Attachment 3A

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

DOROTHY NAIRNE, ET AL	*	CIVIL ACTION
	*	
VERSUS	*	NO. 3:22-178-SDD
	*	
KYLE ARDOIN, ET AL	*	NOVEMBER 29, 2023
	*	
* * * * * * * * * * * * * * *		MORNING SESSION

DAY 2
BENCH TRIAL
BEFORE THE HONORABLE SHELLY D. DICK
UNITED STATES CHIEF DISTRICT JUDGE

APPEARANCES:

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(NOVEMBER 29, 2023)

(CALL TO THE ORDER OF COURT)

THE COURT: GOOD MORNING.

BE SEATED.

OKAY. I BELIEVE MR. COOPER WAS ON THE STAND.

MR. STRACH: YOUR HONOR, MAY I ADDRESS THE COURT?

THE COURT: YES, MR. STRACH, YOU MAY.

MR. STRACH: I JUST WANTED TO GIVE THE COURT A HEADS-UP UPDATE ABOUT ADMINISTRATIVE/TIMING ISSUE.

THE COURT: OKAY.

MR. STRACH: SO WE WERE INFORMED YESTERDAY AFTERNOON THAT THE PLAINTIFFS WOULD PROBABLY WRAP UP THEIR CASE EARLY THIS AFTERNOON, I GUESS. FRANKLY, WE WERE THINKING IT WOULD BE THURSDAY AFTERNOON. SO WE'VE BEEN SCRAMBLING AROUND, SCROUNGING UP OUR WITNESSES. WE'VE BEEN ABLE TO SECURE PRESIDENT CORTEZ FOR THIS AFTERNOON. WE'VE GOT A COUPLE OF WITNESSES ON THE WEST COAST THAT WE'VE ASKED TO GO AHEAD AND JUMP ON A PLANE AND GET OUT HERE SO WE CAN PUT THEM UP THIS WEEK INSTEAD OF NEXT WEEK, BUT THAT DOESN'T MEAN WE MIGHT NOT COME UP SHORT A COUPLE OF AFTERNOONS THIS WEEK, JUST BECAUSE WE ARE TRYING TO ROUND UP ALL OF OUR WITNESSES, SOME OF WHOM COULD ONLY TESTIFY TILL NEXT WEEK.

THE BOTTOM LINE, WE CERTAINLY WON'T GO PAST WEDNESDAY. I THINK EVEN IF WE COME UP SHORT WITH SOME WITNESSES A FEW AFTERNOONS THIS WEEK, I DON'T THINK OUR CASE

09:03 1 WILL EVEN GO PAST MONDAY. SO I DON'T THINK WE ARE GOING TO --
2 I DON'T THINK IT'S GOING TO IMPINGE ON ANY TIME THE COURT'S
3 ALREADY SET ASIDE, BUT I WANTED TO GIVE YOU THE HEADS-UP THAT
4 WE ARE DOING THE BEST WE CAN.
5 **THE COURT:** OKAY.
6 **MR. STRACH:** AND WE'RE GOING TO TRY TO --
7 **THE COURT:** ALL RIGHT. IF THIS WERE A JURY TRIAL,
8 I'D PROBABLY LOSE MY MIND RIGHT NOW, BUT IT'S NOT. AND SO WE
9 ARE NOT IMPOSING ON CITIZENS TO WAIT AROUND WHILE WITNESSES
10 COME IN. SO WE WILL JUST DO -- DO THE BEST YOU CAN. I'M SURE
11 YOU ARE DOING THE BEST YOU CAN, AND WE WILL MOVE STEADILY, AS
12 STEADILY AS WE CAN.
13 **MR. STRACH:** OKAY. THANK YOU, JUDGE. IT APPRECIATE
14 IT.
15 **THE COURT:** ALL RIGHT. THANK YOU FOR THE
16 INFORMATION.
17 ANYTHING FROM THE PLAINTIFFS?
18 **MS. KEENAN:** NO. I THINK WE CAN SORT IT OUT OUTSIDE
19 OF COURT. WE JUST -- WE WOULD APPRECIATE -- WE HAVE RECEIVED
20 NO NOTICE ABOUT THE WITNESSES WHO ARE HOPPING ON A PLANE. WE
21 DON'T KNOW ANYTHING ABOUT WHICH WITNESSES MAY OR MAY NOT BE
22 PRESENTED TODAY, OTHER THAN PRESIDENT CORTEZ. SO IF THERE ARE
23 FOLKS WHO MAY BE COMING IN AS EARLY AS TODAY, WE WOULD
24 APPRECIATE THE SAME NOTICE THAT WE HAVE EXTENDED TO DEFENDANTS
25 ABOUT WHICH WITNESSES WILL BE TESTIFYING THE NEXT DAY.

09:04 BUT, OF COURSE, WE CAN -- THIS IS ATTORNEY BACK AND FORTH. WE DON'T NEED TO ADDRESS IT WITH THE COURT.

THE COURT: AND, MR. STRACH, I MEAN, I AM -- THEY HAVE BEEN VERY FORTHCOMING. LOOK, I UNDERSTAND THAT ORDER OF TESTIMONY AND ALL THAT IS WORK PRODUCT. YEAH, YEAH, YEAH, GOT IT.

MR. STRACH: YES.

THE COURT: THEY HAVE BEEN VERY FORTHCOMING WITH THE ORDER OF THEIR WITNESSES TO ALLOW YOU-ALL TO PREP, AND I WOULD EXPECT THAT YOU WOULD DO THE SAME.

MR. STRACH: WE ARE CERTAINLY GOING TO DO THAT.

THE COURT: ALL RIGHT.

MR. STRACH: PRESIDENT CORTEZ IS ALL WE ARE GOING TO HAVE THIS AFTERNOON.

THE COURT: OKAY.

MR. STRACH: AND THEN THIS EVENING, WE WILL NOTIFY THEM ABOUT THE ORDER FOR TOMORROW.

THE COURT: ALL RIGHT. THANK YOU.

OKAY. MR. COOPER MAY RESUME THE WITNESS STAND.

MS. THOMAS, YOU MAY RESUME YOUR EXAMINATION.

MS. THOMAS: JUST BEFORE WE START WITH MR. COOPER -- MY WATER WAS CONFISCATED ON THE WAY IN. IF SOMEONE COULD BRING MR. COOPER A WATER. I THINK WE ARE TRYING TO GET WATER IN, AND WHEN IT IS IN THE COURTHOUSE, IF I'M ALLOWED TO JUST APPROACH AND GIVE IT TO HIM.

09:05 1 **THE COURT:** YES.
2 **MS. THOMAS:** OH, HERE WE GO.
3 **THE COURT:** THANK YOU.
4 **MS. THOMAS:** THANK YOU.
5 **THE COURT:** ALL RIGHT.
6 **MS. THOMAS:** MAY I APPROACH?
7 **THE COURT:** YOU MAY.
8 **MS. THOMAS:** THANK YOU.
9 **THE COURT:** YOU'RE WELCOME.
10 WHAT WERE YOU TRYING TO CARRY IN YOUR WATER THAT
11 GOT IT CONFISCATED?
12 **MS. THOMAS:** IT WAS JUST -- THEY WERE OPEN. I DON'T
13 KNOW. THIS WAS THE FIRST TIME.
14 **THE COURT:** OH, I MEAN, IT'S LIKE TSA, MAN. YOU
15 CAN'T BRING IN OPEN WATER BOTTLES.
16 **MS. THOMAS:** I'M SORRY, YOUR HONOR.
17 **THE COURT:** IT'S THE FEDERAL GOVERNMENT.
18 **MS. THOMAS:** THERE WAS A CLOSED ONE. BUT I HAD AN
19 OPEN ONE, AND BOTH WERE CONFISCATED ON MY WAY IN.
20 **THE COURT:** OKAY. CARRY ON.
21
22
23
24
25

10:32 1 **WILLIAM S. COOPER,**
2 **HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:**
3 **DIRECT EXAMINATION CONTINUED**
4 **BY MS. THOMAS:**
5 **Q.** GOOD MORNING, MR. COOPER.
6 **A.** GOOD MORNING.
7 **Q.** SO I'D LIKE TO ASK YOU A COUPLE OF QUESTIONS. ARE YOU
8 FAMILIAR WITH A TERM "BLOCK EQUIVALENCY FILE"?
9 **A.** YES. I USE BLOCK EQUIVALENCY FILES FREQUENTLY.
10 **Q.** AND WHAT IS A BLOCK EQUIVALENCY FILE?
11 **A.** IT'S JUST A FILE EXPORTED FROM GIS SOFTWARE, AND IT
12 REFLECTS THE BLOCK LEVEL CONFIGURATION OF A REDISTRICTING PLAN,
13 OR SOME OTHER KIND OF DISTRICT, NOT NECESSARILY A REDISTRICTING
14 DISTRICT, A SCHOOL ZONE OR SOMETHING OF THAT NATURE.
15 **Q.** AND WHAT HAPPENS WHEN YOU UPLOAD A BLOCK EQUIVALENCY FILE
16 INTO A GIS SOFTWARE?
17 **A.** YOU CAN GET AN IMMEDIATE VIEW OF THE VOTING PLAN IN
18 QUESTION.
19 **Q.** DID YOU CREATE BLOCK EQUIVALENCY FILES FOR YOUR
20 ILLUSTRATIVE MAPS HERE?
21 **A.** I DID. AND THEY WERE GIVEN TO THE DEFENDANTS.
22 **Q.** OKAY. DID YOU CREATE A BLOCK EQUIVALENCY FILE FOR THE
23 ILLUSTRATIVE SENATE PLAN?
24 **A.** YES.
25 **Q.** IF WE COULD PULL UP WHAT HAS BEEN MARKED AS PLAINTIFF

09:07 EXHIBIT 116.

THE COURT: AND HAS THAT BEEN PREADMITTED? I AM NOT LOOKING BACK AT MY NOTES.

MS. THOMAS: THAT HAS NOT BEEN PREADMITTED.

THE COURT: OKAY.

MS. THOMAS: I AM ADMITTING IT NOW.

BY MS. THOMAS:

Q. DO YOU RECOGNIZE THIS FILE?

A. YES. TO ACTUALLY SEE THE BLOCK NUMBER IN ITS CORRECT FORMAT, YOU HAVE TO LOAD THAT UP AS A COMMA-SEPARATED VALUE TEXT FILE. YOU CAN DO THAT FROM WITHIN EXCEL SO YOU DON'T GET THE EXPONENTIALS THERE.

Q. OKAY. BUT IS THIS HOW THE FILE IS DOWNLOADED INTO EXCEL?

A. YEAH.

MS. THOMAS: AT THIS POINT WE'D LIKE TO MOVE IN PLAINTIFFS' EXHIBIT 116.

MR. TUCKER: NO OBJECTION.

THE COURT: ADMITTED.

BY MS. THOMAS:

Q. DID YOU ALSO CREATE A BLOCK EQUIVALENCY FILE FOR YOUR ILLUSTRATIVE HOUSE PLAN?

A. YES.

Q. IF WE COULD PULL UP PLAINTIFF EXHIBIT 117.

A. YES. AND YOU CAN SEE THAT'S THE HOUSE PLAN BECAUSE THERE'S A DISTRICT 46 THERE.

09:08 1 **Q.** OKAY.
2 **MS. THOMAS:** AT THIS POINT WE WOULD ALSO LIKE TO MOVE
3 IN PLAINTIFF EXHIBIT 117.
4 **MR. TUCKER:** NO OBJECTION.
5 **THE COURT:** ADMITTED.
6 **BY MS. THOMAS:**
7 **Q.** NOW, WHEN WORKING ON THE MAPS THAT ARE REPRESENTED IN THE
8 TWO BLOCK EQUIVALENCY FILES THAT WE'VE JUST ENTERED, DID YOU
9 RECEIVE ANY FEEDBACK FROM THE OTHER EXPERTS IN THIS CASE
10 THROUGH COUNSEL?
11 **A.** I DID GET SOME FEEDBACK DURING THE TIME I WAS WORKING ON
12 THE FINAL 2023 ILLUSTRATIVE PLAN, OR MAYBE JUST PRIOR TO IT.
13 I'D DONE AN EARLIER PLAN IN 2022. AND SO MINOR MODIFICATIONS
14 WERE MADE AS A RESULT OF SOME DISCUSSIONS WITH THE PLAINTIFFS'
15 ATTORNEYS.
16 **Q.** OKAY. AND DID YOU HAVE AN UNDERSTANDING OF WHICH EXPERTS
17 WERE PROVIDING FEEDBACK?
18 **A.** YES.
19 **Q.** AND WHO WERE THOSE EXPERTS?
20 **A.** I BELIEVE THE ONLY EXPERT THAT ACTUALLY CHIMED IN ON THIS
21 WAS DR. COLTEN, WHO IS A RESIDENT OF LOUISIANA, AND OBVIOUSLY
22 KNOWS THE STATE QUITE WELL, GIVEN HIS PRESENTATION YESTERDAY.
23 **Q.** DO YOU RECALL WHETHER YOU RECEIVED ANY FEEDBACK FROM ANY
24 OTHER EXPERTS ABOUT THE PERFORMANCE OF YOUR DISTRICTS?
25 **A.** IN TERMS OF THE PERFORMANCE OF THE DISTRICTS, I DID HAVE

09:09 SOME COMMUNICATION FROM YOU THAT IT WOULD BE PREFERABLE TO MAKE MINOR CHANGES TO A COUPLE OF HOUSE DISTRICTS IN EAST BATON ROUGE.

Q. DID YOU RECEIVE ANY FEEDBACK THROUGH COUNSEL FROM THE PLAINTIFFS IN THIS CASE?

A. I DID, AGAIN, THROUGH YOU.

Q. GOING TO THE MAPS THAT YOU DREW, IF WE COULD PULL UP WHAT IS PLAINTIFFS' EXHIBIT 20, FIGURE 1 ON PAGE 9.

A. YES.

Q. SO STARTING -- I BELIEVE YOU TESTIFIED YESTERDAY THAT YOU STARTED WITH THE CENSUS DATA. WHAT DOES THIS FIGURE SHOW US?

A. WELL, THIS FIGURE JUST SHOWS YOU THE TOTAL POPULATION OF LOUISIANA ACCORDING TO THE 2000 TO 2010 AND 2020 DECENNIAL CENSUSES. AND IT'S BROKEN OUT WITH TOTAL POPULATION, AND THEN BY RACE AND ETHNICITY -- OR AT LEAST SOME OF THE ETHNICITIES ALL THE WAY DOWN THE CHART.

Q. AND WHAT DOES THIS CHART TELL US ABOUT WHAT HAPPENED TO THE POPULATION FROM 2020 [SIC] TO 2010 TO 2020?

A. WELL, YOU CAN SEE THAT THE STATE HAS INCREASED A LITTLE BIT IN POPULATION IN TERMS OF TOTAL POPULATION. AND YOU CAN ALSO SEE IF YOU GO DOWN TO THE BOTTOM ROW, THE "ANY PART BLACK" CATEGORY, YOU CAN SEE THAT IT TOO HAS INCREASED IN TOTAL POPULATION AS WELL AS A SLIGHT INCREASE IN THE PERCENTAGE ANY PART BLACK FROM 32.86 PERCENT IN 2000 TO 33.13 PERCENT IN 2020, A SLIGHT INCREASE.

09:11 THE BIG CHANGES WERE THAT THE NON-HISPANIC WHITE POPULATION, WHICH WAS ALMOST 2.8 MILLION IN 2000 HAS NOW FALLEN TO ABOUT 2.6 MILLION IN 2020. SO UNDER THE 2000 CENSUS, THE NON-HISPANIC WHITE POPULATION MADE UP ABOUT 62.5 PERCENT OF THE TOTAL POPULATION IN THE STATE AND THAT HAS NOW DROPPED TO ROUGHLY 55.8 PERCENT. I'M ROUNDING. THOSE ARE ACTUALLY CARRIED OUT TO THE HUNDREDTH POINT IN THE CHART ITSELF.

Q. AND IF I COULD ASK YOU, WHY DID YOU USE THE "ANY PART BLACK" MEASURE?

A. BECAUSE THAT IS THE ACCEPTED STANDARD NOW IN SECTION 2 CASES WHEN EXAMINING THE RACIAL COMPOSITION OF A STATE OR A DISTRICT. THAT GOES BACK TO *ASHCROFT V. GEORGIA* IN I THINK 2002, A SUPREME COURT RULING.

Q. I WOULD NOW LIKE TO TURN TO PAGE 17, FIGURE 7 OF THE SAME EXHIBIT.

WHAT DOES THIS FIGURE SHOW US?

A. OKAY. THIS IS A SIMILAR TABLE THAT BREAKS OUT THE POPULATION CHANGES AT THE REGIONAL LEVEL IN LOUISIANA SINCE 2000 WHERE THERE'S BEEN A LOT MORE CHANGE IN DYNAMIC REPERCUSSIONS, DEPENDING UPON WHICH PART OF THE STATE YOU'RE IN. YOU CAN SEE THAT TO A LARGE DEGREE, ALL OF THESE METROPOLITAN STATISTICAL AREAS, MSAS, WHICH ARE DEFINED BY THE CENSUS BUREAU AND THE OFFICE OF MANAGEMENT AND BUDGET, HAVE SHOWN A SIGNIFICANT POPULATION GROWTH SINCE THE YEAR OF 2000, WITH THE EXCEPTION OF NEW ORLEANS, AND THAT IS IN MANY WAYS A

09:13 1 REFLECTION OF HURRICANE KATRINA, BECAUSE THERE WAS A BIG DROP
2 IN THE POPULATION BETWEEN 2000 AND 2010. IT'S COMING BACK A
3 BIT. THE NEW ORLEANS MSA DID GAIN SOME POPULATION BETWEEN 2010
4 AND 2020. BUT STILL, SINCE THE YEAR 2000, THE POPULATION LOSS
5 HAS BEEN ALMOST 5 PERCENT OR ABOUT 66,000 PEOPLE.
6 ELSEWHERE THERE'S BEEN BIG GROWTH. THERE WAS A BIG
7 CHANGE IN BATON ROUGE. IT'S GROWN BY 141,000 PERSONS, A
8 20 PERCENT GROWTH OVER THAT 20-YEAR PERIOD.
9 OTHER AREAS HAVE ALSO GROWN QUITE A BIT, INCLUDING
10 PLACES LIKE HAMMOND AND ALSO LAFAYETTE, ALMOST 15 PERCENT.
11 **Q.** AND WHY DID YOU BREAK THE CENSUS DATA DOWN BY METROPOLITAN
12 AREA?
13 **A.** WELL, IT WAS CLEAR TO ME WHEN I STARTED WORKING ON THIS
14 CASE AND THE CONGRESSIONAL CASE -- AND I HAD ACTUALLY LOOKED AT
15 SOME DATA FROM AN EARLIER CONGRESSIONAL CASE THAT WAS DISMISSED
16 IN LATE 2019, I THINK. I'D SEEN THAT THERE WERE BIG CHANGES AT
17 THE REGIONAL LEVEL, AND THAT TELLS ME THAT MAYBE BECAUSE OF
18 THESE CHANGES, PERHAPS THERE WOULD BE AN OPPORTUNITY TO CREATE
19 SOME ADDITIONAL MAJORITY-BLACK HOUSE OR SENATE DISTRICTS. SO I
20 HAD THIS AT MY SIDE AS I WAS BEGINNING TO WORK ON THE POTENTIAL
21 ILLUSTRATIVE HOUSE AND SENATE PLANS.
22 **Q.** IF WE COULD TURN NOW TO PAGE 18, FIGURE 8 IN THE SAME
23 EXHIBIT.
24 **A.** YES. THIS SHOWS THE BLACK POPULATION CHANGE IN THE STATE
25 AT THE MSA LEVEL. AND HERE AGAIN, YOU CAN SEE THAT THERE'S

09:15 BEEN CONSISTENT GROWTH EVERYWHERE EXCEPT IN NEW ORLEANS AND THE RURAL AREAS OF THE STATE. AND THE BATON ROUGE AREA HAS SEEN A 25 PERCENT INCREASE IN BLACK POPULATION. IN ABSOLUTE TERMS, ALMOST 64,000 PEOPLE. SO JUST ALONE, THE BLACK POPULATION GROWTH IN THE BATON ROUGE MSA WOULD AMOUNT TO ALMOST TWO HOUSE DISTRICTS. AND THERE'S BEEN A SIGNIFICANT GROWTH IN LAFAYETTE AND IN LAKE CHARLES IN PERCENTAGE TERMS ANY WAY. AND ALSO EVEN IN SHREVEPORT WHERE THE WHITE POPULATION HAS FALLEN. WE'LL SEE THAT ON THE NEXT CHART.

BUT WITH RESPECT TO THE BLACK POPULATION, IT'S UP BY 11.4 PERCENT OR ALMOST 17,000 PERSONS.

Q. IF WE COULD NOW TURN TO PAGE 20, FIGURE 10.

A. YES. HERE YOU SEE ALMOST ALL RED. THIS SHOWS THE POPULATION CHANGE FOR THE WHITE POPULATION IN THE STATE OVER THAT 20-YEAR PERIOD. AND ASIDE FROM HAMMOND, WHICH IS ACTUALLY TANGIPAHOA PARISH BASICALLY, AND MAYBE ANOTHER ONE, THERE'S BEEN POPULATION LOSS. IT'S BEEN FAIRLY STABLE, OF COURSE, IN LAFAYETTE, BUT ELSEWHERE IT'S DROPPED IN EVERY SINGLE -- IN EVERY SINGLE MSA AND EVEN IN THE RURAL AREAS.

AND I DO NOTE ON THIS CHART -- BECAUSE THIS GETS KIND OF CONFUSING, THAT THE CENSUS BUREAU MADE A -- KIND OF A FAIRLY SIGNIFICANT MISTAKE IN THE WAY THEY COUNTED PEOPLE IN WEST FELICIANA PARISH. THEY IDENTIFIED ALL OF THE PRISONERS AT ANGOLA INSTEAD OF -- WELL, THEY IDENTIFIED -- THEY MISMATCHED BLACKS AND WHITES AT THE ANGOLA FACILITY. SO THAT INSTEAD OF

09:17 CALLING OR COUNTING ROUGHLY 4,000 OF THOSE WHO ARE IMPRISONED AT ANGOLA -- THERE ARE 5,000 IMPRISONED AS BLACK, THEY WERE COUNTED AS WHITE, AND THAT CENSUS ERROR HASN'T BEEN CORRECTED. SO THIS PARTICULAR CHART I'M SHOWING AN INCREASE OF 13,240 PERSONS IN BATON ROUGE PARISH THAT ARE WHITE. BUT IF YOU DISCOUNT FOR THIS ERROR, THEN THE ACTUAL POPULATION INCREASE THAT IS WHITE IN THE BATON ROUGE MSA IS 9,240 PERSONS. SO IT'S A -- THE OFFICIAL COUNT IS ACTUALLY OVERCOUNTING THE WHITE POPULATION IN THE BATON ROUGE MSA.

AND THE BATON ROUGE MSA IS RATHER LARGE GEOGRAPHICALLY, AND DOES EXTEND OUT INTO -- EVEN ALMOST INTO PARTS OF ACADIANA.

Q. OKAY. STICKING WITH THIS FIGURE, WHAT HAPPENED TO THE WHITE POPULATION IN NEW ORLEANS?

A. THE WHITE POPULATION IN NEW ORLEANS FELL BY ALMOST 117,000 PERSONS OR ROUGHLY 6 PERCENT.

Q. AND IF WE COULD GO BACK TO FIGURE 8 ON PAGE 18.

HOW DOES WHAT HAPPENED TO THE WHITE POPULATION IN NEW ORLEANS COMPARE TO WHAT HAPPENED TO THE BLACK POPULATION IN NEW ORLEANS?

A. THE BLACK POPULATION ALSO FELL IN ABSOLUTE NUMBERS BY A SMALLER AMOUNT, BUT IT DID FALL.

Q. AND YOU SAID "BY A SMALLER AMOUNT," BY HOW MUCH SMALLER OF AN AMOUNT?

A. I'D HAVE TO GO BACK AND SEE THE OTHER CHART. BUT COULD I

09:19 1 SEE -- WELL, I CAN LOOK AT, FIGURE 9.
2 **Q.** IF WE COULD GO BACK TO FIGURE 10 ON PAGE 20?
3 **A.** YEAH. ROUGHLY HALF. I MEAN, IT'S -- THE POPULATION LOSS
4 FOR THE BLACK POPULATION IN NEW ORLEANS MSA WAS ABOUT 58,000,
5 AND THE WHITE POPULATION WAS ABOUT 116,000. SO THERE'S BEEN
6 DEEPER POPULATION LOSS BY THE NON-HISPANIC WHITE POPULATION IN
7 THE NEW ORLEANS MSA VIS-À-VIS THE BLACK POPULATION.
8 **Q.** NOW, GETTING BACK TO YOUR MAP DRAWING PROCESS, I BELIEVE
9 WE'VE DISCUSSED A LITTLE BIT GIS SOFTWARE. DO YOU USE GIS
10 SOFTWARE WHEN YOU'RE DRAWING A MAP?
11 **A.** YES. I USE MAPTITUDE FOR REDISTRICTING, WHICH I THINK IS
12 PROBABLY THE PRIMARY SOFTWARE USED FOR REDISTRICTING PURPOSES
13 AT THE STATE LEGISLATIVE LEVEL AND IS ALSO, OF COURSE, USED BY
14 MANY LOCAL GOVERNMENTS AROUND THE COUNTRY AND BY MANY EXPERTS
15 WHO TESTIFY IN REDISTRICTING CASES.
16 **Q.** AND WHAT DID YOU USE THE SOFTWARE TO DO?
17 **A.** TO DEVELOP THE ILLUSTRATIVE PLANS AND TO ANALYZE THE
18 ENACTED PLANS.
19 **Q.** NOW, YESTERDAY YOU TESTIFIED THAT YOU WERE TRYING TO
20 DEVELOP A *GINGLES 1* COMPLIANT MAP. IS THAT RIGHT?
21 **A.** YES.
22 **Q.** AND WHAT IS YOUR UNDERSTANDING OF THE REQUIREMENTS FOR A
23 *GINGLES 1* COMPLIANT MAP?
24 **A.** WELL, IT MUST ADHERE TO TRADITIONAL REDISTRICTING
25 PRINCIPLES. IN OTHER WORDS, IT IS GENERALLY UNDERSTOOD THAT IF

09:20 ONE IS DRAWING A VOTING DISTRICT, THAT VOTING DISTRICT NEEDS TO BE REASONABLY COMPACT, A REASONABLE SHAPE; IT MUST BE CONTIGUOUS, UNLESS THERE'S WATER INVOLVED; IT NEEDS TO RESPECT COMMUNITIES OF INTEREST. OF COURSE, IT NEEDS TO MEET ONE-PERSON, ONE-VOTE REQUIREMENTS.

AND HERE IN LOUISIANA IT'S UNDERSTOOD THAT DISTRICTS CAN BE PLUS OR MINUS 5 PERCENT IN STATE LEGISLATIVE PLANS. SO ABOVE ALL -- OR THOSE ARE THE FACTORS, ALONG WITH THE NON-DILUTION OF MINORITY VOTING STRENGTHS THAT ONE MUST TAKE INTO CONSIDERATION AS A TRADITIONAL REDISTRICTING PRINCIPLE.

ALSO IN THE BACKGROUND, ALTHOUGH IT'S OFTEN NOT LISTED AS A TRADITIONAL REDISTRICTING PRINCIPLE, IS THE NEED TO PAY ATTENTION WHERE THE INCUMBENTS LIVE AND TO TRY TO AVOID PAIRING INCUMBENTS. SO THAT'S -- EXCUSE ME. THAT'S WHAT I DID IN THIS PLAN. I, AS FAR AS I KNOW, DID NOT PAIR ANY OF THE INCUMBENTS WHO WERE TERM LIMITED IN EITHER THE ILLUSTRATIVE PLAN OR THE -- FOR THE HOUSE OR THE SENATE. BUT I DON'T HAVE INFORMATION ON THE RECENT ELECTION, SO I'M NOT SURE ABOUT THAT.

Q. ALL RIGHT. THANK YOU.

WHEN WORKING ON DRAWING YOUR MAPS, DID YOU CONSIDER RACE?

A. I WAS AWARE OF RACE. ONE HAS TO BE AWARE OF RACE TO ADHERE TO TRADITIONAL REDISTRICTING PRINCIPLES AND COMPLY WITH THE VOTING RIGHTS ACT.

Q. AND HOW DID YOU CONSIDER RACE IN DRAWING YOUR MAPS?

09:22 **A.** I HAD INFORMATION AT THE PRECINCT LEVEL THAT I WAS LOOKING AT AND IDENTIFIED PRECINCTS THAT WERE ROUGHLY 30 PERCENT BLACK OR MORE, WHICH MADE IT POSSIBLE TO THEN BEGIN TO RECONFIGURE DISTRICTS AND CREATE THE ADDITIONAL MINORITY/MAJORITY DISTRICTS. I DID NOT USE BLOCK-LEVEL DATA, AND I THINK SOME OF THE OTHER EXPERTS HERE HAVE PRODUCED MAPS THAT ARE TOTALLY FOREIGN TO ME. I DON'T WORK WITH BLOCK-LEVEL DATA, EXCEPT MAYBE IN CONGRESSIONAL PLANS. OCCASIONALLY I HAVE TO SPLIT A PRECINCT, SO I DO LOOK AT THE BLOCKS. BUT I'M NOT DRAWING BY RACE LOOKING AT THE BLOCKS. I'M MAINLY LOOKING AT POPULATION TOTALS SO THAT I CAN GET WITHIN PLUS OR MINUS ONE PERSON FOR A CONGRESSIONAL PLAN AND THAT'S IT.

I MEAN, I'M DRAWING THESE MAPS AT THE PRECINCT LEVEL. AND SO THE MAPS THAT THE OTHER EXPERTS ARE SHOWING HERE TODAY ARE NOT SOMETHING I WAS LOOKING AT. THEY SEEM TO BE OVERLY OBSESSED WITH RACE.

Q. DID RACE PREDOMINATE YOUR DRAWING OF THE MAPS HERE?

A. NO, IT DID NOT. IT WAS ONE OF SEVERAL FACTORS. I WAS CONSTANTLY BALANCING TRADITIONAL REDISTRICTING PRINCIPLES. IF I PRIORITIZED ANYTHING AT ALL, IT WAS TO AVOID PAIRING INCUMBENTS, AND THAT DOES MAKE A DIFFERENCE WHEN YOU'RE DRAWING A PLAN BECAUSE INCUMBENTS CAN LIVE ALL OVER THE PLACE AND SO THAT BECOMES A FACTOR.

Q. NOW, WHEN DISCUSSING *GINGLES 1*, ARE YOU FAMILIAR WITH THE *GINGLES 1* COMPACTNESS REQUIREMENT?

09:23 1 **A.** YES. IT'S A VERY GENERAL TERM THAT DISTRICTS SHOULD BE
2 SUFFICIENTLY NUMEROUS AND GEOGRAPHICALLY COMPACT.
3 **Q.** AND HOW DID YOU SET ABOUT COMPLYING WITH THE COMPACTNESS
4 REQUIREMENT?
5 **A.** PRIMARILY I JUST VISUALLY LOOKED AT THE DISTRICTS AS I WAS
6 DRAWING THE PLAN AND ATTEMPTED TO ALWAYS HAVE A DISTRICT IN
7 FRONT OF ME THAT WAS REASONABLE. I WOULD ALSO OCCASIONALLY
8 CHECK THE COMPACTNESS SCORES THAT ARE BUILT INTO THE MAPTITUDE
9 FOR A REDISTRICTING MODULE. SO I HAD THAT AS ANOTHER CHECK.
10 **Q.** OKAY. SO PAUSING FOR A MINUTE ON THE COMPACTNESS SCORES.
11 I WOULD LIKE TO PULL UP WHAT HAS BEEN ADMITTED YESTERDAY AS
12 PLAINTIFFS' EXHIBIT 55. AND I BELIEVE THIS IS K-2 IN YOUR
13 REPORT.
14 IT SHOULD ALSO BE ON YOUR SCREEN, MR. COOPER.
15 **A.** OH, YES. OKAY. YES.
16 **Q.** OKAY.
17 **A.** THOSE ARE COMPACTNESS SCORES GENERATED BY MAPTITUDE WITH A
18 MEAN AVERAGE AT THE TOP LINE, AND THEN BELOW FOR THE NEXT
19 COUPLE OF PAGES YOU SEE THE SCORES FOR THE INDIVIDUAL
20 DISTRICTS.
21 **Q.** OKAY. AND THE FIRST COLUMN IN THIS EXHIBIT IS TITLED
22 "REOCK." WHAT IS "REOCK"?
23 **A.** "REOCK" IS ONE WAY TO MEASURE COMPACTNESS, AND IT'S AN
24 AREA-BASED SCORE THAT IS DERIVED BY SIMPLY DRAWING A CIRCLE
25 AROUND THE AREA OF THE DISTRICT, AND THEN WITH FURTHER

09:25 1 MATHEMATICAL PERMUTATIONS, YOU GET A SCORE BETWEEN ZERO AND
2 ONE, WHERE ONE WOULD BE A PERFECT CIRCLE. DISTRICTS ARE NEVER
3 PERFECT CIRCLES OR HARDLY EVER. AND MOST DISTRICTS I THINK IN
4 MY EXPERIENCE GENERALLY FALL IN A RANGE BETWEEN OF .20 AND .40
5 OR 50; RARELY DO YOU SEE ANYTHING MUCH HIGHER THAN THAT.
6 **Q.** AND WHAT IS THIS NEXT MEASURE TITLED "POLSBY-POPPER"?
7 **A.** THAT IS A PERIMETER-BASED MEASURE THAT, AGAIN, INVOLVES
8 DRAWING A CIRCLE AROUND THE DISTRICT, AND THEN YOU MEASURE THE
9 PERIMETER OF THE DISTRICT. AND, AGAIN, WITH A FEW MORE
10 MATHEMATICAL CALCULATIONS TO GET A SCORE.
11 POLSBY-POPPER SCORES ARE ALMOST INVARIABLY LOWER THAN
12 REOCK SCORES JUST BECAUSE OF THE NATURE OF THE CALCULATION.
13 AND SO THAT'S THE SECOND CHECK. AND THOSE TWO, REOCK AND
14 POLSBY-POPPER, ARE THE TWO MOST COMMONLY-REFERENCED COMPACTNESS
15 SCORES BY EXPERTS AND STATE LEGISLATURES.
16 I ALSO INCLUDED ANOTHER SCORE HERE CALLED THE
17 AREA/CONVEX HULL. THAT IS SIMILAR TO POLSBY-POPPER IN THAT IT
18 IS A PERIMETER BASED SCORE THAT ALSO INCORPORATES AREA TO A
19 CERTAIN EXTENT BECAUSE IT DISCOUNTS FOR SOME ODD-SHAPED
20 DISTRICTS THAT ARE PERHAPS ODD SHAPED BECAUSE THEY ARE RIVER
21 BANKS AND MUNICIPALITIES THAT HAVE ODD SHAPES. IT'S A WAY TO
22 TAKE POINTS FROM THE PERIMETER, EXPAND THEM OUT, AND THEN DRAW
23 A POLYGON AROUND THOSE POINTS, AND THEN DRAW THE CIRCLE AROUND
24 THE POLYGON. AND SO YOU GET A HIGHER SCORE FOR THE AREA/CONVEX
25 HULL TYPICALLY. AND IT'S A -- IT'S A WAY TO TAKE INTO ACCOUNT

09:27 SOME AREAS THAT APPEAR TO HAVE VERY LOW SCORES UNDER POLSBY-POPPER, BUT PERHAPS FOR A GOOD REASON IF YOU ARE FOLLOWING THE MISSISSIPPI RIVER OR FOLLOWING A MUNICIPAL BOUNDARY, WHICH OFTENTIMES CAN BE ODD SHAPED.

Q. SO WHY DID YOU USE OR REPORT ALL THREE TESTS HERE?

A. WHY DID I?

Q. YES.

A. BECAUSE THAT'S JUST THREE DIFFERENT WAYS TO LOOK AT COMPACTNESS SCORES. MAPTITUDE FOR REDISTRICTING ACTUALLY GENERATES A DOZEN OF THOSE, MAYBE 13. AND IN RESPONSE TO THE DEFENDANTS' EXPERTS IN MY REBUTTAL REPORT, I ACTUALLY PRODUCED THE SCORES -- ALL THE SCORES THAT ARE PRODUCED IN MAPTITUDE. AND SO THOSE CHARTS ARE IN MY REBUTTAL DECLARATION.

AND BASICALLY THE SENATE PLAN IS UNQUESTIONABLY MORE COMPACT, THE ILLUSTRATIVE SENATE PLAN THAN THE ENACTED SENATE PLAN.

THE HOUSE PLAN FOR THE ENACTED AND ILLUSTRATIVE PLANS ARE ABOUT THE SAME IN TERMS OF COMPACTNESS. SO THERE IS NO REAL COMPACTNESS ISSUE HERE AT ALL.

Q. AND DO YOU LOOK AT MULTIPLE COMPACTNESS SCORES WHEN YOU'RE DRAWING YOUR MAP?

A. I OCCASIONALLY LOOK AT COMPACTNESS SCORES. I DON'T -- I'M NOT CONSTANTLY LOOKING AT IT ON THE SCREEN, THOUGH. IT'S JUST IF I'M CURIOUS AS TO WHETHER IT'S A DISTRICT THAT HAS A REASONABLY HIGH OR LOW COMPACTNESS MEASURE, I'LL TAKE A LOOK AT

09:28 IT. BUT MORE OFTEN THAN NOT, I'M JUST DOING A VISUAL ANALYSIS.
Q. AND WHY DO YOU RUN THESE TESTS AT THE END OF YOUR MAP DRAWING PROCESS ON COMPACTNESS?
A. JUST FOR THE RECORD SO THAT IT'S CLEAR WHAT THESE SCORES SHOW. SO I ALWAYS WOULD INCLUDE AN EXHIBIT SHOWING THE MEASURES OF COMPACTNESS REPORT FROM MAPTITUDE.
Q. DID DR. MURRAY DISCUSS -- SORRY. STRIKE THAT.
I'LL START OVER. DID YOU REVIEW -- I BELIEVE YOU TESTIFIED YESTERDAY THAT YOU REVIEWED DR. MURRAY'S REPORT. IS THAT CORRECT?
A. I DID REVIEW HIS REBUTTAL REPORT, YES.
Q. AND DO YOU RECALL WHETHER HE DISCUSSED YOUR COMPACTNESS MEASURES?
A. HE DISCUSSED THE COMPACTNESS MEASURES. HE'S USING A DIFFERENT SOFTWARE PROGRAM. AND SO HE HAD SLIGHTLY DIFFERENT FINAL NUMBERS, BUT NOTHING OF CONSEQUENCE. AND I DON'T -- I DON'T HAVE -- I THINK HE WAS USING A PYTHON OR MAYBE RGIS, AND I DON'T HAVE THAT SOFTWARE. SO I CAN'T REALLY VOUCH FOR THE ACCURACY OF HIS REPORT IN THAT SENSE IN TERMS OF COMPACTNESS. BUT THE DIFFERENCES ARE DE MINIMIS REALLY.
HE COMPLAINED ABOUT MY DECISION TO JUST ROUND THINGS TO THE HUNDREDTHS INSTEAD OF TO THE THOUSANDS POINT OR SOMETHING. I DON'T KNOW. BUT MAPTITUDE JUST GENERATES THESE NUMBERS AT THE HUNDREDTH POINT. IT GOES NO FURTHER. AND IF THERE'S A DIFFERENCE OF A COUPLE HUNDREDTHS POINTS, IT'S NOT

09:30 GOING TO MATTER IN THE END.
Q. AND DID YOU RECORD YOUR OPINIONS OF DR. MURRAY'S ANALYSIS IN YOUR REBUTTAL REPORT, WHICH HAS ALREADY BEEN ADMITTED AS EXHIBIT 89?
A. YES.
MR. TUCKER: YOUR HONOR, WE OBJECT TO ANY TESTIMONY IN PLAINTIFFS' CASE-IN-CHIEF ABOUT THE REBUTTAL REPORTS OF DR. MURRAY. IF THE PLAINTIFFS WANT TO ADDRESS THAT, THAT CAN BE ADDRESSED IN THEIR REBUTTAL CASE OR AT LEAST IN THE ALTERNATIVE, PLAINTIFFS IF THEY WANT TO DO -- WHAT WE HAD ONE JUDGE REFER TO AS A PREBUTTAL AND ADDRESS THOSE NOW AND THEY SHOULDN'T BE PERMITTED TO THEN LATER ALSO ADDRESS THEM AGAIN IN THEIR REBUTTAL CASE.
THE COURT: DO YOU WANT TO RESPOND, MS. THOMAS?
MS. THOMAS: YES, YOUR HONOR. MR. COOPER IS HERE FROM OUT OF TOWN. HE HAS BEEN GIVING HIS TIME. THE REBUTTAL REPORTS HAVE ALREADY BEEN ADMITTED WITHOUT OBJECTION OF OPPOSING COUNSEL. FOR COURT EFFICIENCY, IT MAKES MUCH MORE SENSE FOR MR. COOPER TO GIVE ALL OF HIS TESTIMONY AND NOT TO STAY HERE FOR DAYS, ESPECIALLY WHEN THEIR WITNESSES AREN'T AVAILABLE AND BE CALLED BACK.
MR. TUCKER: YOUR HONOR, IF PLAINTIFFS ARE REPRESENTING THAT THEY ARE NOT TO GOING TO CALL HIM AGAIN IN THEIR REBUTTAL CASE, THEN WE HAVE NO OBJECTION.
THE COURT: I THINK THAT'S HIS ISSUE. HE DOESN'T

09:31 1 WANT YOU TO GET TWO BITES AT THE APPLE.
2 **MS. THOMAS:** HE'S NOT COMING BACK.
3 **THE COURT:** ALL RIGHT. THEN I'LL ALLOW THE QUESTION.
4 **MR. TUCKER:** THANK YOU, YOUR HONOR.
5 **THE COURT:** YOU'LL WITHDRAW YOUR OBJECTION, I ASSUME?
6 **MR. TUCKER:** I WITHDRAW THE OBJECTION.
7 **THE COURT:** THANK YOU.
8 **MS. THOMAS:** ALL RIGHT. SO I BELIEVE THE OBJECTION
9 WAS WITHDRAWN AND THE WITNESS HAD ALREADY ANSWERED THE QUESTION
10 PRIOR TO THE OBJECTION.
11 **THE COURT:** I DON'T KNOW IF THE WITNESS ANSWERED THE
12 QUESTION BECAUSE I WAS TRYING TO LISTEN TO THE OBJECTIONS. SO
13 IF YOU WANT TO GET IT TO MAKE SURE IT'S ON THE RECORD, YOU MAY
14 ASK IT AGAIN.
15 **MS. THOMAS:** OKAY.
16 **BY MS. THOMAS:**
17 **Q.** WERE YOUR OPINIONS OF MR. MURRAY'S COMPACTNESS' ANALYSIS
18 REFLECTED IN YOUR REBUTTAL REPORT, WHICH IS MARKED AS EXHIBIT
19 89?
20 **A.** WELL, THE POINT IS THERE'S REALLY NO MEANINGFUL DISPUTE
21 BETWEEN MYSELF AND MR. MURRAY, DR. MURRAY, ON COMPACTNESS. THE
22 REST OF HIS REPORT I HAVE MAJOR ISSUES WITH, BUT I THINK HE
23 WOULD AGREE THAT THE DIFFERENCES IN THE COMPACTNESS SCORES ARE
24 DE MINIMIS.
25 **Q.** OKAY. DID YOU REVIEW DR. TRENDE'S REPORT?

09:32 1 **A.** I DID.
2 **Q.** AND DID DR. TRENDE'S REPORT PURPORT TO ANSWER THE *GINGLES*
3 *1* COMPACTNESS QUESTION?
4 **A.** IT PURPORTS TO ANSWER THAT. IT'S TOTALLY MISPLACED IN
5 THIS CASE. IT HAS NOTHING TO DO WITH TRADITIONAL REDISTRICTING
6 PRINCIPLES. THE METHODOLOGY HE EMPLOYS IS JUST NOT APPROPRIATE
7 FOR A *GINGLES 1* CASE. IT IS NOT A REQUIREMENT THAT THE
8 MINORITY POPULATION BE DETERMINED BY THE MOMENT OF INERTIA
9 METHODOLOGY. IT IS WAY OFF BASE. I CAN'T SAY THAT ENOUGH.
10 IT'S SORT OF LIKE -- I DON'T KNOW. IT'S THE REDISTRICTING
11 EQUIVALENT, WHICH IS DESIGNED -- AND IT'S DESIGNED TO FAIL JUST
12 LIKE COUNTING BEANS IN A JAR IS DESIGNED TO FAIL FOR VOTER
13 REGISTRATION. IT'S MISPLACED AND IT SHOULD NEVER BE ACCEPTED
14 AND AS AN APPROPRIATE WAY TO DETERMINE WHETHER ONE CAN DRAW A
15 *GINGLES 1* COMPLIANT DISTRICT AND MEET THE COMPACTNESS
16 REQUIREMENT.
17 **Q.** IN YOUR 55 CASES IN WHICH YOU'VE TESTIFIED IN VOTING, ARE
18 YOU AWARE OF ANY OTHER EXPERT USING MR. TRENDE'S ANALYSIS?
19 **A.** NO, I'M NOT. AND, YOU KNOW, I LOOKED AT THE -- MR. TRENDE
20 WAS THE SPECIAL MASTER FOR THE VIRGINIA REDISTRICTING
21 COMMISSION, AND HE DIDN'T -- AS BEST I CAN TELL, HE DIDN'T
22 REPORT A MOMENT OF INERTIA COMPACTNESS TEST FOR ANY OF THE
23 DISTRICTS HE DREW IN PLACES LIKE --
24 **MR. TUCKER:** OBJECTION, YOUR HONOR. MR. TRENDE'S
25 TESTIMONY ABOUT WHAT HE MAY OR MAY NOT HAVE DONE IN ANOTHER

09:34 CASE DOESN'T SEEM RELEVANT TO WHAT HE DID IN THIS CASE.

THE COURT: DO YOU WANT TO RESPOND?

MS. THOMAS: WELL, CERTAINLY IT'S RELEVANT AS WE OUTLINED IN OUR *DAUBERT* MOTION ABOUT THE PROVIDENCE OF USING THIS MEASURE TO DEFINE COMPACTNESS AS IT IS DEFINED IN *GINGLES 1*. AND MR. COOPER IS OUR *GINGLES 1* EXPERT WHO HAS PREVIOUSLY TESTIFIED THAT HE REVIEWED MR. TRENDE'S WORK, AND THIS IS HIS OPINION ABOUT MR. TRENDE'S WORK GIVEN MR. COOPER'S OWN EXPERIENCE AND KNOWLEDGE OF BOTH EXPERTS IN GENERAL. AND I BELIEVE IT'S NOW DR. TRENDE, BUT IT WAS MR. TRENDE AT THE TIME OF WRITING THE REPORT -- DR. TRENDE'S WORK.

THE COURT: THE COURT IS GOING TO OVERRULE THE OBJECTION. THE COURT -- THIS IS HELPFUL TO THE TRIER OF FACT TO UNDERSTAND THE DIFFERENT METHODOLOGIES AND TO ALSO GAIN SOME AWARENESS AND UNDERSTANDING OF WHAT THE ACCEPTED METHODOLOGIES IN THE FIELD ARE. THE OBJECTION IS OVERRULED.

BY MS. THOMAS:

Q. GOING BACK TO OUR LINE OF QUESTIONING. DR. TRENDE PURPORTS TO ANSWER THE QUESTION OF WHETHER THE MINORITY POPULATION IS SUFFICIENTLY COMPACT. DO YOU BELIEVE YOUR ANALYSIS ANSWERS THIS QUESTION?

A. YES, I DO. AND I BELIEVE HIS ANALYSIS DOES NOT.

Q. AND HAVE COURTS ACCEPTED YOUR ANALYSIS ON WHETHER THE MINORITY POPULATION IS SUFFICIENTLY COMPACT AS DEFINED IN *GINGLES 1* IN THE PAST?

09:36 1 **A.** YES.
2 **Q.** NOW WE'VE SPENT SOME TIME EARLIER DISCUSSING TRADITIONAL
3 REDISTRICTING PRINCIPLES. DO YOU RECALL THAT?
4 **A.** PARDON?
5 **Q.** WE SPENT SOME TIME EARLIER DISCUSSING TRADITIONAL
6 REDISTRICTING PRINCIPLES. DO YOU RECALL THAT?
7 **A.** YES.
8 **Q.** OKAY. AND DO YOU RECALL WHETHER THE STATE HAD PUBLISHED
9 WHICH TRADITIONAL REDISTRICTING PRINCIPLES SHOULD BE
10 PRIORITIZED IN MAP DRAWING IN LOUISIANA?
11 **A.** YES, IN WHAT IS KNOWN AS JOINT RULE 21. THAT WAS POSTED
12 ON THE LEGISLATURE'S WEBSITE IN EARLY 2022, I THINK.
13 **Q.** ALL RIGHT. I WOULD LIKE TO PULL UP WHAT HAS BEEN
14 PREADMITTED AS JOINT EXHIBIT 56.
15 AND DO YOU RECOGNIZE THIS DOCUMENT?
16 **A.** YES.
17 **Q.** WHAT IS IT?
18 **A.** IT IS JOINT RULE 21, AS BEST I CAN TELL.
19 **Q.** AND DID YOU CONSULT JOINT RULE 21 WHEN DRAWING YOUR MAPS?
20 **A.** I DID REVIEW IT, YES.
21 **Q.** AND DID THE METHODOLOGY YOU USED TO DRAW YOUR MAPS ALIGN
22 WITH JOINT RULE 21?
23 **A.** I BELIEVE IT DOES.
24 **Q.** DOES JOINT RULE 21 INCLUDE COMPLIANCE WITH THE VOTING
25 RIGHTS ACT?

09:37 **A.** IT DOES.
Q. AND DOES JOINT RULE 21 INCLUDE A CONTIGUITY REQUIREMENT?
A. IT DOES.
Q. AND WHAT IS "CONTIGUITY"?
A. THAT ALL PIECES OF THE DISTRICT NEED TO MEET UP AT SOME POINT.
Q. AND HOW DID YOU ACCOUNT FOR CONTIGUITY IN YOUR MAP DRAWING?
A. MAPTITUDE HAS A CHECK, A LITTLE MODULE THAT YOU CAN JUST PRESS A BUTTON; IT'LL TELL YOU IF THERE'S NOT A CONTIGUOUS DISTRICT IN FRONT OF YOU.
Q. AND DOES JOINT RULE 21 ACCOUNT FOR EQUAL POPULATION?
A. IT DOES. IT ALLOWS FOR -- I THINK MAYBE -- IN MY REPORT I MAY HAVE SUGGESTED THAT THERE WAS NO CLARITY AS TO EXACTLY WHAT RANGE THE STATE IS USING. BUT I BELIEVE THEY DID ACTUALLY SAY SOMEWHERE IN JOINT RULE 21 THAT PLUS OR MINUS 5 PERCENT WAS THE ACCEPTED RANGE, AND THAT'S A TYPICAL RANGE FOR A TYPICAL STATE LEGISLATIVE PLAN. SOME ARE TIGHTER ON THAT.
BUT IN LOUISIANA IT'S PLUS OR MINUS 5 PERCENT AND THAT'S A GOOD IDEA BECAUSE LOUISIANA'S GOT COMPLEX GEOGRAPHY, AND SO IT DOES MAKE IT EASIER TO DRAW THE LEGISLATIVE PLANS.
Q. AND DID YOU USE THE PLUS OR MINUS 5 PERCENT WHEN DRAWING YOUR MAPS?
A. YES.
Q. DO YOU RECALL WHETHER DR. MURRAY CRITIQUED YOUR

09:38 1 ONE-PERSON, ONE-VOTE ANALYSIS?
2 **A.** YES. HE SEEMS TO BE A FISH OUT OF WATER IN THIS CASE. HE
3 DIDN'T EVEN SEEM TO KNOW HOW TO CALCULATE WHAT IS UNDERSTOOD TO
4 BE TOTAL DEVIATION. HE TOOK AN AVERAGE, AND THEN CLAIMED
5 BECAUSE HE TOOK THE AVERAGE OF ALL OF THE DEVIATIONS THAT
6 SOMEHOW OR ANOTHER MY PLAN DIDN'T ADHERE TO THE ONE-PERSON,
7 ONE-VOTE REQUIREMENT OR THAT MY NUMBERS WERE WRONG ANY WAY.
8 AND HE, IN FACT, IS WRONG AND I'M RIGHT. HE DID THAT
9 THROUGHOUT HIS REPORT, AND IN EVERY INSTANCE, AS BEST I CAN
10 TELL, HE'S WRONG, I'M RIGHT.
11 **Q.** AND DID YOU RECORD YOUR THOUGHTS ON DR. MURRAY'S
12 ONE-PERSON, ONE-VOTE, ALSO KNOWN AS EQUAL POPULATION ANALYSIS
13 IN YOUR REBUTTAL REPORT?
14 **A.** YES. AND COULD I SAY ONE THING ABOUT HIS REPORT AND THE
15 OTHER EXPERT'S REPORT? THEY ARE CORRECT THAT I HAD USED
16 MISTAKENLY A COMMITTEE PLAN FROM 2022 INSTEAD OF THE FINAL
17 ENACTED PLAN FROM 2022 HOUSE AND SENATE. AND SO THEY SPENT,
18 YOU KNOW, I DON'T KNOW HOW MUCH TIME DETERMINING HOW THOSE
19 PLANS DIFFERED IN THEIR REPORTS, AND I HAVE NO COMPLAINT WITH
20 THEIR ASSESSMENT THERE. I USED THE WRONG PLAN. IT'S REAL
21 SIMPLE, AND I FIXED THAT IN THE 2023 DECLARATION I FILED.
22 **Q.** OKAY. GOING BACK TO RULE 21, DID IT HAVE ANY GUIDELINES
23 ABOUT DIVISION SPLITS?
24 **A.** ABOUT DIVISION SPLITS?
25 **Q.** YES.

09:40 1 **A.** YOU MEAN IN TERMS OF -- YOU MEAN IN TERMS OF PRECINCTS AND
2 MUNICIPALITIES?
3 **Q.** YES, SIR.
4 **A.** YES. YES.
5 **Q.** OKAY. AND WHAT WERE THOSE GUIDELINES?
6 **A.** TO THE EXTENT POSSIBLE, PRECINCTS SHOULD BE KEPT WHOLE.
7 AND TO THE EXTENT POSSIBLE, MUNICIPALITIES, BOUNDARIES SHOULD
8 BE KEPT WHOLE. OFTEN IT ISN'T POSSIBLE, BUT I THINK THERE
9 ARE -- I'M NOT LOOKING AT THE ACTUAL LANGUAGE, BUT THAT'S THE
10 CRUX OF IT.
11 **Q.** OKAY. AND DID YOU FOLLOW THIS GUIDANCE WHEN DRAWING YOUR
12 MAPS?
13 **A.** YES.
14 **Q.** DID YOU ALSO REVIEW THE REPORT OF DR. JOHNSON?
15 **A.** I DID.
16 **Q.** AND DID DR. JOHNSON DISCUSS YOUR SPLITS IN HIS ANALYSIS?
17 **A.** I THINK HE DID.
18 **Q.** OKAY. AND DID YOU RECORD YOUR OPINION OF DR. JOHNSON'S
19 ANALYSIS IN YOUR REBUTTAL REPORT?
20 **A.** I DID. AND I STAND BY THAT.
21 **Q.** SO WE DISCUSSED A FEW TRADITIONAL REDISTRICTING CRITERIA
22 THAT WERE PRESENTED IN RULE 21. DID YOU CONSIDER ANY OTHER
23 TRADITIONAL REDISTRICTING CRITERIA WHEN DRAWING YOUR MAPS?
24 **A.** WELL, I THINK RULE 21 ON THE WHOLE BASICALLY ENCOMPASSES
25 ALL OF WHAT I WOULD CONSIDER TO BE THE TRADITIONAL

09:41 REDISTRICTING PRINCIPLES, BUT AS I MENTIONED, I WAS PAYING ATTENTION TO WHERE THE INCUMBENTS LIVED.

Q. IN DRAWING YOUR -- ARE YOU FAMILIAR WITH THE TERM "COMMUNITIES OF INTEREST"?

A. YES.

Q. AND I BELIEVE YOU'VE ALREADY TESTIFIED THAT THAT WAS ONE THING THAT YOU CONSIDERED WHEN DRAWING YOUR MAP. IS THAT CORRECT?

A. THAT'S CORRECT.

Q. AND HOW DID COMMUNITIES OF INTEREST PLAY A ROLE IN YOUR MAP DRAWING?

A. WELL, I HAVE IN MY REPORT VARIOUS REGIONS OF THE STATE THAT I WAS EXAMINING AS I WAS DRAWING THE DISTRICTS. I LOOKED AT THE CULTURAL REGIONS LIKE ACADIANA, WHICH IS ACTUALLY DEFINED BY THE STATE LEGISLATURE, AND ALSO HAD IN ONE OF THE EXHIBITS OR ONE OF THE FIGURES IN MY DECLARATION, I SHOW WHAT IS CONSIDERED TO BE THE DELTA, ROUGHLY 12 PARISHES IN THE NORTHEAST PART OF THE STATE, AND AT LEAST ONE DEFINITION FOR THE RIVER PARISHES AND A TIGHTER DEFINITION FOR I GUESS WHAT IS CALLED THE CAJUN HEARTLAND AND, OF COURSE, THE FLORIDA PARISHES. SO I WAS LOOKING AT THOSE AS REGIONS THAT I SHOULD TRY TO KEEP TOGETHER TO THE EXTENT POSSIBLE.

I ALSO LOOKED AT OTHER REGIONS THAT ARE IMPORTANT, LIKE THE PLANNING DISTRICTS THAT ENCOMPASS ALL OF THE PARISHES IN CADDO. I DIVIDED I THINK INTO EIGHT DIFFERENT PLANNING

09:43 DISTRICTS STATEWIDE, AND THEN I LOOKED AT METROPOLITAN STATISTICAL AREAS AS ANOTHER WAY TO LOOK AT REGIONS IN THE STATE AND, OF COURSE, PARISHES AND MUNICIPALITIES.

AND, AGAIN, THE OTHER EXPERTS IN THIS REPORT DON'T SEEM TO UNDERSTAND THAT I USED MUNICIPALITIES WHEN DOING A CALCULATION AT THE SPLITS. I DID NOT INCLUDE -- I INCORPORATED PLACES AS THEY SEEM TO IMPLY. THEY'RE JUST COMPLETELY WRONG THERE. DR. MURRAY IS WRONG, AND DR. JOHNSON IS WRONG ON THAT SCORE AS WELL.

I DON'T THINK DR. TRENDE EVEN BOTHERED TO LOOK AT ANYTHING OTHER THAN THE MOMENT OF INERTIA TO DECLARE THAT SEVERAL OF THE DISTRICTS THAT ARE DEEMED MAJORITY-MINORITY DISTRICTS THAT I'VE DRAWN ARE SOMEHOW OR ANOTHER NOT COMPACT, WHICH, OF COURSE, IS ERRONEOUS BUT MISPLACED.

Q. DID CORE RETENTION PLAY ANY ROLE IN YOUR MAP DRAWING?

A. YES. I WAS AWARE OF CORE RETENTION. AND IN MY DECLARATION -- I DON'T HAVE THE PARAGRAPH IN FRONT OF ME, BUT IT -- I ACTUALLY DO A CALCULATION TO SHOW HOW MANY -- WHAT -- THE PERCENTAGE OF THE POPULATION THAT IS KEPT TOGETHER GOING FROM THE ENACTED PLANS TO THE ILLUSTRATIVE PLANS. AND I THINK IN THE ENACTED HOUSE PLAN ABOUT 74 PERCENT OF THE POPULATION, IT STILL STAYS TOGETHER FROM ONE PLAN TO ANOTHER. AND IN THE SENATE PLAN, I BELIEVE IT'S 78 PERCENT.

SO THERE'S -- THE ORIGINAL ENACTED PLAN, I BELIEVE, WHEN YOU COMPARE IT AGAINST THE 2011 PLAN, HAD SCORES IN THE

09:45 LOW 80S. SO I WAS NOT THAT FAR FROM WHAT THE STATE DID IN OBSERVING CORE RETENTION AS WHEN THEY WERE DRAWING THE ENACTED PLAN VERSUS THE 2011 ILLUSTRATIVE -- VERSUS THE 2011 BENCHMARK PLANS.

Q. IF WE COULD -- I BELIEVE YOU JUST SAID YOU HAD SOME PARTS OF YOUR REPORT THAT DISCUSSED YOUR CORE RETENTION METRICS. IF WE COULD PULL UP WHAT IS MARKED AND ALREADY ADMITTED AS PLAINTIFF EXHIBIT 57, WHICH I BELIEVE IS EXHIBIT L-2.

COULD YOU DESCRIBE THIS REPORT TO US, PLEASE?

A. YES. THIS REPORT IS HOW I DERIVED THE CORE RETENTION PERCENTAGES I JUST REPORTED. IF YOU TAKE, FOR EXAMPLE, ILLUSTRATIVE HOUSE -- THIS IS ILLUSTRATIVE HOUSE DISTRICT PLAN FROM THE 2023 VERSION. AND YOU CAN SEE THAT THE BULK OF THE POPULATION IN HOUSE DISTRICT 1 CAME FROM ENROLLED DISTRICT 1, AND THAT'S WITH THE GRAY LINE.

SO I GET THE CALCULATION OF -- I THINK IT'S ROUGHLY 74 PERCENT CORE RETENTION BY JUST ADDING UP ALL OF THESE GRAY SHADED ROWS BECAUSE THOSE ARE THE ROWS WHERE THE BULK OF THE POPULATION IN ANY GIVEN DISTRICT HAS BEEN DRAWN TO INCLUDE PART OF ANOTHER DISTRICT IN THE ENROLLED PLAN. SO YOU CAN SEE THERE ARE THREE DISTRICTS THAT ARE PART OF THE ILLUSTRATIVE HOUSE DISTRICT 1. ILLUSTRATIVE HOUSE DISTRICT 1 IS DRAWN FROM ENROLLED DISTRICTS 1, 2, AND 4. BUT 45 PERCENT OF THE POPULATION COMES FROM ILLUSTRATIVE -- FROM ENROLLED DISTRICT 1.

AND THEN IF YOU LOOK AT HOUSE DISTRICT 2, YOU CAN SEE

09:47 THAT 78 PERCENT OF HOUSE DISTRICT 2 IN THE ILLUSTRATIVE PLAN COMES FROM ENROLLED DISTRICT 2.

SO IN THAT FASHION YOU CAN GO DOWN THROUGH ALL 105 DISTRICTS TO SEE WHERE THE BULK OF THE POPULATION IS COMING, IF THERE IS ANY CHANGE AT ALL. I DID MANAGE TO KEEP 40 DISTRICTS INTACT WITH NO CHANGES IN THE ILLUSTRATIVE HOUSE PLAN OUT OF 105.

Q. AND I BELIEVE YOU'RE USING THE TERM "ENROLLED PLAN," AND I MAY SOMETIMES USE THE TERM "ENACTED PLAN," BUT THEY MEAN THE SAME THING. IS THAT CORRECT?

A. YES.

Q. OKAY. NOW, IF WE COULD TURN TO WHAT HAS BEEN ADMITTED AS PLAINTIFF EXHIBIT 76.

AND WHAT DOES THIS EXHIBIT SHOW US, MR. COOPER?

A. WELL, THIS IS THE SAME THING, EXCEPT IT'S FOR THE SENATE PLAN. AND HERE AGAIN YOU CAN SEE FOR ILLUSTRATIVE SENATE DISTRICT 1, 96 PERCENT OF THE POPULATION IN THAT DISTRICT CAME FROM ENROLLED OR ENACTED DISTRICT 1.

Q. NOW, WE'VE DISCUSSED A NUMBER OF REDISTRICTING CRITERIA. DID YOU PRIORITIZE ONE REDISTRICTING CRITERIA OVER THE OTHER WHEN DRAWING YOUR MAPS?

A. ABSOLUTELY NOT. I WAS CONSTANTLY BALANCING, CONSTANTLY BALANCING.

Q. AND USING THE TRADITIONAL REDISTRICTING PRINCIPLES, HOW DID YOU GO ABOUT ASSESSING WHETHER ADDITIONAL MINORITY

09:48 DISTRICTS COULD BE DRAWN?
A. CAN YOU REPEAT THAT?
Q. USING THE TRADITIONAL REDISTRICTING PRINCIPLES, HOW DID YOU GO ABOUT ASSESSING WHETHER ADDITIONAL MINORITY DISTRICTS COULD BE DRAWN?
A. WELL, IT WAS A PROCESS. I LOOKED AT DIFFERENT CONFIGURATIONS AND FINALLY SETTLED ON THE ILLUSTRATIVE PLAN THAT I'VE DRAWN. BUT, YOU KNOW, IT'S NOT SOMETHING YOU SIT DOWN AND DO IN AN AFTERNOON. IT'S A PROCESS THAT TAKES SEVERAL DAYS, IF NOT MORE. THESE LEGISLATIVE PLANS ARE COMPLICATED.
Q. AND WHAT WOULD YOU DO IF YOU COULD NOT DRAW A DISTRICT WHILE ADHERING TO TRADITIONAL REDISTRICTING PRINCIPLES?
A. WELL, THEN I DIDN'T DRAW THAT DISTRICT.
Q. I'D LIKE TO NOW GO BACK TO PLAINTIFF EXHIBIT 20, PAGE 29, FIGURE 13.
WHAT DOES THIS FIGURE SHOW US?
A. WELL, THIS FIGURE JUST SHOWS WHERE I DREW THE ADDITIONAL SENATE DISTRICTS. SO I DREW ONE IN CADDO AND BOSSIER PARISH, SENATE DISTRICT 38. I DREW A SECOND ONE IN EAST BATON ROUGE IN -- I'M SORRY -- IN EAST BATON ROUGE AND PART OF WEST FELICIANA AND WEST BATON ROUGE AND IBERVILLE, AND THAT'S SENATE DISTRICT 17. AND THEN I DREW ANOTHER ONE IN THE NEW ORLEANS MSA AND THAT'S FIGURE -- DISTRICT 19, IN THE SOUTHEAST PART OF THE STATE.
Q. I'D LIKE TO NOW MOVE TO FIGURE 16 ON PAGE 35.

09:50 1 WHAT DOES THIS FIGURE SHOW US?
2 **A.** THIS FIGURE SHOWS THE PERCENTAGE OF THE VOTING-AGE
3 POPULATION THAT IS IN A MAJORITY DISTRICT THAT IS OF THE SAME
4 RACE AS THE POPULATION IN THE ROWS. SO YOU CAN SEE THAT FOR
5 THE BLACK VOTING-AGE POPULATION IN THE STATE SENATE UNDER THE
6 2020 PLAN, JUST 53 PERCENT OF -- OR MAYBE CLOSER TO 54 PERCENT,
7 OF THE BLACK VOTING-AGE POPULATION LIVES IN A MAJORITY-BLACK
8 DISTRICT COMPARED TO 84.4 PERCENT OF THE WHITE POPULATION,
9 WHICH LIVES, IN FACT, IN A MAJORITY WHITE VOTING-AGE POPULATION
10 DISTRICT UNDER THE ENACTED OR ENROLLED SENATE PLAN.
11 IN SOME WAYS THIS IS SORT OF A PRELIMINARY
12 INDICATOR, A PRIMA FACIA INDICATOR OF CRACKING AND PACKING. IF
13 YOU SEE THIS HUGE GAP -- WHILE IT DOESN'T PROVE THAT THERE'S
14 PACKING OR CRACKING, IT DRAWS ONE'S ATTENTION TO IT. IT REALLY
15 DOES, BECAUSE -- AND YOU CAN SEE WHY THE BLACK POPULATION IN
16 THE STATE IS VERY CONCERNED ABOUT HOW THE DISTRICT LINES WERE
17 DRAWN IN THE 2022 ENACTED PLAN WHEN ONLY HALF OF THEM LIVE IN A
18 MAJORITY-BLACK DISTRICT, BUT ALMOST 85 PERCENT OF THE WHITE
19 POPULATION LIVES IN A MAJORITY-WHITE DISTRICT. IT'S REALLY
20 STRIKING. AND EVEN AFTER I'VE DRAWN THE ILLUSTRATIVE SENATE
21 PLAN, THERE'S STILL A MISMATCH THERE.
22 BUT AT LEAST UNDER THE ILLUSTRATIVE SENATE, ABOUT
23 61 PERCENT OF THE BLACK VOTING-AGE POPULATION WOULD LIVE IN A
24 MAJORITY-BLACK DISTRICT, AND THE WHITE-MAJORITY DISTRICTS WOULD
25 HAVE A -- SEE A SIMILAR DROP IN THE REVERSE DIRECTION SO THAT

09:52 1 ONLY 78 PERCENT WOULD LIVE IN A MAJORITY-WHITE SENATE DISTRICT.
2 **Q.** DID --
3 **A.** SO THERE'S STILL A 17 PERCENTAGE POINT GAP. THAT GAP CAN
4 PROBABLY NEVER BE ELIMINATED NECESSARILY BECAUSE YOU HAVE TO
5 COMPLY WITH THE TRADITIONAL REDISTRICTING PRINCIPLES AS YOU'RE
6 DRAWING THE PLANS. SO YOU CAN'T DRAW CRAZY DISTRICTS JUST TO
7 END UP WITH TWO DISTRICTS IN PARITY IN TERMS OF VOTING-AGE
8 POPULATION.
9 **Q.** AND DID DR. MURRAY DISCUSS THIS FIGURE IN HIS REPORT?
10 **A.** YES. AND HE GOT IT TOTALLY WRONG. I MEAN, I DON'T KNOW,
11 MAYBE HE DIDN'T READ MY DECLARATION. BUT HE JUST ADDED UP ALL
12 OF THE -- ALL OF THE PERCENTAGES OF THE STATE SENATE PLAN THAT
13 WERE MAJORITY BLACK, AND THEN ARRIVED AT A MEAN AVERAGE. AND
14 THEN IF YOU READ HIS INITIAL REPORT, HE, YOU KNOW, HAD TO GO IN
15 THERE AND THEN CLAIM THAT HE WAS CORRECTING MY MISTAKE WHEN
16 THERE WAS NEVER A MISTAKE AT ALL. HE MISREAD OR DIDN'T EVEN
17 UNDERSTAND THE POINT THAT I WAS TRYING TO MAKE WITH THIS CHART,
18 WHICH I CONSIDER TO BE VERY IMPORTANT ACTUALLY.
19 **Q.** SO LET'S WALK THROUGH SOME OF YOUR SENATE DISTRICTS. IF
20 WE COULD NOW PULL UP WHAT IS ON PAGE 37, FIGURE 18 OF EXHIBIT
21 20.
22 **A.** YES.
23 **Q.** OKAY. WHAT DOES THIS FIGURE SHOW?
24 **A.** THIS ZOOMS IN ON NORTHWEST LOUISIANA. AND YOU CAN SEE IN
25 THE FIGURE IN THE BRIGHT RED OUTLINE THE ADDITIONAL MAJORITY

09:53 1 BLACK DISTRICT THAT I DREW FOR THE BOSSIER-SHREVEPORT MSA,
2 SENATE DISTRICT 38. CURRENTLY THERE IS ONLY ONE IN THAT AREA,
3 SENATE DISTRICT 39, EVEN THOUGH THAT PART OF THE STATE HAS THE
4 HIGHEST PERCENTAGE OF AFRICAN AMERICANS OF ANY OF THE MSAS.
5 **Q.** AND IF WE COULD NOW TURN TO THE NEXT PAGE AND LOOK AT
6 FIGURE 19.
7 HOW DOES FIGURE 19 DIFFER FROM FIGURE 18?
8 **A.** WELL, FIGURE 19 JUST OVERLAYS THE ADDITIONAL DISTRICT THAT
9 I DREW, WHICH IS SHOWN IN RED LINES ONTO A MAP OF THE ENACTED
10 PLAN FOR THE 2022 -- FROM THE 2022 SENATE PLAN.
11 **Q.** AND FOCUSING ON THIS DISTRICT, HOW DID YOU DETERMINE THAT
12 A NEW ILLUSTRATIVE DISTRICT COULD BE DRAWN IN THIS PART OF THE
13 STATE?
14 **A.** WELL, IT WAS FAIRLY CLEAR TO ME THAT SENATE DISTRICT 39
15 WAS PACKED. I THINK IT'S -- I DON'T HAVE THE NUMBERS IN FRONT
16 OF ME. BUT I THINK IT WAS APPROACHING 70 PERCENT BLACK. AND I
17 THEN CONSIDERED WHETHER ADDITIONAL POPULATION IN THE CADDO
18 PARISH, BOSSIER CITY AREA COULD BE JOINED WITH SOME OF THAT
19 BLACK POPULATION FROM SENATE DISTRICT 29 TO CREATE A SECOND
20 DISTRICT IN THE AREA, AND IT TURNED OUT TO BE QUITE EASY. IT'S
21 A VERY COMPACT DISTRICT. IT INCLUDES PART OF CADDO PARISH AND
22 PART OF BOSSIER PARISH.
23 **Q.** YOU WERE PRESENT ON MONDAY AT THE SEALED TESTIMONY OF MR.
24 MCCLANAHAN. CORRECT?
25 **A.** YES.

09:55 1 **Q.** AND ALSO PREVIOUS TO THAT SEALED TESTIMONY, YOU HAD BEEN
2 GIVEN THE ADDRESSES OF NAACP MEMBERS. CORRECT?
3 **A.** YES.
4 **Q.** AND DID YOU REVIEW THE LOUISIANA NAACP'S SECOND
5 SUPPLEMENTAL RESPONSE TO THE SECRETARY OF STATE'S INTERROGATORY
6 NO. 3?
7 **A.** YES.
8 **Q.** AND WERE YOU ABLE TO TAKE THOSE ADDRESSES AND GEOCODE
9 THEM?
10 **A.** YES.
11 **Q.** AND WHAT WAS THE RESULT OF YOUR GEOCODING?
12 **A.** WELL, I WAS ABLE TO THEN PRODUCE MAPS FOR THE COURT, I
13 THINK, THAT SHOW THAT THEY ARE NAACP MEMBERS IN ALL OF MY
14 ILLUSTRATIVE DISTRICTS. AND THEY ALSO WERE PREVIOUSLY IN WHITE
15 MAJORITY DISTRICTS I BELIEVE.
16 **MR. TUCKER:** YOUR HONOR, WE OBJECT. WE OBJECT. THIS
17 IS OUTSIDE THE SCOPE OF HIS EXPERT REPORT.
18 **MS. THOMAS:** MAY I BE HEARD?
19 **THE COURT:** YOU MAY.
20 **MS. THOMAS:** OKAY. UNTIL THE MAGISTRATE JUDGE RULED
21 ON THE QUESTION OF NAACP MEMBERSHIP, THIS WAS NOT AN ISSUE IN
22 THE CASE. AS SOON IT WAS AN ISSUE, THE PLAINTIFF PROMPTLY
23 PROVIDED THOSE ADDRESSES TO DEFENSE COUNSEL ON MONDAY,
24 NOVEMBER 6TH.
25 ON TUESDAY, NOVEMBER 7TH, MR. TUCKER REQUESTED

09:56 THAT HE BE ABLE TO SHARE THOSE ADDRESSES WITH HIS EXPERT, MR. JOHNSON -- DR. JOHNSON. THAT WAS AFTER DR. JOHNSON SIGNED THE CONFIDENTIALITY ORDER. THOSE WERE PROMPTLY PROVIDED TO DR. JOHNSON. SO THERE IS NO PREJUDICE HERE, IN THAT THEIR EXPERT HAS THE SAME INFORMATION AS MR. COOPER. THEY HAVE BEEN TOLD NUMEROUS TIMES THAT WE HAVE ALSO GEOCODED THOSE ADDRESSES. THEY WERE TOLD IN THE INTERROGATORY RESPONSES. THEY WERE TOLD IN MR. MCCLANAHAN'S TESTIMONY. AND WE BELIEVE THAT IT IS APPROPRIATE FOR OUR OWN EXPERT TO DO THE SAME ANALYSIS THAT THEIR EXPERT HAS DONE AND GEOCODE THE ADDRESSES WITH THE NAACP MEMBERS. AND DR. JOHNSON CAN GIVE HIS OWN REBUTTAL TESTIMONY ON THE GEOCODING IF HE FINDS ANY DISCREPANCY.

MR. TUCKER: YOUR HONOR, THERE'S ASSUMPTIONS THAT WHAT DR. JOHNSON MAY OR MAY NOT TESTIFY TO IS, YOU KNOW, IN OUR CASE-IN-CHIEF ISN'T APPROPRIATE.

THE COURT: DID THEY WITH A CONFIDENTIALITY AGREEMENT GIVE YOU THE -- GIVE DR. JOHNSON THE ADDRESSES OF THE VARIOUS NAACP MEMBERS THAT MR. MCCLANAHAN DISCLOSED UNDER SEAL?

MR. TUCKER: WE RECEIVED THE ADDRESSES THROUGH THE INTERROGATORY RESPONSES. BUT I THINK MY ISSUE HERE IS THERE COULD HAVE BEEN A SUPPLEMENT TO MR. COOPER'S REPORTS. THEY COULD HAVE SUPPLEMENTED THE REPORTS WITH THESE MAPS, WITH THIS ADDITIONAL INFORMATION, AND THEY FAILED TO DO THAT.

THE COURT: OKAY. WELL, IN THE INTEREST OF JUSTICE, YOUR OBJECTION IS OVERRULED. AGAIN, I DO TAKE -- AS THE COURT

09:58 NOTED IN ITS REVIEW OF THE MAGISTRATE JUDGE'S RECOMMENDATIONS, STANDING HAS ALWAYS BEEN AN ISSUE. SO IT HAS BEEN KNOWN THAT ORGANIZATIONAL AND/OR ASSOCIATIONAL STANDING OF THE NAACP -- OR IT SHOULD HAVE BEEN KNOWN WAS AT ISSUE. HOWEVER, BECAUSE OF THE WAY THAT THE CASE DEVELOPED AND THE ORDER -- FRANKLY, THE LATENESS OF THE ORDER OF THE MAGISTRATE JUDGE TO COMPEL THOSE ADDRESSES, THERE WAS NOT SUFFICIENT TIME FOR THE EXPERTS TO RESPOND IN WRITING. AND SO IN THIS PARTICULAR INSTANCE, BECAUSE THE DEFENSE EXPERT WAS GIVEN THE SAME INFORMATION AND SIGNED A PROTECTIVE ORDER OR A CONFIDENTIALITY AGREEMENT TO USE THAT INFORMATION AS HE MIGHT, THERE'S NO PREJUDICE, AND THE COURT WILL ALLOW THE QUESTION.

MS. THOMAS: THANK YOU, YOUR HONOR.

AND WE HAVE NO OBJECTION TO DR. JOHNSON TESTIFYING ON HIS OWN GEOCODING.

THE COURT: SO NOTED.

BY MS. THOMAS:

Q. ALL RIGHT. SO I AM NOW GOING TO PUT ON THE SCREEN WHAT IS ILLUSTRATIVE AID 18 FOR THE PLAINTIFFS.

WHAT DOES THIS ILLUSTRATIVE AID REPRESENT?

A. THIS SHOWS THE GEOCODED ADDRESS OF ONE OF THE NAACP MEMBERS WHO LIVES IN SENATE DISTRICT 39.

Q. AND IF WE COULD JUST ZOOM INTO THE RED SECTION.

A. AND HERE YOU SEE THE OTHER NAACP MEMBER WHO LIVES IN SHREVEPORT IN SENATE DISTRICT -- I'D HAVE TO ZOOM OUT AND SEE.

10:00 BUT HE ALSO LIVES OR SHE ALSO LIVES IN THE NEW MAJORITY OR ADDITIONAL MAJORITY ILLUSTRATIVE DISTRICT 38. AND I DIDN'T SEE THE NUMBER AGAIN, BUT THAT'S OKAY.

Q. ALL RIGHT.

A. THIRTY-EIGHT. THAT'S THE OLD 38, YEAH. SO THEY LIVE IN THE OLD 38 AND THE ADDITIONAL NEW ILLUSTRATIVE 38.

Q. AND IF WE COULD GO BACK TO FIGURE 19 ON PAGE 38.

THE ONLY DIFFERENCE BETWEEN THE ILLUSTRATIVE AID THAT WE JUST LOOKED AT AND THIS FIGURE IN YOUR REPORT IS THE "X" MARKING WHERE AN NAACP MEMBER LIVES. CORRECT?

A. YES. IT'S AN ASTERISK, A LARGE ASTERISK. BUT, YES.

Q. OKAY. IF WE COULD NOW MOVE TO PAGE 39, FIGURE 20 OF EXHIBIT 20.

WHAT DOES THIS FIGURE SHOW?

A. THIS SHOWS THE ILLUSTRATIVE SENATE DISTRICT I DREW IN THE METROPOLITAN BATON ROUGE AREA. IT WOULD INCLUDE PARTS OF EAST BATON ROUGE, WEST BATON ROUGE, POINTE COUPEE, AND IBERVILLE.

AND I THINK I MISSPOKE A COUPLE OF MINUTES AGO AND SAID PART OF IT WAS IN WEST FELICIANA, BUT IT'S ACTUALLY IN POINTE COUPEE.

Q. OKAY.

A. IT'S ILLUSTRATIVE SENATE DISTRICT 17.

Q. AND IF WE COULD NOW MOVE TO THE NEXT PAGE, PAGE 40, FIGURE 21.

WHAT DOES THIS FIGURE SHOW?

10:01 1 **A.** THIS SIMPLY OVERLAYS THE ILLUSTRATIVE SENATE DISTRICT 17
2 ONTO WHAT IS A MAP OF THE ENACTED PLAN. AND YOU CAN SEE IN THE
3 ENACTED PLAN SENATE DISTRICT 17 COVERS A MUCH LARGER GEOGRAPHIC
4 AREA, STRETCHING FROM ST. LANDRY PARISH ALL THE WAY OVER TO ST.
5 HELENA AND SOUTH INTO IBERVILLE. SO IT'S A LARGER GEOGRAPHIC
6 AREA, AND IT'S MAJORITY WHITE.
7 **Q.** AND HOW DID YOU DETERMINE THAT A NEW SENATE ILLUSTRATIVE
8 DISTRICT COULD BE DRAWN IN THIS PART OF THE STATE?
9 **A.** BY EXAMINING THE POPULATION DISTRIBUTION AND TAKING INTO
10 CONSIDERATION TRADITIONAL REDISTRICTING PRINCIPLES.
11 **Q.** I WOULD NOW LIKE TO HAVE PUT ON THE SCREEN WHAT IS
12 PLAINTIFF ILLUSTRATIVE AID NO. 19, AND IF WE COULD JUST ZOOM IN
13 ON THE RED PART WITH 17.
14 WHAT DOES THIS ILLUSTRATIVE AID SHOW?
15 **A.** THIS SHOWS THAT THERE IS AN NAACP MEMBER IN NEW ROADS,
16 WHICH IS IN POINTE COUPEE PARISH. UNDER THE ILLUSTRATIVE PLAN,
17 THAT PERSON IS IN THE NEW ILLUSTRATIVE DISTRICT 17 AND WAS
18 PREVIOUSLY IN THE WHITE MAJORITY IN -- OR STILL IS ENACTED
19 SENATE DISTRICT 17.
20 **Q.** OKAY. NOW LET'S GO BACK TO PLAINTIFF EXHIBIT 20, PAGE 41,
21 FIGURE 22.
22 WHAT DOES THIS FIGURE SHOW?
23 **A.** THIS SHOWS ILLUSTRATIVE SENATE DISTRICT 19 IN THE NEW
24 ORLEANS MSA AREA IN JEFFERSON AND ST. CHARLES.
25 **Q.** AND IF WE COULD MOVE TO THE NEXT PAGE.

10:03 1 WHAT DOES FIGURE 23 SHOW?
2 **A.** THIS SHOWS THE ENACTED PLAN IN THE SAME AREA WITH A RED
3 OUTLINE SHOWING THE ILLUSTRATIVE DISTRICT 19.
4 **Q.** AND HOW DID YOU DETERMINE THAT A NEW DISTRICT COULD BE
5 DRAWN IN THIS PART OF THE STATE?
6 **A.** AGAIN, THROUGH EXAMINING THE DISTRIBUTION OF THE
7 POPULATION AND APPLYING TRADITIONAL REDISTRICTING PRINCIPLES
8 AND CONSIDERING POPULATION SHIFTS THAT WE DISCUSSED EARLIER
9 TODAY, I DETERMINED THAT AN ADDITIONAL SENATE DISTRICT COULD BE
10 DRAWN IN THAT AREA.
11 **Q.** NOW, IF WE COULD PUT UP WHAT IS PLAINTIFFS' ILLUSTRATIVE
12 AID 20.
13 AND WHAT DOES THIS ILLUSTRATIVE AID SHOW?
14 **A.** THIS SHOWS THAT THERE IS AN NAACP MEMBER WHO LIVES IN
15 ILLUSTRATIVE SENATE DISTRICT 19, WHICH WOULD BE THE NEW
16 MAJORITY-BLACK DISTRICT, AND ALSO LIVES IN A WHITE-MAJORITY
17 DISTRICT UNDER THE 2022 SENATE.
18 **Q.** I WOULD NOW LIKE TO TURN TO PAGE 43 OF THE SAME EXHIBIT,
19 FIGURE 24, PLEASE.
20 WHAT DOES THIS FIGURE SHOW?
21 **A.** THIS FIGURE, LIKE THE PREVIOUS FIGURE WE LOOKED AT A FEW
22 MOMENTS AGO WITH RESPECT TO THE SENATE DISTRICTS, SHOWS THE NEW
23 MAJORITY-BLACK DISTRICTS THAT CAN BE DRAWN IN THE STATE.
24 THERE'S SIX OF THEM. THERE ARE TWO IN THE NORTHWEST: ONE IN
25 CADDO PARISH IN THE BOSSIER CITY AREA; A SECOND ONE IN DESOTO,

10:05 RED RIVER, AND NATCHITOCHES; A THIRD ONE IN CALCASIEU IN THE LAKE CHARLES AREA. AND THEN THREE ADDITIONAL DISTRICTS IN THE EAST BATON ROUGE AREA, INCLUDING PARTS OF THE BATON ROUGE MSA AND ASCENSION AND IBERVILLE PARISHES. THAT'S THE HOUSE DISTRICT 60. THE OTHER DISTRICTS ARE IN EAST BATON ROUGE AND ARE VERY SMALL AND COMPACT AND YOU REALLY CAN'T SEE THE RED THERE.

AND THE GREEN AREAS ARE THE EXISTING -- OR WHAT WOULD BE ILLUSTRATIVE MAJORITY-BLACK DISTRICTS THAT I'VE DRAWN IN AREAS THAT ALREADY DO HAVE IN SOME CONFIGURATION A MAJORITY-BLACK DISTRICT.

Q. OKAY. I'D LIKE TO LOOK NOW AT FIGURE 27 ON PAGE 48.

WHAT DOES THIS FIGURE SHOW?

A. WELL, AGAIN, IT'S A PRIMA FACIE INDICATOR THAT THERE IS SOME CRACKING AND PACKING IN THE STATE HOUSE PLAN. JUST A LITTLE BIT OVER THE HALF OF THE VOTING-AGE POPULATION IN THE STATE THAT IS BLACK, LIVES IN A MAJORITY BLACK VOTING-AGE DISTRICT COMPARED TO 83.4 PERCENT OF THE WHITE POPULATION, NON-HISPANIC WHITE POPULATION, THAT LIVES IN A MAJORITY-WHITE HOUSE DISTRICT.

AND AS YOU CAN SEE AFTER DRAWING THE ILLUSTRATIVE HOUSE PLAN, I WAS ABLE TO, IN EFFECT, PUT A MORE FOLKS INTO A MAJORITY-BLACK HOUSE DISTRICT SO THAT IN THE END, THE ILLUSTRATIVE HOUSE PUT 61.1 PERCENT OF THE BLACK VOTING-AGE POPULATION IN A MAJORITY-BLACK DISTRICT. AND IN THE SAME VEIN,

10:07 THE WHITE POPULATION WOULD DROP FROM 83.4 TO 77.4 PERCENT IN MAJORITY-WHITE DISTRICTS.

Q. DID DR. MURRAY DISCUSS THIS EXHIBIT?

A. WELL, I THINK HE DID. AND, AGAIN, HE SAID I MADE A MISTAKE, AND THAT I -- MY NUMBERS WERE ALL WRONG, AND THAT'S BECAUSE HE JUST ADDED UP THE BLACK VAP IN THE MAJORITY-BLACK DISTRICTS AND TOOK A MEAN AVERAGE. SO HIS TABLES ARE TOTALLY WRONG.

Q. SO NOW LET'S WALK THROUGH SOME OF YOUR HOUSE DISTRICTS. IF WE COULD NOW PUT UP PAGE 50, FIGURE 29.

WHAT DOES THIS FIGURE SHOW?

A. THIS WOULD SHOW THE NEW HOUSE DISTRICT IN SHREVEPORT MSA. IT IS HOUSE DISTRICT 1, AND IT EXTENDS FROM SHREVEPORT TO THE NORTH END OF THE PARISH.

Q. AND IF WE COULD NOW TURN TO THE NEXT PAGE.

WHAT DOES FIGURE 30 SHOW?

A. THIS OVERLAYS THE RED LINE OF THE ILLUSTRATIVE HOUSE DISTRICT 1 ONTO THE 2022 HOUSE PLAN, THE ENACTED PLAN. AGAIN, IT GOES FROM THE SHREVEPORT AREA NORTH TO THE ARKANSAS LINE. IT'S, YOU KNOW, MAYBE 40 MILES. DR. TRENDE WOULD HAVE YOU BELIEVE THAT THOSE POPULATIONS OUTSIDE OF SHREVEPORT ARE SO DIFFERENT THAT THEY CERTAINLY COULD NOT BE COMPOSED OF A COMPACT MINORITY COMMUNITY. IT JUST DEFIES COMMON SENSE. IT'S JUST -- WELL, HE'LL EXPLAIN.

Q. AND HOW DID YOU DETERMINE THAT A NEW ILLUSTRATIVE HOUSE

10:09 1 DISTRICT COULD BE DRAWN IN THIS PART OF THE STATE?
2 **A.** IT WAS VERY EASY REALLY. I MEAN, IT PRACTICALLY DRAWS
3 ITSELF. IN FACT, IT'S A LOT LIKE EXISTING SENATE DISTRICT 1
4 THAT THE STATE DREW IN THAT AREA -- I'M SORRY -- SENATE
5 DISTRICT 38. IT, TOO, GOES UP TO THE ARKANSAS LINE.
6 **Q.** I'D LIKE TO NOW PUT UP --
7 **A.** I SAID SENATE DISTRICT 38. I MEANT SENATE DISTRICT 39.
8 **Q.** I WOULD NOW LIKE TO PUT ONTO THE SCREEN PLAINTIFF
9 ILLUSTRATIVE AID NO. 21.
10 WHAT DOES THIS ILLUSTRATIVE AID DEMONSTRATE IN THE
11 RED LINE?
12 **A.** THE RED LINE THERE IS PART OF THE NEW MAJORITY-BLACK HOUSE
13 DISTRICT 1, AND YOU CAN SEE THAT THERE IS A NAACP MEMBER WHO
14 LIVES IN THAT DISTRICT.
15 **Q.** AND WHAT IS SHOWN -- I'M NOW GOING TO GO BACK TO EXHIBIT
16 20, PAGE 52, FIGURE 31.
17 **A.** THIS IS THE ADDITIONAL HOUSE DISTRICT I DREW IN THE
18 NATCHITOCHES AREA, INCLUDING NATCHITOCHES PARISH, PART OF IT
19 ANYWAY, ALL OF RED RIVER AND PART OF DESOTO PARISH. THIS
20 DISTRICT EXISTED UNDER THE BENCHMARK PLAN. AND FOR REASONS
21 THAT I STILL DON'T KNOW, IT WAS ELIMINATED IN THE ADOPTED PLAN.
22 THIS IS SORT OF REMINISCENT OF WHAT HAPPENED OVER IN GALVESTON
23 COUNTY WHERE THE TEXAS -- GALVESTON COUNTY TEXAS GOVERNING BODY
24 DECIDED TO ELIMINATE A MAJORITY-BLACK DISTRICT FOR NO GOOD
25 REASON. HERE THEY ARE DOING THE SAME THING. ACTUALLY IN THE

10:11 GALVESTON COUNTY, IT'S A COALITION DISTRICT, BUT BLACK LATINO. HERE IT'S JUST A MAJORITY-BLACK DISTRICT THAT THEY ELIMINATED, EVEN THOUGH ONE COULD HAVE EASILY HAVE BEEN DRAWN AS YOU SEE HERE.

Q. IF WE COULD NOW TURN TO PAGE 53, FIGURE 32.

WHAT DOES THIS EXHIBIT SHOW?

A. THIS SHOWS THE BOUNDARIES FOR THE ILLUSTRATIVE HOUSE DISTRICT 23 THAT I HAVE DRAWN OVERLAYING THE 2022 ENROLLED HOUSE PLAN.

Q. IF WE COULD NOW -- BEFORE I DO THAT, WERE YOU PRESENT AT REVEREND HARRIS'S TESTIMONY ON MONDAY?

A. YES. VERY COMPELLING.

Q. AND DO YOU RECALL WHERE REVEREND HARRIS TESTIFIED THAT HE LIVED?

A. I THINK HE LIVES IN NATCHITOCHES. RIGHT?

Q. IF WE COULD PULL UP ILLUSTRATIVE AID 22.

WHAT DOES THIS ILLUSTRATIVE AID SHOW?

A. THIS SHOWS THAT THERE IS A PLAINTIFF IN NATCHITOCHES LIVING IN ILLUSTRATIVE HOUSE DISTRICT 23 AND ALSO IN ENACTED HOUSE DISTRICT 25, WHICH IS MAJORITY WHITE.

Q. IF WE COULD NOW GO BACK TO EXHIBIT 20, FIGURE 33, PAGE 54.

IF WE COULD -- IF YOU COULD TELL US WHAT THIS FIGURE SHOWS?

A. WELL, THIS SHOWS THE ADDITIONAL HOUSE DISTRICT I DREW IN THE LAKE CHARLES AREA IN THE CYAN COLOR. THAT WOULD BE HOUSE

10:13 1 DISTRICT 38.
2 **Q.** AND IF WE COULD NOW MOVE TO FIGURE 34, PAGE 55.
3 WHAT DOES THIS FIGURE SHOW?
4 **A.** THIS OVERLAYS THE ADDITIONAL HOUSE DISTRICT THAT I DREW IN
5 LAKE CHARLES ONTO A MAP OF THE ENROLLED HOUSE.
6 **Q.** IF WE COULD NOW HAVE ON THE SCREEN ILLUSTRATIVE AID NO.
7 23.
8 WHAT DOES THIS ILLUSTRATIVE AID SHOW?
9 **A.** THIS SHOWS THAT THERE IS AN NAACP HOUSE MEMBER WHO LIVES
10 IN AN AREA OF EXISTING MAJORITY BLACK 34, WHO WOULD BE DRAWN
11 INTO A NEW MAJORITY BLACK-HOUSE DISTRICT 38.
12 THE BLUE LABELS ON THESE MAPS INDICATE THAT THOSE ARE
13 MAJORITY-BLACK DISTRICTS, AND THE BLACK LABELS INDICATE THAT
14 THEY ARE MAJORITY-WHITE DISTRICTS. I MAY NOT HAVE CLARIFIED
15 THAT AT THE OUTSET OF ALL THIS.
16 **Q.** AND IF SOMEONE WANTED TO CONFIRM ON THE BACK END WHICH
17 EXISTING DISTRICTS ARE MAJORITY BLACK, DO YOU HAVE AN EXHIBIT
18 IN YOUR REPORT THAT WOULD CONFIRM THOSE NUMBERS?
19 **A.** YES.
20 **Q.** AND IF SOMEONE WANTED TO CONFIRM ON THE BACK END WHICH NEW
21 ILLUSTRATIVE DISTRICTS ARE MAJORITY BLACK, DO YOU HAVE AN
22 EXHIBIT IN YOUR REPORT THAT WOULD CONFIRM THOSE NUMBERS?
23 **A.** YES.
24 **Q.** AND WOULD THOSE EXHIBITS BE THE AUTHORITATIVE EVIDENCE OF
25 WHICH DISTRICTS ARE MAJORITY BLACK AND WHICH DISTRICTS ARE NOT?

10:15 1 **A.** YES.
2 **Q.** I'D LIKE TO -- IS -- ARE WE ON -- IF WE COULD NOW MOVE --
3 OH, SORRY. YES. IF WE COULD NOW MOVE TO EXHIBIT 20, FIGURE
4 35, PAGE 56.
5 WHAT DOES THIS FIGURE SHOW?
6 **A.** THIS SHOWS THE ADDITIONAL MAJORITY-BLACK DISTRICT, HOUSE
7 DISTRICT 60 THAT I DREW IN THE BATON ROUGE MSA, BUT IN
8 PRIMARILY IN THE PARISHES OF ASCENSION AND IBERVILLE.
9 **Q.** AND IF WE COULD NOW MOVE TO FIGURE 36, PAGE 57.
10 WHAT DOES THIS EXHIBIT -- WHAT DOES THIS FIGURE SHOW?
11 **A.** THIS SHOWS THE OUTLINE OF THE ADDITIONAL DISTRICTS THAT I
12 DREW, HOUSE DISTRICT 60, BUT IT OVERLAYS THE 2022 PLAN. AND
13 YOU CAN SEE THAT WHILE THERE ARE PARTS OF THAT DISTRICT THAT
14 ARE IN A MAJORITY BLACK-HOUSE DISTRICT 58, THE AREA UP IN
15 IBERVILLE AROUND DONALDSONVILLE AND WHITE CASTLE IS A MAJORITY
16 WHITE DISTRICT 60.
17 **Q.** AND HOW DID YOU DETERMINE THAT A NEW ILLUSTRATIVE DISTRICT
18 COULD BE DRAWN IN THIS PART OF THE STATE?
19 **A.** WELL, I EXAMINED THE POPULATION AND WITH SOME
20 EXPERIMENTATION, IT WAS CLEAR THAT YOU COULD GET A NEW DISTRICT
21 IN THIS PART OF BATON ROUGE MSA.
22 **Q.** IF WE COULD NOW PULL UP PLAINTIFF ILLUSTRATIVE AID NO.
23 24.
24 OKAY. AND LOOKING AT THIS MAP, I SEE THAT THERE IS
25 AN ASTERISK DOWN NEAR WHAT IS LABELED 60. DO YOU KNOW WHAT

10:17 1 THIS ASTERISK REPRESENTS?
2 **A.** YES. IT'S AN NAACP MEMBER WHO LIVES IN THE ENACTED HOUSE
3 DISTRICT 60.
4 **MR. TUCKER:** YOUR HONOR, WE OBJECT. I BELIEVE THIS
5 WAS THE NAACP MEMBER THAT WITHDREW THEIR WAIVER OF THE
6 PRIVILEGE, AND THAT INFORMATION DID NOT COME IN DURING MR.
7 MCCLANAHAN'S TESTIMONY.
8 **MS. THOMAS:** I'M GOING TO TRY TO CLEAN THIS UP. I
9 BELIEVE THAT THERE -- THE TESTIMONY IS INCORRECT AS FAR AS THIS
10 BEING AN NAACP MEMBER. SO MAY I BE ALLOWED TO TRY TO CLEAN UP
11 THE ANSWER AND TO SEE IF WE CAN RESOLVE MR. TUCKER'S QUESTIONS?
12 **THE COURT:** I AM GOING TO GRANT THE OBJECTION.
13 **MS. THOMAS:** OKAY.
14 **THE COURT:** AND LET YOU TRY TO CLEAN UP.
15 **MS. THOMAS:** OKAY.
16 **BY MS. THOMAS:**
17 **Q.** DO YOU RECALL THE TESTIMONY OF DR. NAIRNE YESTERDAY -- ON
18 MONDAY?
19 **A.** YES, I DO.
20 **Q.** AND DO YOU RECALL WHERE DR. NAIRNE LIVES?
21 **A.** SHE LIVES IN NAPOLEONVILLE.
22 **Q.** OKAY. AND DOES THE DEMONSTRATIVE OR ILLUSTRATIVE AID IN
23 FRONT OF YOU HAVE AN ASTERISK FOR NAPOLEONVILLE?
24 **A.** YES. YES.
25 **Q.** AND IS IT YOUR UNDERSTANDING THAT THE ASTERISK IN FRONT OF

10:18 1 YOU REPRESENTS DR. NAIRNE?
2 **A.** YES. SORRY. I THOUGHT SHE WAS AN NAACP MEMBER. I
3 MISSPOKE.
4 **Q.** I THINK THE RECORD STANDS FOR ITSELF OF WHETHER DR. NAIRNE
5 IS AN NAACP MEMBER.
6 SO LOOKING AT THE ASTERISK, IT'S NOT WITHIN THE RED
7 OUTLINE. IS THAT CORRECT?
8 **A.** IT IS NOT. IT IS IN THE MAJORITY WHITE-HOUSE DISTRICT 60.
9 AND IT WOULD BE IN A MAJORITY-BLACK DISTRICT UNDER THE
10 ILLUSTRATIVE PLAN. HOWEVER, IT WOULD BE IN MAJORITY-BLACK
11 HOUSE DISTRICT 58.
12 **Q.** THANK YOU.
13 JUST GOING BACK FOR A SECOND, BECAUSE I'M NOT SURE IF
14 I ASKED THIS QUESTION. IF WE COULD GO BACK TO FIGURE 34 ON
15 PAGE 55.
16 HOW DID YOU DETERMINE THAT A NEW ILLUSTRATIVE
17 DISTRICT COULD BE DRAWN IN THIS PART OF THE STATE?
18 **A.** WELL, THE BLACK POPULATION HAS GROWN IN THIS AREA, AS WE
19 DISCUSSED EARLIER TODAY, AND THE PRESENT DAY HOUSE DISTRICT 34
20 IS SOMEWHAT PACKED. I THINK THE PERCENTAGE -- I DON'T HAVE IT
21 FRONT OF ME. I THINK IT'S APPROACHING 70 PERCENT BLACK. AND
22 SO I WANTED TO SEE IF MAYBE THERE WOULD BE ANOTHER POTENTIAL
23 DISTRICT IN THE LAKE CHARLES MSA AREA, AND INDEED THERE IS.
24 YOU CAN CREATE A SECOND DISTRICT THERE.
25 **Q.** ALL RIGHT. WE CAN TAKE THIS DOWN FOR A SECOND.

10:20 I'D LIKE TO NOW MOVE TO EAST BATON ROUGE. HOW MANY TOTAL NEW DISTRICTS DID YOU DRAW IN THE EAST BATON ROUGE AREA FOR THE HOUSE?

A. I DREW THREE NEW DISTRICTS IN EAST BATON ROUGE.

Q. AND DID YOU DISCUSS THREE DISTRICTS IN YOUR REPORT?

A. YES.

Q. OKAY. LET'S LOOK AT PLAINTIFF EXHIBIT 40, AND IF WE COULD JUST FOR THE SAKE OF THE WITNESS BEING ABLE TO READ, ZOOM IN ON THE FIRST -- ON THE TOP HALF OF THE EXHIBIT.

OKAY. WHAT DOES PLAINTIFF EXHIBIT 40 SHOW?

A. WELL, THIS IS THE TABLE THAT WE WERE REFERENCING PREVIOUSLY THAT SHOWS THE POPULATION TOTALS FOR THE LOUISIANA STATE HOUSE BY TOTAL POPULATION AND BY VOTING AGE BY RACE AND ETHNICITY.

Q. AND IS THIS -- WHEN YOU SAY "LOUISIANA STATE HOUSE," IS THIS YOUR ILLUSTRATIVE MAP OR IS THIS THE ENACTED MAP?

A. THAT'S THE ENACTED MAP. AND I'VE ALSO INCLUDED THE CITIZEN VOTING-AGE POPULATION AND REGISTERED BLACK VOTERS IN THOSE DISTRICTS. THE REST OF THAT CHART IS DIRECTLY FROM THE DECENNIAL CENSUS.

Q. AND I NOTICED THAT A COUPLE OF THE -- OR MORE THAN A COUPLE -- SOME OF THE COLUMNS FOR "ANY PART BLACK" IS HIGHLIGHTED IN GREEN. WHAT DOES THE GREEN HIGHLIGHT INDICATE?

A. THOSE ARE THE MAJORITY-BLACK DISTRICTS.

Q. OKAY. NOW, IF WE COULD PULL UP EXHIBIT 66 FOR PLAINTIFFS

10:22 AND ZOOM IN ON THE TOP HALF.
OKAY. WHAT DOES THIS EXHIBIT SHOW?
A. THIS SHOWS THE MAJORITY-BLACK DISTRICTS IN THE ILLUSTRATIVE PLAN THAT I DREW IN 2023. IN THIS PARTICULAR EXHIBIT, I HAD ACTUALLY -- I ALSO IDENTIFIED WHERE THERE WERE CHANGES COMPARED TO 2022.
BUT THE MAIN POINT IS THERE ARE ACTUALLY 35 MAJORITY BLACK-HOUSE DISTRICTS IN THE ILLUSTRATIVE PLAN THAT I DREW COMPARED TO 29 IN THE ENACTED SENATE PLAN.
Q. IF WE COULD GO BACK TO PLAINTIFF EXHIBIT 20, FIGURE 38 ON PAGE 59. I BELIEVE IT'S PAGE 59, FIGURE 38. YES. THANK YOU.
WHAT DOES THIS FIGURE SHOW?
A. THIS SHOWS ILLUSTRATIVE HOUSE DISTRICT 65, WHICH I HAVE IDENTIFIED AS ONE OF THE NEW MAJORITY-BLACK DISTRICTS. IT INCLUDES PART OF THE MUNICIPALITY OF CENTRAL, ALONG WITH PARTS OF EAST BATON ROUGE PARISH, AND ALSO EXTENDS INTO MUNICIPALITIES OF BROWNSVILLE AND MERRYDALE. THIS IS THE ENACTED PLAN, SO THE RED LINES OVERLAY. THE RED LINES ARE THE NEW HOUSE DISTRICT, AND THE ENACTED PLAN IS THE BASE MAP HERE. SO YOU CAN SEE HOW IN THE ENACTED MAP THAT AREA WAS SPLIT INTO FOUR OR FIVE DIFFERENT HOUSE DISTRICTS, IN EFFECT, CRACKING THE BLACK POPULATION.
Q. IF WE COULD LOOK AT FIGURE 39 ON PAGE 60.
WHAT DOES THIS FIGURE SHOW?
A. THIS SHOWS THE NEW ILLUSTRATIVE HOUSE DISTRICT 68. AN

10:24 ADDITIONAL DISTRICT CAN BE DRAWN IN BATON ROUGE.
Q. AND I NOTICED -- I BELIEVE YOU TESTIFIED EARLIER THAT THE BLUE BOXES REPRESENT MAJORITY-BLACK DISTRICTS?
A. YES.
Q. AND WHAT COLOR IS THE BOX FOR 68?
A. WELL, IT'S BLUE, SO IT IS A -- IT IS A MAJORITY-BLACK DISTRICT.
Q. AND WHAT COLOR IS THE BOX FOR 69?
A. SIXTY-NINE IS ALSO MAJORITY BLACK. IT IS ANOTHER DISTRICT THAT IS IN -- THAT I HAVE DRAWN THAT COULD ALSO BE CONSIDERED ONE OF THE ADDITIONAL MAJORITY-BLACK DISTRICTS.
Q. AND DID YOU DISCUSS 69 AS A NEW MAJORITY-BLACK DISTRICT IN YOUR REPORT?
A. I DID NOT BECAUSE THE INCUMBENT IN 69 IS ACTUALLY THE PRESENT INCUMBENT OF HOUSE DISTRICT 101. BUT IT IS IN A SENSE ALSO ONE OF WHAT COULD BE CONSIDERED AS A NEW MAJORITY-BLACK DISTRICT. THERE ARE FOUR DISTRICTS THAT WE'RE LOOKING AT HERE AND ONLY THREE OF THEM CAN BE CONSIDERED TO BE ADDITIONAL MAJORITY-BLACK DISTRICTS BECAUSE IN ORDER TO MINIMIZE THE NUMBER OF HOUSE DISTRICTS THAT ARE CONTAINED IN EAST BATON ROUGE PARISH, I ELIMINATED HOUSE DISTRICT 62, WHICH EXTENDS UP INTO WEST FELICIANA. CURRENTLY THERE ARE 12 DISTRICTS IN THE HOUSE PLAN THAT CONVERGE ON EAST BATON ROUGE PARISH IN WHOLE OR IN PART, AND I HAVE REDUCED THAT NUMBER TO EIGHT IN THE ILLUSTRATIVE PLAN.

10:26 **Q.** AND IF WE COULD JUST BRIEFLY GO BACK TO PLAINTIFF EXHIBIT 40 AND IF WE COULD GO TO THE SECOND PAGE, PLEASE, AND ZOOM IN ON THE TOP HALF.

SO I BELIEVE YOU'VE NOW TESTIFIED ABOUT DISTRICT 65, 68, AND 69. CORRECT?

A. YES.

Q. AND LOOKING AT THIS EXHIBIT, ARE THOSE INDICATED AS MAJORITY-BLACK DISTRICTS IN THE CURRENT PLAN, THE ENACTED PLAN?

A. NO.

Q. NOW IF WE COULD GO BACK TO EXHIBIT 66 AND IF WE COULD GO TO THE LAST PAGE, TOP HALF.

NOW, LOOKING AT EXHIBITS -- I MEAN, SORRY. IF WE COULD -- NOW LOOKING AT DISTRICTS 65, 68, AND 69, ARE THOSE INDICATED AS MAJORITY-BLACK DISTRICTS IN YOUR ILLUSTRATIVE PLAN?

A. YES.

Q. IF WE COULD NOW PUT ON THE SCREEN ILLUSTRATIVE AID 25.

WHAT DOES THIS ILLUSTRATIVE AID SHOW?

A. THIS SHOWS THE NAACP MEMBERS IN THE EAST BATON ROUGE PARISH AREA, AND YOU CAN SEE THERE ARE FIVE THAT WERE IDENTIFIED WHEN I GEOCODED.

Q. IS THERE AN -- WAS A MEMBER IDENTIFIED IN ILLUSTRATIVE DISTRICT 65?

A. YES.

Q. WAS A MEMBER IDENTIFIED IN ILLUSTRATIVE DISTRICT 69?

10:27 **A.** YES.
Q. WAS A MEMBER IDENTIFIED IN ILLUSTRATIVE DISTRICT 68?
A. YES.
Q. NOW, I'D LIKE TO ZOOM IN ON THE TWO DOTS NEAR THE BORDER OF 69.
OKAY. WERE YOU PRESENT IN THE TESTIMONY OF REVEREND LOWE ON MONDAY?
A. YES.
Q. AND WERE YOU PRESENT IN THE TESTIMONY OF DR. WASHINGTON ON MONDAY?
A. YES.
Q. DO YOU RECALL WHICH DISTRICTS THEY CURRENTLY RESIDE?
A. WELL, I THINK THEY --
Q. DO YOU WANT US TO ZOOM OUT A BIT?
A. WELL, CAN YOU ZOOM OUT? YEAH.
Q. OKAY.
A. THEY CURRENTLY RESIDE IN, I BELIEVE, HOUSE DISTRICT 66.
Q. AND DO YOU RECALL WHICH ILLUSTRATIVE DISTRICTS THEY WOULD RESIDE IN?
A. THEY WOULD RESIDE IN 69 UNDER THE ENACTED -- UNDER THE ILLUSTRATIVE PLAN.
Q. IF WE COULD ZOOM BACK INTO THE TWO ASTERISKS THAT WE WERE LOOKING AT.
A. OKAY.
Q. LOOKING CLOSER, DO YOU RECALL WHETHER DR. LOWE -- I'M

10:29 SORRY -- REVEREND LOWE AND DR. WASHINGTON WOULD RESIDE IN 69 OR ANOTHER DISTRICT?

A. ZOOM OUT OF HERE A BIT.

COULD YOU POINT TO THE ASTERISK AGAIN? I MEAN, THE ASTERISK YOU'RE LOOKING AT ARE IN --

Q. I BELIEVE IF WE --

A. -- ILLUSTRATIVE HOUSE DISTRICT 69 -- RIGHT? -- WHICH IS ANOTHER ONE IN HOUSE DISTRICT -- IN ILLUSTRATIVE HOUSE DISTRICT 101, I THINK.

Q. OKAY. DO YOU RECALL WHETHER THE ASTERISK THAT'S CURRENTLY ON THE LINE IS IN 69 OR 101?

A. IT COULD BE IN 101, YEAH. I DON'T HAVE THESE MEMORIZED. IT COULD WELL BE IN 101. THEY'RE BOTH IN THE SAME DISTRICT, I THINK.

MS. THOMAS: OKAY. AT THIS POINT WE HAVE NO FURTHER QUESTIONS, AND WE WILL PASS THE WITNESS.

THE COURT: OKAY. THIS IS A GOOD TIME FOR A BREAK. LET'S TAKE A 20-MINUTE RECESS.

THE LAW CLERK: ALL RISE.

COURT IS AT RECESS.

(WHEREUPON, THE COURT WAS IN RECESS.)

THE COURT: BE SEATED.

MR. TUCKER, YOUR WITNESS.

MR. TUCKER: THANK YOU, YOUR HONOR.

10:54 1 **CROSS-EXAMINATION**
2 **BY MR. TUCKER:**
3 **Q.** GOOD MORNING, MR. COOPER.
4 **A.** GOOD MORNING.
5 **Q.** IT'S NICE TO SEE YOU AGAIN.
6 **A.** IT IS IN BATON ROUGE RATHER THAN NEW YORK CITY.
7 **Q.** THAT'S RIGHT.
8 I'D LIKE TO HAVE YOU START BY TURNING TO PARAGRAPH 8
9 OF YOUR REPORT.
10 AND, FORREST, IF WE COULD PULL UP THAT, IT'S PL-20.
11 **A.** YES.
12 **Q.** AND IN PARAGRAPH 8 YOU STATE THAT "PLAINTIFFS IN THIS CASE
13 HAVE ASKED ME TO DETERMINE WHETHER THE AFRICAN-AMERICAN
14 POPULATION IN LOUISIANA IS 'SUFFICIENTLY LARGE AND
15 GEOGRAPHICALLY COMPACT' TO ALLOW FOR THE CREATION OF ADDITIONAL
16 MAJORITY-BLACK STATE HOUSE AND SENATE DISTRICTS BEYOND THOSE
17 ENACTED ON MAY 9, 2022, WITHOUT GOVERNOR EDWARDS'S SIGNATURE."
18 IS THAT CORRECT?
19 **A.** YES. I'M STILL NOT THERE. BUT I DO REMEMBER THAT
20 PARAGRAPH.
21 HANG ON. OKAY.
22 **Q.** ARE YOU THERE?
23 **A.** YEAH.
24 **Q.** SO IS THAT CORRECT?
25 **A.** THAT IS CORRECT.

10:55 **Q.** AND THAT'S WHAT YOU SOUGHT TO DO IN THIS CASE. CORRECT?
A. YES. AND PROVIDE DEMOGRAPHIC INFORMATION AS WELL.
Q. IN HERE YOU DON'T STATE ANYWHERE THAT PLAINTIFFS ASKED YOU TO DRAW MORE COMPACT DISTRICTS. CORRECT?
A. ASKED ME TO DRAW MORE COMPACT DISTRICTS THAN WHAT?
Q. I'M JUST SAYING YOU DON'T STATE IN PARAGRAPH 8 THAT THE PLAINTIFFS ASKED YOU TO DRAW MORE COMPACT DISTRICTS, DO YOU?
A. MORE COMPACT THAN WHAT?
Q. MORE COMPACT THAN THE ENACTED MAP?
A. THEY DID NOT SPECIFICALLY ASK ME TO DRAW DISTRICTS THAT WERE MORE COMPACT, NO, I DON'T THINK THEY DID.
Q. OR TO LOWER POLITICAL SUBDIVISION SPLITS? THAT'S NOT CONTAINED IN PARAGRAPH 8 EITHER, IS IT?
A. NO. THAT'S JUST PART OF TRADITIONAL REDISTRICTING PRINCIPLES. I MEAN, THAT WAS THE GENERAL REQUEST FROM THE ATTORNEYS FOR THE PLAINTIFFS TO ANSWER THE GENERAL INQUIRY AND TO DO THAT I HAD TO ADHERE TO TRADITIONAL REDISTRICTING PRINCIPLES. SO I MADE A POINT OF TRYING TO DRAW REASONABLY SHAPED COMPACT DISTRICTS AND TO MINIMIZE POLITICAL SUBDIVISION SPLITS TO THE EXTENT POSSIBLE.
Q. I APPRECIATE THAT, MR. COOPER.
MY QUESTION IS: IN PARAGRAPH 8 YOU DON'T STATE SPECIFICALLY THAT PLAINTIFFS ASKED YOU TO LOWER ANY POLITICAL SUBDIVISION SPLITS. CORRECT?
A. THAT'S TRUE.

10:56 **Q.** AND I WANT TO MAKE SURE WE'RE TALKING ON THE SAME PAGE, TOO. IF I REFER TO "BVAP," DO YOU UNDERSTAND THAT TO BE BLACK VOTING-AGE POPULATION?

A. ANY-PARTY BLACK VOTING-AGE POPULATION, CORRECT.

Q. AND YOU DEFINE "MAJORITY BLACK" IN THIS CASE TO BE "50 PERCENT PLUS ONE BVAP." IS THAT CORRECT?

A. THAT IS AS DEFINED IN THE *STRICKLAND* CASE I BELIEVE THAT IS NOW SORT OF ACCEPTED AS THE STANDARD.

Q. THE ENACTED PLAN CONTAINS 29 MAJORITY-BLACK DISTRICTS AND 11 MAJORITY BLACK -- SORRY.

THE ENACTED PLAN CONTAINS 29 MAJORITY-BLACK DISTRICTS IN THE HOUSE AND 11 MAJORITY-BLACK DISTRICTS IN THE SENATE. CORRECT?

A. CORRECT.

Q. AND YOU DRAW TWO ILLUSTRATIVE PLANS HERE: ONE FOR THE HOUSE, AND ONE FOR THE SENATE. CORRECT?

A. CORRECT.

Q. YOUR ILLUSTRATIVE PLAN FOR THE HOUSE CONTAINS 35 MAJORITY-BLACK DISTRICTS. CORRECT?

A. CORRECT.

Q. THAT'S SIX MORE THAN THE ENACTED PLAN?

A. CORRECT.

Q. AND YOUR ILLUSTRATIVE PLAN FOR THE SENATE CONTAINS 14 MAJORITY-BLACK DISTRICTS. CORRECT?

A. CORRECT.

10:57 **Q.** THAT'S THREE MORE THAN THE ENACTED PLAN IN THE SENATE?
A. CORRECT.
Q. I'D LIKE TO NOW TURN TO FIGURE 5 ON PAGE 15 OF YOUR REPORT.
I'LL MAKE SURE I GIVE YOU A CHANCE TO GET THERE THIS TIME.
A. YES.
Q. SO LET ME KNOW WHEN YOU'RE THERE.
A. YES. I SEE IT ON THE SCREEN I GUESS.
Q. GREAT. SO AS I UNDERSTAND, THIS FIGURE REFLECTS THE LOUISIANA VOTING-AGE POPULATION BY RACE AND ETHNICITY FROM 2000 TO 2020. IS THAT CORRECT?
A. IT DOES.
Q. AND THIS REFLECTS THAT THE OVERALL BVAP IN THE STATE OF LOUISIANA FOLLOWING THE 2020 CENSUS WAS 31.25 PERCENT. IS THAT CORRECT?
A. CORRECT.
Q. AND THAT WAS AN INCREASE OF ONLY 1.3 PERCENT SINCE 2000?
A. THAT IS CORRECT. THE ABSOLUTE NUMBERS WENT UP CONSIDERABLY, BUT THE PERCENTAGE IS SLIGHTLY HIGHER.
Q. AND ONLY .78 PERCENT SINCE THE LAST DECADE?
A. I'M SORRY?
Q. AND ONLY .78 PERCENT SINCE THE LAST DECADE?
A. YES.
Q. AND I'D LIKE YOU TO TURN BACK NOW TO FIGURE 1 ON PAGE 9.

10:58 AND AS I UNDERSTAND IT, THIS IS A SIMILAR TABLE BUT NOW BASED UPON TOTAL POPULATION AND NOT VOTING-AGE POPULATION. IS THAT CORRECT?

A. RIGHT.

Q. CORRECT?

A. CORRECT.

Q. AND HERE THIS REFLECTS THAT THE OVERALL BLACK POPULATION INCREASED BY ONLY .33 PERCENT FROM THE PRIOR DECADE. IS THAT RIGHT?

A. THAT IS CORRECT.

Q. NOW, AGAIN, WE TALKED ABOUT EARLIER THAT THE ENACTED PLAN HAS 29 OF THE 105 HOUSE DISTRICTS AS MAJORITY BLACK. CORRECT?

A. YES.

Q. AND I'LL REPRESENT TO YOU, BECAUSE I KNOW YOU DON'T HAVE A CALCULATOR ON YOU, THAT THAT IS 27.6 PERCENT. DO YOU HAVE ANY REASON TO DISAGREE WITH THAT?

A. 27 -- OF ALL THE DISTRICTS YOU MEAN?

Q. CORRECT.

A. NOT OFF THE TOP OF MY HEAD, NO.

Q. YOU HAVE NO REASON TO DISPUTE THAT?

A. NO. I'LL TAKE YOUR WORD FOR IT.

Q. BY YOUR ILLUSTRATIVE PLAN HAS 35 OF THE 105 DISTRICTS AS MAJORITY BLACK. CORRECT?

A. IT DOES.

Q. AND I THINK THAT'S MATH MAYBE WE CAN DO. I THINK THAT'S

10:59 EXACTLY A THIRD, SO 33.33 PERCENT. IS THAT RIGHT?
A. YES.
Q. THE ENACTED SENATE PLAN HAS 11 OF THE 39 DISTRICTS AS MAJORITY BLACK, WHICH, AGAIN, I'LL REPRESENT TO YOU IS 28.2 PERCENT. WILL YOU ACCEPT THAT?
A. YES.
Q. BUT YOUR ILLUSTRATIVE SENATE PLAN HAS 14 OF THE 39 DISTRICTS AS MAJORITY BLACK, WHICH I'LL REPRESENT TO YOU IS 35.9 PERCENT. WOULD YOU AGREE?
A. I DIDN'T DO THE MATH, BUT I'LL TAKE YOUR WORD FOR IT.
Q. SO WERE YOU ATTEMPTING TO DRAW A PERCENTAGE OF MAJORITY-BLACK DISTRICTS IN THE ILLUSTRATIVE PLANS THAT WAS EQUAL TO OR GREATER THAN THE STATE'S OVERALL BVAP?
A. NO. JUST IN SOME SAME -- YOU KNOW, IN A RANGE THAT WOULD BE REFLECTIVE OF THE OVERALL BLACK POPULATION OF THE STATE. I WAS NOT TRYING TO MAXIMIZE THE NUMBER OF BLACK-MAJORITY DISTRICTS. ADDITIONAL ONES COULD HAVE BEEN DRAWN PROBABLY. SO IT ENDED UP THAT I FELT LIKE 35 HOUSE DISTRICTS AND 14 SENATE DISTRICTS WAS A REASONABLE PERCENTAGE.
Q. BUT YOU WANTED TO GET A --
A. IT MIGHT SLIGHTLY OVERREPRESENT THE BLACK POPULATION, JUST AS THEY'VE BEEN SEVERELY UNDERREPRESENTED IN YEARS PAST.
Q. SO I THINK I HEARD YOU JUST AGREE THAT YOUR HOUSE AND SENATE ILLUSTRATIVE PLANS CONTAIN A HIGHER PERCENTAGE OF MAJORITY BVAP DISTRICTS THAN THE OVERALL BVAP PERCENTAGE IN THE

11:01 1 STATE. CORRECT?
2 **A.** YES. BUT THAT MAY JUST -- I MEAN, IT MAY -- IF YOU JUST
3 LOOKED AT 13 AND 34, MAYBE THE PERCENTAGES WOULD BE DIFFERENT.
4 SO IT'S JUST -- IT'S SORT OF MARGINAL. IT'S NOT A -- THERE'S
5 NOT A SIGNIFICANT SUPER PROPORTIONAL PERCENTAGE OF
6 BLACK-MAJORITY DISTRICTS IN EITHER MY HOUSE PLAN OR SENATE
7 PLAN, PUT IT THAT WAY.
8 **Q.** IN ORDER TO CREATE THESE ADDITIONAL MAJORITY-BLACK
9 DISTRICTS, YOU HAD TO LOWER THE BVAP IN MANY EXISTING
10 MAJORITY-BLACK DISTRICTS, DIDN'T YOU?
11 **A.** YES, I REDUCED PACKING. SOME OF THESE DISTRICTS ARE IN
12 THE 70S OR HIGHER IN BLACK VOTING-AGE POPULATION.
13 **Q.** OKAY. I'D LIKE TO TURN NOW TO THE PREPARATION OF YOUR
14 ILLUSTRATIVE PLANS. MY UNDERSTANDING IS THAT IN DRAFTING YOUR
15 ILLUSTRATIVE PLANS, YOU BEGAN WITH THE ENACTED PLANS. CORRECT?
16 **A.** I DID. I HAD THE ENACTED PLANS, RIGHT.
17 **Q.** AND THEN YOU LOOKED TO AREAS THAT HAD POPULATION CHANGE
18 AND/OR HIGH BVAP WHERE YOU COULD POTENTIALLY DRAW ADDITIONAL
19 MAJORITY-BLACK DISTRICTS. CORRECT?
20 **A.** YES. I LOOKED AT THE MSA AREAS WHERE I EXPLAIN IN MY
21 DECLARATION THAT THERE'S BEEN A SIGNIFICANT AMOUNT OF
22 POPULATION SHIFTING OVER THE PAST 20 YEARS, FROM RURAL AREAS TO
23 URBAN AREAS. SO THAT IS A MAJOR FACTOR AND MAKES IT EASIER NOW
24 TO DRAW DISTRICTS ABOVE AND BEYOND 28 OR 29 THAT'S BEEN THE
25 NUMBER THAT THE STATE HAS HAD OVER THE PAST 20 OR 30 YEARS. I

11:02 1 WAS ABLE TO INCREASE IT BY EXAMINING SOME OF THE URBAN AREAS
2 WHERE THERE'S BEEN A LARGE POPULATION INCREASE IN BLACK
3 POPULATION GOING FROM RURAL AREAS TO THE URBAN AREAS THAT
4 CORRESPONDINGLY DROPPED STATEWIDE IN THE WHITE POPULATION. SO
5 IT IS EASIER TO DRAW THOSE DISTRICTS NOW THAN IT MIGHT HAVE
6 BEEN 30 YEARS AGO.
7 **Q.** RIGHT. SO YOU WEREN'T JUST LOOKING AT POPULATION CHANGE
8 GENERALLY, YOU WERE SPECIFICALLY LOOKING AT AREAS WHERE THERE
9 WAS BLACK POPULATION GROWTH AND/OR WHITE POPULATION DECLINE.
10 CORRECT?
11 **A.** THAT'S GENERALLY TRUE, YES.
12 **Q.** AND IN PARTICULAR, YOU STARTED BY LOOKING AT THE AREAS OF
13 SHREVEPORT, BATON ROUGE, NEW ORLEANS, AND LAKE CHARLES.
14 CORRECT?
15 **A.** YES. I MAY HAVE LOOKED AT SOME OTHER AREAS LIKE MONROE
16 AREA MAYBE, BUT I SETTLED ON THOSE AREAS, RIGHT.
17 **Q.** AND, AGAIN, YOU WANTED TO UNPACK THE BLACK POPULATION IN
18 THESE AREAS TO SEE IF YOU COULD DRAW ADDITIONAL MAJORITY-BLACK
19 DISTRICTS?
20 **A.** I WANTED TO SEE IF I COULD DRAW ADDITIONAL MAJORITY-BLACK
21 DISTRICTS INDEPENDENT OF PACKING AND CRACKING, BUT THAT BECOMES
22 A FACTOR AS YOU'RE DRAWING A PLAN.
23 **Q.** AND I THINK AS WE DISCUSSED AT YOUR DEPOSITION, YOU WOULD
24 MOVE AROUND VTDS, OR VOTER TABULATION DISTRICTS, AND THEN
25 PERIODICALLY CHECK IN YOUR MAPTITUDE SOFTWARE WHAT THE BVAP WAS

11:04 1 OF THE DISTRICT TO SEE IF YOU ACHIEVED A 50 PERCENT PLUS ONE
2 THRESHOLD. IS THAT CORRECT?
3 **A.** YES. I WOULD OCCASIONALLY LOOK, RIGHT. I MEAN, I LOOKED
4 AT -- I CONSIDERED THE 50 PERCENT THRESHOLD TO BE A FLOOR, NOT
5 A CEILING. YOUR EXPERTS, AND I'M SURE YOU, ASSUME THAT I WAS
6 TRYING TO MAX OUT THE BLACK POPULATION TO THE HIGHEST POSSIBLE
7 PERCENTAGE I COULD GET. AND IT WAS A FLOOR, BECAUSE I WAS
8 TRYING TO BALANCE ALL FACTORS, NOT JUST THE BLACK VOTING-AGE
9 POPULATION. I'M POSITIVE I COULD HAVE DRAWN DISTRICTS WITH
10 MUCH HIGHER BLACK VAPS, BUT I WAS TAKING INTO ACCOUNT OTHER
11 FACTORS. AND THE 50 PERCENT NUMBER THAT YOU'RE FOCUSED ON AND
12 YOUR EXPERTS SEEM TO BE FOCUSED ON IS A FLOOR, NOT A CEILING,
13 AND THEY DON'T SEEM TO UNDERSTAND THAT.
14 **Q.** YOU AGREED THAT THE ENACTED MAPS GENERALLY COMPLIED WITH
15 THE JOINT RULE 21 CRITERIA, AND THE PRIMARY MISSING INGREDIENT
16 WAS DILUTION OF MINORITY VOTE. CORRECT?
17 **A.** WELL, NO. THERE ARE SOME ISSUES RELATING TO COMPACTNESS
18 FOR SURE AS IT RELATES TO THE SENATE PLAN IN PARTICULAR. YOU
19 KNOW, WE COULD TURN AND LOOK AT SENATE DISTRICT 29, WHICH IS
20 MAJORITY BLACK. IF I HAD LEFT THAT DISTRICT IN MY PLAN, IN MY
21 ILLUSTRATIVE PLAN, THE COURT WOULD HAVE RULED IT AS A DISTRICT
22 THAT DIDN'T ADHERE TO TRADITIONAL DISTRICTING PRINCIPLES.
23 **Q.** AND I UNDERSTAND --
24 **A.** IT GOES FROM LIKE SOUTH --
25 **Q.** MR. COOPER.

11:05 1 **A.** -- OF ALEXANDRIA, EVANGELINE PARISH, ALL THE WAY UP
2 TO WINN PARISH. IT'S A BIZARRE SHAPED DISTRICT AND I REMOVED
3 IT.
4 **Q.** MR. COOPER --
5 **A.** I -- I --
6 **Q.** -- WE'RE ON A CLOCK IN THIS CASE, SO I'D APPRECIATE IT IF
7 YOU WOULD JUST --
8 **A.** I CHANGED THE BOUNDARIES FOR THAT DISTRICT.
9 **Q.** -- ANSWER MY QUESTION.
10 **THE COURT:** DON'T INTERRUPT HIM. DON'T INTERRUPT
11 HIM. LET HIM FINISH HIS ANSWER, AND THEN YOU CAN ASK YOUR NEXT
12 QUESTION.
13 **BY THE WITNESS:**
14 **A.** SO ANYWAY, THAT'S AN EXAMPLE OF A DISTRICT THAT I JUST
15 COULD NOT ACCEPT AS A PLAN DRAWER. YOU MAY HAVE AN EXPLANATION
16 FOR THAT, BUT TO MY MIND, THERE'S NO WAY THAT I COULD HAVE EVER
17 DRAWN A DISTRICT LIKE THAT AND CLAIMED THAT IT ADHERED TO
18 TRADITIONAL REDISTRICTING PRINCIPLES OR MET THE *GINGLES 1*
19 INQUIRY.
20 **Q.** MR. COOPER, DO YOU RECALL BEING DEPOSED IN THIS CASE.
21 CORRECT?
22 **A.** I DO.
23 **Q.** AND AT THAT DEPOSITION YOU SWORE UNDER OATH TO TELL THE
24 TRUTH?
25 **A.** YES.

11:06 1 **Q.** AND YOU DID TELL THE TRUTH AT THAT DEPOSITION. CORRECT?
2 **A.** I BELIEVE I DID.
3 **Q.** CAN WE PULL UP A COPY --
4 **A.** I COULD HAVE MADE A -- SOME SORT OF A MISSTATEMENT OR
5 SOMETHING. I'M PERFECTLY CAPABLE OF THAT.
6 **Q.** CAN WE PLEASE PULL UP MR. COOPER'S DEPOSITION TRANSCRIPT,
7 SPECIFICALLY ON PAGE 128, STARTING AT LINE 2.
8 SO I WANT TO READ TO YOU -- ON LINE 2, THE QUESTION
9 WAS:
10 "SO YOU TESTIFIED YOU STARTED GENERALLY WITH THE
11 ENACTED PLANS BY THE LEGISLATURE.
12 "DO YOU AGREE THAT THOSE PLANS GENERALLY MET
13 TRADITIONAL REDISTRICTING CRITERIA?
14 "ANSWER: NO.
15 "WHICH OF THE CRITERIA THEY DID NOT MEET?
16 "ANSWER: WELL, THE NON-DILUTION MINORITY VOTING
17 STRENGTH FOR ONE THING.
18 "ANY OTHERS" -- SORRY.
19 "QUESTION: ANY OTHERS?
20 "ANSWER: WELL, THAT'S -- AMONG OTHERS THERE ARE
21 UNNECESSARY PARISH AND MUNICIPALITY SPLITS COMPARED TO THE
22 ILLUSTRATIVE PLAN" --
23 **THE COURT REPORTER:** YOU NEED TO SLOW DOWN.
24 **MR. TUCKER:** SORRY.
25 **BY MR. TUCKER:**

11:07 **Q.** "BUT THERE'S NO CLEAR BENCHMARK AS TO WHAT WOULD BE ACCEPTABLE AND WHAT WOULD NOT BE ACCEPTABLE. IT'S JUST, IN MY OPINION, THE PRIMARY MISSING INGREDIENT IN THE ENACTED HOUSE AND SENATE PLANS AS IF THERE'S A FAILURE TO TAKE INTO ACCOUNT MINORITY VOTING STRENGTHS."

DID I READ THAT CORRECTLY?

MS. THOMAS: OBJECTION, YOUR HONOR. THIS IS IMPROPER IMPEACHMENT. HE HAS YET TO TESTIFY INCONSISTENTLY WITH WHAT WAS JUST READ.

MR. TUCKER: I --

MS. THOMAS: AND I ALSO HAVE NOT BEEN GIVEN A FULL COPY OF THE TRANSCRIPT, IF YOU INTEND TO USE IT FOR IMPEACHMENT.

THE COURT: MR. TUCKER, WHERE IS THE INCONSISTENCY?

MR. TUCKER: I ASKED HIM THE VERY SPECIFIC QUESTION. I'LL READ THE EXACT QUESTION BACK AGAIN.

AND YOU AGREE THE ENACTED MAPS GENERALLY COMPLY WITH THE JOINT RULE 21 CRITERIA AND THE PRIMARY MISSING INGREDIENT WAS DILUTION OF MINORITY VOTE.

MS. THOMAS: HE NEVER TESTIFIED --

MR. TUCKER: IT'S EXACTLY WHAT HE SAID IN HIS DEPOSITION.

MS. THOMAS: HE NEVER TESTIFIED GENERALLY COMPLY WITH --

THE COURT: MA'AM, LET HIM FINISH.

11:07 **MR. TUCKER:** YOUR HONOR, IT SPECIFICALLY SAYS IN HERE -- HIS TESTIMONY IS THAT THE PRIMARY MISSING INGREDIENT IN THE ENACTED HOUSE AND SENATE PLANS WAS NOT TAKING IN ACCOUNT MINORITY VOTING STRENGTHS. THAT'S THE IMPEACHMENT.

MS. THOMAS: AND THE QUESTION WAS NOT RELATED SOLELY TO PRIMARILY. THE FIRST PART OF THE QUESTION WAS GENERALLY COMPLY WITH RULE 21, AND HE NEVER GAVE THAT TESTIMONY.

THE COURT: IT'S BORDERLINE IMPROPER IMPEACHMENT, BUT I AM GOING TO OVERRULE THE OBJECTION. I'M SURE MR. COOPER IS MORE THAN ABLE TO EXPLAIN.

BY MR. TUCKER:

Q. SO DID I READ THAT CORRECTLY, MR. COOPER?

A. WELL, YOU DID READ IT BACK CORRECTLY. I BASICALLY AGREE WITH MYSELF. THAT WAS JUST A GENERAL STATEMENT. YOU DIDN'T ASK ME ABOUT SENATE DISTRICT 29 IN MY DEPOSITION. I FELT THE NEED TO MAYBE MENTION SOMETHING ABOUT THAT PARTICULAR DISTRICT TODAY.

MR. TUCKER: YOUR HONOR, I'D APPRECIATE IT IF THE WITNESS WOULD BE DIRECTED TO SIMPLY ANSWER MY QUESTIONS.

THE COURT: MR. COOPER, IF YOU COULD ANSWER HIS QUESTIONS. YOUR LAWYER WILL HAVE -- WILL GIVE YOU A CHANCE ON REDIRECT TO GIVE FURTHER EXPLANATION.

CARRY ON, MR. TUCKER.

THE WITNESS: YES, YOUR HONOR.

MR. TUCKER: THANK YOU, YOUR HONOR.

11:09 1 WE CAN TAKE THE DEPOSITION TRANSCRIPT DOWN.
2 **BY MR. TUCKER:**
3 **Q.** AND, MR. COOPER, DO YOU RECALL IN YOUR DEPOSITION THAT YOU
4 COULDN'T POINT TO ANY DISTRICT THAT YOU SPECIFICALLY DREW TO
5 IMPROVE COMPACTNESS. CORRECT?
6 **A.** I DON'T RECALL THAT, BUT I WAS NOT CONSTANTLY MONITORING
7 COMPACTNESS AS I WAS DRAWING THE PLAN. SO I WAS VISUALLY
8 OBSERVING, BUT I WAS NOT CHECKING THE REOCK AND POLSBY-POPPER
9 SCORES AS I WAS DRAWING THE PLAN EXCEPT ONLY ON OCCASION.
10 **Q.** SO EVEN SITTING HERE TODAY, YOU CAN'T POINT TO A SPECIFIC
11 DISTRICT IN YOUR ILLUSTRATIVE PLAN THAT YOU DREW TO IMPROVE
12 COMPACTNESS?
13 **A.** OH, YES, I CAN. IT'S CALLED SENATE DISTRICT 29. I WAS
14 APPALLED AT THAT DISTRICT.
15 **Q.** BUT YOU COULDN'T --
16 **A.** AND I CHANGED IT.
17 **Q.** BUT YOU COULDN'T RECALL THAT AT YOUR DEPOSITION?
18 **A.** WELL, I DON'T KNOW, MAYBE I DID. I'M PRETTY SURE I
19 MENTIONED SENATE DISTRICT 29 IN MY DEPOSITION, BUT MAYBE I
20 DIDN'T. MAYBE YOU DIDN'T ASK THE QUESTION IN THE FORMAT THAT
21 WOULD HAVE ALLOWED ME TO ANSWER THAT.
22 **Q.** CAN WE PLEASE PULL UP AGAIN MR. COOPER'S DEPOSITION
23 TRANSCRIPT AT PAGE 128?
24 AND I'LL START AT THE VERY BOTTOM, LINE 25.
25 "WHAT SPECIFIC CHANGES DID YOU MAKE IN YOUR" -- AND

11:10 1 PLEASE FLIP TO THE NEXT PAGE -- "ILLUSTRATIVE PLANS TO IMPROVE
2 COMPACTNESS?
3 ANSWER, ON LINE 2: "I COULDN'T TELL YOU."
4 DID I READ THAT CORRECT?
5 **A.** WELL, THAT'S BECAUSE -- I THINK YOUR QUESTION IS: DID YOU
6 SET ABOUT TO DRAW COMPACT DISTRICTS WITH THAT AS THE VERY TOP
7 PRIORITY, AND I CANNOT SAY THAT THAT WAS NECESSARILY THE VERY
8 TOP PRIORITY. BUT I CAN SAY THAT IN TERMS OF MUNICIPAL AND
9 VTDS, I WAS TAKING THAT INFORMATION INTO ACCOUNT.
10 AND I'M ONLY POINTING OUT SENATE DISTRICT 29 BECAUSE
11 YOU'VE SORT OF FOCUSED ON COMPACTNESS HERE, AND I THINK THAT'S
12 A GOOD EXAMPLE OF A DISTRICT THAT I COULD NOT ACCEPT AS A PLAN
13 DRAWER. IT GOES FROM EVANGELINE PARISH ALL THE WAY UP INTO
14 WINN PARISH. THE BOUNDARIES ARE SIMPLY CRAZY. AND HAD I LEFT
15 THAT IN -- IT WAS A POISON PILL. IT WAS A SETUP SO THAT -- IT
16 MIGHT HAVE BEEN A SETUP, SO THAT IF THIS CASE EVER DID GO TO
17 TRIAL, YOU COULD GET RID OF IT -- THAT PARTICULAR SENATE
18 DISTRICT, MAINTAINING THAT EVEN THOUGH YOU'RE ADDING ONE OVER
19 HERE, YOU CAN TAKE THIS OTHER ONE AWAY BECAUSE IT DOESN'T
20 ADHERE TO TRADITIONAL REDISTRICTING PRINCIPLES.
21 **Q.** MR. COOPER, YOUR COUNSEL WILL HAVE AN OPPORTUNITY TO
22 REDIRECT YOU ON THIS. AGAIN, I'D APPRECIATE IT IF YOU WOULD
23 JUST ANSWER MY QUESTIONS.
24 MY QUESTION WAS: DID I READ THAT CORRECTLY FROM YOUR
25 DEPOSITION TRANSCRIPT?

11:11 1 **A.** WHICH -- COULD YOU RE-READ IT? WHAT ARE YOU TALKING
2 ABOUT?
3 **Q.** WE CAN GO BACK.
4 **A.** EARLIER ON PAGE 2?
5 **Q.** ON PAGE 128, THE QUESTION WAS: "WHAT SPECIFIC CHANGES DID
6 YOU MAKE IN YOUR ILLUSTRATIVE PLANS TO IMPROVEMENT
7 COMPACTNESS?"
8 THE ANSWER WAS: "I COULDN'T TELL YOU."
9 DID I READ THAT CORRECTLY?
10 **A.** WELL, IN A SENSE YOU DID BECAUSE I WAS NOT -- I WAS NOT
11 REALLY --
12 **THE COURT:** HE JUST WANTS TO KNOW IF HE READ IT.
13 RIGHT?
14 **THE WITNESS:** YEAH, YOU READ IT RIGHT.
15 **BY MR. TUCKER:**
16 **Q.** THANK YOU.
17 **A.** ASSUMING IT WAS TRANSCRIBED CORRECTLY. I DON'T REMEMBER
18 THE EXACT EXCHANGE THERE.
19 **Q.** WELL, YOU HAD A CHANCE TO ISSUE AN ERRATA SHEET IN -- FOR
20 YOUR DEPOSITION. CORRECT?
21 **A.** I DID.
22 **THE COURT:** OKAY. LET'S MOVE ON. GO AHEAD.
23 **BY MR. TUCKER:**
24 **Q.** AND YOUR ILLUSTRATIVE PLANS DON'T DO ANYTHING TO IMPROVE
25 POPULATION EQUALITY, DO THEY?

11:12 1 **A.** NO. I THINK IT'S ABOUT THE SAME.
2 **Q.** AND I THINK AS YOU TESTIFIED ON DIRECT, YOUR ILLUSTRATIVE
3 PLANS DON'T IMPROVE CORE RETENTION AS COMPARED TO THE ENACTED
4 PLANS. CORRECT?
5 **A.** IF YOU COMPARE THE ILLUSTRATIVE PLANS THAT I DREW
6 VIS-À-VIS, THE ENACTED PLANS THEN COMPARED TO THE CHANGES THAT
7 THE ENACTED PLAN MADE TO THE BENCHMARK PLAN, THAT ENACTED PLAN
8 IS A LITTLE BIT CLOSER TO THE BENCHMARK THAN THE CHANGES THAT I
9 MADE WITH RESPECT TO THE ILLUSTRATIVE PLAN.
10 **Q.** YOU MENTIONED A LITTLE BIT IN YOUR DIRECT EXAMINATION, AND
11 YOU TALK ABOUT IT IN YOUR REPORT, SOME SELF-IDENTIFIED CULTURAL
12 COMMUNITIES OF INTEREST. DO YOU RECALL THAT?
13 **A.** YES.
14 **Q.** BUT YOU DIDN'T CONSULT ANY OTHER EXPERT IN THIS CASE,
15 INCLUDING DR. COLTEN ON THESE COMMUNITIES OF INTEREST.
16 CORRECT?
17 **A.** NOT DIRECTLY, NO.
18 **Q.** IN FACT, YOU ONLY SAW DR. COLTEN'S REPORT IN THIS CASE
19 AFTER YOU HAD DRAWN YOUR ILLUSTRATIVE MAPS?
20 **A.** THAT'S TRUE, ALTHOUGH I DID GET SOME INPUT FROM THE
21 PLAINTIFFS' ATTORNEYS AS I WAS DRAWING THE 2023 PLAN.
22 **Q.** GREAT. ACTUALLY LET'S TALK ABOUT THAT A LITTLE BIT.
23 SO YOU INITIALLY DREW YOUR PLANS IN 2022. IS THAT
24 CORRECT?
25 **A.** CORRECT.

11:13 **Q.** AT THE TIME YOU DREW THOSE PLANS IN 2022, DID YOU RECEIVE ANY FEEDBACK FROM PLAINTIFFS' ATTORNEYS OR ANY OF THE EXPERTS IN THIS CASE ABOUT THE DRAWING OF THOSE MAPS?

A. NO.

Q. SO THE FEEDBACK YOU RECEIVED WAS BETWEEN THE DRAWING OF YOUR 2022 PLANS AND SOME CHANGES YOU MADE TO THE CURRENT PLANS YOU'RE OFFERING AS ILLUSTRATIVE PLANS TODAY. CORRECT?

A. RIGHT. AND RELATIVELY MINOR CHANGES IN SO FAR AS THE ILLUSTRATIVE PLANS ARE CONCERNED.

Q. AND I BELIEVE YOU TESTIFIED THAT THE CHANGES YOU BELIEVED -- WELL, STRIKE THAT.

YOU DIDN'T ACTUALLY TALK TO DR. COLTEN. CORRECT?

A. I HAD NEVER SPOKEN TO OR MET DR. COLTEN UNTIL YESTERDAY, AND WE DID HAVE A -- AS DR. COLTEN I THINK MAY HAVE MENTIONED YESTERDAY, WE EXCHANGED PLEASANTRIES AND HAD NO DISCUSSION ABOUT VOTING DISTRICTS AT ALL.

Q. AND SO ALL THE INFORMATION YOU RECEIVED FOR THE CHANGES THAT WERE MADE BETWEEN YOUR 2022 AND 2023 PLANS WAS RECEIVED FROM PLAINTIFFS' COUNSEL. CORRECT?

A. YES.

Q. AND ONE OF THE CHANGES YOU MENTIONED DURING YOUR DEPOSITION, IF YOU RECALL, WAS MOVING DONALDSON [SIC] -- ALL OF DONALDSON INTO A MAJORITY-BLACK DISTRICT. DO YOU RECALL THAT?

A. YES. I HAD PREVIOUSLY SPLIT DONALDSON ALONG A VTD BOUNDARY. AND I MAY HAVE MISSPOKEN AT SOME POINT IN MY

11:15 DEPOSITION, BUT THE POINT I SHOULD HAVE MADE WAS THAT I PUT ALL OF THE TOWN OF DONALDSON IN A SINGLE DISTRICT, HOUSE DISTRICT 60.

Q. AND WAS THAT THE MINOR CHANGES YOU WERE REFERRING TO THAT PERHAPS WERE RECEIVED FROM DR. COLTEN?

A. NO.

Q. WHAT WERE THE MINOR CHANGES YOU BELIEVED WERE RECEIVED FROM DR. COLTEN?

A. THEY HAD TO DO MAINLY I THINK WITH THE BATON ROUGE AREA. I DON'T THINK THAT -- I'M ALMOST A HUNDRED PERCENT CERTAIN THAT THERE WAS NO DISCUSSION RELAYED TO ME FROM DR. COLTEN AS IT PERTAINED TO HOUSE DISTRICT 60.

Q. SO I WANT TO TURN QUICKLY TO YOUR REBUTTAL REPORT, WHICH IS PL-89, AND WE WILL PUT IT UP ON THE SCREEN FOR YOU.

A. OH, OKAY.

Q. IF WE COULD TURN TO PARAGRAPH 30, PLEASE, AND I WANT TO REFER TO THE LAST SENTENCE OF PARAGRAPH 30 WHERE IT SAYS "I ALSO MADE CHANGES TO IMPROVE THE PERFORMANCE OF THE DISTRICTS FOR BLACK-PREFERRED CANDIDATES BASED UPON THE FEEDBACK COUNSEL RECEIVED FROM DR. HANDLEY."

DID I READ THAT CORRECTLY

A. YES. A MINOR CHANGE TO THE HOUSE DISTRICT 65, 68 AREA, I THINK.

Q. AND, AGAIN, THE PURPOSE OF THAT CHANGE WAS TO IMPROVE THE PERFORMANCE OF A PARTICULAR DISTRICT. IS THAT RIGHT?

11:17 1 **A.** YES, IMPROVE THE PERFORMANCE. THERE WAS NO DISCUSSION OF
2 BLACK VAP.
3 **Q.** BUT WHEN YOU SAY "IMPROVE THE PERFORMANCE," YOU MEAN
4 IMPROVE THE LIKELIHOOD THAT THAT DISTRICT WOULD ELECT A BLACK
5 CANDIDATE?
6 **A.** THAT WOULD BE THE REQUEST, RIGHT, AS I UNDERSTOOD THE
7 REQUEST ANY WAY. IT HAD NOTHING TO DO, THOUGH, WITH ENHANCING
8 THE BLACK VOTING-AGE POPULATION IN ANY ONE OF THOSE DISTRICTS.
9 **Q.** WELL, AS I UNDERSTAND IT --
10 **A.** IT WAS JUST TO RECONFIGURE IT.
11 **Q.** AS I UNDERSTAND IT, YOU DIDN'T ACTUALLY TALK TO DR.
12 HANDLEY. CORRECT?
13 **A.** I DID NOT.
14 **Q.** AND SO YOU DON'T KNOW THE PURPOSE FOR WHAT THE REQUESTED
15 CHANGE WAS. CORRECT?
16 **A.** WELL, IT WAS MY UNDERSTANDING THAT THE CONFIGURATION I HAD
17 IN, I GUESS, THE ILLUSTRATIVE 2022 PLAN MAY NOT HAVE HAD A
18 SUFFICIENT PROBABILITY IN TERMS OF THE ABILITY TO ELECT A BLACK
19 CANDIDATE. SO IT WAS SUGGESTED OR REQUESTED THAT I EXPERIMENT
20 WITH OTHER CONFIGURATIONS, AND I DIDN'T HAVE ELECTION DATA. SO
21 I TRIED ANOTHER CONFIGURATION AND PROVIDED IT TO THE ATTORNEYS.
22 AND, AGAIN, THAT MINOR CHANGE ADHERED TO TRADITIONAL
23 REDISTRICTING PRINCIPLES. AND I HAVE NO IDEA WHETHER IT
24 INCREASED THE BLACK VOTING-AGE POPULATION OR DECREASED IT. I
25 WAS NOT TRYING TO DO THAT. I WAS TRYING TO BALANCE OUT ALL THE

11:18 1 FACTORS, BUT TO TAKE INTO ACCOUNT AN ALTERNATIVE CONFIGURATION
2 THAT WOULD HAVE PASSED MUSTER WITH DR. HANDLEY'S ANALYSIS.
3 **Q.** BUT YOU DON'T KNOW WHY HANDLEY BELIEVED IT WOULD OR WOULD
4 NOT PERFORM. CORRECT?
5 **A.** WELL, SHE DOES THE PERFORMANCE ANALYSIS AS PART OF *GINGLES*
6 *2 AND GINGLES 3*.
7 **Q.** BUT YOU DIDN'T SPEAK WITH HER?
8 **A.** NO, I DID NOT.
9 **Q.** SO SHE DIDN'T TELL YOU WHY SHE WANTED THAT CHANGED?
10 **A.** WELL, NO. IT WAS MY UNDERSTANDING THAT THAT THERE WAS AN
11 ISSUE ABOUT WHETHER OR NOT THAT DISTRICT WOULD HAVE A HIGH
12 LIKELIHOOD OF ELECTING A BLACK CANDIDATE BASED ON HISTORICAL
13 ELECTION DATA.
14 **Q.** BUT YOU DON'T KNOW WHY DR. HANDLEY FELT THAT WAY?
15 **MS. THOMAS:** OBJECTION.
16 **BY THE WITNESS:**
17 **A.** WELL, I MEAN, THAT WAS HER ANALYSIS. I DIDN'T TALK TO
18 HER. BUT, I MEAN, THAT -- SHE MADE THAT REQUEST TO THE
19 ATTORNEYS.
20 **THE COURT:** ASKED AND ANSWERED. SUSTAINED. HE'S
21 ALREADY ANSWERED IT.
22 GO AHEAD. NEXT QUESTION.
23 **MR. TUCKER:** WE CAN TAKE THAT EXHIBIT OFF THE SCREEN.
24 THANK YOU.
25 **BY MR. TUCKER:**

11:19 1 **Q.** SO I WANT TO GO BACK TO TALKING ABOUT YOUR CULTURAL
2 COMMUNITIES OF INTEREST.
3 **A.** WELL, THEY'RE NOT MY CULTURAL COMMUNITIES OF INTEREST
4 EXACTLY, BUT GO AHEAD.
5 **Q.** WELL, I'M REFERRING TO THE CULTURAL COMMUNITIES OF
6 INTEREST YOU IDENTIFIED IN YOUR REPORT. FAIR?
7 **A.** OKAY.
8 **Q.** SO, AGAIN, JUST TO REVISIT, SO YOU DIDN'T SEE DR. COLTEN'S
9 REPORT UNTIL AFTER YOU DREW YOUR DISTRICTS IN THIS CASE.
10 CORRECT?
11 **A.** CORRECT.
12 **Q.** AND SO DR. COLTEN'S REPORT AND HIS OPINIONS ON COMMUNITIES
13 OF INTEREST DID NOTHING TO INFORM ON THE DRAWING OF THE
14 ILLUSTRATIVE PLANS HERE. CORRECT?
15 **A.** HIS REPORT ITSELF, NO.
16 **Q.** AND, AGAIN, YOU ONLY RECEIVED VERY MINOR COMMENTS AND MADE
17 MINOR CHANGES BASED UPON ANY FEEDBACK FROM DR. COLTEN IN THIS
18 CASE. CORRECT?
19 **A.** AGAIN, I BELIEVE THAT HIS REQUEST MAY HAVE FOCUSED MORE ON
20 BATON ROUGE THAN THE AREA IN, SAY, CADDO, BOSSIER CITY, OR
21 HOUSE DISTRICT 60 AS WE JUST SPOKE. I THINK IT WAS MORE
22 FOCUSED ON MAKING SOME MODIFICATIONS, FOR EXAMPLE, TO SENATE
23 DISTRICT 17 SO THAT IT WENT FURTHER SOUTH TO PICK UP PARTS OF
24 SOUTHERN UNIVERSITY, I THINK. THAT WOULD HAVE COME FROM PLANS,
25 THOUGH. THERE WERE VARIOUS SUGGESTIONS, AND I DIDN'T

11:20 1 NECESSARILY TIE THEM TO ANY ONE INDIVIDUAL, WHETHER IT BE DR.
2 COLTEN OR A PARTICULAR PLAINTIFF.
3 OF COURSE, THE PLAINTIFFS WERE NEVER GIVEN -- THAT
4 INFORMATION FROM THE PLAINTIFFS WAS NEVER PROVIDED TO ME BY
5 NAME. I JUST KNEW THAT SOME PLAINTIFFS HAD EXPRESSED ALSO AN
6 INTEREST MAYBE IN INCLUDING PARTS OF SOUTHERN UNIVERSITY IN
7 SENATE DISTRICT 77.
8 **Q.** OKAY. I UNDERSTAND THAT.
9 SO PLAINTIFFS' COUNSEL NEVER EVEN SPECIFICALLY SAID
10 "THIS IS INFORMATION FROM DR. COLTEN. WE WANT YOU TO CONSIDER
11 IT." YOU JUST ASSUMED THAT?
12 **A.** WELL, I THINK THERE WAS -- I THINK -- YEAH. I THINK THAT
13 WAS THE CASE, THAT I DID LEARN THAT HE HAD SOME INTEREST ABOUT
14 MAYBE LINING THINGS UP BETTER WITH BATON ROUGE NEIGHBORHOODS.
15 **Q.** NOW, I WANT TO RETURN BACK TO YOUR REPORT. AGAIN, PL-20,
16 PLEASE, AT PARAGRAPH 27.
17 **A.** YES.
18 **Q.** AND THESE ARE CULTURAL COMMUNITIES OF INTEREST YOU
19 DISCUSSED IN YOUR REPORT. CORRECT?
20 **A.** YES, DRAWN FROM A VARIETY OF SOURCES, AND THEY ARE NOT
21 CAST IN STONE. OTHER PERSONS COULD HAVE EASILY MODIFIED THIS
22 IN SOME FASHION.
23 **Q.** DO YOU RECALL TESTIFYING IN YOUR DEPOSITION THAT THESE
24 PARTICULAR COMMUNITIES OF INTEREST WERE REALLY JUST IN THE
25 BACKGROUND AS YOU WERE DRAWING YOUR MAPS?

11:22 **A.** YES. I DON'T EXACTLY RECALL THAT EXACT PHRASE, BUT THEY WERE IN THE BACKGROUND. YES, I WAS AWARE OF THEM. AND TO THE EXTENT THAT I COULD, I TRIED TO KIND OF STAY IN THAT ZONE.

Q. BUT YOU WEREN'T TRYING TO MINIMIZE HOW MANY TIMES YOU SPLIT THESE VARIOUS COMMUNITIES OF INTEREST. CORRECT?

A. WELL, NO. I MEAN, YOU REALLY CAN'T BECAUSE THEY ARE VARIOUS COMMUNITIES OF INTEREST AND VARIOUS CULTURAL REGIONS. AND I WAS ALSO PAYING ATTENTION TO SPLITS OF MSAS, WHICH INTERSECT AND CROSS THESE CULTURAL REGIONS. I WAS ALSO PAYING ATTENTION TO PARISH LINES. I WAS ALSO PAYING ATTENTION TO PLANNING DISTRICT BOUNDARIES. SO -- AND THE -- ALL OF THEM KIND OF CRISSCROSSED ONE ANOTHER, BUT I WAS AWARE OF IT.

I MEAN, I KNEW WHERE ACADIANA WAS BASED ON THE LOUISIANA LEGISLATURE DEFINITION OF 22 PARISHES, AND THEN I ALSO REALIZED THERE'S A SUBSET OF PARISHES THAT MORE PROPERLY REFLECT THE CAJUN HEARTLAND. SO I TOOK THAT INTO ACCOUNT. BUT, SURE, THERE ARE SPLITS, AS YOUR PLAN, AS THE STATE'S PLAN DOES, THESE REGIONS ARE SPLIT, BECAUSE YOU HAVE TO MAKE SOME SPLITS, IF FOR NO OTHER REASON, JUST TO MEET ONE-PERSON, ONE-VOTE.

Q. SO COMMUNITIES OF INTEREST IS A BROAD TERM. RIGHT?

A. IT IS A BROAD TERM, VERY BROAD.

Q. AND SOMETIMES BY TRYING TO UNITE ONE COMMUNITY OF INTEREST, YOU MAY HAVE TO DIVIDE ANOTHER?

A. THAT'S TRUE.

11:23 **Q.** I WANT TO SHIFT A LITTLE BIT TO THE DISCUSSION OF YOUR CONSIDERATION OF SOCIOECONOMIC DATA. I BELIEVE YOU STATE IN YOUR REPORT -- AND I THINK YOU TESTIFIED MAYBE YESTERDAY -- THAT YOU CONSIDERED SOCIOECONOMIC DATA FROM THE 2019 AMERICAN COMMUNITY SURVEY. IS THAT CORRECT?

A. 2015 TO 2019, A FIVE-YEAR ASC FOR MUNICIPALITIES AND PARISHES, AND THEN FOR THE MSAS, OF WHICH THERE WERE REALLY ONLY TWO, WHERE THE CENSUS BUREAU REPORTS IN AN EASILY ACCESSIBLE SPREADSHEET THE PERCENTAGES. I LOOKED AT BATON ROUGE MSA AND NEW ORLEANS MSA. SHREVEPORT AND SOME OF THE OTHER MSAS IN THE STATE ARE A LITTLE MORE DIFFICULT TO GET TO.

SO I ONLY REPORTED AT THE MSA LEVEL BATON ROUGE FROM THE 2019 ONE-YEAR SURVEY AND NEW ORLEANS FROM THE 2019 ONE-YEAR SURVEY. AND I CUT IT AT 2019 INSTEAD OF ADDING IN 2020 OR 2021 BECAUSE OF THE -- BECAUSE OF THE PANDEMIC, THAT TENDS TO SKEW THE SOCIOECONOMIC DATA. AND SO I'VE SORT OF DECIDED THAT 2019 IS BETTER AT THIS POINT IN TIME NEXT YEAR MAYBE STARTING -- IF WE'RE BACK HERE NEXT YEAR, WE CAN LOOK AT 2022 OR 2023.

Q. THE DATA YOU RELIED UPON FROM THE AMERICAN COMMUNITY SURVEY WAS ONLY AT THE PARISH AND MUNICIPAL LEVEL. CORRECT?

A. THAT'S RIGHT.

Q. YOU DID NOT HAVE SUCH DATA AT A SMALLER LEVEL OF GEOGRAPHY?

A. I DID NOT RELY ON BLOCK-GROUP LEVEL DATA RELATING TO SOCIOECONOMICS. AS I WAS DRAWING THE PLAN -- AND ONE REASON

11:25 THAT I DON'T USE IT IS BECAUSE THERE IS A LARGE MARGIN OF ERROR
AT THE BLOCK-GROUP LEVEL. AND SO I PREFER JUST TO GAIN AN
UNDERSTANDING OF THE COMMUNITY I'M LOOKING AT BY LOOKING AT A
BIGGER PICTURE, WHICH IS THE COMMUNITY ITSELF, THAT WOULD
INCLUDE AN AGGREGATION OF BLOCK GROUPS AND BE A MORE RELIABLE
PERCENTAGE THAN JUST THE BLOCK-GROUP LEVEL DATA, WHICH IS MICRO
LEVEL AND WITH A RELATIVELY HIGH MARGIN OF ERROR.
Q. AND BECAUSE YOU DIDN'T HAVE THAT SMALL LEVEL OF GEOGRAPHY,
YOU COULDN'T LOAD IT INTO YOUR MAPTITUDE SOFTWARE. CORRECT?
A. NO. I COULD HAVE LOADED IT IN MY SOFTWARE. IN FACT, I
DID IN MY REBUTTAL REPORT. I SHOW BLOCK GROUPS STATEWIDE BASED
ON AN 185 PERCENT POVERTY LEVEL TO DEMONSTRATE THAT IN GENERAL
THE AREAS THAT I INCLUDED IN MY ILLUSTRATIVE PLAN IN THE
ILLUSTRATIVE DISTRICTS, HOUSE AND SENATE, ARE COMPRISED OF
BLOCK GROUPS WHERE THE OVERALL POPULATION, RACE NEUTRAL, NOT
JUST AFRICAN AMERICANS, BY ALL RACES, ARE BELOW 185 PERCENT
POVERTY. AND SO THOSE ARE IN MY REBUTTAL REPORT. YOU CAN SEE
THE BLOCK-GROUP SHADING INDICATING WHICH BLOCK GROUPS ARE
COMPRISED OF HOUSEHOLDS WHERE THE POPULATION IS MORE THAN
50 PERCENT UNDER 185 PERCENT POVERTY IF I CAN MAKE THAT --
Q. SO --
A. THAT'S A SPECIAL TABULATION PREPARED BY THE U.S. CENSUS
BUREAU FOR THE U.S. DEPARTMENT OF AGRICULTURAL AND THE SCHOOL
MEALS PROGRAM FOR CHILDREN, AND THAT RELATES TO THE SUMMER
FEEDING PROGRAM AND ALSO FOR CHILD AND ADULT CARE PROGRAMS. SO

11:26 THOSE ARE AREAS THAT ARE IDENTIFIED AS BEING PLACES WHERE THE FEDERAL GOVERNMENT CAN PROVIDE SUBSIDIES TO LOCAL GOVERNMENTS OR TO COMMUNITY LEVEL ORGANIZATIONS, NON-GOVERNMENTAL ORGANIZATIONS, TO PROVIDE SCHOOL -- TO PROVIDE AFTER-SCHOOL NUTRITION OR SUMMER FOOD NUTRITION.

Q. I WAS ASKING SPECIFICALLY ABOUT THE ACS DATA.

A. IT'S ACS DATA. THAT'S ACS DATA.

Q. SO YOU'RE TESTIFYING TODAY THAT YOU LOADED ACS DATA INTO MAPTITUDE?

A. WELL, I SURE DID.

Q. IS THAT YOUR TESTIMONY HERE TODAY?

A. I DID IN MY REBUTTAL REPORT, BUT NOT AS I WAS DRAWING THE PLANS. I JUST DID THAT TO DEMONSTRATE THAT THE AREAS THAT I'VE IDENTIFIED AS MAJORITY-BLACK DISTRICTS, THE ADDITIONAL MAJORITY-BLACK DISTRICTS, ARE LARGELY ENCOMPASSED BY BLOCK GROUPS WITH 185 PERCENT POVERTY RATE OF WHICH 50 PERCENT OF THE HOUSEHOLDS ARE BELOW THAT LEVEL.

Q. CAN WE PLEASE PULL UP MR. COOPER'S DEPOSITION TRANSCRIPT AGAIN? THIS TIME ON PAGE 90.

I WANT TO REFER YOU STARTING AT LINE 25.

"QUESTION: SO THEN YOU DIDN'T LOAD ANY SOCIOECONOMIC DATA INTO THE MAPTITUDE SOFTWARE?"

GO DOWN TO THE NEXT PAGE.

"ANSWER: NOT, I DID NOT."

DID I READ THAT CORRECT?

11:28 1 **A.** WELL, WHAT DID I JUST TELL YOU? I DID NOT, BECAUSE I WAS
2 THE DRAWING PLAN. BUT AS I WAS RESPONDING TO DR. MURRAY'S
3 REBUTTAL -- DR. MURRAY'S REPORT, WHICH CLAIMED THAT BLOCK
4 GROUPS AND NEIGHBORHOODS ARE THE SAME, WHEN THEY'RE REALLY NOT.
5 THEY ARE, MAYBE, PROXIES. I FELT THE NEED TO THEN GO ONE STEP
6 FURTHER AND SHOW THAT I DID UNDERSTAND WHAT BLOCK GROUPS ARE
7 AND THAT I DID DO A FAIRLY GOOD JOB OF INCLUDING AREAS THAT ARE
8 RELATIVELY LOWER INCOME IN THE HOUSE DISTRICTS THAT I CREATED
9 AND THE SENATE DISTRICTS -- THE SIX HOUSE DISTRICTS AND THE
10 THREE SENATE DISTRICTS. IT'S NOT A PERFECT MATCH, BECAUSE
11 THERE ARE AREAS IN THOSE MAPS THAT ARE ABOVE THAT HAVE -- DO
12 NOT HAVE 50 PERCENT OF THE POPULATION LIVING BELOW THE
13 185 PERCENT LEVEL. BUT IF YOU LOOK AT THOSE MAPS, IT COVERS A
14 LOT OF AREA. AND IT'S NOT JUST BLACK PERSONS, THAT'S RACE
15 NEUTRAL.
16 **Q.** MR. COOPER, I'M TRYING NOT TO CUT YOU OFF, BUT YOU NEED TO
17 TRY TO JUST STICK TO ANSWERING MY QUESTION.
18 AND SO I WANT TO UNDERSTAND THIS. YOU WERE DEPOSED
19 AFTER YOUR REBUTTAL REPORT IN THIS CASE. CORRECT?
20 **A.** I WAS. AND MAYBE I MISUNDERSTOOD THE QUESTION. I THOUGHT
21 THE QUESTION WAS DIRECTLY RELATED TO THE PLAN DRAWING PROCESS
22 ITSELF, AND AS I'VE JUST STATED TODAY, I DID NOT LOOK AT BLOCK
23 GROUP LEVEL DATA AS I WAS DRAWING THE PLAN.
24 **Q.** THE QUESTION WAS: "DID YOU LOAD ANY SOCIOECONOMIC DATA
25 INTO MAPTITUDE AT YOUR DEPOSITION?" AND YOUR ANSWER AT THAT

11:29 1 TIME WAS "NO." AND YOU ARE NOW TELLING THE COURT THAT THAT
2 ANSWER WAS FALSE?
3 **A.** YOU KNOW, YOU SAW MY REBUTTAL REPORT. YOU MUST HAVE KNOWN
4 THAT I LOADED IT INTO THE SOFTWARE TO DO MY REBUTTAL REPORT,
5 DIDN'T YOU?
6 **Q.** MR. COOPER, MY QUESTION IS: ARE YOU TELLING THE COURT
7 TODAY THAT YOUR ANSWER AT YOUR DEPOSITION WAS FALSE?
8 **A.** NO. IT WAS TRUE. I DID NOT USE BLOCK-GROUP LEVEL DATA TO
9 DRAW THE PLAN, WHICH IS WHAT WE WERE DISCUSSING. BUT I DID USE
10 IT AS AN EXAMPLE TO REBUT SOME OF DR. MURRAY'S TESTIMONY.
11 **Q.** WHERE IN THE QUESTION --
12 **MS. THOMAS:** OBJECTION TO THE POINT THAT THIS IS
13 GETTING ARGUMENTATIVE.
14 **THE COURT:** OBJECTION IS SUSTAINED.
15 **BY MR. TUCKER:**
16 **Q.** WHERE IN THE QUESTION DOES IT ASK ANYTHING ABOUT WHEN OR
17 WHY YOU LOADED DATA INTO THE MAPTITUDE SOFTWARE?
18 **THE COURT:** THE OBJECTION WAS SUSTAINED.
19 **BY MR. TUCKER:**
20 **Q.** NOW, YOU GENERATED OR HAD THE ABILITY TO GENERATE A BUNCH
21 OF DIFFERENT REPORTS FROM THE ACS DATA. CORRECT?
22 **A.** YES.
23 **Q.** DIFFERENT REPORTS FOR EACH MUNICIPALITY AND EACH COUNT --
24 OR SORRY -- EACH PARISH. CORRECT?
25 **A.** EACH PARISH AND EACH MUNICIPALITY AND EVEN CENSUS

11:30 DESIGNATED PLACE -- UNINCORPORATED PLACES THAT HAD AT LEAST
2,500 PEOPLE IN THEM AND WAS 10 PERCENT BLACK.
Q. BUT YOU DIDN'T ACTUALLY LOOK AT ALL OF THOSE REPORTS.
CORRECT?
A. OH, NO. THERE WAS HUNDREDS OF THEM.
Q. AND YOU DON'T STATE ANYWHERE IN YOUR REPORT WHICH ONES YOU
SPECIFICALLY REVIEWED. CORRECT?
A. I DO NOT.
Q. MR. COOPER, I WANT TO SHIFT GEARS A LITTLE BIT AND TALK
ABOUT COMPACTNESS. YOU DID NOT MEASURE THE COMPACTNESS OF THE
MINORITY POPULATION INSIDE EACH OF YOUR ILLUSTRATIVE DISTRICTS.
CORRECT?
A. I DID NOT, THAT'S NOT NECESSARY. THAT IS SOMETHING THAT
ONE DOES NOT NEED TO DO TO ANSWER THE *GINGLES 1* INQUIRY.
Q. ALL RIGHT.
A. THE MINORITY POPULATION DOES NOT HAVE TO MEET SOME SORT OF
INVENTED COMPACTNESS MEASURE BY DR. TRENDE. I UNDERSTAND THAT
COMPACTNESS MEASURE HAS BEEN OUT THERE FOR 60 YEARS, BUT IT'S
NEVER SHOWED UP IN ANY CASE I'VE EVER BEEN INVOLVED IN AND FOR
GOOD REASON BECAUSE IT HAS NOTHING TO DO WITH DRAWING A
REASONABLY COMPACT, REASONABLY SHAPED, ILLUSTRATIVE DISTRICT
WHERE THE BLACK POPULATION REPRESENTS A MAJORITY OF AT LEAST 50
PERCENT PLUS ONE. HAS NOTHING TO DO WITH IT.
Q. OKAY. SO IT DOESN'T --
A. AND I WANT TO HEAR YOU BRING DR. TRENDE IN HERE -- I WON'T

11:32 1 BE HERE -- AND TELL THE COURT THAT SOMEBODY WHO HAPPENS TO LIVE
2 IN VIVIAN, INSTEAD OF BOSSIER PARISH, IS NOT PART OF A
3 REASONABLY COMPACT MAJORITY-BLACK DISTRICT.
4 **MR. TUCKER:** YOUR HONOR, AGAIN, WE'RE ON A CLOCK HERE
5 WITH BOTH PARTIES. I'D JUST ASK THE WITNESS TO BE REMINDED TO
6 ANSWER THE QUESTION. HIS COUNSEL WILL HAVE AN OPPORTUNITY TO
7 REDIRECT HIM.
8 **THE COURT:** YOU ASKED THE QUESTION, SO REMINDED.
9 GO AHEAD.
10 **MR. TUCKER:** WELL, I THINK HE ANSWERED IT, BUT THEN
11 HE WENT ON FOR SEVERAL MINUTES ABOUT ADDITIONAL THINGS WELL
12 BEYOND THE QUESTION THAT WAS ASKED.
13 **BY MR. TUCKER:**
14 **Q.** SO IT DID NOT MATTER TO YOU IF THE BLACK POPULATION WAS
15 LOCATED ACROSS DIFFERENT PARTS OF THE DISTRICT?
16 **A.** NOT REALLY, NO.
17 **Q.** AND IN YOUR REPORT YOU ONLY ANALYZE COMPACTNESS AT A
18 STATEWIDE LEVEL. CORRECT?
19 **A.** THAT'S NOT TRUE. I HAVE COMPACTNESS SCORES FOR EVERY
20 SINGLE ONE OF THE DISTRICTS THAT I'VE DRAWN.
21 **Q.** CORRECT. BUT IN YOUR REPORT -- I UNDERSTAND THERE'S AN
22 EXHIBIT TO YOUR REPORT WHERE YOU REPORT ON THE COMPACTNESS
23 SCORES DISTRICT BY DISTRICT, BUT YOU DON'T DO ANY ANALYSIS IN
24 YOUR REPORT OF DISTRICT BY DISTRICT COMPACTNESS. CORRECT?
25 **A.** WELL, IT'S IN THE EXHIBITS.

11:33 **MS. THOMAS:** SORRY.
BY THE WITNESS:
A. ANYBODY CAN LOOK AT THAT.
THE COURT: JUST A MOMENT, SIR. YOUR LAWYER WANTS TO OBJECT.
MS. THOMAS: OBJECTION. MISREPRESENTS WHAT MR. COOPER HAS DONE. AS WE SAID IN OUR DIRECT, THE EXHIBITS ARE PART OF HIS REPORT AND WERE TURNED OVER AT THE SAME TIME AS HIS REPORT.
THE COURT: SO THE QUESTION IS: DID HE MAKE SOME SORT OF ANALYTICAL STATEMENTS IN HIS ACTUAL WRITTEN REPORT? I'LL ALLOW THE QUESTION.
MR. TUCKER: CORRECT.
THE COURT: IT'S KIND OF OBVIOUS.
BY MR. TUCKER:
Q. OTHER THAN JUST REPORTING THE SCORES, DID YOU DO ANY OTHER ANALYSIS OF THOSE SCORES DISTRICT BY DISTRICT IN YOUR REPORT?
A. NO. I DID A SUMMARY. I DID A SUMMARY IN MY REPORT, AND THEN POINTED IN MY -- IN THE PARAGRAPHS PRECEDING THAT DISCUSSION IN MY DECLARATION, I POINTED THE READER TO AN EXHIBIT WHICH HAD THE EXACT SCORES FOR ALL THE DISTRICTS.
Q. CAN WE TURN TO PL-20 AGAIN AND LOOK AT FIGURE 25 ON PAGE 46?
AND IS FIGURE 25 THAT'S ON YOUR SCREEN WHAT YOU ARE TALKING ABOUT ON THE REPORTING OF THE ANALYSIS YOU DID OF THE

11:34 1 COMPACTNESS SCORES FOR THE HOUSE?
2 **A.** YES, THE SUMMARY TABLE.
3 **Q.** AND HERE THE MEAN REOCK AND POLSBY-POPPER SCORES ARE THE
4 SAME FOR BOTH YOUR ILLUSTRATIVE PLANS AND THE ENACTED PLANS.
5 CORRECT?
6 **A.** UNDER THE HOUSE PLAN. AS I'VE SAID, THERE'S VERY LITTLE
7 DIFFERENCE.
8 **Q.** SO YOU DIDN'T DO ANY SPECIFIC ANALYSIS IN YOUR REPORT OF
9 WHERE YOU DREW ADDITIONAL MAJORITY-BLACK DISTRICTS OF THE
10 COMPACTNESS SCORES OF THOSE DISTRICTS IN THOSE AREAS?
11 **A.** I DID NOT DISCUSS IN DETAIL THE COMPACTNESS SCORES OF THE
12 INDIVIDUAL DISTRICTS. I MADE VISUAL ASSESSMENTS THAT THE NEW
13 ADDITIONAL MAJORITY-BLACK DISTRICTS THAT I DREW WERE
14 SUFFICIENTLY COMPACT TO QUALIFY AS MEETING THE *GINGLES 1* PRONG.
15 **Q.** AND ARE YOU AWARE THAT YOU OFTEN LOWERED THE COMPACTNESS
16 SCORES IN DISTRICTS IN THE AREAS WHERE YOU CREATE ADDITIONAL
17 MAJORITY-BLACK DISTRICTS?
18 **A.** IT IS CONCEIVABLE THAT SOME OF THE ADJACENT SCORES DID
19 DROP. I DON'T KNOW OFF THE TOP OF MY HEAD. THAT MIGHT NOT --
20 THAT IS -- I DON'T BELIEVE A PROBLEM, BUT WE'LL SEE.
21 **Q.** CAN WE PULL UP THE IMPEACHMENT DOCUMENT, PLEASE?
22 SO, MR. COOPER, YOU TESTIFIED EARLIER THAT YOU
23 REPORTED ON THE DISTRICT BY DISTRICT COMPACTNESS SCORES AND
24 INCLUDED THOSE IN EXHIBITS TO YOUR REPORT. CORRECT?
25 **MS. THOMAS:** SORRY. I'M JUST GOING TO OBJECT ON

11:36 1 FOUNDATION. I HAVE NO IDEA WHAT THIS DOCUMENT IS. THIS IS MY
2 FIRST TIME SEEING IT. I DON'T THINK COUNSEL HAS LAID THE
3 FOUNDATION FOR WHAT THIS DOCUMENT IS.
4 **MR. TUCKER:** YOUR HONOR, THIS IS JUST AN ILLUSTRATIVE
5 AID THAT IS BEING USED FOR IMPEACHMENT. IT'S A SUMMARY OF ALL
6 THE VARIOUS SCORES OR INFORMATION THAT ARE IN MR. COOPER'S
7 REPORTS OR THE EXHIBITS TO HIS REPORT. IT'S JUST BEING USED SO
8 HE CAN EASILY REFER TO SCORES. I'M HAPPY TO GIVE HIM BOTH
9 TABLES IF HE WANTS TO REVIEW IT THAT WAY. IT'S JUST A SIMPLER
10 WAY FOR HIM TO REVIEW THE INFORMATION.
11 **THE COURT:** I MEAN, WE'VE GOT SEVERAL THINGS GOING ON
12 HERE. FIRST OF ALL, YOU DON'T HAVE TO DISCLOSE YOUR
13 IMPEACHMENT. SO THAT YOU HAVE GOING FOR YOU.
14 BUT WHAT YOU HAVE GOING AGAINST YOU IS THAT THIS
15 IS A SUMMARY OF EXTENSIVE DATA, AND YOU ARE GOING TO
16 CROSS-EXAMINE HIM ON A SUMMARY THAT YOU DID AND YOU CALCULATED.
17 AND 1005 -- I THINK THAT'S THE CODE NUMBER -- TALKS ABOUT
18 SUMMARY EVIDENCE, AND YOU ARE SUPPOSED TO DISCLOSE IF YOU ARE
19 GOING TO USE SUMMARY EVIDENCE.
20 SO, YOU KNOW, HOW IS THIS FAIR? HOW IS IT FAIR
21 FOR YOU TO CROSS-EXAMINE HIM ON DATA THAT YOU SUMMARIZED FROM
22 AN EXHIBIT THAT'S I DON'T EVEN HOW MANY PAGES LONG?
23 **MR. TUCKER:** IF THE COURT WOULD PREFER AND THE
24 WITNESS PREFER, WE CAN -- IF WE JUST PULL UP PX -- OR SORRY,
25 PL-73 AND PL-74, WE CAN LOOK AT THOSE SIDE BY SIDE. THOSE ARE

11:37 THE EXHIBITS TO HIS REPORT WHERE THESE NUMBERS COME FROM THAT I WAS GOING TO DISCUSS WITH HIM.

THE COURT: COUNSEL, DO YOU WANT HIM TO DO THAT?

MS. THOMAS: I WOULD PREFER THAT, GIVEN --

MR. TUCKER: OKAY.

MS. THOMAS: -- THAT WE HAVE NOT SEEN THIS ILLUSTRATIVE DOCUMENT BEFORE AND FOR THE REASONS THAT YOUR HONOR HAS ARTICULATED.

THE COURT: ARE PL-72 AND 74 --

MR. TUCKER: I BELIEVE IT'S 73 AND 74, YOUR HONOR.

THE COURT: SEVENTY --

MR. TUCKER: AND THEY ARE ADMITTED.

THE COURT: NO. OKAY. I'M WITH YOU. BUT I DON'T HAVE AN INDEPENDENT RECOLLECTION OF THEM. ARE THEY EXTENSIVE? OR ARE THEY JUST TALKING ABOUT -- I MEAN, IS IT --

MR. TUCKER: THERE ARE -- THEY ARE ABOUT NINE PAGES EACH, I THINK, AND I WAS JUST GOING TO SCROLL THROUGH THEM.

THE COURT: NINE OR 90?

MR. TUCKER: NINE.

THE COURT: NINE.

MR. TUCKER: THEY REPORT FOR EACH DISTRICT. THEY REPORT THE COMPACTNESS SCORES FOR EACH DISTRICT. AND ONE EXHIBIT IS FOR THE ENACTED PLAN, AND ONE EXHIBIT IS FOR THE ILLUSTRATIVE PLAN.

THE COURT: SO --

11:38 **MR. TUCKER:** I JUST WANT HIM TO COMPARE THE COMPACTNESS SCORES. THAT'S ALL.

THE COURT: SO THE SUMMARY THAT YOU ARE OFFERING IS A SUMMARY OF NINE PAGES?

MR. TUCKER: CORRECT.

THE COURT: I AM GOING TO ALLOW IT.

MR. TUCKER: THE SUMMARY?

THE COURT: YES.

MR. TUCKER: THANK YOU, YOUR HONOR.

THE COURT: OBJECTION'S OVERRULED.

BY MR. TUCKER:

Q. AND, MR. COOPER, IF YOU NEED TO REFER TO VERIFY ANY OF THE NUMBERS, THEY ARE EXHIBITS 01 AND 02 TO YOUR REPORT, WHICH ARE PX-70 -- OR SORRY, PL-73 AND PL-74.

A. WAIT. WHEN YOU SAY 73 AND 74 TAB?

Q. I DON'T KNOW WHAT YOU HAVE IN YOUR BINDERS IN FRONT ON YOU. IF IT IS THE -- IF THEY ARE NUMBERED BY THE PLAINTIFFS' EXHIBITS, IT SHOULD BE 73 AND 74.

A. OKAY. WELL, I'LL HAVE --

Q. I'LL GIVE YOU A CHANCE TO MAKE SURE WE'VE GOT THE RIGHT DOCUMENTS IN FRONT OF YOU.

A. OKAY.

Q. AND SO JUST TO SET THE RECORD HERE, SO DO YOU RECOGNIZE THAT PL-73 AND PL-74 ARE THE EXHIBITS TO YOUR REPORT THAT REPORT THE COMPACTNESS SCORES FOR EACH DISTRICT IN THE ENACTED

11:39 1 PLAN AND THE ILLUSTRATIVE PLAN FOR THE HOUSE?
2 **A.** YES.
3 **Q.** OKAY. AND WHAT I'VE DONE HERE IS I HAVE A SUMMARY OF SOME
4 OF THESE DISTRICTS BY REGION AND I BELIEVE THESE ARE SIMILAR TO
5 THE CLUSTERS THAT DR. HANDLEY USED. AND STARTING UP IN
6 SHREVEPORT IN THE CADDO AND BOSSIER PARISHES, THIS IS ONE AREA
7 WHERE YOU CREATE AN ADDITIONAL MAJORITY-BLACK DISTRICT.
8 CORRECT?
9 **A.** YES.
10 **Q.** AND THAT'S YOUR ILLUSTRATIVE HOUSE DISTRICT 1. CORRECT?
11 **A.** ILLUSTRATIVE HOUSE DISTRICT 1, YES.
12 **Q.** OKAY. NOW, ILLUSTRATIVE HOUSE DISTRICTS 2, 3, AND 4 ARE
13 MAJORITY BLACK, BUT SO ARE THOSE HOUSE DISTRICTS IN THE ENACTED
14 PLAN. CORRECT?
15 **A.** THEY ARE I BELIEVE MAJORITY BLACK IN THE HOUSE PLAN,
16 RIGHT.
17 **Q.** BUT THE COMPACTNESS SCORES OF HOUSE DISTRICT 2 AND HOUSE
18 DISTRICT 3 ARE REDUCED IN YOUR ILLUSTRATIVE PLANS. CORRECT?
19 **A.** THEY ARE LOWER, BUT CLEARLY WITHIN THE ACCEPTABLE RANGE.
20 I MEAN, I'VE LOOKED AT LOTS OF DIFFERENT PLANS, LOTS OF
21 DIFFERENT SCORES, AND WITH REOCK SCORES IN THE 30S ABSENT SOME
22 OTHER PROBLEM WITH THE PLAN, I SEE NO REASON TO COMPLAIN.
23 **Q.** AND TURNING BELOW TO CALCASIEU PARISH IN THE LAKE CHARLES
24 AREA, YOU CREATE A NEW MAJORITY-BLACK DISTRICT IN ILLUSTRATIVE
25 HOUSE DISTRICT 38. CORRECT?

11:41 1 **A.** I DID.
2 **Q.** BUT IN DOING SO, YOU ARE REDUCING THE COMPACTNESS OF THE
3 EXISTING MAJORITY BLACK-HOUSE DISTRICT IN HD 34. CORRECT?
4 **A.** THESE ARE STILL -- THERE'S NO PROBLEM WITH THESE
5 COMPACTNESS SCORES. YOU CAN JUST LOOK AT THE MAP AND SEE IT'S
6 REASONABLE. I'M NOT -- YOU KNOW, SURE, I MEAN, I MAY HAVE
7 REDUCED THE COMPACTNESS A LITTLE BIT. SO WHAT?
8 **Q.** SO FOR THE RECORD, THAT'S A "YES"?
9 **A.** THAT IS -- THAT IS -- THE COMPACTNESS SCORE WAS REDUCED,
10 BUT IT IS CLEARLY WITHIN THE RANGE. IN MY EXPERIENCE, THESE
11 SCORES ARE NOT BAD AT ALL IN THE ILLUSTRATIVE PLAN AND THEY'RE
12 NOT BAD IN THE ENACTED PLAN EITHER. BUT COMPACTNESS SCORES ARE
13 NOT THE BE-ALL AND THE END-ALL. I'M BALANCING FACTORS LIKE
14 PARISH SPLITS, MUNICIPAL SPLITS, POPULATION EQUALITY, WHERE THE
15 INCUMBENTS LIVE.
16 AND I HAVE TO COMPLETELY EMPHASIZE THAT POINT; THAT I
17 WOULD SACRIFICE COMPACTNESS TO AVOID PAIRING INCUMBENTS BECAUSE
18 I KNOW THAT IS A NON-STARTER WITH THE LEGISLATURE, TO START
19 PAIRING INCUMBENTS UNLESS IT'S JUST ABSOLUTELY NECESSARY.
20 **Q.** WE COULD TAKE THE ILLUSTRATIVE AID DOWN NOW. THANK YOU.
21 ALL RIGHT, MR. COOPER. CAN YOU TURN NOW TO PAGE 50
22 OF YOUR REPORT, PL-20?
23 **A.** ALMOST THERE.
24 **Q.** TAKE YOUR TIME.
25 **A.** YES.

11:42 1 **Q.** OKAY. AND ON PAGE 50 HERE YOU DISCUSS CREATING A NEW
2 MAJORITY-HOUSE DISTRICT IN ILLUSTRATIVE HOUSE DISTRICT 1.
3 CORRECT?
4 **A.** YES.
5 **Q.** AND THAT'S IN THE SHREVEPORT AREA?
6 **A.** YES.
7 **Q.** AND TO CREATE THIS NEW MAJORITY-BLACK DISTRICT, YOU MOVE
8 HOUSE DISTRICT 1 FURTHER SOUTH INTO SHREVEPORT TO PICK UP BLACK
9 POPULATION IN SHREVEPORT. CORRECT?
10 **A.** I THINK IF WE TURN OVER ON THE PAGE YOU SEE THAT THERE
11 WASN'T SO MUCH DIFFERENCE IN SHREVEPORT, A LITTLE BIT FURTHER
12 SOUTH, BUT I ALSO MODIFIED DISTRICT 1 SO THAT IT DIDN'T EXTEND
13 ALL THE WAY DOWN IN -- ALMOST INTO DESOTO PARISH.
14 **Q.** AND IN YOUR REPORT IN THIS SECTION, THERE'S NOTHING IN
15 HERE THAT MENTIONS REUNITING ANY PARTICULAR PARISH OR
16 MUNICIPALITY. CORRECT?
17 **A.** WHERE? WHERE?
18 **Q.** IN YOUR SECTION HERE ABOUT ILLUSTRATIVE HOUSE DISTRICT 1,
19 NOWHERE DO YOU DISCUSS A REPORT ON REUNITING ANY PARISHES OR
20 PARTICULAR MUNICIPALITIES. CORRECT?
21 **A.** WELL, I MEAN, THAT'S WHY -- THAT'S WHY ILLUSTRATIVE HOUSE
22 DISTRICT 1 IS JUST FINE BECAUSE IT DOESN'T DO ANYTHING OTHER
23 THAN -- OTHER THAN ENCOMPASS WHAT IS IN PRESENT DAY HOUSE
24 DISTRICT 1, AND THEN IT DOES EXTEND INTO BOSSIER CITY, WHICH
25 AS DR. COLTEN EXPLAINED YESTERDAY, IS AN AREA THAT USED TO BE

11:44 1 PREDOMINATELY WHITE AND NOW WE'RE SEEING A LARGER
2 AFRICAN-AMERICAN POPULATION MOVE INTO THE BOSSIER PARISH AREA.
3 SO IT UNITES PARTS OF BOSSIER PARISH WITH SHREVEPORT.
4 **Q.** AND GIVEN YOUR OPINION ON THE TOPIC, I ASSUME THAT YOU
5 DIDN'T DO ANYTHING TO GO ABOUT DETERMINING THE COMPACTNESS OF
6 THE BLACK POPULATION WITHIN THE CONTOURS OF ILLUSTRATIVE HOUSE
7 DISTRICT 1?
8 **A.** NO. AND THAT'S RIGHT UPFRONT IN DR. TRENDE'S ANALYSIS.
9 IT'S TOPOLOGICAL GOBBLEDYGOOK. IT MAKES NO SENSE TO MAKE THAT
10 ARGUMENT. I REITERATE, REPEAT IT, IT IS DESIGNED TO FAIL. IT
11 IS A REDISTRICTING EQUIVALENT OF ASKING A PROSPECTIVE VOTER TO
12 TELL SOMEONE HOW MANY BEANS ARE IN A JAR. IT'S DESIGNED TO
13 FAIL. IF THAT METHODOLOGY WERE ACCEPTED, AT LEAST HALF OF THE
14 MAJORITY-BLACK DISTRICTS IN THE COUNTRY WOULD BE ELIMINATED IN
15 ONE FELL SWOOP. YOU KNOW IT; I KNOW IT; DR. TRENDE KNOWS IT.
16 AND IT DOESN'T MEAN ANYTHING BECAUSE THERE IS NO WAY IN THE
17 WORLD THAT SOMEBODY WHO LIVES IN SHREVEPORT IS IN ANY WAY
18 DIFFERENT THAN SOMEBODY WHO LIVES IN VIVIAN IF THEY'RE A
19 MEMBER OF THE BLACK COMMUNITY, HIGHLY UNLIKELY. OBVIOUSLY
20 THERE ARE DIFFERENCES IN PERSONAL FRIENDS AND THINGS. BUT
21 OVERALL THERE IS A STRONG CONNECTION. THEY LIVE IN THE SAME
22 PARISH; THEY GO TO THE SAME PARISH COUNCIL MEETINGS; THEY GO TO
23 THE SAME FOOTBALL GAMES. THEY ARE 30 MILES APART. THIS IS NOT
24 DRAWING A DISTRICT FROM, I DON'T KNOW, THE RIO GRANDE AROUND
25 REYNOSA, MEXICO, RIGHT ACROSS THE RIVER, ALL THE WAY UP INTO

11:46 1 DOWNTOWN SAN ANTONIO. YOU GUYS LIKE TO POINT OUT THAT
2 PARTICULAR RULING TO DEMONSTRATE THAT THE BLACK POPULATION IS
3 DISPARATE. BUT COME ON, THIS IS 30 MILES. THIS IS NOT
4 300 MILES FROM THE RIO GRANDE TO DOWNTOWN SAN ANTONIO. IT'S 30
5 MILES. IT'S A 15-MINUTE DRIVE ALMOST.
6 **MR. TUCKER:** YOUR HONOR, MOVE TO STRIKE. THE
7 RESPONSE IS NON-RESPONSIVE.
8 **THE COURT:** DENIED.
9 **BY MR. TUCKER:**
10 **Q.** NOW I WANT TO TURN TO THE NATCHITOCHES AREA IN YOUR
11 REPORT. IF YOU COULD GO ON PAGE 51.
12 **A.** YES.
13 **Q.** AND, AGAIN, YOU CREATE A MAJORITY-BLACK DISTRICT HERE
14 WHERE THERE'S NOT ONE IN THE ENACTED PLAN. IS THAT RIGHT?
15 **A.** THAT'S RIGHT. YOU DESTROYED IT. YOU ELIMINATED IT. IT'S
16 NOT UNLIKE GALVESTON COUNTY, FRANKLIN, MAYBE NOT. IT'S ALMOST
17 --
18 **Q.** MR. COOPER, I JUST ASKED YOU A SIMPLE QUESTION.
19 **A.** YEAH I KNOW, I KNOW.
20 **Q.** THANK YOU.
21 BUT THIS DISTRICT IN YOUR ILLUSTRATIVE PLAN IS JUST
22 BARELY OVER 50 PERCENT. IS THAT RIGHT?
23 **A.** SO IT'S *GINGLES 1* COMPLIANT, AND IT'S A LOVELY LOOKING
24 DISTRICT.
25 **Q.** AND, AGAIN, NOWHERE IN THIS SECTION ABOUT YOUR CREATION OF

11:47 1 A NEW MAJORITY-BLACK DISTRICT IN THE NATCHITOCHES AREA DO YOU
2 MENTION REUNITING ANY PARTICULAR CITY OR MUNICIPALITY.
3 CORRECT?
4 **A.** WELL, IT'S IMPLICIT. I REUNITE -- I BASICALLY JUST
5 REPRODUCED A PLAN THAT WAS ALREADY THERE BETWEEN 2011 AND 2020.
6 SO I'M JUST RENEWING THAT DISTRICT.
7 **Q.** YOU'RE REUNITING THE --
8 **A.** I DON'T KNOW WHY THAT DISTRICT WAS TAKEN AWAY, BUT THERE
9 WAS NO REASON TO DO SO.
10 **Q.** YOU ARE JUST MAKING THE DISTRICT MORE SIMILAR TO WHAT IT
11 WAS AFTER THE 2011 CENSUS, IS THAT WHAT YOU'RE SAYING?
12 **A.** BY AND LARGE. I MEAN, THERE ARE DIFFERENCES BECAUSE THE
13 POPULATION CHANGED, BUT IT'S UNITING NATCHITOCHES, RED RIVER,
14 AND PART OF DESOTO PARISH INTO A SINGLE DISTRICT, JUST AS IT
15 WAS UNITED IN THE ENACTED HOUSE PLAN OF 2011. AND YOU HEARD
16 THAT TESTIMONY FROM THE REVEREND YESTERDAY ABOUT THE COMMUNITY
17 LINKS IN THAT AREA ALONG THE RED RIVER. AND DR. COLTEN TALKED
18 ABOUT IT, TOO.
19 **Q.** THE ENACTED PLAN KEEPS DESOTO PARISH WHOLE. CORRECT?
20 **A.** I'M NOT SURE. I'D HAVE TO LOOK BACK AT THE MAP, DOES IT?
21 **Q.** DO YOU HAVE ANY REASON TO DISPUTE THAT?
22 **A.** WELL, I'LL LOOK AT THE MAP AND DOUBLECHECK. IT DOES.
23 **Q.** AND YOUR ILLUSTRATIVE PLAN DIVIDES IT. CORRECT?
24 **A.** THE ILLUSTRATIVE PLAN DOES ONLY PICK UP PART OF DESOTO
25 PARISH, THAT'S RIGHT. IT INCLUDES THE MAJORITY BLACK CITY OF

11:49 1 MANSFIELD AND PORTIONS OF THE PARISH THAT ARE PREDOMINATELY
2 BLACK.
3 FURTHER NORTH AROUND STONEWALL, THE POPULATION HAS
4 INCREASED IN RECENT YEARS. THERE'S BEEN SOME -- I WON'T CALL
5 IT WHITE FLIGHT, BUT SUBURBAN AREAS AROUND --
6 **Q.** MR. COOPER, MY SIMPLE QUESTION WAS WHETHER YOU DIVIDED --
7 **A.** -- STONEWALL THAT ARE PREDOMINATELY WHITE.
8 **Q.** MY SIMPLE QUESTION WAS WHETHER OR NOT THE ILLUSTRATIVE
9 PLAN DIVIDES DESOTO PARISH, AND YOU ANSWERED THE QUESTION YES.
10 CORRECT?
11 **A.** WELL, YES.
12 **Q.** THANK YOU.
13 **THE COURT:** MR. COOPER, TRY TO KEEP YOUR ANSWERS TO
14 THE QUESTIONS SO THAT WE CAN MAYBE GET OUT OF HERE TODAY.
15 **THE WITNESS:** YES, YOUR HONOR.
16 **MR. TUCKER:** THANK YOU, YOUR HONOR.
17 **BY MR. TUCKER:**
18 **Q.** AND NOW YOUR ILLUSTRATIVE PLAN INCLUDES THE TOWN OF CAMPTI
19 IN ILLUSTRATIVE HOUSE DISTRICT 23. IS THAT CORRECT?
20 **A.** YES.
21 **Q.** AND I BELIEVE IN YOUR DEPOSITION -- DO YOU RECALL SAYING
22 THAT YOU BELIEVE THAT CAMPTI AND NATCHITOCHES WERE A PART OF
23 THE SAME COMMUNITY BECAUSE THEIR FOOTBALL TEAMS PLAY EACH OTHER
24 AND THEY WOULD SHOP AT THE SAME WALMART. DO YOU RECALL THAT
25 DISCUSSION?

11:50 1 **A.** I DO.
2 **Q.** OKAY.
3 **A.** AND I BELIEVE THAT'S TRUE. AND I'M REINFORCED BY THE
4 REVEREND'S TESTIMONY YESTERDAY WHERE HE SPECIFICALLY TALKED
5 ABOUT FAMILY MEMBERS THAT LIVED IN CAMPTI, EVEN THOUGH HE LIVES
6 IN NATCHITOCHES.
7 **Q.** BUT AT THAT TIME YOU DIDN'T KNOW WHERE THE WALMART EVEN
8 WAS IN THAT AREA. ISN'T THAT RIGHT?
9 **A.** WELL, I THINK I -- WHEN I WAS TALKING ABOUT WALMART, I WAS
10 TALKING ABOUT THE SHREVEPORT AREA.
11 **Q.** OKAY. WELL, DO YOU RECALL TALKING ABOUT WALMARTS IN THIS
12 AREA?
13 **A.** I THINK I TOLD YOU AT THE DEPOSITION THAT I HADN'T REALLY
14 LOOKED AT WHERE THE WALMARTS WERE IN THE NATCHITOCHES AND RED
15 RIVER AREA.
16 **Q.** AND DO YOU EVEN NOW IF -- FIRST OF ALL, DO YOU EVEN KNOW
17 WHAT HIGH SCHOOL FOLKS IN CAMPTI WOULD GO TO?
18 **A.** OFF THE TOP OF MY HEAD, I CAN'T TELL YOU. BUT I CAN --
19 I'M ALMOST A HUNDRED PERCENT CONFIDENT, ALTHOUGH I CAN'T SAY
20 WITH CERTAINLY, THAT THERE ARE COMPETITIONS IN THAT AREA
21 BETWEEN THE LOCAL SCHOOLS.
22 **Q.** DO YOU EVEN KNOW --
23 **A.** I DON'T THINK THEY'RE GOING DOWN TO BATON ROUGE OR NEW
24 ORLEANS, EXCEPT FOR STATE CHAMPIONSHIPS.
25 **Q.** DO YOU EVEN KNOW IF NATCHITOCHES AND THE HIGH SCHOOL THAT

11:50 1 THE FOLKS IN CAMPTI GO TO ARE IN THE SAME FOOTBALL DIVISION?
2 **A.** I DON'T KNOW FOR A FACT, NO.
3 **Q.** COULD WE MOVE ON TO PAGE 53 OF YOUR REPORT?
4 AND THIS IS WHERE YOU DISCUSS YOUR ILLUSTRATIVE HOUSE
5 DISTRICTS IN THE LAKE CHARLES AREA. CORRECT?
6 **A.** YES.
7 **Q.** AND HERE YOU CREATE A SECOND MAJORITY-BLACK DISTRICT IN
8 ILLUSTRATIVE HOUSE DISTRICT 38?
9 **A.** CORRECT.
10 **Q.** AND TO DO SO, YOU ESSENTIALLY SPLIT THE BLACK POPULATION
11 IN LAKE CHARLES TO CREATE TWO MAJORITY-BLACK DISTRICTS HERE.
12 CORRECT?
13 **A.** THAT'S TRUE. PARTS OF LAKE CHARLES ARE NOW IN THE NEW
14 MAJORITY-BLACK HOUSE DISTRICT 38.
15 **Q.** AND THE ENACTED PLAN KEEPS LAKE CHARLES ALL IN ONE
16 DISTRICT. IS THAT RIGHT?
17 **A.** PROBABLY, BUT I DON'T KNOW. YOU KNOW, I'M NOT -- WELL,
18 MAYBE ALL IN ONE MAJORITY-BLACK DISTRICT MAYBE. BUT I THINK
19 LAKE CHARLES ITSELF IS SPLIT. CORRECT? BETWEEN SEVERAL OTHER
20 DISTRICTS. I MEAN, I DO HAVE AN EXHIBIT IN THERE SOMEWHERE
21 THAT ACTUALLY SHOWS THE MUNICIPALITIES IN EACH DISTRICT.
22 **Q.** WELL, WE CAN MOVE ON FROM THAT.
23 SO DO YOU RECALL THE BVAPS OF YOUR ILLUSTRATIVE HOUSE
24 DISTRICT 34 AND ILLUSTRATIVE HOUSE DISTRICT 38?
25 **A.** THEY WOULD BE SOMEWHERE IN THE LOW 50S, BUT I DON'T RECALL

11:52 1 THE EXACT NUMBER.
2 **Q.** IF I TOLD YOU THEY WERE 50.8 PERCENT AND 50.3 PERCENT,
3 WOULD THAT SOUND ABOUT RIGHT?
4 **A.** THAT WOULD NOT SURPRISE ME. I'M ASSUME YOU'RE READING THE
5 RIGHT NUMBERS.
6 **Q.** AND SO, AGAIN, YOU REDUCED THE BVAP IN EXISTING HOUSE
7 DISTRICT 34 IN ORDER TO CREATE A NEW MAJORITY-BLACK DISTRICT IN
8 ILLUSTRATIVE HOUSE DISTRICT 38. CORRECT?
9 **A.** THAT'S TRUE. BUT IT'S MY UNDERSTANDING THAT A
10 PERCENTAGE -- A LOWER PERCENTAGE IN THAT AREA, IT WOULD STILL
11 ELECT A CANDIDATE OF CHOICE ACCORDING TO DR. HANDLEY'S
12 ANALYSIS.
13 **Q.** BUT YOU DIDN'T HAVE THAT ANALYSIS AT THE TIME YOU WERE
14 DRAWING YOUR MAPS. CORRECT?
15 **A.** I DID NOT.
16 **Q.** AND, AGAIN, IT'S SAFE TO ASSUME YOU DIDN'T DO ANYTHING TO
17 CONFIRM THE COMPACTNESS OF THE BLACK POPULATION WITHIN
18 ILLUSTRATIVE HOUSE DISTRICT 38. CORRECT?
19 **A.** THAT IS NOT PART OF THE GENERAL INQUIRY. IT COULD BECOME
20 A FACTOR IN CERTAIN SECTION 2 CASES. REMEMBER, THE I-85
21 DISTRICT IN NORTH CAROLINA? SURE. THERE'S A GOOD ARGUMENT
22 MAYBE THAT YOU CAN'T COMBINE BLACK FOLKS IN CHARLOTTE WITH
23 BLACK FOLKS IN RALEIGH, BUT THIS IS NOT I-85 DISTRICT. THIS IS
24 NOT THE *LULAC* CASE IN TEXAS. IT IS A VERY COMPACT AREA.
25 **Q.** ALL RIGHT. SWITCHING NOW FINALLY IN THE HOUSE TO THE

11:53 1 BATON ROUGE AREA.
2 IF YOU COULD TURN, I THINK, TO THE NEXT PAGE OF YOUR
3 REPORT.
4 FORREST, CAN WE FLIP OVER TO PAGE 56 ACTUALLY?
5 AND, AGAIN, DO YOU RECALL TESTIFYING IN YOUR
6 DEPOSITION THAT YOU LOWERED THE BVAPS IN DISTRICTS IN BATON
7 ROUGE TO CREATE ADDITIONAL MAJORITY-BLACK DISTRICTS HERE? DO
8 YOU RECALL THAT?
9 **A.** WELL, THIS IS PART OF THE BATON ROUGE MSA. THIS DISTRICT
10 I BELIEVE PROBABLY COULD HAVE BEEN CREATED INDEPENDENT OF THE
11 DISTRICTS THAT I CREATED IN EAST BATON ROUGE PARISH. BUT -- SO
12 I'M NOT SURE IF YOU'RE -- ARE YOU REFERRING TO THE MSA OR TO
13 EAST BATON ROUGE PARISH AND THE CITY OF BATON ROUGE?
14 **Q.** THAT'S A FAIR POINT.
15 SO MY QUESTION WASN'T NECESSARILY SPECIFICALLY
16 REFERRING TO PAGE 56. IT WAS A MORE GENERAL QUESTION. IN THE
17 BATON ROUGE AREA, YOU WERE LOOKING TO UNPACK THE BLACK
18 POPULATION TO CREATE ADDITIONAL MAJORITY-BLACK DISTRICTS.
19 CORRECT?
20 **A.** SURE. EXTENDING IT TO IBERVILLE AND ASCENSION.
21 **Q.** THANK YOU FOR CLARIFYING.
22 SO LET'S -- SPECIFICALLY LOOKING AT HOUSE DISTRICT 60
23 -- OR YOUR ILLUSTRATIVE HOUSE DISTRICT 60, WHICH IS A NEW
24 MAJORITY-BLACK DISTRICT. CORRECT?
25 **A.** YES.

11:54 1 **Q.** OKAY. AND I BELIEVE YOU STATE IN PARAGRAPH 132 OF YOUR
2 REPORT, TO CREATE THIS DISTRICT THE MUNICIPALITIES OF
3 DONALDSONVILLE, WHITE CASTLE, PLAQUEMINE ARE JOINED WITH ST.
4 GABRIEL AND GONZALES TO CREATE THIS NEW MAJORITY-BLACK
5 DISTRICT. CORRECT?
6 **A.** YES.
7 **Q.** IF WE COULD TURN TO PAGE 58, PLEASE.
8 AND THIS REFLECTS THE NEW ILLUSTRATIVE -- STRIKE
9 THAT.
10 THIS REFLECTS THE NEW MAJORITY-BLACK DISTRICT IN
11 ILLUSTRATIVE HOUSE DISTRICT 65. CORRECT?
12 **A.** YES.
13 **Q.** AND, AGAIN, IN PARAGRAPH 136 YOU INDICATE YOUR INTENTION
14 WAS TO UNPACK THE BLACK POPULATION IN NEIGHBORING HOUSE
15 DISTRICT 29 AND HOUSE DISTRICT 63. CORRECT?
16 **A.** WELL, THAT'S THE BOTTOM LINE IMPACT IN TERMS OF THE BLACK
17 VAP. I WAS NOT NECESSARILY FOCUSED ON -- AT THE VERY OUTSET OF
18 LOOKING AT THE NUMBERS BEYOND JUST GENERALLY KNOWING THAT
19 SEVERAL OF THOSE DISTRICTS HAD HIGH BLACK POPULATIONS.
20 **Q.** AND YOU ALSO WERE LOOKING TO UNPACK THE BLACK POPULATION
21 IN HOUSE DISTRICT 62 AND 65. CORRECT?
22 **A.** I WASN'T SO MUCH LOOKING AT THEM. THIS IS JUST THE
23 BOTTOM-LINE END RESULT.
24 **Q.** THAT'S WHAT YOU HAD TO DO CREATE THE NEW MAJORITY-BLACK
25 DISTRICT HERE?

11:56 **A.** THAT'S THE ULTIMATE IMPACT, YES.
Q. BUT YOU DIDN'T JUST UNCRACK THE BLACK POPULATION IN HOUSE DISTRICT 62. RIGHT? YOU ELIMINATED IT AS A MAJORITY-BLACK DISTRICT ALTOGETHER. CORRECT?
A. THE PLAINTIFFS IN THIS CASE WANTED TO HAVE MORE WHOLE DISTRICTS IN EAST BATON ROUGE PARISH. AND ONE WAY TO DO THAT WAS TO SHIFT HOUSE DISTRICT 62 INTO EAST BATON ROUGE SO THAT INSTEAD OF HAVING 15 DIFFERENT DISTRICTS IN EAST BATON ROUGE PARISH, I WAS ABLE TO REDUCE IT TO 12, WHILE AT THE SAME TIME CREATING TWO ADDITIONAL HOUSE DISTRICTS IN THAT AREA.
Q. AND, AGAIN, JUST A SIMPLE "YES" OR "NO" QUESTION. YOU DIDN'T DO ANYTHING TO DETERMINE THE COMPACTNESS OF THE BLACK POPULATION WITHIN ILLUSTRATIVE HOUSE DISTRICT 68?
A. WE KEEP GOING OVER THIS. THAT'S JUST SIMPLY NOT NECESSARY. THIS IS A *GINGLES 1* CASE, AND IT INVOLVES DEMONSTRATING THAT YOU CAN DRAW A DISTRICT THAT IS REASONABLY COMPACT, SUFFICIENTLY NUMEROUS TO ENCOMPASS A POPULATION THAT IS MAJORITY BLACK, AND THAT'S WHAT I'VE DONE.
Q. AND I UNDERSTAND YOUR POSITION, AND I'LL JUST MAKE THIS SIMPLE SO WE WON'T HAVE TO KEEP GOING OVER THIS, BUT YOU DIDN'T EVALUATE THE COMPACTNESS OF THE BLACK POPULATION OR YOU -- STRIKE THAT.
YOU DIDN'T DO ANYTHING TO EVALUATE THE COMPACTNESS OF THE BLACK POPULATION WITHIN ANY OF YOUR ILLUSTRATIVE HOUSE DISTRICTS. CORRECT?

11:57 1 **A.** ABSOLUTELY NOT, BECAUSE IT IS ABSOLUTELY NOT NECESSARY.
2 YOU'RE SURELY NOT GOING TO ARGUE THAT SOMEHOW OR ANOTHER THE
3 BLACK POPULATION IN ILLUSTRATIVE HOUSE DISTRICTS 65, 68, AND 69
4 ARE DISPARATE POPULATIONS. I SUPPOSE YOU WILL.
5 **Q.** FINALLY, CAN WE TURN TO PAGE 60 OF THE REPORT?
6 AND THIS REFLECTS WHERE YOU CREATE A NEW ILLUSTRATIVE
7 HOUSE DISTRICT IN 68. CORRECT?
8 **A.** YES.
9 **Q.** BUT, AGAIN, IN PARAGRAPH 139 YOU STATE THAT HOUSE DISTRICT
10 68 -- ILLUSTRATIVE HOUSE DISTRICT 68 UNPACKS EXISTING HOUSE
11 DISTRICT 61 AND UNCRACKS BLACK POPULATION IN A MAJORITY-WHITE
12 HOUSE DISTRICT 68, 69, AND 70. CORRECT?
13 **A.** YES. BUT I'M BASICALLY JUST READING OFF OF THE CORE
14 CONSTITUENCY REPORT IN MY DECLARATION TO GET THOSE NUMBERS IN
15 THE EXHIBIT. I WAS NOT SETTING OUT TO UNCRACK AND UNPACK
16 SPECIFIC DISTRICTS OTHER THAN IN GENERAL. IN A GENERAL WAY I
17 WAS, BUT I WAS NOT DEAD SET ON DOING ONE THING OR ANOTHER AS I
18 WAS DRAWING THE DISTRICTS. I JUST WANTED TO SEE IF THEY COULD
19 BE DRAWN, AND I WAS TRYING TO DRAW COMPACT AND REASONABLY
20 SHAPED DISTRICTS. AND THE END RESULT WAS 139. AND YOU CAN GO
21 TO THE EXHIBIT, THE CORE CONSTITUENCY EXHIBIT AND SEE THAT THAT
22 WAS THE CASE.
23 **Q.** ALL RIGHT. IF WE CAN QUICK SHIFTLY TO THE ILLUSTRATIVE
24 SENATE PLAN NOW, AND WE'LL START IN THE SHREVEPORT AREA. IF
25 YOU COULD TURN BACK TO PAGE 36 OF YOUR REPORT.

11:59 1 **A.** WHICH PAGE?
2 **Q.** SORRY. I SAID PAGE 36, BUT I DON'T THINK THAT'S CORRECT.
3 GIVE ME ONE SECOND.
4 **A.** MAYBE 37?
5 **Q.** CORRECT, 37. THANK YOU.
6 AND HERE YOU DISCUSS A NEW MAJORITY-BLACK SENATE
7 DISTRICT THAT YOU CREATE IN THE NORTHWEST PART OF THE STATE.
8 CORRECT?
9 **A.** YES.
10 **Q.** AND THAT'S ILLUSTRATIVE SENATE DISTRICT 38?
11 **A.** YES.
12 **Q.** AND YOU PARTIALLY CONTAIN BOTH SHREVEPORT AND BOSSIER CITY
13 IN THIS NEW SENATE DISTRICT. CORRECT?
14 **A.** YES.
15 **Q.** IF WE COULD TURN TO PAGE 38 AND 39 OF THE REPORT.
16 HERE YOU DISCUSS THE CREATION OF A NEW MAJORITY-BLACK
17 DISTRICT IN ILLUSTRATIVE SENATE DISTRICT 17. IS THAT RIGHT?
18 **A.** YES.
19 **Q.** AND THIS IS A NEW SENATE DISTRICT IN THE BATON ROUGE AREA?
20 **A.** YES. IT'S IN THE BATON ROUGE MSA, BUT IT GOES BEYOND EAST
21 BATON ROUGE PARISH, OF COURSE. IT GOES INTO WEST -- IT TAKES
22 IN ALL OF WEST BATON ROUGE PARISH AND ALL OF POINTE COUPEE AND
23 MOST OF IBERVILLE.
24 **Q.** AND YOU MAKE SOME PRETTY SUBSTANTIAL CHANGES IN THIS AREA,
25 PARTICULARLY TO SENATE DISTRICT 17. CORRECT?

12:00 1 **A.** WELL, YES. SENATE DISTRICT 17 GOES FROM ST. LANDRY PARISH
2 IN THE HEART OF THE CAJUN COUNTRY, ALL THE WAY OVER TO ST.
3 HELENA AND FLORIDA PARISHES. IT'S A HUGE GEOGRAPHICALLY LARGE
4 AREA. AND IT DOES FRAGMENT THE BLACK VOTING STRENGTH IN THAT
5 PART OF THE STATE. IT'S MAJORITY WHITE -- WHEN IT'S VERY EASY
6 TO DRAW A VERY REASONABLY SHAPED, MUCH MORE COMPACT DISTRICT AS
7 I'VE DRAWN IN ILLUSTRATIVE DISTRICT 17.
8 **Q.** AND I THINK AS YOU TALK ABOUT IN PARAGRAPH 97, YOU
9 PREDOMINANTLY ANCHOR THIS NEW SENATE DISTRICT IN EAST BATON
10 ROUGE. CORRECT?
11 **A.** WELL, IT'S IN -- THERE IS SIGNIFICANT POPULATION FROM EAST
12 BATON ROUGE PARISH IN THIS DISTRICT. I HAVE THE -- THERE'S AN
13 EXHIBIT THAT ACTUALLY SHOWS THE BREAKOUT. SO I DON'T KNOW THE
14 POPULATION PERCENTAGES.
15 **Q.** SURE. BUT I'M USING YOUR OWN WORDS FROM THE REPORT. IN
16 PARAGRAPH 97 YOU SAY IT'S ANCHORED IN EAST BATON ROUGE.
17 CORRECT?
18 **A.** WELL, YEAH. IT IS IN EAST BATON ROUGE, AND IT DOES EXTEND
19 -- POINTE COUPEE AND WEST BATON ROUGE HAVE POPULATIONS THAT
20 ARE, I THINK, YOU KNOW, 25,000 OR SO, EACH ONE OF THOSE.
21 **Q.** AND ANCHORING IT IN EAST BATON ROUGE, AS YOU STATE, ALLOWS
22 YOU TO DRAW BLACK POPULATION IN FROM PACKED SENATE DISTRICT 15.
23 CORRECT?
24 **A.** I THINK SO. THERE IS SOME PACKING INVOLVED IN SENATE
25 DISTRICT 15, RIGHT. IT'S 74 PERCENT BLACK VOTING AGE.

12:02 1 **Q.** SO IS THE ANSWER TO MY QUESTION "YES"?
2 **A.** WELL, YES. AGAIN, THIS IS JUST KIND OF A BOTTOM-LINE
3 SUMMARY THAT I'M TAKING DIRECTLY FROM ONE OF THE EXHIBITS
4 SHOWING CORE CONSTITUENCIES.
5 **Q.** AND UP ABOVE YOU SAY YOU AVOID EXTENDING ILLUSTRATIVE
6 SENATE DISTRICT 17 WEST INTO WHAT WOULD BE PREDOMINATELY WHITE
7 COMMUNITIES. IS THAT CORRECT?
8 **A.** WELL, IT WOULD BE EXTENDING WEST INTO EAST FELICIANA,
9 WHICH IS MAJORITY WHITE, I BELIEVE. ST. HELENA IS ACTUALLY
10 MAJORITY BLACK. BUT I WAS REALLY TRYING TO MAKE IT MORE OF A
11 MISSISSIPPI DISTRICT, A MISSISSIPPI RIVER DISTRICT, AND I THINK
12 REALLY REFLECTING A COMMUNITY OF INTEREST, WHICH IS KIND OF
13 UNIQUE TO THIS PART OF THE STATE IN A WAY AND REALLY SORT OF
14 UNIQUE WHEN YOU LOOK AT IT NATIONALLY. I MEAN, IT'S GOT A --
15 YOU KNOW, IT'S GENERALLY KNOWN AS EITHER THE CHEMICAL QUARTER
16 OR CANCER ALLEY. THERE ARE REAL HEALTH ISSUES THERE RELATING
17 TO FOLKS WHO LIVE IN EITHER HOUSE DISTRICT -- IN SENATE
18 DISTRICT 17 AND --
19 **MR. TUCKER:** YOUR HONOR, I MOVE TO STRIKE AS
20 NON-RESPONSIVE AND OUTSIDE THE SCOPE OF HIS REPORT.
21 **THE COURT:** MR. COOPER, LET'S STAY TO THE TASK AT
22 HAND, PLEASE.
23 **THE WITNESS:** OKAY. SORRY.
24 **MR. TUCKER:** OKAY.
25 **THE COURT:** MOVE ONTO THE NEXT QUESTION.

12:03 **MR. TUCKER:** OKAY.
BY MR. TUCKER:
Q. SO FINALLY -- LASTLY, JUST LOOKING ON PAGE 41 AND 42 OF YOUR REPORT, THIS IS WHERE YOU SHOW THE CREATION OF A NEW MAJORITY-BLACK DISTRICT IN THE NEW ORLEANS AREA. CORRECT?
A. YES.
Q. AND THAT'S ILLUSTRATIVE SENATE DISTRICT 19?
A. YES.
Q. AND, ONCE AGAIN, IN PARAGRAPH 101 YOU STATE THAT WHAT YOU ARE DOING HERE IS YOU ARE UNCRACKING SENATE DISTRICT 19 TO NOW MAKE IT A MAJORITY-BLACK DISTRICT. IS THAT RIGHT?
A. YES. JUST REPORTING FROM THE END RESULT AS SHOWN IN ONE OF THE EXHIBITS.
MR. TUCKER: YOUR HONOR, IF I MAY HAVE JUST A MINUTE TO CONFER WITH MY COLLEAGUES?
THE COURT: YOU MAY.
BY MR. TUCKER:
Q. THANK YOU VERY MUCH MR. COOPER. I HAVE NO FURTHER QUESTIONS.
MR. TUCKER: I TENDER THE WITNESS, YOUR HONOR.
THE COURT: MS. THOMAS, ANY REDIRECT?
MS. THOMAS: VERY SHORT, YOUR HONOR.

REDIRECT EXAMINATION

BY MS. THOMAS:
Q. ALL RIGHT. IT'S ALMOST AFTERNOON. I BELIEVE IT IS

12:04 AFTERNOON.

GOOD AFTERNOON, AGAIN, MR. COOPER.

A. GOOD AFTERNOON.

MS. THOMAS: THIS WILL BE VERY BRIEF, YOUR HONOR.

BY MS. THOMAS:

Q. YOU WERE ASKED SOME QUESTIONS ABOUT YOUR USE OF TRADITIONAL REDISTRICTING PRINCIPLES IN YOUR REDISTRICTING PROCESS BY MR. TUCKER. DO YOU RECALL THAT?

A. YES.

Q. IF WE COULD PULL UP PLAINTIFF EXHIBIT 20, PAGE 27, PARAGRAPH 68, STARTING AT PARAGRAPH 68.

A. YES.

Q. IS THIS A PART OF YOUR REPORT WHERE YOU OUTLINE THE ROLE THAT TRADITIONAL REDISTRICTING PRINCIPLES PLAYED IN YOUR MAP DRAWING PROCESS?

A. YES.

Q. AND IT WAS DISCLOSED AND SHARED WITH DEFENDANTS?

A. WELL, YES. I MEAN, THESE ARE THE TRADITIONAL REDISTRICTING PRINCIPLES THAT ALL PLANNERS -- THAT ALL PLAN DRAWERS SHOULD CONSIDER WHEN DEVELOPING AN ELECTION DISTRICT, WHETHER YOU'RE DRAWING A PLAN AT THE LOCAL LEVEL OR A CONGRESSIONAL DISTRICT.

Q. IF WE COULD MOVE TO PAGE 6, PARAGRAPH 15.

YOU WERE ASKED SOME QUESTIONS ABOUT YOUR LINE DRAWING IN NATCHITOCHES. DO YOU RECALL THAT?

12:05 1 **A.** YES.
2 **Q.** DOES THIS PART OF YOUR REPORT DISCUSS WHAT YOUR INTENTION
3 TO MAKE HD 23 WHOLE AGAIN?
4 **A.** YES, IT DOES. IT SPELLS IT OUT.
5 **Q.** OKAY. I BELIEVE THERE WERE -- THERE WAS A BIT OF
6 CONTENTIOUS TESTIMONY AND BACK-AND-FORTH ABOUT YOUR PREVIOUS
7 DEPOSITION TESTIMONY IN REGARDS TO SOCIOECONOMIC FACTORS. DO
8 YOU RECALL THAT?
9 **A.** YES. I THINK WE DID HAVE SOME EXCHANGES THERE. I DIDN'T
10 MEAN IT TO BE CONTENTIOUS, BUT I DON'T WANT TO SELL MYSELF
11 SHORT BEFORE SOME OF THESE ATTORNEYS WHO LIKE TO PICK ON ME.
12 **Q.** IF WE COULD --
13 **THE COURT:** NOBODY FEELS SORRY FOR YOU.
14 GO AHEAD.
15 **MS. THOMAS:** YES, I BELIEVE MR. COOPER CAN HANDLE
16 HIMSELF.
17 **BY MS. THOMAS:**
18 **Q.** IF WE COULD PULL UP MR. COOPER'S DEPOSITION TRANSCRIPT AND
19 GO TO PAGE 101, STARTING AT LINE 24.
20 I BELIEVE THAT YOU WERE ASKED QUESTIONS ABOUT WHETHER
21 YOU DISCLOSED IN YOUR DEPOSITION TRANSCRIPT THAT YOU -- IN YOUR
22 DEPOSITION THAT YOU HAD, IN FACT, UPLOADED SOCIOECONOMIC DATA
23 TO YOUR -- TO MAPTITUDE AS PART OF YOUR REBUTTAL PROCESS. DO
24 YOU RECALL THAT EXCHANGE WITH MR. TUCKER TODAY?
25 **A.** YES.

12:06 1 **Q.** IF YOU COULD READ THIS PART OF YOUR DEPOSITION, STARTING
2 WITH MR. TUCKER'S QUESTION ON PAGE 101, LINE 24, GOING ALL THE
3 WAY DOWN THE PAGE TO THE FOLLOWING PAGE, 102 TO LINE 24.
4 **MR. TUCKER:** YOUR HONOR, OBJECTION. THIS TESTIMONY
5 HAS NOTHING TO DO WITH WHETHER OR NOT HE UPLOADED THE DATA TO
6 HIS MAPTITUDE SOFTWARE.
7 **MS. THOMAS:** IT, IN FACT, DOES IF HE IS GIVEN THE
8 OPPORTUNITY TO READ IT.
9 **THE COURT:** GIVE ME A CHANCE TO READ IT. HE DOES
10 ADDRESS UPLOADING OR CONSIDERING SOCIOECONOMIC DATA IN HIS
11 REBUTTAL.
12 **MR. TUCKER:** I UNDERSTAND. THAT WASN'T THE QUESTION.
13 THE QUESTION WAS WHETHER HE LOADED IT INTO HIS MAPTITUDE
14 SOFTWARE.
15 **THE COURT:** BUT IT SHOWS THAT YOUR IMPEACHMENT OF HIM
16 WAS NOT REALLY IMPEACHMENT.
17 OBJECTION IS OVERRULED.
18 **MS. THOMAS:** WELL, WE BELIEVE THERE'S A DIFFERENCE
19 BETWEEN HAVING IT IN THE MAPTITUDE SOFTWARE, AND THEN SOMEHOW
20 GENERALLY CONSIDERING IT. THAT WAS THE POINT, BUT I
21 UNDERSTAND, YOUR HONOR.
22 **THE COURT:** OKAY. THANK YOU.
23 OVERRULED.
24 **BY MS. THOMAS:**
25 **Q.** DOES THIS REFRESH YOUR RECOLLECTION OF ABOUT WHETHER YOU

12:08 1 DISCUSSED WITH MR. TUCKER AT YOUR DEPOSITION THIS PARTICULAR
2 SOCIOECONOMIC DATA?
3 **A.** YES. AND PROBABLY WITH MORE CLARITY THAN WHAT I SAID
4 TODAY. I DO WANT TO POINT OUT THAT I THINK I JUST MENTIONED A
5 185 PERCENT POVERTY LEVEL WITHOUT NOTING THAT THAT ONLY
6 INCLUDED HOUSEHOLDS WITH CHILDREN.
7 **Q.** OKAY. AND THEN YOU HAD AN EXCHANGE TOWARDS THE END OF
8 YOUR TESTIMONY WITH MR. TUCKER ABOUT COMPACTNESS AS DEFINED BY
9 *GINGLES 1*. DO YOU RECALL THAT?
10 **A.** YES.
11 **Q.** AND I BELIEVE YOU AND I ALSO DISCUSSED COMPACTNESS. DO
12 YOU RECALL THAT?
13 **A.** YES.
14 **Q.** AND WHEN I ASKED YOU IN YOUR DIRECT TESTIMONY ABOUT
15 WHETHER YOU THOUGHT YOUR ANALYSIS MET *GINGLES 1*, DO YOU RECALL
16 WHAT YOUR ANSWER WAS?
17 **A.** WELL, I SAID YES, I HOPE.
18 **Q.** OKAY. AND IS IT YOUR TESTIMONY THAT BY DRAWING COMPACT
19 DISTRICTS THAT THE MINORITY POPULATION IS COMPACT?
20 **A.** SAY THAT AGAIN.
21 **Q.** IS IT YOUR TESTIMONY THAT BY DRAWING COMPACT DISTRICTS
22 AROUND A MINORITY POPULATION THAT A MINORITY POPULATION IS
23 COMPACT?
24 **A.** YEAH. IT'S *IPSO FACTO* COMPACT.
25 **Q.** OKAY. AND SO WHEN YOU WERE -- IN YOUR CROSS WHEN YOU WERE

12:09 1 DISCUSSING THE COMPACTNESS OF THE MINORITY POPULATION, WAS YOUR
2 DISCUSSION ABOUT THE WAY IN WHICH MR. TRENDE DEFINES POPULATION
3 COMPACTNESS?
4 **A.** COULD YOU -- I'M SORRY. I GOT LOST AGAIN.
5 **Q.** OKAY. IN THE CROSS TESTIMONY WHEN YOU WERE ASKED ABOUT
6 THE COMPACTNESS OF THE MINORITY POPULATION, WAS YOUR TESTIMONY
7 TARGETED TOWARDS MR. TRENDE'S DEFINITION?
8 **A.** I HAD SOME COMMENTS ABOUT MR. TRENDE'S DEFINITION, WHICH I
9 BELIEVE TO BE DEEPLY FLAWED.
10 **Q.** OKAY. AND IN DOING YOUR *GINGLES 1* ANALYSIS AROUND
11 FIGURING OUT IF THE MINORITY POPULATION IS COMPACT, DO YOU USE
12 THE COMPACTNESS SCORES THAT WE'VE DISCUSSED EARLIER TODAY?
13 **A.** ABSOLUTELY.
14 **Q.** AND HAS THAT ANALYSIS BEEN ACCEPTED BY COURTS AS PART OF
15 *GINGLES 1*?
16 **A.** IT HAS OVER AND OVER AND OVER AND OVER AGAIN.
17 **Q.** NO FURTHER QUESTIONS.
18 **THE COURT:** OKAY. THANK YOU, MR. COOPER.
19 YOU MAY STEP DOWN.
20 OKAY. IT'S 12:15 -- OR WELL, NOT QUITE 12:15.
21 WE WILL BE IN RECESS UNTIL 1:30.
22 **THE LAW CLERK:** ALL RISE.
23 COURT IS IN RECESS.
24 **(WHEREUPON, THE COURT WAS IN RECESS.)**
25 * * *

12:10

CERTIFICATE

I, SHANNON THOMPSON, CCR, OFFICIAL COURT REPORTER FOR THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF LOUISIANA, CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT, TO THE BEST OF MY ABILITY AND UNDERSTANDING, FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Shannon Thompson

SHANNON THOMPSON, CCR
OFFICIAL COURT REPORTER