Louisiana, but there was no trial on the merits. But the judge essentially said, "If we have a trial on the merits, I'm going to rule in favor of the plaintiffs and I'm going to create a second majority-minority district in Louisiana." That's exactly what this Bill is doing right now. And if our current map goes, and if you do nothing and our current map goes back before Judge Dick she's going to probably end up doing the same thing but at least we have a chance to fight for the current map in our state and no matter how she rules we have the Fifth Circuit Court of Appeal and we have the U.S. Supreme Court and again, everything is at stake and it seems like we're simply giving it all away right now.

[01:35:00]

We believe that this is worth fighting for. We believe that that balance of power is worth fighting for and I would remind the members of this Panel that I know some of whom we helped get elected along with Governor Landry whom we worked very hard for and who we respect and think he's going to be a great Governor that the citizens of Louisiana worked very tirelessly to get you elected to come here not to cave into political pressure, which it appears to hundreds and

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

hundreds of citizens across the state and that's what you're doing. You're caving into political pressure and you're giving in without a fight. Speaker Mike Johnson has weighed in on this. We heard some testimony earlier that Congressman Johnson apparently was okay with this proposed legislation. That's not our understanding at all. In fact, Congressman Johnson specifically said that our current map from 2022 needs a full trial on the merits with appellate review all the way to the Supreme Court if necessary because the issue is so profoundly important to the future of this Republic. I want to reiterate before I close. As I said, people all over the state are watching this right now many of whom voted for you to come here some of you who were just elected very recently, and six months or a year from now, the United States Congress will be controlled by Democrats, it started in this house. It started and ended in this capital and that's what we'll have made it possible and the citizens of Louisiana, I can tell you will have a very, very, good memory if that occurs. I would respectfully submit that your responsibility is to represent the interests of the substantial majority of Louisiana citizens, and not to cave to political pressure, and we're asking you to defeat this legislation. Thank you.

PHILLIP DEVILLIER: Thank you, Mr. Alexander. I just have a couple of questions, but just from my standpoint, I sat on the committee when we drew the other maps that we all believed were fair and we believe is representative of the state of Louisiana. The Fifth Circuit sent it back to the federal judge and basically held us hostage that if we don't do it, she's going to do it and so none of us like the position we're in but you know -- and a little bit to your point we were elected to serve and we feel that that we would prefer to have the lines drawn in this committee then have some of Obama-appointed judge drawing the lines force. And so, we don't like it. It's painful to do and so I feel your sentiment and I'm not disagreeing with most of what you said. I mean, it would go on in a lot of our minds. So, I appreciate your comments. Thank you. You do have you do have a question, Representative Newell.

REPRESENTATIVE NEWELL: Thank you very much, Mr. Chairman. I'm troubled by your statements because this is not a process by which one party is losing power and caving into another party. This is a process by which the other 30% of the people in this state are trying to get the representation that their population and numbers deserve in Congress. This isn't a caving in or power grab or giving away of power or losing the power of the Republican party. It's an opportunity for this body to represent all of the people that they are supposed to represent in a District listening to them and giving them the opportunity to vote for someone of their choice whether that person of their choice is a black Republican or white Democrat. It's an opportunity for black people as some of my colleagues will prefer to be seen, but a minority-majority district to have the opportunity to vote for their candidate of choice, and I'm troubled by the way you said your statement. You're very respectful but I listen to the words. This is not supposed to be a process that is this contentious and this divisive, but it is a very difficult process and we have been fighting this for three years now I've been on this committee since the very start, went to Utah, with the rest of the people from across this country that had same job that we all have here to learn what we're doing.

[01:40:00]

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

Travel this state from north to south, east to west to listen to what all of the people in this state wanted. The White citizens in this state, their issue was keeping their communities together. You know what Black people wanted? Just an opportunity to have a voice in a room and that is what we're trying to do. It's not a power grab. It's not to say that Republicans rule or that if there's another chance where Democrats are ruling that that's a problem. We should not see one party as a problem. We should not see another person that has a different letter behind their name as the enemy like Kim. He's not the enemy because he's a Republican. We just have a different way of looking at things and that's how we should see. We both observing the same problem. We just have different ways as how we get to the solution, and we cannot continue to have this rhetoric on out in the world like it's a problem to be of another party or it's a problem for another party to be in leadership. We're not giving away power. The Republicans are not caving in because they're helping African Americans have an opportunity to vote for a candidate of their choice. That is what we're doing here. And we're going through this fight because as I've said many times before this is the first time that this country has gone through redistricting after the expiration of Section 5 of the Voting Rights Act. Section 5 required all states that had a history of racism that any bills, any laws that were passed that would affect people's access and rights to voting had to be overseen and approved by the Department of Justice. This is our first time doing this where we no longer have that supervision and God knows I wish we still had that supervision because clearly, we can't do this on our own. Because clearly somewhere along the lines the message is getting construed that this is a giving up of power instead of this is an opportunity to let other people enjoy the benefits that another group has had for forever and we're just try -- I just want to see African-Americans across this state have the same privileges you've had all your life and that is voting in someone that they know or believe would have their best interest at heart, whether it's in this building or whether it's in our United States Capitol. It's not a caving in, because if it was a caving in, this process would have been over long time ago and I just needed to say I don't have any questions for you, but your statement kind of disturbed me a little bit.

PHILLIP DEVILLIER: Sure.

REPRESENTATIVE NEWELL: Because I don't want you to think that it's a caving in of any party.

PHILLIP DEVILLIER: Well, I respect you, Representative Newell, and I respect your right to speak and I would always protect your right to speak but we do live in a democracy here and when a majority with a particular ideology is in power and control, policies should reflect that ideology. Our position here is very simple that Congressman Mike Johnson, the Speaker of the House, represents a conservative ideology. Many citizens across Louisiana are very proud and happy that he's there and this legislation threatens the authority that conservatives have in the United States Congress. He has said very clearly that our current map is constitutional and that we should fight for it in federal court in order to reflect the interest of the majority of Louisiana citizens and democracy in a republic means something. But I would always fight, by the way, for your right to speak and I value it greatly as much as I value mine.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE NEWELL: Thank you for giving me my right and let me know I have a right to speak. I also have a right to vote and I also have had a right all my life coming from Orleans Parish as having an opportunity to vote for a representative of my choosing that I believe represented my interests and this democracy we need to make sure that it enables other people across this state to also have a voice and a right to vote for a candidate of choice that could also be their voices in rooms that they're not able to be in. That is what this process is, sir. So I appreciate you reminding me of my right to speak because I'm going to do it anyway.

PHILLIP DEVILLIER: Yes, ma'am.

REPRESENTATIVE NEWELL: But it also is my right to ensure that others have their right to speak and their right to vote and keep that access to voting intact and while they have that right in that access that they also have the ability to vote for a person of their choice. Thank you very much, Mr. Chairman.

[01:45:00]

PHILLIP DEVILLIER: Thank you, Representative Newell, and we have a handful of representatives that want to exercise their right to speak. Representative Carlson.

REPRESENTATIVE CARLSON: Thank you, Mr. Chair. Mr. Alexander, I appreciate your comments.

MR. ALEXANDER: Sure, and congratulations on your election.

REPRESENTATIVE CARLSON: Thank you very much. I appreciate that. Look, I certainly wish that we are in a different position in the House of Representatives with more than just a one-vote majority and that this wasn't looked at as a we're going to lose the majority or not kind of decision. But unfortunately, that's the position that we find ourselves and I can assure you this that we are not here today because we're caving to any kind of political pressure. The fact of the matter is like it or not, Judge Dick has said either you do your job and draw the map, or I'll draw the map for you, period. We've argued this case before the Fifth Circuit twice. We've asked the Supreme Court to hear it. They said you need to go and do your job first which our job is to draw these maps.

MR. ALEXANDER: Sure.

REPRESENTATIVE CARLSON: I don't like this position. I wish we were not in this position. I like the maps that the legislature a few years ago voted on and approved. But here we are and so we, as I look at it today, I'm a realist, right? I could say I wish things were different but today what is presented in front of me is either Judge Dick draw the map, or we draw the maps. I feel like this legislative body is going to draw a better map than Judge Stick will, period. And that's why we're here. That's why we're going to vote on the map that we think is the best and I would rather put this decision in the hands of elected representatives than in the hands of an unelected judge.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: I very much appreciate that, Representative Carlson, and I would simply argue in consistent with Speaker Johnson's position that our current map is constitutional and it's worth fighting for when you consider what it so profoundly at stake.

REPRESENTATIVE CARLSON: I understand but there is no position to fight at this time. It is either Judge Dick draw a map, or we create a map. There is no continue -- the fight cannot continue on beyond that until we draw a map, or we don't draw a map.

PHILLIP DEVILLIER: But if you don't draw a map or do draw a map either way you end up with a one majority-minority increase.

REPRESENTATIVE CARLSON: If we don't draw a map, we end up with a map that Judge Dick draws which will be a map with two majority Black districts, but --

PHILLIP DEVILLIER: Exactly what we're going to have as a result of this legislation.

REPRESENTATIVE CARLSON: But it will not be as good as the Senator's map.

PHILLIP DEVILLIER: Well, in the net effect, I would respectfully submit would be the same.

REPRESENTATIVE CARLSON: It certainly isn't. Look, I think there is a legal basis for it. Look, I'm glad that we are having this conversation and, in all fairness, and all honesty, I think all of these maps look crazy. Because the truth is, the overarching argument that I've heard from nearly everyone over the last four days has been race first. I wish it weren't that. This is the first argument today that said I'm basing a map on political reasons not on race and I think it's a shame that we are having a conversation where race seems to be, at least based on the conversations, the driving force when we do not live in a segregated society or nearly as segregated as it once was 40, 50 years ago. The reason why this is so difficult is because we are moving in the right direction. We don't have concentrated populations of certain minorities or populations of White folks in certain areas. It is spread out throughout the state compared to Alabama. Alabama has 17 counties that are minority-majority, and they are all contiguous. Louisiana has seven parishes that are minority-majority and only three are contiguous. That's why this process is so difficult but here we are without any other options to move forward. And so, I hear what you're saying. I respectfully disagree with the characterization that it's been into political pressure.

PHILLIP DEVILLIER: Yeah.

REPRESENTATIVE CARLSON: You know me, and you know that I wouldn't do that, but I don't see any other path forward. This is the best of two bad options and I'm going to always do my job that's performing.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: And I understand that. Do you think there's anything that an option would be to allow our attorney general to argue the constitutionality of our current map in federal court that circuit court of appeals and supreme court?

REPRESENTATIVE CARLSON: Already been done twice in the Fifth Circuit and asked of the Supreme Court and they've refused to do that in here we like today.

PHILLIP DEVILLIER: There's never even been a trial on the merits, Representative Carlson, on it's not even in district court.

REPRESENTATIVE CARLSON: That is the judge's decision.

PHILLIP DEVILLIER: And if we don't do anything, they'll have one.

REPRESENTATIVE CARLSON: And if we don't do anything, we'll have a worst map. Thank you, Mr. Chair.

PHILLIP DEVILLIER: Thank you. Representative Marcelle.

REPRESENTATIVE MARCELLE: Thank you. Mr. Alexander, I guess it's disheartening for me to sit here in 2024 and here that we certainly need to keep the power and if you all do what's right in Louisiana, we're going to lose our thin majority. If we would have done what was right long time ago, you probably wouldn't be in the majority.

[01:50:02]

If Alabama passes what they need to pass and we pass what we need to pass, then perhaps we will have a fair and balanced Congress.

PHILLIP DEVILLIER: And you'll be in the majority.

REPRESENTATIVE MARCELLE: And what's the problem with that, sir?

PHILLIP DEVILLIER: Well, there's millions of Americans you have a problem with.

REPRESENTATIVE MARCELLE: Well, and guess what? It's millions of people who have not had an opportunity to have a seat at the table. We have a problem with voter suppression. We have a problem with people thinking that we can't make decisions. And let me say this. On the other side of the aisle, on the other side of the chamber, in the Senate, I have colleagues that have some of the same beliefs that some of you have, right? And they believe in prolife. They are African Americans. I believe in prochoice. So to say that everybody's ideology because they are black is one way is certainly crazy, number one. And number two, I really agree with you with something, and that is send it back to the courts and let Judge Shelly Dick draw the maps.

PHILLIP DEVILLIER: You agree with me?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE MARCELLE: I do agree with that. Because then we could remove all of these different people and these moving parts that everybody, these political interests, because we do deserve two black congressional seats. Because where -- I went to school, it was a black school, though, Capitol high school, when you divide six into a third, a third into six, you get two. And so, we deserve two seats. And that's what we deserve. We're not begging for something that we don't deserve. That's what we deserve. And God forbid maybe somebody will get elected that feels like you have the same ideologies as you, but perhaps they won't. People need an opportunity to have their voices heard. And when I send somebody to Congress that feels like you, that represents my district, then you do not represent what I believe.

MR. ALEXANDER: But what if I represent the majority of the people in your district?

REPRESENTATIVE MARCELLE: What if what?

PHILLIP DEVILLIER: The questions come from this way to you, so we don't go the other way?

MR. ALEXANDER: Thank you. I appreciate that.

PHILLIP DEVILLIER: We need to keep this timely.

REPRESENTATIVE MARCELLE: I think it's disingenuous to sit here and say, and look at us in 2024 and say, black people in Louisiana, you might be a third, you could be 40 percent. But we do not want you at the table making decisions as it relates to what you want, or your constituents want. And that's what I'm hearing. And it's really sad.

PHILLIP DEVILLIER: Representative Marcelle, I hear you.

REPRESENTATIVE MARCELLE: It's about control. It's about power, and it is really fundamentally wrong. And I said this last year, and I was hoping not to get upset, but we meet afterwards. We barbecue, we go across the street, we hang out. We cool. I love you; you love me. We go up to the Bible study and we pray together, but we do not feel like we are equal. And that is wrong.

PHILLIP DEVILLIER: Thank you, Representative Marcelle. Representative Boyd.

REPRESENTATIVE BOYD: Thank you, Mr. Chair. Sitting here today thinking about the fact that we are literally fighting for an opportunity. It's not given because people still have to vote. An opportunity to have two black representations of African Americans in DC. The opportunity, nothing is guaranteed. We're here fighting for the last three years just for the opportunity. And with voter apathy, we really don't know where that's going to end up. With closed primaries, we really don't know where that's going to end up. But if we continue along this path, I feel the state as a whole will suffer. The reality of it is that Mike Johnson is the speaker of the House. They still have four Republicans representing Louisiana. We're here trying to stop just one additional

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

African American seat. What does that say for us? We have my chairman referring to the judge as an Obama, judge. We cannot continue to divide this city, the state, and expect to survive. It won't happen. We have to learn to coexist, appreciate our differences, appreciate the culture and differences. There are things that you cannot possibly understand in African American life because you're not one.

[01:55:02]

We cannot continue to throw out and spew divisive words and think that we can survive as a state. It won't happen.

MR. ALEXANDER: Representative Boyd, in what you're saying, it makes me think of what Thomas Jefferson said, who's one of the founders of our country. He said, in matters of taste and culture, swim like a fish. In matters of principle, stand like a rock. And that's what I'm asking this committee to do, is stand like a rock and allow our attorney to --

REPRESENTATIVE BOYD: That makes no sense. So, you get to further divide the state.

MR. ALEXANDER: I'm not here to divide anyone.

REPRESENTATIVE BOYD: That's exactly what you're doing. Thank you.

PHILLIP DEVILLIER: Thank you. Mr. Alexander, that clears the board.

MR. ALEXANDER: Thank you. Appreciate your time.

PHILLIP DEVILLIER: Thank you.

FEMALE 1: Mr. Chairman, is it possible to have a --

PHILLIP DEVILLIER: We have three witnesses left. Let's hold tight on that. Let's try and get through these three witnesses. If y'all could just be respectful of everyone, be respectful of time. Ms. Susie Labry -- What's that? Ms. Susie Labry would like to speak in opposition.

MS. SUSIE LABRY: Let me pull it up.

PHILLIP DEVILLIER: Ms. Labry, you ready to go?

MS. SUSIE LABRY: Okay. Mr. Speaker, Mr. Chair. And all the state representatives and U. S. Representatives. I'm Susie Labry, appropriate situational individualist who takes one issue at a time and represent myself against this bill because I'm in support of J. Hill hormone's proposals. Really? The speaker of the House, Mike Johnson and Congressman Steve Scalise in the power where they sit in Congress. First, gerrymandering is illegal. Number two, I'm for integration, not segregation. Number three, individualism is better in a collective class approach, one size fits all fail by hiding different individuals within a large class fall between the crickets. Number four, this

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

causes interdivision, which we see now within the political, ethnic and cultural areas, causing conflict and confusion, chopping up and pulverizing once contented and happy integrated districts. When more important, deeper issues than just color. Small menaces of both colors, working people, both races disabled of both races, economics and taxation, streets, infrastructure to all races, schools, et cetera. I'm going to skip number five. Well, I want to leave room for other maps to be proposed by JC Harmon, which we had emailed to you last night and I hope you all have seen. It's called Harmon two. Number six, Louisiana is in a better and higher position of power nationally due to Speaker Mike Johnson and Majority Leader Steve Scalise and the different chairs and seniority we enjoy. If we have two minority districts, we will be short two votes in the US House of Representatives. Most estate is conservative, as you see here. When you don't want the house going back to the left with the present map or with JC Harmon's map, we would beat the cost of time, effort and money in the courts and other activities. Number seven, I'm either for the present map or JC Harmon's maps, which we had emailed to you last night. Eight, most everyone I have heard from in Louisiana are against two or any minority districts. Number nine, open it would be other cans of worms opening pandora's box of suits and other descriptions. I love Senator Womack, who is doing well and his best to serve his constituents in his district under restrictive circumstances. I want to thank you to keep up the good work and thank you for rejecting the rest of the bills calling for minority districts. It's been a pleasure coming to you, before you. Representatives, please keep up the good work and God bless you. God bless Louisiana, God bless the USA, and God bless our great Speaker Mike Johnson and Congressman Steve Scalise. Thank you.

PHILLIP DEVILLIER: Thank you, Ms. Labry. I have a Bert Kali here and it also says with Chris Alexander. Is there something additional that you wanted to add to Chris's comments?

BERT KALI: I don't know if it's so much. In addition, right now, what was going on is Christopher had a conflict, a meeting. He had to make another meeting with Congressman Higgins, so he couldn't be here at the time. But the recess, or at least the at ease went long enough to where had a chance to make it and speak for himself. So, I's here in my own behalf.

[02:00:03]

PHILLIP DEVILLIER: Thank you.

BERT KALI: My name is [PH 02:00:06] Bert Kali. I'm West Baton Rouge Parish RPEC chairman, and I'm speaking for basically my constituency. And they had some concerns, and I wanted to convey that to you all. They're wondering whether the courage is to stand up to federal judge. Basically, this federal judge, they feel, is ignoring the constitution. The constitution supersedes any act of congress, such as the voting rights act. And the constitution places determining congressional districts solely on the state legislatures. If we feel that it's an overreach of the federal government, and this is what we're having enough of being dictated to by the federal government on state and local issues, especially our own personal sovereignty. The past two, three years, it really brought all that to light, how far the federal government will go to trample on individual rights. So somewhere we got to stop and draw the line. So again, I grew up, I was young, naive, whatever you might want to call it, but I was a person who

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

supported desegregation when my grandparents and my parents didn't exactly do so given the time of the 60s, early 70s. I don't understand why we seem to be wanting to segregate ourselves again, because all I hear, and from what I understand, gerrymandering is illegal when it comes to prioritizing race. And they say, well, then it's not a priority. But that's all I hear as far as the argument. And I understand having a seat at the table. Trust me, I do. I served in the military. I swore to defend the constitution. I sit on the board of election supervisors. We've had these same kinds of arguments and disagreements. But when I brought up the fact that if we refer to the law and follow the law, no one can really be upset with us unless they're ready to change the law, that is, to go ahead and draw the balls right, with the numbers on it, so that there's no picking and choosing in favoritism, it's a blank slate. So if we follow the constitution, the basics of the constitution, the core of it, we really don't have this issue other than we're having to fight a judge that is trying to dictate what we must do. So, again, as one of them stated, if Martin Luther King or Nelson Mandela had been not as strong willed and cowed to. I don't like the word cowardly in this case, as our current leadership, then apartheid and Jim Crow would still be in place. A country is not lost in an invasion. It's lost to the cowardice on the part of its leadership. So that's why we're not in favor of this. Thank you very much.

PHILLIP DEVILLIER: Thank you. Mr. Kali, Mr. Heard, the floor is yours. Would you please introduce yourself? Pick one.

PAUL HEARD: My name is Paul Heard. I am an attorney. I was lead counsel when we set this foolishness aside 30 years ago. The district and what I'm going to do is this. I have never represented anyone but voters. I believe in compact, contiguous districts for white, black, Asian voters that live together, work together, go to school together.

[02:04:59]

We have successfully defended that right in Louisiana. We've done it. I've done it in Texas. I've done it in Virginia. The point is this. You're being misled. And you politicians don't get misled. It's the cover. Here's where we are with the Section 2 claim. It is not --

PHILLIP DEVILLIER: I think you might have pushed your own button there. Are you trying to tell us something?

PAUL HEARD: My wife came and mute me so.

PHILLIP DEVILLIER: You leave the button alone; we'll control it for you. How's that?

PAUL HEARD: Are we good?

PHILLIP DEVILLIER: Yes, sir.

PAUL HEARD: All right. I apologize. Here's where we are with Section 2 voting rights claims, it is not unconstitutional to use race to draw districts. It is presumptively unconstitutional. What does that mean? How can I use race to draw a district? I could use race, provided that there is a

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

compelling governmental interest. Compliance with Section 2. There's a compelling governmental interest. Judge Dick has more or less signaled she's that far down the process. The second step, and this is where you're missing the opportunity of a proud vote of your life, and that is this. The second requirement of section two is whatever remedy there is going to be, it must be racially narrow, tailored. What that means is you take a traditional districting plan before you start fixing a section two remedy. And what makes it constitutional is when you have an opportunity to draw a majority minority district based upon communities of interest, whole parishes, whole cities. The points being made today are excellent, but what I'm going to tell you is you've made the full point that what you're considering is a racial gerrymander. This slash. And it's even worse than that. I don't know who was here in the 90s. Ms. Lowrey and I were, and two things happened. The Zorro district was set aside. It went all the way from Caddo. Does this ring a bell? Caddo, all the way down to Baton Rouge, all the way over to Lafayette, all the way a little bit east. And it was held to be a gross racial gerrymander. Unconstitutional under section two. Why? The reason it was held as unconstitutional is because the use of race that is apparent in that district and apparent in this district was not narrowly tailored to meet the requirements of Section 2. Race was overused to the subordination of other districting principles. Or, as Justice O'Connor said, when race predominates, it's unconstitutional. Why can we draw a compact minority district out of Orleans, up the river? The reason why is it's otherwise lots of community interest. It doesn't violate commonalities of interest.

PHILLIP DEVILLIER: Mr. Heard, would you entertain a question? I think something may have just come back. Sparked a question. Would you entertain a question?

PAUL HEARD: Yeah, if I can just get one second.

PHILLIP DEVILLIER: Okay.

PAUL HEARD: I've spent all day and I'll spend all night. I'll be glad to help one. But what we have done now. After we voided the Zorro district. The Z district. They enacted what was called by the federal judge the slash. This district that you're considering is 90% of the slash.

[02:10:00]

If you will look at Hays versus Louisiana 839F. Supp 1188 and then that's the Zorro district Judge Jacques Wiener, who is still on the fifth circuit, went through racial gerrymandering community by community and said why? It was excessive. He asked the question to start the opinion, can we use race in districting? And he said, the answer is yes. We can use it to comply with a compelling governmental interest. He said that this body, two things, then I'll be glad to go anywhere that a member would like to ask. He said two things. One, this was excessive. He said the same thing about the slash that did exactly what you all are about to do. That went up to East Baton Rouge, goes to Avoyelles then goes up the river taking minority districts. He said they're both racial gerrymanders because they subordinate all interest. This district will hand. I got good news for the plaintiffs. This district, if enacted, will hand them and Judge Dick unrestrained power to redraw your district because you just did it again.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: Mr. Heard let's get to the question.

PAUL HEARD: The last point is what Judge Weiner said, and this is what's equally important for you. He said, the federal government. At this point, it was section five. The federal government, one has no authority to impose on a state the violation of the 14th amendment. So, the idea that we're afraid of Judge Dick may be more demanding of the district, just like the DOJ was under preclearance, is of no concern. That's why our system gives us, the Fifth Circuit and the Supremes, this court. I mean, this body should consider either giving Judge Dick an opportunity to judge it, then submit a remedy plan if you lose or enact a remedy. Now, I've handed in material.

PHILLIP DEVILLIER: We've gotten all that. So I'm going to go on to Representative Carlson for a question. Representative Carlson?

REPRESENTATIVE CARLSON: Thank you, Mr. Chair. Mr. Heard after the Zorro district was eliminated and the Slash district as you represented was enacted, who created that district?

PAUL HEARD: The legislature.

REPRESENTATIVE CARLSON: And who did away with that district? Or who said that that was unconstitutional or could not stand?

PAUL HEARD: Judge Jacques Wiener wrote the opinion.

REPRESENTATIVE CARLSON: Okay and then we went back to the districts that we had up until recently, right?

PAUL HEARD: That's correct.

REPRESENTATIVE CARLSON: So, as I hear that, I see one major difference between then and now. I know you stated that the district that we're looking at creating through the senator's bill looks very similar. You said about 90% the same as that Slash district.

PAUL HEARD: I will reserve because you all done amendments that you've made unavailable to the public. Okay.

PHILLIP DEVILLIER: Like the amendments are public, and they are online and public.

PAUL HEARD: You put them online 10 minutes before we started a meeting, six hours late. That's not available for the public.

REPRESENTATIVE CARLSON: Mr. Heard, I appreciate that, and I understand. I wish we had more time to review those. That's when those were made available, but they are there for the public. I think there's one difference. We are being mandated by the judge to create a second black district, period. In your example, it's complete opposite.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PAUL HEARD: No, it's not.

REPRESENTATIVE CARLSON: The legislature tried to create a district that followed the similar route, and it was ruled unconstitutional. We're being told by the judge, by Shelley Dick, that we must do this, period. It's complete opposite. We must do it or she will. It's a complete opposite scenario than it was 20 years ago.

PAUL HEARD: Can I respond?

REPRESENTATIVE CARLSON: Absolutely and thank you, Mr. Chair.

PAUL HEARD: It's absolutely the same. What they held was in the 90s the federal agency that was telling you, you had to do it was the DOJ under section five, which itself was later held unconstitutional. The answer is they were wrong. They were unconstitutionally demanding racial districting beyond what the federal courts now recognized as the permissible range of remedy. We maybe. Look, I'll give Judge Dick an opportunity. It's not that she's held section two applies. The question is whether or not section two has a constitutional remedy.

[02:15:08]

I.e., I believe that my districting plan that I've handed in, and I did it for an example, is as close as you can get to a non-racially gerrymandered district and get to two majority minority districts, and it does. The plaintiff's remedy, Senate bill four and five, they're both racial gerrymanders and will not stand up to the Fifth Circuit. There are abilities to draw a compact contiguous majority minority district, second one in Louisiana. What you're going to do, you're going to enact this. If I was Judge Dick, I'd look at and go, I'm sorry. I've already got the judge that wrote the opinion on the Fifth Circuit that says what you all are about to do is a constitutional gerrymander, therefore, I can disregard it. Disregard it. It is null and void, and she's going to draw the plan. If you want a remedy, enact your remedy. That's why it's exactly the same. You read the opinion and you'll see they said, the federal power does not override or force you to violate the constitution. Stand up for the constitution. Stand up if you want a compact district, draw the one that makes sense with our traditional districting principles, because you can do it. The answer is this is an unconstitutional alternative.

PHILLIP DEVILLIER: Okay, thank you, Mr. Heard. I think you've been very clear on it. The board is clear. We have no more witnesses. Senator Womack, we're going to go ahead and call you back up to close.

PAUL HEARD: Your honor. Your honor, I apologize. I've got a copy of that opinion that outlines all the reasons that what you've got is a racial gerrymander. I had an outline of each criterion that the judge applies on why this is an ineffective remedy and I hope your good judgment finds another solution.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

PHILLIP DEVILLIER: Thank you. Representative Phelps, you filled out a card, but you didn't say you wanted to speak. Are you trying to speak now? I know you're not on the committee, but you want. All right, come right. All right. So, let's fill this out that says she does want to speak. She's providing information only, not a green card or a red card. So, Representative Phelps?

REPRESENTATIVE PHELPS: Thank you for the opportunity to speak. I just wanted to mention to maybe some of our new colleagues here when we talk about why we're here. This started from an increase of the population from our census, and I think we haven't heard a lot of that with the audience on the outside. It just was not a mandate to draw a map. So this does go with the 2020, the census results that resulted in a population increase of African-Americans across the state. Secondly, I hope that there is some passion here about if there were a different population, a white population, and there was so much pushback about creating a district so that everyone would be represented. How that may feel. Just a thought. Thirdly, when I heard Judge Dick's name reference to Obama's judge, I don't know if I've ever heard someone say Trump's judge or Carter's judge or Reagan's judge or whomever. I don't know if we're going to start referencing judges that way, but I hope that we do not do that in this body. I think we should give all of our elected officials a little bit more respect than that, regardless of what president they were appointed to or from. Thank you for your time.

PHILLIP DEVILLIER: Thank you, Representative Phelps. The board is clear. Senator Womack, would you come up and close on your bill?

SENATOR WOMACK: Thank you, Mr. Chairman, members of the committee, we all know why we're here. We were ordered to draw a new black district, and that's what I've done. At the same time, I've tried to protect Speaker Johnson, minority Leader Scalise, and my representative, Congresswoman Letlow. I'm agreeable to the amendment, and we complied with everything the judge has asked, and I just ask for favorable passage.

PHILLIP DEVILLIER: Thank you. Senator Womack. Representative Farnum has made a motion that we adopt Senate bill eight, as amended. Is there any objection?

[02:20:03]

Representative Marcelle objects. Ms. Baker. Let's see. Do we have anybody in the ante room? Needs to come in real quick. We have everyone here. Looks like everyone's here. Okay. Ms. Baker, would you please call the roll? So let me clarify the vote. A vote of yes moves Senator Womack's bill is amended by Representative Farnum forward. Vote of no leaves it here in the committee, Ms. Baker?

MS. BAKER: Thank you, Mr. Chairman. Chairman Beaulieu?

CHAIRMAN BEAULLIEU: Yes.

MS. BAKER: Yes. Representative Billings?

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

REPRESENTATIVE BILLINGS: Yes.

MS. BAKER: Yes. Representative Boyd?

REPRESENTATIVE BOYD: Yes.

MS. BAKER: Yes. Representative Carlson?

REPRESENTATIVE CARLSON: Yes.

MS. BAKER: Yes. Representative Carter? Representative Carver?

REPRESENTATIVE CARVER: Yes.

MS. BAKER: Yes. Representative Farnum?

REPRESENTATIVE FARNUM: Yes.

MS. BAKER: Yes. Representative Gadbury? Yes. Representative Johnson? Representative Larvadain? Yes. Representative Lyons?

REPRESENTATIVE LYONS: Yes.

MS. BAKER: Yes. Representative Marcel? Representative Newell.

REPRESENTATIVE MARCELLE: [INDISCERNIBLE 02:21:02]

MS. BAKER: No for Representative Marcelle. Representative Noel, yes. Representative Schamerhorn?

REPRESENTATIVE SCHAMERHORN: Yes.

MS. BAKER: Yes. Representative Thomas?

REPRESENTATIVE THOMAS: Yes.

MS. BAKER: Yes. Representative Wright?

REPRESENTATIVE WRIGHT: Yes.

MS. BAKER: Yes. Representative Wyble?

REPRESENTATIVE WYBLE: Yes.

0118_24_hg_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

MS. BAKER: Yes. There are 14 yays and one nay.

PHILLIP DEVILLIER: Members who a vote of 14 yea and one nay. Senate bill eight is hereby adopted as amended. Reported as amended. There are no other matters before this committee. Representative Thomas have made a motion that we adjourn. Look, as we adjourn, thank you, everyone, for your patience. Thank everyone for your time. It's been a great debate, and we appreciate you. Meeting adjourned. Thank you all.

[02:22:27]



I, Anders Nelson, hereby certify that "0118_24_hg_p2" is, to the best of my knowledge and belief, a true and accurate transcription in English.

Anders Nelson
Anders Nelson (Feb 26, 2024 13:31 EST)

Anders Nelson
Project Manager
TransPerfect Legal Solutions

February 26, 2024