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House Governmental Affairs Committee Hearing  
-Audio Transcription

January 15, 2024

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Phillip Callais, et al.

vs.

Nancy Landry

**EXHIBIT**

**JE28**

**PLAINTIFFS'  
EXHIBIT**

**P23**

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REPRESENTATIVE BEAULLIEU: Members, if you could please find your seats. Good morning, everyone. Today is January 15th, 2024. Welcome to the committee on House and Governmental Affairs. Welcome, members. Welcome, public. This is the -- from what I can understand, the first gavel of the new legislative leaders here at -- at the capital. So welcome, everyone.

A couple of things. If you have a cell phone, please silence it. If -- if you forgot to turn off your gumbo or you need to remind somebody to stir your gumbo back home, we ask you to step out and take all calls outside. We have some cards up here for witnesses although we won't be hearing bills today. And just reminding everybody, this is -- this is a preparatory committee meeting. The special session doesn't start until this -- this afternoon.

So what we're going to be doing here is educating members, educating the public, refreshing everyone on redistricting and redistricting principles, and then also hearing from our attorney general. So we won't be debating bills. If -- if everyone could, you know, keep questions and comments strictly to the -- the subject matter that -- we're going to be here from an education standpoint. And if you have questions as it

Page 2	Page 4
<p>1 relates to certain bills, we ask you to hold those until 2 we -- until we have -- have those bills. But, Ms. 3 Baker, if you wouldn't mind, please call role. 4 MS. BAKER: Thank you, Mr. Chair. Chairman 5 Beaulieu? 6 REPRESENTATIVE BEAULLIEU: Here. 7 MS. BAKER: Present. Vice-chair Lyons? 8 VICE-CHAIRMAN LYONS: Present. 9 MS. BAKER: Present. Representative Billings? 10 REPRESENTATIVE BILLINGS: Present. 11 MS. BAKER: Present. Representative Boyd? 12 Representative Carlson? 13 REPRESENTATIVE CARLSON: Present. 14 MS. BAKER: Present. Representative Carter? 15 REPRESENTATIVE CARTER: Present. 16 MS. BAKER: Present. Representative Carver? 17 REPRESENTATIVE CARVER: Here. Present. 18 MS. BAKER: Present. Representative Farnum? 19 REPRESENTATIVE FARNUM: Here. 20 MS. BAKER: Present. Representative Gadberry? 21 REPRESENTATIVE GADBERRY: Here. 22 MS. BAKER: Present. Representative Johnson? 23 REPRESENTATIVE JOHNSON: Here. 24 MS. BAKER: Present. Representative 25 Larvadain?</p>	<p>1 committee has done over the last several years as it 2 relates to redistricting. On our website, if you go to 3 the legislator's main page and you click on House page, 4 and then there's a -- a button that says, "Additional 5 Sites." Under that "Additional Sites" button is a 6 Louisiana redistricting site where we have all the work 7 that this committee has done over the last couple of 8 years. We don't want to have to -- to -- we want -- we 9 don't want to forget that hard work. And if anybody 10 needs a resource, there's a lot of resources there. 11 But with that said -- so we're going to start 12 off this morning with Ms. -- Ms. Lowery from here in the 13 House and Governmental staff. She's going to update us 14 on some principles with redistricting and -- and kind of 15 get everybody up to speed. So, Ms. Lowrey. 16 MS. LOWREY-DUFOUR: Thank you so much, Mr. 17 Chairman. Hi, members. My name is Patricia 18 Lowrey-Dufour. I am the senior legislative analyst for 19 House and Governmental Affairs. I have staffed this 20 committee in some capacity since 1988. And the chairman 21 has asked me to give y'all a brief redistricting 101 22 this morning, and it's going to be abbreviated. 23 And again, as the chairman said, there are a 24 plethora of resources available on the redistricting 25 website of the legislature, including links to the</p>
Page 3	Page 5
<p>1 REPRESENTATIVE LARVADAIN: Here. 2 MS. BAKER: Present. Representative Marcelle? 3 Representative Newell? Representative Schamerhorn? 4 REPRESENTATIVE SCHAMERHORN: Here. 5 MS. BAKER: Present. Representative Thomas? 6 REPRESENTATIVE THOMAS: Here. 7 MS. BAKER: Present. Representative Wright? 8 Representative Wyble? 9 REPRESENTATIVE WYBLE: Here. 10 MS. BAKER: Present. We have 13, and a 11 quorum. 12 REPRESENTATIVE BEAULLIEU: Thank you. 13 Members, a couple of things. One, in your folders 14 you're going to have a copy of the -- the rules for the 15 House and Governmental Affairs Committee. These are the 16 rules that have been adopted by this committee. If you 17 would review them at -- at your leisure, we're not going 18 to be discussing them today. But if you have questions 19 regarding these rules or you would like to amend these 20 rules or -- or make some changes, we're going to address 21 that in the -- in the regular session. But I just 22 wanted to point that out that we have those in -- in the 23 folder for all of you. 24 Also, members, and -- and the viewing public, 25 we don't want to forget all of the work that this</p>	<p>1 videos of the hearings, the roadshow hearings, all 2 public comments and documents that were received there. 3 So again, you are encouraged to go look there. 4 REPRESENTATIVE BEAULLIEU: Anyone watching 5 online, we're working on the technology. 6 MS. LOWREY-DUFOUR: Thank you, Anthony. Thank 7 you. Okay. Briefly, we'll be giving an overview of 8 redistricting terms concepts and law, redistricting 9 criteria, the 2020 census population and population 10 trends, malapportionment statistics and illustrative 11 maps on Congress and the Supreme Court since those are 12 items included in the call for this special session, and 13 the act for Congress that was adopted in the 2022 First 14 Extraordinary Session as well as the timeline related to 15 the adoption of that act. 16 Okay. Briefly, Louisiana's resident 17 population is 4,657,757. This is the number that we use 18 to determine the ideal district. Now, why is this 19 important to you? One of the main criteria for 20 redistricting is to achieve population equality, so -- 21 among the district. So the ideal district population is 22 very important. 23 Just so you know, for congressional 24 apportionment there is a different number that is used. 25 It's called the apportionment population. And Louisiana</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 had an additional 3,711 overseas and uniform citizens  2 allocated to Louisiana for the apportionment population  3 which is how Congress uses the method of equal  4 proportions to allocate the number of congressmen to the  5 state.  6 Okay. Briefly, in Louisiana our 2020 census  7 data showed that we grew by 2.74 percent while the  8 growth rate of the nation was 7.35 and the southern  9 region growth rate was 10.22. This is key because even  10 though we are showing a population growth, we are  11 lagging behind both the nation and the state. And just  12 keep in mind that the nation grew at its lowest rate  13 since 1940.  14 This is a map that shows the historical  15 population trends in the state of Louisiana. And while  16 you can see that there were some decade differences --  17 so, you know, clearly we had significant population  18 growth from 1990 to 2000, you know, there were trends  19 such as what you see in the 2000s to 2010 which were the  20 effects of hurricanes Katrina and Rita on our coastal  21 and Orleans metro areas.  22 But what I also want to tell you is this is  23 important because, again, even though the state grew in  24 each of these decades, when I first started working for  25 this committee in the late eighties, we had eight</p>	<p style="text-align: right;">Page 8</p> <p>1 percent of people who identified as Asian, 1.3 percent  2 that identified as American Indian, and 1.83 as Other.  3 And one thing I want to point out about this chart is  4 Hispanic is an ethnicity. So when you look at these  5 numbers across the board, they will not total to 100  6 because you can be any of these races and also Hispanic.  7 Okay?  8 So Hispanic is separately reported as a  9 number, and we have 4 -- we had 4.25 percent Hispanic in  10 2010. That number has increased to 6.92 in 2020. The  11 White population is 57.06; the Black population, 33.13;  12 Asian, 2.30; American Indian, 1.87. And again, the  13 Other -- you'll see the most significant growth in the  14 Other category. The sum of the race is interesting  15 because it's not -- these are people who chose to  16 respond to the census as being not White, not Black, not  17 Asian, not American Indian. Okay. So it's just an  18 interesting jump to see this increase.  19 REPRESENTATIVE BEAULLIEU: Yeah. Ms. Lowrey,  20 also just to kind of point out, if -- if members look at  21 the -- the decrease in the White population and look at  22 the increase in the Other population, they're pretty  23 close to the same from a number standpoint. Just if --  24 I don't know if it's more people. I -- we had talked  25 about this in committee over the last couple of years,</p>
<p style="text-align: right;">Page 7</p> <p>1 congressmen allocated to the state. So in the 1980 to  2 '90, we had eight. Following the 1990 census, we were  3 dropped to seven. And then we maintained seven from  4 2000 to 2010 and again from -- then we dropped another  5 congressman.  6 So what you see is a pattern is emerging that  7 every other decade, even though the state is growing,  8 because we're lagging behind the nation we are losing  9 our -- our number allocated to us for Congress.  10 So specifically with the 2020 census, you will  11 see there is growth in this state along, really, the  12 I-10/12 corridor. There is loss in north Louisiana  13 generally, although there are a few spots of growth and,  14 you know, there are areas of our coast that are clearly  15 suffering population losses. So why is this important?  16 Obviously, when the districts were drawn in 2010, the  17 population, you know, was substantially equal -- or  18 equal to the extent practicable in all of the districts.  19 Over the decade, you can see, because of the shifts in  20 population it necessitated a change in the district  21 boundaries.  22 Now, our census population demographic change.  23 In 2010, you can see there we had 62.56 percent of  24 people who identified as single race White, 32.8 percent  25 of people who identified as Black, and we had 1.8</p>	<p style="text-align: right;">Page 9</p> <p>1 if it's more people identifying as Other with mixed  2 races. But just to kind of point that out for you all.  3 MS. LOWREY-DUFOUR: Right. And -- and I do  4 want to point out that we -- so this will tell you how  5 the census reports the -- the population to the state.  6 So every person in the state can respond in a single  7 race or any combination of six races. And so there are  8 -- you know, you can respond that you are White, Black,  9 and African -- you could be all six, okay? And you can  10 respond to the census that way.  11 But in order for y'all to be able to analyze  12 reports -- and I have included -- we've included some  13 reports from Act 6 which was the congressional act that  14 y'all adopted. And if you flip to this page called,  15 "Total Population", it's numbered page 9 in your packet.  16 And I just want to talk about it just a little bit so  17 that y'all will become familiar because tomorrow, as we  18 are hearing bills, you'll need to be familiar with these  19 reports.  20 So each report will have a total population  21 figure, will have White -- so in order -- so we -- the  22 -- your six -- your predecessors on this committee and  23 the Joint Senate Committee adopted a population  24 allocation document that is available on the  25 redistricting website. And so the White population</p>

3 (Pages 6 to 9)

Page 10	Page 12
<p>1 number that you see on this report indicates White</p> <p>2 alone. So this is not going to be any person that</p> <p>3 reported that they were White and any other race.</p> <p>4 The Black category reflects all people who</p> <p>5 reported Black alone, plus any other race and Black,</p> <p>6 okay? Asian is Asian alone and any other race other</p> <p>7 than Black, okay? And total American Indian, the same,</p> <p>8 American Indian alone and any other race other than</p> <p>9 Asian or Black. And the Other is that category that we</p> <p>10 talked about, the people who reported that they were any</p> <p>11 other, and it also includes the Pacific Islanders that</p> <p>12 the population in Louisiana was not significant. So</p> <p>13 that is included in the Other category.</p> <p>14 And the category that's labeled VAP total,</p> <p>15 that means voting-age population. And that's going to</p> <p>16 be key, as you will hear, I'm sure, from our attorney</p> <p>17 general. Okay. Moving on. Any questions about that?</p> <p>18 All right. Yes, sir.</p> <p>19 REPRESENTATIVE CARTER: So (inaudible 0:13:18)</p> <p>20 --</p> <p>21 REPRESENTATIVE BEAULLIEU: Hold on, let me --</p> <p>22 let -- is it Carter?</p> <p>23 REPRESENTATIVE CARTER: If -- if you reported</p> <p>24 --</p> <p>25 REPRESENTATIVE BEAULLIEU: Representative</p>	<p>1 MS. LOWREY-DUFOUR: Okay. So they could be a</p> <p>2 combination of up to the six.</p> <p>3 REPRESENTATIVE BEAULLIEU: Oh, gotcha.</p> <p>4 MS. LOWREY-DUFOUR: Okay?</p> <p>5 REPRESENTATIVE BEAULLIEU: Thank you,</p> <p>6 Representative Carter. And members, also just to -- to</p> <p>7 let you all know, I know some of this -- this room --</p> <p>8 this technology is new to some of y'all. The buttons on</p> <p>9 your -- your desk, the one to the left is -- is -- is</p> <p>10 dead. There's nothing on it. So if you want to be</p> <p>11 recognized, please hit the button towards your right,</p> <p>12 and you'll see your microphone light up when -- when</p> <p>13 it's your turn. Representative Gadberry for a question.</p> <p>14 REPRESENTATIVE GADBERRY: A pleasure, Mr.</p> <p>15 Chair.</p> <p>16 REPRESENTATIVE BEAULLIEU: Give me a second.</p> <p>17 It's giving me a little trouble here. All right.</p> <p>18 You're on.</p> <p>19 REPRESENTATIVE GADBERRY: Pleasure, Mr. Chair.</p> <p>20 So when we proportion a district, we go by voting-age</p> <p>21 population and not total population?</p> <p>22 MS. LOWREY-DUFOUR: No, sir. So the</p> <p>23 population of the district that is keyed into the ideal</p> <p>24 district population is the total population of the</p> <p>25 district.</p>
Page 11	Page 13
<p>1 Carter, you're on.</p> <p>2 REPRESENTATIVE CARTER: Thank you. Thank you,</p> <p>3 Mr. Chairman. If you reported White and -- and you --</p> <p>4 you -- is any other -- only White -- is counted all the</p> <p>5 (inaudible 0:13:36) --</p> <p>6 MS. LOWREY-DUFOUR: The White population</p> <p>7 category on your report is people who responded to the</p> <p>8 census as being White alone.</p> <p>9 REPRESENTATIVE CARTER: White alone?</p> <p>10 MS. LOWREY-DUFOUR: Not combination with any</p> <p>11 other race.</p> <p>12 REPRESENTATIVE CARTER: Okay.</p> <p>13 MS. LOWREY-DUFOUR: Okay?</p> <p>14 REPRESENTATIVE CARTER: So, basically, the</p> <p>15 same way with the -- the Black population as --</p> <p>16 MS. LOWREY-DUFOUR: No, sir.</p> <p>17 REPRESENTATIVE CARTER: Okay. So go back</p> <p>18 through that because --</p> <p>19 MS. LOWREY-DUFOUR: On the report -- and</p> <p>20 again, this population allocation document is on the</p> <p>21 website and it was adopted by the committee when we</p> <p>22 started the process. So the Black population category</p> <p>23 is people who reported to the census that they were</p> <p>24 Black and any other race.</p> <p>25 REPRESENTATIVE CARTER: Okay.</p>	<p>1 REPRESENTATIVE GADBERRY: Okay. So what's the</p> <p>2 significance of voting-age population then if we --</p> <p>3 MS. LOWREY-DUFOUR: That is the population</p> <p>4 that is 18 or over, and it is significant when you're</p> <p>5 analyzing voting rights issues because, obviously, the</p> <p>6 people who are 18 and over are of voting age.</p> <p>7 REPRESENTATIVE GADBERRY: Right. So the -- I</p> <p>8 guess the question is -- is -- that I've always come up</p> <p>9 with is -- and I'm just taking the -- say, District 1</p> <p>10 here, it shows 69 percent is White on total population</p> <p>11 and 100 -- I'm sorry, 71 percent on voting-age</p> <p>12 population. So -- so when we proportion or when we come</p> <p>13 up with a district, do we go by the percentage based on</p> <p>14 total population or voting-age population?</p> <p>15 MS. LOWREY-DUFOUR: To achieve the population</p> <p>16 equality required on the districts, you go by</p> <p>17 population. To achieve other goals, you look at the</p> <p>18 totality of the circumstances including voting-age</p> <p>19 population, okay?</p> <p>20 REPRESENTATIVE GADBERRY: Thank you.</p> <p>21 MS. LOWREY-DUFOUR: You're welcome. Okay.</p> <p>22 REPRESENTATIVE BEAULLIEU: You did that well,</p> <p>23 Ms. Lowrey.</p> <p>24 MS. LOWREY-DUFOUR: Thank you, Mr. Chairman.</p> <p>25 What is redistricting? I will tell you the terms</p>

4 (Pages 10 to 13)

<p style="text-align: right;">Page 14</p> <p>1 apportionment and districting are sometimes used  2 interchangeably, and in fact, in our state constitution,  3 the term reapportionment is used. However, they are  4 different concepts. Apportionment is the process of  5 allocating seats in a legislature while districting is  6 the process of drawing lines to create geographical  7 territories from which officials are elected.  8 So, again, we talked about the apportionment  9 of numbers of members of Congress to each state. That  10 is allocating seats to the state in Congress, whereas  11 what -- the charge before you under the call for this  12 special session is to draw lines for the geographic  13 territories from which those officials will be elected.  14 Why do you redistrict? Well, there are many,  15 many, many legal requirements involving redistricting,  16 as we briefly touched on with Representative Gadberry  17 just a moment ago. One includes Article III, Section 6  18 of our constitution that includes deadlines and duties  19 regarding legislative redistricting. There are also  20 various statutes for your local governing bodies and  21 school boards to conduct redistrictings and as well as  22 deadlines. And then there are some general legal  23 requirements, including the Equal Protection Clause and  24 the Voting Rights Act of 1965.  25 So given that, who do you -- who are you</p>	<p style="text-align: right;">Page 16</p> <p>1 calculation to determine your deviation off of. And so  2 you can see there that the absolute deviation ranges  3 from negative 24 to positive 41 for an overall deviation  4 of 65 people between all six districts and a relative  5 mean deviation of 0.00 and overall range of 0.01.  6 REPRESENTATIVE BEAULLIEU: Ms. Lowrey, if you  7 don't mind, just -- if -- for a question, if we -- if we  8 drew -- since we're -- one of the maps we're going to be  9 talking about is -- is Congress. And we were out of --  10 the deviation was 1 and a half percent which on -- on  11 the legislative maps, that's well within -- within  12 deviation range. What would 1 and a half percent or 2  13 percent do for Congress? Is that allowable? Is there  14 -- what's -- what's -- what's the wiggle room there?  15 MS. LOWREY-DUFOUR: So the courts have clearly  16 established that strict population equality among  17 congressional districts has to be the overriding  18 objective. Now that said, however, there have also been  19 some deviations that have been okay in certain states  20 provided the state has an overriding reason for it that  21 is rational and nondiscriminatory.  22 REPRESENTATIVE BEAULLIEU: So we want to be as  23 close to zero as we can?  24 MS. LOWREY-DUFOUR: Yes. Sir.  25 REPRESENTATIVE BEAULLIEU: Thank you.</p>
<p style="text-align: right;">Page 15</p> <p>1 responsible for redistricting? Congress, the courts,  2 the House and the Senate, the Public Service Commission  3 and the State Board Of Elementary and Secondary  4 Education. All those have been enacted by the state  5 legislature as laws, so it takes a bill.  6 The issue's dealing with federal law, right,  7 so equal population. You know, you hear often the term,  8 "One man, one vote," you know. So how do you measure  9 it? Again, you measure it by looking at the ideal  10 population. And again, how do we come up with that  11 ideal population? We take the total resident population  12 of the state or the geographic area where the districts  13 are to be confected, and you divide that total  14 population by the number of districts, and you come up  15 with an ideal district population.  16 So I'm going to refer you now to the planned  17 statistic document that's in your folder. It's numbered  18 8. And again, this is all relevant to Act 5 of the 2022  19 First Extraordinary Session.  20 So this report -- and again, I encourage you  21 to become familiar with the structure of it and what it  22 is telling you. So this will tell you there are six  23 districts in a congressional plan, they are single  24 member districts, the actual population within the  25 district, the ideal population that you are basing the</p>	<p style="text-align: right;">Page 17</p> <p>1 MS. LOWREY-DUFOUR: Okay. Everybody clear on  2 population equality and deviations? Okay. And as the  3 chairman alluded to, the standards are different between  4 Congress and other representative districts that we  5 draw. They are based on different legal provisions.  6 Congress, the nearly as equal in population as  7 practicable is based on jurisprudence. Wesberry v.  8 Sanders is the seminal case there, based on Article 1,  9 Section 2 in the 14th Amendment, "Representatives shall  10 be apportioned," among the states, "according to their  11 respective numbers." And you must make a good faith  12 effort to avoid deviation and to be able to provide a  13 legally acceptable, nondiscriminatory justification for  14 any deviation.  15 Whereas for other representative districts  16 that you will draw, you are allowed to have a slightly  17 larger deviation field. It is substantial equality of  18 population among various districts. That derives from  19 the case of Reynolds v. Sims. Again, the 1960s created  20 a lot of cases dealing with population equality as well  21 as requirements for single member districts.  22 Again, based on the Equal Protection Clause of  23 the 14th Amendment, there's a generally accepted 10  24 percent standard that a legislative plan with an overall  25 range of less than 10 percent would not be enough to</p>

5 (Pages 14 to 17)



<p style="text-align: right;">Page 18</p> <p>1 make a prima facie case of invidious discrimination  2 under the 14th Amendment. However, so asterisk, it is  3 not necessarily a state harbor -- a safe harbor. I'm  4 sorry.</p> <p>5 In Larios v. Cox, you -- any substantial  6 deviation must have a legitimate state interest behind  7 it. Okay. In Louisiana, in order to accomplish this  8 overall 10 percent range, we have adopted a criteria of  9 plus or minus five from the ideal to stay as close to  10 that ideal population among the districts as you can  11 get.</p> <p>12 Okay. Again, and I know this seems like it's  13 very repetitive. It's important. Equality of  14 population must be the overriding objective of  15 districting, and deviations from the -- the principle  16 are permissible only if incident to the effectuation of  17 a rational state policy which would include allowing  18 representation to political subdivisions, compactness,  19 preserving cores of prior districts, and avoiding  20 contest between incumbents. And again, that is based on  21 Reynolds v. Sims.</p> <p>22 Okay. Judicial districts, which, again, will  23 be the subject of this special session. In a Louisiana  24 case, Wells v. Edwards which was decided in the Middle  25 District of Louisiana, the court decided that the one</p>	<p style="text-align: right;">Page 20</p> <p>1 Voting Rights Act. They are size and geographical  2 compactness of the group. It requires that the  3 population be sufficiently large and geographically  4 compact; a constitutional majority in a single member  5 district; that the minority population is politically  6 cohesive; and that in the absence of special  7 circumstances, block voting by the majority defeats the  8 minority's preferred candidates.</p> <p>9 Once courts have established those  10 preconditions, there are other objective factors that it  11 looks to to determine the totality of the circumstances.  12 And I'm not going to go into those at this moment, but  13 if you would like to talk later, we'll be happy to do  14 that.</p> <p>15 Now, the other side of that is racial  16 gerrymandering. So again, the Equal Protection Clause  17 of the 14th Amendment found that -- you know, there have  18 been a series of cases, Reno v. Shaw in Louisiana, Hays  19 -- the Hays lines of cases where the courts have found  20 that if race was found to be the predominant overriding  21 factor, that strict scrutiny on the state's plan would  22 apply. And in order to survive that strict scrutiny,  23 the plan must have been narrowly tailored to serve a  24 compelling state interest.</p> <p>25 So what would be a compelling state interest?</p>
<p style="text-align: right;">Page 19</p> <p>1 person, one vote standard does not apply to judicial  2 districts as judges serve the people. They do not  3 represent the people.</p> <p>4 Now, we're going to talk about other issues of  5 federal law: discrimination against minorities, the  6 Voting Rights Act of 1965. And again, principles of  7 this are contained within the 14th and 15th Amendment,  8 but basically, Section 2 of the Voting Rights Act  9 prohibits the state or any political subdivision from  10 imposing a voting qualification, standard, practice, or  11 procedure that results in the denial or abridgment of  12 any citizen's right to vote on account of race, color,  13 status as a member of a language minority group.</p> <p>14 So there have been a lot of litigation on this  15 issue. Section 2 of the Voting Rights Act was amended  16 in 1982 to clarify that a violation of Section 2 is  17 established if, based on the totality of circumstances,  18 it is shown that election processes are not equally open  19 to participation by members of a protected class in that  20 its members have less opportunity than other members of  21 the electorate to participate in the political process  22 and elect representative of their choice.</p> <p>23 So there was a case, Thornburg v. Gingles,  24 1986, that established certain preconditions that courts  25 will look to to make determinations on violations of the</p>	<p style="text-align: right;">Page 21</p> <p>1 Remedying past discrimination, avoiding retrogression,  2 avoiding violations of Section 2 of the Voting Rights  3 Act. And key here is those interests must be strongly  4 supported in the evidence when the policymakers are  5 making their decisions on the plan. And this would  6 apply not only to plans that distinguish citizens  7 because of race, but also to plans that may be race  8 neutral but on their face are inexplicable except on  9 grounds other than race.</p> <p>10 REPRESENTATIVE BEAULLIEU: Ms. Lowrey, we have  11 a question. Representative Marcelle.</p> <p>12 REPRESENTATIVE MARCELLE: Thank you. Can you  13 go back over what you just said about the -- the strict  14 scrutiny and how -- how that's overridden? Why would  15 that be overridden? So I -- I know you -- you -- you  16 talked about the --</p> <p>17 MS. LOWREY-DUFOUR: No, I --</p> <p>18 REPRESENTATIVE MARCELLE: -- idea of  19 population, and I'm just --</p> <p>20 MS. LOWREY-DUFOUR: -- think it's satisfied.</p> <p>21 REPRESENTATIVE MARCELLE: So it has to be  22 satisfied?</p> <p>23 MS. LOWREY-DUFOUR: That if you can prove that  24 it -- that the plan was narrowly tailored to further  25 your compelling governmental interest.</p>

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 REPRESENTATIVE MARCELLE: And what would be an</p> <p>2 example of that?</p> <p>3 MS. LOWREY-DUFOUR: Remedying past</p> <p>4 discrimination, avoiding retrogression, avoiding</p> <p>5 violations of Section 2 of the Voting Rights Act. And</p> <p>6 again, all those things must be firmly established on</p> <p>7 the record as you are making your decisions on a plan.</p> <p>8 REPRESENTATIVE MARCELLE: So in essence -- I'm</p> <p>9 new on the committee, so, you know, you got to bring me</p> <p>10 up to speed. So -- so in essence, if -- if a bill is</p> <p>11 proposed and these criterias aren't met, what you're</p> <p>12 saying is during the argument of the bill they have to</p> <p>13 be laid out -- or they should be laid out. Is that what</p> <p>14 the law says?</p> <p>15 MS. LOWREY-DUFOUR: Okay. This is based on</p> <p>16 jurisprudence, not, you know, necessarily the letter of</p> <p>17 the law. But to -- I think, you know, because y'all</p> <p>18 were elected to represent your districts and the state</p> <p>19 of Louisiana. And y'all are the policymakers of the</p> <p>20 state of Louisiana. And so as you're making the policy,</p> <p>21 I think it's important that as you're presenting --</p> <p>22 because, you know, individually, you -- you alone have</p> <p>23 the right to present your bill, right?</p> <p>24 REPRESENTATIVE MARCELLE: Right.</p> <p>25 MS. LOWREY-DUFOUR: And I think it's important</p>	<p style="text-align: right;">Page 24</p> <p>1 Rule -- Joint Rule 21. So this is the criteria, and</p> <p>2 copies of this rule, members, are in your packets. And</p> <p>3 this is important because this is the standards that the</p> <p>4 legislature has adopted for consideration of</p> <p>5 redistricting plans.</p> <p>6 So what are we talking about? Compliance with</p> <p>7 the Equal Protection Clause of the 14th Amendment, the</p> <p>8 15th Amendment, Section 2 of the Voting Rights Act, all</p> <p>9 other applicable federal and state law; that all</p> <p>10 redistricting plans must be composed of contiguous</p> <p>11 geography - does anybody have a question about that? -</p> <p>12 okay; contain whole VTDs - so that is the term -- the</p> <p>13 census term for election precincts - to the extent</p> <p>14 practicable, and a limitation on the number of divisions</p> <p>15 that can be used in a precinct if they have to be split.</p> <p>16 All redistricting plans have to respect</p> <p>17 establish boundaries of parish municipalities - but that</p> <p>18 is subordinate and not used to undermine maintenance of</p> <p>19 communities of interest within the same district - to</p> <p>20 the extent practicable. We must use the most recent</p> <p>21 census data, that is the redistricting data file, the PL</p> <p>22 94-171 data released by the census, as it is validated</p> <p>23 through our data verification program.</p> <p>24 If a member of the public wishes to submit a</p> <p>25 plan, they must submit it electronically in a comma</p>
<p style="text-align: right;">Page 23</p> <p>1 for your -- for your colleagues to understand the</p> <p>2 reasons why because you're asking them to vote -- or to</p> <p>3 -- to vote for your bill. And I think that would be on</p> <p>4 any bill that you present. You know, what is the policy</p> <p>5 behind your legislation? Why is it important? So --</p> <p>6 REPRESENTATIVE MARCELLE: Well -- well, I</p> <p>7 understand, you know, that each of us have to, when we</p> <p>8 present a bill, talk about how it's important to us at</p> <p>9 our districts, but we also have to take into account of</p> <p>10 the laws that are set and the criteria that we need to</p> <p>11 meet. So when we don't do that, then we find ourselves</p> <p>12 in court like -- like we are now.</p> <p>13 MS. LOWREY-DUFOUR: Yes, ma'am.</p> <p>14 REPRESENTATIVE MARCELLE: Thank you.</p> <p>15 MS. LOWREY-DUFOUR: Thank you.</p> <p>16 REPRESENTATIVE BEAULLIEU: Thank you,</p> <p>17 Representative Marcelle.</p> <p>18 MS. LOWREY-DUFOUR: And -- and one other thing</p> <p>19 I want to say is the courts are very aware that</p> <p>20 redistricting plans are not drawn in a vacuum. They</p> <p>21 understand that this is a, you know, environment, a</p> <p>22 political environment, that y'all have awareness of many</p> <p>23 factors. So I just want to put that on.</p> <p>24 All right. Redistricting criteria, the</p> <p>25 legislature adopted, in the '21 Regular Session, Joint</p>	<p style="text-align: right;">Page 25</p> <p>1 delimited block equivalency file. The purpose for this,</p> <p>2 members, is so we can import it into our system and be</p> <p>3 able to produce the reports that you're going to be used</p> <p>4 to seeing. Each redistricting plan for the House and</p> <p>5 the Senate, PSC, BESE, Congress, and the Supreme Court</p> <p>6 must be a whole plan which assigns all the geography of</p> <p>7 the state. Now, why is this?</p> <p>8 Well, I can tell you what. After many decades</p> <p>9 of drawing districts, I can tell you: I can draw a</p> <p>10 single perfect district every day all day, but drawing</p> <p>11 105 or 39 or even 6 is much more difficult, so. And you</p> <p>12 have to, again, consider the totality of the</p> <p>13 circumstances there. So we require -- you can't just</p> <p>14 submit the perfect district, you must submit a whole</p> <p>15 plan.</p> <p>16 Each redistricting plan for the House, Senate,</p> <p>17 PSC, and BESE must contain single member districts;</p> <p>18 contain districts substantially equal in population, and</p> <p>19 that, again, is that plus or minus 5 percent from the</p> <p>20 ideal; must give due consideration to traditional</p> <p>21 district alignments to the extent practicable. For</p> <p>22 Congress, again, single member districts, and contain</p> <p>23 districts with as nearly equal to the ideal district</p> <p>24 population as practicable.</p> <p>25 Okay. Let's talk about what we've got. So</p>

7 (Pages 22 to 25)



<p style="text-align: right;">Page 26</p> <p>1 when the 2020 census came in and was reported to the  2 state -- and again, this was a unique year for the  3 census. They were seriously behind in reporting the  4 data to the states, and they also employed a new privacy  5 metric, the differential privacy, which has been a  6 challenge. But anyway, the census data is considered  7 the gold standard for data to use for redistricting.  8 So in 2010, the ideal population for  9 congressional districts was 755,562. That increased by  10 over 20,000 to 776,292 following the 2020 census. Why  11 is this important? Well, here is the map of the prior  12 congressional districts before the redistricting cycle  13 following the 2020 census. This is the  14 malapportionment. So what does that mean? That is the  15 number by which the districts, both each individual  16 district and the overall plan, deviate from the ideal.  17 And as you can see, there is substantial deviation.  18 There is a difference of 88,120 between  19 Congressional District number 4 and Congressional  20 District number 6. And as a reminder, congressional  21 districts have to be as close to equal in population as  22 possible. Therefore, the legislature had to act to  23 redraw the districts. I call this the heat map. This  24 shows the -- and so the dark orange reddish color are  25 deviations with -- that are furthest below the ideal.</p>	<p style="text-align: right;">Page 28</p> <p>1 to repeat that to you, but you can see that they are as  2 nearly equal in population, and certainly much more  3 equal in population than where we started.  4 Malapportionment of the Supreme Court, and  5 we're talking about this again because it is in the  6 special session call. These are the current districts  7 for the seven Supreme Court districts. These districts,  8 while not subject to equal population requirements due  9 to that case that we mentioned earlier -- when these  10 districts were last drawn in 1997 using the 1990 census  11 -- okay. So they were drawn in 1997 using 1990 census  12 figures.  13 The legislature did draw them with  14 substantially equal populations, and in fact, the mean  15 deviation was less than 2 percent among the districts.  16 The ideal district population at that time was 602,853.  17 This, members, shows you this current state of  18 the deviations among each of the Supreme Court  19 districts. District 1, well, the -- I'm just going to  20 say the -- the population of the districts vary  21 considerably from a low of 476,554 in District number 7  22 which is a Orleans and Jefferson-based district, to a  23 high of 838,610 in District 5 which is the Baton Rouge  24 metropolitan-based district, a difference among the  25 districts of more than 362,000 people.</p>
<p style="text-align: right;">Page 27</p> <p>1 The lighter orange is still below the ideal. The light  2 yellow colors are population that is above. But  3 obviously, District 6 was the most above the ideal  4 district.  5 So to remedy the population inequality among  6 the districts, the legislature passed a bill. That bill  7 was introduced on February 1st. It was reported  8 favorably by your predecessor committee on February 4th,  9 2022. It passed the House, 70 yeas to 33 nays, on the  10 10th. It was received in the Senate on the 14th. The  11 Senate and Governmental Affairs Committee reported it on  12 the 15th. Senate passed it 27 to 10 on the 18th. The  13 House concurred in amendments, 62 yeas to 27 nays, on  14 the 18th.  15 Then it was sent to the governor on March the  16 10th. The governor vetoed the bill on May the 30th.  17 The House overrode the veto, 72 yeas to 31 nays. On  18 March 30th, the Senate also overrode the veto, 27 yeas  19 to 11 nays. And on March 31st, the bill became Act  20 number 5 of the 2022 First Extraordinary Session. This  21 bill, Act 5, is -- this map represents the districts  22 that were drawn pursuant to Act 5. And this is the map  23 that, again, is in litigation currently.  24 This is the population, again, statistics, the  25 deviations. You've looked at the report. I don't need</p>	<p style="text-align: right;">Page 29</p> <p>1 REPRESENTATIVE BEAULLIEU: Ms. Lowrey, just --  2 the original districts, they were -- they were built in  3 the '20s; is that -- is that correct? And only changed  4 once if -- if my memory --  5 MS. LOWREY-DUFOR: Changed once. I believe,  6 '21, they were -- Supreme Court districts were  7 established.  8 REPRESENTATIVE BEAULLIEU: Let me -- since  9 we're in the twenties again, like, we're talking the  10 1920s?  11 MS. LOWREY-DUFOR: Yes. I'm sorry. Yes.  12 Yes. Back before, I believe, anyone in this room had  13 yet made an appearance.  14 REPRESENTATIVE BEAULLIEU: Yeah.  15 Representative Thompson may have been in the  16 legislature, but that's -- that's it.  17 (Laughter.)  18 MS. LOWREY-DUFOR: He certainly has more  19 seniority than anyone in the legislature. Whether or  20 not he was actually here in the '20s, we'd have to ask.  21 But, yes. So again, and here's that heat map showing  22 the population deviations. Dark red, dark orange,  23 furthest below the ideal, and then dark green  24 representing population the furthest above the ideal.  25 REPRESENTATIVE BEAULLIEU: Ms. Lowrey, we have</p>

8 (Pages 26 to 29)

<p style="text-align: right;">Page 30</p> <p>1 a question. Representative Wyble.</p> <p>2 REPRESENTATIVE WYBLE: Thank you, Mr. Chair.</p> <p>3 Ms. Lowrey, thank you for all of this information. It's</p> <p>4 very helpful. I'm still trying to wrap my head around</p> <p>5 how the census is counting population, what we talked</p> <p>6 about earlier. So if a respondent checked White and</p> <p>7 Asian, that respondent would be counted as --</p> <p>8 MS. LOWREY-DUFOUR: Okay. The census reported</p> <p>9 all of those population figures to the state, okay?</p> <p>10 REPRESENTATIVE WYBLE: Right.</p> <p>11 MS. LOWREY-DUFOUR: So if you really want to</p> <p>12 know who reported -- not who, but numbers who reported</p> <p>13 themselves as White and Asian, we can certainly provide</p> <p>14 that to you. However, and I -- I just want to say</p> <p>15 there's a limited number -- there's a limited space on</p> <p>16 -- on reports. And in order for you to be able to</p> <p>17 analyze voting-rights issues -- and we have a document</p> <p>18 on our website, and it was a kind of guidance from the</p> <p>19 justice department -- the United States Justice</p> <p>20 Department about analyzing Section 2 guidance for that</p> <p>21 where you really look at one -- the population of</p> <p>22 "alone," so who reported single race.</p> <p>23 And then you would allocate to the protected</p> <p>24 class minority groups the White plus the minority group</p> <p>25 as well as any other reporting. So you would look at it</p>	<p style="text-align: right;">Page 32</p> <p>1 REPRESENTATIVE WYBLE: From the federal</p> <p>2 government?</p> <p>3 MS. LOWREY-DUFOUR: Yes, sir.</p> <p>4 REPRESENTATIVE WYBLE: Has that guidance been</p> <p>5 -- I -- I don't know if this is a fair question or not.</p> <p>6 Was that similar guidance in 2020 --</p> <p>7 MS. LOWREY-DUFOUR: Yeah.</p> <p>8 REPRESENTATIVE WYBLE: -- compared to 2010?</p> <p>9 MS. LOWREY-DUFOUR: Yes.</p> <p>10 REPRESENTATIVE WYBLE: Has it always been that</p> <p>11 way?</p> <p>12 MS. LOWREY-DUFOUR: It's similar guidance.</p> <p>13 REPRESENTATIVE WYBLE: All right. Thank you.</p> <p>14 MS. LOWREY-DUFOUR: No. You're very welcome.</p> <p>15 Okay. Well, that --</p> <p>16 REPRESENTATIVE BEAULLIEU: I think</p> <p>17 Representative --</p> <p>18 MS. LOWREY-DUFOUR: -- concludes my</p> <p>19 presentation, unless there's any other questions.</p> <p>20 REPRESENTATIVE BEAULLIEU: Thank you, Ms.</p> <p>21 Lowrey. Representative Gadberry does have a question.</p> <p>22 Representative Gadberry.</p> <p>23 REPRESENTATIVE GADBERRY: Thank you, Mr.</p> <p>24 Chair. Just to make this clear, what was the ruling</p> <p>25 from the judge against the maps that were submitted? I</p>
<p style="text-align: right;">Page 31</p> <p>1 like that. So for simplicity and -- and to basically</p> <p>2 allow y'all to look at, you know, categories of</p> <p>3 population, this is how the reports are confected. But</p> <p>4 the census reports hundreds of categories of racial</p> <p>5 populations, you know, and they'll tell you. I mean,</p> <p>6 it's, like, White alone, White plus Black, White plus</p> <p>7 Asian, White plus Black plus Asian plus other. I mean,</p> <p>8 all those things will be reported by the census.</p> <p>9 But for simplicity, I mean, there's no way for</p> <p>10 y'all to look at --</p> <p>11 REPRESENTATIVE WYBLE: Sure.</p> <p>12 MS. LOWREY-DUFOUR: -- the report --</p> <p>13 REPRESENTATIVE WYBLE: Sure.</p> <p>14 MS. LOWREY-DUFOUR: -- because it would be</p> <p>15 hundreds of columns of data.</p> <p>16 REPRESENTATIVE WYBLE: But -- but that</p> <p>17 criteria is regarded equally regardless of what they</p> <p>18 check off, I guess is what I'm trying to find out. If</p> <p>19 -- if they were White -- White only, they're counted as</p> <p>20 White. But if they're White and another, then they're</p> <p>21 counted as Other. But if they check off Black and</p> <p>22 others, then we count them a part of our Black</p> <p>23 population; is that correct?</p> <p>24 MS. LOWREY-DUFOUR: Right. And that's based</p> <p>25 on that guidance.</p>	<p style="text-align: right;">Page 33</p> <p>1 -- I assume we submitted a --</p> <p>2 MS. LOWREY-DUFOUR: Representative Gadberry,</p> <p>3 we do have the attorney general here today --</p> <p>4 REPRESENTATIVE GADBERRY: Okay.</p> <p>5 MS. LOWREY-DUFOUR: -- to address those issues</p> <p>6 regarding the litigation, and I think it would be much</p> <p>7 more appropriate coming from the chief legal officer of</p> <p>8 the state.</p> <p>9 REPRESENTATIVE GADBERRY: I figured that would</p> <p>10 be your answer. We submitted Act 5 though, right? This</p> <p>11 one?</p> <p>12 MS. LOWREY-DUFOUR: Act 5 --</p> <p>13 REPRESENTATIVE GADBERRY: Is what we submitted</p> <p>14 --</p> <p>15 MS. LOWREY-DUFOUR: -- was adopted by the</p> <p>16 legislature.</p> <p>17 REPRESENTATIVE GADBERRY: That's what we</p> <p>18 submitted to the judge?</p> <p>19 MS. LOWREY-DUFOUR: Well, the judge was</p> <p>20 looking at it --</p> <p>21 REPRESENTATIVE GADBERRY: Yeah.</p> <p>22 MS. LOWREY-DUFOUR: -- as part of the</p> <p>23 litigation.</p> <p>24 REPRESENTATIVE GADBERRY: Right.</p> <p>25 MS. LOWREY-DUFOUR: Okay?</p>

9 (Pages 30 to 33)

<p style="text-align: right;">Page 34</p> <p>1 REPRESENTATIVE GADBERRY: That's the one that</p> <p>2 she looked at though, that she rejected?</p> <p>3 MS. LOWREY-DUFOUR: Well, I mean -- and -- and</p> <p>4 also there have been other plans --</p> <p>5 REPRESENTATIVE GADBERRY: Okay.</p> <p>6 MS. LOWREY-DUFOUR: -- that have been</p> <p>7 submitted by plaintiffs to the court.</p> <p>8 REPRESENTATIVE GADBERRY: And -- and would you</p> <p>9 say that Act 5 did not meet the redistricting criteria?</p> <p>10 MS. LOWREY-DUFOUR: Representative Gadberry --</p> <p>11 REPRESENTATIVE GADBERRY: I know. You're not</p> <p>12 (inaudible 0:43:45) --</p> <p>13 MS. LOWREY-DUFOUR: That is a -- that is a</p> <p>14 legal matter that is currently the subject of litigation</p> <p>15 in the Middle District, and again, much more</p> <p>16 appropriately addressed by our chief legal officer.</p> <p>17 REPRESENTATIVE BEAULLIEU: Yeah. We can let</p> <p>18 our attorney general handle that one.</p> <p>19 REPRESENTATIVE GADBERRY: Okay. Thank you.</p> <p>20 MS. LOWREY-DUFOUR: Thank you.</p> <p>21 REPRESENTATIVE BEAULLIEU: Thank you, Ms.</p> <p>22 Lowrey. Members, as -- as you all were just -- got a --</p> <p>23 got a teaser from Representative Gadberry, we have our</p> <p>24 attorney general here with us, Ms. -- Ms. Liz Murrill.</p> <p>25 She's going to join us and give us an update on the</p>	<p style="text-align: right;">Page 36</p> <p>1 The last time redistricting, in the 1990s, it -- it was</p> <p>2 -- when the second majority/minority map was drawn, we</p> <p>3 ended up in litigation for a decade. So there is no</p> <p>4 guarantee that when you do this again, we won't still be</p> <p>5 in litigation. But we are in litigation now.</p> <p>6 The District Court judge has conducted a</p> <p>7 fact-finding mission - that's what will -- what always</p> <p>8 happens - and made fact findings regarding the map. She</p> <p>9 issued an injunction. That injunction is not currently</p> <p>10 in effect for reasons that I can explain to you, but I</p> <p>11 think the bottom line is it is not currently in effect</p> <p>12 because the deadlines for the election that it enjoined</p> <p>13 are -- are over.</p> <p>14 The courts, nevertheless, have told us to draw</p> <p>15 a new map, and they have indicated that we have a</p> <p>16 deadline to do that or Judge Dick will draw the map for</p> <p>17 us. So you have an opportunity now to go back and draw</p> <p>18 the map again. And -- and I think that it is not an</p> <p>19 easy task because the United States Supreme Court has</p> <p>20 not made it an easy task. They've given you some</p> <p>21 directives that seem to be -- to not give you a lot of</p> <p>22 clear lines for doing your job. I -- I apologize on</p> <p>23 their behalf for -- but, you know, we tried.</p> <p>24 I mean, I am defending that map, and so you</p> <p>25 won't hear me say that I believe that that map violated</p>
<p style="text-align: right;">Page 35</p> <p>1 litigation. And I see Ms. Murrill has a familiar face</p> <p>2 with her, so I'd like to welcome back to the House of</p> <p>3 Representatives former colleague Representative Larry</p> <p>4 Frieman. Welcome, welcome, Mr. Frieman.</p> <p>5 MR. FRIEMAN: Thank you, Chair. Thank you,</p> <p>6 members. It's -- I'm glad to be back. And sitting on</p> <p>7 this side of the table is a familiar place --</p> <p>8 REPRESENTATIVE BEAULLIEU: Yeah.</p> <p>9 MR. FRIEMAN: -- for myself as well. So thank</p> <p>10 you for having me.</p> <p>11 REPRESENTATIVE BEAULLIEU: If you wouldn't</p> <p>12 mind, everyone, and introduce yourself for the</p> <p>13 committee, and then it's all yours.</p> <p>14 MS. MURRILL: Thank you, Mr. Chairman, and</p> <p>15 members of the committee. It's great to be with you</p> <p>16 today as your new attorney general. I'm Liz Murrill. I</p> <p>17 also have with me Tom Jones who is the new director of</p> <p>18 the civil division and has been involved in the</p> <p>19 litigation. And now, chief deputy -- almost chief</p> <p>20 deputy, assuming you confirm him, is Larry Frieman. So</p> <p>21 that'll be before you soon, too.</p> <p>22 I -- I -- I want to tell you that</p> <p>23 redistricting is hard. I'm not going to tell you this</p> <p>24 is easy. I -- I think that you did a -- you did the</p> <p>25 best job you could before. We've been in litigation.</p>	<p style="text-align: right;">Page 37</p> <p>1 the redistricting criteria. I'm defending that map, but</p> <p>2 I will defend your new map if you draw a new map. So,</p> <p>3 you know, it's an act of the legislature. My job is to</p> <p>4 defend the work of the legislature, and I will do that</p> <p>5 to the very best of my ability.</p> <p>6 I think that the difficulty is that in the</p> <p>7 Merrill v. Milligan case, which was the Alabama</p> <p>8 litigation that preceded ours, the Supreme Court issued</p> <p>9 an opinion. And it says that in a Section 2 disparate</p> <p>10 impact claim, which is different really from the work</p> <p>11 that you did -- you did your work. You did it in good</p> <p>12 faith. But they can -- they -- the plaintiffs will go</p> <p>13 to court, and they will make a disparate impact claim,</p> <p>14 and that's what gets litigated.</p> <p>15 That has nothing to do with whether your</p> <p>16 intent was nefarious or not. Everyone can have had the</p> <p>17 right intent and followed the rules as they believed</p> <p>18 they were given to them, and go to court. And the court</p> <p>19 can still say, "Under Section 2, there's a disparate</p> <p>20 impact. And because there's a disparate impact, you</p> <p>21 have to go back and do it again, or I will do it for</p> <p>22 you."</p> <p>23 And that is -- that is the short version of</p> <p>24 what Judge Dick has held and what has not been</p> <p>25 overturned by any court that we have brought it before,</p>

10 (Pages 34 to 37)

<p style="text-align: right;">Page 38</p> <p>1 since then. There's no definitive ruling on that case.  2 It is still in litigation. If you pass a new act of the  3 legislature, that will become the new law. So I'm happy  4 to take some more questions. I think that what -- what  5 Merrill v. Milligan did, which is, I think, one  6 question, is that it said, "You can't do this job once  7 there's been some litigation over disparate impact. You  8 can't really do the job without taking race into  9 account."  10 And so that's not illegal or improper to -- to  11 think about race when you're doing this. You can't  12 really do it otherwise. I mean, that's the whole -- the  13 litigation is because someone has made a claim about the  14 disparate impact. And so there's no way to not give  15 some thought to what you're doing in that context,  16 especially when it's preceded by some litigation and  17 some fact finding. But what the United States Supreme  18 Court has said is that race can't predominate in the way  19 that you draw your lines.  20 So there have to be other reasons that would  21 justify the map. And those are some -- I thought Ms.  22 Lowery did an excellent job of -- of giving you what the  23 broad parameters are. They aren't -- you know, they're  24 not going to be real -- it's not going to be easy  25 because the Supreme Court hasn't made it real clear in</p>	<p style="text-align: right;">Page 40</p> <p>1 cases have been litigated. It's not something I can  2 change.  3 REPRESENTATIVE BEAULLIEU: So let me just --  4 to kind of -- you know, I sat on this committee last --  5 the last four years, and we spent a long time working on  6 the map that we ultimately ended up drawing. And with  7 over two-thirds vote of the legislature, we upheld it  8 over a veto override and whatnot. Went through --  9 thought it was the most -- two-thirds of us thought it  10 was the most representative of the state of Louisiana.  11 And even all the work we did, everything we've  12 put into it, all the testimony we've heard, the -- the  13 deviation being what it is, close to zero, none of that  14 matters with the federal judge and control. She has the  15 ability to draw it without our input and can do what she  16 -- if we don't draw a map this week. Is that correct?  17 MR. FRIEMAN: Well, she -- yeah. She made  18 fact findings of her own based on the evidence that was  19 presented to her in court, and those fact findings are  20 very difficult to overturn in the federal judicial  21 system. There's -- you know, I can talk to you about  22 precedent, I can talk to you about terms of our -- in  23 terms of appellate review. But at the end of the day,  24 her fact finding becomes very difficult to overturn.  25 REPRESENTATIVE BEAULLIEU: Okay. We have --</p>
<p style="text-align: right;">Page 39</p> <p>1 terms of how you can meet strict scrutiny,  2 Representative Marcelle. I mean, it's -- it is -- it is  3 a difficult task.  4 And I think that some of the other directives  5 that the court has given, like trying to keep  6 geographical compactness, doing the best you can in  7 terms of meeting all the other requirements, I mean,  8 those are things -- those are justifications that still  9 apply. Maintaining communities of interest still apply.  10 Balancing geographical -- I mean, population still  11 applies. So all of those things are, you know -- and  12 then the totality of the circumstances is ultimately  13 what the test is going to be that the courts apply.  14 And so, you know, I -- I think that if that  15 makes things even more confusing to you, I blame the  16 courts. I mean, we -- we have tried to get them to  17 explain and give you more clear directions. It is  18 ultimately your job. The constitution makes this the  19 job of the legislature to draw the maps, and then when  20 we end up in litigation, it perverts that process.  21 Because the -- the -- the way that the -- the  22 precedent is built, there's fact finding that occurs  23 from a judge that can override the very fact finding  24 that you've made and your legislative record. And --  25 and that's just a product of precedent and how these</p>	<p style="text-align: right;">Page 41</p> <p>1 we have a couple of questions. Representative Thomas.  2 REPRESENTATIVE THOMAS: Thank you, Mr. Chair.  3 Good morning. I think I heard you say that race is the  4 predominant --  5 MS. MURRILL: No. No. Race cannot be the  6 predominant factor in what you would draw. That would  7 violate the Equal Protection Clause. So what you have  8 to do is think about how to best draw the maps, given  9 the criteria that the Supreme Court has established,  10 without allowing race to be the predominant factor that  11 drives the drawing of your lines. That's where the  12 actual Equal Protection Clause violation will come in.  13 So, you know, you need to stay south of that.  14 And then I -- I think that, you know, you're  15 going to have a lot of other things that you have to  16 think about when you draw these maps. Communities of  17 interest is one of the -- the -- the most important  18 ones. I think that's always been a driving feature of  19 the maps -- or of the map drawing exercise.  20 Core retention is what was discussed very  21 heavily in Merrill v. Milligan, and I think core  22 retention has now become -- and -- and I'm just going to  23 tell you my personal opinion in trying to decipher  24 Merrill v. Milligan. It was not easy. There are a lot  25 of -- it's a very fractured opinion. But I -- I think</p>

11 (Pages 38 to 41)

<p style="text-align: right;">Page 42</p> <p>1 that core retention is the part that the court has given</p> <p>2 the least amount of attention to in this process now,</p> <p>3 that once you are trying to redraw the map, I think that</p> <p>4 core retention takes -- is -- becomes a less important</p> <p>5 factor under Merrill v. Milligan.</p> <p>6 REPRESENTATIVE THOMAS: Thank you.</p> <p>7 REPRESENTATIVE BEAULLIEU: Thank you,</p> <p>8 Representative Thomas. Representative Marcelle.</p> <p>9 REPRESENTATIVE MARCELLE: Thank you. Let me</p> <p>10 start by congratulating you. I don't know if I should</p> <p>11 say congratulations or condolences. I'm not really</p> <p>12 sure. Congratulations.</p> <p>13 MS. MURRILL: Well, I asked for the job, so</p> <p>14 thank you.</p> <p>15 REPRESENTATIVE MARCELLE: Okay. Let -- let me</p> <p>16 just go over a couple of things that you said, and --</p> <p>17 and so I can be clear in what you're -- what you're</p> <p>18 telling us today. Number one, you said you're going to</p> <p>19 defend the map, Act 5, that they presented because that</p> <p>20 is your job to do so, correct?</p> <p>21 MS. MURRILL: Yes.</p> <p>22 REPRESENTATIVE MARCELLE: And so --</p> <p>23 MS. MURRILL: I am defending it now.</p> <p>24 REPRESENTATIVE MARCELLE: Correct. Because</p> <p>25 that's -- that's what we hired you to do, to defend us,</p>	<p style="text-align: right;">Page 44</p> <p>1 merits.</p> <p>2 So, you know, the -- the -- the court -- the</p> <p>3 judge, whoever that judge may be, has an enormous amount</p> <p>4 of control over how much testimony is allowed and by</p> <p>5 whom, and -- and how much time we will have to do that.</p> <p>6 That was all very, very compressed when we litigated</p> <p>7 this right after the map was passed. We have not had</p> <p>8 any other fact finding because we haven't had a trial on</p> <p>9 the merits. I have raised an objection to that because</p> <p>10 I think that you are entitled to have a trial on the</p> <p>11 merits, but the courts have not accepted those arguments</p> <p>12 at this point.</p> <p>13 They have told us to go back and draw the map,</p> <p>14 and they have given us a deadline. So, you know, I am</p> <p>15 making the same arguments that I would make on the new</p> <p>16 map. But at the -- at the same time, you know, the --</p> <p>17 the courts haven't given us a lot of safe harbor to go</p> <p>18 litigate --</p> <p>19 REPRESENTATIVE MARCELLE: Okay.</p> <p>20 MS. MURRILL: -- the rest of this case.</p> <p>21 They've said, "Go do this."</p> <p>22 REPRESENTATIVE MARCELLE: So it's -- it -- it</p> <p>23 is a fact that we do have six congressional districts in</p> <p>24 Louisiana? That is --</p> <p>25 MS. MURRILL: It is.</p>
<p style="text-align: right;">Page 43</p> <p>1 right? And if we pass another map, you'll defend that</p> <p>2 map as well?</p> <p>3 MS. MURRILL: That's correct.</p> <p>4 REPRESENTATIVE MARCELLE: The other thing that</p> <p>5 I -- I -- I -- I -- I heard you say was this is a</p> <p>6 -- the judge has fact-finding matters. Can you kind of</p> <p>7 elaborate on what that means? Is that -- that's based</p> <p>8 upon the testimony that was presented by the plaintiffs;</p> <p>9 is that accurate? And -- and the -- and the defense,</p> <p>10 obviously, she took both -- both matters into</p> <p>11 consideration when she was doing her fact finding.</p> <p>12 MS. MURRILL: She did. That doesn't mean I</p> <p>13 agree with them.</p> <p>14 REPRESENTATIVE MARCELLE: Okay. So --</p> <p>15 MS. MURRILL: And I -- and I think that it's</p> <p>16 also a product of -- this is part of what's frustrating,</p> <p>17 I think, for the legislature when it goes into</p> <p>18 litigation because people can -- like, experts, for</p> <p>19 example, that are hired by the plaintiffs, no matter who</p> <p>20 they are -- this could happen on the new map. Right?</p> <p>21 Those experts can come and testify in court, and the</p> <p>22 judge can control that testimony. In our case, it</p> <p>23 happened in a very, very short, short turnaround in a</p> <p>24 preliminary injunction hearing which is different from a</p> <p>25 trial on the merits. We've never had a trial on the</p>	<p style="text-align: right;">Page 45</p> <p>1 REPRESENTATIVE MARCELLE: -- a fact, right?</p> <p>2 Is -- is it also a fact that a third of that -- the</p> <p>3 population is African American?</p> <p>4 MS. MURRILL: Approximately, based on the</p> <p>5 data. I would also point out that 50 percent are women.</p> <p>6 I mean, there are other -- there are other population,</p> <p>7 you know, and gender and differences -- like, that's why</p> <p>8 Section 2 has never been -- I mean, it is expressly</p> <p>9 stated in Section 2 of the Voting Rights Act that this</p> <p>10 is not an act of proportionate dividing. That is not</p> <p>11 permitted under Section 2. And so we can't just take</p> <p>12 that number and say that's -- that's how we do this,</p> <p>13 because it's not that simple and that's actually not</p> <p>14 permitted under the law.</p> <p>15 REPRESENTATIVE MARCELLE: So -- so it's not</p> <p>16 permitted to say that we have six congressional</p> <p>17 districts, and of those six congressional districts, we</p> <p>18 -- we talk about community interests, I think was one of</p> <p>19 them. So do you believe that all five of the other</p> <p>20 districts has all the community interests impacted in</p> <p>21 those, and African American districts only should have</p> <p>22 one?</p> <p>23 MS. MURRILL: Representative Marcelle, the --</p> <p>24 the -- the -- the job of drawing the districts is yours.</p> <p>25 REPRESENTATIVE MARCELLE: I get it.</p>

12 (Pages 42 to 45)



<p style="text-align: right;">Page 46</p> <p>1 MS. MURRILL: It's not mine.</p> <p>2 REPRESENTATIVE MARCELLE: Right.</p> <p>3 MS. MURRILL: And I -- I am defending what I</p> <p>4 believe to have been a -- a defensible map. And if you</p> <p>5 draw a new map, I will defend that map. Judge Dick has</p> <p>6 put us in a -- in a position -- and the Fifth Circuit,</p> <p>7 the panel that reviewed that decision, and the whole</p> <p>8 court, when I asked them to go en banc, by declining to</p> <p>9 go en banc, have put us in a position of where we are</p> <p>10 today, where we -- we need to draw a map. So I'm here</p> <p>11 to tell -- I'm not here to tell you don't draw a map. I</p> <p>12 mean, I think we do have to draw a map --</p> <p>13 REPRESENTATIVE MARCELLE: And -- and --</p> <p>14 MS. MURRILL: -- and I will defend that map.</p> <p>15 REPRESENTATIVE WYBLE: And -- and my final</p> <p>16 question. I heard Representative Beaulieu talk about</p> <p>17 two-thirds of the legislature approving this map and --</p> <p>18 and -- and voting for it. Beaulieu. I'm sorry.</p> <p>19 (Simultaneous speaking.)</p> <p>20 REPRESENTATIVE MARCELLE: Beaulieu?</p> <p>21 (Simultaneous speaking.)</p> <p>22 REPRESENTATIVE MARCELLE: I just call you</p> <p>23 Beau, so I'm -- I'm trying to get your real name because</p> <p>24 --</p> <p>25 REPRESENTATIVE BEAULLIEU: We'll -- we'll --</p>	<p style="text-align: right;">Page 48</p> <p>1 additional congressional map. And I think what we're</p> <p>2 hearing from Judge Kelly Dick is --</p> <p>3 MS. MURRILL: Shelly Dick.</p> <p>4 REPRESENTATIVE MARCELLE: -- Shelly Dick is</p> <p>5 that the map is not fair for the state of Louisiana.</p> <p>6 And -- and what I -- what I agree with her on is that if</p> <p>7 we cannot -- and we had an opportunity to draw this map</p> <p>8 ourselves and we did not do it as it supports Section 2,</p> <p>9 in my opinion. I know you gave yours, but this is my</p> <p>10 opinion. So then we will allow her to draw that map if</p> <p>11 we can't do that. We can't draw a map right now, right?</p> <p>12 Is that accurate?</p> <p>13 MS. MURRILL: So what will happen if you do</p> <p>14 not draw a map is that she has set a trial date. It's</p> <p>15 very, very quick, and we will still be operating under</p> <p>16 the old map. So we will move forward then with a trial</p> <p>17 on the -- under the old map. There'll be a trial on the</p> <p>18 merits, the same record I think that was presented, and</p> <p>19 Tom can affirm or -- or correct me if I'm wrong, but the</p> <p>20 -- the record from the preliminary injunction hearing</p> <p>21 will all go into the -- into the -- into the court</p> <p>22 record, and we will look at whether we want to have</p> <p>23 additional testimony. And that trial will move forward.</p> <p>24 I -- I don't expect Judge Dick to change her</p> <p>25 position. I think she will draw a map, and -- and so</p>
<p style="text-align: right;">Page 47</p> <p>1 REPRESENTATIVE MARCELLE: -- I been calling</p> <p>2 you Beau.</p> <p>3 REPRESENTATIVE BEAULLIEU: -- we'll work on</p> <p>4 you --</p> <p>5 REPRESENTATIVE MARCELLE: Yes.</p> <p>6 REPRESENTATIVE BEAULLIEU: -- Representative</p> <p>7 Marcelle.</p> <p>8 (Laughter.)</p> <p>9 REPRESENTATIVE MARCELLE: So Beaulieu -- I</p> <p>10 always call him Beau. But Beaulieu, I -- I -- I -- I</p> <p>11 heard him say that two-thirds of the legislature voted</p> <p>12 for this map. And he's absolutely accurate because the</p> <p>13 majority of the legislature would support this map</p> <p>14 because it benefits them. We talked about, you know,</p> <p>15 our districts and our interests. What I did not hear</p> <p>16 him say is -- because I sat at that table on the other</p> <p>17 side and presented a map, and none of the maps that we</p> <p>18 presented got out of this committee.</p> <p>19 So it's, you know, it's unfair to say, "Okay,</p> <p>20 we passed it with the majority of the people," because a</p> <p>21 majority of the people would support us not having an --</p> <p>22 an additional African American representation in another</p> <p>23 district. I get that. But it's not fair to say that</p> <p>24 those arguments weren't made to -- to support that. I</p> <p>25 was one of those that made the argument to support an</p>	<p style="text-align: right;">Page 49</p> <p>1 you are getting the first opportunity to do that. I</p> <p>2 mean, we could have -- in theory, we could have had a</p> <p>3 trial on the merits, and she could have said, "I don't</p> <p>4 --" you know, again, "I don't like the old map," and --</p> <p>5 or, "I don't like the map that you drew and I'm going to</p> <p>6 redraw your map." But as a matter of law, you get the</p> <p>7 first shot at doing that, so.</p> <p>8 REPRESENTATIVE MARCELLE: No. We get the</p> <p>9 second shot at doing it. Thank you very much, though.</p> <p>10 REPRESENTATIVE BEAULLIEU: Thank you.</p> <p>11 Representative Marcelle. Representative Farnum.</p> <p>12 REPRESENTATIVE FARNUM: Thank you, Mr.</p> <p>13 Chairman. So a couple of things. So the -- the</p> <p>14 parallel that the argument has been based on is the --</p> <p>15 the case in Alabama; was that the one?</p> <p>16 MS. MURRILL: Yeah. The Alabama case was</p> <p>17 litigated just, you know, a few months ahead of ours,</p> <p>18 and so it went up to the Supreme Court before ours did.</p> <p>19 And so we've basically been held -- our case was held in</p> <p>20 abeyance pending the outcome of that case.</p> <p>21 REPRESENTATIVE FARNUM: So -- and that was a</p> <p>22 seven-member district, right?</p> <p>23 MS. MURRILL: I believe so.</p> <p>24 REPRESENTATIVE FARNUM: So -- so they were</p> <p>25 trying to reach a second district in a seven-member</p>

13 (Pages 46 to 49)



<p style="text-align: right;">Page 50</p> <p>1 state. So would you say, just in your opinion, is it</p> <p>2 harder to -- to draw two of six than it is two of seven,</p> <p>3 just based on the compactness of the population of that</p> <p>4 state? Because wouldn't you say that every state has a</p> <p>5 different compactness, there's no two states that are</p> <p>6 identical, and maybe it's easier in one state, that</p> <p>7 maybe the compactness is -- is much more centrally</p> <p>8 located to reach that conclusion. Wouldn't -- would you</p> <p>9 agree with that?</p> <p>10 MS. MURRILL: I -- I would agree with you that</p> <p>11 every state is different and that -- that our population</p> <p>12 -- how our population is spread out is -- is different</p> <p>13 from every other state.</p> <p>14 REPRESENTATIVE FARNUM: Would -- would you --</p> <p>15 MS. MURRILL: So our population is -- our</p> <p>16 population, I think, is relatively close to theirs. I</p> <p>17 -- they'd probably have a little more population because</p> <p>18 they still have seven districts. You know, we -- this</p> <p>19 isn't going to be easy. I -- I didn't -- that's why I</p> <p>20 started out by saying, "I'm not here to tell you this is</p> <p>21 an easy job." You have a hard job. Our state is</p> <p>22 different. Every state is different from each other,</p> <p>23 and -- and you have to do this based on the facts in our</p> <p>24 state.</p> <p>25 We have argued in our case that our state is</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. JONES: I'm sorry. My name is Tom Jones.</p> <p>2 I'm the director of the civil division in the attorney</p> <p>3 general's office.</p> <p>4 The judge has principally based her ruling on</p> <p>5 Black voting-age population. That's what she's used as</p> <p>6 the primary criteria. Then the experts take that Black</p> <p>7 voting-age population, and they're very clever people,</p> <p>8 and they do very clever things with those numbers. They</p> <p>9 can persuade you on one side that the Black voting-age</p> <p>10 population should be analyzed this way, and the other</p> <p>11 experts can convince you of just the opposite the next</p> <p>12 day. But Black voting-age population has been the</p> <p>13 primary criteria for this judge's rulings.</p> <p>14 REPRESENTATIVE FARNUM: Because you did say</p> <p>15 something earlier, that -- that race cannot be a</p> <p>16 determining factor of -- of why you draw maps.</p> <p>17 MS. MURRILL: It can't be the predominant</p> <p>18 factor.</p> <p>19 REPRESENTATIVE FARNUM: Isn't that the only</p> <p>20 reason we're here right now?</p> <p>21 MS. MURRILL: You know, we're here because of</p> <p>22 --</p> <p>23 REPRESENTATIVE FARNUM: But isn't that the</p> <p>24 predominant reason?</p> <p>25 MS. MURRILL: -- the court's telling us we</p>
<p style="text-align: right;">Page 51</p> <p>1 different from Alabama with regard to -- so that they --</p> <p>2 the fact findings aren't -- can't be the same. We're</p> <p>3 not the same. Our history isn't the same. Our history</p> <p>4 of redistricting and redistricting litigation is not the</p> <p>5 same. And we -- we brought those issues up, and here we</p> <p>6 are still, so.</p> <p>7 REPRESENTATIVE FARNUM: I -- I -- I know. I</p> <p>8 spent the better part of three years going over this. I</p> <p>9 was on the committee last time and sat through numerous,</p> <p>10 numerous meetings on -- on this across a period of the</p> <p>11 three years. Help -- help me understand how the -- the</p> <p>12 voting-age population factors in when the voting -- the</p> <p>13 Black voting-age population is lower than the total</p> <p>14 population in the state. How does that factor in?</p> <p>15 MS. MURRILL: You want to take that one?</p> <p>16 MR. JONES: Yeah. The -- the judge --</p> <p>17 MS. MURRILL: Introduce yourself just quickly</p> <p>18 again.</p> <p>19 REPRESENTATIVE BEAULLIEU: You're on. You're</p> <p>20 on.</p> <p>21 MR. JONES: The judge here in the Middle</p> <p>22 District has based her rulings on the Black --</p> <p>23 REPRESENTATIVE BEAULLIEU: If you don't mind,</p> <p>24 could you kind of speak into the mic a little bit? Or</p> <p>25 you can pull the mic to you, I believe, as well.</p>	<p style="text-align: right;">Page 53</p> <p>1 have to be here. I mean, I -- I think that's part of</p> <p>2 it. You know, the -- I mean, I'm defending the map.</p> <p>3 I'm going to defend the new map. I -- I want you to</p> <p>4 know, I mean, if you draw a new map, I'm defending that</p> <p>5 map, so.</p> <p>6 REPRESENTATIVE FARNUM: I -- I agree.</p> <p>7 MS. MURRILL: I'm not going to say that, you</p> <p>8 know, I mean, I think -- I don't -- I have complaints</p> <p>9 about how this case was managed, I mean, not by our</p> <p>10 litigators, not -- you know, I just think that we need</p> <p>11 -- we should have a trial on the merits. I've always --</p> <p>12 I have argued that in court. I have signed off on those</p> <p>13 pleadings. I still believe that that's true. The</p> <p>14 courts have told us to do this by a certain date or it's</p> <p>15 going to be done for us.</p> <p>16 REPRESENTATIVE FARNUM: I -- I think the</p> <p>17 circular fashion of -- of the 14th, the 15th Amendment,</p> <p>18 and this Section 2 of the Voting Rights Act is a circle.</p> <p>19 So it -- it -- it sends you in this race to chase your</p> <p>20 tail to try and accomplish what you're trying to</p> <p>21 accomplish. And -- and each one contradicts the other</p> <p>22 one in the circle. So you end up in this never ending</p> <p>23 loop of -- of how do you accomplish what we're tasked to</p> <p>24 do here.</p> <p>25 We did look at a lot of maps and -- and, you</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 54</p> <p>1 know, I -- I personally think that the one we passed was  2 -- was a very legal, legitimate map. And -- and -- and  3 we'll do the best we can with what we have. So,  4 appreciate your time today. Thank you, Mr. Chairman.  5 REPRESENTATIVE BEAULLIEU: Thank you,  6 Representative Farnum. Representative Carter.  7 REPRESENTATIVE CARTER: Thank you, Mr.  8 Chairman. I -- because this committee meeting is being  9 viewed by people throughout the state, I think it's  10 important that we be honest and -- and -- and -- and put  11 the whole picture, why we here, how we got here. It  12 seemed to be an impression that the old Judge Dick's  13 begging us, trying to make us do something even though  14 we've done the right thing.  15 Is it not true that the judge's job, her task,  16 is to look at the law, first the law, the -- the  17 jurisprudence of reapportionment, and look at the -- the  18 -- the -- the statute that's been passed,  19 reapportionment and other criteria that Congress and --  20 has given us, to see if we went about this the right  21 way. She just didn't come up the side to say, "I'm  22 going to make them have another Black district." That  23 is not her job. And -- and -- and she did anything  24 contrary to that, she certainly would have been reversed  25 quite quickly.</p>	<p style="text-align: right;">Page 56</p> <p>1 But the law is pretty much the -- it's the  2 same. So based on that law, that judge says, "Well,  3 y'all either going to do a map, or I'm going to do a  4 map." So -- so he gave us another -- a third time to do  5 the map. Now, if you look at the analysis of the -- of  6 what we done the last time, there was about eight maps  7 that were presented to this House and Government Affairs  8 Committee, but there's only one map, the speaker map,  9 House Bill 1, that was even considered, seriously  10 considered.  11 I mean, there was some people came to the --  12 to the table and -- and talked about these other maps,  13 but -- but -- but it was asked by the speaker then --  14 the then speaker who was carrying the House Bill 1, "Did  15 you look at Section 2 of the Voters Right Act? And did  16 you try to comply this map with Section 2?" And the  17 speaker said no.  18 "Well, did you look at the disparity that this  19 map represents? It's just common sense. If you got a  20 third of the population that is African American and --  21 and -- and 33 -- over 33 percent, did you look at those  22 -- those figures? You don't have to be the primary  23 criteria, but you got to first look at whether or not  24 it's a -- it's appears to be a fair map and complying  25 with the 14th Amendment, Section 2 and other -- other of</p>
<p style="text-align: right;">Page 55</p> <p>1 But -- but -- but what she did, she looked at  2 the law, and there was -- there was -- there was a  3 request made by motion to -- to -- as to whether or not  4 the plaintiff would succeed on this problem with  5 disparity and what have you if they went to trial. And  6 she pretty much said, after studying the law and  7 studying the facts and what actually took place in this  8 legislature, she decided it would probably succeed. So  9 she asked the legislature to go back and try to do this  10 over again the right way. And the legislature has that  11 opportunity. We could get nothing done, okay?  12 So now the judge -- it will stay -- the  13 attorney general office -- she -- she expressed that she  14 wanted another map and she -- a better map, she thought,  15 that's more legal. And so she -- she asked the  16 legislature to -- there was a state made by the attorney  17 general's office, and that was granted by the Fifth  18 Circuit.  19 And because of the Alabama case -- and Alabama  20 is different from -- first of all, Alabama has 26  21 percent population of African Americans. Louisiana, 33  22 percent. Alabama has a larger overall population than  23 Louisiana as well. That's why they have seven  24 congressman. But -- but you can't compare Alabama to  25 Louisiana.</p>	<p style="text-align: right;">Page 57</p> <p>1 Supreme Court jurisprudence?" He said no.  2 He said that he -- he -- he -- he -- this is  3 his map that he's presenting, and he didn't -- let the  4 lawyers worry about all this other stuff. This is his  5 map. So the -- the -- the record -- the record of the  6 -- and I tried to tell him this because I was asking  7 questions to this -- to -- on House Bill 1, like  8 everybody else, "Why this map have a problem?" And so  9 -- so -- so the legislature knew the map had a problem,  10 but they wouldn't listen to anybody else.  11 So while I agree that the -- your  12 representation that race is not the -- the sole factor,  13 the -- the fact is you got to have six divided equally,  14 okay? And -- and if it -- but -- but Section 2  15 says if you've got a group that is compact, that is  16 compact and that vote certain voting patterns, that you  17 should try to create a map that allow that group to  18 represent a person of their choice. That's all it says.  19 So I asked the speaker, "Did you look at Section 2 and  20 try to come up with a map that does that?" He said,  21 "No, I didn't."  22 So it's the speaker's and -- and -- and the  23 legislators' testimony in the record that caused them  24 the problem they had when it went to the judge. Had  25 they said, "We looked at Section 2, we tried to comply</p>

15 (Pages 54 to 57)

<p style="text-align: right;">Page 58</p> <p>1 with Section 2 but we couldn't because the Black  2 population is so dispersed in the state. We could not  3 get another district that was compact," they didn't say  4 that, didn't even try. So that's why the state is in  5 the position it's in, not because somebody is out there  6 -- some federal judge is out there trying to make  7 Louisiana have another -- another minority district now.  8       However, I do agree that we need to have this  9 opportunity, and it's wonderful to have this opportunity  10 to try to create a map that will comply. Now -- now --  11 and I think that I applaud the governor because I think  12 the governor wants to do the right thing. The new  13 governor wants to do the right thing. He wants to have  14 a map to -- so we can do our own map and not a federal  15 judge. And I support that. And so -- but I don't want  16 to give the impression that federal judge is just a bad,  17 bad monster, is trying to make us do something we  18 shouldn't do. She has to comply with the law.  19       Now, the Supreme Court has reviewed what the  20 -- the -- the -- the attorney general's office presented  21 there on confection of the state, and it's really --  22 they -- they denied that. It's the United States  23 Supreme Court saying you got to go back and do this map,  24 not just Judge Dick, okay? So -- so we need to accept  25 the fact that the map we had, based on the record, based</p>	<p style="text-align: right;">Page 60</p> <p>1 -- what the Supreme Courts over the years have told us  2 to do?  3       I happened to be on the legislature in '84 to  4 '92 when we wrote a lot of the reapportion maps. Okay.  5 So this problem been around a long time. So we -- and  6 -- and so we had -- oftentimes, federal judges had to  7 put us on the right track, say, "Okay. Y'all doing  8 good. Y'all working in the right direction, but y'all  9 got to go back and do this over again." And that's what  10 she did.  11       REPRESENTATIVE BEAULLIEU: Thank you, Judge  12 Carter. Vice-chairman Lyons.  13       VICE-CHAIRMAN LYONS: Thank you, Mr. Chairman.  14 Is it Ms. Murrill?  15       MS. MURRILL: Murrill.  16       VICE-CHAIRMAN LYONS: Murrill. I'm sorry,  17 sorry. I -- I -- I have a question for you, but before  18 I get into my question, I just wanted to note that as we  19 talk about the Voting Rights Act and -- and the premise  20 of a lot of things that we've done, today is actually  21 the holiday of Martin Luther King Day, today, which his  22 actual birthday is tomorrow. This is -- the observance  23 of it is today. So a lot of us question, you know, as  24 the federal holiday (inaudible 1:14:43) was -- was  25 empty, what have you, is why we're here today.</p>
<p style="text-align: right;">Page 59</p> <p>1 on the testimony presented here in the legislature,  2 based on the debate in the legislature, based on the  3 law, that it was not in compliance.  4       Now, you can differ. People can differ  5 because they -- they don't like what the law says,  6 maybe, or they want to twist the law. But the fact of  7 the matter is it's not a sustainable map. This map is  8 not sustainable that we have now. And so we have a  9 chance to do that and not offend too many political  10 notions at the same time.  11       And so I just -- I just want to make that --  12 put that in the record that -- that this is a effort on  13 the part of people of different political interests to  14 try to resolve the issue that had been defined by -- by  15 Supreme Court decision and by federal statute, and --  16 and try to come up with a district that is acceptable.  17       That's what we're trying to do, you know. And  18 it doesn't mean that you're a bad person or you -- or  19 you got a problem because you supported that last map.  20 It's just that the record did not support -- we didn't  21 get enough input from other people that had concerns  22 about it. We didn't allow people to have -- have -- put  23 their input in. Had we putting three or four maps on  24 the floor and explain why we putting on the floor, that  25 might have been different. Have we tried to do what the</p>	<p style="text-align: right;">Page 61</p> <p>1       So I just want to just remind everyone that  2 one of the things that Martin Luther King did say was  3 there's never a wrong time to do the right thing. So  4 we're here today and we would not have any other, I  5 guess, issue -- he wouldn't. Now we're doing something  6 that we'll be doing to correct where we at and -- and so  7 forth. But my question to you, ma'am, is you alluded to  8 earlier that you want to have a -- preference to have a  9 trial on the merits, that you were requesting -- asking  10 for.  11       So as a body here, as we're going to be going  12 through this process, can you outline to us in any form  13 necessary that -- to get it across, what were some of  14 those merits? Because I'm assuming when you say the  15 trial on the merits, you mean that the merits of -- of  16 the decision that you may have had difference with, you  17 had other merits that you wanted to talk about or maybe  18 defend in the -- in the fact-finding portion that was  19 not revealed.  20       MS. MURRILL: So, Representative Lyons, when  21 we went into this litigation right after the legislature  22 completed the map drawing process, we went into a very,  23 very compressed hearing on a motion for a preliminary  24 injunction. That is a different standard. It was very  25 compressed. We did not have the -- the length of time</p>

16 (Pages 58 to 61)

<p style="text-align: right;">Page 62</p> <p>1 that we would ordinarily have for a full trial.</p> <p>2 I believe that -- I mean, this is -- you can</p> <p>3 blame it on the litigator in me, which is fine, but I</p> <p>4 believe that it -- that -- that the state and -- and I</p> <p>5 believe this under the new map that you pass, that we</p> <p>6 should be entitled to have a trial on the merits --</p> <p>7 merits before we are forced to go in and change an act</p> <p>8 of the legislature. That is just a fundamental premise</p> <p>9 that I have about acts of the legislature and us being</p> <p>10 required by the courts to redo them. That -- that -- as</p> <p>11 a practical matter, we did not have a lot of time, but I</p> <p>12 have lost -- we lost on that issue.</p> <p>13 I mean, we -- we did. Not just me, but the</p> <p>14 entire litigation team, including the lawyers who</p> <p>15 represented the legislature or the -- the -- the speaker</p> <p>16 and the -- the president of the Senate at the time and</p> <p>17 the secretary of state. We asked to have a trial on the</p> <p>18 merits set before you were required to go into session,</p> <p>19 and we offered to do it quickly. So just to be clear,</p> <p>20 we were not trying to delay. We offered to do it in</p> <p>21 November. There was another trial set. I mean, we</p> <p>22 tried to do this quickly so that we could have a</p> <p>23 complete record upon which whatever the decision was.</p> <p>24 And we did not believe that Judge Dick would</p> <p>25 change her decision, but we still believe that the case</p>	<p style="text-align: right;">Page 64</p> <p>1 you very much. Thank you, Mr. Chairman.</p> <p>2 REPRESENTATIVE BEAULLIEU: Thank you,</p> <p>3 Representative Lyons. Representative Gadberry.</p> <p>4 REPRESENTATIVE GADBERRY: Thank you, Mr.</p> <p>5 Chair. Ms. Murrill, if we draw a new map and Judge Dick</p> <p>6 decides she don't like that one, do we start all over</p> <p>7 again, or will she immediately draw a map? I don't</p> <p>8 think she's capable of drawing a map, number one. I</p> <p>9 just don't think she could do it. But --</p> <p>10 MS. MURRILL: She -- I mean, no federal judge</p> <p>11 does this without a demographer helping. I mean,</p> <p>12 they're -- she'll appoint -- she will ask for experts.</p> <p>13 She will ask for the maps to be submitted to her with</p> <p>14 expert testimony, and then she will -- typically, she's</p> <p>15 probably going to decide which map to take, but she can</p> <p>16 tweak those lines. She can decide how to draw the map,</p> <p>17 how she wants to draw this map based on the input of the</p> <p>18 experts from both sides. She could appoint her own</p> <p>19 expert and have that expert assist her in the</p> <p>20 map-drawing exercise.</p> <p>21 And remember, you've been through this before.</p> <p>22 A large part of this exercise is done through computer</p> <p>23 generated maps. So, you know, you put the numbers in,</p> <p>24 you start changing -- you change the inputs, it spits</p> <p>25 out a new map. She's going to have to go through that</p>
<p style="text-align: right;">Page 63</p> <p>1 should be before the courts on a complete record. It is</p> <p>2 not, because we weren't -- we never had a trial on the</p> <p>3 merits. The courts have told you to go back and draw a</p> <p>4 map. And they said, "We can have a trial on the merits,</p> <p>5 but we can do that after you draw a map."</p> <p>6 So as a -- I mean, just fundamentally as a</p> <p>7 lawyer who represents the -- you and defends the laws</p> <p>8 that you pass, your laws -- if you have a law that you</p> <p>9 pass, that you feel very strongly about, and the entire</p> <p>10 legislature has voted for it even though some people may</p> <p>11 disagree with it, then I will defend your law. And I --</p> <p>12 I think that -- that you are entitled and the</p> <p>13 legislature is entitled to that defense. So that's the</p> <p>14 point that I was making. I -- I don't think any of</p> <p>15 these cases should be tried and decided at the</p> <p>16 preliminary injunction stage. I think we are entitled</p> <p>17 to a trial on the merits.</p> <p>18 And -- but at this point, the courts have told</p> <p>19 you -- the federal courts have told me and they have</p> <p>20 told you that we don't get that right now. You -- you</p> <p>21 get to have this session right now, or Judge Dick is</p> <p>22 going to draw the map for you. So, you know, I'm not</p> <p>23 here to say, "Don't draw the map." I'm here to tell</p> <p>24 you, "Draw the map."</p> <p>25 VICE-CHAIRMAN LYONS: Okay. Thank -- thank</p>	<p style="text-align: right;">Page 65</p> <p>1 same process that you did, and then -- and then we</p> <p>2 continue. So I -- I mean, I can't tell you that the</p> <p>3 plaintiffs will accept the map that you draw. She has</p> <p>4 established a timeline for the plaintiffs to amend their</p> <p>5 petition and challenge that map, and then we will -- we</p> <p>6 will go through the process again to determine whether</p> <p>7 or not that map is acceptable.</p> <p>8 REPRESENTATIVE GADBERRY: And for four years</p> <p>9 on this committee previously, I spent hours upon hours</p> <p>10 looking at this map, all the maps. And I looked at the</p> <p>11 plaintiff's map, so to speak, that they presented before</p> <p>12 this group, and I didn't feel like any of those met the</p> <p>13 criteria. The -- the -- the overriding factor, I guess,</p> <p>14 was they had gerrymander lines, which is against the</p> <p>15 Voting Rights Act. So I'm hearing that you said that</p> <p>16 the map -- that the current map that's been rejected, I</p> <p>17 guess, by the judge, has it been to the US Supreme</p> <p>18 Court? Because that's the next step.</p> <p>19 MS. MURRILL: It has not. It -- the -- the --</p> <p>20 the US Supreme Court can decide whether to take a case</p> <p>21 or not take a case.</p> <p>22 REPRESENTATIVE GADBERRY: Right.</p> <p>23 MS. MURRILL: They have not taken our case.</p> <p>24 They took our -- they -- they stayed our case last</p> <p>25 summer while the Alabama case went forward and was</p>

17 (Pages 62 to 65)

<p style="text-align: right;">Page 66</p> <p>1 litigated. They said, "You just wait." They thought we  2 had made a good case for a stay and so they paused our  3 case while they decided that one. But they did  4 something and these -- this is kind of a term of art,  5 but I mean, they granted cert in advance of judgment.  6 That means they actually took our case, and then after  7 they decided the Merrill case, the Alabama case, they  8 just vacated their own grant and sent it back to us.  9 So in a way, they took our case, and then they  10 vacated their own decision to take our case and they  11 sent it back down to the Fifth Circuit and to judge  12 Dick. And so it's -- it's back in the hands of the  13 District Court judge who is supervised by the Fifth  14 Circuit Court of Appeals. And so there has been some  15 litigation between August and, really, through the  16 summer since the Merrill case came out all the way  17 through the time that the opinion was issued in  18 November, I think, from the Fifth Circuit where a panel  19 of the Fifth Circuit said, "You need to go draw a map by  20 February 15th."  21 So they actually suggested we should have done  22 this before -- before we legally, really -- or -- or --  23 or I think it was practically possible to even get it  24 done. But, you know, here you are. I think the  25 governor heeded that call that -- that -- that demand.</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. MURRILL: If they do not accept that map  2 for whatever reason, then if they don't like it, I mean,  3 they may -- it may be a perfectly acceptable map for  4 some people. It may be a second majority/minority map  5 that -- that some people like or that some people don't.  6 So there's no guarantee that someone won't, that they  7 -- that the plaintiffs will like the map. But if they  8 -- they can -- so they could continue to challenge it,  9 and now they will have to go and amend their pleadings  10 and we, basically, will start over because it is a new  11 act of the legislature.  12 REPRESENTATIVE BEAULLIEU: It's going to  13 replace the existing map --  14 MS. MURRILL: It will replace the existing  15 map.  16 REPRESENTATIVE BEAULLIEU: -- Representative  17 Gadberry.  18 REPRESENTATIVE GADBERRY: Well, I mean, along  19 what Representative Farnum -- Farnum was saying earlier,  20 you chase your tail on this thing.  21 MS. MURRILL: Well, that's why I said it's not  22 easy.  23 REPRESENTATIVE GADBERRY: You comply with one  24 part, and you check another part and it doesn't meet the  25 criteria. So you go back and rework your population or</p>
<p style="text-align: right;">Page 67</p> <p>1 I mean, we've had it reviewed by a number of judges.  2 They have had nothing to say about our arguments. It's  3 been radio silence. And so the only decision that  4 remains in front of us right now is Judge Dick's.  5 And -- and so Judge Dick has set a timeline  6 for us to have a trial. They did say we get to have a  7 trial, but we don't get to have that trial until after  8 you go through this exercise. And, you know, she will  9 do it for you.  10 REPRESENTATIVE GADBERRY: And once we have  11 that trial, we have the opportunity, if she still  12 rejects the map, to appeal that?  13 MS. MURRILL: If she -- if she rejects the new  14 map?  15 REPRESENTATIVE GADBERRY: Or the existing one  16 again.  17 MS. MURRILL: Well, I mean, if she -- if you  18 don't draw a map, then we will be back in front of her  19 for the trial on the merits in very short order and that  20 -- that case will continue. If you do draw a map, then  21 the plaintiffs will have to decide whether they wish to  22 challenge that map, whether they accept that map. And  23 if they accept that map, then -- then the whole case  24 should be over.  25 REPRESENTATIVE BEAULLIEU: Yeah.</p>	<p style="text-align: right;">Page 69</p> <p>1 your districts, and that doesn't meet. So you're --  2 you're constantly going in a circle.  3 MS. MURRILL: Look, I believe that the United  4 States Supreme Court should give you better  5 instructions. I -- I do. I think that -- that -- that  6 is the argument that we made last summer. And, you  7 know, if -- if you pass a map and somebody else  8 challenges that map, it -- I will make that argument  9 again. I mean, I think that they -- the courts have  10 made this a difficult task for you and -- and so you are  11 doing the best that you can now within the constraints  12 of the rulings of the federal court.  13 So, you know, it's -- it's not an easy task  14 that you have and I believe that the jurisprudence has  15 made it confusing and that the Supreme Court would be  16 well -- I mean, you know, in my opinion, that the  17 Supreme Court ought to make its own jurisprudence  18 clearer to those of you who have the job of drawing the  19 maps. I think that's fair.  20 The constitution makes it clear that it is  21 your job to draw the maps. I believe that it is not  22 correct in terms of the balance of power between the  23 state and federal government, between the constitution,  24 you know, purview of how this should be happening, for  25 the courts to create precedent that makes it impossible</p>

18 (Pages 66 to 69)



<p style="text-align: right;">Page 70</p> <p>1 for you to follow. So I think they should give you  2 better guidance. And you are -- you know, you are here  3 to do the best job that you can to try and draw the map.  4 And I will defend the map, and then we will see what  5 happens.  6 REPRESENTATIVE BEAULLIEU: Yeah. Members,  7 look. We're not going to be able to litigate the  8 litigation here in committee.  9 REPRESENTATIVE GADBERRY: Well, you know, my  10 -- my problem is we had a year to draw this map, at  11 least a year. Now we've got eight days.  12 MS. MURRILL: That's right.  13 REPRESENTATIVE BEAULLIEU: That's nothing.  14 MS. MURRILL: That's because the judge gave  15 you deadlines.  16 REPRESENTATIVE GADBERRY: That's probably not  17 going to work then. Thank you, Mr. Chair.  18 REPRESENTATIVE BEAULLIEU: Thank you,  19 Representative Gadberry. Representative Newell.  20 REPRESENTATIVE NEWELL: Thank you very much,  21 Mr. Chairman. I don't have very many questions because  22 I just don't have very many questions. To add what  23 Judge Carter said, as far as ensuring that people are  24 educated about this process, most of us who are  25 attorneys or have some information or some kind of</p>	<p style="text-align: right;">Page 72</p> <p>1 session that the United States had after the expiration  2 of Section 5 of the Voting Rights Act which required all  3 of our maps and every law that we made -- and I'm saying  4 we, states that have had a history of discrimination.  5 Laws that we put in place before had to be reviewed by  6 the United States attorney general's office or by United  7 States District Courts if they were challenged in court.  8 This is why this has been such a foreign task,  9 I guess, this second part. Because we are taking on all  10 of the onus, creating the maps and then going back and  11 reviewing and redrawing and rewriting the maps, because  12 this is the first time we've had to. Before, we would  13 just throw something together and the United States  14 would take -- take over it. We don't have that luxury  15 anymore. We don't have that opportunity of having  16 someone else to say, "All right. You messed this up.  17 We've got to do it." Thank God for Judge Dick.  18 Just as it was stated that she doesn't have  19 the knowledge or the know-how to write a map -- Judge, I  20 didn't say it. It -- clearly, we don't have it either.  21 And we've given -- been given every opportunity to  22 learn, every opportunity to educate ourselves, but some  23 of us take that information and -- sir, what's your name  24 again? I -- I apologize.  25 MR. JONES: Tom Jones.</p>
<p style="text-align: right;">Page 71</p> <p>1 experience with a court system in process, we know that  2 sometimes you do need a preliminary injunction when  3 things need to happen quickly, particularly when there  4 is going to be irreparable harm, irreparable harm to the  5 applicants.  6 And in this case, the applicants were the  7 minorities of this state who would have not been given  8 the opportunity to vote for a candidate of choice in the  9 elections that were quickly coming upon us at the end of  10 the session, the first redistricting session. So those  11 citizens, once again, did not have the opportunity to  12 have a candidate of choice because this legislature  13 could not come to an agreement. The process is not  14 difficult. The rules, the guidelines, are not difficult  15 if you want to understand the rules and guidelines that  16 have been put before you.  17 What comes to -- what -- what makes it  18 difficult is when we are choosing not to do what is  19 right, not to do what is fair for all of the citizens  20 that we represent. I have a lot of folks in my district  21 that did not vote for me, but you know what I do? I  22 still represent them in this body. Some of us do not  23 take -- take upon that task.  24 This is the first redistricting session that  25 we have had -- well, '21 was the first redistricting</p>	<p style="text-align: right;">Page 73</p> <p>1 REPRESENTATIVE NEWELL: (inaudible 1:30:56).  2 Just as Mr. Jones said in his opening statement, you  3 have -- or you determine -- okay. Thank you. Just as  4 Mr. Jones said in his opening statement, you got one  5 side that it's their job to confuse you and make you  6 think this. The other job is -- the other side, it's  7 their job to confuse you and make you think that. We  8 are not here to confuse anybody. We should not try to  9 confuse ourselves with trying not to do right.  10 If we as a body task ourselves with  11 representing the interests of all the citizens that we  12 represent, whether they voted for us or not, whether we  13 want them in our district or not, if we set ourselves to  14 representing all, this is not going to be a difficult  15 task. And the more we argue amongst ourselves and the  16 more we try to go and appease a national agenda that  17 does not care for the state of Louisiana, the longer  18 we're going to continue to have these fights and the  19 more divided the state will be. I've never seen this  20 state as divided as it is now.  21 We used to have the divisions on just basic  22 moral value things, but we always, as Louisiana, looked  23 at family, looked at community, and tried to do what was  24 right by our neighbors. I don't see that anymore, and  25 that is what's making this process difficult. Judge</p>

19 (Pages 70 to 73)



<p style="text-align: right;">Page 74</p> <p>1 also said that we had maps, and he pointed out the fact  2 that the -- we as -- and I want -- I think it was Rep.  3 Marcelle that said it. We did not have an opportunity  4 to vote on all maps because all maps were not allowed to  5 come out of this committee.  6 There were options upon options to draw a  7 second minority/majority congressional district, and  8 they went all across the state to give minorities an  9 opportunity to vote for their candidate of choice. They  10 were not allowed to come out of this committee. We sat  11 for a month, six hours, at least, a day, listening to  12 the arguments of -- and the -- the makeup of each map  13 and discussing voting -- voting-age population vs.  14 population. So I understand why we still having those  15 questions because we talked about it ad nauseam.  16 But when you choose not to do right, that is  17 when the process becomes difficult and it -- it seems as  18 though we can't make a headway. But I want to put it on  19 the record that I didn't vote for none of them maps that  20 came out. I didn't vote for any of the maps that Judge  21 Dick had in front of her because they were not maps that  22 were fair and they were not maps that were taking  23 consideration of all of the citizens of this great state  24 that I call home no matter how unfair or how unjust it  25 is to me.</p>	<p style="text-align: right;">Page 76</p> <p>1 have to approve her map --  2 MS. MURRILL: No.  3 REPRESENTATIVE SCHAMERHORN: -- or would it  4 automatically go in force above what the constitution  5 says is our duties as representatives?  6 MS. MURRILL: So let me kind of -- let me  7 untangle that a little bit. If you draw a map now, that  8 map will become an act of the legislature and it will  9 supersede the prior act of the legislature. The old map  10 goes away.  11 REPRESENTATIVE SCHAMERHORN: Okay.  12 MS. MURRILL: If -- if you do not draw a map,  13 then the -- the map that you drew before will remain --  14 will be the map, and the plaintiffs will continue to  15 litigate that. We will have a trial on the merits. The  16 -- the record from the preliminary injunction will be,  17 probably, supplemented with some additional testimony.  18 She will issue a new ruling and she will issue a  19 permanent injunction against the map. And then that  20 will be litigated, which is my duty. And so I will  21 continue to carry forth my duty to defend against the  22 injunction. That's the process.  23 If she draws the map herself, then someone  24 could intervene and challenge that map. You know, there  25 are a number of different potential outcomes if she</p>
<p style="text-align: right;">Page 75</p> <p>1 We still need to look and make sure that  2 Louisiana is a state that it used to be, considering all  3 of her citizens. And thank you for your time, Mr.  4 Chair. I don't have a question for anybody.  5 REPRESENTATIVE BEAULLIEU: Yeah. Let's try  6 and -- and look -- let's try and keep this to questions  7 for the attorney general. We -- we going to have a time  8 to -- to talk about maps and -- and all that, but if --  9 like to try and stick to any kind of questions out of  10 respect for the attorney general's time. Representative  11 Schamerhorn.  12 REPRESENTATIVE SCHAMERHORN: Thank you, Mr.  13 Chairman. Good morning.  14 MS. MURRILL: Good morning.  15 REPRESENTATIVE SCHAMERHORN: Welcome aboard.  16 MS. MURRILL: Thank you.  17 REPRESENTATIVE SCHAMERHORN: My question is if  18 we do not present a different map, Judge Dick has  19 threatened to draw her map. Is it not our --  20 MS. MURRILL: Promised, not threatened.  21 REPRESENTATIVE SCHAMERHORN: Well, okay. Is  22 it not our responsibility as legislators by the -- and  23 protected by the constitution, that our map should be  24 the one that is approved? Now if she draws her own map,  25 when she does, do we still have to approve -- would we</p>	<p style="text-align: right;">Page 77</p> <p>1 draws the map. If she draws the map, you know, we could  2 accept that map. You don't get it back. You don't get  3 a second -- you don't get another opportunity to approve  4 her work. The only question is can her work survive the  5 scrutiny of the Fifth Circuit who grades her papers, and  6 potentially, the United States Supreme Court who grades  7 their papers.  8 And, you know, I think what makes your job a  9 little more complicated is that the prior -- not the --  10 the exact prior map, but the map before that had been  11 pre-cleared, there had been litigation in the past over  12 a majority/minority map that was declared  13 unconstitutional. So, you know, that's why I have never  14 taken the position that our history is -- or at least  15 our recent history is the same in redistricting as  16 Alabama.  17 And I believe that the courts need to make it  18 more clear what your job is so that you can do it  19 properly the first time and we can all avoid the  20 litigation side of this and -- and continue to move  21 forward with -- with an act that -- that, as I believe  22 all your acts are, presumed to be constitutional. That  23 is, you know, that's how I'll approach the next -- the  24 next act that you issue. So I'm not picking and  25 choosing. I mean, I think unless it's very clearly</p>

20 (Pages 74 to 77)

<p style="text-align: right;">Page 78</p> <p>1 unconstitutional based on existing precedent, then my</p> <p>2 job is to defend the map. I mean, not just that map,</p> <p>3 any act of the legislature.</p> <p>4 REPRESENTATIVE SCHAMERHORN: Thank you, ma'am.</p> <p>5 REPRESENTATIVE BEAULLIEU: Thank you</p> <p>6 Representative Schamerhorn. Attorney General, that</p> <p>7 clears the board. Thank you for your time this morning.</p> <p>8 Mr. Frieman, Mr. Jones, thank y'all for being here with</p> <p>9 us today, look forward to working with y'all in the</p> <p>10 future. And again, congratulations on -- on your</p> <p>11 election.</p> <p>12 MS. MURRILL: Thank you very much. Thank you</p> <p>13 for having me, and good luck.</p> <p>14 REPRESENTATIVE BEAULLIEU: Thank you.</p> <p>15 MR. FRIEMAN: Thank you, Mr. Chairman. Thank</p> <p>16 you, members.</p> <p>17 REPRESENTATIVE BEAULLIEU: Members, we have a</p> <p>18 -- a couple of witness card that -- that would like to</p> <p>19 speak. Again, I want to remind the witnesses as well.</p> <p>20 We don't -- we're not debating any bills today. We want</p> <p>21 to hear your voices. So we have an information -- call</p> <p>22 for information only card, but would like to speak. Mr.</p> <p>23 Scott -- Edward Scott Galmon, if you want to please come</p> <p>24 on up. Do you mind introducing yourself?</p> <p>25 MR. GALMON: Yes. I'm Edward Scott Galmon</p>	<p style="text-align: right;">Page 80</p> <p>1 y'all in advance, and I know that at the end of this</p> <p>2 process, we going to have something that we all can live</p> <p>3 with. Thank y'all.</p> <p>4 REPRESENTATIVE BEAULLIEU: Thank you, sir. We</p> <p>5 have two witness cards. They're red cards. I'm -- I'm</p> <p>6 not sure what we are -- this is just an educational</p> <p>7 meeting this morning. But if you -- you're welcome to</p> <p>8 come to the table, Ms. -- Ms. Labry, or if you wanted to</p> <p>9 save it for the bills that are presented -- or I mean,</p> <p>10 you're welcome to come to the table. Come on up.</p> <p>11 You're welcome.</p> <p>12 MS. LOWREY-DUFOUR: This is just -- can -- can</p> <p>13 we come up together?</p> <p>14 REPRESENTATIVE BEAULLIEU: Sure. Is -- is</p> <p>15 this Mr. Harmon?</p> <p>16 MR. HARMON: Yes, sir.</p> <p>17 MS. LABRY: I wanted him to speak.</p> <p>18 REPRESENTATIVE BEAULLIEU: Okay. Go ahead and</p> <p>19 y'all have a seat and introduce yourselves.</p> <p>20 MS. LABRY: Okay. You want to do you? And</p> <p>21 then I'll do me.</p> <p>22 MR. HARMON: You want me to go first?</p> <p>23 MS. LABRY: Yes. You need to.</p> <p>24 MR. HARMON: All right. JC Harmon from -- I'm</p> <p>25 speaking for myself, but I'm on the benefit of working</p>
<p style="text-align: right;">Page 79</p> <p>1 from St. Helena Parish, Greensburg, Louisiana. And just</p> <p>2 (inaudible 1:39:31), I'm -- I'm a plaintiff on the map.</p> <p>3 My name is Galmon. If you look at the -- at the</p> <p>4 original lawsuit, it bears my name. And you guys have a</p> <p>5 -- a tremendous job ahead of you. And I just want to</p> <p>6 thank y'all in advance, number one, because I -- I think</p> <p>7 that this time that you -- you guys are going to produce</p> <p>8 a map that both the plaintiff and the courts can agree</p> <p>9 with.</p> <p>10 I think the last map that we produced, it went</p> <p>11 away from some of the -- of the -- the challenges that</p> <p>12 set before. Because, number one, this would be a lot</p> <p>13 easier if we pulled all the -- the congressmen off the</p> <p>14 map and just looked at geography and the people. It'd</p> <p>15 be very easy to do a map. The challenge comes in is</p> <p>16 that the geography and the people that are already</p> <p>17 elected, if you leave them on the map, you have another</p> <p>18 caveat that you have to overcome.</p> <p>19 So once again, you guys have a challenge. I</p> <p>20 just thought I'd come this morning just to look at y'all</p> <p>21 face and thank y'all. I thank y'all in advance because</p> <p>22 I think we -- this time we going to achieve where we</p> <p>23 trying to go. And for me, 33 percent is one-third. Six</p> <p>24 divided by three is two. Pretty simple for me, not so</p> <p>25 simple for you guys. But once again, I want to thank</p>	<p style="text-align: right;">Page 81</p> <p>1 with a bunch of groups that are interested in the</p> <p>2 process. What I did is I actually submitted to the --</p> <p>3 to the committee a -- a --</p> <p>4 REPRESENTATIVE BEAULLIEU: Yeah. We --</p> <p>5 MR. HARMON: -- a -- a PowerPoint --</p> <p>6 REPRESENTATIVE BEAULLIEU: Yeah. We --</p> <p>7 MR. HARMON: -- if you got to look at that.</p> <p>8 REPRESENTATIVE BEAULLIEU: -- we -- we</p> <p>9 received -- the -- the committee -- we're going to hear</p> <p>10 it when -- we're not in the special session yet, so the</p> <p>11 committee is going to receive it and it's going to be</p> <p>12 part of tomorrow's testimony.</p> <p>13 MR. HARMON: Okay. So you want me to hold it</p> <p>14 till then, or?</p> <p>15 REPRESENTATIVE BEAULLIEU: Yeah, that might be</p> <p>16 -- that might be best. If it's having to do with maps,</p> <p>17 I -- I would suggest that.</p> <p>18 MR. HARMON: I can do a brief overview right</p> <p>19 now if -- if --</p> <p>20 REPRESENTATIVE BEAULLIEU: We -- we're not</p> <p>21 debating maps at all today.</p> <p>22 MR. HARMON: Okay.</p> <p>23 REPRESENTATIVE BEAULLIEU: So if -- if there</p> <p>24 was, like, an educational thing that you had for the</p> <p>25 committee real quick, we'll be happy to take it. But if</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 it's on a map, we would like to hold that.</p> <p>2 MR. HARMON: Well, it's kind of a -- just a --</p> <p>3 just let me give a brief overview. I won't go over the</p> <p>4 report. Basically, what I did is I took a map of the --</p> <p>5 of Louisiana, and I color-coded it based on the</p> <p>6 breakdown of Black, White, Republican, Democrat, and</p> <p>7 looked at the state from an overview standpoint. And I</p> <p>8 had some people asking me to do that. And what I did is</p> <p>9 when I did that, you could see that the northern part of</p> <p>10 the state only had what -- I based it on senatorial</p> <p>11 districts. So if you look at the northern part of the</p> <p>12 state, you have three senatorial districts that would</p> <p>13 fit the criteria that you were looking for.</p> <p>14 The issue there is if you take the 39</p> <p>15 senatorial district divided by 6, which is the number of</p> <p>16 representatives you get, you have -- you get 6 and a</p> <p>17 half. So you need 6 and a half district -- senatorial</p> <p>18 districts to make a US representative. So if you -- if</p> <p>19 -- so from a breakdown standpoint, it gives you a good</p> <p>20 breakdown to start -- or a preference to start what</p> <p>21 you're looking to do. So that -- but when you do that,</p> <p>22 you immediately see that you take the northern part of</p> <p>23 the state off because it doesn't work. So then you can</p> <p>24 -- so now you're down at the southern part of the state.</p> <p>25 So what I was trying to do is make it -- I</p>	<p style="text-align: right;">Page 84</p> <p>1 MS. LABRY: Yes. I'm Susie Labry, and I'm</p> <p>2 representing myself. I'm -- I'm an appropriate</p> <p>3 individualist, not as a part of a collective class of</p> <p>4 color, of skin, height, genealogy, gender, physical</p> <p>5 descriptions. As for districting, I tried to find a way</p> <p>6 to create an additional minority district. After</p> <p>7 studying up myself and with JC Harmon here, I still</p> <p>8 cannot come up with an additional majority district</p> <p>9 without gerrymandering, which I consider as illegal if I</p> <p>10 wanted to or not. But I did try. Gerrymandering, you</p> <p>11 know, is illegal. I also see it, myself, as reverse</p> <p>12 discrimination.</p> <p>13 Those I see, in my opinion, as other</p> <p>14 ethnicities such as the Vietnamese, Spanish, et cetera,</p> <p>15 farmers, rural communities and interests, small business</p> <p>16 -- so proprietors, main street USA where I have seen</p> <p>17 that liberals poorly represent by unfair overtaxation in</p> <p>18 the working people and agriculture, farmers, and</p> <p>19 businesses.</p> <p>20 Three, it would pose more central power,</p> <p>21 lessening individual power. Individual constituents</p> <p>22 would fall between the cracks and get less attention by</p> <p>23 congressmen or be hurt or heeded-to less in a</p> <p>24 one-size-fit-all class approach which is -- I've seen</p> <p>25 happen to me. When you represent a collective class as</p>
<p style="text-align: right;">Page 83</p> <p>1 know you have a big job and it's not easy to do what</p> <p>2 you're trying to do, but if you can break down the state</p> <p>3 into geographical sections and take certain sections</p> <p>4 off, that makes you focus on the other part of the state</p> <p>5 to where you need to do what you're looking to do. So</p> <p>6 -- and I'll hold the rest of it till later. But</p> <p>7 hopefully, if you take a look at what I did, I think</p> <p>8 you'll see.</p> <p>9 And -- and I did it to try and help the</p> <p>10 process because I agree that what you want to do is you</p> <p>11 want to look at what you can do to unite the state.</p> <p>12 Because I would agree with -- I think it was</p> <p>13 Representative Newell that said, you know, we're divided</p> <p>14 now. And I think, if anything, because we're not</p> <p>15 working to unite the state, that we -- I -- I did a</p> <p>16 breakdown and if you look at the parishes and you break</p> <p>17 it down, I actually came up where the parishes actually</p> <p>18 split out into perfect six representatives.</p> <p>19 And I didn't know what the number was as far</p> <p>20 as the plus/minus number. I was just looking at</p> <p>21 population. So it gives you a good starting point. So</p> <p>22 Representative Beaulieu, I'll -- I'll leave it there.</p> <p>23 REPRESENTATIVE BEAULLIEU: Thank you, Mr.</p> <p>24 Harmon. Ms. Labry, you have something you'd like to</p> <p>25 add?</p>	<p style="text-align: right;">Page 85</p> <p>1 a one-size-fit-all, too many of us individuals fall</p> <p>2 between the cracks as -- especially special needs, self</p> <p>3 identity, talents, ethnicities, nativities, et cetera.</p> <p>4 Four, it would cause us one vote short for</p> <p>5 conservatives in the United States House of</p> <p>6 Representatives and remove and keep Louisiana in a</p> <p>7 less-empowered position in the United States. Five, the</p> <p>8 only way I could see myself to add a minority district</p> <p>9 is to draw it as a Z, S, coil, or snake which all have</p> <p>10 been rejected over the decades -- which all have been</p> <p>11 rejected over -- if we have to do so, I'm suggesting we</p> <p>12 pop up a minority district as a set of archipelago</p> <p>13 island -- looking like different-size polka dots as the</p> <p>14 archipelago islands were scattered between a water.</p> <p>15 A majority districts are districts -- majority</p> <p>16 district's a district. Or we can make a district as a</p> <p>17 coil, like a slinky toy and -- and draw that around the</p> <p>18 minorities. And after studying up with myself and JC, I</p> <p>19 find it mathematically impossible. So I would say,</p> <p>20 please -- and he'd adapt to -- his maps, we presenting</p> <p>21 later. He is -- JC here is a genius in research,</p> <p>22 numbers, statistics, and science. Being an actor myself</p> <p>23 and also a great devil's advocate, and also trying as a</p> <p>24 fair approach, I have tried justifying both sides. And</p> <p>25 I'm just going to ask you, please do not add another</p>

22 (Pages 82 to 85)

Page 86

1 minority district. Thank you.  
2 REPRESENTATIVE BEAULLIEU: Thank you, Ms.  
3 Labry. The -- the board is clear. Members, this is  
4 going to conclude our educational meeting this morning.  
5 I appreciate you all being here this morning and -- and  
6 your attentiveness and your questions. We're going to  
7 have a busy week. I ask you all to stay close to your  
8 computers. As bills are uploaded, read them, become  
9 familiar with them. If you have amendments, please get  
10 them to staff as soon as possible.

11 Remember, you also -- if anybody in any --  
12 from the outside is submitting information or submitting  
13 maps, to include shapefiles as well so we can have the  
14 -- the equivalency -- block equivalency files so that we  
15 can -- we can have that data and -- and get it to staff  
16 as -- as soon as possible. But, members, look forward  
17 to it. It'll be a fun week. Thank you.

18 MS. BAKER: Move to adjourn?

19 REPRESENTATIVE BEAULLIEU: Yeah.

20 Representative Thomas has moved to adjourn.

21 (Meeting adjourned.)  
22  
23  
24  
25

Page 87

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23 (Pages 86 to 87)

<b>A</b>	19:8,15	11:21 18:8	55:24	<b>analysis</b>
<b>abbreviated</b>	20:1 21:3	23:25 24:4	65:25 66:7	56:5
4:22	22:5 24:8	33:15	77:16	<b>analyst</b>
<b>abeyance</b>	26:22	<b>adoption</b>	<b>alignments</b>	4:18
49:20	27:19,21	5:15	25:21	<b>analyze</b>
<b>ability</b>	27:22	<b>advance</b>	<b>allocate</b>	9:11 30:17
37:5 40:15	33:10,12	66:5 79:6	6:4 30:23	<b>analyzed</b>
87:8	34:9 37:3	79:21 80:1	<b>allocated</b>	52:10
<b>able</b>	38:2 42:19	<b>advocate</b>	6:2 7:1,9	<b>analyzing</b>
9:11 17:12	45:9,10	85:23	<b>allocating</b>	13:5 30:20
25:3 30:16	53:18	<b>Affairs</b>	14:5,10	<b>answer</b>
70:7	56:15	1:4 3:15	<b>allocation</b>	33:10
<b>aboard</b>	60:19 62:7	4:19 27:11	9:24 11:20	<b>Anthony</b>
75:15	65:15	56:7 87:4	<b>allow</b>	5:6
<b>abridgment</b>	68:11 72:2	<b>affirm</b>	31:2 48:10	<b>anybody</b>
19:11	76:8,9	48:19	57:17	4:9 24:11
<b>absence</b>	77:21,24	<b>African</b>	59:22	57:10 73:8
20:6	78:3	9:9 45:3,21	<b>allowable</b>	75:4 86:11
<b>absolute</b>	<b>actor</b>	47:22	16:13	<b>anymore</b>
16:2	85:22	55:21	<b>allowed</b>	72:15 73:24
<b>absolutely</b>	<b>acts</b>	56:20	17:16 44:4	<b>anyway</b>
47:12	62:9 77:22	<b>afternoon</b>	74:4,10	26:6
<b>accept</b>	<b>actual</b>	1:17	<b>allowing</b>	<b>apologize</b>
58:24 65:3	15:24 41:12	<b>age</b>	18:17 41:10	36:22 72:24
67:22,23	60:22	13:6	<b>alluded</b>	<b>appeal</b>
68:1 77:2	<b>ad</b>	<b>agenda</b>	17:3 61:7	67:12
<b>acceptable</b>	74:15	73:16	<b>amend</b>	<b>Appeals</b>
17:13 59:16	<b>adapt</b>	<b>ago</b>	3:19 65:4	66:14
65:7 68:3	85:20	14:17	68:9	<b>appearance</b>
<b>accepted</b>	<b>add</b>	<b>agree</b>	<b>amended</b>	29:13
17:23 44:11	70:22 83:25	43:13 48:6	19:15	<b>appears</b>
<b>accomplish</b>	85:8,25	50:9,10	<b>Amendment</b>	56:24
18:7 53:20	<b>additional</b>	53:6 57:11	17:9,23	<b>appease</b>
53:21,23	4:4,5 6:1	58:8 79:8	18:2 19:7	73:16
<b>account</b>	47:22 48:1	83:10,12	20:17 24:7	<b>appellate</b>
19:12 23:9	48:23	<b>agreement</b>	24:8 53:17	40:23
38:9	76:17 84:6	71:13	56:25	<b>applaud</b>
<b>accurate</b>	84:8	<b>agriculture</b>	<b>amendments</b>	58:11
43:9 47:12	<b>address</b>	84:18	27:13 86:9	<b>applicable</b>
48:12	3:20 33:5	<b>ahead</b>	<b>American</b>	24:9
<b>achieve</b>	<b>addressed</b>	49:17 79:5	8:2,12,17	<b>applicants</b>
5:20 13:15	34:16	80:18	10:7,8	71:5,6
13:17	<b>adjourn</b>	<b>aided</b>	45:3,21	<b>applies</b>
79:22	86:18,20	87:5	47:22	39:11
<b>act</b>	<b>adjourned</b>	<b>Alabama</b>	56:20	<b>apply</b>
5:13,15	86:21	37:7 49:15	<b>Americans</b>	19:1 20:22
9:13,13	<b>adopted</b>	49:16 51:1	55:21	21:6 39:9
14:24	3:16 5:13	55:19,19	<b>amount</b>	39:9,13
15:18 19:6	9:14,23	55:20,22	42:2 44:3	<b>appoint</b>

64:12,18 <b>apportioned</b> 17:10 <b>apportio...</b> 5:24,25 6:2 14:1,4,8 <b>appreciate</b> 54:4 86:5 <b>approach</b> 77:23 84:24 85:24 <b>appropriate</b> 33:7 84:2 <b>appropri...</b> 34:16 <b>approve</b> 75:25 76:1 77:3 <b>approved</b> 75:24 <b>approving</b> 46:17 <b>Approxim...</b> 45:4 <b>archipelago</b> 85:12,14 <b>area</b> 15:12 <b>areas</b> 6:21 7:14 <b>argue</b> 73:15 <b>argued</b> 50:25 53:12 <b>argument</b> 22:12 47:25 49:14 69:6 69:8 <b>arguments</b> 44:11,15 47:24 67:2 74:12 <b>art</b> 66:4 <b>Article</b> 14:17 17:8 <b>Asian</b> 8:1,12,17 10:6,6,9	30:7,13 31:7,7 <b>asked</b> 4:21 42:13 46:8 55:9 55:15 56:13 57:19 62:17 <b>asking</b> 23:2 57:6 61:9 82:8 <b>assigns</b> 25:6 <b>assist</b> 64:19 <b>association</b> 87:12 <b>assume</b> 33:1 <b>assuming</b> 35:20 61:14 <b>asterisk</b> 18:2 <b>attention</b> 42:2 84:22 <b>attentiv...</b> 86:6 <b>attorney</b> 1:21 10:16 33:3 34:18 34:24 35:16 52:2 55:13,16 58:20 72:6 75:7,10 78:6 <b>attorneys</b> 70:25 <b>audio</b> 87:6 <b>August</b> 66:15 <b>automati...</b> 76:4 <b>available</b> 4:24 9:24 <b>avoid</b> 17:12 77:19	<b>avoiding</b> 18:19 21:1 21:2 22:4 22:4 <b>aware</b> 23:19 <b>awareness</b> 23:22 <hr/> <b>B</b> <hr/> <b>back</b> 1:12 11:17 21:13 29:12 35:2 35:6 36:17 37:21 44:13 55:9 58:23 60:9 63:3 66:8 66:11,12 67:18 68:25 72:10 77:2 <b>bad</b> 58:16,17 59:18 <b>Baker</b> 2:3,4,7,9 2:11,14,16 2:18,20,22 2:24 3:2,5 3:7,10 86:18 <b>balance</b> 69:22 <b>Balancing</b> 39:10 <b>banc</b> 46:8,9 <b>based</b> 13:13 17:5 17:7,8,22 18:20 19:17 22:15 31:24 40:18 43:7 45:4 49:14 50:3,23 51:22 52:4	56:2 58:25 58:25 59:2 59:2 64:17 78:1 82:5 82:10 <b>basic</b> 73:21 <b>basically</b> 11:14 19:8 31:1 49:19 68:10 82:4 <b>basing</b> 15:25 <b>Baton</b> 28:23 <b>bears</b> 79:4 <b>Beau</b> 46:23 47:2 47:10 <b>Beaullieu</b> 1:1 2:5,6 3:12 5:4 8:19 10:21 10:25 12:3 12:5,16 13:22 16:6 16:22,25 21:10 23:16 29:1 29:8,14,25 32:16,20 34:17,21 35:8,11 40:3,25 42:7 46:16 46:18,20 46:25 47:3 47:6,9,10 49:10 51:19,23 54:5 60:11 64:2 67:25 68:12,16 70:6,13,18 75:5 78:5 78:14,17 80:4,14,18 81:4,6,8 81:15,20	81:23 83:22,23 86:2,19 <b>begging</b> 54:13 <b>behalf</b> 36:23 <b>believe</b> 29:5,12 36:25 45:19 46:4 49:23 51:25 53:13 62:2 62:4,5,24 62:25 69:3 69:14,21 77:17,21 <b>believed</b> 37:17 <b>benefit</b> 80:25 <b>benefits</b> 47:14 <b>BESE</b> 25:5,17 <b>best</b> 35:25 37:5 39:6 41:8 54:3 69:11 70:3 81:16 87:8 <b>better</b> 51:8 55:14 69:4 70:2 <b>big</b> 83:1 <b>bill</b> 15:5 22:10 22:12,23 23:3,4,8 27:6,6,16 27:19,21 56:9,14 57:7 <b>Billings</b> 2:9,10 <b>bills</b> 1:14,22 2:1
--	--	---	--	--



2:2 9:18 78:20 80:9 86:8 <b>birthday</b> 60:22 <b>bit</b> 9:16 51:24 76:7 <b>Black</b> 7:25 8:11 8:16 9:8 10:4,5,5,7 10:9 11:15 11:22,24 31:6,7,21 31:22 51:13,22 52:5,6,9 52:12 54:22 58:1 82:6 <b>blame</b> 39:15 62:3 <b>block</b> 20:7 25:1 86:14 <b>board</b> 8:5 15:3 78:7 86:3 <b>boards</b> 14:21 <b>bodies</b> 14:20 <b>body</b> 61:11 71:22 73:10 <b>bottom</b> 36:11 <b>boundaries</b> 7:21 24:17 <b>Boyd</b> 2:11 <b>break</b> 83:2,16 <b>breakdown</b> 82:6,19,20 83:16 <b>brief</b> 4:21 81:18	82:3 <b>briefly</b> 5:7,16 6:6 14:16 <b>bring</b> 22:9 <b>broad</b> 38:23 <b>brought</b> 37:25 51:5 <b>built</b> 29:2 39:22 <b>bunch</b> 81:1 <b>business</b> 84:15 <b>businesses</b> 84:19 <b>busy</b> 86:7 <b>button</b> 4:4,5 12:11 <b>buttons</b> 12:8 <hr/> <b>C</b> <hr/> <b>calculation</b> 16:1 <b>call</b> 2:3 5:12 14:11 26:23 28:6 46:22 47:10 66:25 74:24 78:21 <b>called</b> 5:25 9:14 <b>calling</b> 47:1 <b>calls</b> 1:12 <b>candidate</b> 71:8,12 74:9 <b>candidates</b> 20:8 <b>capable</b>	64:8 <b>capacity</b> 4:20 <b>capital</b> 1:7 <b>card</b> 78:18,22 <b>cards</b> 1:13 80:5,5 <b>care</b> 73:17 <b>Carlson</b> 2:12,13 <b>carry</b> 76:21 <b>carrying</b> 56:14 <b>Carter</b> 2:14,15 10:19,22 10:23 11:1 11:2,9,12 11:14,17 11:25 12:6 54:6,7 60:12 70:23 <b>Carver</b> 2:16,17 <b>case</b> 17:8,19 18:1,24 19:23 28:9 37:7 38:1 43:22 44:20 49:15,16 49:19,20 50:25 53:9 55:19 62:25 65:20,21 65:23,24 65:25 66:2 66:3,6,7,7 66:9,10,16 67:20,23 71:6 <b>cases</b>	17:20 20:18 20:19 40:1 63:15 <b>categories</b> 31:2,4 <b>category</b> 8:14 10:4,9 10:13,14 11:7,22 <b>cause</b> 85:4 <b>caused</b> 57:23 <b>caveat</b> 79:18 <b>cell</b> 1:9 <b>census</b> 5:9 6:6 7:2 7:10,22 8:16 9:5 9:10 11:8 11:23 24:13,21 24:22 26:1 26:3,6,10 26:13 28:10,11 30:5,8 31:4,8 <b>central</b> 84:20 <b>centrally</b> 50:7 <b>cert</b> 66:5 <b>certain</b> 2:1 16:19 19:24 53:14 57:16 83:3 <b>certainly</b> 28:2 29:18 30:13 54:24 <b>CERTIFICATE</b> 87:1 <b>certify</b> 87:3,10	<b>cetera</b> 84:14 85:3 <b>Chair</b> 2:4 12:15 12:19 30:2 32:24 35:5 41:2 64:5 70:17 75:4 <b>chairman</b> 2:4 4:17,20 4:23 11:3 13:24 17:3 35:14 49:13 54:4 54:8 60:13 64:1 70:21 75:13 78:15 <b>challenge</b> 26:6 65:5 67:22 68:8 76:24 79:15,19 <b>challenged</b> 72:7 <b>challenges</b> 69:8 79:11 <b>chance</b> 59:9 <b>change</b> 7:20,22 40:2 48:24 62:7,25 64:24 <b>changed</b> 29:3,5 <b>changes</b> 3:20 <b>changing</b> 64:24 <b>charge</b> 14:11 <b>chart</b> 8:3 <b>chase</b> 53:19 68:20 <b>check</b> 31:18,21 68:24
--	---	---	---	---

<b>checked</b> 30:6	20:16 24:7 41:7,12	27:2	41:16 84:15	59:21
<b>chief</b> 33:7 34:16 35:19,19	<b>clear</b> 17:1 32:24 36:22 38:25 39:17 42:17 62:19 69:20 77:18 86:3	<b>columns</b> 31:15 <b>combination</b> 9:7 11:10 12:2 <b>come</b> 13:8,12 15:10,14 41:12 43:21 54:21 57:20 59:16 71:13 74:5 74:10 78:23 79:20 80:8 80:10,10 80:13 84:8	<b>community</b> 45:18,20 73:23 <b>compact</b> 20:4 57:15 57:16 58:3 <b>compactness</b> 18:18 20:2 39:6 50:3 50:5,7 <b>company's</b> 87:8 <b>compare</b> 55:24 <b>compared</b> 32:8 <b>compelling</b> 20:24,25 21:25 <b>complaints</b> 53:8 <b>complete</b> 62:23 63:1 <b>completed</b> 61:22 <b>compliance</b> 24:6 59:3 <b>complicated</b> 77:9 <b>comply</b> 56:16 57:25 58:10,18 68:23 <b>complying</b> 56:24 <b>composed</b> 24:10 <b>compressed</b> 44:6 61:23 61:25 <b>computer</b> 64:22 87:4 <b>computers</b> 86:8 <b>concepts</b> 5:8 14:4 <b>concerns</b>	<b>conclude</b> 86:4 <b>concludes</b> 32:18 <b>conclusion</b> 50:8 <b>concurred</b> 27:13 <b>condolences</b> 42:11 <b>conduct</b> 14:21 <b>conducted</b> 36:6 <b>confected</b> 15:13 31:3 <b>confection</b> 58:21 <b>confirm</b> 35:20 <b>confuse</b> 73:5,7,8,9 <b>confusing</b> 39:15 69:15 <b>congratu...</b> 42:10 <b>congratu...</b> 42:11,12 78:10 <b>Congress</b> 5:11,13 6:3 7:9 14:9 14:10 15:1 16:9,13 17:4,6 25:5,22 54:19 <b>congress...</b> 5:23 9:13 15:23 16:17 26:9 26:12,19 26:19,20 44:23 45:16,17 48:1 74:7 <b>congressman</b> 7:5 55:24
<b>choose</b> 19:22 57:18 71:8,12 74:9	<b>clearer</b> 69:18 <b>clearly</b> 6:17 7:14 16:15 72:20 77:25 <b>clears</b> 78:7 <b>clever</b> 52:7,8 <b>click</b> 4:3 <b>close</b> 8:23 16:23 18:9 26:21 40:13 50:16 86:7 <b>coast</b> 7:14 <b>coastal</b> 6:20 <b>cohesive</b> 20:6 <b>coil</b> 85:9,17 <b>colleague</b> 35:3 <b>colleagues</b> 23:1 <b>collective</b> 84:3,25 <b>color</b> 19:12 26:24 84:4 <b>color-coded</b> 82:5 <b>colors</b>	<b>comes</b> 71:17 79:15 <b>coming</b> 33:7 71:9 <b>comma</b> 24:25 <b>comments</b> 1:23 5:2 <b>Commission</b> 15:2 <b>committee</b> 1:3,16 3:15 3:16 4:1,7 4:20 6:25 8:25 9:22 9:23 11:21 22:9 27:8 27:11 35:13,15 40:4 47:18 51:9 54:8 56:8 65:9 70:8 74:5 74:10 81:3 81:9,11,25 <b>common</b> 56:19 <b>communities</b> 24:19 39:9	<b>concerns</b>	
<b>choosing</b> 71:18 77:25 <b>chose</b> 8:15 <b>circle</b> 53:18,22 69:2 <b>Circuit</b> 46:6 55:18 66:11,14 66:18,19 77:5 <b>circular</b> 53:17 <b>circumst...</b> 13:18 19:17 20:7,11 25:13 39:12 <b>citizen's</b> 19:12 <b>citizens</b> 6:1 21:6 71:11,19 73:11 74:23 75:3 <b>civil</b> 35:18 52:2 <b>claim</b> 37:10,13 38:13 <b>clarify</b> 19:16 <b>class</b> 19:19 30:24 84:3,24,25 <b>Clause</b> 14:23 17:22				

<b>congressmen</b> 6:4 7:1 79:13 84:23	<b>contrary</b> 54:24	38:18,25 39:5 40:19 41:9 42:1 43:21 44:2 46:8 48:21 49:18 53:12 57:1 58:19,23 59:15 65:18,20 66:13,14 69:4,12,15 69:17 71:1 72:7 77:6	56:23 65:13 68:25 82:13	59:2
<b>conserva...</b> 85:5	40:14 43:22 44:4		<b>criteria</b> 22:11	<b>decade</b> 6:16 7:7,19 36:3
<b>consider</b> 25:12 84:9	<b>convince</b> 52:11		<b>current</b> 28:6,17 65:16	<b>decades</b> 6:24 25:8 85:10
<b>consider...</b> 28:21	<b>COO</b> 87:2,16		<b>currently</b> 27:23 34:14 36:9,11	<b>decide</b> 64:15,16 65:20 67:21
<b>consider...</b> 24:4 25:20 43:11 74:23	<b>copies</b> 24:2		<b>cycle</b> 26:12	<b>decided</b> 18:24,25 55:8 63:15 66:3,7
<b>considered</b> 26:6 56:9 56:10	<b>core</b> 41:20,21 42:1,4	<b>court's</b> 52:25	<b>D</b>	
<b>considering</b> 75:2	<b>cores</b> 18:19	<b>courts</b> 15:1 16:15 19:24 20:9 20:19 23:19 36:14 39:13,16 44:11,17 53:14 60:1 62:10 63:1 63:3,18,19 69:9,25 72:7 77:17 79:8	<b>dark</b> 26:24 29:22 29:22,23	<b>decides</b> 64:6
<b>constantly</b> 69:2	<b>correct</b> 29:3 31:23 40:16 42:20,24 43:3 48:19 61:6 69:22 87:9		<b>data</b> 6:7 24:21 24:21,22 24:23 26:4 26:6,7 31:15 45:5 86:15	<b>decipher</b> 41:23
<b>constitu...</b> 84:21			<b>date</b> 48:14 53:14	<b>decision</b> 46:7 59:15 61:16 62:23,25 66:10 67:3
<b>constitu...</b> 14:2,18 39:18 69:20,23 75:23 76:4	<b>corridor</b> 7:12	<b>Cox</b> 18:5	<b>Dated</b> 87:14	<b>decisions</b> 21:5 22:7
<b>constitu...</b> 20:4 77:22	<b>count</b> 31:22	<b>cracks</b> 84:22 85:2	<b>day</b> 25:10,10 40:23 52:12 60:21 74:11	<b>declared</b> 77:12
<b>constraints</b> 69:11	<b>counted</b> 11:4 30:7 31:19,21	<b>create</b> 14:6 57:17 58:10 69:25 84:6	<b>days</b> 70:11	<b>declining</b> 46:8
<b>contain</b> 24:12 25:17 25:18,22	<b>counting</b> 30:5		<b>dead</b> 12:10	<b>decrease</b> 8:21
<b>contained</b> 19:7	<b>couple</b> 1:9 3:13 4:7 8:25 41:1 42:16 49:13 78:18	<b>created</b> 17:19	<b>deadline</b> 36:16 44:14	<b>defeats</b> 20:7
<b>contest</b> 18:20		<b>creating</b> 72:10	<b>deadlines</b> 14:18,22 36:12 70:15	<b>defend</b> 37:2,4 42:19,25 43:1 46:5 46:14 53:3 61:18 63:11 70:4 76:21 78:2
<b>context</b> 38:15	<b>court</b> 5:11 18:25 23:12 25:5 28:4,7,18 29:6 34:7 36:6,19 37:8,13,18 37:18,25	<b>criteria</b> 5:9,19 18:8 23:10,24 24:1 31:17 34:9 37:1 41:9 52:6 52:13 54:19	<b>dealing</b> 15:6 17:20	<b>defending</b> 36:24 37:1 42:23 46:3 53:2,4
<b>contradicts</b>			<b>debate</b>	

<b>defends</b>	17:12,14	<b>difficult</b>	26:16,19	82:11,12
63:7	17:17 18:6	25:11 39:3	26:20 27:3	82:18
<b>defense</b>	26:17	40:20,24	27:4 28:16	85:15,15
43:9 63:13	28:15	69:10	28:19,21	<b>divide</b>
<b>defensible</b>	40:13	71:14,14	28:22,23	15:13
46:4	<b>deviations</b>	71:18	28:24	<b>divided</b>
<b>defined</b>	16:19 17:2	73:14,25	34:15 36:6	57:13 73:19
59:14	18:15	74:17	47:23	73:20
<b>definitive</b>	26:25	<b>difficulty</b>	49:22,25	79:24
38:1	27:25	37:6	51:22	82:15
<b>delay</b>	28:18	<b>direction</b>	54:22 58:3	83:13
62:20	29:22	60:8	58:7 59:16	<b>dividing</b>
<b>delimited</b>	<b>devil's</b>	<b>directions</b>	66:13	45:10
25:1	85:23	39:17	71:20 72:7	<b>division</b>
<b>demand</b>	<b>Dick</b>	<b>directives</b>	73:13 74:7	35:18 52:2
66:25	36:16 37:24	36:21 39:4	82:15,17	<b>divisions</b>
<b>Democrat</b>	46:5 48:2	<b>director</b>	84:6,8	24:14 73:21
82:6	48:3,4,24	35:17 52:2	85:8,12,16	<b>document</b>
<b>demographer</b>	58:24	<b>disagree</b>	85:16 86:1	9:24 11:20
64:11	62:24	63:11	<b>district's</b>	15:17
<b>demographic</b>	63:21 64:5	<b>discrimi...</b>	85:16	30:17
7:22	66:12 67:5	18:1 19:5	<b>districting</b>	<b>documents</b>
<b>denial</b>	72:17	21:1 22:4	14:1,5	5:2
19:11	74:21	72:4 84:12	18:15 84:5	<b>doing</b>
<b>denied</b>	75:18	<b>discussed</b>	<b>districts</b>	1:18 36:22
58:22	<b>Dick's</b>	41:20	7:16,18	38:11,15
<b>department</b>	54:12 67:4	<b>discussing</b>	13:16	39:6 43:11
30:19,20	<b>differ</b>	3:18 74:13	15:12,14	49:7,9
<b>deputy</b>	59:4,4	<b>disparate</b>	15:23,24	60:7 61:5
35:19,20	<b>difference</b>	37:9,13,19	16:4,17	61:6 69:11
<b>derives</b>	26:18 28:24	37:20 38:7	17:4,15,18	<b>dots</b>
17:18	61:16	38:14	17:21	85:13
<b>descript...</b>	<b>differences</b>	<b>disparity</b>	18:10,19	<b>draw</b>
84:5	6:16 45:7	55:5 56:18	18:22 19:2	14:12 17:5
<b>desk</b>	<b>different</b>	<b>dispersed</b>	22:18 23:9	17:16 25:9
12:9	5:24 14:4	58:2	25:9,17,18	28:13
<b>determin...</b>	17:3,5	<b>distinguish</b>	25:22,23	36:14,16
19:25	37:10	21:6	26:9,12,15	36:17 37:2
<b>determine</b>	43:24 50:5	<b>district</b>	26:21,23	38:19
5:18 16:1	50:11,12	5:18,21,21	27:6,21	39:19
20:11 65:6	50:22,22	7:20 12:20	28:6,7,7	40:15,16
73:3	51:1 55:20	12:23,24	28:10,15	41:6,8,16
<b>determining</b>	59:13,25	12:25 13:9	28:19,20	44:13 46:5
52:16	61:24	13:13	28:25 29:2	46:10,11
<b>deviate</b>	75:18	15:15,25	29:6 44:23	46:12 48:7
26:16	76:25	18:25 20:5	45:17,17	48:10,11
<b>deviation</b>	<b>differen...</b>	24:19	45:20,21	48:14,25
16:1,2,3,5	85:13	25:10,14	45:24	50:2 52:16
16:10,12	<b>differen...</b>	25:21,23	47:15	53:4 63:3
	26:5		50:18 69:1	63:5,22,23

63:24 64:5 64:7,16,17 65:3 66:19 67:18,20 69:21 70:3 70:10 74:6 75:19 76:7 76:12 85:9 85:17 <b>drawing</b> 14:6 25:9 25:10 40:6 41:11,19 45:24 61:22 64:8 69:18 <b>drawn</b> 7:16 23:20 27:22 28:10,11 36:2 <b>draws</b> 75:24 76:23 77:1,1 <b>drew</b> 16:8 49:5 76:13 <b>drives</b> 41:11 <b>driving</b> 41:18 <b>dropped</b> 7:3,4 <b>due</b> 25:20 28:8 <b>duties</b> 14:18 76:5 <b>duty</b> 76:20,21	36:20 38:24 41:24 50:19,21 68:22 69:13 79:15 83:1 <b>educate</b> 72:22 <b>educated</b> 70:24 <b>educating</b> 1:19,19 <b>education</b> 1:25 15:4 <b>educational</b> 80:6 81:24 86:4 <b>Edward</b> 78:23,25 <b>Edwards</b> 18:24 <b>effect</b> 36:10,11 <b>effects</b> 6:20 <b>effectua...</b> 18:16 <b>effort</b> 17:12 59:12 <b>eight</b> 6:25 7:2 56:6 70:11 <b>eighties</b> 6:25 <b>either</b> 56:3 72:20 <b>elaborate</b> 43:7 <b>elect</b> 19:22 <b>elected</b> 14:7,13 22:18 79:17 <b>election</b> 19:18 24:13 36:12 78:11	<b>elections</b> 71:9 <b>electorate</b> 19:21 <b>electron...</b> 24:25 <b>Elementary</b> 15:3 <b>emerging</b> 7:6 <b>employed</b> 26:4 <b>empty</b> 60:25 <b>en</b> 46:8,9 <b>enacted</b> 15:4 <b>encourage</b> 15:20 <b>encouraged</b> 5:3 <b>ended</b> 36:3 40:6 <b>enjoined</b> 36:12 <b>enormous</b> 44:3 <b>ensuring</b> 70:23 <b>entire</b> 62:14 63:9 <b>entitled</b> 44:10 62:6 63:12,13 63:16 <b>environment</b> 23:21,22 <b>equal</b> 6:3 7:17,18 14:23 15:7 17:6,22 20:16 24:7 25:18,23 26:21 28:2 28:3,8,14 41:7,12 <b>equality</b> 5:20 13:16	16:16 17:2 17:17,20 18:13 <b>equally</b> 19:18 31:17 57:13 <b>equivalency</b> 25:1 86:14 86:14 <b>especially</b> 38:16 85:2 <b>essence</b> 22:8,10 <b>establish</b> 24:17 <b>established</b> 16:16 19:17 19:24 20:9 22:6 29:7 41:9 65:4 <b>et</b> 84:14 85:3 <b>ethnicities</b> 84:14 85:3 <b>ethnicity</b> 8:4 <b>everybody</b> 1:15 4:15 17:1 57:8 <b>evidence</b> 21:4 40:18 <b>exact</b> 77:10 <b>example</b> 22:2 43:19 <b>excellent</b> 38:22 <b>exercise</b> 41:19 64:20 64:22 67:8 <b>existing</b> 67:15 68:13 68:14 78:1 <b>expect</b> 48:24 <b>experience</b> 71:1 <b>expert</b> 64:14,19,19	<b>experts</b> 43:18,21 52:6,11 64:12,18 <b>expiration</b> 72:1 <b>explain</b> 36:10 39:17 59:24 <b>expressed</b> 55:13 <b>expressly</b> 45:8 <b>extent</b> 7:18 24:13 24:20 25:21 <b>Extraord...</b> 5:14 15:19 27:20
<hr/>				
<b>F</b>				
<hr/>				
<b>face</b> 21:8 35:1 79:21 <b>facie</b> 18:1 <b>fact</b> 14:2 28:14 36:8 38:17 39:22,23 40:18,19 40:24 43:11 44:8 44:23 45:1 45:2 51:2 57:13 58:25 59:6 74:1 <b>fact-fin...</b> 36:7 43:6 61:18 <b>factor</b> 20:21 41:6 41:10 42:5 51:14 52:16,18 57:12 65:13				

<b>factors</b> 20:10 23:23 51:12	59:15 60:6 60:24 63:19 64:10 69:12,23	49:7 54:16 55:20 56:23 71:10,24 71:25 72:12 77:19 80:22	48:16,23 65:25 77:21 78:9 86:16	34:5,8,10 34:11,19 34:23 64:3 64:4 65:8 65:22
<b>facts</b> 50:23 55:7	<b>feel</b> 63:9 65:12	<b>fit</b> 82:13	<b>found</b> 20:17,19,20	67:10,15
<b>fair</b> 32:5 47:23 48:5 56:24 69:19 71:19 74:22 85:24	<b>field</b> 17:17	<b>five</b> 18:9 45:19 85:7	<b>four</b> 40:5 59:23 65:8 85:4	68:17,18 68:23 70:9 70:16,19
<b>faith</b> 17:11 37:12	<b>Fifth</b> 46:6 55:17 66:11,13 66:18,19 77:5	<b>flip</b> 9:14	<b>fractured</b> 41:25	<b>Galmon</b> 78:23,25,25 79:3
<b>fall</b> 84:22 85:1	<b>figure</b> 9:21	<b>floor</b> 59:24,24	<b>Frieman</b> 35:4,4,5,9 35:20 40:17 78:8 78:15	<b>gavel</b> 1:6
<b>familiar</b> 9:17,18 15:21 35:1 35:7 86:9	<b>figured</b> 33:9	<b>focus</b> 83:4	<b>front</b> 67:4,18 74:21	<b>gender</b> 45:7 84:4
<b>family</b> 73:23	<b>figures</b> 28:12 30:9 56:22	<b>folder</b> 3:23 15:17	<b>frustrating</b> 43:16	<b>genealogy</b> 84:4
<b>far</b> 70:23 83:19	<b>file</b> 24:21 25:1	<b>folders</b> 3:13	<b>full</b> 62:1 87:8	<b>general</b> 1:21 10:17 14:22 33:3 34:18,24 35:16 55:13 75:7 78:6
<b>farmers</b> 84:15,18	<b>files</b> 86:14	<b>folks</b> 71:20	<b>fun</b> 86:17	<b>general's</b> 52:3 55:17 58:20 72:6 75:10
<b>Farnum</b> 2:18,19 49:11,12 49:21,24 50:14 51:7 52:14,19 52:23 53:6 53:16 54:6 68:19,19	<b>final</b> 46:15	<b>follow</b> 70:1	<b>fundamental</b> 62:8	<b>generally</b> 7:13 17:23
<b>fashion</b> 53:17	<b>find</b> 1:2 23:11 31:18 84:5 85:19	<b>followed</b> 37:17	<b>fundamen...</b> 63:6	<b>generated</b> 64:23
<b>favorably</b> 27:8	<b>finding</b> 38:17 39:22 39:23 40:24 43:11 44:8	<b>following</b> 7:2 26:10 26:13	<b>further</b> 21:24 87:10	<b>genius</b> 85:21
<b>feature</b> 41:18	<b>findings</b> 36:8 40:18 40:19 51:2	<b>force</b> 76:4	<b>furthest</b> 26:25 29:23 29:24	<b>geographic</b> 14:12 15:12
<b>February</b> 27:7,8 66:20	<b>fine</b> 62:3	<b>forced</b> 62:7	<b>future</b> 78:10	<b>geograph...</b> 14:6 20:1 39:6,10 83:3
<b>federal</b> 15:6 19:5 24:9 32:1 40:14,20 58:6,14,16	<b>firmly</b> 22:6	<b>foreign</b> 72:8	<b>G</b>	<b>geograph...</b> 20:3
	<b>first</b> 1:6 5:13 6:24 15:19 27:20 49:1	<b>forget</b> 3:25 4:9	<b>Gadberry</b> 2:20,21 12:13,14 12:19 13:1 13:7,20 14:16 32:21,22 32:23 33:2 33:4,9,13 33:17,21 33:24 34:1	<b>geography</b> 24:11 25:6 79:14,16
		<b>forgot</b> 1:10		<b>gerrymander</b> 65:14
		<b>form</b> 61:12		<b>gerryman...</b>
		<b>former</b> 35:3		
		<b>forth</b> 61:7 76:21		
		<b>forward</b>		



20:16 84:9 84:10 <b>getting</b> 49:1 <b>Gingles</b> 19:23 <b>give</b> 4:21 12:16 25:20 34:25 36:21 38:14 39:17 58:16 69:4 70:1 74:8 82:3 <b>given</b> 14:25 36:20 37:18 39:5 41:8 42:1 44:14,17 54:20 71:7 72:21,21 <b>gives</b> 82:19 83:21 <b>giving</b> 5:7 12:17 38:22 <b>glad</b> 35:6 <b>go</b> 4:2 5:3 11:17 12:20 13:13,16 20:12 21:13 36:17 37:12,18 37:21 42:16 44:13,17 44:21 46:8 46:9 48:21 55:9 58:23 60:9 62:7 62:18 63:3 64:25 65:6 66:19 67:8 68:9,25	73:16 76:4 79:23 80:18,22 82:3 <b>goals</b> 13:17 <b>God</b> 72:17 <b>goes</b> 43:17 76:10 <b>going</b> 1:18,24 3:14,17,20 4:11,13,22 10:2,15 15:16 16:8 19:4 20:12 25:3 28:19 34:25 35:23 38:24,24 39:13 41:15,22 42:18 49:5 50:19 51:8 53:3,7,15 54:22 56:3 56:3 61:11 61:11 63:22 64:15,25 68:12 69:2 70:7,17 71:4 72:10 73:14,18 75:7 79:7 79:22 80:2 81:9,11,11 85:25 86:4 86:6 <b>gold</b> 26:7 <b>good</b> 1:2 17:11 37:11 41:3 60:8 66:2 75:13,14 78:13 82:19 83:21	<b>gotcha</b> 12:3 <b>governing</b> 14:20 <b>government</b> 32:2 56:7 69:23 <b>governme...</b> 1:4 3:15 4:13,19 21:25 27:11 <b>governor</b> 27:15,16 58:11,12 58:13 66:25 <b>grades</b> 77:5,6 <b>grant</b> 66:8 <b>granted</b> 55:17 66:5 <b>great</b> 35:15 74:23 85:23 <b>green</b> 29:23 <b>Greensburg</b> 79:1 <b>grew</b> 6:7,12,23 <b>grounds</b> 21:9 <b>group</b> 19:13 20:2 30:24 57:15,17 65:12 <b>groups</b> 30:24 81:1 <b>growing</b> 7:7 <b>growth</b> 6:8,9,10,18 7:11,13 8:13 <b>guarantee</b> 36:4 68:6	<b>guess</b> 13:8 31:18 61:5 65:13 65:17 72:9 <b>guidance</b> 30:18,20 31:25 32:4 32:6,12 70:2 <b>guidelines</b> 71:14,15 <b>gumbo</b> 1:11,11 <b>guys</b> 79:4,7,19 79:25 <hr/> <b>H</b> <hr/> <b>half</b> 16:10,12 82:17,17 <b>handle</b> 34:18 <b>hands</b> 66:12 <b>happen</b> 43:20 48:13 71:3 84:25 <b>happened</b> 43:23 60:3 <b>happening</b> 69:24 <b>happens</b> 36:8 70:5 <b>happy</b> 20:13 38:3 81:25 <b>harbor</b> 18:3,3 44:17 <b>hard</b> 4:9 35:23 50:21 <b>harder</b> 50:2 <b>harm</b> 71:4,4 <b>Harmon</b> 80:15,16,22	80:24,24 81:5,7,13 81:18,22 82:2 83:24 84:7 <b>Hays</b> 20:18,19 <b>head</b> 30:4 <b>headway</b> 74:18 <b>hear</b> 10:16 15:7 36:25 47:15 78:21 81:9 <b>heard</b> 40:12 41:3 43:5 46:16 47:11 <b>hearing</b> 1:14,21 9:18 43:24 48:2,20 61:23 65:15 <b>hearings</b> 5:1,1 <b>heat</b> 26:23 29:21 <b>heavily</b> 41:21 <b>heeded</b> 66:25 <b>heeded-to</b> 84:23 <b>height</b> 84:4 <b>held</b> 37:24 49:19 49:19 <b>Helena</b> 79:1 <b>help</b> 51:11,11 83:9 <b>helpful</b> 30:4 <b>helping</b>
---	--	--	---	--

64:11		41:17 42:4	<b>individuals</b>	76:24
<b>HG</b>	<b>I</b>	54:10	85:1	<b>introduce</b>
87:3	<b>I-10/12</b>	<b>imposing</b>	<b>inequality</b>	35:12 51:17
<b>Hi</b>	7:12	19:10	27:5	80:19
4:17	<b>idea</b>	<b>impossible</b>	<b>inexplic...</b>	<b>introduced</b>
<b>high</b>	21:18	69:25 85:19	21:8	27:7
28:23	<b>ideal</b>	<b>impression</b>	<b>information</b>	<b>introducing</b>
<b>hired</b>	5:18,21	54:12 58:16	30:3 70:25	78:24
42:25 43:19	12:23 15:9	<b>improper</b>	72:23	<b>invidious</b>
<b>Hispanic</b>	15:11,15	38:10	78:21,22	18:1
8:4,6,8,9	15:25 18:9	<b>inaudible</b>	86:12	<b>involved</b>
<b>historical</b>	18:10	10:19 11:5	<b>injunctio</b>	35:18 87:12
6:14	25:20,23	34:12	36:9,9	<b>involving</b>
<b>history</b>	26:8,16,25	60:24 73:1	43:24	14:15
51:3,3 72:4	27:1,3	79:2	48:20	<b>irreparable</b>
77:14,15	28:16	<b>incident</b>	61:24	71:4,4
<b>hit</b>	29:23,24	18:16	63:16 71:2	<b>island</b>
12:11	<b>identical</b>	<b>include</b>	76:16,19	85:13
<b>hold</b>	50:6	18:17 86:13	76:22	<b>Islanders</b>
2:1 10:21	<b>identified</b>	<b>included</b>	<b>input</b>	10:11
81:13 82:1	7:24,25 8:1	5:12 9:12	40:15 59:21	<b>islands</b>
83:6	8:2	9:12 10:13	59:23	85:14
<b>holiday</b>	<b>identifying</b>	<b>includes</b>	64:17	<b>issue</b>
60:21,24	9:1	10:11 14:17	<b>inputs</b>	19:15 59:14
<b>home</b>	<b>identity</b>	14:18	64:24	61:5 62:12
1:12 74:24	85:3	<b>including</b>	<b>instruct...</b>	76:18,18
<b>honest</b>	<b>III</b>	4:25 13:18	69:5	77:24
54:10	14:17	14:23	<b>intent</b>	82:14
<b>hopefully</b>	<b>illegal</b>	62:14	37:16,17	<b>issue's</b>
83:7	38:10 84:9	<b>increase</b>	<b>intercha...</b>	15:6
<b>hours</b>	84:11	8:18,22	14:2	<b>issued</b>
65:9,9	<b>illustra...</b>	<b>increased</b>	<b>interest</b>	36:9 37:8
74:11	5:10	8:10 26:9	18:6 20:24	66:17
<b>House</b>	<b>immediately</b>	<b>incumbents</b>	20:25	<b>issues</b>
1:4 3:15	64:7 82:22	18:20	21:25	13:5 19:4
4:3,13,19	<b>impact</b>	<b>Indian</b>	24:19 39:9	30:17 33:5
15:2 25:4	37:10,13,20	8:2,12,17	41:17	51:5
25:16 27:9	37:20 38:7	10:7,8	<b>interested</b>	<b>It'd</b>
27:13,17	38:14	<b>indicated</b>	81:1 87:13	79:14
35:2 56:7	<b>impacted</b>	36:15	<b>interesting</b>	<b>It'll</b>
56:9,14	45:20	<b>indicates</b>	8:14,18	86:17
57:7 85:5	<b>import</b>	10:1	<b>interests</b>	<b>items</b>
<b>hundreds</b>	<b>important</b>	<b>individual</b>	21:3 45:18	5:12
31:4,15	5:19,22	26:15 84:21	45:20	
<b>hurricanes</b>	6:23 7:15	84:21	47:15	<b>J</b>
6:20	18:13	<b>individu...</b>	59:13	<b>January</b>
<b>hurt</b>	22:21,25	84:3	73:11	1:3
84:23	23:5,8	<b>individu...</b>	84:15	<b>JC</b>
	24:3 26:11	22:22	<b>intervene</b>	80:24 84:7

85:18,21 <b>Jefferso...</b> 28:22 <b>job</b> 35:25 36:22 37:3 38:6 38:8,22 39:18,19 42:13,20 45:24 50:21,21 54:15,23 69:18,21 70:3 73:5 73:6,7 77:8,18 78:2 79:5 83:1 <b>Johnson</b> 2:22,23 <b>join</b> 34:25 <b>Joint</b> 9:23 23:25 24:1 <b>Jones</b> 35:17 51:16 51:21 52:1 52:1 72:25 72:25 73:2 73:4 78:8 <b>judge</b> 32:25 33:18 33:19 36:6 36:16 37:24 39:23 40:14 43:6 43:22 44:3 44:3 46:5 48:2,24 51:16,21 52:4 54:12 55:12 56:2 57:24 58:6 58:15,16 58:24 60:11 62:24 63:21 64:5	64:10 65:17 66:11,13 67:4,5 70:14,23 72:17,19 73:25 74:20 75:18 <b>judge's</b> 52:13 54:15 <b>judges</b> 19:2 60:6 67:1 <b>judgment</b> 66:5 <b>judicial</b> 18:22 19:1 40:20 <b>jump</b> 8:18 <b>jurispru...</b> 17:7 22:16 54:17 57:1 69:14,17 <b>justice</b> 30:19,19 <b>justific...</b> 17:13 <b>justific...</b> 39:8 <b>justify</b> 38:21 <b>justifying</b> 85:24 <hr/> <b>K</b> <b>Katrina</b> 6:20 <b>keep</b> 1:23 6:12 39:5 75:6 85:6 <b>Kelly</b> 48:2 <b>key</b> 6:9 10:16 21:3 <b>keyed</b>	12:23 <b>kind</b> 4:14 8:20 9:2 30:18 40:4 43:6 51:24 66:4 70:25 75:9 76:6 82:2 <b>King</b> 60:21 61:2 <b>knew</b> 57:9 <b>know</b> 1:23 5:23 6:17,18 7:14,17 8:24 9:8 12:7,7 15:7,8 18:12 20:17 21:15 22:9 22:16,17 22:22 23:4 23:7,21 30:12 31:2 31:5 32:5 34:11 36:23 37:3 38:23 39:11,14 40:4,21 41:13,14 42:10 44:2 44:14,16 45:7 47:14 47:19 48:9 49:4,17 50:18 51:7 52:21 53:2 53:4,8,10 54:1 59:17 60:23 63:22 64:23 66:24 67:8 69:7,13,16 69:24 70:2 70:9 71:1 71:21	76:24 77:1 77:8,13,23 80:1 83:1 83:13,19 84:11 <b>know-how</b> 72:19 <b>knowledge</b> 72:19 <hr/> <b>L</b> <b>labeled</b> 10:14 <b>Labry</b> 80:8,17,20 80:23 83:24 84:1 84:1 86:3 <b>lagging</b> 6:11 7:8 <b>laid</b> 22:13,13 <b>language</b> 19:13 <b>large</b> 20:3 64:22 <b>larger</b> 17:17 55:22 <b>Larios</b> 18:5 <b>Larry</b> 35:3,20 <b>Larvadain</b> 2:25 3:1 <b>late</b> 6:25 <b>Laughter</b> 29:17 47:8 <b>law</b> 5:8 15:6 19:5 22:14 22:17 24:9 38:3 45:14 49:6 54:16 54:16 55:2 55:6 56:1 56:2 58:18 59:3,5,6 63:8,11	72:3 <b>laws</b> 15:5 23:10 63:7,8 72:5 <b>lawsuit</b> 79:4 <b>lawyer</b> 63:7 <b>lawyers</b> 57:4 62:14 <b>leaders</b> 1:7 <b>learn</b> 72:22 <b>leave</b> 79:17 83:22 <b>left</b> 12:9 <b>legal</b> 14:15,22 17:5 33:7 34:14,16 54:2 55:15 <b>legally</b> 17:13 66:22 <b>legislation</b> 23:5 <b>legislative</b> 1:6 4:18 14:19 16:11 17:24 39:24 <b>legislat...</b> 4:3 <b>legislators</b> 75:22 <b>legislat...</b> 57:23 <b>legislature</b> 4:25 14:5 15:5 23:25 24:4 26:22 27:6 28:13 29:16,19 33:16 37:3 37:4 38:3 39:19 40:7
--	--	--	---	---

43:17	<b>listen</b>	19:25	<b>Louisiana</b>	32:14,18
46:17	57:10	30:21,25	4:6 5:25	33:2,5,12
47:11,13	<b>listening</b>	31:2,10	6:2,6,15	33:15,19
55:8,9,10	74:11	48:22	7:12 10:12	33:22,25
55:16 57:9	<b>litigate</b>	53:25	18:7,23,25	34:3,6,10
59:1,2	44:18 70:7	54:16,17	20:18	34:13,20
60:3 61:21	76:15	56:5,15,18	22:19,20	80:12
62:8,9,15	<b>litigated</b>	56:21,23	40:10	<b>luck</b>
63:10,13	37:14 40:1	57:19 69:3	44:24 48:5	78:13
68:11	44:6 49:17	70:7 75:1	55:21,23	<b>Luther</b>
71:12 76:8	66:1 76:20	75:6 78:9	55:25 58:7	60:21 61:2
76:9 78:3	<b>litigation</b>	79:3,20	73:17,22	<b>luxury</b>
<b>legitimate</b>	19:14 27:23	81:7 82:11	75:2 79:1	72:14
18:6 54:2	33:6,23	83:7,11,16	82:5 85:6	<b>Lyons</b>
<b>leisure</b>	34:14 35:1	86:16	<b>Louisiana's</b>	2:7,8 60:12
3:17	35:19,25	<b>looked</b>	5:16	60:13,16
<b>length</b>	36:3,5,5	27:25 34:2	<b>low</b>	61:20
61:25	37:8 38:2	55:1 57:25	28:21	63:25 64:3
<b>less-emp...</b>	38:7,13,16	65:10	<b>lower</b>	
85:7	39:20	73:22,23	51:13	<b>M</b>
<b>lessening</b>	43:18 51:4	79:14 82:7	<b>Lowery</b>	<b>ma'am</b>
84:21	61:21	<b>looking</b>	4:12 38:22	23:13 61:7
<b>let's</b>	62:14	15:9 33:20	<b>lowest</b>	78:4
25:25 75:5	66:15 70:8	65:10	6:12	<b>main</b>
75:6	77:11,20	82:13,21	<b>Lowrey</b>	4:3 5:19
<b>letter</b>	<b>litigator</b>	83:5,20	4:15 8:19	84:16
22:16	62:3	85:13	13:23 16:6	<b>maintained</b>
<b>liberals</b>	<b>litigators</b>	<b>looks</b>	21:10 29:1	7:3
84:17	53:10	20:11	29:25 30:3	<b>Maintaining</b>
<b>light</b>	<b>little</b>	<b>loop</b>	32:21	39:9
12:12 27:1	9:16 12:17	53:23	34:22	<b>maintenance</b>
<b>lighter</b>	50:17	<b>losing</b>	<b>Lowrey-D...</b>	24:18
27:1	51:24 76:7	7:8	4:16,18 5:6	<b>majority</b>
<b>limitation</b>	77:9	<b>loss</b>	9:3 11:6	20:4,7
24:14	<b>live</b>	7:12	11:10,13	47:13,20
<b>limited</b>	80:2	<b>losses</b>	11:16,19	47:21 84:8
30:15,15	<b>Liz</b>	7:15	12:1,4,22	85:15,15
<b>line</b>	34:24 35:16	<b>lost</b>	13:3,15,21	<b>majority...</b>
36:11	<b>local</b>	62:12,12	13:24	36:2 68:4
<b>lines</b>	14:20	<b>lot</b>	16:15,24	77:12
14:6,12	<b>located</b>	4:10 17:20	17:1 21:17	<b>makeup</b>
20:19	50:8	19:14	21:20,23	74:12
36:22	<b>long</b>	36:21	22:3,15,25	<b>making</b>
38:19	40:5 60:5	41:15,24	23:13,15	21:5 22:7
41:11	<b>longer</b>	44:17	23:18 29:5	22:20
64:16	73:17	53:25 60:4	29:11,18	44:15
65:14	<b>look</b>	60:20,23	30:8,11	63:14
<b>links</b>	5:3 8:4,20	62:11	31:12,14	73:25
4:25	8:21 13:17	71:20	31:24 32:3	<b>malappor...</b>
		79:12	32:7,9,12	

5:10 26:14 28:4 <b>man</b> 15:8 <b>managed</b> 53:9 <b>map</b> 6:14 26:11 26:23 27:21,22 29:21 36:2 36:8,15,16 36:18,24 36:25 37:1 37:2,2 38:21 40:6 40:16 41:19 42:3 42:19 43:1 43:2,20 44:7,13,16 46:4,5,5 46:10,11 46:12,14 46:17 47:12,13 47:17 48:1 48:5,7,10 48:11,14 48:16,17 48:25 49:4 49:5,6 53:2,3,4,5 54:2 55:14 55:14 56:3 56:4,5,8,8 56:16,19 56:24 57:3 57:5,8,9 57:17,20 58:10,14 58:14,23 58:25 59:7 59:7,19 61:22 62:5 63:4,5,22 63:23,24 64:5,7,8 64:15,16 64:17,25	65:3,5,7 65:10,11 65:16,16 66:19 67:12,14 67:18,20 67:22,22 67:23 68:1 68:3,4,7 68:13,15 69:7,8 70:3,4,10 72:19 74:12 75:18,19 75:23,24 76:1,7,8,9 76:12,13 76:14,19 76:23,24 77:1,1,2 77:10,10 77:12 78:2 78:2 79:2 79:8,10,14 79:15,17 82:1,4 <b>map-drawing</b> 64:20 <b>maps</b> 5:11 16:8 16:11 32:25 39:19 41:8 41:16,19 47:17 52:16 53:25 56:6 56:12 59:23 60:4 64:13,23 65:10 69:19,21 72:3,10,11 74:1,4,4 74:19,20 74:21,22 75:8 81:16 81:21 85:20	86:13 <b>Marcelle</b> 3:2 21:11 21:12,18 21:21 22:1 22:8,24 23:6,14,17 39:2 42:8 42:9,15,22 42:24 43:4 43:14 44:19,22 45:1,15,23 45:25 46:2 46:13,20 46:22 47:1 47:5,7,9 48:4 49:8 49:11 74:3 <b>March</b> 27:15,18,19 87:14 <b>Martin</b> 60:21 61:2 <b>mathemat...</b> 85:19 <b>matter</b> 1:24 34:14 43:19 49:6 59:7 62:11 74:24 <b>matters</b> 40:14 43:6 43:10 <b>mean</b> 16:5 26:14 28:14 31:5 31:7,9 34:3 36:24 38:12 39:2 39:7,10,16 43:12 45:6 45:8 46:12 49:2 53:1 53:2,4,8,9 56:11 59:18 61:15 62:2 62:13,21 63:6 64:10	64:11 65:2 66:5 67:1 67:17 68:2 68:18 69:9 69:16 77:25 78:2 80:9 <b>means</b> 10:15 43:7 66:6 87:5 <b>measure</b> 15:8,9 <b>meet</b> 23:11 34:9 39:1 68:24 69:1 <b>meeting</b> 1:16 39:7 54:8 80:7 86:4,21 <b>Meeting.mp4</b> 87:4 <b>meetings</b> 51:10 <b>member</b> 15:24 17:21 19:13 20:4 24:24 25:17,22 <b>members</b> 1:1,4,19 3:13,24 4:17 8:20 12:6 14:9 19:19,20 19:20 24:2 25:2 28:17 34:22 35:6 35:15 70:6 78:16,17 86:3,16 <b>memory</b> 29:4 <b>mentioned</b> 28:9 87:6 <b>merits</b> 43:25 44:1 44:9,11 48:18 49:3	53:11 61:9 61:14,15 61:15,17 62:6,7,18 63:3,4,17 67:19 76:15 <b>Merrill</b> 37:7 38:5 41:21,24 42:5 66:7 66:16 <b>messed</b> 72:16 <b>met</b> 22:11 65:12 <b>method</b> 6:3 <b>metric</b> 26:5 <b>metro</b> 6:21 <b>metropol...</b> 28:24 <b>mic</b> 51:24,25 <b>microphone</b> 12:12 <b>Middle</b> 18:24 34:15 51:21 <b>Milligan</b> 37:7 38:5 41:21,24 42:5 <b>mind</b> 2:3 6:12 16:7 35:12 51:23 78:24 <b>mine</b> 46:1 <b>minorities</b> 19:5 71:7 74:8 85:18 <b>minority</b> 19:13 20:5 30:24,24 58:7 84:6
---	--	--	--	---

85:8,12	48:3,13	7:20	70:20 73:1	60:22
86:1	49:16,23	<b>need</b>	83:13	<b>obviously</b>
<b>minority's</b>	50:10,15	1:11 9:18	<b>nondiscr...</b>	7:16 13:5
20:8	51:15,17	23:10	16:21 17:13	27:3 43:10
<b>minority...</b>	52:17,21	27:25	<b>north</b>	<b>occurs</b>
74:7	52:25 53:7	41:13	7:12	39:22
<b>minus</b>	60:14,15	46:10	<b>northern</b>	<b>offend</b>
18:9 25:19	60:15,16	53:10 58:8	82:9,11,22	59:9
<b>mission</b>	61:20 64:5	58:24	<b>note</b>	<b>offered</b>
36:7	64:10	66:19 71:2	60:18	62:19,20
<b>mixed</b>	65:19,23	71:3 75:1	<b>notions</b>	<b>office</b>
9:1	67:13,17	77:17	59:10	52:3 55:13
<b>moment</b>	68:1,14,21	80:23	<b>November</b>	55:17
14:17 20:12	69:3 70:12	82:17 83:5	62:21 66:18	58:20 72:6
<b>monster</b>	70:14	<b>needs</b>	<b>number</b>	<b>officer</b>
58:17	75:14,16	4:10 85:2	5:17,24 6:4	33:7 34:16
<b>month</b>	75:20 76:2	<b>nefarious</b>	7:9 8:9,10	<b>officials</b>
74:11	76:6,12	37:16	8:23 10:1	14:7,13
<b>months</b>	78:12	<b>negative</b>	15:14	<b>oftentimes</b>
49:17	<b>N</b>	16:3	24:14	60:6
<b>moral</b>	<b>name</b>	<b>neighbors</b>	26:15,19	<b>Oh</b>
73:22	4:17 46:23	73:24	26:20	12:3
<b>morning</b>	52:1 72:23	<b>neither</b>	27:20	<b>okay</b>
1:2 4:12,22	79:3,4	87:10	28:21	5:7,16 6:6
41:3 75:13	<b>narrowly</b>	<b>neutral</b>	30:15	8:7,17 9:9
75:14 78:7	20:23 21:24	21:8	42:18	10:6,7,17
79:20 80:7	<b>Nathan</b>	<b>never</b>	45:12 64:8	11:12,13
86:4,5	87:2,16	43:25 45:8	67:1 76:25	11:17,25
<b>motion</b>	<b>nation</b>	53:22 61:3	79:6,12	12:1,4
55:3 61:23	6:8,11,12	63:2 73:19	82:15	13:1,19,21
<b>move</b>	7:8	77:13	83:19,20	16:19 17:1
48:16,23	<b>national</b>	<b>neverthe...</b>	<b>numbered</b>	17:2 18:7
77:20	73:16	36:14	9:15 15:17	18:12,22
86:18	<b>nativities</b>	<b>new</b>	<b>numbers</b>	22:15
<b>moved</b>	85:3	1:6 12:8	8:5 14:9	24:12
86:20	<b>nauseam</b>	22:9 26:4	17:11	25:25
<b>Moving</b>	74:15	35:16,17	30:12 52:8	28:11 30:8
10:17	<b>nays</b>	36:15 37:2	64:23	30:9 32:15
<b>municipa...</b>	27:9,13,17	37:2 38:2	85:22	33:4,25
24:17	27:19	38:3 43:20	<b>numerous</b>	34:5,19
<b>Murrill</b>	<b>nearly</b>	44:15 46:5	51:9,10	40:25
34:24 35:1	17:6 25:23	53:3,4	<b>O</b>	42:15
35:14,16	28:2	58:12 62:5	<b>objection</b>	43:14
41:5 42:13	<b>necessarily</b>	64:5,25	44:9	44:19
42:21,23	18:3 22:16	67:13	<b>objective</b>	47:19
43:3,12,15	<b>necessary</b>	68:10	16:18 18:14	55:11
44:20,25	61:13	76:18	20:10	57:14
45:4,23	<b>necessit...</b>	<b>Newell</b>	<b>observance</b>	58:24 60:4
46:1,3,14		3:3 70:19		60:7 63:25
				73:3 75:21



76:11	<b>orange</b>	37:25	63:9 69:7	83:18
80:18,20	26:24 27:1	<b>overview</b>	<b>passed</b>	<b>perfectly</b>
81:13,22	29:22	5:7 81:18	27:6,9,12	68:3
<b>old</b>	<b>order</b>	82:3,7	44:7 47:20	<b>period</b>
48:16,17	9:11,21		54:1,18	51:10
49:4 54:12	18:7 20:22	<b>P</b>	<b>Patricia</b>	<b>permanent</b>
76:9	30:16	<b>Pacific</b>	4:17	76:19
<b>once</b>	67:19	10:11	<b>pattern</b>	<b>permissible</b>
20:9 29:4,5	<b>ordinarily</b>	<b>packet</b>	7:6	18:16
38:6 42:3	62:1	9:15	<b>patterns</b>	<b>permitted</b>
67:10	<b>original</b>	<b>packets</b>	57:16	45:11,14,16
71:11	29:2 79:4	24:2	<b>paused</b>	<b>person</b>
79:19,25	<b>Orleans</b>	<b>page</b>	66:2	9:6 10:2
<b>one-size...</b>	6:21 28:22	4:3,3 9:14	<b>pending</b>	19:1 57:18
84:24 85:1	<b>ought</b>	9:15	49:20	59:18
<b>one-third</b>	69:17	<b>panel</b>	<b>people</b>	<b>personal</b>
79:23	<b>outcome</b>	46:7 66:18	7:24,25 8:1	41:23 87:11
<b>ones</b>	49:20 87:13	<b>papers</b>	8:15,24	<b>personally</b>
41:18	<b>outcomes</b>	77:5,7	9:1 10:4	54:1
<b>online</b>	76:25	<b>parallel</b>	10:10 11:7	<b>persuade</b>
5:5	<b>outline</b>	49:14	11:23 13:6	52:9
<b>onus</b>	61:12	<b>parameters</b>	16:4 19:2	<b>perverts</b>
72:10	<b>outside</b>	38:23	19:3 28:25	39:20
<b>open</b>	1:13 86:12	<b>parish</b>	43:18	<b>petition</b>
19:18	<b>overall</b>	24:17 79:1	47:20,21	65:5
<b>opening</b>	16:3,5	<b>parishes</b>	52:7 54:9	<b>phone</b>
73:2,4	17:24 18:8	83:16,17	56:11 59:4	1:9
<b>operating</b>	26:16	<b>part</b>	59:13,21	<b>physical</b>
48:15	55:22	31:22 33:22	59:22	84:4
<b>opinion</b>	<b>overcome</b>	42:1 43:16	63:10 68:4	<b>picking</b>
37:9 41:23	79:18	51:8 53:1	68:5,5	77:24
41:25 48:9	<b>overridden</b>	59:13	70:23	<b>picture</b>
48:10 50:1	21:14,15	64:22	79:14,16	54:11
66:17	<b>override</b>	68:24,24	82:8 84:18	<b>Pikover</b>
69:16	39:23 40:8	72:9 81:12	<b>percent</b>	87:2,16
84:13	<b>overriding</b>	82:9,11,22	6:7 7:23,24	<b>PL</b>
<b>opportunity</b>	16:17,20	82:24 83:4	8:1,1,9	24:21
19:20 36:17	18:14	84:3	13:10,11	<b>place</b>
48:7 49:1	20:20	<b>participate</b>	16:10,12	35:7 55:7
55:11 58:9	65:13	19:21	16:13	72:5
58:9 67:11	<b>overrode</b>	<b>particip...</b>	17:24,25	<b>plaintiff</b>
71:8,11	27:17,18	19:19	18:8 25:19	55:4 79:2,8
72:15,21	<b>overseas</b>	<b>particul...</b>	28:15 45:5	<b>plaintiff's</b>
72:22 74:3	6:1	71:3	55:21,22	65:11
74:9 77:3	<b>overtaxa...</b>	<b>parties</b>	56:21	<b>plaintiffs</b>
<b>opposite</b>	84:17	87:12	79:23	34:7 37:12
52:11	<b>overturn</b>	<b>pass</b>	<b>percentage</b>	43:8,19
<b>options</b>	40:20,24	38:2 43:1	13:13	65:3,4
74:6,6	<b>overturned</b>	62:5 63:8	<b>perfect</b>	67:21 68:7
			25:10,14	

76:14 <b>plan</b> 15:23 17:24 20:21,23 21:5,24 22:7 24:25 25:4,6,15 25:16 26:16 <b>planned</b> 15:16 <b>plans</b> 21:6,7 23:20 24:5 24:10,16 34:4 <b>pleadings</b> 53:13 68:9 <b>please</b> 1:2,10 2:3 12:11 78:23 85:20,25 86:9 <b>pleasure</b> 12:14,19 <b>plethora</b> 4:24 <b>plus</b> 10:5 18:9 25:19 30:24 31:6 31:6,7,7,7 <b>plus/minus</b> 83:20 <b>point</b> 3:22 8:3,20 9:2,4 44:12 45:5 63:14,18 83:21 <b>pointed</b> 74:1 <b>policy</b> 18:17 22:20 23:4 <b>policyma...</b> 21:4 22:19 <b>political</b>	18:18 19:9 19:21 23:22 59:9 59:13 <b>politically</b> 20:5 <b>polka</b> 85:13 <b>poorly</b> 84:17 <b>pop</b> 85:12 <b>population</b> 5:9,9,17,20 5:21,25 6:2,10,15 6:17 7:15 7:17,20,22 8:11,11,21 8:22 9:5 9:15,20,23 9:25 10:12 10:15 11:6 11:15,20 11:22 12:21,21 12:23,24 12:24 13:2 13:3,10,12 13:14,14 13:15,17 13:19 15:7 15:10,11 15:11,14 15:15,24 15:25 16:16 17:2 17:6,18,20 18:10,14 20:3,5 21:19 25:18,24 26:8,21 27:2,5,24 28:2,3,8 28:16,20 29:22,24 30:5,9,21 31:3,23 39:10 45:3	45:6 50:3 50:11,12 50:15,16 50:17 51:12,13 51:14 52:5 52:7,10,12 55:21,22 56:20 58:2 68:25 74:13,14 83:21 <b>populations</b> 28:14 31:5 <b>portion</b> 61:18 <b>pose</b> 84:20 <b>position</b> 46:6,9 48:25 58:5 77:14 85:7 <b>positive</b> 16:3 <b>possible</b> 26:22 66:23 86:10,16 <b>potential</b> 76:25 <b>potentially</b> 77:6 <b>power</b> 69:22 84:20 84:21 <b>PowerPoint</b> 81:5 <b>practicable</b> 7:18 17:7 24:14,20 25:21,24 <b>practical</b> 62:11 <b>practically</b> 66:23 <b>practice</b> 19:10 <b>pre-cleared</b> 77:11 <b>preceded</b>	37:8 38:16 <b>precedent</b> 39:22,25 40:22 69:25 78:1 <b>precinct</b> 24:15 <b>precincts</b> 24:13 <b>precondi...</b> 19:24 20:10 <b>predecessor</b> 27:8 <b>predeces...</b> 9:22 <b>predominant</b> 20:20 41:4 41:6,10 52:17,24 <b>predominate</b> 38:18 <b>preference</b> 61:8 82:20 <b>preferred</b> 20:8 <b>preliminary</b> 43:24 48:20 61:23 63:16 71:2 76:16 <b>premise</b> 60:19 62:8 <b>preparatory</b> 1:15 <b>present</b> 2:7,8,9,10 2:11,13,14 2:15,16,17 2:18,20,22 2:24 3:2,5 3:7,10 22:23 23:4 23:8 75:18 <b>presenta...</b> 32:19 <b>presented</b> 40:19 42:19 43:8 47:17 47:18	48:18 56:7 58:20 59:1 65:11 80:9 <b>presenting</b> 22:21 57:3 85:20 <b>preserving</b> 18:19 <b>president</b> 62:16 <b>presumed</b> 77:22 <b>pretty</b> 8:22 55:6 56:1 79:24 <b>previously</b> 65:9 <b>prima</b> 18:1 <b>primary</b> 52:6,13 56:22 <b>principally</b> 52:4 <b>principle</b> 18:15 <b>principles</b> 1:20 4:14 19:6 <b>prior</b> 18:19 26:11 76:9 77:9 77:10 <b>privacy</b> 26:4,5 <b>probably</b> 50:17 55:8 64:15 70:16 76:17 <b>problem</b> 55:4 57:8,9 57:24 59:19 60:5 70:10 <b>procedure</b> 19:11 <b>process</b> 11:22 14:4
---	--	--	--	--

14:6 19:21 39:20 42:2 61:12,22 65:1,6 70:24 71:1 71:13 73:25 74:17 76:22 80:2 81:2 83:10 <b>processes</b> 19:18 <b>produce</b> 25:3 79:7 <b>produced</b> 79:10 <b>product</b> 39:25 43:16 <b>program</b> 24:23 <b>prohibits</b> 19:9 <b>Promised</b> 75:20 <b>properly</b> 77:19 <b>proportion</b> 12:20 13:12 <b>proporti...</b> 45:10 <b>proportions</b> 6:4 <b>proposed</b> 22:11 <b>proprietors</b> 84:16 <b>protected</b> 19:19 30:23 75:23 <b>Protection</b> 14:23 17:22 20:16 24:7 41:7,12 <b>prove</b> 21:23 <b>provide</b> 17:12 30:13 <b>provided</b> 16:20	<b>provisions</b> 17:5 <b>PSC</b> 25:5,17 <b>public</b> 1:5,19 3:24 5:2 15:2 24:24 <b>pull</b> 51:25 <b>pulled</b> 79:13 <b>purpose</b> 25:1 <b>pursuant</b> 27:22 <b>purview</b> 69:24 <b>put</b> 23:23 40:12 46:6,9 54:10 59:12,22 60:7 64:23 71:16 72:5 74:18 <b>putting</b> 59:23,24 <hr/> <b>Q</b> <hr/> <b>qualific...</b> 19:10 <b>question</b> 12:13 13:8 16:7 21:11 24:11 30:1 32:5,21 38:6 46:16 60:17,18 60:23 61:7 75:4,17 77:4 <b>questions</b> 1:23,25 3:18 10:17 32:19 38:4 41:1 57:7 70:21,22 74:15 75:6	75:9 86:6 <b>quick</b> 48:15 81:25 <b>quickly</b> 51:17 54:25 62:19,22 71:3,9 <b>quite</b> 54:25 <b>quorum</b> 3:11 <hr/> <b>R</b> <hr/> <b>race</b> 7:24 8:14 9:7 10:3,5 10:6,8 11:11,24 19:12 20:20 21:7 21:7,9 30:22 38:8 38:11,18 41:3,5,10 52:15 53:19 57:12 <b>races</b> 8:6 9:2,7 <b>racial</b> 20:15 31:4 <b>radio</b> 67:3 <b>raised</b> 44:9 <b>range</b> 16:5,12 17:25 18:8 <b>ranges</b> 16:2 <b>rate</b> 6:8,9,12 <b>rational</b> 16:21 18:17 <b>reach</b> 49:25 50:8 <b>read</b> 86:8 <b>real</b>	38:24,25 46:23 81:25 <b>really</b> 7:11 30:11 30:21 37:10 38:8 38:12 42:11 58:21 66:15,22 <b>reapportion</b> 60:4 <b>reapport...</b> 14:3 54:17 54:19 <b>reason</b> 16:20 52:20 52:24 68:2 <b>reasons</b> 23:2 36:10 38:20 <b>receive</b> 81:11 <b>received</b> 5:2 27:10 81:9 <b>recognized</b> 12:11 <b>record</b> 22:7 39:24 48:18,20 48:22 57:5 57:5,23 58:25 59:12,20 62:23 63:1 74:19 76:16 <b>red</b> 29:22 80:5 <b>reddish</b> 26:24 <b>redistrict</b> 14:14 <b>redistri...</b> 1:20,20 4:2 4:6,14,21 4:24 5:8,8	5:20 9:25 13:25 14:15,19 15:1 23:20 23:24 24:5 24:10,16 24:21 25:4 25:16 26:7 26:12 34:9 35:23 36:1 37:1 51:4 51:4 71:10 71:24,25 77:15 <b>redistri...</b> 14:21 <b>redo</b> 62:10 <b>redraw</b> 26:23 42:3 49:6 <b>redrawing</b> 72:11 <b>refer</b> 15:16 <b>reflects</b> 10:4 <b>refreshing</b> 1:19 <b>regard</b> 51:1 <b>regarded</b> 31:17 <b>regarding</b> 3:19 14:19 33:6 36:8 <b>regardless</b> 31:17 <b>region</b> 6:9 <b>regular</b> 3:21 23:25 <b>rejected</b> 34:2 65:16 85:10,11 <b>rejects</b> 67:12,13 <b>related</b> 5:14
---	--	---	--	---

<b>relates</b>	26:1 27:7	23:17 29:1	68:12,16	20:2
2:1 4:2	27:11 30:8	29:8,14,15	68:16,18	<b>research</b>
<b>relative</b>	30:12,12	29:25 30:1	68:19,23	85:21
16:4	30:22 31:8	30:2,10	70:6,9,13	<b>resident</b>
<b>relatively</b>	<b>reporting</b>	31:11,13	70:16,18	5:16 15:11
50:16	26:3 30:25	31:16 32:1	70:19,19	<b>resolve</b>
<b>released</b>	<b>reports</b>	32:4,8,10	70:20 73:1	59:14
24:22	9:5,12,13	32:13,16	75:5,10,12	<b>resource</b>
<b>relevant</b>	9:19 25:3	32:17,20	75:15,17	4:10
15:18	30:16 31:3	32:21,22	75:21 76:3	<b>resources</b>
<b>remain</b>	31:4	32:23 33:2	76:11 78:4	4:10,24
76:13	<b>represent</b>	33:4,9,13	78:5,6,14	<b>respect</b>
<b>remains</b>	19:3 22:18	33:17,21	78:17 80:4	24:16 75:10
67:4	57:18	33:24 34:1	80:14,18	<b>respective</b>
<b>remedy</b>	71:20,22	34:5,8,10	81:4,6,8	17:11
27:5	73:12	34:11,17	81:15,20	<b>respond</b>
<b>Remedying</b>	84:17,25	34:19,21	81:23	8:16 9:6,8
21:1 22:3	<b>represen...</b>	34:23 35:3	82:18	9:10
<b>remember</b>	18:18 47:22	35:8,11	83:13,22	<b>responded</b>
64:21 86:11	57:12	39:2 40:3	83:23 86:2	11:7
<b>remind</b>	<b>represen...</b>	40:10,25	86:19,20	<b>respondent</b>
1:11 61:1	1:1 2:6,9	41:1,2	<b>represen...</b>	30:6,7
78:19	2:10,11,12	42:6,7,8,8	17:9 35:3	<b>responsi...</b>
<b>reminder</b>	2:13,14,15	42:9,15,22	76:5 82:16	75:22
26:20	2:16,17,18	42:24 43:4	83:18 85:6	<b>responsible</b>
<b>reminding</b>	2:19,20,21	43:14	<b>represented</b>	15:1
1:15	2:22,23,24	44:19,22	62:15	<b>rest</b>
<b>remove</b>	3:1,2,3,3	45:1,15,23	<b>represen...</b>	44:20 83:6
85:6	3:4,5,6,7	45:25 46:2	29:24 73:11	<b>results</b>
<b>Reno</b>	3:8,9,12	46:13,15	73:14 84:2	19:11
20:18	5:4 8:19	46:16,20	<b>represents</b>	<b>retention</b>
<b>Rep</b>	10:19,21	46:22,25	27:21 56:19	41:20,22
74:2	10:23,25	47:1,3,5,6	63:7	42:1,4
<b>repeat</b>	10:25 11:2	47:6,9	<b>Republican</b>	<b>retrogre...</b>
28:1	11:9,12,14	48:4 49:8	82:6	21:1 22:4
<b>repetitive</b>	11:17,25	49:10,11	<b>request</b>	<b>revealed</b>
18:13	12:3,5,6	49:11,12	55:3	61:19
<b>replace</b>	12:13,14	49:21,24	<b>requesting</b>	<b>reverse</b>
68:13,14	12:16,19	50:14 51:7	61:9	84:11
<b>report</b>	13:1,7,20	51:19,23	<b>require</b>	<b>reversed</b>
9:20 10:1	13:22	52:14,19	25:13	54:24
11:7,19	14:16 16:6	52:23 53:6	<b>required</b>	<b>review</b>
15:20	16:22,25	53:16 54:5	13:16 62:10	3:17 40:23
27:25	17:4,15	54:6,6,7	62:18 72:2	<b>reviewed</b>
31:12 82:4	19:22	60:11	<b>requirem...</b>	46:7 58:19
<b>reported</b>	21:10,11	61:20 64:2	14:15,23	67:1 72:5
8:8 10:3,5	21:12,18	64:3,3,4	17:21 28:8	87:7
10:10,23	21:21 22:1	65:8,22	39:7	<b>reviewing</b>
11:3,23	22:8,24	67:10,15	<b>requires</b>	72:11
	23:6,14,16	67:25		

<b>rework</b> 68:25	5:1	3:3,4 75:11	28:1 35:1	15:19
<b>rewriting</b> 72:11	<b>role</b> 2:3	75:12,15	54:20 70:4	18:23
<b>Reynolds</b> 17:19 18:21	<b>room</b> 12:7 16:14	75:17,21	73:24 82:9	23:25
<b>right</b> 9:3 10:18	29:12	76:3,11	82:22 83:8	27:20 28:6
12:11,17	<b>Rouge</b> 28:23	78:4,6	84:11,13	62:18
13:7 15:6	<b>rule</b> 24:1,1,2	<b>school</b> 14:21	85:8	63:21
19:12	<b>rules</b> 3:14,16,19	<b>science</b> 85:22	<b>seeing</b> 25:4	71:10,10
22:23,23	3:20 37:17	<b>Scott</b> 78:23,23,25	<b>seen</b> 73:19 84:16	71:24 72:1
22:24	71:14,15	<b>scrutiny</b> 20:21,22	84:24	81:10
23:24	<b>ruling</b> 32:24 38:1	21:14 39:1	<b>self</b> 85:2	<b>set</b> 23:10 48:14
30:10	52:4 76:18	77:5	<b>seminal</b> 17:8	62:18,21
31:24	<b>rulings</b> 51:22 52:13	<b>seat</b> 80:19	<b>Senate</b> 9:23 15:2	67:5 73:13
32:13	69:12	<b>seats</b> 1:2 14:5,10	25:5,16	79:12
33:10,24	<b>rural</b> 84:15	<b>second</b> 12:16 36:2	27:10,11	85:12
37:17 43:1		49:9,25	27:12,18	<b>seven</b> 7:3,3 28:7
43:20 44:7	<b>S</b>	68:4 72:9	62:16	50:2,18
45:1 46:2		74:7 77:3	<b>senatorial</b> 82:10,12,15	55:23
48:11,11	<b>S</b>	<b>Secondary</b> 15:3	82:17	<b>seven-me...</b> 49:22,25
49:22	85:9	<b>secretary</b> 62:17	<b>sends</b> 53:19	<b>shapefiles</b> 86:13
52:20	<b>safe</b> 18:3 44:17	<b>Section</b> 14:17 17:9	<b>senior</b> 4:18	<b>Shaw</b> 20:18
54:14,20	<b>Sanders</b> 17:8	19:8,15,16	<b>seniority</b> 29:19	<b>she'll</b> 64:12
55:10	<b>sat</b> 40:4 47:16	21:2 22:5	<b>sense</b> 56:19	<b>Shelly</b> 48:3,4
56:15	51:9 74:10	24:8 30:20	<b>sent</b> 27:15 66:8	<b>shifts</b> 7:19
58:12,13	<b>satisfied</b> 21:20,22	37:9,19	66:11	<b>short</b> 37:23 43:23
60:7,8	<b>save</b> 80:9	45:8,9,11	<b>separately</b> 8:8	43:23
61:3,21	<b>saying</b> 22:12 50:20	48:8 53:18	<b>series</b> 20:18	67:19 85:4
63:20,21	58:23	56:15,16	<b>seriously</b> 26:3 56:9	<b>shot</b> 49:7,9
65:22 67:4	68:19 72:3	57:14,19	<b>serve</b> 19:2 20:23	<b>showed</b> 6:7
70:12	<b>says</b> 4:4 22:14	57:25 58:1	<b>Service</b> 15:2	<b>showing</b> 6:10 29:21
71:19	37:9 56:2	72:2	<b>session</b> 1:16 3:21	<b>shown</b> 19:18
72:16 73:9	57:15,18	<b>sections</b> 83:3,3	5:12,14	<b>shows</b> 6:14 13:10
73:24	59:5 76:5	<b>see</b> 6:16,19 7:6	14:12	26:24
74:16	<b>scattered</b> 85:14	7:11,19,23		28:17
80:24	<b>Schamerhorn</b>	8:13,18		<b>side</b> 20:15 35:7
81:18		10:1 12:12		
<b>rights</b> 13:5 14:24		16:2 26:17		
19:6,8,15				
20:1 21:2				
22:5 24:8				
45:9 53:18				
60:19				
65:15 72:2				
<b>Rita</b> 6:20				
<b>roadshow</b>				

47:17 52:9	50:2 57:13	46:19,21	28:3 50:20	15:17
54:21 73:5	74:11	80:25	<b>starting</b>	<b>statistics</b>
73:6 77:20	79:23	<b>special</b>	83:21	5:10 27:24
<b>sides</b>	83:18	1:16 5:12	<b>state</b>	85:22
64:18 85:24	<b>size</b>	14:12	6:5,11,15	<b>status</b>
<b>signed</b>	20:1	18:23 20:6	6:23 7:1,7	19:13
53:12	<b>skin</b>	28:6 81:10	7:11 9:5,6	<b>statute</b>
<b>signific...</b>	84:4	85:2	14:2,9,10	54:18 59:15
13:2	<b>slightly</b>	<b>specific...</b>	15:3,4,12	<b>statutes</b>
<b>significant</b>	17:16	7:10	16:20 18:3	14:20
6:17 8:13	<b>slinky</b>	<b>speed</b>	18:6,17	<b>stay</b>
10:12 13:4	85:17	4:15 22:10	19:9 20:24	18:9 41:13
<b>silence</b>	<b>small</b>	<b>spent</b>	20:25	55:12 66:2
1:10 67:3	84:15	40:5 51:8	22:18,20	86:7
<b>similar</b>	<b>snake</b>	65:9	24:9 25:7	<b>stayed</b>
32:6,12	85:9	<b>spits</b>	26:2 28:17	65:24
<b>simple</b>	<b>sole</b>	64:24	30:9 33:8	<b>step</b>
45:13 79:24	57:12	<b>split</b>	40:10 48:5	1:12 65:18
79:25	<b>somebody</b>	24:15 83:18	50:1,4,4,6	<b>stick</b>
<b>simplicity</b>	1:11 58:5	<b>spots</b>	50:11,13	75:9
31:1,9	69:7	7:13	50:21,22	<b>stir</b>
<b>Sims</b>	<b>soon</b>	<b>spread</b>	50:24,25	1:11
17:19 18:21	35:21 86:10	50:12	51:14 54:9	<b>street</b>
<b>Simultan...</b>	86:16	<b>St</b>	55:16 58:2	84:16
46:19,21	<b>sorry</b>	79:1	58:4,21	<b>strict</b>
<b>single</b>	13:11 18:4	<b>staff</b>	62:4,17	16:16 20:21
7:24 9:6	29:11	4:13 86:10	69:23 71:7	20:22
15:23	46:18 52:1	86:15	73:17,19	21:13 39:1
17:21 20:4	60:16,17	<b>staffed</b>	73:20 74:8	<b>strictly</b>
25:10,17	<b>south</b>	4:19	74:23 75:2	1:23
25:22	41:13	<b>stage</b>	82:7,10,12	<b>strongly</b>
30:22	<b>southern</b>	63:16	82:23,24	21:3 63:9
<b>sir</b>	6:8 82:24	<b>standard</b>	83:2,4,11	<b>structure</b>
10:18 11:16	<b>space</b>	17:24 19:1	83:15	15:21
12:22	30:15	19:10 26:7	<b>state's</b>	<b>studying</b>
16:24 32:3	<b>Spanish</b>	61:24	20:21	55:6,7 84:7
72:23 80:4	84:14	<b>standards</b>	<b>stated</b>	85:18
80:16	<b>speak</b>	17:3 24:3	45:9 72:18	<b>stuff</b>
<b>site</b>	51:24 65:11	<b>standpoint</b>	<b>statement</b>	57:4
4:6	78:19,22	1:25 8:23	73:2,4	<b>subdivision</b>
<b>Sites</b>	80:17	82:7,19	<b>states</b>	19:9
4:5,5	<b>speaker</b>	<b>start</b>	16:19 17:10	<b>subdivis...</b>
<b>sitting</b>	56:8,13,14	1:16 4:11	26:4 30:19	18:18
35:6	56:17	42:10 64:6	36:19	<b>subject</b>
<b>six</b>	57:19	64:24	38:17 50:5	1:24 18:23
9:7,9,22	62:15	68:10	58:22 69:4	28:8 34:14
12:2 15:22	<b>speaker's</b>	82:20,20	72:1,4,6,7	<b>submit</b>
16:4 44:23	57:22	<b>started</b>	72:13 77:6	24:24,25
45:16,17	<b>speaking</b>	6:24 11:22	85:5,7	25:14,14
			<b>statistic</b>	



<b>submitted</b>	28:4,7,18	<b>takes</b>	52:25	78:4,5,7,8
32:25 33:1	29:6 36:19	15:5 42:4	<b>term</b>	78:12,12
33:10,13	37:8 38:17	<b>talents</b>	14:3 15:7	78:14,15
33:18 34:7	38:25 41:9	85:3	24:12,13	78:15 79:6
64:13 81:2	49:18 57:1	<b>talk</b>	66:4	79:21,21
<b>submitting</b>	58:19,23	9:16 19:4	<b>terms</b>	79:25 80:3
86:12,12	59:15 60:1	20:13 23:8	5:8 13:25	80:4 83:23
<b>subordinate</b>	65:17,20	25:25	39:1,7	86:1,2,17
24:18	69:4,15,17	40:21,22	40:22,23	<b>theirs</b>
<b>substantial</b>	77:6	45:18	69:22	50:16
17:17 18:5	<b>sure</b>	46:16	<b>territories</b>	<b>theory</b>
26:17	10:16 31:11	60:19	14:7,13	49:2
<b>substant...</b>	31:13	61:17 75:8	<b>test</b>	<b>thereof</b>
7:17 25:18	42:12 75:1	<b>talked</b>	39:13	87:13
28:14	80:6,14	8:24 10:10	<b>testify</b>	<b>they'd</b>
<b>succeed</b>	<b>survive</b>	14:8 21:16	43:21	50:17
55:4,8	20:22 77:4	30:5 47:14	<b>testimony</b>	<b>thing</b>
<b>suffering</b>	<b>Susie</b>	56:12	40:12 43:8	8:3 23:18
7:15	84:1	74:15	43:22 44:4	43:4 54:14
<b>sufficie...</b>	<b>sustainable</b>	<b>talking</b>	48:23	58:12,13
20:3	59:7,8	16:9 24:6	57:23 59:1	61:3 68:20
<b>suggest</b>	<b>system</b>	28:5 29:9	64:14	81:24
81:17	25:2 40:21	<b>task</b>	76:17	<b>things</b>
<b>suggested</b>	71:1	36:19,20	81:12	1:9 3:13
66:21	<b>T</b>	39:3 54:15	<b>thank</b>	22:6 31:8
<b>suggesting</b>	<b>table</b>	69:10,13	2:4 3:12	39:8,11,15
85:11	35:7 47:16	71:23 72:8	4:16 5:6,6	41:15
<b>sum</b>	56:12 80:8	73:10,15	11:2,2	42:16
8:14	80:10	<b>tasked</b>	12:5 13:20	49:13 52:8
<b>summer</b>	<b>tail</b>	53:23	13:24	60:20 61:2
65:25 66:16	53:20 68:20	<b>team</b>	16:25	71:3 73:22
69:6	<b>tailored</b>	62:14 87:5	21:12	<b>think</b>
<b>supersede</b>	20:23 21:24	87:11	23:14,15	21:20 22:17
76:9	<b>take</b>	<b>teaser</b>	23:16 30:2	22:21,25
<b>supervised</b>	1:12 15:11	34:23	30:3 32:13	23:3 32:16
66:13	23:9 38:4	<b>technology</b>	32:20,23	33:6 35:24
<b>suppleme...</b>	45:11	5:5 12:8	34:19,20	36:11,18
76:17	51:15 52:6	<b>tell</b>	34:21 35:5	37:6 38:4
<b>support</b>	64:15	6:22 9:4	35:5,9,14	38:5,11
47:13,21,24	65:20,21	13:25	41:2 42:6	39:4,14
47:25	66:10	15:22 25:8	42:7,9,14	41:3,8,14
58:15	71:23,23	25:9 31:5	49:9,10,12	41:16,18
59:20	72:14,14	35:22,23	54:4,5,7	41:21,25
<b>supported</b>	72:23	41:23	60:11,13	42:3 43:15
21:4 59:19	81:25	46:11,11	63:25,25	43:17
<b>supports</b>	82:14,22	50:20 57:6	64:1,2,4	44:10
48:8	83:3,7	63:23 65:2	70:17,18	45:18
<b>Supreme</b>	<b>taken</b>	<b>telling</b>	70:20	46:12 48:1
5:11 25:5	65:23 77:14	15:22 42:18	72:17 73:3	48:18,25
			75:3,12,16	50:16 53:1

53:8,10,16 54:1,9 58:11,11 63:12,14 63:16 64:8 64:9 66:18 66:23,24 69:5,9,19 70:1 73:6 73:7 74:2 77:8,25 79:6,10,22 83:7,12,14 <b>third</b> 45:2 56:4 56:20 <b>Thomas</b> 3:5,6 41:1 41:2 42:6 42:8 86:20 <b>Thompson</b> 29:15 <b>Thornburg</b> 19:23 <b>thought</b> 38:15,21 40:9,9 55:14 66:1 79:20 <b>threatened</b> 75:19,20 <b>three</b> 51:8,11 59:23 79:24 82:12 84:20 <b>throw</b> 72:13 <b>till</b> 81:14 83:6 <b>time</b> 28:16 36:1 40:5 44:5 44:16 51:9 54:4 56:4 56:6 59:10 60:5 61:3 61:25 62:11,16	66:17 72:12 75:3 75:7,10 77:19 78:7 79:7,22 <b>timeline</b> 5:14 65:4 67:5 <b>today</b> 1:3,14 3:18 33:3 35:16 42:18 46:10 54:4 60:20,21 60:23,25 61:4 78:9 78:20 81:21 <b>told</b> 36:14 44:13 53:14 60:1 63:3,18,19 63:20 <b>Tom</b> 35:17 48:19 52:1 72:25 <b>tomorrow</b> 9:17 60:22 <b>tomorrow's</b> 81:12 <b>total</b> 8:5 9:15,20 10:7,14 12:21,24 13:10,14 15:11,13 51:13 <b>totality</b> 13:18 19:17 20:11 25:12 39:12 <b>touched</b> 14:16 <b>toy</b> 85:17 <b>track</b> 60:7 <b>traditional</b>	25:20 <b>transcribed</b> 87:4,7 <b>Transcri...</b> 87:2,5,7,11 87:16 <b>transcript</b> 87:6 <b>transcri...</b> 87:1,5,9,11 <b>tremendous</b> 79:5 <b>trends</b> 5:10 6:15 6:18 <b>trial</b> 43:25,25 44:8,10 48:14,16 48:17,23 49:3 53:11 55:5 61:9 61:15 62:1 62:6,17,21 63:2,4,17 67:6,7,7 67:11,19 76:15 <b>tried</b> 36:23 39:16 57:6,25 59:25 62:22 63:15 73:23 84:5 85:24 <b>trouble</b> 12:17 <b>true</b> 53:13 54:15 87:9 <b>try</b> 53:20 55:9 56:16 57:17,20 58:4,10 59:14,16 70:3 73:8 73:16 75:5	75:6,9 83:9 84:10 <b>trying</b> 30:4 31:18 39:5 41:23 42:3 46:23 49:25 53:20 54:13 58:6 58:17 59:17 62:20 73:9 79:23 82:25 83:2 85:23 <b>turn</b> 1:10 12:13 <b>turnaround</b> 43:23 <b>tweak</b> 64:16 <b>twenties</b> 29:9 <b>twist</b> 59:6 <b>two</b> 50:2,2,5 79:24 80:5 <b>two-thirds</b> 40:7,9 46:17 47:11 <b>typically</b> 64:14 <hr/> <b>U</b> <hr/> <b>ultimately</b> 39:12,18 40:6 <b>unconsti...</b> 77:13 78:1 <b>undermine</b> 24:18 <b>understand</b> 1:6 23:1,7 23:21 51:11 71:15 74:14	<b>unfair</b> 47:19 74:24 84:17 <b>uniform</b> 6:1 <b>unique</b> 26:2 <b>unite</b> 83:11,15 <b>United</b> 30:19 36:19 38:17 58:22 69:3 72:1,6,6 72:13 77:6 85:5,7 <b>unjust</b> 74:24 <b>untangle</b> 76:7 <b>update</b> 4:13 34:25 <b>upheld</b> 40:7 <b>uploaded</b> 86:8 <b>USA</b> 84:16 <b>use</b> 5:17 24:20 26:7 <b>uses</b> 6:3 <b>utilizing</b> 87:4 <hr/> <b>V</b> <hr/> <b>v</b> 17:7,19 18:5,21,24 19:23 20:18 37:7 38:5 41:21 41:24 42:5 <b>vacated</b> 66:8,10 <b>vacuum</b> 23:20 <b>validated</b>
---	---	--	--	---

24:22	74:9,19,20	48:22	53:23	7:24 8:11
<b>value</b>	85:4	51:15 53:3	59:17	8:16,21
73:22	<b>voted</b>	58:15 59:6	60:25 61:4	9:8,21,25
<b>VAP</b>	47:11 63:10	59:11 61:1	61:5,11	10:1,3
10:14	73:12	61:8 71:15	70:7 73:18	11:3,4,6,8
<b>various</b>	<b>Voters</b>	73:13 74:2	78:20 81:9	11:9 13:10
14:20 17:18	56:15	74:18	81:10,20	30:6,13,24
<b>vary</b>	<b>votes</b>	78:19,20	83:13,14	31:6,6,6,7
28:20	27:9	78:23 79:5	86:6	31:19,19
<b>verifica...</b>	<b>voting</b>	79:25	<b>we've</b>	31:20,20
24:23	13:5,6	80:20,22	9:12 25:25	82:6
<b>version</b>	14:24 19:6	81:13	35:25	<b>wiggle</b>
37:23	19:8,10,15	83:10,11	40:11,12	16:14
<b>veto</b>	20:1,7	<b>wanted</b>	43:25	<b>wish</b>
27:17,18	21:2 22:5	3:22 55:14	49:19	67:21
40:8	24:8 45:9	60:18	54:14	<b>wishes</b>
<b>vetoed</b>	46:18	61:17 80:8	60:20 67:1	24:24
27:16	51:12	80:17	70:11	<b>witness</b>
<b>Vice-chair</b>	53:18	84:10	72:12,17	78:18 80:5
2:7	57:16	<b>wants</b>	72:21	<b>witnesses</b>
<b>Vice-cha...</b>	60:19	58:12,13,13	<b>website</b>	1:13 78:19
2:8 60:12	65:15 72:2	64:17	4:2,25 9:25	<b>women</b>
60:13,16	74:13	<b>watching</b>	11:21	45:5
63:25	<b>voting-age</b>	5:4	30:18	<b>wonderful</b>
<b>videos</b>	10:15 12:20	<b>water</b>	<b>week</b>	58:9
5:1	13:2,11,14	85:14	40:16 86:7	<b>work</b>
<b>Vietnamese</b>	13:18	<b>way</b>	86:17	3:25 4:6,9
84:14	51:12,13	9:10 11:15	<b>welcome</b>	37:4,10,11
<b>viewed</b>	52:5,7,9	31:9 32:11	1:3,4,5,7	40:11 47:3
54:9	52:12	38:14,18	13:21	70:17 77:4
<b>viewing</b>	74:13	39:21	32:14 35:2	77:4 82:23
3:24	<b>voting-r...</b>	52:10	35:4,4	<b>working</b>
<b>violate</b>	30:17	54:21	75:15 80:7	5:5 6:24
41:7	<b>vs</b>	55:10 66:9	80:10,11	40:5 60:8
<b>violated</b>	74:13	66:16 84:5	<b>Wells</b>	78:9 80:25
36:25	<b>VTDs</b>	85:8 87:12	18:24	83:15
<b>violation</b>	24:12	<b>we'll</b>	<b>went</b>	84:18
19:16 41:12	<b>W</b>	5:7 20:13	40:8 49:18	<b>worry</b>
<b>violations</b>	<b>wait</b>	46:25,25	54:20 55:5	57:4
19:25 21:2	66:1	47:3 54:3	57:24	<b>wouldn't</b>
22:5	<b>want</b>	61:6 81:25	61:21,22	2:3 35:11
<b>voices</b>	3:25 4:8,8	<b>we're</b>	65:25 74:8	50:4,8
78:21	4:9 6:22	1:18,24	79:10	57:10 61:5
<b>vote</b>	8:3 9:4,16	3:17,20	<b>weren't</b>	<b>wrap</b>
15:8 19:1	12:10	4:11 5:5	47:24 63:2	30:4
19:12 23:2	16:22	7:8 16:8,8	<b>Wesberry</b>	<b>Wright</b>
23:3 40:7	23:19,23	19:4 28:5	17:7	3:7
57:16 71:8	30:11,14	29:9,9	<b>whatnot</b>	<b>write</b>
71:21 74:4	35:22	48:1 51:2	40:8	72:19
		52:20,21	<b>White</b>	

wrong 48:19 61:3	27:2	105 25:11	1st 27:7	55:20
wrote 60:4	z	10th 27:10,16	2	27 27:12,13,18
Wyble 3:8,9 30:1 30:2,10 31:11,13 31:16 32:1 32:4,8,10 32:13 46:15	z 85:9 zero 16:23 40:13	11 27:19	2 16:12 17:9 19:8,15,16 21:2 22:5 24:8 28:15 30:20 37:9 37:19 45:8 45:9,11 48:8 53:18 56:15,16 56:25 57:14,19 57:25 58:1	291001-A... 87:3
x	0	12th 87:14	2.30 8:12	3 3,711 6:1
y	0.00 16:5 0.01 16:5 0:13:18 10:19 0:13:36 11:5 0:43:45 34:12	13 3:10 14th 17:9,23 18:2 19:7 20:17 24:7 27:10 53:17 56:25	2.74 6:7 20,000 26:10 2000 6:18 7:4 2000s 6:19 2010 6:19 7:4,16 7:23 8:10 26:8 32:8 2020 5:9 6:6 7:10 8:10 26:1,10,13 32:6 2022 5:13 15:18 27:9,20 2024 1:3 87:14 20s 29:3,20 21 23:25 24:1 29:6 71:25 24 16:3 26	30th 27:16,18 31 27:17 31st 27:19 32.8 7:24 33 27:9 55:21 56:21,21 79:23 33.13 8:11 362,000 28:25 39 25:11 82:14
y'all 4:21 9:11 9:14,17 12:8 22:17 22:19 23:22 31:2 31:10 56:3 60:7,8,8 78:8,9 79:6,20,21 79:21 80:1 80:3,19	1 13:9 16:10 16:12 17:8 28:19 56:9 56:14 57:7	15th 1:3 19:7 24:8 27:12 53:17 66:20 18 13:4,6 18th 27:12,14 1920s 29:10 1940 6:13 1960s 17:19 1965 14:24 19:6 1980 7:1 1982 19:16 1986 19:24 1988 4:20 1990 6:18 7:2 28:10,11 1990s 36:1 1997 28:10,11	20,000 26:10 2000 6:18 7:4 2000s 6:19 2010 6:19 7:4,16 7:23 8:10 26:8 32:8 2020 5:9 6:6 7:10 8:10 26:1,10,13 32:6 2022 5:13 15:18 27:9,20 2024 1:3 87:14 20s 29:3,20 21 23:25 24:1 29:6 71:25 24 16:3 26	4 8:11 362,000 28:25 39 25:11 82:14
yeah 8:19 29:14 32:7 33:21 34:17 35:8 40:17 49:16 51:16 67:25 70:6 75:5 81:4 81:6,15 86:19	1.3 8:1 1.8 7:25 1.83 8:2 1.87 8:12 1:14:43 60:24 1:30:56 73:1 1:39:31 79:2 10 17:23,25 18:8 27:12 10.22 6:9 100 8:5 13:11 101 4:21	1 13:9 16:10 16:12 17:8 28:19 56:9 56:14 57:7	20,000 26:10 2000 6:18 7:4 2000s 6:19 2010 6:19 7:4,16 7:23 8:10 26:8 32:8 2020 5:9 6:6 7:10 8:10 26:1,10,13 32:6 2022 5:13 15:18 27:9,20 2024 1:3 87:14 20s 29:3,20 21 23:25 24:1 29:6 71:25 24 16:3 26	4 8:9 26:19 4,657,757 5:17 4.25 8:9 41 16:3 476,554 28:21 4th 27:8
year 26:2 70:10 70:11	10 17:23,25 18:8 27:12 10.22 6:9 100 8:5 13:11 101 4:21	1 13:9 16:10 16:12 17:8 28:19 56:9 56:14 57:7	20,000 26:10 2000 6:18 7:4 2000s 6:19 2010 6:19 7:4,16 7:23 8:10 26:8 32:8 2020 5:9 6:6 7:10 8:10 26:1,10,13 32:6 2022 5:13 15:18 27:9,20 2024 1:3 87:14 20s 29:3,20 21 23:25 24:1 29:6 71:25 24 16:3 26	4 8:9 26:19 4,657,757 5:17 4.25 8:9 41 16:3 476,554 28:21 4th 27:8
years 4:1,8 8:25 40:5 51:8 51:11 60:1 65:8	10 17:23,25 18:8 27:12 10.22 6:9 100 8:5 13:11 101 4:21	1 13:9 16:10 16:12 17:8 28:19 56:9 56:14 57:7	20,000 26:10 2000 6:18 7:4 2000s 6:19 2010 6:19 7:4,16 7:23 8:10 26:8 32:8 2020 5:9 6:6 7:10 8:10 26:1,10,13 32:6 2022 5:13 15:18 27:9,20 2024 1:3 87:14 20s 29:3,20 21 23:25 24:1 29:6 71:25 24 16:3 26	4 8:9 26:19 4,657,757 5:17 4.25 8:9 41 16:3 476,554 28:21 4th 27:8
yeas 27:13,17,18	10 17:23,25 18:8 27:12 10.22 6:9 100 8:5 13:11 101 4:21	1 13:9 16:10 16:12 17:8 28:19 56:9 56:14 57:7	20,000 26:10 2000 6:18 7:4 2000s 6:19 2010 6:19 7:4,16 7:23 8:10 26:8 32:8 2020 5:9 6:6 7:10 8:10 26:1,10,13 32:6 2022 5:13 15:18 27:9,20 2024 1:3 87:14 20s 29:3,20 21 23:25 24:1 29:6 71:25 24 16:3 26	4 8:9 26:19 4,657,757 5:17 4.25 8:9 41 16:3 476,554 28:21 4th 27:8
yellow	10 17:23,25 18:8 27:12 10.22 6:9 100 8:5 13:11 101 4:21	1 13:9 16:10 16:12 17:8 28:19 56:9 56:14 57:7	20,000 26:10 2000 6:18 7:4 2000s 6:19 2010 6:19 7:4,16 7:23 8:10 26:8 32:8 2020 5:9 6:6 7:10 8:10 26:1,10,13 32:6 2022 5:13 15:18 27:9,20 2024 1:3 87:14 20s 29:3,20 21 23:25 24:1 29:6 71:25 24 16:3 26	4 8:9 26:19 4,657,757 5:17 4.25 8:9 41 16:3 476,554 28:21 4th 27:8

34:9 42:19	60:3			
72:2	<b>88,120</b>			
<b>50</b>	26:18			
45:5				
<b>57.06</b>	<b>9</b>			
8:11	<b>9</b>			
	9:15			
<b>6</b>	<b>90</b>			
<b>6</b>	7:2			
9:13 14:17	<b>92</b>			
25:11	60:4			
26:20 27:3	<b>94-171</b>			
82:15,16	24:22			
82:17				
<b>6.92</b>				
8:10				
<b>602,853</b>				
28:16				
<b>62</b>				
27:13				
<b>62.56</b>				
7:23				
<b>65</b>				
16:4				
<b>69</b>				
13:10				
<b>7</b>				
<b>7</b>				
28:21				
<b>7.35</b>				
6:8				
<b>70</b>				
27:9				
<b>71</b>				
13:11				
<b>72</b>				
27:17				
<b>755,562</b>				
26:9				
<b>776,292</b>				
26:10				
<b>8</b>				
<b>8</b>				
15:18				
<b>838,610</b>				
28:23				
<b>84</b>				