UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, ET AL	*	CIVIL ACTION
	*	
VERSUS	*	NO. 22-211-SDD
	*	
KYLE ARDOIN, ET AL	*	CONSOLIDATED WITH
	*	
	*	
EDWARD GALMON SR., ET AL	*	NO. 22-214-SDD
	*	
VERSUS	*	MAY 9, 2022
	*	
KYLE ARDOIN, ET AL	*	VOLUME 1 OF 5

* * * * * * * * * * * * * * * *

MOTION FOR PRELIMINARY INJUNCTION BEFORE
THE HONORABLE SHELLY D. DICK
UNITED STATES CHIEF DISTRICT JUDGE

APPEARANCES:

FOR THE ROBINSON PLAINTIFFS:

NAACP LEGAL DEFENSE FUND AND EDUCATIONAL FUND, INC.
BY: STUART NAIFEH, ESQ.
KATHRYN SADASIVAN, ESQ.
VICTORIA WENGER, ESQ.
SARA ROHANI, ESQ.
40 RECTOR STREET, FIFTH FLOOR
NEW YORK, NEW YORK 10006

ADCOCK LAW, LLC
BY: JOHN ADCOCK, ESQ.
3110 CANAL STREET
NEW ORLEANS, LOUISIANA 70119

FOR THE GALMON PLAINTIFFS:

WALTERS, PAPILLION, THOMAS, CULLENS, LLC
BY: DARREL J. PAPILLION, ESQ.
12345 PERKINS ROAD, BUILDING ONE
BATON ROUGE, LOUISIANA 70810

	ELIAS LAW GROUP, LLP BY: ABHA KHANNA, ESQ. 1700 SEVENTH AVE., SUITE 2100 SEATTLE, WASHINGTON 98101
	ELIAS LAW GROUP, LLP BY: JACOB D. SHELLY, ESQ. OLIVIA N. SEDWICK, ESQ. LALITHA D. MADDURI, ESQ. 10 G STREET N.E., SUITE 600 WASHINGTON, D.C. 20002
FOR KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE	SHOWS, CALI & WALSH, LLP BY: JOHN C. WALSH, ESQ. 628 ST. LOUIS STREET BATON ROUGE, LOUISIANA 70821
	NELSON MULLINS RILEY AND SCARBOROUGH, LLC BY: PHILLIP STRACH, ESQ. THOMAS A. FARR, ESQ. 4140 PARKLAKE AVENUE, SUITE 200 RALEIGH, NORTH CAROLINA 27612
FOR THE LOUISIANA LEGISLATIVE BLACK CAUCUS:	STEPHEN M. IRVING, LLC BY: STEPHEN M. IRVING, ESQ. 111 FLOUNDERS DRIVE, SUITE 700 BATON ROUGE, LOUISIANA 70810
	JOHNSON LAW FIRM BY: ERNEST L. JOHNSON, ESQ. 3313 GOVERNMENT STREET BATON ROUGE, LOUISIANA 70806
	ARTHUR THOMAS & ASSOCIATES BY: ARTHUR R. THOMAS, ESQ. 3313 GOVERNMENT STREET BATON ROUGE, LOUISIANA 70806
FOR LEGISLATIVE INTERVENORS CLAY SCHEXNAYDER AND PATRICK CORTEZ:	BAKERHOSTETLER, LLP BY: PATRICK T. LEWIS, ESQ. 127 PUBLIC SQUARE, SUITE 2000 CLEVELAND, OHIO 44114
	BAKERHOSTETLER, LLP BY: E. MARK BRADEN, ESQ. KATHERINE L. MCKNIGHT, ESQ. 1050 CONNECTICUT AVENUE, N.W., SUITE 1100 WASHINGTON, D.C. 20036

INTERVENOR DEFENDANT STATE OF LOUISIANA:

LOUISIANA'S OFFICE OF THE ATTORNEY GENERAL
BY: JEFFREY M. WALE, ESQ.
ANGELIQUE D. FREEL, ESQ.
CAREY TOM JONES, ESQ.
1885 NORTH THIRD STREET
BATON ROUGE, LOUISIANA 70802

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK, PLLC
BY: PHILLIP M. GORDON, ESQ.
15405 JOHN MARSHALL HIGHWAY
HAYMARKET, VIRGINIA 20169

OFFICIAL COURT REPORTER:

SHANNON L. THOMPSON, CCR
UNITED STATES COURTHOUSE
777 FLORIDA STREET
BATON ROUGE, LOUISIANA 70801
SHANNON_THOMPSON@LAMD.USCOURTS.GOV
(225)389-3567

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY USING COMPUTER-AIDED TRANSCRIPTION SOFTWARE

INDEX

PLAINTIFFS' WITNESSES: PAGE

MICHAEL MCCLANAHAN

DIRECT EXAMINATION BY MR. NAIFEH 17

CROSS-EXAMINATION BY MR. WALE 31

WILLIAM S. COOPER

DIRECT EXAMINATION BY MS. KHANNA 59

CROSS-EXAMINATION BY MR. LEWIS 94

REDIRECT EXAMINATION BY MS. KHANNA 122

ANTHONY E. FAIRFAX

DIRECT EXAMINATION BY MS. SADASIVAN 126

CROSS-EXAMINATION BY MR. STRACH 157

REDIRECT EXAMINATION BY MS. SADASIVAN 179

CHARLES CRAVINS

DIRECT EXAMINATION BY MR. SHELLY 182

CROSS-EXAMINATION BY MR. WALE 197

CHRISTOPHER J. TYSON

DIRECT EXAMINATION BY MS. SEDWICK 212

CROSS-EXAMINATION BY MR. WALSH 223

MAXWELL PALMER, PH.D.

DIRECT EXAMINATION BY MS. MADDURI 233

CROSS-EXAMINATION BY MS. MCKNIGHT 258

REDIRECT EXAMINATION BY MS. MADDURI 269

(MAY 9, 2022)

(CALL TO THE ORDER OF COURT)

THE COURT: GOOD MORNING, ALL.

BE SEATED.

OKAY. CALL THE CASE, PLEASE.

THE DEPUTY CLERK: THIS IS CIVIL ACTION NO. 22-211 CONSOLIDATED WITH 22-214, *PRESS ROBINSON AND OTHERS VERSUS KYLE ARDOIN AND OTHERS, AND EDWARD GALMON SR. AND OTHERS VERSUS KYLE ARDOIN AND OTHERS*.

THE COURT: OKAY, COUNSEL. BEFORE WE GET STARTED, I'M GOING TO ASK YOU TO MAKE APPEARANCES MOMENTARILY, BUT BEFORE WE DO THAT, LET ME JUST MAKE A COUPLE OF COMMENTS.

AS A REMINDER, THE COURT'S GENERAL ORDER IS THAT MASKS ARE OPTIONAL, BUT IF YOU ARE UNVACCINATED, MASKS ARE MANDATORY. IF THE COURT SHOULD LEARN THAT SOMEONE IN THIS AUDIENCE OR SOMEONE THAT COMES IN IS UNMASKED AND UNVACCINATED, THEY WILL BE IN CONTEMPT OF COURT. I DON'T NEED TO EXPLAIN TO YOU WHAT THAT MEANS.

WE HAVE AGREED PREVIOUSLY THAT WE WILL HAVE ONE LAWYER PER WITNESS FOR THE PLAINTIFF, OR WHOEVER IS PERPETUATING THAT TESTIMONY, AND THEN ONE ON CROSS-EXAMINATION.

I WANT TO CONFIRM THAT THE PARTIES ARE GOING TO BE KEEPING THEIR OWN TIME CLOCKS.

AND I'VE READ YOUR STIPULATIONS, OBVIOUSLY.

SO WHAT WE WILL DO IS AT THE BEGINNING OF COURT

09:34 EVERY MORNING, WE WILL JUST TAKE A SURVEY TO MAKE SURE THAT YOU ALL ARE IN AGREEMENT AS TO WHAT TIME WAS USED AND WHAT TIME IS REMAINING SO THAT WE CANNOT HAVE AN ISSUE AT THE END OF THE WEEK WITH RESPECT TO SOME DISPUTE.

WITH RESPECT TO TODAY, WE WILL BREAK AT 11:45. THE COURT HAS A 12:00 OBLIGATION. I HAVE EVERY ANTICIPATION OF BEING BACK ON THE RECORD BY 1:15, SO 11:45 TO 1:15. THOSE ARE THE FEW LITTLE HOUSEKEEPING MATTERS. WE WILL HAVE A FEW OTHER HOUSEKEEPING MATTERS WITH RESPECT TO YOUR STIPULATIONS, BUT LET ME ASK THE PARTIES TO MAKE THEIR APPEARANCES.

FIRST, LET ME START WITH COUNSEL FOR THE ROBINSON PLAINTIFFS.

MR. NAIFEH: YOUR HONOR, THIS IS STUART NAIFEH.

THE COURT: OKAY. STAND WHEN YOU -- STAND WHEN YOU ADDRESS THE COURT.

MR. NAIFEH: THIS IS STUART NAIFEH.

THE COURT: I'M SORRY. YOUR LAST NAME, SIR?

MR. NAIFEH: IT'S N-A-I-F-E-H, NAIFEH --

THE COURT: OKAY.

MR. NAIFEH: -- WITH THE NAACP LEGAL DEFENSE FUND FOR THE ROBINSON PLAINTIFFS.

THE COURT: OKAY. LET'S MAKE SURE THAT THE MICS ARE ON. HOLD ON JUST A MINUTE.

THE COURT REPORTER: IS THERE A LIGHT ON?

MR. NAIFEH: YEAH, THE LIGHT IS ON.

09:34 **THE COURT:** OKAY. YOU MIGHT ADJUST IT. CAN YOU ADJUST IT A LITTLE BIT? THERE YOU GO. THANK YOU, SIR.

ALL RIGHT. ONE MORE TIME. STUART --

MR. NAIFEH: STUART NAIFEH.

THE COURT: -- NAIFEH.

MR. NAIFEH: WITH THE NAACP LEGAL DEFENSE FUND FOR THE ROBINSON PLAINTIFFS.

THE COURT: OKAY. AND AS YOU INTRODUCE YOURSELVES, IF YOU ALL WOULD TELL ME KIND OF WHO YOU THINK IS GOING TO BE KIND OF TAKING THE LEAD ON THINGS.

MR. NAIFEH: I WILL BE TAKING THE LEAD, AND I WILL ALSO HAVE OUR FIRST WITNESS EXAMINATION.

THE COURT: ALL RIGHT. GREAT. THANK YOU, MR. NAIFEH.

ALL RIGHT. NEXT.

MR. ADCOCK: GOOD MORNING, YOUR HONOR.

JOHN ADCOCK ON BEHALF OF THE ROBINSON PLAINTIFFS.

THE COURT: OKAY. MR. ADCOCK, WHAT KIND OF ROLE WILL YOU BE TAKING, SIR?

MR. ADCOCK: TODAY I DON'T BELIEVE I'LL BE SPEAKING.

THE COURT: OKAY.

MR. ADCOCK: I'LL BE DOING SOME WITNESSES LATER IN THE WEEK -- OR ONE WITNESS LATER IN THE WEEK, RATHER.

THE COURT: ALL RIGHT. GREAT. SO LET ME JUST ASK

09:35 YOU THIS, TOO, COUNSEL, BECAUSE THERE'S A LOT OF YOU. I'M REASONABLY GOOD WITH NAMES AND FACES, BUT THERE'S A LOT OF MOVING PARTS IN THIS THING. BUT, MORE IMPORTANTLY, IT'S GOING TO BE IMPORTANT THAT THE COURT REPORTER KNOWS WHO'S SPEAKING SO THAT WHEN YOU GET YOUR TRANSCRIPT, THE OFFICIAL TRANSCRIPT OF THESE PROCEEDINGS, YOU'LL BE APPROPRIATELY ACKNOWLEDGED.

OKAY. YES, MA'AM?

MS. SADASIVAN: HI, I'M KATHRYN SADASIVAN WITH THE NAACP.

THE DEPUTY CLERK: I CAN'T HEAR YOU.

MS. SADASIVAN: I'M KATHRYN SADASIVAN WITH THE NAACP LEGAL DEFENSE FUND.

THE COURT: LAST NAME AGAIN, MA'AM?

MS. SADASIVAN: SADASIVAN. IT'S S-A-D-A-S-I-V-A-N.

THE COURT: NAACP. AND WHAT KIND OF ROLE WILL YOU BE TAKING, MA'AM?

MS. SADASIVAN: I'LL BE DIRECTING A WITNESS.

THE COURT: REPRESENTING?

MS. SADASIVAN: THE PRESS ROBINSON PLAINTIFFS.

THE COURT: ALL RIGHT.

MS. ROHANI: GOOD MORNING, YOUR HONOR.

SARA ROHANI WITH THE NAACP LEGAL DEFENSE FUND ON BEHALF OF THE ROBINSON PLAINTIFFS.

THE COURT: AND THE LAST NAME, AGAIN, MA'AM?

MS. ROHANI: ROHANI. IT'S R-O-H-A-N-I.

09:36 **THE COURT:** OKAY. THANK YOU.

MS. WENGER: GOOD MORNING, YOUR HONOR.

VICTORIA WENGER WITH THE ROBINSON PLAINTIFFS FOR THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND.

THE COURT: AND YOUR LAST NAME IS WINTER?

MS. WENGER: WENGER, W-E-N-G-E-R.

THE COURT: OKAY.

MS. KHANNA: GOOD MORNING, YOUR HONOR.

ON BEHALF OF THE GALMON PLAINTIFFS, MY NAME IS ABHA KHANNA, K-H-A-N-N-A. I'LL BE TAKING THE LEAD FOR ANYTHING REGARDING THE GALMON PLAINTIFFS THROUGHOUT THIS TRIAL.

WITH ME AT COUNSEL TABLE IS DARREL PAPILLION AND LALI MADDURI.

I HAVE SEVERAL OTHER COLLEAGUES WHO WILL BE EXAMINING CERTAIN WITNESSES. WOULD YOU LIKE EACH OF THEM TO INDIVIDUALLY PRESENT?

THE COURT: WHY DON'T WE JUST DO THAT AS WE MOVE FORWARD. UNLESS YOU FEEL IT NECESSARY TO MAKE APPEARANCES, AS WE MOVE FORWARD, YOU CAN JUST INTRODUCE YOURSELF.

AND I'M GOING TO ASSUME THAT YOU'RE ALL ENROLLED. IF YOU'RE NOT ENROLLED, I NEED YOU TO, I MEAN, TELL ME THAT SO THAT WE CAN GET YOU ENROLLED IF WE NEED TO DO THAT.

MS. KHANNA: THANK YOU, YOUR HONOR.

THE COURT: OKAY. ANYBODY ELSE? ALL RIGHT. THAT'S THE PLAINTIFFS.

09:38 CAN I HEAR FROM THE ARDOIN DEFENDANTS OR ACTUALLY THE DEFENDANT?

MR. STRACH: GOOD MORNING, YOUR HONOR.

PHIL STRACH, S-T-R-A-C-H. I'LL BE THE LEAD COUNSEL FOR THE SECRETARY OF STATE.

I HAVE A COUPLE COLLEAGUES WITH ME. THEY'LL HAVE WITNESSES LATER IN THE WEEK, AND I WILL BE CROSSING ONE WITNESS TODAY.

THE COURT: OKAY. GOOD MORNING.

YES, MA'AM?

MS. MCKNIGHT: GOOD MORNING, YOUR HONOR.

KATE MCKNIGHT ON BEHALF OF LEGISLATIVE INTERVENORS.

THE COURT: OKAY.

MS. MCKNIGHT: I WILL BE TAKING THE LEAD ON MATTERS RELATED TO LEGISLATIVE INTERVENORS IN THIS CASE.

ONE OF MY COLLEAGUES TODAY WILL BE QUESTIONING -- EXAMINING A WITNESS. HIS NAME IS PATRICK LEWIS.

THE COURT: OKAY.

MS. MCKNIGHT: THANK YOU, YOUR HONOR.

MR. WALE: AND GOOD MORNING, YOUR HONOR.

JEFFREY WALE ON BEHALF OF THE STATE THROUGH THE ATTORNEY GENERAL.

I'LL BE HANDLING A COUPLE OF WITNESSES TODAY. SEATED NEXT TO ME IS PHILLIP GORDON. HE WILL BE TAKING THE

09:38 LEAD FOR THE ATTORNEY GENERAL. ALSO WITH US ARE ANGELIQUE FREEL AND CAREY TOM JONES.

THE COURT: AND THE PERSON NEXT TO YOU? I DIDN'T CATCH HIS NAME.

MR. WALE: I'M SORRY. THAT'S MR. PHIL GORDON. HE'LL BE TAKING THE LEAD FOR US TODAY.

THE COURT: OKAY. ALL RIGHT. ANYBODY ELSE? I THINK WE'VE HEARD FROM THE DEFENDANTS AND THE INTERVENORS. OKAY.

MR. JOHNSON: YOUR HONOR?

THE COURT: YES, SIR.

MR. JOHNSON: MAY IT PLEASE THE COURT. ERNEST JOHNSON REPRESENTING THE --

THE DEPUTY CLERK: COME TO A MICROPHONE, PLEASE.

THE COURT: WE HAVE ONE MORE INTERVENOR.

YOU CAN USE THIS FRONT -- YOU CAN EITHER BORROW THEIRS OR USE THIS FRONT ONE, SIR, WHATEVER MAKES YOU MORE COMFORTABLE.

MR. JOHNSON, YOU SAID ERNEST JOHNSON?

MR. JOHNSON: YES, MA'AM, YOUR HONOR.

GOOD MORNING.

THE COURT: GOOD MORNING.

MR. JOHNSON: AND I'M JOINED TODAY WITH CO-COUNSEL ATTORNEY ARTHUR THOMAS, WHO IS SITTING WITH REPRESENTATIVE VINCENT PIERRE, THE CHAIRMAN OF THE LOUISIANA LEGISLATIVE BLACK CAUCUS.

09:39 THE TRIAL ATTORNEY IN THIS MATTER WILL BE MR. STEVE IRVING, WHO WILL BE IN THE COURT TOMORROW.

THE COURT: OKAY. I'M GOING TO ASK, MR. JOHNSON -- SINCE YOU'RE LATE INTERVENING -- TO COORDINATE WITH YOUR OTHER COLLEAGUES WHO ARE EITHER INTERVENORS OR THE PLAINTIFFS, HOWEVER YOU WANT TO COORDINATE WITH RESPECT TO YOUR ROLE IN THIS. YOU DON'T HAVE ANY WITNESSES THAT YOU'RE GOING TO PUT ON, AND WE'RE GOING TO TRY TO STREAMLINE CROSS-EXAMINATION. SO IF -- AND I'M NOT ASSUMING THAT YOU HAVEN'T ALREADY DONE THIS, BUT I KNOW THAT YOU'RE LATE IN THE GAME. SO IF YOU WILL COORDINATE WITH THE PLAINTIFFS IN PARTICULAR WITH RESPECT TO WHAT WITNESSES Y'ALL ARE GOING TO TAKE.

MR. JOHNSON: THANK YOU VERY MUCH, YOUR HONOR.

THE COURT: ALL RIGHT. YES, SIR.

OKAY. ANYBODY ELSE THAT NEEDS TO MAKE AN APPEARANCE? AS WE MOVE FORWARD, IF YOU HAVE NOT MADE AN APPEARANCE OR IF YOU'RE SPEAKING -- JUST WHEN YOU'RE SPEAKING, IF YOU'RE SPEAKING FOR THE FIRST TIME, IF YOU'LL TELL THE COURT WHO YOU ARE SO THAT THE COURT REPORTER, LIKE I SAID, CAN NOTE THAT FOR THE RECORD.

ALL RIGHT. LET'S GO OVER YOUR STIPULATION. I HAVE A FEW THINGS THAT I WANT TO TALK ABOUT WITH RESPECT TO YOUR STIPULATIONS.

FIRST, LET ME JUST SAY, THE PARTIES' DECISION TO PRESENT ALL OF THE EXPERTS WITH RESPECT TO ONE SUBJECT MATTER

09:41 SIMULTANEOUSLY OR IN SEQUENCE IS A VERY GOOD -- VERY, VERY GOOD IDEA AND THE COURT THANKS YOU FOR THAT. I THINK IT WILL HELP MOVE THINGS ALONG TREMENDOUSLY.

AGAIN, THE PARTIES WILL MONITOR THE CLOCK, AND AT THE BEGINNING OF EVERY MORNING, IF I DON'T -- IF I DON'T REMEMBER, I'LL BE HAPPY FOR ONE OF YOU TO PROD ME. WE WILL FIGURE OUT WHERE WE ARE ON THE CLOCK SO THAT WE DON'T GET TO THE END OF THE WEEK WITH ANY SURPRISES.

THERE IS A QUESTION THAT THE COURT HAS ABOUT THE EXPERT WITNESSES. WHAT YOU'VE STIPULATED IS THAT THE EXPERT WITNESSES MAY TESTIFY -- CLEARLY, OKAY, THAT'S GREAT -- RESERVING THE RIGHT TO CROSS-EXAMINE EXPERTS ON ANY MATTER, INCLUDING 702. SO I TAKE IT THAT THIS WILL BE TRADITIONALLY -- THE TRADITIONAL WAY WE DO EXPERTS: YOU'LL MAKE A TENDER. THERE WILL BE CROSS ON THE TENDER. IS THAT WHAT I UNDERSTAND? YES. I'M SEEING *YESES*.

OKAY. IF THERE IS A STIPULATION AS TO EXPERTISE, IT WOULD BE HELPFUL IF YOU WOULD MAKE THAT BEFORE, AND THEN WE WILL JUST HAVE A STIPULATION AS TO EXPERTISE AND WE CAN MOVE DIRECTLY INTO THE SUBJECT MATTER. BUT OTHERWISE, I WILL EXPECT THAT THERE WILL BE A TENDER. YOU WILL ARTICULATE TO THE COURT THE FIELD IN WHICH YOU ARE TENDERING THE EXPERT, AND THEN THERE WILL BE ONE PERSON, ONE LAWYER, WHO WILL CROSS ON THE TENDER. ARE WE IN AGREEMENT? OKAY. HEAD NODS ALL AROUND.

09:42 1 ALL RIGHT. THE COURT WILL ADMIT THE FOLLOWING
2 INTO EVIDENCE. THE PARTIES HAVE STIPULATED THAT THE FOLLOWING
3 DECLARATIONS CAN BE ADMITTED WITHOUT REQUIRING TESTIMONY.
4 SO FOR THE RECORD -- AND Y'ALL MAY WANT TO
5 FOLLOW ALONG JUST TO MAKE SURE THAT I DON'T MISSTATE ONE OF
6 THESE RECORD DOCUMENT NUMBERS. THE DECLARATIONS ARE THE
7 FOLLOWING: EDWARD GALMON, RECORD DOCUMENT 50-1; CIARA HART,
8 RECORD DOCUMENT 50-2; NORRIS HENDERSON, RECORD DOCUMENT 50-3;
9 TRAMELLE HOWARD -- I HOPE I SAID THAT RIGHT -- RECORD DOCUMENT
10 50-4.
11 THE OTHER DECLARATIONS AS TO THE ROBINSON
12 PLAINTIFFS, PRESS ROBINSON: RECORD DOCUMENT 41-3, EXHIBIT 5;
13 EDGAR CAGE, RECORD DOCUMENT 41-3, EXHIBIT 6; DOROTHY NAIRNE,
14 RECORD DOCUMENT 41-3, EXHIBIT 7; RENÉ SOULÉ, RECORD DOCUMENT
15 41-3, EXHIBIT 8; ALICE WASHINGTON, RECORD DOCUMENT 41-3,
16 EXHIBIT 9; CLEE LOWE, RECORD DOCUMENT 41-3, EXHIBIT 10; DAVANTE
17 LEWIS, RECORD DOCUMENT 41-3, EXHIBIT 11; MARTHA DAVIS, RECORD
18 DOCUMENT 41-3, EXHIBIT 12; AMBROSE SIMS, RECORD DOCUMENT 41-3;
19 EXHIBIT 13, MICHAEL MCCLANAHAN, RECORD DOCUMENT 41-3, EXHIBIT
20 13; MICHAEL MCCLANAHN, RECORD DOCUMENT 41-3, EXHIBIT 4; ASHLEY
21 SHELTON, RECORD DOCUMENT 41-3, EXHIBIT 5.
22 THOSE STIPULATIONS ARE ADMITTED INTO EVIDENCE
23 AND CONSIDERED SUBMITTED FOR THE PURPOSES OF THE RECORD OF THIS
24 CASE.
25 THE PARTIES -- OH, I'M SORRY. DEFENDANTS

09:44 WITNESS: JOEL WATSON -- I MISSED ONE -- RECORD DOCUMENT 101-3. LIKEWISE, THAT DECLARATION IS ADMITTED INTO EVIDENCE.

OKAY. THE PARTIES HAVE STIPULATED THAT PUBLICLY AVAILABLE COPIES OF LEGISLATIVE MATERIALS ARE ADMITTED AND THAT CERTIFIED COPIES WHEN RECEIVED WILL BE SUBSTITUTED INTO THE RECORD. IS THAT CORRECT?

(WHEREUPON, ALL PARTIES NODDED HEADS.)

THE COURT: OKAY. THOSE WILL BE ADMITTED.

THE FOLLOWING EXHIBITS WILL COME IN WITHOUT OBJECTION AND ARE ADMITTED: GALMON EXHIBITS 4-28, 32- -- I'M SORRY. EXHIBIT NOS. 4 THROUGH 28 AND EXHIBIT NOS. 32 THROUGH 38. THOSE ARE AT RECORD DOCUMENT 121.

ROBINSON EXHIBITS 1 THROUGH 11 AND 16 THROUGH 85 AT RECORD DOCUMENT NO. 133.

DEFENDANTS' EXHIBITS NOS. 1 AND 2, RECORD DOCUMENT 99.

LEGISLATIVE INTERVENOR EXHIBITS 4 THROUGH 76, RECORD DOCUMENT 138.

STATE INTERVENOR DEFENDANTS' EXHIBIT NOS. 5 THROUGH 30, RECORD DOCUMENT 140.

ALL RIGHT. THERE ARE SOME HEARSAY OBJECTIONS. AS YOU OFFER THOSE -- AS YOU OFFER THOSE EXHIBITS, MAKE YOUR OBJECTION AND THE COURT WILL RULE ON THOSE OBJECTIONS.

THE LEGISLATIVE RECORD TRANSCRIPTS, THE PARTIES HAVE INDICATED THAT THEY WILL STIPULATE AND MAY USE TRANSCRIPTS

09:45 OF THE LEGISLATIVE ROADSHOW HEARINGS AND FLOOR DEBATES, PR-38 TO PR-78, AND THE PARTIES HAVE AGREED TO ALLOW THE COURT -- OR THAT THEY WILL USE THOSE IN THEIR PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND WILL CITE TO PAGE AND LINE NUMBERS.

FOR PURPOSES OF THE RECORD, IT IS BEST PRACTICE THAT THOSE BE INTRODUCED INTO EVIDENCE, SO I'M GOING TO COUNT ON YOU. P-38 TO -- I'M SORRY. PR-38 TO PR-78 WILL BE ADMITTED INTO EVIDENCE. THEY SHOULD COMPRISE PART OF THE RECORD, SO THEY DO NEED TO BE UPLOADED INTO THE JERS SYSTEM AT YOUR CONVENIENCE. BUT IF YOU'RE NOT GOING TO REFER TO THEM IN THE HEARING, WE DON'T NEED THEM RIGHT NOW, JUST USE THEM IN YOUR FINDINGS OF FACT AND CONCLUSIONS OF LAW.

OKAY. THE STIPULATED FACTS THAT ARE CONTAINED ON RECORD DOCUMENT 143 AT PAGE -- PAGES 6 THROUGH 11 ARE NOTED AS STIPULATED.

ALL RIGHT. ARE THERE ANY OTHER HOUSEKEEPING MATTERS BEFORE WE CALL OUR FIRST WITNESS?

(WHEREUPON, ALL PARTIES NODDED HEADS.)

ALL RIGHT. WHO'S STARTING? CALL YOUR FIRST WITNESS.

MR. NAIFEH: GOOD MORNING, YOUR HONOR.

STUART NAIFEH FOR THE ROBINSON PLAINTIFFS.

THE ROBINSON PLAINTIFFS CALL MICHAEL MCCLANAHAN.

THE COURT: SIR, IF YOU'LL STEP RIGHT UP HERE.

THERE IS ONE OTHER THING, FOR THE RECORD. THERE

09:47 IS A SECOND COURT REPORTER IN THE COURTROOM, SO THAT THIS IS ON THE RECORD. THE ONLY CERTIFIED RECORD OF THIS MATTER IS THE COURT'S OFFICIAL RECORD. THE PARTIES HAVE AGREED -- AND I ASSUME SHARED THE COSTS -- FOR ANOTHER CERTIFIED COURT REPORTER SO THAT YOU CAN GET DAILY TRANSCRIPTS. THE DAILY TRANSCRIPTS, YOU MAY CERTAINLY USE THEM IN BRIEFING, BUT THEY ARE NOT SUBSTITUTE FOR THE OFFICIAL COURT RECORD.

ALL RIGHT. YES, SIR? SHE'S GOING TO SWEAR YOU IN.

MICHAEL MCCLANAHAN,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. NAIFEH:

Q. GOOD MORNING, MR. MCCLANAHAN.

CAN YOU PLEASE STATE AND SPELL YOUR NAME FOR THE RECORD.

A. GOOD MORNING.

MY NAME IS MIKE MCCLANAHAN. MY LAST NAME IS SPELLED M-C-C-L-A-N-A-H-A-N.

Q. THANK YOU.

AND HOW LONG HAVE YOU LIVED IN LOUISIANA, MR. MCCLANAHAN?

A. I'M BORN AND RAISED IN LOUISIANA. ALL MY LIFE.

Q. AND WHERE IN LOUISIANA DO YOU CURRENTLY LIVE?

A. BATON ROUGE.

09:48 1 **Q.** AND WHAT PART OF BATON ROUGE?
2 **A.** I STAY IN THE AREA BY -- CALLED CORTANA MALL, VILLA DEL
3 REY AREA.
4 **Q.** OKAY. AND, MR. MCCLANAHAN, WHAT IS YOUR ROLE IN THIS
5 CASE?
6 **A.** WELL, I'M A PLAINTIFF WITH THE NAACP.
7 **Q.** AND SO ARE YOU A PLAINTIFF IN YOUR INDIVIDUAL CAPACITY?
8 **A.** NO. AS THE STATE PRESIDENT OF THE NAACP.
9 **Q.** AND SO THE LOUISIANA NAACP IS A PLAINTIFF IN THIS CASE?
10 **A.** YES.
11 **Q.** AND HOW LONG HAVE YOU BEEN THE STATE PRESIDENT OF THE
12 LOUISIANA NAACP?
13 **A.** PROBABLY ABOUT FIVE YEARS.
14 **Q.** OKAY. AND ARE YOU ALSO A MEMBER OF THE NAACP?
15 **A.** I'M A PROUD MEMBER, A LIFE MEMBER OF THE NAACP.
16 **Q.** AND HOW LONG HAVE YOU BEEN A MEMBER?
17 **A.** I'VE BEEN A MEMBER PROBABLY ABOUT OVER TEN YEARS. I'VE
18 BEEN A LIFE MEMBER ABOUT TWO YEARS.
19 **Q.** OKAY. AND CAN YOU TELL US WHAT IS THE LOUISIANA NAACP?
20 **A.** THE LOUISIANA NAACP, IT'S CALLED THE NAACP LOUISIANA STATE
21 CONFERENCE. IT'S A COALITION OF ALL OF THE BRANCHES AND UNITS
22 THROUGHOUT THE STATE OF LOUISIANA. I COORDINATE ACTIVITIES
23 AMONGST THE -- WHAT YOU CALL THE BRANCHES IN THE YOUTH AND
24 COLLEGE CHAPTERS.
25 **Q.** AND IS THE LOUISIANA NAACP A PARTISAN ORGANIZATION?

09:49 1 **A.** NO.
2 **Q.** WHAT IS THE LOUISIANA NAACP'S MISSION?
3 **A.** WELL, IN A NUTSHELL, WE FIGHT RACISM, BIGOTRY, HATRED, YOU
4 KNOW, DISCRIMINATION; ANYTHING THAT, YOU KNOW, WE DEEM IS BELOW
5 THE MORAL CHARACTER AND THOSE THAT ADVERSELY AFFECT PEOPLE OF
6 COLOR LIKE MYSELF.
7 **Q.** AND DOES THE NAACP'S MISSION INCLUDE WORK IN THE AREA OF
8 VOTING RIGHTS?
9 **A.** OH, YES, VERY MUCH SO.
10 **Q.** AND CAN YOU DESCRIBE THAT FOR US?
11 **A.** WELL, YOU KNOW, WE BELIEVE THAT IN THIS DEMOCRATIC SOCIETY
12 THAT EVERYONE SHOULD HAVE AN OPPORTUNITY TO PARTICIPATE IN IT,
13 AND WE KNOW THAT THE ONLY WAY THAT YOU CAN PARTICIPATE IS
14 THROUGH VOTE. AND SO WE'RE ALWAYS DOING WHAT YOU CALL
15 REGISTERING, DOING VOTER REGISTRATION AND VOTING ENGAGEMENT,
16 VOTER TRAINING; THAT TYPE OF STUFF.
17 **Q.** AND YOU MENTIONED THE LOCAL BRANCHES OF THE LOUISIANA
18 NAACP. HOW MANY LOCAL BRANCHES DO YOU HAVE?
19 **A.** IT VARIES. BUT WE HAVE -- BASICALLY OURS IS BASED AT
20 ABOUT 40, 40 ADULT BRANCHES AND ABOUT 16 YOUTH AND COLLEGE
21 CHAPTERS.
22 **Q.** OKAY. AND WHERE ARE THEY LOCATED?
23 **A.** ALL OVER LOUISIANA.
24 **Q.** AND DO YOU HAVE BRANCHES IN EVERY PARISH?
25 **A.** WE HAVE MEMBERS IN EVERY PARISH AND WE HAVE BRANCHES. A

09:51 1 BRANCH MAY BE ABLE TO REPRESENT TWO PARISHES, BUT WE PRETTY
2 MUCH COVER THE WHOLE STATE OF LOUISIANA.
3 **Q.** OKAY. AND DOES THE -- YOU MENTIONED MEMBERS. DOES THE
4 LOUISIANA NAACP HAVE MEMBERS?
5 **A.** YES.
6 **Q.** AND WHO ARE THE MEMBERS OF THE LOUISIANA NAACP?
7 **A.** PEOPLE WHO WANT -- WHO WANT TO SEE THE STATE OF LOUISIANA
8 DO BETTER IN TERMS OF HOW IT AFFECTS THE BLACK PEOPLE OF
9 LOUISIANA. AND SO THOSE THAT WANT TO FIGHT, THEY WANT TO
10 ADVOCATE FOR WHAT'S RIGHT IN TERMS OF HOW BLACK AND BROWN
11 PEOPLE ARE SHOWN AND RESPECTED IN LOUISIANA, THEY BECOME A
12 MEMBER OF THE NAACP.
13 **Q.** OKAY. AND DOES YOUR MEMBERSHIP INCLUDE BLACK LOUISIANANS?
14 **A.** BLACK LOUISIANANS.
15 **Q.** AND DOES IT INCLUDE REGISTERED VOTERS?
16 **A.** REGISTERED VOTERS.
17 **Q.** AND ABOUT HOW MANY MEMBERS DO YOU HAVE IN THE STATE OF
18 LOUISIANA?
19 **A.** IT VARIES. PROBABLY ABOUT SOMEWHERE BETWEEN FIVE -- 5,000
20 OR SO.
21 **Q.** OKAY, MR. MCCLANAHAN. DO YOU KNOW PEOPLE IN LOUISIANA WHO
22 MIGHT HAVE ONE BLACK GRANDPARENT AND THREE WHITE GRANDPARENTS?
23 **A.** OH, YEAH. IT'S CALLED LOUISIANA.
24 **Q.** AND DO YOU CONSIDER THOSE PEOPLE BLACK?
25 **A.** THEY ARE BLACK. YOU KNOW, I REMEMBER WHEN I WAS IN

09:52 SCHOOL -- I'M FROM A LITTLE TOWN CALLED ZWOLLE; IT'S UP IN NORTHWEST LOUISIANA, AND WE WERE TAUGHT IF YOU HAD ONE DROP OF BLACK BLOOD -- NO MATTER WHAT YOU LOOK LIKE ON THE OUTSIDE -- YOU WERE CONSIDERED BLACK.

Q. OKAY. AND HAS THE NAACP BEEN INVOLVED IN THE REDISTRICTING PROCESS FOR THE CONGRESSIONAL PLAN IN THIS REDISTRICTING CYCLE?

A. VERY MUCH SO. BUT WE GOT INVOLVED NOT ONLY IN THE REDISTRICTING ASPECT -- BECAUSE WE REALIZED IN ORDER TO GET TO THE REDISTRICTING PART, YOU GOT TO START AT THE CENSUS PART. AND SO WE WERE VERY MUCH INVOLVED AT THE ONSET OF GETTING BODIES COUNTED.

Q. AND DID -- DURING THE REDISTRICTING PROCESS, DID THE LOUISIANA LEGISLATURE TAKE PUBLIC INPUT, INPUT FROM MEMBERS OF THE PUBLIC?

A. YEAH. THEY HAVE WHAT YOU CALL TOWN HALL. THEY WOULD HAVE REDISTRICTING TOWN HALL MEETINGS THROUGHOUT THE STATE OF LOUISIANA.

Q. AND ARE THOSE COMMONLY REFERRED TO AS ROADSHOWS?

A. ROADSHOWS, YEAH. ROADSHOWS.

Q. AND DID THE NAACP PLAY A ROLE IN THE ROADSHOWS?

A. WE DID. YOU KNOW, BECAUSE I REALIZED AND UNDERSTOOD THAT IN ORDER TO LET THE LEGISLATURE KNOW AND UNDERSTAND WHAT THE PEOPLE THINK, THE PEOPLE HAD TO GO TO THE ROADSHOWS. AND SO I WOULD HAVE CALLS EVERY MONDAY, MONDAY NIGHT WITH MEMBERS

09:53 1 THROUGHOUT THE NAACP STATE CONFERENCE AND CHAPTERS, AND WE'D
2 TALK ABOUT GETTING PEOPLE TO THE ROADSHOWS SO THEY CAN TELL THE
3 LEGISLATURE WHAT THEY EXPECT THEM TO DO, HOW THEY FEEL ABOUT
4 THE REDISTRICTING ASPECT OF THE PROCESS.
5 **Q.** AND DID YOU OFFER TESTIMONY AT ANY OF THE ROADSHOW
6 MEETINGS?
7 **A.** HAPPILY. I DID HAPPILY.
8 **Q.** AND WHAT DID YOU TESTIFY ABOUT?
9 **A.** I TOLD THE LEGISLATURE, YOU KNOW -- BECAUSE REDISTRICTING
10 ONLY HAPPENS EVERY TEN YEARS -- THAT THERE'S A SHIFT. AND SO
11 WE WANT THAT -- THE LEGISLATURE, WHEN THEY GOT BACK TO THE
12 SESSION, TO LET THE LINES REFLECT THE MAKEUP OF THE STATE OF
13 LOUISIANA. WE MAKE UP AT LEAST A THIRD OF THE POPULATION. AND
14 SO IN THE -- IN THEIR -- IN THEIR DELIBERATIONS OF DRAWING
15 THESE MAPS, THEY SHOULD TAKE CAREFUL CONSIDERATION AS THE
16 MAKEUP THE STATE OF LOUISIANA SO THEY COULD ADEQUATELY REFLECT
17 WHAT IT LOOKS LIKE IN LOUISIANA.
18 **Q.** AND DID YOU FEEL THAT THE LEGISLATORS LISTENED TO THE
19 TESTIMONY THAT YOU OFFERED?
20 **A.** IF THEY DID, THEY MUST HAVE BEEN LISTENING WITH DEAF EARS.
21 **Q.** OKAY. AND DID THEY ACT ON WHAT THEY HEARD FROM YOU AND
22 YOUR MEMBERS?
23 **A.** THEY MUST HAVE BEEN ASLEEP 'CAUSE THEY DIDN'T.
24 **Q.** OKAY. AND WAS A MAP ULTIMATELY PASSED BY THE LEGISLATURE?
25 **A.** YES. IT WAS A MAP THAT -- YOU KNOW, IF YOU WOULD'VE

09:55 1 CLOSED YOUR EYES, YOU COULD HAVE DRAWN IT 'CAUSE IT DID NOT
2 REFLECT NOTHING THAT WAS SAID AT THE ROADSHOWS. IT DID NOT
3 REFLECT WHAT THE DATA HAD SHOWN. IT DID NOT REFLECT WHAT WAS
4 SAID EVEN IN THE COMMITTEE HEARINGS AT THE LEGISLATIVE SESSION.
5 **Q.** AND WHAT DID THAT MAP LOOK LIKE?
6 **A.** YOU KNOW -- WELL, YOU KNOW, IN OUR EYESIGHT, IN OUR MINDS,
7 THE REFLECTION OF THE MAP WOULD HAVE BEEN TWO MAJORITY-MINORITY
8 CONGRESSIONAL SEATS -- TWO. WHAT IT LOOKS LIKE NOW IS ONLY
9 ONE. IT KEEPS POWER WITHIN THAT ONE, YOU KNOW, THE MAKEUP OF
10 SIX WHITE CONGRESSMEN AND ONLY ONE BLACK.
11 **Q.** AND WHEN YOU SAY "SIX WHITE," DO YOU MEAN THEY ARE SIX
12 DISTRICTS IN TOTAL?
13 **A.** SEVEN -- SIX, YEAH, SIX. FIVE AND ONE. I'M SORRY.
14 **Q.** AND AFTER THE CONGRESSIONAL PLAN WAS PASSED BY THE
15 LEGISLATURE, WHAT DID YOU AND YOUR MEMBERS DO?
16 **A.** WELL, I KNOW THE PROCESS 'CAUSE I'VE BEEN, YOU KNOW, DOWN
17 AT THE LEGISLATURE FOR A MINUTE, AND I REALIZED THAT ONCE IT
18 PASSED THROUGH THE STATE HOUSE -- THAT MEANS THE SENATE AND THE
19 STATE REPRESENTATIVES -- THAT IT WAS GOING TO THE GOVERNOR'S
20 DESK. AND THE ONLY WAY IT WOULD BECOME LAW IS IF HE DID
21 NOTHING OR HE SIGNED IT INTO LAW.
22 AND SO OUR STRATEGY WAS TO GET THE GOVERNOR TO VETO
23 THOSE MAPS. AND WE DID ALL IN OUR POWER TO GET TO HIM IN TERMS
24 OF CALLING HIM; WE HAD A RALLY; WE HAD PERSONS OPERATING SOCIAL
25 MEDIA; WE CONTACTED LEGISLATORS TO LET THEM KNOW WHAT WE

09:56 1 THOUGHT ABOUT THOSE MAPS.
2 **Q.** AND WHAT DID HE ULTIMATELY DO -- THE GOVERNOR OF LOUISIANA
3 WITH THE CONGRESSIONAL MAP PASSED BY THE LEGISLATURE?
4 **A.** WELL, THE GOVERNOR, IN HIS INFINITE WISDOM, HE VETOED THAT
5 MAP.
6 **Q.** AND HOW DID IT FEEL WHEN YOU HEARD ABOUT THE VETO?
7 **A.** WELL, I UNDERSTAND THE PROCESS, SO I WAS OPTIMISTIC BUT
8 SCEPTICAL BECAUSE WE KNEW THAT THE LEGISLATURE PREVIOUSLY --
9 IN THE PREVIOUS LEGISLATIVE SESSION -- TRIED TO OVERRIDE ONE OF
10 HIS VETOS THEN. AND WE KNEW THAT THERE WAS A GROUNDSWELL FOR
11 THEM TO COME AND TRY TO OVERRIDE THIS PARTICULAR VETO.
12 BUT, YOU KNOW, I'M A PRAYING MAN. WE WENT TO GOD
13 FIRST AND THEN WE STARTED WORKING THE PHONES AND THE POLLS, YOU
14 KNOW, TO ENSURE THAT THE GOVERNOR OVER OUR VETO WAS -- THE VETO
15 WAS SUSTAINED.
16 **Q.** AND WAS THE VETO SUSTAINED?
17 **A.** NO. AS YOU WOULD HAVE IT -- I'M FROM LOUISIANA AND I DO
18 UNDERSTAND HOW IT WORKS. NO, IT WAS NOT.
19 **Q.** AND WERE YOU -- AND DID THE LEGISLATURE CONVENE A VETO
20 SESSION TO CONSIDER AN OVERRIDE?
21 **A.** YEAH. DURING THE LEGISLATIVE SESSION THEY BROUGHT IN A
22 VETO SESSION TO OVERRIDE THAT PARTICULAR BILL.
23 **Q.** AND WERE THERE NAACP MEMBERS IN ATTENDANCE DURING THE VOTE
24 ON THE OVERRIDE OF THE VETO OF THE CONGRESSIONAL PLAN?
25 **A.** OH, YES. WE WERE -- WE WERE IN THE CHAMBERS, BOTH HOUSES,

09:58 AND WE WERE WALKING THROUGHOUT THE ENTIRE BUILDING TO ENSURE THAT OUR VOICES WERE HEARD.

Q. AND WERE YOU PERSONALLY THERE?

A. I WAS.

Q. AND WHAT WAS THE REACTION OF YOU AND YOUR MEMBERS WHEN THE LEGISLATURE VOTED TO OVERRIDE THE VETO?

A. WELL, YOU KNOW, IT WAS -- A LOT OF MY MEMBERS, THEY JUST KNEW THAT THE GOVERNOR'S VETO WAS GOING TO BE SUSTAINED. THEY WERE -- THEY WERE HURT. THEY WERE DEJECTED BECAUSE THE MEMBERS OF THE LEGISLATURE -- YOU KNOW, LOUISIANA'S FULL OF FESTIVALS. AND SO WE LOVE TO GET TOGETHER AND WE TALK AND GO TO THE CRAWFISH FESTIVAL AND GO TO THE CATFISH FESTIVAL AND WE HANG OUT TOGETHER. BUT IN THE HOUSE, THE STATE HOUSE, IT'S SEPARATE. THEY SHOWED US THAT WE CAN EAT TOGETHER BUT WE CANNOT SHARE POWER TOGETHER. THAT'S WHAT IT MEANT TO ME: THAT WE COULD NOT SHARE POWER.

THEY BASICALLY TOLD ME, AS A BLACK PERSON IN THE STATE OF LOUISIANA, THAT *YOUR SONS AND DAUGHTERS CAN PLAY FOOTBALL AT LSU, PLAY FOOTBALL AT NICHOLLS STATE, PLAY FOOTBALL AT ULM* -- AND THAT'S GOOD -- *BUT YOUR PARENTS CANNOT SHARE POWER IN THE STATE OF LOUISIANA. I DON'T WANT YOU TO DO IT. YOU CAN DO WHATEVER YOU WANT. BUT WHEN IT COMES TO HAVING A VOICE, WHEN IT COMES TO OPERATING HERE IN THE STATE OF LOUISIANA, WHEN IT COMES TO MAKING LAWS, WHEN IT COMES TO MAKING POLICY, STAY YOUR PLACE, ON THE PORCH.*

09:59 **Q.** AND WHAT WAS THE REACTION OF THE LEGISLATORS WHO VOTED IN FAVOR OF OVERRIDING THE VETO OF THE CONGRESSIONAL MAP?

A. IT'S JUST AS THOUGH THEY WERE OUTSIDE OF THEIR CAN BURNING TRASH AND PARTYING AND DRINKING. IT WAS A PARTY AFFAIR. THEY PARTIED OFF THE HISTORY. THEY WERE HIGH-FIVING, JUMPING UP IN THE AIR LIKE THEY HAD SCORED A TOUCHDOWN, HIT A HOME RUN. YOU KNOW, IT WAS ABSURD. IT WAS A SLAP IN THE FACE OF EVERYBODY THAT CAME UP THROUGH HISTORY TO MAKE IT BETTER. THE STATE OF LOUISIANA WENT BACK 40 YEARS OR 50 YEARS BASED ON THAT VOTE. THAT ONE VOTE TOOK US BACK 40 YEARS.

Q. WHAT WOULD IT MEAN FOR THE LOUISIANA NAACP IF LOUISIANA WERE REDISTRICTED TO HAVE TWO MAJORITY-BLACK CONGRESSIONAL SEATS?

A. IT'S HISTORY. IT'S HISTORY. IT WOULD BE HISTORICAL FOR US TO GET ANOTHER VOICE IN CONGRESS BECAUSE, YOU KNOW -- YOU KNOW, I'M BLACK. I DON'T KNOW IF YOU NOTICED IT OR NOT, I'M BLACK. NO MATTER WHAT I HAVE ON WHEN I GO INTO STORES, I'M BLACK. AND SO TO HAVE SOMEBODY THAT UNDERSTANDS MY PLIGHT THAT COULD COME IN MY SIDE OF TOWN THAT COULD PULL UP A CHAIR, PLAY CARDS AND DOMINOES OR WE CAN TALK FROM ANY PART OF SCHOLASTIC YOU WANT TO BUT UNDERSTANDS MY PLIGHT, WE NEED THAT.

I WAS SHARING WITH SOMEBODY THE OTHER DAY -- I HAVE A LOT OF FRIENDS, YOU KNOW, DEMOCRATS, REPUBLICANS, WHAT HAVE YOU, RIGHT. BUT TO HAVE SOMEBODY THAT COULD LOOK ME IN THE EYE AND KNOW WHAT I FEEL, THAT'S WHAT WE NEED. WE WERE HOPING TO

10:01 GET THAT WITH ANOTHER SEAT.
Q. NOW, MR. MCCLANAHAN, DID YOU FILE AN AFFIDAVIT IN THIS LITIGATION; A DECLARATION?
A. I DID.
Q. AND IN YOUR DECLARATION YOU STATE THAT YOU HAVE PERSONALLY WITNESSED THE EFFECTS OF INSTITUTIONAL RACISM IN LOUISIANA. CAN YOU DESCRIBE SOME OF THE EFFECTS THAT YOU PERSONALLY HAVE WITNESSED?
A. HOW MUCH TIME DO I HAVE? I LIVE IT. I'M 57. I'VE LIVED IT EVERY DAY ALL OF MY LIFE. I LIVED IT. THIS IS -- LOUISIANA IS FULL OF STUFF. THIS IS CALLED CANCER ALLEY. IT'S A STRIP OF TOWNS AND CITIES AND PARISHES THAT RUNS UP FROM BATON ROUGE UP TOWARDS NEW ORLEANS AND ALL POINTS IN BETWEEN.
YOU KNOW, THOSE CHEMICAL PLANTS, THEY SET UP SHOP IN BLACK NEIGHBORHOODS WHERE THEIR POISON KILLS PEOPLE EVERY DAY. POISON SCHOOL KIDS EVERY DAY; SENIOR CITIZENS EVERY DAY. THEY DON'T LIVE TO GROW OLD. IF THEY DO, THEY DON'T HAVE A QUALITY OF LIFE. THEY'VE BEEN POISONED. UP AND DOWN THE MISSISSIPPI RIVER WHERE THEIR WAY OF LIFE IS OFF THE BAYOUS, THEY'RE POISONED THERE. THEY POISON THE WATER.
I WAS A -- I HAD A -- I DID A HEARING BEFORE A COMMITTEE, RISE ST. JAMES. THE CORPS OF ENGINEERS WAS THERE BECAUSE THEY HAVE TO GIVE THEM PERMISSION TO OPERATE CLOSE TO A NAVIGABLE BODY OF WATER. I SAID, "TAKE THIS PLANT. LET IT OPERATE ON PENNSYLVANIA AVENUE. GET IT OUT OF OUR

10:02 NEIGHBORHOODS. STOP KILLING OUR PEOPLE 'CAUSE BLACK LIVES DO MATTER. BLACK LIVES MATTER." WHO WANTS TO SEE THEIR LOVED ONES DYING AND YOU'RE HELPLESS TO DO ANYTHING ABOUT IT BECAUSE THEY GOT 24 -- 20 OR 30 FORMS OF CANCER? IT'S RIDICULOUS.

I LIVE IN LOUISIANA. MOST OF THE -- MOST OF THE POLICE DEPARTMENTS AND FIRE DEPARTMENTS OPERATE UP UNDER CONSENT DECREE. WE COULDN'T EVEN GET THAT RIGHT.

THE POLICE DEPARTMENT IS THERE TO SERVE AND PROTECT. HOW CAN THEY SERVE AND PROTECT BECAUSE THEY WANT TO BEAT ME UP FIRST, THROW ME ON THE GROUND. IF I'M LUCKY, I'LL ESCAPE ALIVE. ALTON STERLING DIDN'T. HE WAS KILLED. RONALD GREENE WAS MURDERED BY THE STATE POLICE. THIS IS LOUISIANA.

I TESTIFIED BEFORE THE LEGISLATURE LAST YEAR. I'M ON A COMMITTEE WITH LSU DEALING WITH RACISM, SYSTEMATIC RACISM. WE TALKED ABOUT SYSTEMATIC RACISM. ONE OF THE LEGISLATORS --

MR. WALE: YOUR HONOR, I HAVE AN OBJECTION. THE QUESTION CALLS FOR A NARRATIVE. I APOLOGIZE. I DIDN'T OBJECT EARLIER, BUT CLEARLY THE WITNESS IS ON A NARRATIVE AT THIS TIME.

THE COURT: OVERRULED.

A. YOU KNOW, I TESTIFIED ABOUT A -- ABOUT A CHURCH -- ABOUT A CHURCH, A WHITE CHURCH IN BATON ROUGE WITH THE OLDER POPULATION. AND SO ONE OF MY FRIENDS SAID HE TOLD THE CHURCH "I SEE WE HAVE AN OLDER POPULATION, NO MEMBERS. WHAT DO YOU WANT TO DO?"

10:04 1 WELL, THE BACK PART OF THE CHURCH WAS A BLACK AND
2 BROWN COMMUNITY. HE SAID, "WE CAN GO OUT AND FELLOWSHIP, GET
3 THE MEMBERS IN AND KEEP THE CHURCH OPEN." I CAN TELL YOU THE
4 CHURCH IS CLOSED. IT WAS SOLD. INSTEAD OF THEM GOING OUT AND
5 EVANGELIZING IT TO THE BLACK AND BROWN PEOPLE BEHIND THEM, THEY
6 CHOSE TO CLOSE THE CHURCH DOWN.
7 THIS IS LOUISIANA. JIM CROW LAWS WERE INSTITUTED
8 RIGHT HERE. THE BLACK CODES ARE RIGHT HERE IN LOUISIANA.
9 *PLESSY VERSUS FERGUSON*: SEPARATE BUT EQUAL, RIGHT HERE IN
10 LOUISIANA.
11 **BY MR. NAIFEH:**
12 **Q.** AND, MR. MCCLANAHAN, DID YOU WORK ON THE GOVERNOR'S TASK
13 FORCE CONCERNING THE IMPACTS OF COVID?
14 **A.** HEALTHCARE -- I DID. HEALTHCARE AND ACCESS TO HEALTHCARE,
15 QUALITY HEALTHCARE. YOU KNOW, WE REALIZED WHEN COVID FIRST
16 CAME ON THERE WAS AN INORDINATE NUMBER OF BLACKS DYING. WE
17 SAID, "EVERYBODY CATCHES COVID, LOOKS LIKE. WHY ARE SO MANY OF
18 US DYING?" BECAUSE IT WAS FOUND OUT ACCESS TO QUALITY
19 HEALTHCARE WAS LIMITED IN THE BLACK COMMUNITIES. YOU KNOW,
20 EITHER WE WENT TO THE DOCTOR, THE DOCTORS COULDN'T SEE US, OR
21 IT WAS FOUND OUT -- THIS IS DOCUMENTED -- THAT THEY HAD A
22 CHOICE: LET ME SAVE THE LIFE OF A WHITE PERSON OR A BLACK
23 PERSON. OUR NUMBERS WENT UP. THE DEATHS WENT UP BECAUSE THE
24 DOCTORS, EVEN IN THEIR MISSION, FAILED TO CARRY OUT IN
25 PROVIDING QUALITY HEALTHCARE TO ALL OF THE CITIZENS OF THE

10:05 1 STATE OF LOUISIANA.
2 **Q.** AND IN YOUR ROLE AS THE PRESIDENT OF THE LOUISIANA NAACP,
3 DID YOU HEAR FROM MEMBERS WHO WERE AFFECTED BY THE CHEMICAL
4 CONTAMINATION IN THE AREA CALLED CANCER ALLEY?
5 **A.** I LIVE IT. WE WOULD MARCH AND PROTEST ALL THE TIME. AND
6 I WAS SHARING WITH SOME OF THE MEMBERS -- IT'S SAD. I GET ALL
7 THE CALLS. YOU KNOW, I UNDERSTAND SOMETIMES IT'S LONELY AT THE
8 TOP BECAUSE ALL THE CALLS COME UP INTO -- THERE'S AN AREA
9 CALLED MARKSVILLE. IT'S RIGHT OUTSIDE OF LAKE CHARLES. AND,
10 YOU KNOW, YOU GET TO KNOW THESE PEOPLE. YOU GET TO KNOW THEM.
11 YOU GET TO KNOW THEIR FAMILIES. YOU GET TO KNOW THEM AS -- YOU
12 SEE THEIR KIDS GROW UP. AND SO MARKSVILLE IS NO LONGER
13 MARKSVILLE. IT'S CALLED SASSAWA. SASSAWA. THE ENTIRE TOWN
14 HAS BEING WIPED OUT.
15 I GET A CALL ABOUT LAST YEAR. THE LADY SAID, "MIKE,
16 YOU GOT TO COME SEE ME. WHEN YOU GONNA COME SEE ME AND HELP US
17 OUT?" 'CAUSE THEY ARE STILL FIGHTING. SHE SAID, "BUT MY
18 HUSBAND HAS DIED." COME ON NOW. HER HUSBAND DIED OF CANCER.
19 BLACK LIVES MATTER. AND I'M TELLING YOU, BROTHER, BLACK LIVES
20 MATTER AND WE GONNA FIGHT THOSE CHEMICAL PLANTS BECAUSE THEY
21 COULD TAKE THOSE PLANTS SOMEWHERE ELSE. THERE'S A WHOLE LOT OF
22 DESERTS AROUND HERE. TAKE THEM TO THE DESERT. BUT THEY SHOULD
23 COME OUT OF OUR COMMUNITIES AND WE GONNA FIGHT UNTIL THEY ARE
24 NO LONGER THERE.
25 **Q.** OKAY. THANK YOU.

10:07 **MR. NAIFEH:** NO MORE QUESTIONS.

THE COURT: ANY CROSS? COUNSEL, MAKE AN APPEARANCE.

MR. WALE: HI, JEFFREY WALE ON BEHALF OF THE STATE INTERVENOR DEFENDANT, YOUR HONOR.

CROSS-EXAMINATION

BY MR. WALE:

Q. HI, MR. MCCLANAHAN. MY NAME IS JEFFERY WALE. I HAVE A FEW QUESTIONS FOR YOU.

YOU HAD TESTIFIED EARLIER THAT YOU ARE FAMILIAR WITH THE LEGISLATIVE PROCESS. CORRECT?

A. YES.

Q. AND SO DO YOU AGREE THAT THE LOUISIANA HOUSE OF REPRESENTATIVES IS CONTROLLED BY THE REPUBLICANS?

A. I DON'T KNOW WHO THEY CONTROLLED BY. ALL I KNOW IS --

Q. I'M SORRY. I'LL REPHRASE THAT.

IS THE MAJORITY OF THE HOUSE OF REPRESENTATIVES REPUBLICAN IN LOUISIANA?

A. RIGHT, UH-HUH.

Q. AND IS THE SENATE OF LOUISIANA ALSO MAJORITY REPUBLICAN?

A. I THINK SO.

Q. AND IS THE GOVERNOR A DEMOCRAT?

A. I REALLY DON'T KNOW. ALL I KNOW IS THAT IT'S A PROCESS. IF YOU SAY HE IS, HE IS.

Q. IF I SAY THE GOVERNOR IS A DEMOCRAT, YOU WOULD BELIEVE ME?

A. I HAVE NO REASON TO DISCREDIT YOU.

10:08 1 **Q.** THANK YOU.
2 SO, MR. MCCLANAHAN, AS PRESIDENT OF THE NAACP, YOU
3 SERVE ON A VARIETY OF COMMITTEES AND TASK FORCES AND THE LIKE
4 FOR THE STATE OF LOUISIANA. IS THAT CORRECT?
5 **A.** CORRECT.
6 **Q.** THAT INCLUDES THE -- WAS MENTIONED EARLIER THE LOUISIANA
7 GOVERNOR'S COVID-19 HEALTH EQUITY TASK FORCE. IS THAT CORRECT?
8 **A.** THAT'S CORRECT.
9 **Q.** I'M SORRY. WE JUST NEED --
10 **A.** THAT'S CORRECT.
11 **Q.** -- AUDIO FOR THE TRANSCRIPT.
12 **A.** GO AHEAD. YOU GOOD.
13 **Q.** I KNOW YOU WERE NODDING. I'M SORRY.
14 **A.** OKAY.
15 **Q.** YOU WERE ALSO ON THE LEGISLATIVE POLICE TRAINING,
16 SCREENING AND DE-ESCALATION TASK FORCE?
17 **A.** THAT'S CORRECT.
18 **Q.** AND THE ACCESS TO JUSTICE COMMITTEE CREATED BY THE
19 LOUISIANA SUPREME COURT?
20 **A.** THAT'S CORRECT.
21 **Q.** AND THE CLOSED PARTY PRIMARY COMMITTEE?
22 **A.** YES.
23 **Q.** WHICH I WORKED WITH. AND WOULD YOU SAY THIS IS BECAUSE
24 THE STATE VALUES THE OPINION OF THE NAACP?
25 **A.** WE BELIEVE SO.

10:09 1 **Q.** ALL RIGHT. AND YOU MENTIONED THAT -- IN YOUR DECLARATION
2 THAT YOU TEXTED THE GOVERNOR REGARDING THE CONGRESSIONAL PLAN.
3 IS THAT CORRECT?
4 **A.** YES.
5 **Q.** SO YOU HAVE THE GOVERNOR'S CELL PHONE NUMBER?
6 **A.** NO. THIS IS WHAT WE DO: WE TEXT HIS OFFICE. SO WHATEVER
7 -- IT MIGHT BE AN OFFICE NUMBER WE TEXT AND EMAIL.
8 **Q.** WHO DID YOU TEXT IN HIS OFFICE?
9 **A.** THERE'S A MAIN SWITCHBOARD THAT THOSE THINGS GO THROUGH.
10 SO, YOU KNOW, WE HAD -- WE DID WHAT YOU CALL A TEXTING
11 CAMPAIGN. AND SO WE HAVE THE NUMBERS TO THAT OFFICE AND
12 EVERYBODY GETS ON THEIR PHONE AND TEXT THAT.
13 **Q.** I'M GENUINELY INTERESTED. THE GOVERNOR HAS A NUMBER YOU
14 CAN TEXT?
15 **A.** I DON'T KNOW. SOMEONE TOLD ME -- WE HAVE A MONDAY CALL
16 THAT YOU CALL AND TEXT THESE NUMBERS AND EMAIL THESE NUMBERS
17 THAT STUFF GOES TO -- GOES TO HIS OFFICE. AS A MATTER OF FACT,
18 WE SHUT HIS OFFICE DOWN.
19 **Q.** YOU SHUT HIS OFFICE DOWN?
20 **A.** WE SHUT THE SWITCHBOARD DOWN.
21 **Q.** YOU SHUT THE SWITCHBOARD DOWN DUE TO THE AMOUNT OF PHONE
22 CALLS AND TEXT MESSAGES?
23 **A.** I KNOW -- I KNOW WHATEVER THAT INCLUDES, WHEN YOU TEXT AND
24 EMAIL AND ALL THAT, THAT'S WHAT WE DID.
25 **Q.** SO YOU DON'T REMEMBER WHO IN THE GOVERNOR'S OFFICE YOU

10:10 1 TEXTED?
2 **A.** NO. BECAUSE WHAT I DO IS I SEND OUT A -- YOU KNOW, WE
3 HAVE THEM CALL AND SAY "WE NEED TO LET THE GOVERNOR KNOW OF OUR
4 DISPLEASURE." AND SO THEY START DOING THAT.
5 **Q.** ALL RIGHT. DID YOU SPEAK TO THE GOVERNOR PERSONALLY
6 REGARDING THE NAACP'S POSITION?
7 **A.** I DID NOT.
8 **Q.** YOU NEVER SPOKE TO HIM PERSONALLY.
9 DID YOUR MEMBERS SPEAK TO HIM?
10 **A.** NOT THAT I'M AWARE OF.
11 **Q.** OKAY. SO YOU'RE NOT AWARE THAT -- YOU DID NOT HAVE A
12 COMMITMENT FROM THE GOVERNOR ONE WAY OR ANOTHER REGARDING THE
13 VETO?
14 **A.** NO.
15 **Q.** OKAY. OR REGARDING ANY POSITION ON REDISTRICTING MATTERS?
16 **A.** NO.
17 **Q.** ALL RIGHT. AND YOU MENTIONED EARLIER IN YOUR TESTIMONY
18 THAT YOU HAD A RALLY. WHAT WAS THE RALLY REGARDING?
19 **A.** THE RALLY WAS REGARDING WE WANTED THE GOVERNOR TO VETO THE
20 CONGRESSIONAL MAP.
21 **Q.** AND WHERE WAS THAT RALLY HELD?
22 **A.** IN FRONT OF HIS HOUSE.
23 **Q.** AT THE GOVERNOR'S MANSION?
24 **A.** THE GOVERNOR'S MANSION.
25 **Q.** ALL RIGHT. AND WHO DID YOU CONTACT TO ARRANGE THAT RALLY?

10:10 1 **A.** NOBODY. WE WENT THERE.
2 **Q.** NOBODY?
3 **A.** (NODDED HEAD.)
4 **Q.** IS THE GOVERNOR'S MANSION NOT SECURED BY A GATE AND STATE
5 TROOPERS?
6 **A.** WELL, WE DIDN'T GO INSIDE THE GATE. WE WERE IN FRONT OF
7 THE -- IT'S PUBLIC PROPERTY. WE WERE IN FRONT OF THE
8 GOVERNOR'S MANSION AND HELD A RALLY.
9 **Q.** OH, I'M SORRY. YOU WERE OUTSIDE THE GATE?
10 **A.** RIGHT.
11 **Q.** YOU WERE OUTSIDE THE SECURE AREA?
12 **A.** RIGHT, UH-HUH.
13 **Q.** OKAY. THANK YOU.
14 SO IN PARAGRAPH 17 OF YOUR DECLARATION, YOU SAID THAT
15 YOU SUPPORTED EVERY MAP THAT THE LEGISLATURE PROPOSED THAT
16 INCLUDED A SECOND MAJORITY-BLACK DISTRICT. IS THAT CORRECT?
17 **A.** CORRECT.
18 **Q.** AND WAS THAT REGARDLESS OF WHETHER THE MAP ADHERED TO
19 TRADITIONAL DISTRICTING PRINCIPLES?
20 **A.** WHAT ARE "TRADITIONAL REDISTRICTING PRINCIPLES"?
21 **Q.** WELL, AGAIN, I BELIEVE YOU MENTIONED THAT YOU WERE -- THAT
22 THE MAPS -- IN PARAGRAPH 18 YOU SAY "THE MAPS ALSO ADHERED TO
23 TRADITIONAL REDISTRICTING PRINCIPLES." SO I'D LIKE YOU TO TELL
24 ME.
25 **A.** WELL, IF YOU GONNA SAY THAT, MY THOUGHT PROCESS --

10:11 1 **Q.** I DIDN'T SAY IT, SIR. YOU SAID IT --
2 **A.** OKAY.
3 **Q.** -- IN YOUR DECLARATION.
4 **A.** YES, SIR. MY THOUGHT PROCESS IS, SINCE LOUISIANA IS MADE
5 UP OF A THIRD OF AFRICAN AMERICANS, THAT ALL MAPS SHOULD
6 REFLECT THAT. AND SO --
7 **Q.** SO -- I'M SORRY.
8 **A.** AND SO THERE SHOULD BE TRADITIONAL REDISTRICTING
9 PRINCIPLES, THAT IT SHOULD REFLECT THE MAKEUP OF THAT
10 PARTICULAR AREA.
11 **Q.** SO YOU'RE SAYING THAT LOUISIANA SHOULD HAVE PROPORTIONAL
12 REPRESENTATION?
13 **A.** I DIDN'T SAY PROPORTIONAL. IT SHOULD REFLECT THE MAKEUP.
14 **Q.** AND WHAT IS THE CURRENT MAKEUP OF THE BLACK POPULATION IN
15 LOUISIANA AT THE MOMENT?
16 **A.** THIRTY-SOME-ODD PERCENT.
17 **Q.** OKAY. AND WHAT -- AND HOW MANY CONGRESSIONAL SEATS DO WE
18 HAVE?
19 **A.** I THINK WE HAVE SIX.
20 **Q.** AND YOU ARE SEEKING A SECOND MAJORITY DISTRICT. CORRECT?
21 **A.** YES, SIR.
22 **Q.** SO THAT WOULD BRING US TO TWO OF SIX?
23 **A.** TWO OF SIX.
24 **Q.** AND THAT WOULD BE ONE-THIRD?
25 **A.** ONE-THIRD.

10:12 1 **Q.** BUT YOU'RE SAYING YOU WOULD NOT LIKE PROPORTIONAL
2 REPRESENTATION?
3 **A.** I THINK ONE-THIRD WOULD BE GOOD. THAT MEANS THAT THE
4 PEOPLE OF LOUISIANA, THE BLACK FOLKS, WOULD HAVE ANOTHER VOICE
5 TO SPEAK FOR OUR ISSUES.
6 **Q.** ALL RIGHT. IN PARAGRAPH 6 OF YOUR DECLARATION, YOU STATE
7 THAT "UNDER THE ENACTED MAP, BLACK VOTERS IN LOUISIANA ARE
8 PACKED INTO CONGRESSIONAL DISTRICT 2 BECAUSE THEY CONSTITUTE A
9 DISPROPORTIONATE MAJORITY. BLACK VOTERS ARE DISPERSED, OR
10 CRACKED, ACROSS THE OTHER FIVE CONGRESSIONAL DISTRICTS."
11 DO YOU SEE THAT IN YOUR DECLARATION?
12 **A.** I DON'T HAVE IT BEFORE ME.
13 **Q.** YOU DON'T HAVE YOUR DECLARATION IN FRONT OF YOU?
14 **MR. WALE:** CAN WE GET THAT PULLED UP, PLEASE. AND
15 THAT WOULD BE EXHIBIT -- I BELIEVE IT'S EXHIBIT 10 OF THE
16 PLAINTIFFS'.
17 **BY MR. WALE:**
18 **Q.** AND SO I BELIEVE THAT CAN POP UP ON THE SCREEN IN FRONT OF
19 YOU, IF I UNDERSTOOD THE TECHNOLOGY CORRECT.
20 **A.** YOU SAID 10?
21 **Q.** I'M SORRY. IT WAS EXHIBIT PR-10. IT'S AT THE BOTTOM. SO
22 IF THE SCREEN -- I DON'T KNOW IF THE SCREEN IN FRONT OF YOU IS
23 ON.
24 **A.** YEAH, IT IS. I SEE IT.
25 **Q.** BUT WE'RE LOOKING AT NO. 6. AND SO IT'S UNDER -- SO,

10:13 AGAIN, I CAN REPEAT IT IF THERE'S NO OBJECTION.
"UNDER THE ENACTED MAP, BLACK VOTERS IN LOUISIANA ARE PACKED INTO CD2" -- WHICH I BELIEVE IS CONGRESSIONAL DISTRICT 2 -- "BECAUSE THEY CONSTITUTE A DISPROPORTIONATE MAJORITY. BLACK VOTERS ARE DISPERSED, OR CRACKED, ACROSS THE OTHER FIVE CONGRESSIONAL DISTRICTS, WHICH DEPRIVES BLACK PEOPLE OF MEANINGFUL REPRESENTATION AND OPPORTUNITIES TO ELECT OUR PREFERRED CANDIDATES," ET CETERA.
SO YOU DO SEE THAT NOW?
A. I SEE IT.
Q. AND THAT IS YOUR DECLARATION. RIGHT?
A. IT IS MY DECLARATION.
Q. DO YOU BELIEVE THAT EVERY BLACK VOTER SHOULD BE PLACED INTO A MAJORITY-BLACK DISTRICT?
A. NO.
Q. YOU DO NOT?
A. HUH-UH.
Q. OKAY. SO YOU WOULD AGREE THAT AT LEAST SOME BLACK VOTERS IN LOUISIANA CANNOT BE IN A MAJORITY-BLACK DISTRICT?
A. RIGHT. I DO.
Q. ARE THOSE VOTERS NOT CRACKED?
A. WELL, I DON'T KNOW WHAT YOU MEAN BY BLACK VOTERS AND CRACKED. ONLY THING I KNOW IS THAT --
Q. AGAIN, I'M SORRY. IN PARAGRAPH 6 YOU SAID, "BLACK VOTERS ARE DISPERSED, OR CRACKED, ACROSS THE OTHER FIVE CONGRESSIONAL

10:14 DISTRICTS" --

THE COURT: MR. WALE --

BY MR. WALE:

Q. THAT'S WHERE I'M GETTING THAT FROM.

THE COURT: MR. WALE, YOU'RE GOING TO HAVE TO SLOW DOWN JUST A TAD.

MR. WALE: I APOLOGIZE.

THE COURT: IF I'M HAVING TROUBLE HEARING YOU, I'M SURE SHE'S HAVING TROUBLE WRITING YOU.

MR. WALE: I APOLOGIZE TO THE COURT AND ITS REPORTER AND THE PRIVATE REPORTER AS WELL, SO I'M SORRY.

BY MR. WALE:

Q. SO LET'S GO BACK.

NUMBER 6, THE SECOND SENTENCE, "BLACK VOTERS ARE DISPERSED, OR CRACKED, ACROSS THE OTHER FIVE CONGRESSIONAL DISTRICTS, WHICH DEPRIVES BLACK PEOPLE OF MEANINGFUL REPRESENTATION AND OPPORTUNITIES TO ELECT OUR PREFERRED CANDIDATES."

SO MY QUESTION IS: ARE BLACK VOTERS THAT CANNOT BE IN A MAJORITY DISTRICT, WHEREVER THEY'RE DRAWN, ARE THOSE VOTERS CRACKED?

A. YES. THEY'RE DISPERSED, RIGHT.

Q. ALL RIGHT. THANK YOU.

AND SO YOU HAD MENTIONED EARLIER THAT YOU HAD PROVIDED -- OR THAT YOU USED ALL AVAILABLE MEANS -- I FORGET

10:15 YOUR EXACT WORDS -- BUT YOU USED EVERY AVAILABLE MEANS TO CONVINCE THE LEGISLATURE TO ADOPT A SECOND MAJORITY DISTRICT. CORRECT?

A. CORRECT.

Q. AND SO DID THE NAACP PERFORM ANY STUDIES RELATIVE TO THE PERFORMANCE OF A SECOND MAJORITY-MINORITY CONGRESSIONAL DISTRICT?

A. WE DID NOT.

Q. YOU DID NOT DO THAT.

MR. WALE: ALL RIGHT. SO CAN WE PULL UP LEGISLATIVE EXHIBIT NO. 9, PLEASE. CAN WE GO TO PAGE 2 OF THIS EXHIBIT, PLEASE. I'M SORRY. WE ARE GOING TO GO LOOK AT THE LETTER ATTACHED TO THIS EMAIL, WHICH IS PAGE 2. AND THIS IS LEGISLATIVE EXHIBIT NO. 2. I'M SORRY. CAN WE GO TO THE NEXT PAGE ON THIS EXHIBIT, PLEASE. ALL RIGHT. NOPE. ALL RIGHT. THERE WE GO.

BY MR. WALE:

Q. LET'S SEE. IT LOOKS LIKE THE SECOND FULL PARAGRAPH, IT STARTS WITH "CHAIR STEFANSKI'S CONCERNS ARE UNFOUNDED AND REFLECT AN INCOMPLETE ANALYSIS OF THE COALITION MAPS. WE CONDUCTED AN ANALYSIS OF RECOMPILED ELECTION RESULTS AND DETERMINED THAT THESE TWO PROPOSED MAJORITY-BLACK OPPORTUNITY DISTRICTS IN THE COALITION MAPS -- CD2 AND CD5 -- WOULD RELIABLY PERFORM TO PROVIDE AN OPPORTUNITY FOR A CANDIDATE PREFERRED BY BLACK VOTERS TO PREVAIL."

10:16 DO YOU SEE THAT?
A. YES, I DO.
MR. WALE: CAN WE SCROLL TO THE BOTTOM OF THIS EXHIBIT, PLEASE. ALL RIGHT. STOP THERE.
BY MR. WALE:
Q. ON PAGE 7, IS THAT YOUR NAME THAT APPEARS AT THE TOP OF THE -- TOWARDS THE TOP OF THE PAGE?
A. YES, IT IS.
Q. SO YOU WROTE THIS LETTER?
A. YES, I DID.
Q. ALL RIGHT. SO NOW THAT WE ARE -- NOW THAT WE ARE -- HAVE REFRESHED YOUR MEMORY, DID THE NAACP PERFORM ANY STUDIES RELATIVE TO PERFORMANCE OF A SECOND MAJORITY-MINORITY CONGRESSIONAL DISTRICT?
A. OUR LAWYERS DID.
Q. YOUR LAWYERS DID?
A. YES. LAWYERS' WORK.
Q. OKAY. ALL RIGHT. AND THOSE WERE THE LAWYERS FOR THE -- WAS THAT THE NAACP LEGAL DEFENSE FUND?
A. THERE YOU GO. THAT'S RIGHT.
Q. OKAY. I'M JUST ASKING. I MEAN, YOUR NAME IS ON THE LETTER, SO I'M JUST WONDERING.
SO ON PAGE 2 YOU DISCUSS THE ANALYSIS CONDUCTED BY THE RECOMPILED ELECTION RESULTS. DO YOU KNOW WHEN THE STUDIES WERE PERFORMED?

10:17 **A.** I DON'T REMEMBER.
Q. YOU DON'T REMEMBER.
OKAY. AND DO YOU KNOW WHY WEREN'T THESE STUDIES PROVIDED TO THE LEGISLATURE?
A. I'M QUITE SURE THEY WERE. I'M QUITE SURE. I DON'T KNOW FOR SURE WHY THEY WEREN'T, BUT I'M QUITE SURE THEY WERE.
Q. YOU'RE SURE THEY PROBABLY WERE.
MY UNDERSTANDING IS THAT THEY WERE NOT PROVIDED. I MEAN, DO YOU HAVE ANY RECORDS OF WHEN YOU WOULD HAVE SENT THAT TO THE LEGISLATURE?
A. NO, I DON'T.
Q. SO YOU DON'T KNOW WHAT FORMAT YOU WOULD HAVE SENT IT TO THEM IN?
A. NO. IT'S BEEN A WHILE.
Q. OKAY. ALL RIGHT. SO YOU ATTENDED THE ROADSHOWS CONDUCTED BY THE LEGISLATURE. CORRECT? AND WHEN I SAY "ROADSHOWS," I THINK WE DISCUSSED THAT EARLIER ABOUT --
A. RIGHT, UH-HUH.
Q. -- THE TOWN HALLS ACROSS THE STATE. DO YOU REMEMBER ATTENDING A BATON ROUGE ROADSHOW ON OR AROUND NOVEMBER 16, 2021?
A. YEAH.
Q. YOU DO. OKAY.
SO I WANT TO DRAW YOUR ATTENTION -- IT'S AN EXHIBIT THAT HAS ALREADY BEEN ADMITTED INTO EVIDENCE. IT'S PR-42.

10:18 **MR. WALE:** IF WE CAN PULL UP EXHIBIT PR-42 AND IF WE CAN GO TO PAGE 86 OF THAT, PLEASE.

BY MR. WALE:

Q. I'M LOOKING ON PAGE 86 OF PR-42. ALL RIGHT. WE'RE GOING TO LOOK ON -- LET'S SEE. ALL RIGHT. WE'RE GOING TO START ON LINE 11. ON LINE 11. IT SAYS, "I GOT SOMETHING CALLED THE LAW ON MY SIDE AND I LIKE TO TELL PEOPLE HOW TO ORGANIZE, MOBILIZE, AGITATE AND LITIGATE. LITERALLY, WE HAVE THE BEST, LARGEST SIDE OF HEAVEN AND IF I TALK TO YOU, DON'T WIN OUT AND I KNOW IT WILL. I'M FROM LOUISIANA FROM ZWOLLE. BUT IF IT DOESN'T WORK, I'M GOING TO SUE YOU AND I CAN TELL YOU NOW WHEN WE SUE, WE WIN." END OF QUOTE.

SO THAT'S YOUR STATEMENT AT THE ROADSHOW. CORRECT?

MR. NAIFEH: OBJECTION. YOUR HONOR, OBJECTION. THERE'S NO FOUNDATION FOR THIS QUESTION.

MR. WALE: YOUR HONOR, I BELIEVE I LAID THE FOUNDATION WHEN I ASKED HIM IF HE ATTENDED THE ROADSHOW AND HE SPOKE AT IT.

THE COURT: OBJECTION IS OVERRULED.

MR. WALE: THANK YOU, YOUR HONOR.

MR. NAIFEH: YOUR HONOR, IF I MAY, HE HASN'T ESTABLISHED THAT THESE ARE MR. MCCLANAHAN'S WORDS.

MR. WALE: I'M SORRY.

10:19 1 **BY MR. WALE:**
2 **Q.** MR. MCCLANAHAN, DO YOU RECALL SAYING THESE WORDS?
3 **A.** IF THEY'VE WRITTEN IT DOWN, I PROBABLY DID. I'M FROM
4 ZWOLLE.
5 **Q.** ALL RIGHT. YES. YES, SIR. THANK YOU.
6 ALL RIGHT. SO DID YOU FEEL LIKE YOU HAD A BETTER
7 CHANCE OF OBTAINING YOUR GOALS IN COURT THAN IN THE
8 LEGISLATURE?
9 **A.** NO. I SAID THAT WE WERE GONNA GO THROUGH THE PROCESS. IN
10 THE END, IF THE PROCESS -- WHAT WE STARTED AT FIRST DIDN'T
11 WORK, WE WOULD CONTINUE TILL WE GOT SOME RESOLUTION.
12 **Q.** ALL RIGHT. I UNDERSTAND.
13 SO I WANT TO TURN TO A LITTLE BIT OF THE WORK OF THE
14 NAACP, AND I KNOW THAT YOU HAD -- AS YOU STATED EARLIER AND IN
15 YOUR DECLARATION, PARTICULARLY IN NO. 12, YOU HAD TALKED ABOUT,
16 YOU KNOW, ONE OF YOUR BIG GOALS IS TO REGISTER VOTERS IN THE
17 STATE OF LOUISIANA. IS THAT CORRECT?
18 **A.** THAT'S CORRECT.
19 **Q.** AND THAT -- THAT THIS LITIGATION -- OR IT SEEMS LIKE AT
20 LEAST THE REDISTRICTING PROCESS IS CAUSING YOU TO DIVERT YOUR
21 RESOURCES AWAY FROM THOSE GOALS. IS THAT CORRECT?
22 **A.** THAT'S CORRECT.
23 **Q.** SO ARE YOU NOT ENCOURAGING PEOPLE TO REGISTER TO VOTE
24 RIGHT NOW?
25 **A.** WE ARE, BUT OUR FOCUS HAS ALSO BEEN TO MAKE SURE THAT THIS

10:20 PROCESS HERE IS SEEN THROUGH.
Q. BUT YOU DO ENCOURAGE -- BUT YOU DO CONTINUE TO ENCOURAGE PEOPLE TO REGISTER TO VOTE AND TO HOLD --
A. WE DO.
Q. -- TO HOLD EVENTS ACROSS THE STATE?
ALL RIGHT. ONE OF THE THINGS I'M INTERESTED IN IS THE SOULS TO THE POLLS PROGRAM. THE LOUISIANA NAACP PARTICIPATES IN THAT. CORRECT?
A. CORRECT.
Q. ALL RIGHT. AND CAN YOU EXPLAIN A LITTLE MORE OF WHAT THAT DOES? MY UNDERSTANDING IS THAT IT -- YOU ENCOURAGE PEOPLE TO GO VOTE. AND IS THAT FAITH BASED?
A. IT'S NOT -- IT'S NOT PARTICULARLY FAITH BASED. YOU KNOW, WHAT WE DO IS, YOU KNOW, GET YOUR CHURCH AND YOUR PASTOR TO GET YOU AND YOUR CONGREGATION TO THE POLLS ON A PARTICULAR DAY. BUT IT DOESN'T HAVE TO BE YOUR CHURCH. AS LONG AS THE PASTOR TALKS ABOUT THE PERSON THAT HE SEES -- AS LONG AS THEY -- YOUR CHOIR MEMBERS, WHILE THEY'RE -- WHILE THEY'RE PRACTICING THEIR SONGS THEY'RE GOING TO SING ON A SUNDAY, WHEN THEY'RE LEAVING AND GOING ABOUT, WE WANT THEM TO BE SO GEARED UP TOWARDS GETTING PEOPLE TO THE POLLS THAT IT TOUCHES THEIR VERY SOULS. SO SOULS TO THE POLLS.
Q. GOT IT.
AND THAT'S PART OF A NATIONAL MOVEMENT. RIGHT? OR A NATIONAL ORGANIZATION, THE SOULS TO THE POLLS?

10:21 1 **A.** I KNOW -- I KNOW WE DO IT HERE IN LOUISIANA.
2 **Q.** OKAY. AND WHAT ELECTIONS DO Y'ALL DO IT AT? IS IT EVERY
3 SINGLE ELECTION? I KNOW WE JUST HAD ONE, YOU KNOW, APRIL 30TH.
4 I MEAN, IS IT EVERY SINGLE ELECTION OR IS IT JUST KIND OF THE
5 BIG ONES?
6 **A.** WHEN YOU SAY "WE," WHAT ARE YOU TALKING ABOUT? "WE JUST
7 HAD ONE."
8 **Q.** THE STATE OF LOUISIANA HELD AN ELECTION APRIL 30TH.
9 **A.** OKAY.
10 **Q.** AND BEFORE THAT IN MARCH.
11 **A.** OKAY.
12 **Q.** AND SO WE HAVE AT LEAST FOUR DIFFERENT ELECTIONS EVERY
13 YEAR.
14 **A.** OKAY.
15 **Q.** SO MY QUESTION FOR YOU IS: WHAT ELECTIONS DOES -- WHAT
16 ELECTIONS DOES SOULS TO THE POLLS PARTICIPATE IN?
17 **A.** WELL, I DO KNOW WE CHOSE TO DO IT A COUPLE YEARS AGO, AND
18 WE DON'T DO IT AT EVERY ELECTION, THOUGH.
19 **Q.** OKAY. WERE Y'ALL ACTIVE IN THE LAST GOVERNOR'S ELECTION?
20 **A.** WE WERE.
21 **Q.** AND DO YOU THINK THAT THE SOULS TO THE POLLS EFFORT WAS
22 SUCCESSFUL?
23 **A.** I KNOW WE GOT SOULS TO THE POLLS. SO THAT INCREASED THE
24 VOTER TURNOUT, VOTER PARTICIPATION; WE WERE SUCCESSFUL.
25 **Q.** WOULD YOU SAY THAT WAS PIVOTAL, INCREASING THE BLACK-VOTER

10:22 TURNOUT?
A. WELL, MY GOAL -- MOST OF THE TIME I WEAR VOTING SHIRTS BECAUSE I UNDERSTAND THE IMPORTANCE OF VOTING. SO I WANT PEOPLE TO VOTE ALL THE TIME AND OFTEN. I WANT THEM TO BECOME CHRONIC VOTERS.
Q. RIGHT. BUT MY QUESTION IS: DID YOU FEEL LIKE THAT INCREASED THE NUMBER OF BLACK VOTERS WHO PARTICIPATED IN THE ELECTION?
A. I THINK IT HAD SOMETHING TO DO WITH IT.
Q. ALL RIGHT. AND WOULD YOU SAY THAT IN THE 2019 ELECTION THAT THAT WOULD HAVE BEEN PIVOTAL IN ELECTING GOVERNOR JOHN BEL EDWARDS?
A. I DON'T KNOW IF IT WAS PIVOTAL, BUT I KNOW WE GOT OUT TO VOTE.
Q. OKAY. SO YOU HELPED SELECT THAT.
ALL RIGHT. AND SO DO YOU KNOW IF GOVERNOR EDWARDS WAS THE CANDIDATE OF CHOICE FOR MANY OF THE VOTERS PARTICIPATING IN SOULS TO THE POLLS?
A. I DON'T KNOW. I DIDN'T -- I DIDN'T -- I JUST WANTED THEM TO GO OUT AND VOTE.
Q. OKAY.
A. SO WHOEVER THEY VOTED FOR, THAT WAS THEIR CHOICE.
Q. ALL RIGHT. AND SO THERE'S BEEN A LOT OF TALK ABOUT THE SECOND MAJORITY-MINORITY DISTRICT. DO YOU KNOW WHO IS INTERESTED IN RUNNING FOR THAT SECOND MAJORITY-MINORITY

10:23 1 DISTRICT?
2 **A.** NO. THEY DON'T COME TELL ME.
3 **Q.** THEY DON'T COME TELL YOU.
4 SO YOU'RE NOT FAMILIAR WITH THAT?
5 **A.** NO.
6 **Q.** ALL RIGHT. SO YOU SAID THAT YOU LIVE -- YOU'RE FROM
7 ZWOLLE, BUT YOU LIVE IN BATON ROUGE NOW IN THE CORTANA AREA.
8 CORRECT?
9 **A.** RIGHT.
10 **Q.** SO YOU ARE FAMILIAR WITH BATON ROUGE?
11 **A.** RIGHT.
12 **Q.** AND OBVIOUSLY WE'VE BEEN THROUGH A LOT OF CHANGES OVER THE
13 YEARS DUE TO HURRICANES. YOU HAVE EXPERIENCE DEALING WITH
14 HURRICANE RELIEF. IS THAT CORRECT?
15 **A.** RIGHT.
16 **Q.** AND SO DID THAT INCLUDE WORKING AFTER HURRICANE KATRINA?
17 **A.** RIGHT.
18 **Q.** AND SO YOU'RE AWARE THAT MANY PEOPLE MOVED TO BATON ROUGE
19 OR THE BATON ROUGE AREA FOLLOWING HURRICANE KATRINA. IS THAT
20 CORRECT?
21 **A.** CORRECT.
22 **Q.** AND THEN FOR A WHILE BATON ROUGE BECAME THE LARGEST CITY
23 IN LOUISIANA. IS THAT RIGHT?
24 **A.** I THINK WE ARE NOW STILL.
25 **Q.** YEAH. I BELIEVE WE'RE THE LARGEST PARISH.

10:23 1 **A.** OKAY.
2 **Q.** SO YOU WOULD ADMIT THAT A LOT OF PEOPLE LIVING IN BATON
3 ROUGE -- LIVE HERE NOW, THEY ONCE LIVED IN NEW ORLEANS?
4 **A.** I DON'T KNOW WHERE THEY CAME FROM 'CAUSE, YOU KNOW,
5 KATRINA AFFECTED ALMOST ALL OF LOUISIANA.
6 **Q.** SURE.
7 **A.** SO THEY COULD HAVE COME FROM A LITTLE BIT OF EVERYWHERE.
8 I DON'T KNOW WHERE THEY CAME FROM, THOUGH.
9 **Q.** SURE. BUT YOU COULD SEE THAT SOME PEOPLE DID -- YOU KNOW,
10 DID MOVE FROM NEW ORLEANS TO THE BATON ROUGE AREA?
11 **A.** I KNOW A FEW THAT MOVED.
12 **MR. NAIFEH:** OBJECTION. ASKED AND ANSWERED.
13 **MR. WALE:** I APOLOGIZE, YOUR HONOR. I'M MOVING ON.
14 **BY MR. WALE:**
15 **Q.** AND SO --
16 **THE COURT:** OKAY, FOLKS. IF YOU'RE GOING TO MAKE
17 OBJECTIONS, MAKE THEM AND THEN EITHER LET ME RULE ON THEM OR IF
18 -- I MEAN, OKAY. GO AHEAD. CARRY ON.
19 **MR. WALE:** YES, YOUR HONOR, I APOLOGIZE. I'M GOING
20 TO MOVE ON.
21 **THE COURT:** CARRY ON.
22 **BY MR. WALE:**
23 **Q.** SO WOULD YOU SAY THAT NEW ORLEANS AND BATON ROUGE WOULD
24 HAVE A LOT IN COMMON WITH EACH OTHER AS BOTH URBAN AREAS?
25 **A.** NO.

10:24 1 **Q.** YOU WOULD NOT.
2 WELL, IN YOUR DECLARATION YOU DO STATE THAT NEW
3 ORLEANS AND BATON ROUGE ARE DISTINCT CITIES WITH DISTINCT
4 NEEDS?
5 **A.** "DISTINCT," THAT MEANS THAT THEY HAVE THEIR OWN -- NEW
6 ORLEANS HAS ITS OWN AND BATON ROUGE HAS ITS OWN.
7 **Q.** RIGHT. AND SO FOR THAT REASON YOU THINK THAT THEY SHOULD
8 BE IN DIFFERENT CONGRESSIONAL DISTRICTS. RIGHT?
9 **A.** YEAH.
10 **Q.** AND SO MY QUESTION FOR YOU IS: DON'T ALL THE
11 CONGRESSIONAL DISTRICTS HAVE CITIES THAT ARE VERY DISTINCT FROM
12 EACH OTHER? I MEAN, FOR EXAMPLE, MONROE AND BOGALUSA ARE IN
13 THE SAME CONGRESSIONAL DISTRICT, BUT THEY HAVE VERY DISTINCT
14 NEEDS.
15 WOULD YOU AGREE TO THAT?
16 **A.** YEAH.
17 **Q.** AND WOULD YOU AGREE ABOUT LAKE CHARLES AND LAFAYETTE
18 HAVING DISTINCT NEEDS?
19 **A.** UH-HUH.
20 **Q.** AND THEN ALSO, YOU KNOW, LIKE SHREVEPORT AND MINDEN UP IN
21 NORTH LOUISIANA?
22 **A.** RIGHT.
23 **Q.** SO YOU WOULD AGREE WITH THAT.
24 I WAS INTERESTED THAT YOU HAD STATED IN YOUR
25 DECLARATION -- I DO FORGET WHERE -- THAT YOU SAID THAT YOU FEEL

10:25 LIKE BATON ROUGE HAS A SLOWER PACE THAN NEW ORLEANS?
A. RIGHT.
Q. ISN'T NEW ORLEANS' NICKNAME "THE BIG EASY"?
A. BIG EASY.
Q. BIG EASY. ALL RIGHT. I WAS JUST WONDERING. IT SEEMS LIKE THAT WAS A THING.
BUT BATON ROUGE AND NEW ORLEANS, THEY'VE BEEN -- YOU KNOW, BATON ROUGE AND NEW ORLEANS SEEMS LIKE THEY'RE HAVING MORE AND MORE IN COMMON TOGETHER.
ARE YOU FAMILIAR WITH THE RAIL PROJECT THAT THE GOVERNOR IS PUSHING TO LINK BATON ROUGE AND NEW ORLEANS?
A. I'M -- I'M -- I'M FROM -- I'VE BEEN IN BATON ROUGE 40 YEARS.
Q. YES, SIR.
A. YOU KNOW, SO WHEN I WANT TO GO TO THE BIG EASY, I GO TO THE BIG EASY 'CAUSE IT'S -- BATON ROUGE IS A LITTLE SLOWER. SO I DON'T KNOW WHAT THEY HAVE IN COMMON OTHER THAN I-10.
Q. BUT IN ADDITION TO I-10, ARE YOU FAMILIAR WITH THE RAIL PROJECT THAT THE GOVERNOR IS PUSHING?
A. THAT'S ANOTHER I-10.
Q. THAT'S ANOTHER I-10?
A. THAT'S A WAY TO GET FROM BATON ROUGE TO NEW ORLEANS. THAT'S IT.
Q. RIGHT. BUT WHY ARE PEOPLE GOING BETWEEN BATON ROUGE AND NEW ORLEANS? ISN'T IT BECAUSE THEY WORK AND LIVE THERE; SOME

10:26 PEOPLE WORK IN NEW ORLEANS AND LIVE IN BATON ROUGE AND VICE VERSA?

A. I MEAN, THAT'S TRUE. THAT COULD BE TRUE OF ANY AREA, THOUGH. YOU KNOW, THE HIGHWAYS AND BYWAYS IN THE STATE OF LOUISIANA ARE FOR PEOPLE TO TRAVEL, FOR WORK, PLAY, CHURCH, GO TO THE FOOTBALL GAMES TO SEE SOUTHERN UNIVERSITY BEAT UP ON ALL CORNERS OF GRAMBLING. RIGHT?

Q. AND SO I'M JUST MAKING SURE THAT WE ESTABLISH THAT BATON ROUGE AND NEW ORLEANS HAVE A LOT IN COMMON.

SO YOU SAID, YOU KNOW, YOU GO TO NEW ORLEANS, YOU KNOW, FOR A GOOD TIME. RIGHT? I MEAN, THAT'S A NORMAL PART OF WHAT BATON ROUGE PEOPLE DO?

MR. NAIFEH: OBJECTION. THESE QUESTIONS ARE TESTIMONY. THEY ARE NOT QUESTIONS.

MR. WALE: YOUR HONOR?

THE COURT: REPHRASE.

MR. WALE: ALL RIGHT.

THE COURT: SUSTAINED.

BY MR. WALE:

Q. ALL RIGHT. SO, MR. MCCLANAHAN, DO YOU THINK THAT BATON ROUGE AND NEW ORLEANS HAVE AT LEAST SOME THINGS IN COMMON AS FAR AS PEOPLE TRAVELING TO AND FROM THEM?

A. I'VE BEEN IN BATON ROUGE 40 YEARS. YOU TELL ME ONE.

Q. OKAY. ABOUT THE NAACP, IT'S MY UNDERSTANDING THAT THE NAACP OPPOSES CANDIDATES, BUT THEY DON'T ENDORSE CANDIDATES AT

10:27 ANY LEVEL. IS THAT CORRECT?
A. ALL I KNOW IS WE GET PEOPLE OUT TO VOTE. WE SUPPORT ISSUES, BUT WE DON'T SUPPORT OR OPPOSE CANDIDATES. YOU KNOW, WE ARE -- THAT'S WHAT WE DO. SO WE WANT PEOPLE TO VOTE. I WEAR A VOTING SHIRT ALL THE TIME. I HAVE ONE UP UNDER HERE. IT'S CALLED VOTE, GO VOTE.
Q. SO IT'S YOUR POSITION THAT THE NAACP WILL NOT -- OR WILL NOT OPPOSE A CANDIDATE FOR ANY REASON?
A. ALL I KNOW IS WE GET PEOPLE OUT TO VOTE. OUR MISSION IS VOTING, VOTING ENGAGEMENT, VOTER PARTICIPATION.
Q. SO THE NAACP WILL NOT BE ENDORSING A CANDIDATE OF CHOICE FOR A SECOND MINORITY-MAJORITY DISTRICT?
A. WE GET PEOPLE OUT TO VOTE: VOTER PARTICIPATION, VOTER REGISTRATION, VOTER ENGAGEMENT, VOTER TRAINING. THAT'S WHAT WE DO.
Q. AND SO IF THERE -- SO THERE'S NO CANDIDATE OF CHOICE, YOU DON'T HAVE ANY CANDIDATES OF CHOICE. THE NAACP DOESN'T HAVE CANDIDATES OF CHOICE IN AN ELECTION. CORRECT?
MR. NAIFEH: OBJECTION. HE'S USING A LEGAL TERM AND ASKING A QUESTION ABOUT CANDIDATES OF CHOICE OF THE NAACP. IT'S A LEGAL QUESTION.
THE COURT: SUSTAINED.
BY MR. WALE:
Q. ALL RIGHT. AND SO THE NAACP DOES NOT ENDORSE OR OPPOSE CANDIDATES AT ANY LEVEL. CORRECT?

10:28 1 **A.** WE ARE -- WE VOTER ENGAGEMENT, VOTER PARTICIPATION. WE
2 GET OUT TO VOTE. THAT'S WHAT WE DO.
3 **MR. WALE:** I DIDN'T HEAR AN ANSWER, YOUR HONOR.
4 **THE COURT:** RESTATE YOUR ANSWER, SIR.
5 **BY THE WITNESS:**
6 **A.** WE DO VOTER ENGAGEMENT, VOTER PARTICIPATION. WE JUST GET
7 PEOPLE TO VOTE. WE DON'T ENDORSE ANYBODY.
8 **MR. WALE:** MY QUESTION WAS MORE OF A "YES" OR "NO,"
9 YOUR HONOR. DOES THE NAACP --
10 **MR. NAIFEH:** IT'S ALSO BEEN ASKED AND ANSWERED.
11 **MR. WALE:** AT ANY LEVEL WAS MY CLARIFICATION, YOUR
12 HONOR. I PREVIOUSLY ASKED ABOUT ENDORSING CANDIDATES
13 GENERALLY. I WANTED TO CONFIRM IT WAS AT ANY LEVEL.
14 **THE COURT:** DOES THE NAACP AT ANY LEVEL --
15 **MR. WALE:** -- ENDORSE OR OPPOSE CANDIDATES?
16 **THE COURT:** HE JUST SAID "NO."
17 **MR. WALE:** ALL RIGHT. THANK YOU, YOUR HONOR.
18 **BY MR. WALE:**
19 **Q.** AND SO IF THERE -- SO THERE'S NO RECORD OF THE NAACP
20 SUPPORTING OR OPPOSING CANDIDATES. IS THAT CORRECT?
21 **A.** NOT AT THE STATE LEVEL SINCE I'VE BEEN THE STATE
22 PRESIDENT.
23 **Q.** OKAY. AND THEN THE LAST THING I WANT TO TALK TO YOU --
24 YOU HAD RECENTLY DISCUSSED TOPICS OF ENVIRONMENTAL RACISM IN
25 CHEMICAL PLANTS.

10:29 1 **A.** UH-HUH.
2 **Q.** AND YOU HAD DISCUSSED IN YOUR DECLARATION AND IN YOUR
3 TESTIMONY ABOUT CANCER ALLEY. IS THAT -- CAN YOU DESCRIBE THAT
4 AREA? WHAT YOU'RE TALKING ABOUT, CANCER ALLEY?
5 **A.** WHEN YOU TALK ABOUT DESCRIBE, WHAT DO YOU MEAN BY
6 "DESCRIBE"?
7 **Q.** WELL, LET'S GO --
8 **MR. WALE:** IF WE COULD PULL UP YOUR DECLARATION AGAIN
9 IN PARAGRAPH 26, IF WE COULD DO THAT.
10 **BY MR. WALE:**
11 **Q.** IN YOUR DECLARATION AT PARAGRAPH 26 -- AND IT SAYS --
12 "ANOTHER EXAMPLE OF LOUISIANA'S LONG HISTORY OF RACISM INCLUDES
13 ENVIRONMENTAL RACISM. LOUISIANA IS HOME TO CANCER ALLEY, WHERE
14 PETROCHEMICAL PLANTS" --
15 **THE COURT REPORTER:** SLOW DOWN.
16 **BY MR. WALE:**
17 **Q.** -- "WHERE PETROCHEMICAL PLANTS RUNNING ALONG THE
18 MISSISSIPPI RIVER BETWEEN BATON ROUGE AND NEW ORLEANS, HAVE
19 CAUSED HIGH RATES OF CANCER AND RESPIRATORY DISEASES."
20 THE AREA RUNNING ALONG THE MISSISSIPPI RIVER BETWEEN
21 BATON ROUGE AND NEW ORLEANS, ARE YOU FAMILIAR WITH THAT?
22 **A.** UH-HUH.
23 **Q.** DOES THAT NOT CURRENTLY MIRROR CONGRESSIONAL DISTRICT 2?
24 **A.** REPEAT YOUR QUESTION.
25 **Q.** DOES THE AREA YOU'RE DESCRIBING BETWEEN THE MISSISSIPPI

10:30 RIVER BETWEEN BATON ROUGE AND NEW ORLEANS, DOES THAT MIRROR CONGRESSIONAL DISTRICT 2?

A. YOU SAID "THAT MIRROR"? THAT'S THE WORD YOU USED "MIRROR"?

Q. RIGHT. IS IT SIMILAR TO THE DISTRICT OF CONGRESSIONAL DISTRICT 2?

A. I DON'T KNOW.

Q. YOU DON'T?

A. I DON'T KNOW FOR SURE.

Q. OKAY. SO YOU HAVE DON'T THAT INFORMATION. ALL RIGHT.

MR. WALE: YOUR HONOR, CAN I PAUSE JUST A SECOND, CONFER WITH MY CO-COUNSEL?

THE COURT: YOU MAY.

MR. WALE: THANK YOU.

BY MR. WALE:

Q. ALL RIGHT, MR. MCCLANAHAN. JUST A COUPLE MORE QUESTIONS.

THE LOUISIANA NAACP HAS A WEBSITE. CORRECT?

A. THE STATE CONFERENCE, WE HAVE ONE.

Q. ALL RIGHT.

A. WE BUILT -- WE'RE BUILDING ONE.

Q. AND THERE IS A BIOGRAPHY -- YOUR BIOGRAPHY IS ON THAT WEBSITE. CORRECT?

A. I HAVEN'T HAD A CHANCE TO LOOK AT IT.

Q. YOU HAVEN'T HAD A CHANCE TO LOOK AT IT.

SO WOULD YOU DISAGREE IF I REPRESENTED TO YOU THAT IN

10:31 YOUR BIOGRAPHY ONLINE, THE SOULS TO THE POLLS ISSUE STATES THAT SOULS TO THE POLLS WAS INSTRUMENTAL IN ELECTING THE ONLY DEMOCRATIC GOVERNOR IN THE DEEP SOUTH?

A. I'D HAVE TO SEE IT. I DON'T KNOW WHAT IT'S SAYING.

MR. WALE: ALL RIGHT. NO FURTHER QUESTIONS, YOUR HONOR.

THE COURT: ALL RIGHT. ANYTHING FURTHER, SIR?

MR. NAIFEH: NO, YOUR HONOR.

THE COURT: OKAY. YOU MAY STEP DOWN.

THANK YOU, SIR.

THE WITNESS: THANK YOU, YOUR HONOR.

THE COURT: COUNSEL AND FOLKS IN THE GALLERY, HOW'S THE AIR CONDITIONER? I HAVE ON A LOT OF CLOTHES AND IT FEELS COLD TO ME, BUT I'M NOT -- BUT I'M FINE. SO BY A SHOW OF HANDS, IS IT TOO COLD?

OKAY. WE WILL ROLL IT UP OR DOWN OR WHATEVER IT NEEDS TO BE.

ALL RIGHT. NEXT WITNESS.

MS. KHANNA: THANK, YOUR HONOR.

ABHA KHANNA FOR THE GALMON PLAINTIFFS.

WE CALL MR. BILL COOPER.

THE COURT: OKAY. WILL THERE BE A STIPULATION AS TO MR. COOPER'S EXPERTISE?

MR. LEWIS: YOUR HONOR, I JUST ASKED PLAINTIFFS' COUNSEL TO JUST ADVISE HOW -- YOU KNOW, WHAT THE SCOPE OF

10:32 1 EXPERTISE IS.
2 **THE COURT REPORTER:** CAN YOU STATE YOUR NAME. I'M
3 SORRY.
4 **MR. LEWIS:** OH, I'M SORRY.
5 PATRICK LEWIS ON BEHALF OF LEGISLATIVE
6 INTERVENORS.
7 IF PLAINTIFFS' COUNSEL COULD IDENTIFY THE
8 SUBJECT MATTER OF THE WITNESS'S EXPERTISE.
9 **THE COURT:** WELL, THERE IS A COOPER THAT'S AN EXPERT.
10 DO I HAVE THE WRONG COOPER HERE?
11 **MS. KHANNA:** NO. YOU'VE GOT THE RIGHT ONE.
12 **THE COURT:** OH, I HAVE THE WRONG COOPER.
13 **MS. KHANNA:** NO. NO. SORRY. YOU HAVE THE RIGHT
14 ONE.
15 **THE COURT:** SORRY FOR THE CONFUSION.
16 **MS. KHANNA:** YOU HAVE THE RIGHT ONE, YOUR HONOR.
17 **THE COURT:** OH, OKAY.
18 **MS. KHANNA:** HE'S AN EXPERT.
19 **THE COURT:** ALL RIGHT. HE'S THEIR ILLUSTRATIVE MAP
20 EXPERT. IS THAT CORRECT?
21 **MS. KHANNA:** YES, YOUR HONOR.
22 **MR. LEWIS:** YES.
23 **THE COURT:** WHAT WOULD THE TENDER BE? IN WHAT FIELD?
24 **MS. KHANNA:** WE'RE OFFERING HIM AS AN EXPERT IN
25 REDISTRICTING, DEMOGRAPHICS AND CENSUS DATA.

10:33 **THE COURT:** REDISTRICTING, DEMOGRAPHICS AND CENSUS DATA.

MR. LEWIS: WE HAVE NO OBJECTION, YOUR HONOR.

THE COURT: ALL RIGHT. SO THERE'S A STIPULATION TO THE TENDER.

DOCTOR -- IS IT DOCTOR, SIR?

THE WITNESS: MISTER.

THE COURT: MISTER.

MR. COOPER WILL BE PERMITTED TO GIVE OPINION TESTIMONY IN THE FIELD OF -- ONE MORE TIME, MS. ABHA KHANNA.

MS. KHANNA: REDISTRICTING, DEMOGRAPHICS AND CENSUS DATA.

THE COURT: OKAY. PLEASE SWEAR IN THE WITNESS.

WILLIAM S. COOPER,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MS. KHANNA:

Q. GOOD MORNING, MR. COOPER.

A. GOOD MORNING.

Q. CAN YOU PLEASE STATE YOUR FULL NAME FOR THE COURT.

A. MY NAME IS WILLIAM SEXTON COOPER.

Q. AND YOU'VE BEEN RETAINED AS AN EXPERT ON BEHALF OF THE GALMON PLAINTIFFS IN THIS CASE?

A. I HAVE.

Q. YOU PREPARED TWO EXPERT REPORTS. IS THAT RIGHT?

10:34 **A.** I DID.
Q. AND THOSE ARE MARKED, JUST FOR THE COURT'S REFERENCE, AS GALMON PLAINTIFFS' EXHIBITS 1 AND 29, GX-1 AND GX-29.
DO YOU ACTUALLY HAVE A COPY OF THE EXHIBITS IN FRONT OF YOU?
A. NO, I DO NOT.
MS. KHANNA: YOUR HONOR, IF I MAY APPROACH, THIS IS JUST A COPY OF HIS STAMPED EXHIBITS IN CASE HE HAS TROUBLE READING THE SCREEN.
MR. LEWIS: NO OBJECTION.
THE COURT: SIR, FOR THE RECORD, YOU HAVE BEFORE YOU GX-1 AND GX-29. IS THAT CORRECT? THOSE ARE YOUR TWO REPORTS, A REPORT AND A SUPPLEMENTAL REPORT? MR. COOPER, DO YOU HAVE BEFORE YOU YOUR REPORT AND YOUR SUPPLEMENTAL REPORT?
THE WITNESS: YES, I DO.
THE COURT: IS THERE ANYTHING ELSE OTHER THAN THOSE DOCUMENTS IN FRONT OF YOU?
THE WITNESS: NO.
THE COURT: ALL RIGHT. GO AHEAD.
MS. KHANNA: THANK, YOUR HONOR.
BY MS. KHANNA:
Q. INCLUDED WITH YOUR INITIAL REPORT IS YOUR C.V. IS THAT CORRECT?
A. YES.
MS. KHANNA: AND JUST FOR THE COURT'S REFERENCE,

10:35 1 THAT'S AT GX-1A, EXHIBIT PAGE 4, IS WHERE THAT BEGINS.
2 **BY MS. KHANNA:**
3 **Q.** IS THAT A COMPLETE AND ACCURATE SUMMARY OF YOUR BACKGROUND
4 AND PROFESSIONAL EXPERIENCE THROUGH MARCH OF THIS YEAR?
5 **A.** YES, IT IS. I DID TESTIFY IN A SECTION 2 CASE INVOLVING
6 JUDICIAL DISTRICTS IN ARKANSAS A COUPLE WEEKS AGO, THOUGH.
7 **Q.** AND DOES THAT C.V. LIST ALL OF YOUR VOTING EXPERIENCE AND
8 OTHER EXPERIENCE AS WELL?
9 **A.** IT DOES. I MEAN, IT LISTS ALL THE CASES THAT I'VE BEEN
10 INVOLVED IN THAT RELATED TO VOTING. IT DOES NOT LIST, FOR
11 EXAMPLE, CASES THAT I'VE BEEN INVOLVED IN RELATING TO SCHOOL
12 DESEGREGATION OR A COUPLE OF ENVIRONMENTAL CASES IN STATE
13 COURTS, FOR EXAMPLE.
14 **Q.** MR. COOPER, WHAT IS YOUR PROFESSION?
15 **A.** I PROVIDE GIS CONSULTING SERVICES, MAPPING CENSUS DATA, OR
16 OTHER KINDS OF DATA THAT CAN BE DISPLAYED WITH A MAP ON-SCREEN
17 FOR DIFFERENT VARIETIES OF CLIENTS. MOSTLY NONPROFITS,
18 OCCASIONALLY GOVERNMENTAL ENTITIES OR AD HOC REQUESTS FROM
19 INDIVIDUALS.
20 **Q.** IS IT FAIR TO SAY THAT YOU DRAW MAPS FOR A LIVING?
21 **A.** YES.
22 **Q.** AND YOU'VE BEEN ACCEPTED AS AN EXPERT WITNESS IN CASES
23 BEFORE IN -- UNDER THE VOTING RIGHTS ACT. IS THAT RIGHT?
24 **A.** YES. I'VE TESTIFIED IN FEDERAL COURT IN ABOUT 52 CASES
25 THAT INVOLVED VOTING, AND THE VAST MAJORITY OF THOSE WOULD HAVE

10:37 1 BEEN SECTION 2 REDISTRICTING CASES.
2 **Q.** HAVE YOU TESTIFIED IN ANY LOUISIANA CASES BEFORE?
3 **A.** I HAVE. I THINK I'VE TESTIFIED IN FOUR OR FIVE TRIALS
4 INVOLVING VOTING IN LOUISIANA AND FILED DECLARATIONS IN SEVERAL
5 OTHERS AND ALSO BEEN INVOLVED IN PROVIDING MAPS TO COMMUNITY
6 ORGANIZATIONS HERE AND THERE AROUND THE STATE.
7 **Q.** WHAT REGIONS HAS THAT EXPERIENCE COVERED OVER THE COURSE
8 OF THE YEARS?
9 **A.** WELL, OVERALL IT'S PRETTY MUCH COVERED THE WHOLE STATE. I
10 WAS INVOLVED IN THE SHREVEPORT AREA BACK IN THE '90S, AND ALSO
11 IN THE '90S AND EVEN INTO THE EARLY 2000S, IN THE NORTHEAST
12 PART OF THE STATE, EAST CARROLL PARISH DOWN TO MADISON PARISH
13 AND POINT COUPEE AND SOME OF THE OTHER AREAS RIGHT AROUND BATON
14 ROUGE TO THE NORTH AND EVEN EXTENDING SOUTH ALL THE WAY TO
15 TERREBONNE PARISH.
16 SO I'VE BEEN IN ALMOST THE WHOLE STATE OVER THE
17 COURSE OF THAT TIME. I DON'T LIKE TO FLY HERE. I GENERALLY
18 DRIVE FROM SOUTHWEST VIRGINIA AND BECAUSE OF THAT, I'VE
19 CRISS-CROSSED THE STATE A NUMBER OF TIMES.
20 **Q.** SO IS IT FAIR TO SAY THAT YOU ARE PRETTY FAMILIAR WITH
21 LOUISIANA GEOGRAPHY IN COMMUNITIES?
22 **A.** I THINK SO, FOR AN OUTSIDER. I CAN'T SPEAK WITH THE LEVEL
23 OF KNOWLEDGE THAT THE PRESIDENT OF THE NAACP CAN TALK TO, BUT
24 AT LEAST I'VE BEEN HERE FOR A NUMBER OF DIFFERENT TRIPS.
25 **Q.** THANK YOU, MR. COOPER.

10:38 1 CAN YOU TELL THE COURT A LITTLE BIT ABOUT WHAT YOU
2 WERE ASKED TO DO IN THIS CASE?
3 **THE COURT:** COUNSEL, LET ME JUST INTERRUPT YOU.
4 THERE'S ALREADY BEEN A STIPULATION AS TO THE TENDER AND THE
5 COURT HAS ACCEPTED HIM. CAN WE REACH AN AGREEMENT THAT RECORD
6 DOCUMENT 44, WHICH IS HIS C.V., WILL BE ADMITTED INTO EVIDENCE?
7 **MR. LEWIS:** YOUR HONOR, YES, WE CAN.
8 **THE COURT:** OKAY.
9 **MS. KHANNA:** YES.
10 **THE COURT:** OKAY. ALL RIGHT. 44 IS IN EVIDENCE.
11 GO AHEAD.
12 **MS. KHANNA:** JUST TO CLARIFY, I BELIEVE THAT'S GX-1A
13 AT PAGE 4 IS WHERE HIS C.V. BEGINS.
14 **THE COURT:** WELL, I DON'T KNOW WHAT THAT MEANS.
15 **MS. KHANNA:** OKAY.
16 **THE COURT:** IT'S THE RECORD AT DOCUMENT 44.
17 **MS. KHANNA:** OKAY. THANK, YOUR HONOR. JUST TO MAKE
18 SURE.
19 **BY MS. KHANNA:**
20 **Q.** MR. COOPER, CAN YOU PLEASE TELL THE COURT WHAT YOU WERE
21 ASKED TO DO IN THIS CASE?
22 **A.** WELL, THERE WERE TWO PRIMARY REQUESTS. ONE WAS JUST TO
23 DETERMINE WHETHER THE BLACK POPULATION IN LOUISIANA IS
24 SUFFICIENTLY LARGE AND GEOGRAPHICALLY COMPACT TO ALLOW FOR THE
25 CREATION OF TWO MAJORITY-BLACK CONGRESSIONAL DISTRICTS OUT OF A

10:39 1 SIX DISTRICT PLAN.
2 AND SECONDARILY, I WAS ASKED TO EXAMINE SOCIOECONOMIC
3 DATA TO IDENTIFY WHETHER OR NOT THERE ARE DISPARITIES BETWEEN
4 THE RACES WITH RESPECT TO SOCIOECONOMIC WELL-BEING STATEWIDE AS
5 WELL AS AT THE LOCAL LEVEL.
6 **Q.** I'M GOING TO FOCUS FOR THE MOMENT ON THAT FIRST QUESTION.
7 DID YOU ARRIVE AT ANY CONCLUSIONS WHEN IT CAME TO THE
8 FIRST QUESTION OF WHETHER AFRICAN AMERICANS IN LOUISIANA ARE
9 SUFFICIENTLY NUMEROUS AND GEOGRAPHICALLY COMPACT TO FORM AN
10 ADDITIONAL MAJORITY-MINORITY CONGRESSIONAL DISTRICT?
11 **A.** YES.
12 **Q.** AND WHAT WAS YOUR CONCLUSION?
13 **A.** UNQUESTIONABLY THE ANSWER IS THAT THE BLACK POPULATION IN
14 THE STATE OF LOUISIANA IS SUFFICIENTLY LARGE AND GEOGRAPHICALLY
15 COMPACT TO ALLOW FOR TWO DISTRICTS THAT ARE MAJORITY BLACK.
16 **MS. KHANNA:** LET'S PULL YOUR FIRST REPORT, WHICH IS
17 GALMON PLAINTIFFS' EXHIBIT 1, AND I WANT TO TURN TO EXHIBIT --
18 PAGE 10, FIGURE 4. AND IF WE CAN JUST HIGHLIGHT FIGURE 4.
19 THERE WE GO. THANK YOU.
20 **BY MS. KHANNA:**
21 **Q.** MR. COOPER, WHAT DOES THIS FIGURE INDICATE ABOUT
22 POPULATION GROWTH PATTERNS AMONG THE DIFFERENT RACIAL GROUPS IN
23 LOUISIANA BETWEEN THE 2010 AND 2020 CENSUS?
24 **A.** THIS SHOWS THAT LOUISIANA GAINED POPULATION BETWEEN 2010
25 AND 2020, APPROXIMATELY 125,000 PERSONS, BUT THE WHITE

10:41 POPULATION, THE NON-HISPANIC WHITE POPULATION, ACTUALLY FELL BY 138,182 PERSONS. SO ALL OF THE GAIN OVER THAT TEN-YEAR PERIOD CAN BE ATTRIBUTED TO GROWTH IN THE MINORITY POPULATION; AND OF THAT GAIN, ABOUT HALF OF IT RELATED TO GAINS IN THE BLACK POPULATION.

Q. SO OVER THE COURSE OF THE LAST DECADE, THE WHITE POPULATION ACTUALLY FELL BY A LARGER AMOUNT THAN THE STATE AS A WHOLE POPULATION GAINED?

A. YES.

Q. AND THIS IS SIMILAR TO THE SAME KIND OF TREND WE SEE IN THE PREVIOUS DECADE. IS THAT RIGHT?

A. THAT'S RIGHT. THERE'S BEEN AN OVERALL DECLINE IN THE PERCENTAGE OF THE WHITE POPULATION IN THE STATE OF LOUISIANA SINCE THE 1990 CENSUS.

Q. AND DOES THAT COME WITH A CORRESPONDING INCREASE -- OR HAS IT ALSO BEEN AN INCREASE IN THE BLACK POPULATION OVER THAT TIME?

A. YES.

Q. MR. COOPER, LOOKING AT THIS CHART, I SEE AT THE TOP RIGHT TWO COLUMNS. I SEE THE TERMS "SR BLACK" AND "AP BLACK." CAN YOU EXPLAIN WHAT THOSE ARE?

A. YES. "SR BLACK" JUST SIMPLY REFERS TO PERSONS WHO IDENTIFY AS SINGLE-RACE BLACK IN THE 2020 CENSUS. "ANY PARTY BLACK" CORRESPONDS WITH PERSONS WHO IDENTIFIED AS SINGLE-RACE BLACK OR BLACK AND SOME OTHER RACE.

10:42 **Q.** AND WHICH METRIC DO YOU USE TYPICALLY WHEN DETERMINING WHETHER THE BLACK POPULATION IS SUFFICIENTLY NUMEROUS AND GEOGRAPHICALLY COMPACT IN A *GINGLES* 1 ANALYSIS?

A. WELL, I USE VOTING AGE AND I USE THE "ANY PART BLACK VOTING AGE" METRIC TO DETERMINE WHETHER OR NOT THE POPULATION IN QUESTION IS IN A DISTRICT THAT'S OVER 50 PERCENT BLACK VOTING AGE.

Q. AND WHY DO YOU USE THE "ANY PARTY BLACK" DEFINITION?

A. THAT HAS BEEN ACCEPTED, I THINK, IN MANY CASES THROUGHOUT THE COUNTRY SINCE THE *ASHCROFT V. GEORGIA* DECISION IN 2003, AND I'VE TESTIFIED IN CASES HERE IN LOUISIANA EVEN WHERE I'VE USED THAT METRIC AND OTHER PLACES AS WELL.

Q. AND THE *GEORGIA V. ASHCROFT* DECISION THAT YOU MENTIONED, THAT'S FROM THE U.S. SUPREME COURT?

A. YES.

Q. YOU ALSO MENTIONED THAT YOU'VE TESTIFIED IN SECTION 2 CASES IN WHICH THE COURTS HAVE USED THE AP-BVAP METRIC. IS THAT RIGHT?

A. YES. SPECIFICALLY IN FAYETTE COUNTY, GEORGIA, IN 2014, ALTHOUGH I THINK MY TESTIMONY IN FAYETTE COUNTY, GEORGIA, WAS BY WAY OF DECLARATION -- AND IN FERGUSON, MISSOURI, IN 2016; IN TERREBONNE PARISH, LOUISIANA, IN 2017. AND THEN IN SEVERAL CASES IN THIS YEAR: ALABAMA, THE *CASTER* CASE; IN GEORGIA, THE *PENDERGRASS* CASE; IN BALTIMORE COUNTY, MARYLAND, I USED THE "ANY PART BLACK" DEFINITION. SO IT'S PRETTY MUCH BEEN A

10:44 STANDARD THAT I HAVE RELIED UPON SINCE JUST BEFORE THE 2010 CENSUS.

MS. KHANNA: I WANT TO NOW PULL UP FIGURE 1 OF YOUR FIRST REPORT, WHICH IS GOING TO BE ON GX-1 EXHIBIT, PAGE 6.

BY MS. KHANNA:

Q. WHAT DOES THIS FIGURE TELL US ABOUT EACH RACIAL GROUPS SHARE OF THE POPULATION IN 2020?

A. IT SHOWS THAT AT THE TOP YOU SEE NON-HISPANIC WHITES NOW REPRESENT 60 -- I'M SORRY -- 55.75 PERCENT OF THE OVERALL POPULATION. AFRICAN AMERICANS IN THE "ANY PARTY" CATEGORY ARE ABOUT ONE-THIRD, 33.13.

Q. SO HOW HAS THE WHITE POPULATION CHANGED OVER TIME? JUST LOOKING AT THIS FIGURE, HOW DID WE SEE THE EFFECT ON THE WHITE POPULATION? YOU MENTIONED THAT THERE HAS BEEN A STEADY DECLINE. WHERE DO WE SEE THAT IN THIS CHART?

A. WELL, YOU CAN SEE BY LOOKING AT THE LEFT-MOST COLUMNS THERE FOR 1990, THE -- AT THE TIME OF THE 1990 CENSUS, THE WHITE POPULATION COMPRISED ALMOST TWO-THIRDS OF THE POPULATION IN THE STATE, 65.78 PERCENT, AND THE BLACK POPULATION AT THE SAME TIME WOULD HAVE BEEN ABOUT 32 PERCENT.

SO THERE'S BEEN A BIG DROP IN THE NON-HISPANIC WHITE POPULATION AND A MODEST INCREASE IN THE PROPORTION OF THE STATE THAT IS AFRICAN AMERICAN SINCE 1990.

Q. I WANT TO TURN NOW TO THE 2022 CONGRESSIONAL MAPS.

MS. KHANNA: SO IF WE COULD PULL UP GX-29 AT PAGE 20.

10:46 1 **BY MS. KHANNA:**
2 **Q.** MR. COOPER, THIS IS THE CONGRESSIONAL MAP THAT WAS JUST
3 RECENTLY ENACTED OVER THE GOVERNOR'S VETO. IS THAT CORRECT?
4 **A.** YES.
5 **MS. KHANNA:** IF WE COULD TAKE ALSO A CLOSER LOOK AT
6 DISTRICTS 2 AND 6, WHICH I THINK WE'LL FIND AT GX-29, PAGE 27.
7 **BY MS. KHANNA:**
8 **Q.** CAN YOU PLEASE DESCRIBE FOR THE COURT THE CONFIGURATION OF
9 DISTRICT 2 IN THE ENACTED MAP?
10 **A.** WELL, YES. YOU CAN SEE IT'S A -- SORT OF SERPENTINE
11 DISTRICT THAT STRETCHES FROM THE EAST END OF LAKE
12 PONTCHARTRAIN, ORLEANS PARISH, WINDS ALL THE WAY THROUGH
13 JEFFERSON AND ORLEANS AND INTO THE RIVER PARISHES OVER AS FAR
14 WEST AS ASSUMPTION PARISH BACK THROUGH IBERVILLE, PART OF
15 IBERVILLE PARISH, AND THEN A NARROW CORRIDOR THROUGH WEST BATON
16 ROUGE ALONG THE RIVER AND THEN INTO EAST BATON ROUGE PARISH.
17 **Q.** CAN YOU ALSO DESCRIBE DISTRICT 6, WHICH IS THE ORANGE
18 DISTRICT ON THIS MAP?
19 **A.** YES. DISTRICT 6 IS A WRAP-AROUND DISTRICT AND SORT OF THE
20 INVERSE OF THE -- OF DISTRICT 2. SO IT EXTENDS FROM
21 LIVINGSTON PARISH AND NORTH AND WRAPS AROUND, GOES ALL THE WAY
22 DOWN TO TERREBONNE PARISH AND THE BARRIER ISLANDS AND THEN BACK
23 UP.
24 ON THE OTHER SIDE OF DISTRICT 2, YOU CAN SEE THAT
25 IT'S ALSO PARTLY IN THE RIVER PARISHES AND EXTENDS THEN ON THE

10:47 1 WEST SIDE OF PONTCHARTRAIN IN THAT NARROW PENINSULA BETWEEN
2 LAKE PONTCHARTRAIN AND LAKE MAUREPAS. I THINK THAT'S HOW YOU
3 PRONOUNCE IT.
4 **Q.** WOULD YOU CHARACTERIZE EITHER OF THESE TWO DISTRICTS AS
5 COMPACT?
6 **A.** I COULD NOT CHARACTERIZE THEM AS COMPACT.
7 **Q.** YOU'VE TESTIFIED IN CASES ACROSS THE COUNTRY. DO YOU HAVE
8 A SENSE OF HOW DISTRICT 2 COMPARES IN TERMS OF COMPACTNESS TO
9 OTHER DISTRICTS ACROSS THE COUNTRY, OTHER CONGRESSIONAL
10 DISTRICTS ACROSS THE COUNTRY?
11 **A.** WELL, THERE WAS A REPORT PRODUCED BY A SOFTWARE FIRM
12 CALLED -- STARTS EVENTS I THINK IT'S CALLED. THEY LOOKED AT
13 ALL CONGRESSIONAL DISTRICTS IN THE COUNTRY, AND DISTRICT 2 WAS
14 THE SEVENTH LEAST COMPACT DISTRICT IN THE NATION OUT OF 435
15 CONGRESSIONAL DISTRICTS IN 2011. I HAVEN'T SEEN A SIMILAR
16 REPORT YET FOR THE CONGRESSIONAL DISTRICTS BASED ON THE 2020
17 CENSUS, BUT DISTRICT 2 IS JUST A CARBON COPY IN THE 2020 PLAN
18 OF THE 2010 CENSUS PLAN, ALTHOUGH THERE WAS A 2011
19 CONGRESSIONAL PLAN. SO IT'S GOING TO SCORE VERY LOW
20 NATIONWIDE, GUARANTEED.
21 **MS. KHANNA:** IF YOU COULD PULL UP GX-29, PAGE 18.
22 **BY MS. KHANNA:**
23 **Q.** THIS IS THE -- THIS IS THE POPULATION DATA FOR THE ENACTED
24 PLAN. WHAT IS THE BLACK VOTING AGE POPULATION, OR THE BVAP, OF
25 THE NEW CONGRESSIONAL CD2 UNDER THE PLAN?

10:49 1 **A.** IT IS 58.65 PERCENT.
2 **Q.** AND THE SURROUNDING DISTRICTS?
3 **A.** ALL ARE UNDER 34 PERCENT. DISTRICT 4 IS 33.82 PERCENT;
4 DISTRICT 5 IS 32.91 PERCENT, AND THE OTHERS ARE EVEN LOWER.
5 **Q.** MR. COOPER, YOU MENTIONED EARLIER THAT THE BLACK
6 POPULATION IN LOUISIANA NOW CONSTITUTES OVER A THIRD OF THE
7 POPULATION. IS THAT RIGHT?
8 **A.** RIGHT.
9 **Q.** WHAT PERCENTAGE OF THE CONGRESSIONAL DISTRICTS IN THE
10 ENACTED PLAN ARE MAJORITY BLACK?
11 **A.** WELL, IT'S JUST ONE OUT OF SIX, SO IT'S A LITTLE BIT OVER
12 16 PERCENT.
13 **Q.** YOU ALSO TESTIFIED THAT WHITES MAKE UP 55 PERCENT OF THE
14 POPULATION OF LOUISIANA IN 2020. IS THAT RIGHT?
15 **A.** CORRECT.
16 **Q.** WHAT PERCENTAGE OF THE CONGRESSIONAL DISTRICTS IN THE
17 ENACTED PLAN ARE MAJORITY WHITE?
18 **A.** A LITTLE OVER 91 PERCENT. I'M SORRY. 84 PERCENT. EXCUSE
19 ME.
20 **Q.** OKAY. IT'S FIVE OUT OF SIX?
21 **A.** RIGHT.
22 **MS. KHANNA:** WE CAN TAKE THIS DOWN.
23 **BY MS. KHANNA:**
24 **Q.** MR. COOPER, YOU DREW FOUR ILLUSTRATIVE PLANS IN THIS CASE.
25 IS THAT RIGHT?

10:50 1 **A.** YES.
2 **Q.** CAN YOU PLEASE BRIEFLY DESCRIBE FOR THE COURT WHAT IS AN
3 ILLUSTRATIVE PLAN? WHAT IS ITS PURPOSE?
4 **A.** IT'S SIMPLY TO DEMONSTRATE TO THE COURT THAT PLAINTIFFS
5 HAVE MET THE FIRST *GINGLES* 1 PRONG, WHICH IS WHETHER OR NOT A
6 DISTRICT IS COMPRISED OF A POPULATION THAT IS A MAJORITY VOTING
7 AGE FOR THE MINORITY COMMUNITY OF INTEREST.
8 **Q.** AND SO WHAT IS YOUR GENERAL APPROACH WHEN YOU DRAW AN
9 ILLUSTRATIVE MAP?
10 **A.** WELL, I OBTAIN CENSUS DATA AND THE GEOGRAPHIC FILES FOR
11 THE JURISDICTION AT ISSUE, AND THEN APPLYING TRADITIONAL
12 REDISTRICTING PRINCIPLES I DRAW A PLAN.
13 **Q.** CAN YOU EXPLAIN WHAT "TRADITIONAL DISTRICTING PRINCIPLES"
14 ARE GENERALLY?
15 **A.** WELL, IN GENERAL TERMS, TRADITIONAL REDISTRICTING
16 PRINCIPLES ARE JUST THE PROCEDURES ONE WOULD USE TO DEVELOP A
17 PLAN THAT IS ACCEPTABLE IN COURT; AND THAT WOULD INCLUDE THINGS
18 LIKE ONE-PERSON, ONE-VOTE; DISTRICTS THAT ARE REASONABLY
19 COMPACT THAT, TO THE EXTENT PRACTICAL, FOLLOW POLITICAL
20 SUBDIVISION LINES THAT DO NOT DILUTE MINORITY VOTING STRENGTHS;
21 DISTRICTS THAT ARE CONTIGUOUS AND THAT ARE OBSERVANT OF
22 COMMUNITIES OF INTEREST.
23 **Q.** AND THESE TRADITIONAL REDISTRICTING PRINCIPLES, MAP
24 DRAWERS USE THEM AND YOU HAVE USED THEM BOTH FOR IN-COURT
25 PRESENTATIONS LIKE ILLUSTRATIVE MAPS AND IN DRAWING ACTUAL MAPS

10:52 1 FOR JURISDICTIONS. IS THAT RIGHT?
2 **A.** RIGHT.
3 **Q.** WHEN YOU DRAW AN ILLUSTRATIVE MAP, DO YOU CONSIDER RACE?
4 **A.** I AM AWARE OF RACE, EXACTLY. BECAUSE ONE OF THE
5 TRADITIONAL REDISTRICTING PRINCIPLES IS TO AVOID DILUTING
6 MINORITY VOTING STRENGTHS.
7 **MS. KHANNA:** I'D LIKE TO CALL UP YOUR ILLUSTRATIVE
8 PLAN 1, AND I'D LIKE TO PUT IT ALONGSIDE THE ENACTED
9 CONGRESSIONAL MAP.
10 **BY MS. KHANNA:**
11 **Q.** SO IF WE'RE LOOKING AT THIS, YOU CAN SEE GX-1A AT PAGE 51
12 IS ON THE LEFT -- THAT'S THE ENACTED MAP -- AND GX-29 AT PAGE
13 20 IS THE ILLUSTRATIVE PLAN 1. WAIT. I THINK THESE ARE
14 ACTUALLY NOT -- I THINK WE NEED TO SWITCH THESE OUT. IT LOOKS
15 LIKE I HAVE THE TWO VERSIONS OF THE ENACTED PLAN.
16 **A.** RIGHT. THAT'S NOT THE -- THAT'S NOT THE ILLUSTRATIVE
17 PLAN.
18 **Q.** OH, I'M SORRY.
19 **MS. KHANNA:** MR. MARTINSON, CAN WE PUT UP GX-29, PAGE
20 20 ON THE LEFT AND THEN GX-1B, PAGE 13 ON THE RIGHT. THERE WE
21 GO.
22 **BY MS. KHANNA:**
23 **Q.** NOW WE'RE LOOKING AT THE ENACTED PLAN VERSUS ILLUSTRATIVE
24 PLAN 1. JUST LOOKING AT THE TWO PLANS, MR. COOPER, WHAT ARE
25 THE KEY DIFFERENCES BETWEEN ILLUSTRATIVE PLAN 1, AS YOU DREW

10:53 IT, AND THE ENACTED MAP?
A. WELL, THE ENACTED MAP, AS I DISCUSSED, HAS THIS REALLY BIZARRELY SHAPED DISTRICT 2 THAT EXTENDS FROM NEW ORLEANS UP INTO PARTS OF BATON ROUGE, AND THERE'S THE WRAP-AROUND DISTRICT 6, SO THAT'S PROBLEMATIC, VERY PROBLEMATIC. AND YOU CAN SEE ILLUSTRATIVE PLAN 1 DOES NOT HAVE THAT CONFIGURATION. IT HAS A DISTRICT 2 THAT EXTENDS FROM NEW ORLEANS INTO THE RIVER PARISHES OF WEST BATON ROUGE AND THAT'S IT.
DISTRICT 5, WHICH, IN THE ENACTED PLAN, COVERS A VERY LARGE LAND AREA STRETCHING FROM AROUND RUSTON IN THE NORTH ALL THE WAY TO BOGALUSA AND BEYOND ON THE ALABAMA/MISSISSIPPI BORDER AREA. AND THE PLAN THAT I'VE DEVELOPED FOR ILLUSTRATIVE 1, IT'S A MORE COMPACT DISTRICT THAT EXTENDS FROM THE DELTA NORTHEAST, EAST CARROLL AND MOREHOUSE COUNTIES DOWN TO THE BATON ROUGE AREA AND AS FAR EAST AS ST. HELENA.
Q. AND DISTRICT 6 IN YOUR ILLUSTRATIVE PLAN?
A. THAT TOO IS A DISTRICT THAT IS MUCH MORE COMPACT THAN DISTRICT 6 UNDER THE EXISTING PLAN. IT INCLUDES THE FLORIDA PARISHES AND PART OF THE RIVER PARISHES.
MS. KHANNA: I WANT TO PULL UP ILLUSTRATIVE PLAN 2, GX-1B AT PAGE 40.
BY MS. KHANNA:
Q. WHAT ARE THE DEFINING FEATURES OF ILLUSTRATIVE PLAN 2 IN RELATION TO ILLUSTRATIVE 1? WHAT'S THE MAIN DISTINCTION BETWEEN THE TWO PLANS?

10:55 1 **A.** WELL, I DEVELOPED ILLUSTRATIVE PLAN 2 IN AN EFFORT TO PUT
2 AS MUCH OF ACADIANA IN DISTRICT 3 AS I COULD. ACADIANA
3 INVOLVES 22 PARISHES, AND THE BASE POPULATION OF THOSE 22
4 PARISHES IS TOO LARGE TO GO INTO ONE DISTRICT, SO ACADIANA HAS
5 TO BE SPLIT.
6 IN THE END, USING THIS CONFIGURATION, I WAS ABLE TO
7 CREATE TWO MAJORITY-BLACK DISTRICTS, DISTRICT 2 AND DISTRICT 5,
8 WHILE AT THE SAME TIME KEEPING ABOUT 81 PERCENT OF ACADIANA IN
9 DISTRICT 3, WHICH IS ABOUT THE SAME PERCENTAGE THAT IS ACHIEVED
10 IN THE ENACTED PLAN -- OR I THINK THE FIGURE IS 84 PERCENT OF
11 ACADIANA IS IN DISTRICT 3.
12 **MS. KHANNA:** AND LET'S PULL UP ILLUSTRATIVE PLAN 3,
13 GX-1C AT PAGE 7.
14 **BY MS. KHANNA:**
15 **Q.** WHAT ARE THE DEFINING FEATURES OF ILLUSTRATIVE PLAN 3?
16 HOW IS IT DIFFERENT THAN THE OTHER ILLUSTRATIVE PLANS THAT YOU
17 DREW?
18 **A.** THIS PLAN ACTUALLY DOES NOT CHANGE DISTRICT 2 AT ALL, AS
19 IT'S COMPARED TO ILLUSTRATIVE PLAN 1, CD2. HOWEVER, IT DOES
20 CHANGE DISTRICT 5 BY MAKING IT COVER A SLIGHTLY SMALLER
21 FOOTPRINT, EXCLUDING SOME OF THE PARISHES IN THE NORTH THAT ARE
22 INCLUDED IN ILLUSTRATIVE PLANS 1 AND 2. SO IT'S A MORE
23 URBAN-CENTRIC PARISH, EVEN THOUGH IT DOES, OF COURSE, INCLUDE
24 THE RURAL PARISHES ALONG THE MISSISSIPPI RIVER.
25 **Q.** AND LET'S LOOK ALSO AT ILLUSTRATIVE PLAN 4, WHICH YOU

10:57 1 SUBMITTED WITH YOUR SUPPLEMENTAL REPORT. THAT'S AT GX-29, PAGE
2 45, WHAT'S IN FRONT OF US NOW. AND WHAT WOULD YOU SAY ARE THE
3 DISTINCTIVE OR DEFINING CHARACTERISTICS OF THIS ILLUSTRATIVE
4 PLAN COMPARED TO THE OTHERS?
5 **A.** WELL, THIS IS SIMILAR TO ILLUSTRATIVE PLAN 1. IN THIS
6 PARTICULAR PLAN IN RESPONSE TO A CRITICISM OR ASSERTION BY ONE
7 OF THE DEFENDANT'S EXPERTS, I DECIDED TO DRAW A PLAN THAT
8 SPLITS NO PRECINCTS AT ALL -- NO VTD'S -- TO MAKE A POINT THAT
9 THAT WAS POSSIBLE.
10 THE OTHER THREE ILLUSTRATIVE PLANS WERE DRAWN TO
11 ACHIEVE ABSOLUTELY PERFECT ZERO POPULATION DEVIATION. SO THIS
12 IS A REPRESENTATIVE MAP SHOWING HOW ILLUSTRATIVE PLAN 1 COULD
13 BE MODIFIED TO BE DRAWN SOLELY WITH WHOLE VTD'S. AND THE SAME
14 CAN BE DONE WITH ILLUSTRATIVE PLANS 2 AND 3.
15 **Q.** THANK YOU.
16 MR. COOPER, YOU SPOKE EARLIER ABOUT THE TRADITIONAL
17 DISTRICTING PRINCIPLES THAT YOU CONSIDERED IN DRAWING YOUR
18 ILLUSTRATIVE PLANS. IS THAT RIGHT?
19 **A.** YES.
20 **Q.** YOU LIST OUT IN YOUR REPORT SPECIFIC PRINCIPLES THAT YOU
21 FACTORED, THAT YOU CONSIDERED. AND FOR YOUR REFERENCES, AT
22 PARAGRAPHS 49 TO 50 OF YOUR REPORT. CAN YOU LIST FOR THE COURT
23 WHAT THE TRADITIONAL DISTRICTING FACTORS THAT YOU CONSIDERED
24 WERE?
25 **A.** WELL, I BALANCED THEM ALL: SPECIFICALLY ONE-PERSON,

10:58 1 ONE-VOTE REQUIREMENTS, THE IMPORTANCE OF DRAWING DISTRICTS THAT
2 ARE REASONABLY COMPACT AND REASONABLY SHAPED. I LOOKED AT
3 MAKING SURE THAT I WAS FOLLOWING, TO THE EXTENT PRACTICABLE,
4 POLITICAL SUBDIVISION LINES. SO I WAS PAYING ATTENTION TO
5 PARISH LINES AND MUNICIPAL LINES AND PRECINCT LINES.
6 OBVIOUSLY, I NEEDED TO ALSO RESPECT COMMUNITIES OF
7 INTEREST, TO THE EXTENT POSSIBLE, AND CERTAINLY I NEEDED TO
8 MAKE SURE THAT I WAS NOT DILUTING MINORITY VOTING STRENGTH. SO
9 I BALANCED ALL THOSE FACTORS. I DIDN'T WEIGH ONE OVER THE
10 OTHER IN ANY SENSE OF THE WORD.
11 **Q.** YOU ALSO EXAMINED THE LEGISLATURE'S ADOPTED REDISTRICTING
12 CRITERIA. IS THAT RIGHT?
13 **A.** I DID. JOINT RULE 21.
14 **Q.** SO I'D LIKE TO TOUCH UPON EACH OF THESE FACTORS
15 INDIVIDUALLY AS THEY PERTAIN TO YOUR ILLUSTRATIVE MAPS.
16 LET'S START WITH ONE-PERSON, ONE-VOTE. HOW IS THAT PRINCIPLE
17 REFLECTED IN YOUR ILLUSTRATIVE PLANS?
18 **A.** THE ILLUSTRATIVE PLANS, ALL FOUR OF THEM COMPLY WITH
19 ONE-PERSON, ONE-VOTE, IN MY OPINION. CLEARLY, ILLUSTRATIVE
20 PLANS 1, 2 AND 3 ARE PERFECT PLANS FROM THE STANDPOINT OF
21 ONE-PERSON, ONE-VOTE BECAUSE THE DIFFERENCE AMOUNTS TO ONE
22 PERSON IN THE SIX DISTRICTS. IT'S ALMOST -- IT'S NOT POSSIBLE
23 TO DRAW SIX ZERO-DEVIATION DISTRICTS, BUT IT IS POSSIBLE TO
24 DRAW FIVE AND AN ADDITIONAL DISTRICT THAT'S MINUS ONE.
25 **Q.** SO THE FIRST THREE ILLUSTRATIVE PLANS HAVE EXACTLY EQUAL

10:59 1 POPULATIONS AMONG THE SIX CONGRESSIONAL DISTRICTS, EXCEPT FOR
2 ONE DISTRICT WHICH HAS ONE FEWER PERSON?
3 **A.** I THINK THAT'S CORRECT, YES.
4 **Q.** AND WHAT ABOUT ILLUSTRATIVE DISTRICT -- ILLUSTRATIVE PLAN
5 4?
6 **A.** ILLUSTRATIVE PLAN 4 IS DRAWN TO AVOID SPLITTING ANY
7 PRECINCTS OR ANY VTD'S, SO IT'S ZERO VTD SPLITS. AND SO
8 BECAUSE OF THAT, YOU CAN'T GET TO IDEAL PERFECT DEVIATION. BUT
9 THAT PARTICULAR PLAN -- I DON'T HAVE THE NUMBER IN FRONT OF ME
10 -- BUT IT'S PLUS OR MINUS 150 OR SO. IT'S ABOUT 150 PERSONS
11 OVERALL DEVIATION. SO IT, FOR ALL INTENTS AND PURPOSES, MEETS
12 POPULATION REQUIREMENTS.
13 **Q.** LET'S TURN NOW TO PARISH AND MUNICIPALITY SPLITS.
14 **MS. KHANNA:** LET'S PUT UP FROM YOUR REPORT GX-1,
15 EXHIBIT PAGE 34, FIGURE 20.
16 **BY MS. KHANNA:**
17 **Q.** WHAT WAS YOUR APPROACH WHEN IT COMES TO PARISHES AND
18 MUNICIPALITIES IN DRAWING THE ILLUSTRATIVE PLANS? LET'S JUST
19 FOCUS ON THOSE TWO FOR NOW.
20 **A.** WELL, JOINT RULE 21 SPECIFICALLY OUTLINES THAT PLAN
21 DRAWERS SHOULD ATTEMPT TO KEEP PARISHES INTACT AND IN ONE
22 DISTRICT, TO THE EXTENT PRACTICABLE, AND AVOID SPLITTING
23 MUNICIPALITIES AND VTD'S, TO THE EXTENT PRACTICABLE. SO THAT'S
24 WHAT I DID, AGAIN BALANCING THINGS. AND I WAS ABLE TO DO
25 BETTER THAN THE ENACTED PLAN AND ALL FOUR ILLUSTRATIVE PLANS

11:01 1 ACROSS ALL FOUR CATEGORIES.
2 **Q.** SO LOOKING SPECIFICALLY AT PARISH SPLITS, DO YOUR
3 ILLUSTRATIVE PLANS MANAGE TO MINIMIZE THE NUMBER OF PARISH
4 SPLITS COMPARED TO THE ENACTED MAP? IS THAT RIGHT?
5 **A.** THAT'S RIGHT. THE ENACTED MAP HAS 15 PARISH SPLITS, AND
6 ILLUSTRATIVE PLANS 1, 2, 3 AND 4 HAVE 10 OR 11. I THINK PLAN 2
7 HAS 11. SO 1, 3 AND 4 HAVE 10 PARISH SPLITS.
8 **Q.** AND WHEN IT COMES TO MUNICIPALITY SPLITS, HOW DO YOUR
9 ILLUSTRATIVE PLANS COMPARE TO THE ENACTED PLAN?
10 **A.** AGAIN, SUPERIOR. THE 2022 PLAN -- AND THIS IS ACTUALLY
11 SHOWING THE ERRONEOUS CHART THAT I THINK I'VE MENTIONED IN MY
12 SECOND DECLARATION. THE ACTUAL NUMBER OF SPLITS AND
13 MUNICIPALITIES IN THE ENACTED PLAN IS 38. TWO OF THEM ARE
14 ACTUALLY A ZERO POPULATION SPLIT, SO I DISCOUNT THOSE.
15 SO THE NUMBER I WOULD BE USING WOULD BE 36. BUT
16 BECAUSE THAT IS ACTUALLY REFLECTING PIECES, NOT SPLIT
17 MUNICIPALITIES IN THIS CHART, THE NUMBERS THAT I COME UP WITH
18 ARE 18 MUNICIPALITIES ARE SPLIT IN THE ENACTED PLAN. AND I'D
19 HAVE TO GO -- WELL, YOU CAN SEE HERE THAT ILLUSTRATIVE PLAN 1
20 WOULD SPLIT I THINK 12 MUNICIPALITIES AND ILLUSTRATIVE PLAN 2
21 WOULD SPLIT 15. AND ILLUSTRATIVE PLAN 3 WOULD ACTUALLY SPLIT I
22 THINK 16 IF YOU JUST LOOKED AT MUNICIPALITY SPLITS AS OPPOSED
23 TO PIECES OF MUNICIPALITIES AS CLEARLY SUPERIOR TO THE ENACTED
24 PLAN ACROSS THAT METRIC AS WELL AS THE PARISH SPLITS. AND
25 ALTHOUGH IT'S NOT SUPERIOR IN TERMS OF VTD SPLITS, THAT'S ONLY

11:03 1 BECAUSE I WAS SEEKING TO ACHIEVE ZERO POPULATION DEVIATION.
2 CLEARLY IT WOULD BE VERY EASY TO DRAW FOUR ILLUSTRATIVE PLANS
3 THAT ARE ZERO VTD SPLITS AND WITHIN PLUS OR MINUS 150 PEOPLE OR
4 SO, AS I'VE SHOWN IN ILLUSTRATIVE PLAN 4.
5 **Q.** AND LET'S TAKE A LOOK AT THAT.
6 **MS. KHANNA:** LET'S LOOK IN YOUR SUPPLEMENTAL REPORT,
7 GX-29, PAGE 8, FIGURE 3.
8 **BY MS. KHANNA:**
9 **Q.** SO THIS TALKS ABOUT -- CAN YOU EXPLAIN WHAT THE -- WHAT
10 HAPPENED HERE WHEN IT CAME TO THE PRECINCT OR THE VTD SPLITS?
11 **A.** YES. THIS IS THE ACTUAL HB1 PLAN INSTEAD OF MY MISTAKE
12 THAT WAS SB1, NOT HB1 IN MY INITIAL DECLARATION. BUT THE
13 BOTTOM LINE IS THE SAME. IT DOESN'T CHANGE MY OPINION IN ANY
14 WAY.
15 YOU CAN SEE THE 2022 PLAN SPLITS 15 PARISHES VERSUS
16 ILLUSTRATIVE PLAN 4 THAT SPLITS 10 WITH NO PRECINCT SPLITS;
17 WHEREAS, THE 2022 PLAN -- ACTUALLY THAT'S OUT OF A SPLIT VTD IN
18 WEST BATON ROUGE RIGHT ALONG THE I-10 BRIDGE AREA, AND IT HAS
19 FEWER POPULATED MUNICIPAL SPLITS. AND IF YOU DISCOUNT SOME OF
20 THE DOZEN OR SO TOWNS AND CITIES IN LOUISIANA THAT SPILL OVER
21 INTO ANOTHER PARISH, BOTH PLANS THEN HAVE FEWER REAL SPLITS IN
22 THE SENSE THAT THERE -- LIKE MORGAN CITY I THINK IS IN TWO
23 DIFFERENT PARISHES, AND SO IT'S KIND OF UNFAIR TO CALL THAT A
24 SPLIT WHEN, YOU KNOW, YOU'RE NOT SPLITTING THE PARISH. YOU'RE
25 KEEPING THE PARISHES INTACT. AND BECAUSE OF THAT, YOU'RE

11:05 ACTUALLY SPLITTING A MUNICIPALITY, AND THAT REALLY SHOULDN'T COUNT AS A STRIKE AGAINST YOU.

SO SINGLE PARISH POPULATED SPLITS, AGAIN, YOU CAN SEE FROM ILLUSTRATIVE PLAN 4, FEWER MUNICIPAL SPLITS ARE INVOLVED IN ILLUSTRATIVE PLAN 4.

Q. LOOKING AT THE SAME FIGURE ON THE SCREEN, THE LAST COLUMN SAYS "CBSA SPLITS." CAN YOU EXPLAIN FOR THE COURT WHAT A CBSA REFERS TO?

A. YES. CBSA'S ARE DEFINED BY THE OFFICE OF MANAGEMENT AND BUDGET, AND THEY ARE -- I MEAN, MOST PEOPLE I THINK ARE FAMILIAR WITH THE TERM METROPOLITAN STATISTICAL AREAS MAYBE, SO THAT YOUR -- YOU KNOW, AN AREA LIKE NEW ORLEANS WOULD HAVE TWO OR THREE PARISHES THAT ARE PART OF WHAT ARE KNOWN AS METROPOLITAN STATISTICAL AREAS. THESE METROPOLITAN STATISTICAL AREAS ARE DEFINED BY THE OFFICE OF MANAGEMENT AND BUDGET. THEY REFLECT COMMUTING PATTERNS THAT THEN CAN BE EXPRESSED AS RELATIONSHIPS BETWEEN PARISHES IN SMALL TOWNS IN AND AROUND A LARGER POPULATION CENTER. METROPOLITAN STATISTICAL AREAS HAVE TO HAVE AT LEAST ONE URBAN CENTER THAT IS 50,000 PEOPLE OR MORE. SO OBVIOUSLY NEW ORLEANS AND BATON ROUGE ARE METROPOLITAN STATISTICAL AREAS, BUT SO IS THIBODAUX AND HOUMA, BECAUSE THOSE AREAS HAVE SMALLER CITIES THAT ARE MORE THAN 50,000 PEOPLE.

AND THERE ARE NINE METROPOLITAN STATISTICAL AREAS IN LOUISIANA, BUT THERE ARE ALSO SOME AREAS THAT ARE KIND OF

11:06 1 URBANIZED BUT SMALLER CITIES, AND THEY ARE KNOWN AS
2 MICROPOLITAN STATISTICAL AREAS. AND THERE ARE 10 OF THOSE IN
3 THE STATE.
4 **Q.** SO --
5 **A.** AND THAT WOULD INCLUDE SOME OF THE SMALLER CITIES LIKE
6 BOGALUSA, I THINK IS ACTUALLY A MICROPOLITAN STATISTICAL AREA.
7 **Q.** SO THEN IS IT FAIR TO SAY THAT CBSA'S ARE GOVERNMENT
8 DEFINED REGIONS BASICALLY CENTERED ON URBAN CENTERS AND THEIR
9 SURROUNDING COMMUNITIES? IS THAT RIGHT?
10 **A.** RIGHT. BASED ON COMMUTING PATTERNS SO THAT THEY REFLECT
11 COMMUNITIES OF INTEREST THAT ARE CENTERED ON COMMERCIAL
12 ACTIVITY, JOURNEY TO WORK. THEY ARE DEFINED IN A NEUTRAL WAY
13 BY THE OFFICE OF MANAGEMENT AND BUDGET IN CONJUNCTION WITH THE
14 CENSUS BUREAU AND THE JOURNEY-TO-WORK FILES. SO IT'S A VERY
15 EFFECTIVE WAY TO DEFINE REGIONS, AND THAT'S NOT JUST DONE IN
16 LOUISIANA BUT NATIONWIDE.
17 **Q.** AND WHAT DOES THE FEDERAL GOVERNMENT DO WITH THESE CBSA'S?
18 WHY IS THAT RELEVANT IN TERMS OF OTHER -- LIKE FEDERAL FUNDING
19 AND OTHER THINGS THAT HAPPENED WITH RESPECT TO THESE
20 COMMUNITIES?
21 **A.** WELL, THAT'S EXACTLY IT. IT AFFECTS FEDERAL FUNDING,
22 THINGS LIKE HIGHWAY TRANSPORTATION FUNDS, MEDICARE
23 REIMBURSEMENT. I MEAN, IT'S AMAZING ALL THE DIFFERENT FEDERAL
24 PROGRAMS THAT WOULD BE AFFECTED AS IT RELATES TO WHETHER OR NOT
25 A PLACE IS IN A METROPOLITAN STATISTICAL AREA OR IN A

11:08 1 MICROPOLITAN STATISTICAL AREA. AND SOME PARTS OF THE STATE, OF
2 COURSE, ARE NOT EITHER. THEY ARE PART OF RURAL AMERICA.
3 AND SO THERE WOULD BE OTHER FUNDING FORMULAS FOR
4 THOSE PARTICULAR PARISHES, A LOT OF THE AREAS IN NORTHEAST
5 LOUISIANA. THE PARISHES IN NORTHEAST LOUISIANA, FOR EXAMPLE,
6 WOULD BE RURAL AND NOT IN A MICROPOLITAN OR METROPOLITAN AREAS.
7 **Q.** HOW DOES YOUR ILLUSTRATIVE PLAN 4 COMPARE TO THE ENACTED
8 PLAN WHEN IT COMES TO DIVISION OF THESE CBSA COMMUNITIES?
9 **A.** THERE ARE 14 SPLITS. IN OTHER WORDS, SEVEN CBSA'S ARE
10 SPLIT COMPARED TO 18 SPLITS IN THE 2022 PLAN, OR NINE CBSA'S.
11 **Q.** I WANT TO TURN NOW TO THE CRITERION OF COMPACTNESS.
12 **MS. KHANNA:** IF WE COULD PULL UP FIGURE 18 OF YOUR
13 FIRST REPORT, GX-1 EXHIBIT, PAGE 32.
14 **BY MS. KHANNA:**
15 **Q.** IT'S A LOT OF NUMBERS HERE. WHAT ARE THE METRICS THAT ARE
16 REFLECTED HERE AND WHAT DO THEY SAY ABOUT QUANTITATIVE
17 COMPACTNESS?
18 **A.** WELL, THESE ARE MEASURES THAT DEMOGRAPHERS HAVE DEVELOPED
19 OVER THE YEARS TO DETERMINE WHETHER OR NOT ONE CAN OBJECTIVELY
20 MEASURE COMPACTNESS. AND SO I'M LOOKING HERE AT TWO DIFFERENT
21 MEASURES THAT ARE PROBABLY THE MOST WIDELY USED MEASURES. ONE
22 IS THE REOCK THAT IS BASED ON THE LAND AREA OF A DISTRICT AS IT
23 RELATES TO A CIRCUMSCRIBED CIRCLE.
24 SO A PERFECT PLAN OR A DISTRICT WOULD BE 1.0, AND
25 DISTRICTS THAT ARE NOT SO PERFECT WOULD DROP FROM THAT LEVEL.

11:09 MOST DISTRICTS NEVER ACHIEVE 1.0 BECAUSE THERE ARE NOT VERY MANY CIRCULAR CITIES. SO YOU GET A RANGE BETWEEN ZERO AND ONE, AND THE REOCK SCORE FOR THE 2022 PLAN IS .37. AND YOU CAN SEE THAT CD2 IS 0.18. AND THE ILLUSTRATIVE PLANS ARE GENERALLY IN THE SAME RANGE FOR REOCK, BUT SIGNIFICANTLY BETTER ON THE POLSBY-POPPER.

THE POLSBY-POPPER SCORE, WHICH IS IN THE RIGHT-MOST COLUMN, LOOKS AT THE PERIMETER OF THE DISTRICT. SO IF YOU HAVE LOTS OF SQUIGGLY LINES, THEN YOU ARE GOING TO HAVE A LOW POLSBY-POPPER SCORE. AND YOU CAN SEE THE 2022 PLAN HAS A FAIRLY LOW POLSBY-POPPER SCORE OVERALL, A .16, AND THE ILLUSTRATIVE PLAN SCORED HIGHER ON THAT MEASURE. AND OF PARTICULAR NOTE IS THE EXTRAORDINARY LOW SCORE FOR CD2, WHICH IS .06 ON THE POLSBY-POPPER SCORE.

Q. SO LOOKING AT THESE METRICS, I BELIEVE YOU MENTIONED THAT THE -- HOW DO YOUR ILLUSTRATIVE PLANS COMPARE OVERALL AS AN AVERAGE MEASURE COMPARED TO THE ENACTED PLAN?

A. BETTER.

Q. AND WHAT ABOUT ON THE INDIVIDUAL DISTRICT LEVEL?

A. AGAIN, BETTER, PARTICULARLY AS COMPARED TO CD2, WHICH IS THE MAJORITY-BLACK DISTRICT IN THE 2022 PLAN.

MS. KHANNA: IF WE COULD GO BACK TO THE SIDE-BY-SIDE SHOWING OF THE ENACTED PLAN ON THE LEFT AND THE ILLUSTRATIVE PLAN 1 ON THE RIGHT.

BY MS. KHANNA:

11:11 1 **Q.** HOW DO THESE METRICS THAT WE JUST TALKED ABOUT MAP ONTO
2 THE VISUAL, THE MAP ITSELF? JUST LOOKING AT THE MAP, HOW WOULD
3 YOU DESCRIBE WHERE WE SEE THOSE GAINS IN COMPACTNESS?
4 **A.** WELL, THE -- YOU CAN SEE THAT DISTRICT 2 IS JUST VERY
5 ODDLY SHAPED. AND SO THAT'S -- YOU DON'T NEED TO LOOK AT
6 COMPACTNESS SCORES TO SEE THAT ILLUSTRATIVE PLAN 1 IS FAR
7 SUPERIOR IN TERMS OF COMPACTNESS SCORES. IF YOU EXAMINE
8 DISTRICT 2 ALONE AND THEN -- BUT BECAUSE DISTRICT 6 IS THE
9 INVERSE OF THAT AND WRAPS AROUND CD2, IT NATURALLY ALSO IS
10 GOING TO HAVE A VERY LOW COMPACTNESS SCORE. AND YOU CAN LOOK
11 AT ILLUSTRATIVE PLAN 1 AND SEE THAT DISTRICT 6 IN ILLUSTRATIVE
12 PLAN 1 STAYS BASICALLY NORTH OF LAKE PONTCHARTRAIN AND DOES
13 NOT WRAP AROUND. SO OBVIOUSLY IT'S GOING TO SCORE HIGHER.
14 BUT, AGAIN, IT'S JUST IN THE EYE OF THE BEHOLDER. ILLUSTRATIVE
15 PLAN 1, THERE SURELY COULD BE NO REASONABLE PERSON ARGUING
16 OTHERWISE.
17 **Q.** YOU ALSO MENTIONED IN YOUR REPORT THAT CONTIGUITY IS
18 ANOTHER TRADITIONAL REDISTRICTING PRINCIPLE. IS THAT RIGHT?
19 **A.** YES.
20 **Q.** ARE YOUR ILLUSTRATIVE PLANS CONTIGUOUS?
21 **A.** YES, THEY ARE.
22 **Q.** AND HOW DID THE ILLUSTRATIVE PLANS COMPARE TO THE ENACTED
23 PLAN ON CONTIGUITY?
24 **A.** THE ENACTED PLAN IS CONTIGUOUS, TECHNICALLY SPEAKING, BUT
25 IF YOU LOOK VERY CLOSELY AT THE ENACTED PLAN AROUND EAST BATON

11:13 1 ROUGE AND WEST BATON ROUGE PARISH --
2 **Q.** I CAN PULL UP A MAP FOR YOU.
3 **MS. KHANNA:** IF WE COULD PUT UP GX-29 AT 27.
4 **BY THE WITNESS:**
5 **A.** YEAH. THIS IS A ZOOM ON DISTRICT 2 AND DISTRICT 6. AND
6 YOU CAN SEE HOW IN THE ENACTED PLAN DISTRICT 2 KIND OF PICKS UP
7 A FEW VTD'S IN WEST BATON ROUGE AND THEN WHEN IT REACHES I-10
8 -- YOU KNOW, THIS PARTICULAR EXHIBIT DOESN'T ZOOM IN LIKE MAYBE
9 IT COULD TO MAKE THIS POINT.
10 **MS. KHANNA:** CAN WE ZOOM IN AROUND THE BATON ROUGE
11 AREA MAYBE.
12 **BY THE WITNESS:**
13 **A.** YEAH. OKAY. YOU CAN SORT OF SEE THE AREA OF CONCERN HERE
14 WHERE YOU GET TO THE I-10 BRIDGE. AND NATURALLY TAKING THE
15 I-10 BRIDGE, YOU'RE GOING TO CROSS FROM PORT ALLEN INTO BATON
16 ROUGE, AND YOU CAN SEE THAT -- GOING BY I-10, IT -- DISTRICT 2
17 IS ON BOTH SIDES OF I-10, JUST BARELY ON THE OTHER SIDE. SO
18 YOU REALLY LEAVE DISTRICT 6 AND GO INTO DISTRICT 2. AND SO
19 THERE'S A LITTLE -- A LITTLE PIECE, A LITTLE CARVE-OUT OF
20 DOWNTOWN BATON ROUGE AROUND THE CAPITOL AND THE FEDERAL
21 BUILDING HERE THAT IS IN DISTRICT 6. BUT IT'S NOT REALLY
22 CONNECTED OTHER THAN BY WATER TO ANY OTHER PART OF DISTRICT 6.
23 BASICALLY YOU HAVE TO SWIM UPRIVER IN ORDER TO ACTUALLY GET TO
24 A POINT WHERE YOU COULD GO FROM THAT PART OF DOWNTOWN BATON
25 ROUGE, WHICH IS DISTRICT 6, INTO THE OTHER PART OF DISTRICT 6

11:14 IN EAST BATON ROUGE.

MS. KHANNA: AND IF WE COULD ZOOM OUT BACK TO THE ORIGINAL EXHIBIT.

BY MS. KHANNA:

Q. WERE THERE OTHER PORTIONS THAT -- OF THE ENACTED MAP THAT PRESENTED ANY CONTIGUITY CONCERNS?

A. YEAH. THERE'S ANOTHER AREA ON THE EAST SIDE. WELL, ACTUALLY REALLY THE WEST SIDE OF LAKE PONTCHARTRAIN, BUT ON THE EAST SIDE OF DISTRICT 6. YOU CAN SEE HOW THERE'S A LITTLE PENINSULA KIND OF BETWEEN LAKE PONTCHARTRAIN AND LAKE MAUREPAS. I'M NOT SURE IF I'M PRONOUNCING THAT RIGHT. BUT I GUESS YOU KNOW WHERE I MEAN. AND YOU CAN SEE THAT TO GET FROM ST. JOHN THE BAPTIST PARISH, YOU EITHER HAVE TO SWIM ACROSS LAKE MAUREPAS TO LIVINGSTON PARISH OR YOU HAVE TO TAKE I-55 AND GO INTO TANGIPAHOA PARISH AND THEN PICK UP ANOTHER ROAD THAT WOULD TAKE YOU BACK INTO DISTRICT 6. SO IT'S CONTIGUOUS BY WATER BUT NOT BY LAND.

Q. MR. COOPER, HOW MANY MAJORITY-BLACK DISTRICTS DO YOUR ILLUSTRATIVE PLANS CONTAIN?

A. TWO.

Q. AND WHEN YOU SAY "MAJORITY-BLACK," HOW DID YOU -- WHAT METRIC DID YOU USE TO MEASURE WHETHER YOUR DISTRICTS WERE MAJORITY BLACK?

A. I USED THE "ANY PART BLACK" VOTING AGE. ANYTHING OVER 50 PERCENT BLACK VOTING AGE IS MAJORITY BLACK.

11:16 1 **Q.** WERE THERE ANY OTHER METRICS THAT YOU EXAMINED WHEN
2 DETERMINING WHETHER YOU HAD CREATED TWO MAJORITY-BLACK
3 DISTRICTS?
4 **A.** YES. I ALSO CONFIRMED THAT BY LOOKING AT THE REGISTERED
5 VOTER FILE THAT THE STATE OF LOUISIANA LEGISLATURE RELEASED IN
6 THE SUMMER OF 2021 FOR REDISTRICTING PURPOSES. AND THERE TOO I
7 WAS ABLE TO DETERMINE THAT BOTH DISTRICTS 2 AND 5 IN THE
8 ILLUSTRATIVE PLANS HAVE OVER 50 PERCENT BLACK REGISTERED
9 VOTERS. THAT CONFIRMS THAT IT'S CLEARLY A SITUATION WHERE BOTH
10 DISTRICTS ARE OVER 50 PERCENT.
11 AND THEN I ALSO LOOKED AT THE CENSUS BUREAU'S SPECIAL
12 TABULATION OF CITIZEN VOTING AGE POPULATION AND DETERMINED
13 THERE AGAIN, THAT USING THE MOST CONSERVATIVE MEASURE POSSIBLE,
14 WHICH IS A SINGLE RACE, NON-HISPANIC CITIZEN BLACK VOTING AGE,
15 BOTH DISTRICTS IN ALL FOUR ILLUSTRATIVE PLANS ARE OVER
16 50 PERCENT BLACK. SO THERE'S NO -- THERE'S REALLY NO ARGUMENT.
17 I'M SURE THE DEFENDANTS WILL TRY TO CLAIM OTHERWISE, BUT THESE
18 ARE TWO MAJORITY-BLACK DISTRICTS THAT WERE VERY EASY TO DRAW.
19 **Q.** MR. COOPER, WE DISCUSSED A NUMBER OF FACTORS --
20 **MS. KHANNA:** WE CAN TAKE DOWN THE EXHIBIT. THANK
21 YOU.
22 **BY MS. KHANNA:**
23 **Q.** WE DISCUSSED A NUMBER OF FACTORS THAT WENT INTO THE
24 DRAWING OF THE ILLUSTRATIVE PLANS. WAS ANY ONE FACTOR THE
25 PREDOMINANT FACTOR IN DRAWING YOUR ILLUSTRATIVE MAPS?

11:17 1 **A.** NO. I MADE A REAL EFFORT TO BALANCE THE FACTORS.
2 **Q.** YOU TRIED TO BALANCE ALL THE FACTORS CONCURRENTLY?
3 **A.** RIGHT. RIGHT.
4 **Q.** COULD YOU HAVE INCREASED OR MAXIMIZED THE "BLACK VOTING
5 AGE" POPULATION OF ONE OR BOTH OF YOUR MAJORITY-MINORITY
6 DISTRICTS IF YOU WANTED TO?
7 **A.** SURE. I COULD HAVE SPLIT MORE PRECINCTS, MORE
8 MUNICIPALITIES, MAYBE MORE PARISHES AND INCREASED IT QUITE A
9 BIT PROBABLY.
10 **Q.** SO YOU COULD HAVE INCREASED THE RACIAL -- THE BLACK
11 COMPOSITION OF THE DISTRICTS, BUT THAT WOULD HAVE COME AT THE
12 EXPENSE OF OTHER TRADITIONAL PRINCIPLES?
13 **A.** YES. HOWEVER, CONCEIVABLY I COULD HAVE IMPROVED ON
14 COMPACTNESS BECAUSE MUNICIPALITIES AND PARISHES AND PRECINCTS
15 IN LOUISIANA TAKE ON SOME VERY ODD SHAPES.
16 **Q.** MR. COOPER, YOU READ A REPORT SUBMITTED BY TOM BRYAN ON
17 BEHALF OF THE STATE DEFENDANT. IS THAT RIGHT?
18 **A.** YES.
19 **Q.** AND MR. BRYAN SUGGESTS THAT YOUR ILLUSTRATIVE MAPS
20 SEGREGATE BLACK NEIGHBORHOODS FROM WHITE NEIGHBORHOODS IN
21 VARIOUS CITIES. DO YOU RECALL THAT FROM HIS REPORT?
22 **A.** YES.
23 **Q.** AND THOSE CITIES INCLUDED LIKE BATON ROUGE AND ALEXANDRIA.
24 IS THAT RIGHT?
25 **A.** RIGHT.

11:18 **MS. KHANNA:** I WANT TO PULL UP AN EXHIBIT FROM MR. BRYAN'S REPORT, LOOKING AT STATE'S EXHIBIT 2, PAGE 81, AND IF WE COULD JUST ZOOM IN ON THE FIGURE ITSELF.

BY MS. KHANNA:

Q. THIS IS THE CITY OF BATON ROUGE IN THE ENACTED PLAN. AND IF WE COULD JUST IGNORE THE DISTRICT LINES AND NUMBERS FOR THE MOMENT. ARE BLACK AND WHITE LOUISIANIANS UNIFORMLY DISTRIBUTED WITHIN BATON ROUGE?

A. NO. THE BLACK POPULATION LIVES PREDOMINANTLY IN THE NORTHERN PART OF BATON ROUGE, AND THE WHITE POPULATION LIVES IN THE SOUTHERN AREAS AND EASTERN AREAS.

Q. SO APART FROM THE WAY DISTRICTS ARE DRAWN, THERE IS ALREADY A SEGREGATION BETWEEN THE TWO RACIAL POPULATIONS WITHIN THE CITY?

A. RIGHT. THERE'S BEEN HISTORICAL HOUSING SEGREGATION AND THAT'S BEEN PERPETUATED INTO MODERN TIMES. SO, YES, THERE'S NO QUESTION THAT AFRICAN AMERICANS ARE IN A VERY COMPACT AREA IN BATON ROUGE AND IT'S IN THE NORTH.

Q. AND THAT'S -- THE SAME PATTERNS ARE SEEN IN OTHER CITIES AS WELL?

A. OH, ABSOLUTELY. ABSOLUTELY, YOU SEE THE SAME SEGREGATED HOUSING PATTERN. AND IT'S CLEAR THAT WITHIN THOSE CITIES AFRICAN AMERICANS LIVE IN VERY COMPACT, EASILY DEFINABLE AREAS.

MS. KHANNA: WE CAN TAKE DOWN THIS EXHIBIT.

BY MS. KHANNA:

11:20 1 **Q.** MR. COOPER, UNDER THE ENACTED PLAN, WHAT PERCENTAGE OF THE
2 STATE'S BLACK POPULATION LIVES IN A MAJORITY-BLACK DISTRICT?
3 **A.** FOR THE BLACK POPULATION LIVING IN A MAJORITY-BLACK
4 DISTRICT, APPROXIMATELY 31 PERCENT LIVE IN A MAJORITY-BLACK
5 DISTRICT.
6 **Q.** AND THAT'S LISTED IN YOUR REPORT --
7 **A.** RIGHT.
8 **Q.** -- JUST FOR THE COURT'S REFERENCE, IN PARAGRAPH 42 OF YOUR
9 INITIAL REPORT.
10 WHAT ABOUT THE WHITE POPULATION? UNDER THE ENACTED
11 PLAN, WHAT PERCENT OF THE WHITE POPULATION LIVES IN A
12 MAJORITY-WHITE DISTRICT?
13 **A.** 91.5 PERCENT.
14 **Q.** UNDER YOUR ILLUSTRATIVE MAPS, APPROXIMATELY WHAT
15 PERCENTAGE OF THE BLACK POPULATION WOULD LIVE IN A
16 MAJORITY-BLACK DISTRICT?
17 **A.** A LITTLE OVER HALF.
18 **Q.** AND THE OTHER HALF WOULD BE -- WHAT RATIONAL COMPOSITION
19 WOULD THAT BE?
20 **A.** WELL -- WELL, YOU -- WELL, ABOUT HALF OF THE BLACK
21 POPULATION WOULD LIVE IN A MAJORITY-BLACK DISTRICT.
22 **Q.** OKAY. THANK YOU.
23 AND APPROXIMATELY WHAT PERCENTAGE OF THE WHITE
24 POPULATION WOULD LIVE IN A MAJORITY-WHITE DISTRICT UNDER ANY
25 OF YOUR ILLUSTRATIVE PLANS?

11:21 1 **A.** ABOUT THREE-QUARTERS OF THE WHITE POPULATION WOULD LIVE IN
2 A MAJORITY-WHITE DISTRICT. SO THIS IMPROVES OVER THE ENACTED
3 PLAN WHERE WE SEE 31 PERCENT OF THE BLACK POPULATION AND 91
4 PERCENT OF THE WHITE POPULATION LIVING IN SEPARATE OR
5 MAJORITY-WHITE DISTRICTS.
6 **THE COURT:** JUST A SECOND, COUNSEL.
7 SUZIE, WHO DO WE KEEP LOSING THE VIDEO, OR IS
8 THERE NOTHING UP THERE?
9 **MS. KHANNA:** THERE'S NOTHING UP RIGHT NOW.
10 **THE COURT:** OKAY. I WAS JUST MAKING SURE WE DIDN'T
11 GO DARK.
12 **MS. KHANNA:** ABSOLUTELY.
13 **THE COURT:** GO AHEAD.
14 **BY MS. KHANNA:**
15 **Q.** AND SO AS YOU JUST DESCRIBED, WHILE THE ENACTED PLAN HAS
16 APPROXIMATELY 31 PERCENT OF THE BLACK POPULATION IN A
17 MAJORITY-BLACK DISTRICT AND OVER 90 PERCENT OF THE WHITE
18 POPULATION IN A MAJORITY-WHITE DISTRICT, YOUR ILLUSTRATIVE
19 PLANS WOULD MAKE APPROXIMATELY HALF OF THE BLACK POPULATION IN
20 A MAJORITY-BLACK DISTRICT AND THREE-QUARTERS OF THE WHITE
21 POPULATION IN A MAJORITY-WHITE DISTRICT? DID I HEAR THAT
22 CORRECTLY?
23 **A.** RIGHT. RIGHT.
24 **Q.** SO UNDER YOUR ILLUSTRATIVE MAPS, IS IT FAIR TO SAY THAT
25 MORE WHITE PEOPLE WOULD LIVE IN MORE RACIALLY DIVERSE DISTRICTS

11:22 1 THAN THEY DO UNDER THE ENACTED MAP?
2 **A.** ABSOLUTELY.
3 **Q.** YOU WERE ALSO ASKED TO LOOK AT VARIOUS SOCIOECONOMIC DATA.
4 IS THAT RIGHT?
5 **A.** YES.
6 **Q.** AND WHAT WAS THE PURPOSE OF THAT ANALYSIS?
7 **A.** JUST TO DETERMINE WHETHER OR NOT THE BLACK POPULATION AND
8 WHITE POPULATIONS HAVE DISPARATE MEASURES IN TERMS OF
9 SOCIOECONOMIC WELL-BEING. IT RELATES TO SENATE FACTOR 5, WHICH
10 I BELIEVE ANOTHER WITNESS MAY TESTIFY ON. BUT I JUST GATHERED
11 TOGETHER THE UNDERLYING DATA FROM THE AMERICAN COMMUNITY SURVEY
12 FOR THE YEAR OF 2019, A ONE-YEAR SURVEY STATEWIDE THAT IS THE
13 MOST CURRENT DATA AVAILABLE FROM THE CENSUS BUREAU.
14 **Q.** AND WHAT DID YOU CONCLUDE FROM YOUR EXAMINATION OF THAT
15 SOCIOECONOMIC DATA?
16 **A.** WELL, I PREPARED AN EXHIBIT WITH CHARTS TO ACCOMPANY THE
17 DATASET IN MY DECLARATION. AND ACROSS ALMOST EVERY SINGLE
18 CATEGORY YOU CAN SEE THAT NON-HISPANIC WHITES ENJOY HIGHER
19 LEVELS OF SOCIOECONOMIC WELL-BEING.
20 **Q.** AND IS THAT BOTH STATEWIDE AND AT THE PARISH LEVEL?
21 **A.** ABSOLUTELY. I'VE GOT A LINK TO A SET OF FILES FROM THE
22 2015-2019 ACS. THE LINK IS IN MY DECLARATION ON THE LAST PAGE.
23 AND IF YOU'RE REGISTERED IN A PARTICULAR PARISH, THERE'S DATA
24 COMPARING AFRICAN AMERICANS AND WHITES. AND I'VE ALSO INCLUDED
25 A TABLE -- CHARTS THAT SHOW THE LATINO POPULATION. AND YOU CAN

11:24 GET THAT INFORMATION FOR ANY PARISH IN LOUISIANA. GUARANTEED, YOU'LL SEE THE SAME PATTERNS.

AND IF YOU'RE INTERESTED IN MUNICIPALITY, YOU CAN GET ALL MUNICIPALITIES IN LOUISIANA: CITIES, TOWNS, VILLAGES, AND EVEN UNINCORPORATED PLACES THAT HAVE AT LEAST 10 PERCENT BLACK POPULATION, AND THE SAME PATTERN IS THERE.

Q. AND THAT PATTERN IS THAT WHITES WILL -- WHITES OUTPACE BLACKS --

A. YES.

Q. -- ON NEARLY EVERY SOCIOECONOMIC METRIC THAT YOU LOOKED AT?

A. YES.

Q. THANK YOU.

MS. KHANNA: YOUR HONOR, I HAVE NO FURTHER QUESTIONS AT THIS TIME, BUT I WOULD LIKE TO MOVE INTO EVIDENCE PLAINTIFFS -- GALMON PLAINTIFFS' EXHIBIT 1, WHICH INCLUDES 1, 1-A, 1-B, 1-C, AND GALMON PLAINTIFFS' EXHIBIT 29. THOSE ARE MR. COOPER'S REPORTS AND ALL THE ATTACHMENTS.

THE COURT: WITHOUT OBJECTION, ADMITTED.

MS. KHANNA: THANK, YOUR HONOR.

THE COURT: OKAY. WE'VE STILL GOT ABOUT 20 MINUTES THAT WE CAN BE ON THE RECORD. DO THE DEFENSE OR INTERVENORS WANT TO COMMENCE CROSS-EXAMINATION OF MR. COOPER?

MR. LEWIS: YES, YOUR HONOR.

THE COURT: COUNSEL, IF YOU DON'T MIND, STATE YOUR

11:25 NAME, PLEASE, SIR.

MR. LEWIS: YES.

CROSS-EXAMINATION

BY MR. LEWIS:

Q. GOOD MORNING, MR. COOPER.

MY NAME IS PATRICK LEWIS, AND I REPRESENT THE LEGISLATIVE INTERVENORS IN THIS CASE.

A. GOOD AFTERNOON.

Q. JUST A FEW QUESTIONS FOR YOU THIS MORNING.

GOOD MORING.

MR. COOPER, WHEN WERE YOU HIRED TO WORK ON THIS CASE?

A. PARDON?

Q. WHEN WERE YOU HIRED TO WORK ON THIS CASE?

A. I THINK IN EARLY MARCH OR FEBRUARY OF 2022.

Q. OKAY. AND DID YOU SPEND THE TIME FROM MARCH OR FEBRUARY UNTIL THE DATE OF YOUR INITIAL REPORT WORKING ON YOUR ILLUSTRATIVE MAPS AND OTHER WORK IN THIS CASE?

A. YES. I WAS DOING A LOT OF OTHER STUFF, BUT, YES, I WAS -- THAT WOULD HAVE BEEN IN THE TIME PERIOD I WOULD HAVE WORKED ON THE ILLUSTRATIVE MAPS.

Q. NOW, MR. COOPER, I JUST WANT TO MAKE SURE I UNDERSTAND FROM YOUR DIRECT TESTIMONY -- WOULD YOU AGREE WITH ME THAT HOUSE BILL 1 IS, YOU KNOW, FUNCTIONALLY A CARBON COPY OF THE 2011 CONGRESSIONAL PLAN FOR LOUISIANA?

A. I STATED THAT IN MY DECLARATION. THERE ARE MINOR

11:26 1 DIFFERENCES, BUT IT'S BASICALLY A CARBON COPY, RIGHT.
2 **Q.** OKAY. ALL RIGHT. AND I BELIEVE YOU TESTIFIED ON DIRECT
3 EXAMINATION THAT YOUR ASSIGNMENT IN THIS CASE WAS TO DETERMINE
4 IF LOUISIANA'S BLACK POPULATION WAS SUFFICIENTLY LARGE AND
5 GEOGRAPHIC COMPACT -- GEOGRAPHICALLY COMPACT -- EXCUSE ME -- TO
6 PERMIT TWO MAJORITY-BLACK DISTRICTS. DID I HEAR THAT RIGHT?
7 **A.** YES.
8 **Q.** OKAY. SO IS IT FAIR TO SAY YOUR GOAL FROM THE OUTSET WAS
9 TO DRAW TWO MAJORITY-MINORITY DISTRICTS IF YOU COULD. RIGHT?
10 **A.** NO, IT WAS NOT MY GOAL, BECAUSE WHEN DEVELOPING A PLAN YOU
11 HAVE TO FOLLOW TRADITIONAL REDISTRICTING PRINCIPLES. SO I DID
12 NOT HAVE A GOAL TO UNDER ALL CIRCUMSTANCES CREATE TWO
13 MAJORITY-BLACK DISTRICTS. I HAD TO BALANCE OUT THE POPULATION
14 AND ADHERE TO TRADITIONAL REDISTRICTING PRINCIPLES.
15 **Q.** OKAY. DURING YOUR MAP-DRAWING PROCESS, DID YOU EVER DRAW
16 A ONE-MAJORITY-MINORITY DISTRICT?
17 **A.** I DID NOT, BECAUSE I WAS SPECIFICALLY ASKED TO DRAW TWO BY
18 THE PLAINTIFFS.
19 **Q.** OKAY. NOW, MR. COOPER, FOR EACH OF YOUR FOUR ILLUSTRATIVE
20 PLANS, ISN'T IT TRUE THAT YOU DON'T DRAW A SINGLE DISTRICT
21 THAT'S 52 PERCENT OR HIGHER BVAP MEASURED WITH THE "ANY PART
22 BLACK" METRIC?
23 **A.** THAT COULD BE CORRECT. I DON'T HAVE THE NUMBERS IN FRONT
24 OF ME, BUT THAT COULD BE CORRECT.
25 **Q.** OKAY. BUT WE COULD FIND THOSE NUMBERS IN EXHIBITS J-1,

11:28 1 K-1 AND L-1 TO YOUR REPORT. IS THAT RIGHT?
2 **A.** I THINK SO, YES.
3 **Q.** OKAY.
4 **A.** I'M NOT DISAGREEING WITH YOU. I DON'T RECALL DRAWING A
5 DISTRICT THAT WAS SIGNIFICANTLY ABOVE THE LOW 50'S BVAP.
6 **MR. LEWIS:** OKAY. AND, IN FACT, JUST TO ILLUSTRATE
7 THE POINT, IF WE COULD PULL UP EXHIBIT GX-1B AT PAGE 37. THERE
8 WE GO.
9 **BY MR. LEWIS:**
10 **Q.** I BELIEVE THIS IS EXHIBIT K-1 TO YOUR REPORT.
11 DO YOU RECOGNIZE THIS, MR. COOPER?
12 **A.** YES.
13 **Q.** OKAY. SO THIS IS YOUR ILLUSTRATIVE PLAN 2. CORRECT?
14 **A.** IT IS.
15 **Q.** OKAY. AND SO YOUR DISTRICT 2 HAS 50.65 PERCENT BVAP. IS
16 THAT RIGHT?
17 **A.** THAT'S CORRECT.
18 **Q.** OKAY. AND DISTRICT 5 IS 50.04 PERCENT. RIGHT?
19 **A.** RIGHT.
20 **Q.** OKAY. SO, MR. COOPER, WHAT MADE YOU DECIDE TO STOP RIGHT
21 THERE AT THAT 50.04 PERCENT ON DISTRICT 5?
22 **A.** ZERO DEVIATION. I WAS ATTEMPTING TO BALANCE OUT THE
23 POPULATION SO THAT IT WAS PERFECT. I'VE BEEN IN SOME CASES
24 WHERE THE PARTIES ON THE OTHER SIDE HAVE INSISTED THAT, YOU
25 KNOW, IT'S GOT TO BE ZERO DEVIATION OR YOU HAVEN'T PREPARED AN

11:30 ACCEPTABLE PLAN FOR THE COURT. SO, YEAH, WHEN I HIT ZERO I STOPPED BECAUSE IT WAS STILL ABOVE 50 PERCENT BLACK VAP.

Q. OKAY. NOW, YOU TESTIFIED ON DIRECT EXAMINATION, MR. COOPER, THAT FOR YOUR FOURTH ILLUSTRATIVE PLAN, THAT REBUTTAL REPORT, THAT YOU NO LONGER ATTEMPTED TO REACH PERFECT POPULATION EQUALITY. ISN'T THAT RIGHT?

A. THAT'S CORRECT.

MR. LEWIS: OKAY. AND IF WE COULD GO TO EXHIBIT GX-29 AT PAGE 43.

BY MR. LEWIS:

Q. MR. COOPER, THIS IS EXHIBIT B-1 TO YOUR REBUTTAL.

DO YOU RECOGNIZE IT?

A. YES.

Q. GREAT. AND WOULD YOU AGREE WITH ME THAT DISTRICT 2 IN YOUR ILLUSTRATIVE PLAN 4 HAS A BVAP OF 50.06 PERCENT?

A. YES.

Q. OKAY. SO WHAT MADE YOU STOP AT 50.06 PERCENT FOR DISTRICT 2 IN THIS PLAN?

A. WELL, AGAIN, I'M NOT SURE I STOPPED AT 50.06 PERCENT. I MEAN, THAT'S WHERE IT ENDED UP. I WAS SIMPLY FOCUSED ON TRYING TO PUT TOGETHER A GOOD COMBINATION OF PRECINCTS SO THAT THE OVERALL DEVIATION WAS IN THE SAME RANGE AS THE ENACTED PLAN, BUT I DIDN'T SPLIT ANY VTD'S; WHEREAS THE ENACTED PLAN SPLITS ONE. SO THE DEVIATION IN THIS PLAN IS SLIGHTLY HIGHER THAN THE DEVIATION IN THE ENACTED PLAN, IF THAT MATTERS.

11:31 1 **Q.** SURE. BUT I BELIEVE YOU TESTIFIED ON DIRECT THAT YOU
2 COULD HAVE DRAWN HIGHER THAN A BARE 50 PERCENT BVAP MAJORITY.
3 CORRECT?
4 **A.** OH, I'M CONFIDENT YOU COULD BY SPLITTING MORE VTD'S.
5 **Q.** OKAY. NOW, MR. COOPER, DID YOU CONDUCT AN ANALYSIS TO
6 DETERMINE IF YOUR 50 PERCENT BVAP DISTRICTS IN YOUR FOUR
7 ILLUSTRATIVE PLANS WOULD BE LIKELY TO ELECT BLACK-PREFERRED
8 CANDIDATES TO CONGRESS?
9 **A.** NO. I DO NOT HANDLE *GINGLES* 2 AND 3. THERE'S ANOTHER
10 EXPERT IN THIS CASE, DR. PALMER, WHO WILL BE TESTIFYING ON THAT
11 POINT.
12 **Q.** OKAY. I'D LIKE TO ASK YOU A FEW QUESTIONS NOW ABOUT YOUR
13 CD5. SO FOR ONE EXAMPLE, LET'S PULL UP YOUR ILLUSTRATIVE 2
14 PLAN, WHICH IS GX-1 AT PAGE 27. THERE WE GO. SORRY ABOUT
15 THAT. IT'S ACTUALLY AT PAGE GX-28, JUST FOR THE RECORD. I
16 APOLOGIZE FOR THAT.
17 SO, MR. COOPER, YOU'D AGREE THAT YOU DREW EAST BATON
18 ROUGE PARISH INTO ALL FOUR OF YOUR ILLUSTRATIVE PLANS' DISTRICT
19 5. CORRECT?
20 **A.** THAT IS TRUE.
21 **Q.** OKAY. WOULD YOU FURTHER AGREE WITH ME THAT ALL FOUR OF
22 YOUR PLANS YOU DREW IN THE PARISHES OF EAST CARROLL, WEST
23 CARROLL, MADISON, TENSAS, CONCORDIA AND PORTIONS OF OUACHITA.
24 CORRECT?
25 **A.** CORRECT.

11:33 1 **Q.** OKAY. AND THOSE PARISHES THAT I JUST MENTIONED, THOSE ARE
2 ALL UP IN THAT DELTA REGION. IS THAT RIGHT?
3 **A.** RIGHT.
4 **Q.** OKAY. SO IF WE COULD NOW TURN TO FIGURE 3 ON PAGE 8 OF
5 YOUR REPORT, WHICH SHOULD BE PAGE GX-9 -- GX-1-9. EXCUSE ME.
6 OKAY. NOW, MR. COOPER, THIS FIGURE YOU DREW HERE IS SHADED TO
7 SHOW THE PERCENTAGE OF BVAP IN EACH OF LOUISIANA'S 64 PARISHES.
8 ISN'T THAT RIGHT?
9 **A.** YES.
10 **Q.** ALL RIGHT. NOW, THOSE DELTA PARISHES HAVE PRETTY
11 SUBSTANTIALLY HIGH BVAP -- IS THAT CORRECT? -- AS A PERCENTAGE.
12 **A.** WELL, IT'S EAST CARROLL AND MADISON ARE CLEARLY SUPER
13 MAJORITY BLACK. OF COURSE, THEY ARE NOT HEAVILY POPULATED,
14 AND THEN SOME OF THE OTHERS ARE IN THE 40 TO 60 PERCENT BLACK
15 CATEGORY, RIGHT.
16 **Q.** OKAY. SO JUST TO PUT SOME NUMBERS ON IT, I'D LIKE TO TURN
17 TO EXHIBIT C-1 TO YOUR REPORT, WHICH IS EXHIBIT GX-1A AT PAGE
18 18. AND, MR. COOPER, THIS TABLE REPORTS, AMONG MANY OTHER
19 VARIABLES, THE NUMBER OF "ANY PART BLACK" POPULATION IN EACH OF
20 LOUISIANA'S 64 PARISHES. RIGHT?
21 **A.** YES.
22 **Q.** ALL RIGHT. OKAY. SO JUST TO GO THROUGH VERY QUICKLY JUST
23 A FEW OF THESE, SO CONCORDIA HAS "ANY PART BLACK" POPULATION OF
24 7,725. RIGHT?
25 **A.** YEAH. CORRECT.

11:35 1 **Q.** ALL RIGHT. EAST CARROLL PARISH, 5,272. RIGHT?
2 **A.** CORRECT.
3 **Q.** OKAY. AND THEN OUACHITA HAS 61,217. RIGHT?
4 **A.** I'M NOT ON --
5 **Q.** OH, I THINK WE HAVE TO GO TO THE NEXT PAGE.
6 **A.** GOT TO FLIP THAT OVER ONE MORE.
7 **Q.** THERE WE GO. 61,217. CORRECT?
8 **A.** YES.
9 **Q.** PERFECT. OKAY. NOW, THE IDEAL POPULATION SIZE FOR A
10 LOUISIANA CONGRESSIONAL DISTRICT IS 776,293. DOES THAT SOUND
11 RIGHT?
12 **A.** THAT SOUNDS RIGHT. I GUESS I CAN CONFIRM IT. YES, THAT'S
13 RIGHT.
14 **Q.** PERFECT. ALL RIGHT. SO WOULD YOU AGREE THEN THAT IN
15 ORDER TO DRAW A SECOND MAJORITY-MINORITY DISTRICT IN LOUISIANA
16 THAT -- OTHER THAN DISTRICT 2 AND DISTRICT 5 -- THAT YOU NEEDED
17 TO INCLUDE SUBSTANTIAL BLACK POPULATION FROM THE DELTA
18 PARISHES?
19 **A.** THAT WOULD BE TRUE, I BELIEVE; THAT YOU WOULD HAVE TO
20 INCLUDE PART OF THE DELTA AREA IN -- AT LEAST PART OF THE DELTA
21 AREA IN DISTRICT 5 THAT WOULD BE MAJORITY BLACK.
22 **Q.** OKAY. AND, IN FACT, NONE OF THE REMEDIAL PLANS OR
23 ILLUSTRATIVE PLANS SUBMITTED IN THIS CASE DREW A SECOND MMD
24 WITHOUT INCLUDING THOSE PARISHES. IS THAT RIGHT?
25 **A.** THAT IS CORRECT.

11:37 1 **Q.** OKAY. DID YOU TRY TO DRAW A REMEDIAL PLAN THAT HAD A
2 SECOND MMD WITHOUT GOING UP INTO THE DELTA?
3 **MS. KHANNA:** OBJECTION, YOUR HONOR. UNDER RULE 26,
4 WE ARE NOT ALLOWED TO ASK ABOUT DRAFT REPORTS AND OTHER THINGS
5 THAT ARE NOT ACTUALLY IN THE EXPERT REPORT.
6 **THE COURT:** COUNSEL?
7 **MR. LEWIS:** I'M ASKING HIM IF IN A -- YOU KNOW, HE
8 WAS ASKED TO DRAW A -- I'M ASKING IF HE MADE AN ATTEMPT. I'M
9 NOT ASKING ABOUT HIS DRAFT REPORT.
10 **THE COURT:** WELL --
11 **MR. LEWIS:** DID HE TRY OR DID HE NOT?
12 **THE COURT:** RESTATE YOUR QUESTION.
13 **BY MR. LEWIS:**
14 **Q.** OKAY. LET ME TRY THIS AGAIN. HAVE YOU DRAWN -- HAVE YOU
15 EVER DRAWN -- ALL RIGHT. LET'S TRY IT THIS WAY.
16 NONE OF YOUR REPORTS INCLUDE A REMEDIAL PLAN THAT HAS
17 A SECOND MMD THAT DID NOT GO INTO THE DELTA. IS THAT RIGHT?
18 **A.** I HAVE NOT PREPARED REMEDIAL PLANS. THESE ARE SIMPLY
19 ILLUSTRATIVE PLANS TO --
20 **Q.** EXCUSE ME. I MEANT AN ILLUSTRATIVE PLAN.
21 **A.** -- DEMONSTRATE THAT *GINGLES* 1 IS MET.
22 **Q.** OKAY. BUT LET ME RESTATE THAT. WITH AN ILLUSTRATIVE
23 PLAN. NONE OF YOUR ILLUSTRATIVE PLANS CONTAIN TWO MMD
24 DISTRICTS THAT DON'T GO UP INTO THE DELTA. RIGHT?
25 **A.** THAT IS TRUE.

11:38 1 **Q.** AND AS YOU SIT HERE TODAY, ARE YOU AWARE OF A WAY THAT YOU
2 COULD DRAW A SECOND MAJORITY-MINORITY DISTRICT WITHOUT GOING
3 INTO THE DELTA?
4 **A.** I'M NOT. I'VE NEVER TRIED TO DO THAT.
5 **Q.** OKAY. ALL RIGHT. NOW, I BELIEVE YOU'VE SPOKEN ON DIRECT
6 EXAMINATION ABOUT TRYING TO PROTECT CORE-BASED STATISTICAL
7 AREAS AS A COMMUNITY OF INTEREST. IS THAT FAIR?
8 **A.** THEY REPRESENT A COMMUNITY OF INTEREST, YES.
9 **Q.** OKAY. AND DID YOU TRY TO PROTECT THOSE COMMUNITIES OF
10 INTEREST IN YOUR -- IN YOUR PLANS?
11 **A.** WELL, I BELIEVE I DID. I WAS AWARE OF THE LINES. IT'S
12 IMPOSSIBLE TO AVOID SPLITTING THOSE METROPOLITAN STATISTICAL
13 AREAS AND MICROPOLITAN STATISTICAL AREAS BECAUSE THEY ARE
14 COMPRISED GENERALLY OF MORE THAN ONE PARISH. SO THEY ARE
15 SPLITS, BUT THE END RESULT OF ILLUSTRATIVE PLANS 1, 2, 3 AND 4
16 ARE THAT MY PLANS INVOLVE FEWER SPLITS OF CORE-BASED
17 STATISTICAL AREAS THAN THE ENACTED PLAN.
18 **Q.** NOW, MR. COOPER, IS IT FAIR TO SAY THAT THERE IS NO MSA OR
19 METROPOLI' -- OR CORE-BASED STATISTICAL AREA THAT INCLUDES BOTH
20 EAST BATON ROUGE PARISH AND PARISHES OF THE DELTA SUCH AS EAST
21 CARROLL OR MOREHOUSE OR OUACHITA?
22 **A.** I'D HAVE TO LOOK AT THE MAP. I DON'T BELIEVE THAT BATON
23 ROUGE METROPOLITAN AREA WOULD EXTEND INTO THE DELTA AREA.
24 **Q.** OKAY. NOW, ONE OF THE METROPOLITAN STATISTICAL AREAS THAT
25 YOU CONSIDERED WAS THE MONROE METROPOLITAN STATISTICAL AREA.

11:40 IS THAT CORRECT?
A. THAT WOULD BE ONE THAT WOULD HAVE BEEN SPLIT.
Q. OKAY. THAT'S ONE THAT YOU SPLIT.
ALL RIGHT. AND, IN FACT, YOU SPLIT OVER 40 PERCENT OF ITS POPULATION TO CREATE DISTRICT 5. IS THAT NOT CORRECT?
A. I'D HAVE TO LOOK AT THE TABLE.
Q. SURE. SURE.
A. WHAT TABLE ARE YOU LOOKING AT?
Q. LET'S DO THAT.
MR. LEWIS: IF WE COULD GO TO EXHIBIT GX-1B AT PAGE 35.
BY THE WITNESS:
A. WELL, I CAN --
THE COURT: I'M HAVING A HARD TIME SEEING THAT.
MR. LEWIS: YEAH. IF YOU COULD ZOOM IN FOR US.
BY THE WITNESS:
A. I CAN PROBABLY FIND IT NOW. IS IT GX-1B?
BY MR. LEWIS:
Q. YES, SIR. DOES THAT HELP YOU?
A. YEAH, THAT DOES.
Q. THERE WE GO. ALL RIGHT.
SO IF I'M READING THIS CORRECTLY -- AND MAYBE I'M NOT -- BUT IT LOOKS TO ME LIKE YOU'VE GOT FOR DISTRICT 4, MONROE, LOUISIANA, 86,424 PEOPLE OF THAT MSA -- OR CBSA -- EXCUSE ME -- WERE PUT INTO DISTRICT 4. CORRECT?

11:41 1 **A.** THAT IS CORRECT.
2 **Q.** OKAY. AND FOR DISTRICT 5, YOU HAD 120,680 PEOPLE. RIGHT?
3 **A.** RIGHT.
4 **Q.** OKAY. SO I THINK I -- ACTUALLY, MY QUESTION TO YOU -- I
5 MAY HAVE HAD THAT NUMBER BACKWARDS. SO IT LOOKS LIKE ABOUT 58
6 PERCENT OF THE MONROE MSA -- OR EXCUSE ME -- THE CBSA WAS PUT
7 IN AND ASSIGNED INTO DISTRICT 5. CORRECT?
8 **A.** CORRECT.
9 **Q.** OKAY. AND DO YOU -- WOULD YOU AGREE WITH ME THAT IN THE
10 REMAINDER OF YOUR PLANS THAT THAT SPLIT WOULD BE SIMILAR?
11 **A.** IT PROBABLY IS SIMILAR.
12 **Q.** ALL RIGHT.
13 **A.** I WOULD AGREE WITH THAT.
14 **Q.** OKAY. SO I'D LIKE NOW TO TURN TO THE REPORT OF TOM BRYAN.
15 I BELIEVE YOU TESTIFIED ABOUT THAT BRIEFLY ON DIRECT
16 EXAMINATION AND SPECIFICALLY PAGE 46.
17 **MR. LEWIS:** SO STATE 2 AT PAGE 46, PLEASE.
18 **BY MR. LEWIS:**
19 **Q.** OKAY. HAVE YOU SEEN THIS CHART BEFORE?
20 **A.** I HAVE SEEN THE CHART. I HAVE NOT LOOKED AT IT IN GREAT
21 DETAIL.
22 **Q.** SURE. OKAY. AND DO YOU SEE FOR EAST BATON ROUGE PARISH
23 WHERE HE'S IDENTIFYING THAT YOU DIVIDED, YOU KNOW, CERTAIN
24 POPULATIONS BETWEEN DISTRICTS 5 AND 6 IN YOUR ILLUSTRATIVE PLAN
25 2?

11:43 1 **A.** YES.
2 **Q.** OKAY. DO YOU HAVE ANY BASIS TO DISPUTE HIS CALCULATION
3 THAT YOU ASSIGNED 72.78 PERCENT OF THE BLACK POPULATION OF EAST
4 BATON ROUGE PARISH INTO DISTRICT 5?
5 **A.** OH, I'VE NOT DOUBLE-CHECKED HIS FIGURES, BUT IT IS NOT
6 UNLIKELY -- IT IS LIKELY THAT THAT'S CORRECT.
7 **Q.** ALL RIGHT. AND THEN IF WE COULD LOOK DOWN AT OUACHITA
8 PARISH. I BELIEVE OUACHITA IS IN THE MONROE MSA. RIGHT?
9 **A.** IT IS.
10 **Q.** OKAY. IN YOUR REVIEW, DO YOU HAVE ANY BASIS TO DISPUTE
11 HIS CALCULATION THAT, YOU KNOW, WHEN YOU DIVIDED OUACHITA
12 PARISH BETWEEN DISTRICTS 4 AND 5, THAT YOU ASSIGNED 88.45
13 PERCENT OF OUACHITA'S BLACK POPULATION INTO DISTRICT 5?
14 **A.** AGAIN, I CANNOT CONFIRM HIS NUMBERS, BUT I HAVE NO REASON
15 TO THINK THAT THEY COULD BE CORRECT.
16 **Q.** OKAY.
17 **THE COURT:** COUNSEL, I APOLOGIZE FOR INTERRUPTING YOU
18 MID-CROSS, BUT WE ARE GOING TO HAVE TO TAKE A BREAK UNTIL 1:15.
19 **MR. LEWIS:** THANK YOU, YOUR HONOR.
20 **THE COURT:** SO WE WILL BE IN RECESS UNTIL 1:15.
21 **THE LAW CLERK:** COURT IS NOW IN RECESS.
22 **(WHEREUPON, THE COURT WAS IN RECESS.)**
23 **THE COURT:** BE SEATED.
24 OKAY, MR. LEWIS. YOUR WITNESS.
25 **BY MR. LEWIS:**

01:13 1 **Q.** GOOD AFTERNOON, MR. COOPER.
2 **A.** GOOD AFTERNOON AGAIN.
3 **Q.** SO BEFORE THE BREAK WE WERE TALKING BRIEFLY ABOUT SOME OF
4 THE MANNERS IN WHICH, YOU KNOW, YOU SPLIT SOME OF THE PARISHES
5 BETWEEN CONGRESSIONAL DISTRICT 5 AND OTHER DISTRICTS. DO YOU
6 RECALL THAT TESTIMONY?
7 **A.** I DO.
8 **Q.** OKAY. GOOD. IS IT FAIR TO SAY THAT THROUGH THOSE MOVES
9 THAT YOU MOVED A FAIR AMOUNT OF BVAP INTO CD5 THROUGH THOSE
10 SPLITS?
11 **A.** WELL, THE SPLITS DO FOLLOW SOME AREAS THAT ARE SEGREGATED
12 DUE TO HOUSING SEGREGATION GOING BACK DECADES. SO THE END
13 RESULT IS: I HAVE PUT MAJORITY-BLACK NEIGHBORHOODS IN THE
14 SECOND MAJORITY-BLACK DISTRICT, NOT EXCLUSIVELY, BUT CERTAINLY
15 THAT'S THE CASE.
16 **Q.** OKAY. AND IS THAT ONE OF THE MAIN -- YOU KNOW, THE FACT
17 THAT THOSE WERE BLACK-MAJORITY NEIGHBORHOODS, WAS THAT ONE OF
18 THE BIG DRIVERS OF WHY YOU ASSIGNED THOSE TO CD5?
19 **A.** NOT NECESSARILY. I'D HAVE TO GO BACK AND CAREFULLY REVIEW
20 THE MAP AND MY DECISION-MAKING PROCESS AT THE TIME, WHICH OFTEN
21 IS NOT SOMETHING THAT I WOULD RECORD.
22 BUT THE POINT IS THAT THESE CITIES HAVE VERY CLEARLY
23 DEFINED NEIGHBORHOODS THAT ARE OVERWHELMINGLY BLACK IN SOME
24 CASES, AND THAT'S JUST THE WAY IT IS. THEY'RE COMPACT AREAS
25 AND EASY TO JOIN TO OTHER COMPACT MAJORITY-BLACK POPULATIONS TO

01:21 1 COMPRISE A SECOND MAJORITY-BLACK DISTRICT.
2 **Q.** OKAY. I HAD ONE QUESTION FOR YOU ABOUT YOUR TESTIMONY
3 ABOUT THE GROWTH OF THE POPULATION CHANGES IN LOUISIANA.
4 **MR. LEWIS:** SO IF WE COULD GO TO PAGE 5 OF YOUR
5 REPORT, GX-1, EXHIBIT GX-1.
6 **BY MR. LEWIS:**
7 **Q.** OKAY. AND MY QUESTION FOR YOU RELATES TO FIGURE 1. AND I
8 BELIEVE, YOU KNOW, YOU OFFERED TESTIMONY THAT SINCE BETWEEN
9 2000 AND 2020, THAT THE SHARE OF NON-HISPANIC WHITE POPULATION
10 DECREASED IN THE STATE OF LOUISIANA. IS THAT RIGHT?
11 **A.** I BELIEVE I WAS TALKING ABOUT BETWEEN 1990 --
12 **Q.** OKAY.
13 **A.** -- AND 2020. IT MAY HAVE -- I MAY HAVE REFERENCED THE
14 WHITE POPULATION IN 1990 AS BEING 65.8 PERCENT, ROUGHLY.
15 **Q.** ALL RIGHT.
16 **A.** AND AS OF THE 2020 CENSUS, IT'S 55.8 PERCENT, ROUGHLY.
17 **Q.** ALL RIGHT. AND IS IT FAIR TO SAY THAT, YOU KNOW, THAT
18 THERE'S BEEN A SUBSTANTIAL GROWTH IN THE LATINO POPULATION IN
19 THE STATE OF LOUISIANA SINCE 1990?
20 **A.** THAT IS FAIR TO SAY.
21 **Q.** OKAY. AND THAT GROWTH WOULD BE REFLECTED ON FIGURE 1.
22 RIGHT?
23 **A.** CORRECT.
24 **Q.** ALL RIGHT. SO FROM ABOUT 2 PERCENT TO ABOUT 7 PERCENT OF
25 THE STATE'S POPULATION?

01:22 1 **A.** ROUGHLY SPEAKING, RIGHT.
2 **Q.** ALL RIGHT. SO, MR. COOPER, ARE YOU AWARE OF ANY TIME IN
3 THE 20TH OR 21ST CENTURY WHEN A LOUISIANA CONGRESSIONAL PLAN
4 COMBINED EAST BATON ROUGE PARISH WITH EAST CARROLL PARISH?
5 **A.** IN THE 20TH CENTURY?
6 **Q.** YES, SIR.
7 **A.** I ACTUALLY HAVE MAPS. I DON'T THINK THAT THE 2001 PLAN
8 DID. IT'S IN MY REPORT, BUT ALLOW ME TO DOUBLE-CHECK. LET ME
9 GET MY HANDS ON -- YES, THE 2001 PLAN, WHICH WAS ACTUALLY A
10 SEVEN-DISTRICT PLAN, INCLUDED IBERVILLE IN DISTRICT 5, BUT IT
11 DID NOT INCLUDE BATON ROUGE.
12 **Q.** OKAY. AND THEN IN THE PRIOR -- YOU KNOW, FROM 1990 TO
13 2000 -- OR 1900-TO-2000 RANGE, ARE YOU JUST -- ARE YOU AWARE OF
14 A DISTRICT THAT PUT EAST BATON ROUGE PARISH AND EAST CARROLL
15 PARISH IN THE SAME CONGRESSIONAL DISTRICT?
16 **A.** I HAVE NOT REVIEWED ALL THE MAPS, SO I REALLY -- I REALLY
17 COULD NOT -- COULD NOT SAY WITH ANY CERTAINTY AT ALL.
18 **Q.** OKAY.
19 **A.** ONE WAY OR THE OTHER.
20 **Q.** ALL RIGHT. WERE YOU FAMILIAR WITH THE *HAYS* LITIGATION IN
21 LOUISIANA IN THE 1990'S?
22 **A.** I'M AWARE OF IT. I HAD NO INVOLVEMENT AT ALL ON ANY
23 LEVEL.
24 **Q.** OKAY.
25 **A.** AND ACTUALLY I HAVE SOME MAPS SHOWING THE MAJORITY-BLACK

01:24 1 DISTRICTS THAT WERE DRAWN DURING THAT 1990-TO-2000 TIME FRAME.
2 **MR. LEWIS:** OKAY. SO JUST TO ILLUSTRATE ONE OF THEM,
3 IF WE COULD JUST GO TO -- AND I'M ONLY USING THIS FOR
4 ILLUSTRATIVE PURPOSES -- BUT TO DR. SADOW'S REPORT, EXHIBIT
5 SOS_3 AT PAGE 6.
6 **BY THE WITNESS:**
7 **A.** I DON'T HAVE HIS REPORT. I HAVE THESE MAPS IN MY
8 DECLARATION. I JUST HAVE TO PUT MY HANDS ON THEM. I ACTUALLY
9 PREFER TO USE MY MAPS. THEY HAVE A LITTLE BETTER DETAIL.
10 SO WE ARE LOOKING AT THE ORIGINAL MAP, WHICH WOULD BE
11 EXHIBIT F-1 IN MY DECLARATION.
12 **BY MR. LEWIS:**
13 **Q.** OKAY. SO THAT'S GX-01 AT -- IT LOOKS LIKE PAGE 38.
14 **A.** WELL, IT'S GX-1A.
15 **Q.** AND 38?
16 **A.** RIGHT.
17 **MR. LEWIS:** ALL RIGHT. OF COURSE, IF YOU COULD PULL
18 THAT UP.
19 **BY MR. LEWIS:**
20 **Q.** OKAY. SO THIS --
21 **A.** SO THAT MAP ACTUALLY DID INCLUDE EAST BATON ROUGE IN
22 DISTRICT 4.
23 **Q.** OKAY. AND THAT MAP WAS STRUCK DOWN AS A RACIAL
24 GERRYMANDER, WAS IT NOT?
25 **A.** YES. I THINK THAT MAP HAS THE LOWEST POLSBY-POPPER SCORE

01:26 I'VE EVER SEEN IN MY LIFE, .01, SO IT'S NOT SURPRISING.
Q. OKAY.
A. BUT I DO NOT KNOW THE SPECIFICS OF THE RULING IN TERMS OF WHY IT WAS -- WHY IT WAS REJECTED BY THE COURT.
Q. OKAY. AND THIS PARTICULAR PLAN ALSO INCLUDED PORTIONS OF OUACHITA PARISH COMBINED WITH EAST BATON ROUGE. IS THAT RIGHT?
A. IT DID APPARENTLY, RIGHT.
Q. OKAY. ALL RIGHT. SO, MR. COOPER, I'D LIKE NOW TO TURN TO SOME OF THAT -- SOME OF THE SOCIOLOGICAL DATA THAT YOU PULLED IN THIS CASE.
MY UNDERSTANDING IS YOUR REPORT -- THAT YOU REPORTED ON CERTAIN ECONOMIC, EDUCATIONAL AND OTHER -- I'LL JUST SAY SOCIOLOGICAL STATISTICS FROM LOUISIANA, BOTH AT THE STATE LEVEL AND AT THE LOCAL LEVEL IN EAST BATON ROUGE PARISH AND ORLEANS PARISH. IS THAT RIGHT?
A. I DO HAVE CHARTS THAT CAN BE ACCESSED FROM THE 2015-2019 FIVE-YEAR SURVEY FOR EAST BATON ROUGE AND ALL PARISHES IN LOUISIANA.
Q. OKAY. AND I BELIEVE YOU TESTIFIED ON DIRECT EXAMINATION THAT YOU LOOKED AT THESE STATISTICS TO HELP DETERMINE IF THERE WERE DIFFERENCES BETWEEN THE BLACK POPULATION AND THE WHITE POPULATION OF LOUISIANA ON THOSE PARTICULAR FACTORS. IS THAT RIGHT?
A. WELL, I DIDN'T LOOK AT ALL THOSE CHARTS. THEY WERE BATCH PRODUCED. I'VE LOOKED AT -- I THINK IN THE SUMMER OF 2020 --

01:27 1 OR MAYBE IT WOULD HAVE BEEN -- I THINK IT WOULD HAVE BEEN THE
2 SUMMER OF 2020. I WAS BRIEFLY INVOLVED IN A VOTING CASE IN
3 LOUISIANA AND FILED A DECLARATION WHERE I PRODUCED CHARTS FROM,
4 I THINK, THE 2015-2019 ACS -- OR 2014-2018 ACS BASED ON EAST
5 BATON ROUGE. I MEAN, THAT WAS -- THAT WAS ONE OF THE CHARTS
6 THAT I PREPARED FOR THAT CASE.
7 **Q.** OKAY. AND FOR THIS PARTICULAR CASE, YOUR REPORT DOESN'T
8 CONTAIN ANY ANALYSIS COMPARING THE ECONOMIC, EDUCATIONAL OR
9 SORT OF OTHER SOCIOLOGICAL DIFFERENCES BETWEEN THE BLACK
10 COMMUNITY OF EAST BATON ROUGE PARISH AND THE BLACK COMMUNITY OF
11 THE DELTA PARISHES. ISN'T THAT RIGHT?
12 **A.** WELL, YOU COULD LOOK AT THOSE SIMILARITIES. I'M NOT
13 SAYING THAT FOLKS WHO LIVE IN EAST CARROLL PARISH WHERE I'VE
14 BEEN AND WHERE I'VE SEEN THAT PEOPLE ARE IN DIRE ECONOMIC
15 STRAITS, AT LEAST AS OF THE MID-1990'S -- I'M NOT SAYING THAT
16 THOSE FOLKS NECESSARILY ARE ON THE SAME INCOME LEVEL AS A
17 TYPICAL AFRICAN AMERICAN IN BATON ROUGE.
18 BUT I THINK YOU HEARD VERY CLEAR TESTIMONY FROM MR.
19 MCCLANAHAN REPRESENTING -- AND THE PRESIDENT OF THE STATE
20 NAACP, AND HE DESCRIBED IN GREAT DETAIL HOW PEOPLE IN THE DELTA
21 AREA HAVE A GREAT DEAL OF CONNECTIONS TO EAST BATON ROUGE. SO
22 THERE'S NOTHING AT ALL UNUSUAL ABOUT INCLUDING EAST CARROLL
23 PARISH AND EAST BATON ROUGE IN THE SAME DISTRICT.
24 **Q.** ALL RIGHT. BUT, IN FACT, WOULD YOU AGREE WITH ME THAT
25 THERE ARE, IN FACT, SIGNIFICANT DIFFERENCES, BOTH -- YOU KNOW,

01:29 JUST AS TWO EXAMPLES, YOU KNOW -- MEDIAN BLACK HOUSEHOLD INCOME AND EDUCATIONAL ATTAINMENT LEVELS BETWEEN THE BLACK COMMUNITY OF EAST BATON ROUGE AND THE BLACK COMMUNITY OF EAST CARROLL PARISH?

A. WELL, I THINK YOU COULD LOOK ALSO AT THE WHITE COMMUNITY IN EAST CARROLL PARISH AND THE WHITE COMMUNITY IN BATON ROUGE AND ALSO SEE THAT THERE ARE DIFFERENCES.

Q. I UNDERSTAND. BUT IS YOUR ANSWER TO MY QUESTION THEN "YES," SIR?

A. MY ANSWER IS THAT YOU COULD DO THAT, BUT IT REALLY -- THAT DOES NOT MEAN MUCH OF ANYTHING, BECAUSE THE KEY THING TO REMEMBER IN THIS LAWSUIT IS THAT AFRICAN AMERICANS HAVE A SHARED INTEREST IN THE HISTORY THAT THEY'VE EXPERIENCED IN LOUISIANA, AS ONLY MR. MCCLANAHAN AND OTHER PLAINTIFFS WHO WILL FOLLOW ME CAN DESCRIBE BECAUSE I'M NOT BLACK AND I DIDN'T GROW UP IN LOUISIANA.

MR. LEWIS: YOUR HONOR, I'D LIKE TO MOVE TO STRIKE THAT ANSWER. IT GOES BEYOND HIS EXPERTISE AS AN EXPERT IN CENSUS DATA AND SOCIOLOGICAL STATISTICS HE'S SPEAKING ABOUT. HE'S GOING INTO SENATE FACTORS. HE'S NOT BEEN QUALIFIED AS AN EXPERT. HE DIDN'T OFFER A REPORT.

THE COURT: DENIED. YOU ASKED THE QUESTION.

NEXT QUESTION.

BY MR. LEWIS:

Q. SIR, I'D LIKE TO REVIEW WITH YOU JUST A FEW OF THOSE

01:31 1 NUMBERS.
2 **MR. LEWIS:** SO IF WE COULD TURN TO EXHIBIT GX-1C AT
3 PAGE 88.
4 **BY MR. LEWIS:**
5 **Q.** AND, MR. COOPER, I'LL REPRESENT THIS COMES OUT OF EXHIBIT
6 O TO YOUR REPORT.
7 **A.** YES.
8 **Q.** OKAY. ALL RIGHT. IS IT FAIR TO SAY FROM THIS REPORT,
9 SIR, THAT APPROXIMATELY 50.6 PERCENT OF BLACK RESIDENTS HAVE
10 EITHER SOME COLLEGE, AN ASSOCIATE'S DEGREE OR HIGHER LEVEL OF
11 EDUCATION?
12 **A.** THIS WOULD INDICATE THAT 30.8 PERCENT OF THE BLACK
13 POPULATION HAS SOME COLLEGE OR ASSOCIATE'S DEGREE AS COMPARED
14 TO WHITES IN THAT CATEGORY, WHICH WOULD BE 27.2 PERCENT;
15 ALTHOUGH I REMIND YOU THAT EVEN THOUGH THERE'S A GAP THERE, YOU
16 SEE THAT -- IF YOU LOOK AT "BACHELOR'S DEGREES," BLACKS HAVE
17 19.8 PERCENT OF THE POPULATION -- OVER 25 -- WITH A BACHELOR'S
18 DEGREE VERSUS 31.6 PERCENT.
19 SO IN SOME WAYS THIS SECOND-TO-THE-RIGHT COLUMN
20 IS JUST A REFLECTION OF A BIG DISPARITY AMONG THOSE WHO
21 ACTUALLY HOLD FOUR-YEAR DEGREES, SO THERE'S NOTHING UNUSUAL
22 ABOUT THIS CHART.
23 **Q.** OKAY. SO IF I JUST ADD 30.8 AND 19.8, I GET 50.6. IS IT
24 THEN FAIR FOR ME TO SAY THAT 50.6 PERCENT OF BLACK RESIDENTS IN
25 THE BATON ROUGE METROPOLITAN AREA HAVE SOME COLLEGE OR GREATER

01:32 EDUCATIONAL ATTAINMENT?
A. I DID NOT -- I DID NOT ADD THOSE UP MYSELF, BUT I'LL TAKE YOUR WORD FOR IT. BUT THEN I WOULD REMIND YOU THAT 58 PERCENT OF WHITES HAVE SOME COLLEGE OR A BACHELOR'S DEGREE.
THE COURT: WELL, WOULD NOT THE 19.8 BE A PART OF THE 30.85, NOT IN ADDITION TO? AM I THE ONLY ONE THAT SEES IT THAT WAY? IF THE NINETEEN POINT -- IF -- I'M SORRY. THE 30.8, WHICH IS SOME COLLEGE OR ASSOCIATE'S DEGREE, THEN IF HAVE YOU A BACHELOR'S, THAT IS A SUBSET OF THAT, NOT IN ADDITION TO. AM I INCORRECT, MR. LEWIS?
MR. LEWIS: I GUESS I COULD PUT THAT QUESTION TO THE WITNESS.
THE COURT: OKAY. AND I'M SORRY. I'LL LET YOU ASK THE QUESTION. I DON'T WANT TO TAKE OVER YOUR CASE. I JUST WANT TO MAKE SURE THAT I UNDERSTAND.
MR. LEWIS: YES, YOUR HONOR.
BY THE WITNESS:
A. I MEAN, IN THIS CHART, THE PERSONS IN THIS CATEGORY "SOME COLLEGE OR ASSOCIATE'S DEGREE" WOULD BE INDIVIDUALS WHO DID NOT COMPLETE THE FOUR-YEAR DEGREE. SO IT'S NOT REALLY A SUBSET.
THE COURT: OKAY.
BY THE WITNESS:
A. IT'S FOLKS WHO WENT TO COLLEGE MAYBE FOR A COUPLE OF YEARS, BUT JUST DIDN'T GRADUATE.
THE COURT: OKAY. THAT HELPS. THANK YOU.

01:34 1 **BY MR. LEWIS:**
2 **Q.** OKAY.
3 **A.** OR GRADUATED WITH AN ASSOCIATE'S DEGREE AS OPPOSED TO A
4 FOUR-YEAR OR HIGHER.
5 **Q.** ALL RIGHT. THANK YOU.
6 **MR. LEWIS:** AND IF WE COULD TURN, THEN, TO PAGE 97 OF
7 THIS DOCUMENT.
8 **BY MR. LEWIS:**
9 **Q.** OKAY. AND, MR. COOPER, WOULD YOU AGREE WITH ME THAT BLACK
10 MEDIAN HOUSEHOLD INCOME IS REPORTED ON THIS CHART FOR EAST
11 BATON -- YOU KNOW, FOR THE BATON ROUGE AREA IS $42,643?
12 **A.** YES.
13 **MR. LEWIS:** ALL RIGHT. IF WE COULD THEN TURN TO PAGE
14 102.
15 **BY MR. LEWIS:**
16 **Q.** AND HERE, MR. COOPER, WOULD YOU AGREE WITH ME THAT
17 16.6 PERCENT OF BLACK-FAMILY HOUSEHOLDS IN BATON ROUGE WERE
18 BELOW THE POVERTY LEVEL IN THE PAST 12 MONTHS?
19 **A.** YES, EXCEPT THIS IS BATON ROUGE METRO AREA, SO I'D HAVE TO
20 GO BACK AND --
21 **Q.** I UNDERSTAND. METRO AREA?
22 **A.** IT'S NOT JUST THE CITY OF BATON ROUGE.
23 **Q.** OKAY. SO I WOULD LIKE TO TAKE A VERY -- JUST A VERY QUICK
24 LOOK AT A COUPLE OF THOSE FIGURES YOU HAD ON YOUR WEBSITE. AND
25 SO I'M GOING TO GO WITH -- WE'LL START WITH EAST CARROLL

01:35 PARISH.

MR. LEWIS: THAT'S 1, MR. WILLIAMSON.

BY MR. LEWIS:

Q. AND SPECIFICALLY WE'RE GOING TO TAKE YOU TO -- START WITH PAGE 22.

FIRST OF ALL, DO YOU RECOGNIZE THIS DOCUMENT?

A. YES.

MR. LEWIS: OKAY. AND IF WE COULD GO TO PAGE 22.

BY MR. LEWIS:

Q. SO WOULD YOU AGREE WITH ME, THEN, THAT EAST CARROLL PARISH, BASED ON THIS ACS SURVEY, THAT 58 PERCENT OF BLACK FAMILIES IN EAST CARROLL PARISH WERE BELOW POVERTY LEVEL IN THE PAST 12 MONTHS?

A. DURING THAT SURVEY PERIOD, WHICH WENT FROM 2015 TO 2019, SO IT WOULD BE A SURVEY MIDPOINT OF 2017.

MR. LEWIS: OKAY. AND IF WE COULD GO TO PAGE 24.

BY MR. LEWIS:

Q. ALL RIGHT. AND WOULD YOU AGREE WITH ME, THIS IS REPORTING THAT THE MEDIAN HOUSEHOLD INCOME FOR BLACK RESIDENTS OF EAST CARROLL PARISH WAS $14,800 PER YEAR WITHIN THAT SURVEY PERIOD?

A. YES.

MR. LEWIS: ALL RIGHT. IF WE COULD TURN TO PAGE -- WHERE AM I AT HERE? -- PAGE 18.

BY THE WITNESS:

A. BY THE WAY, I RAN THESE CHARTS OFF A NATION-WIDE BASIS FOR

01:36 1 VARIOUS YEARS. AND SO I'M INCLUDING THE LATINO POPULATION AS
2 PART OF THAT BATCH PRODUCTION THAT AMOUNTED TO ALL -- LIKE
3 3,000 COUNTIES AND I DON'T KNOW HOW MANY MUNICIPALITIES. AND
4 THE IDEA WAS THAT IN ANY PLACE THAT WAS AT LEAST -- THAT AT
5 LEAST HAD 10 PERCENT BLACK POPULATION OR 10 PERCENT LATINO
6 POPULATION WOULD BE INCLUDED. I DON'T HAVE ENOUGH PERCENTAGE
7 OF THE POPULATION IN EAST CARROLL PARISH THAT IS LATINO, BUT
8 IT'S A VERY SMALL NUMBER. SO YOU HAVE TO TAKE SOME OF THESE
9 LATINO NUMBERS WITH A GRAIN OF SALT.
10 **BY MR. LEWIS:**
11 **Q.** I UNDERSTAND. AND, MR. COOPER, WE ARE UNFORTUNATELY ON A
12 CLOCK. SO IF I ASK YOU A -- I JUST ASK YOU TO PLEASE CONFINE
13 YOUR ANSWERS TO THE QUESTION ASKED SO WE CAN -- IF YOU WANT TO
14 FOLLOW UP, YOUR COUNSEL CAN INQUIRE.
15 **A.** I'M SORRY. I DIDN'T KNOW YOU HAD A CLOCK.
16 **Q.** WE DO. THANK YOU.
17 **A.** YES.
18 **Q.** SO FOR HERE, AGAIN, IF WE JUST SUM UP -- THIS IS
19 EDUCATIONAL ATTAINMENT, EAST CARROLL PARISH. IF WE JUST SUM UP
20 THAT 16.8 AND 5.4, WE GET APPROXIMATELY -- YOU KNOW, JUST
21 SLIGHTLY OVER 22 PERCENT OF BLACK RESIDENTS HAVE EITHER SOME
22 COLLEGE OR GREATER. IS THAT FAIR?
23 **A.** RIGHT.
24 **Q.** OKAY. ALL RIGHT. SAME EXERCISE, VERY QUICKLY, FOR
25 OUACHITA PARISH.

01:38 **MR. LEWIS:** IF WE COULD GO -- THIS WOULD BE EXHIBIT 2.

BY MR. LEWIS:

Q. AND, ONCE AGAIN, DO YOU RECOGNIZE THIS AS ONE OF YOUR CHARTS?

A. YES.

Q. PERFECT.

MR. LEWIS: ALL RIGHT. IF WE COULD GO TO PAGE 26.

BY MR. LEWIS:

Q. ALL RIGHT. AND THIS IS -- AGAIN, THIS IS AT FAMILY HOUSEHOLDS BELOW THE POVERTY LINE IN THE PAST 12 MONTHS FOR OUACHITA. THIS REPORTS 38.7 PERCENT OF BLACK-FAMILY HOUSEHOLDS WERE BELOW THE POVERTY LEVEL IN THAT TIME PERIOD. CORRECT?

A. IN THE PARISH? YES.

Q. PERFECT.

MR. LEWIS: ALL RIGHT. IF WE COULD GO TO PAGE 32.

BY MR. LEWIS:

Q. ALL RIGHT. AND THIS SHEET IS REPORTING MEDIAN HOUSEHOLD INCOME IN OUACHITA PARISH FOR BLACK HOUSEHOLDS IS $25,644. CORRECT?

A. CORRECT.

Q. ALL RIGHT.

MR. LEWIS: AND THEN PAGE 22.

BY MR. LEWIS:

Q. ALL RIGHT. AND I WON'T ASK YOU TO ADD THESE NUMBERS OTHER

01:39 THAN, YOU KNOW, I ADDED THEM UP. I GOT ABOUT 40.7 PERCENT FOR EDUCATIONAL ATTAINMENT FOR BLACK RESIDENTS OF OUACHITA PARISH, SOME COLLEGE OR GREATER, 40.7 PERCENT. DOES THAT LOOK RIGHT?

A. THAT LOOKS ABOUT RIGHT, YES.

Q. OKAY. THANK YOU.

ALL RIGHT. I'D LIKE TO TURN NOW TO -- YOU INDICATED THAT IN YOUR REBUTTAL REPORT THAT -- YOU SAID RACE DID NOT PREDOMINATE IN THE DRAWING OF ANY OF YOUR ILLUSTRATIVE PLANS. AND YOU'VE ALSO TESTIFIED THAT ONE OF THE CRITERIA YOU WERE ATTEMPTING TO FOLLOW WAS THE AVOIDANCE OF MINORITY VOTE DILUTION. DO YOU RECALL THAT TESTIMONY?

A. WELL, ALONG WITH SEVERAL OTHER TRADITIONAL REDISTRICTING PRINCIPLES.

Q. OKAY. HOW DOES ONE AVOID MINORITY VOTE DILUTION WHEN DRAWING A PLAN?

A. WELL, IF YOU HAVE A JURISDICTION WHERE THERE IS A SIGNIFICANT BLACK POPULATION AND THERE IS NO MAJORITY-BLACK DISTRICT AND THEN IF YOU CAN CREATE THAT MAJORITY BLACK-DISTRICT WHILE FOLLOWING OTHER REDISTRICTING PRINCIPLES, THEN YOU'VE AVOIDED MINORITY VOTE DILUTION.

Q. AND IS THERE A SPECIFIC TARGET BLACK-VOTING-AGE POPULATION YOU WOULD LOOK TO WHEN YOU WERE TRYING TO ENSURE YOU WERE NOT DILUTING MINORITY VOTES?

A. NO. I'M NOT AIMING FOR A TARGET, BUT I AM AWARE OF THE *BARTLETT V. STRICKLAND* RULING THAT BASICALLY ACKNOWLEDGES THAT

01:40 1 50 PERCENT PLUS 1 IS A VOTING AGE MAJORITY.
2 **Q.** NOW, WHEN YOU WERE DRAWING THESE DISTRICTS, YOU USED THE
3 MAPTITUDE SOFTWARE. RIGHT?
4 **A.** I DID.
5 **Q.** OKAY. AND DID YOUR COMPUTER HAVE THE RACIAL BREAKDOWN OF
6 THE VOTING TABULATION DISTRICTS IN LOUISIANA AT THE TIME YOU
7 DREW?
8 **A.** YES. IT HAD THE 2020 CENSUS FOR THE VOTING TABULATION
9 DISTRICTS.
10 **Q.** OKAY. AND DID YOU EVER CONSULT THAT DATA WHILE YOU WERE
11 DRAWING?
12 **A.** I WAS AWARE OF THE DATA, RIGHT.
13 **Q.** ALL RIGHT. SO IS THE ANSWER TO THAT QUESTION YES?
14 **A.** YES, TO THE EXTENT THAT I KNEW THAT PARTS OF BATON ROUGE,
15 SPECIFICALLY NORTH BATON ROUGE, ARE SIGNIFICANTLY BLACK, PARTS
16 OF ALEXANDRIA ARE SIGNIFICANTLY BLACK. THAT CAN BE OBVIOUS
17 WHEN WORKING WITH MAPTITUDE.
18 **Q.** SURE. WOULD YOU CONSIDER RACE AN IMPORTANT FACTOR THAT
19 YOU CONSIDERED WHEN DRAWING YOUR ILLUSTRATIVE PLAN DISTRICTS?
20 **A.** IT IS ONE OF SEVERAL TRADITIONAL REDISTRICTING PRINCIPLES.
21 I TRY TO BALANCE THEM ALL.
22 **Q.** OKAY. BUT CERTAINLY RACE WOULD HAVE BEEN AN IMPORTANT
23 FACTOR THAT YOU CONSIDERED. RIGHT?
24 **A.** IT WAS ONE OF SEVERAL.
25 **Q.** OKAY. NOW, YOU TALKED ABOUT, YOU KNOW, LOOKING AT CERTAIN

01:42 COMMUNITIES OF INTEREST, AND I KNOW YOU MENTIONED CORE-BASED STATISTICAL AREAS. YOUR REPORT DOESN'T DOCUMENT ANY OTHER TYPES OF COMMUNITIES OF INTEREST THAT YOU ATTEMPTED TO PRESERVE. CORRECT?

A. WELL, I -- IN THE FIRST PART OF MY DECLARATION I IDENTIFIED ACADIANA, AND I ALSO IDENTIFIED EIGHT PARISHES THAT ARE CONSIDERED THE CAJUN HEARTLAND. AND AS I TESTIFIED HERE EARLIER TODAY, I FELT LIKE I SHOULD AT LEAST TRY TO KEEP THE AREA RELATIVELY INTACT WHEN I DREW ILLUSTRATIVE PLAN 2, AND I DID SO. IT'S OVER 80 PERCENT. IT'S IN LINE WITH THE PERCENTAGE OF ACADIANA THAT IS IN DISTRICT 3 UNDER THE ENACTED PLAN.

Q. SURE. ALL RIGHT. WELL, LET'S PULL UP -- I'D LIKE TO GO BACK TO YOUR FIRST ILLUSTRATIVE PLAN. SO THAT'S YOUR REPORT AT PAGE 25, FIGURE 12.

MR. LEWIS: YEAH, IF WE COULD JUST ZOOM IN ON THE FIGURE.

BY MR. LEWIS:

Q. SO IF -- YOU MENTIONED THAT YOU LOOKED AT JOINT RULE 21 FROM THE LEGISLATURE, A SET OF LEGISLATIVE GOALS THAT YOU CONSIDER WHEN DRAWING YOUR PLANS. RIGHT?

A. RIGHT.

Q. ALL RIGHT. NOW, IF THE LEGISLATURE IDENTIFIED A PARTICULAR GOAL IN DRAWING ITS ENACTED PLAN, FOR EXAMPLE, PAIRING A MILITARY INSTALLATION IN VERNON PARISH, WHICH I

01:43 BELIEVE IS FORT POLK, WITH ANOTHER MILITARY INSTALLATION NEAR SHREVEPORT -- BARKSDALE AIR FORCE BASE -- WOULD YOUR ILLUSTRATIVE PLANS HAVE TAKEN THOSE GOALS INTO ACCOUNT?

A. I DID NOT SEE ANYTHING THAT INDICATED THOSE MILITARY INSTALLATIONS SHOULD BE JOINT. PERHAPS IF I HAVE ANOTHER OPPORTUNITY I WILL TAKE THAT INTO CONSIDERATION.

Q. OKAY. AND, IN FACT, IN THIS PLAN HERE, VERNON PARISH AND SHREVEPORT ARE NOT DRAWN INTO THE SAME DISTRICT. RIGHT?

A. WHICH PLAN?

Q. THE ONE ON THE SCREEN, ILLUSTRATIVE PLAN 1.

A. THAT IS TRUE. IN THIS PLAN VERNON PARISH IS IN DISTRICT 3.

Q. OKAY. AND WOULD YOU AGREE WITH ME THAT THERE IS NO UNIVERSAL DEFINITION OF "COMMUNITY OF INTEREST"?

A. YES.

MR. LEWIS: YOUR HONOR, I HAVE NO FURTHER QUESTIONS.

THE COURT: ANY REDIRECT?

MS. KHANNA: THANK, YOUR HONOR. VERY BRIEFLY.

REDIRECT EXAMINATION

BY MS. KHANNA:

Q. MR. COOPER, YOU WERE ASKED ABOUT THE EXTENT TO WHICH YOU TRIED TO PRESERVE OTHER COMMUNITIES OF INTEREST OTHER THAN THE CORE-BASED STATISTICAL AREAS YOU DISCUSSED IN YOUR REPORT?

A. YES.

Q. DO YOU CONSIDER PARISHES TO BE COMMUNITIES OF INTEREST IN

01:45 LOUISIANA?
A. THEY CAN BE.
Q. AND HOW ABOUT MUNICIPALITIES?
A. THEY CAN BE.
Q. DID YOU MAKE EFFORTS TO PRESERVE THOSE POLITICAL SUBDIVISION BOUNDARIES?
A. YES, I DID.
Q. CAN YOU TELL US AGAIN WHAT YOU WERE ASKED TO DO BY COUNSEL WHEN IT COMES TO THE *GINGLES* 1 ANALYSIS IN THIS CASE?
A. WELL, I WAS ASKED TO PREPARE PLANS THAT ADHERED TO TRADITIONAL REDISTRICTING PRINCIPLES AND THAT WOULD POSSIBLY DEMONSTRATE THAT A SECOND MAJORITY-BLACK DISTRICT COULD BE DRAWN IN LOUISIANA. I WAS NOT TOLD THAT I HAD TO PRODUCE SUCH A PLAN. BUT IN THE PROCESS OF DRAWING THE DISTRICTS, IT WAS CLEAR TO ME THAT IT IS, IN FACT, RELATIVELY EASY AND RELATIVELY OBVIOUS THAT ONE CAN DO SO. AND I DON'T SEE HOW ANYONE COULD THINK OTHERWISE.
Q. YOU WERE ASKED TO DETERMINE WHETHER *GINGLES* 1 COULD BE SATISFIED. IS THAT RIGHT?
A. EXACTLY. THAT'S THE POINT.
Q. AND PART OF THAT QUESTION WAS TO DETERMINE WHETHER THE BLACK POPULATION IN LOUISIANA IS SUFFICIENTLY NUMEROUS TO FORM AN ADDITIONAL BLACK-MAJORITY DISTRICT. IS THAT CORRECT?
A. YES.
Q. THE SECOND PART OF THAT ANALYSIS IS TO DETERMINE WHETHER

01:46 1 THE BLACK POPULATION IS SUFFICIENTLY COMPACT TO COMPRISE A
2 MAJORITY-MINORITY DISTRICT. IS THAT RIGHT?
3 **A.** YES.
4 **Q.** AND IN ANSWERING THAT QUESTION WHETHER THE BLACK
5 POPULATION IS SUFFICIENTLY NUMEROUS AND GEOGRAPHICALLY COMPACT
6 TO FORM A SECOND MAJORITY-BLACK DISTRICT IN THE CONGRESSIONAL
7 MAP, WHAT WAS YOUR ANSWER TO THAT QUESTION?
8 **A.** YES.
9 **Q.** HAVE YOU BEEN ASKED THAT QUESTION BY OTHER COUNSEL IN
10 OTHER SECTION 2 CASES -- OTHER PLAINTIFFS' COUNSEL IN OTHER
11 SECTION 2 CASES -- WHETHER *GINGLES* 1 IS SATISFIED IN A
12 PARTICULAR LOCATION?
13 **A.** YES. I DON'T THINK I COULD EVER RECALL A *GINGLES* 1
14 SECTION 2 CASE WHERE THAT QUESTION WAS NOT ANSWERED
15 AFFIRMATIVELY. I'VE PROBABLY IN SOME INSTANCES TOLD PEOPLE
16 THAT YOU JUST CANNOT DRAW A DISTRICT BECAUSE IT DOES NOT ADHERE
17 TO OTHER TRADITIONAL REDISTRICTING PRINCIPLES. I'VE CERTAINLY
18 DONE THAT.
19 **Q.** SIR, I THINK YOU'VE ANTICIPATED MY QUESTION, BUT JUST TO
20 CLARIFY: YOU'VE BEEN ASKED BY OTHER COUNSEL IN OTHER CASES
21 WHETHER IT'S POSSIBLE TO DRAW A MAJORITY-BLACK DISTRICT
22 CONSISTENT WITH *GINGLES 1* IN OTHER PLACES?
23 **A.** YES.
24 **Q.** AND IS THE ANSWER --
25 **A.** AND I HAVE TOLD SOME FOLKS "NO, YOU CAN'T DO -- CANNOT DO

01:47 IT."
Q. SO WHEN YOU FEEL LIKE YOU CAN'T DO IT OR WHEN YOU'VE DETERMINED YOU CAN'T DO IT CONSISTENT WITH TRADITIONAL DISTRICTING PRINCIPLES, YOU'VE TOLD COUNSEL THE ANSWER TO THE QUESTION IS "NO"?
A. NO. WELL, THAT'S EXACTLY THE CASE. AND I WOULD NEVER HAVE TESTIFIED IN COURT IN THE 1990'S SUPPORTING THE PLAN THAT WAS DRAWN THAT CREATED A SECOND MAJORITY-BLACK DISTRICT THAT WE JUST REVIEWED IN EXHIBIT F-1 OR WHATEVER FROM THE EARLY '90'S. I MEAN, THAT'S TRULY A CRAZY-LOOKING PLAN.
THERE MAY HAVE BEEN BETTER WAYS TO DRAW IT, BUT THOSE WERE DAYS WHEN GIS SOFTWARE WAS NOT NECESSARILY AVAILABLE. AND IT COULD HAVE BEEN DEVELOPED BY PEOPLE WORKING OFF OF PAPER MAPS AT THE BLOCK LEVEL AND THAT WAS THE RESULT, AND PERHAPS A BETTER PLAN COULD HAVE BEEN DRAWN.
Q. BUT AT THE END OF THE DAY, WHETHER IT WAS 30 YEARS AGO OR IN RECENT TIMES, IF COUNSEL WERE TO ASK YOU WHETHER YOU COULD DRAW AN ADDITIONAL MAJORITY-BLACK DISTRICT CONSISTENT WITH TRADITIONAL DISTRICTING PRINCIPLES, YOUR ANSWER WOULD BE "YES" OR "NO," DEPENDING ON THE DEMOGRAPHICS AND THE GEOGRAPHIC MAKEUP OF THE MAP. IS THAT RIGHT?
A. EXACTLY.
Q. THANK YOU. THAT'S ALL MY QUESTIONS.
THE COURT: OKAY. YOU MAY STEP DOWN, SIR.
NEXT WITNESS.

01:48 **MS. SADASIVAN:** YOUR HONOR, KATHRYN SADASIVAN FOR THE NAACP LEGAL DEFENSE FUND.

THE ROBINSON PLAINTIFFS WILL NEXT CALL ANTHONY FAIRFAX.

ANTHONY E. FAIRFAX,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

MS. SADASIVAN: YOUR HONOR, WOULD YOU LIKE US TO STIPULATE TO THE PROPOSED EXPERTISE THAT WE'RE PROFFERING?

THE COURT: YES. WHAT ARE YOU TENDERING THIS WITNESS IN?

MS. SADASIVAN: WE'RE TENDERING MR. FAIRFAX AS AN EXPERT WITNESS IN DEMOGRAPHY, REDISTRICTING AND THE USE OF CENSUS DATA.

THE COURT: OKAY. THE SAME AS MR. COOPER.

ALL RIGHT. IS THERE A STIPULATION AS TO THE TENDER?

MR. STRACH: NO OBJECTION.

THE COURT: OKAY. WELL, DO YOU WANT TO OFFER HIS C.V. INTO EVIDENCE?

MS. SADASIVAN: YES, I WILL, IN JUST ONE SECOND.

THE COURT: OKAY.

MS. SADASIVAN: IT'S PR-15 IS HIS REPORT, WHICH INCLUDES HIS FULL C.V.

THE COURT: OKAY. WELL, THE REPORT IS HEARSAY, SO -- UNLESS YOU DON'T OBJECT TO THE REPORT COMING IN, SIR? I ASKED

01:50 IF SHE WANTED TO OFFER THE C.V. SINCE THERE'S NO OBJECTION AS TO HIS EXPERTISE. SHE HAS HIS C.V. AS PART OF THE REPORT. MY COMMENT WAS "THE REPORT IS HEARSAY," UNLESS YOU WANT TO LET IT IN?

MR. STRACH: YOUR HONOR, I BELIEVE WE HAVE A STIPULATION THAT IF THE WITNESS TESTIFIES, WE WON'T OBJECT TO THE HEARSAY NATURE OF THE REPORT.

THE COURT: OKAY. THAT'S FINE THEN.

SO WHAT'S YOUR EXHIBIT NUMBER?

MS. SADASIVAN: PR-15.

THE COURT: ALL RIGHT. ADMITTED.

MS. SADASIVAN: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MS. SADASIVAN:

Q. GOOD AFTERNOON, MR. FAIRFAX.

A. GOOD AFTERNOON.

Q. CAN YOU PLEASE STATE AND SPELL YOUR NAME FOR THE RECORD.

A. YES. ANTHONY FAIRFAX, A-N-T-H-O-N-Y F-A-I-R-F-A-X.

Q. AND ARE YOU HERE TODAY, MR. FAIRFAX, TO TESTIFY AS AN EXPERT WITNESS IN *ROBINSON VERSUS ARDOIN*?

A. YES.

MS. SADASIVAN: AND, YOUR HONOR, CAN I APPROACH TO HAND THE WITNESS THE EXHIBIT?

THE COURT: YOU MAY.

THE WITNESS: YOUR HONOR, CAN I REMOVE MY MASK?

01:51 **THE COURT:** ARE YOU FULLY VACCINATED, SIR?

THE WITNESS: I'M TRIPLE VACC'D. I JUST DIDN'T HAVE MY CARD.

THE COURT: YES, YOU MAY.

THE WITNESS: ALL RIGHT. THANK YOU. APPRECIATE IT.

THE COURT: IT'S WEARER'S OPTION IF YOU'RE VACCINATED.

THE WITNESS: I APPRECIATE THAT.

BY MS. SADASIVAN:

Q. SO I HANDED YOU WHAT HAS BEEN PREMARKED AS PR-15. DO YOU RECOGNIZE THIS DOCUMENT?

A. YES, I DO.

Q. AND HOW DO YOU RECOGNIZE IT?

A. (NO ORAL RESPONSE.)

Q. HOW DO YOU RECOGNIZE THE DOCUMENT?

A. YES. IT'S THE ILLUSTRATIVE PLAN THAT I WROTE THE REPORT FOR THE ILLUSTRATIVE PLAN 1.

Q. AND DOES THIS REPORT FAIRLY SUMMARIZE YOUR QUALIFICATIONS AS AN EXPERT IN THIS CASE?

A. YES, IT DOES.

Q. AND DOES THE REPORT INCLUDE YOUR MOST RECENT CURRICULUM VITAE, OR C.V., WITH THE EXCEPTION OF MAYBE A CASE OR TWO?

A. YES. A RECENT PROJECT I STARTED IN MARCH.

Q. AND THAT'S ON PAGE 35?

A. THAT'S CORRECT.

01:52 1 **Q.** HOW LONG HAVE YOU BEEN A DEMOGRAPHER, MR. FAIRFAX?
2 **A.** APPROXIMATELY 30 YEARS.
3 **Q.** AND CAN YOU GIVE THE COURT AN OVERVIEW OF YOUR PRIOR
4 REDISTRICTING WORK?
5 **A.** SURE. I BEGAN MY INVOLVEMENT IN REDISTRICTING IN THE 1990
6 ROUNDS. I WAS A GIS CONSULTANT AT NORFOLK STATE UNIVERSITY.
7 THE PROJECT GOALS WERE TO ASSIST NONPROFIT ORGANIZATIONS,
8 MOSTLY THROUGHOUT THE SOUTH, THAT DID NOT HAVE THE WHEREWITHAL
9 TO DRAW AND DEVELOP REDISTRICTING PLANS.
10 THE SECOND PART WAS ACTUALLY GO OUT AND TRAIN
11 DIFFERENT UNIVERSITIES, HBCU'S, ON HOW TO ACTUALLY DRAW AND
12 DEVELOP PLANS.
13 THE NEXT DECADE I WAS HIRED AS THE CONSULTING
14 DEMOGRAPHER FOR A NONPROFIT -- A NEWLY FORMED NONPROFIT CALLED
15 THE CONGRESSIONAL BLACK CAUCUS INSTITUTE. AND ITS GOALS AND
16 OBJECTIVE WAS TO LOOK AT DIFFERENT CONGRESSIONAL DISTRICTS
17 THROUGHOUT THE COUNTRY WHERE AFRICAN AMERICANS COULD ELECT
18 CANDIDATES OF CHOICE, ANALYZE, DEVELOP PLANS, ALTERNATIVES.
19 THAT NEXT FOLLOWING DECADE I WAS REHIRED AS A
20 CONSULTING DEMOGRAPHER, ONCE AGAIN, FOR THE CONGRESSIONAL BLACK
21 CAUCUS. ALONG THE WAY I'VE DONE VARIOUS TRAINING,
22 REDISTRICTING TRAINING SESSIONS, DIFFERENT EXPERT PREPARATION
23 SESSIONS.
24 AND ULTIMATELY FINALLY THIS DECADE I'VE MOVED TO THE
25 LEVEL OF PROVIDING EXPERT WITNESS TESTIMONY.

01:53 **Q.** AND HAVE YOU DONE DEMOGRAPHIC REDISTRICTING WORK ON BEHALF OF STATE OR LOCAL GOVERNMENT ENTITIES?

A. YES. RECENTLY, I GUESS A COUPLE YEARS AGO, I WAS HIRED BY THE CITY OF EVERETT, WASHINGTON. THEY WERE MOVING FROM AN AT-LARGE SYSTEM TO THEIR FIRST DISTRICTING SYSTEM, AND THEY HIRED ME TO I GUESS SHEPHERD THE COMMISSION THAT THEY HAD TO DEVELOP THEIR FIRST PLAN.

Q. SO LET'S NOW TURN TO YOUR ROLE IN THIS CASE WHICH YOU DESCRIBE ON PAGE 4 OF YOUR INITIAL REPORT, WHICH IS PR-15. AT A HIGH LEVEL, WHAT WERE YOU ASKED TO EXAMINE?

A. I WAS ASKED TO DETERMINE WHETHER I COULD DEVELOP AN ILLUSTRATIVE CONGRESSIONAL DISTRICT PLAN FOR THE STATE OF LOUISIANA THAT ADHERED TO STATE AND FEDERAL CRITERIA AND SATISFIED THE FIRST PRECONDITION OF *GINGLES*.

Q. AND HOW MANY REPORTS DID YOU SUBMIT IN THIS CASE?

A. THREE.

MS. SADASIVAN: YOUR HONOR, MAY I APPROACH AGAIN?

THE COURT: YOU MAY.

BY MS. SADASIVAN:

Q. SO, MR. FAIRFAX, I JUST HANDED YOU WHAT HAS BEEN PREMARKED AS PR-86. DO YOU RECOGNIZE THIS DOCUMENT?

A. YES.

Q. AND HOW DO YOU RECOGNIZE IT?

A. IT APPEARS TO BE MY SECOND REPORT, MY RESPONSE SUPPLEMENTAL REPORT.

01:55 **MS. SADASIVAN:** AND, YOUR HONOR, CAN I APPROACH FOR THE LAST TIME? THIS IS THE LAST.

THE COURT: YOU MAY.

BY MS. SADASIVAN:

Q. AND I JUST HANDED YOU WHAT'S BEEN PREMARKED AS EXHIBIT PR-90. DO YOU RECOGNIZE THIS DOCUMENT?

A. YES, I DO.

Q. AND HOW DO YOU RECOGNIZE IT?

A. IT APPEARS TO BE MY THIRD REPORT, MY SECOND SUPPLEMENTAL REPORT.

Q. AND WHY DID YOU SUBMIT THE TWO SUPPLEMENTAL EXPERT REPORTS IN THIS CASE?

A. THE FIRST SUPPLEMENTAL REPORT WAS IN RESPONSE TO THE DEFENDANTS' EXPERTS, PRIMARILY WITH THE ISSUE THAT THEY HAD ON USING WHAT THEY CONSIDERED DOJ FORMULA FOR ESTABLISHMENT OF THE MAJORITY-BLACK DISTRICTS VERSUS ANY PART THAT I USED.

IN ADDITION, I ACTUALLY IMPROVED THE PLAN, AND IT ENDED UP BEING A BETTER PLAN THAN -- IN MANY CASES -- THAN THE ILLUSTRATIVE PLANS, THE ORIGINAL ILLUSTRATIVE PLAN.

THE SECOND SUPPLEMENTAL REPORT INVOLVED INCLUDING ALL INCUMBENTS WITHIN THE DISTRICTS. AND SO THERE WAS SOME SLIGHT MODIFICATIONS MADE ON THE SECOND ILLUSTRATIVE PLAN TO MAKE SURE THAT ALL INCUMBENTS WERE INCLUDED. THERE WAS ONE PAIRED INCUMBENT.

Q. AND SO WE'LL COME BACK TO THE REASON AND THE BASIS FOR

01:56 YOUR SECOND SUPPLEMENTAL OR YOUR FIRST SUPPLEMENTAL REPORT.
BUT BEFORE WE GET THERE, WHAT WERE YOU COMPENSATED FOR YOUR
EXPERT OPINIONS IN THIS CASE?
A. MY HOURLY RATE IS $200 AN HOUR.
Q. AND WAS YOUR COMPENSATION IN ANY WAY CONTINGENT UPON YOUR
FINDINGS OR THE ILLUSTRATIVE PLANS YOU DREW?
A. NO.
Q. CAN YOU PLEASE TELL ME WHAT *GINGLES* 1 IS?
A. *GINGLES* 1 COMES FROM THE COURT CASE
THORNBURG VERSUS GINGLES, SETTLED IN 1986. AND OUT OF THAT
COURT CASE CAME A THREE-PRONG TEST AND THE INCLUSION OF WHAT'S
CALLED THE TOTALITY OF CIRCUMSTANCES.
THE FIRST PRONG OR THE FIRST PRECONDITION IS THAT YOU
SHOULD SHOW THAT YOU CAN CREATE ONE OR MORE SINGLE-MEMBER
MAJORITY-MINORITY DISTRICTS THAT'S SUFFICIENTLY LARGE -- NOW
THEY SAY "NUMEROUS" -- AND GEOGRAPHICALLY COMPACT.
Q. AND HOW DO YOU DETERMINE WHETHER A MINORITY POPULATION IS
SUFFICIENTLY LARGE FOR THE PURPOSES OF *GINGLES* 1?
A. USUALLY YOU USE THE VOTING AGE POPULATION ABOVE
50 PERCENT. ON OCCASION YOU'LL NEED TO LOOK ALSO AT THE
CITIZEN VOTING AGE POPULATION.
Q. AND THE MINORITY POPULATION THAT YOU CONSIDERED HERE IS
THE BLACK POPULATION?
A. YES, THAT'S CORRECT.
Q. AND HOW DID YOU DETERMINE WHO WAS COUNTED AS BLACK IN YOUR

01:58 ASSESSMENT OF THE MINORITY POPULATION?
A. I USED THE "ANY PART BLACK."
Q. IS THAT COMMON IN YOUR PRACTICE?
A. YES.
Q. HOW DID YOU DEFINE THE "BLACK POPULATION" IN THE VARIOUS ILLUSTRATIVE PLANS? YOU ALLUDED TO EARLIER THAT YOU USED ANOTHER DEFINITION IN LATER PLANS.
A. HOW DID I DEFINE THEM?
Q. YES.
A. "ANY PART BLACK" WAS USED FOR EACH ONE OF THOSE PLANS. THE SECOND REPORT, AS I MENTIONED BEFORE, LOOKED AT WHETHER YOU COULD USE THE SAME METRIC FOR NON-HISPANIC BLACK ALONE PLUS BLACK AND WHITE COMBINED.
Q. AND, IN GENERAL, HOW DO YOU DETERMINE WHETHER A POPULATION IS GEOGRAPHICALLY COMPACT FOR THE PURPOSES OF *GINGLES* 1?
A. COMPACTNESS IS REALLY SUBJECTIVE TO THE JURISDICTIONAL BOUNDARIES, THE SIZE AND SHAPE OF THE VOTING TABULATION DISTRICTS. AND SO THE BEST WAY TO DO IT IS TO COMPARE YOUR PLAN TO ANOTHER PLAN.
FOR EXAMPLE, THE LAST ENACTED PLAN OR THE JUST PASSED ENACTED PLAN, AND THAT'S WHAT I DID. I COMPARED IT TO THE 2011 PLAN AS WELL AS THE HB1 ENACTED PLAN.
Q. AND WHEN YOU SAY "THE HB1 PLAN," YOU MEAN THAT'S THE BILL NUMBER THAT ESTABLISHED THE PLAN THAT WAS VETOED BY THE GOVERNOR AND SUBSEQUENTLY OVERRIDDEN BY THE LEGISLATURE?

01:59 1 **A.** THAT IS CORRECT.
2 **Q.** DID YOU CONSIDER TRADITIONAL AND STATE REDISTRICTING
3 CRITERIA IN DRAWING YOUR ILLUSTRATIVE PLANS?
4 **A.** YES, I DID.
5 **Q.** WHAT SOURCES DID YOU LOOK AT TO IDENTIFY LOUISIANA
6 REDISTRICTING PRINCIPLES?
7 **A.** WHAT DOCUMENTATION?
8 **Q.** ANY SOURCE.
9 **A.** YEAH. I LOOKED AT THE STATE CONSTITUTION THAT HAD A BRIEF
10 MENTION, BUT IT MOSTLY CAME FROM WHAT'S CALLED JOINT RULE 21
11 WHERE THE STATE LEGISLATURE ACTUALLY PROVIDED A GUIDELINE OF
12 THOSE THAT WERE DEVELOPING PLANS.
13 **MS. SADASIVAN:** HEY, MATTHEW, COULD YOU PLEASE PULL
14 UP PR-79, PAGE 1. THANK YOU.
15 **BY MS. SADASIVAN:**
16 **Q.** SO LET'S WALK THROUGH THE REDISTRICTING PRINCIPLES THAT
17 YOU CONSIDERED IN UNDERTAKING YOUR *GINGLES* 1 ANALYSIS IN THIS
18 REPORT.
19 WHICH TRADITIONAL OR STATE REDISTRICTING CRITERIA DID
20 YOU EVALUATE YOUR PLANS AND HB1 PLAN ON?
21 **A.** SURE. I LOOKED AT FIVE CRITERIA. I LOOKED AT EQUAL
22 POPULATION OR WHAT COMES FROM ONE-PERSON, ONE-VOTE. I LOOKED
23 AT CONTIGUITY. I LOOKED AT COMPACTNESS. I LOOKED AT POLITICAL
24 SUBDIVISION OF SPLITS OF PARISHES AS WELL AS VOTING TABULATION
25 DISTRICTS. I LOOKED AT COMMUNITIES OF INTEREST, MINIMIZING OR

02:00 1 PRESERVING COMMUNITIES OF INTEREST FOR CENSUS PLACES IN
2 LANDMARKS AND SOMETHING CALLED FRACKING.
3 **Q.** AND WE'LL GET TO THAT IN JUST A SECOND. BUT HOW DOES THE
4 CENSUS DESIGNATE CENSUS PLACES?
5 **A.** THE CENSUS DESIGNATES A PLACE AS A CITY, A TOWN OR A
6 VILLAGE IN SOMETHING THAT'S CALLED CENSUS DESIGNATED PLACES.
7 **Q.** AND WHAT IS A "CENSUS DESIGNATED PLACE"?
8 **A.** THE CENSUS BUREAU HAS CREATED THE STATISTICAL AREAS CALLED
9 CENSUS DESIGNATED PLACES, OR CDP'S, AND THESE ARE USUALLY
10 LOCALLY RECOGNIZED AREAS. THEY'RE NAMED BY THE AREA, BUT THEY
11 DON'T HAVE A GOVERNMENTAL BODY. AND SO THE CENSUS UTILIZES
12 THESE AREAS FOR STATISTICAL PURPOSES.
13 **Q.** AND YOU READ THE EXPERT REPORTS SUBMITTED BY THE
14 DEFENDANTS IN THIS CASE THAT ADDRESSED YOUR ILLUSTRATIVE PLANS?
15 **A.** YES.
16 **Q.** AND THE BRYAN REPORT OR ONE OF THE REPORTS EVALUATES SOME
17 SPLITS OF CENSUS PLACES. CORRECT?
18 **A.** THAT'S CORRECT.
19 **Q.** DOES IT EVALUATE ALL THE CENSUS PLACES THAT YOU EVALUATED
20 IN YOUR REPORT?
21 **A.** NO. IT APPEARS THAT WHAT HE DID WAS HE REMOVED THE CENSUS
22 DESIGNATED PLACES AND HE EVALUATED ONLY THE CITY, TOWNS AND
23 VILLAGES.
24 **Q.** AND WHY DO YOU CONSIDER CENSUS PLACES, INCLUDING CENSUS
25 DESIGNATED PLACES, IN YOUR CONSIDERATION OF COMMUNITIES OF

02:02 INTEREST IN EVALUATING THE LOUISIANA CONGRESSIONAL MAP?
A. BECAUSE CENSUS PLACES ARE ACTUALLY IN SOME WAYS MORE COMMUNITIES OF INTEREST THAN ACTUAL CITIES. THESE ARE LOCALLY DEFINED AREAS THAT THE COMMUNITY KNOWS ABOUT. THE COMMUNITY REALLY HAS NAMED THEM, AND SO THEY REALLY REPRESENT JUST AS MUCH OR EVEN SOMETIMES MORE AREAS THAN A CITY OR A TOWN.
Q. AND HOW DOES THE CENSUS DESIGNATE LANDMARK AREAS?
A. LANDMARK AREAS INCLUDE DOZENS OF AREAS, INCLUDING, SAY, AIRPORTS AND COLLEGES AND UNIVERSITIES, PARKS, CEMETERIES, LARGE INDUSTRIAL AREAS.
Q. AND WHY DID YOU SEEK TO PRESERVE CENSUS LANDMARKS?
A. BECAUSE THOSE ARE AREAS THAT MANY TIMES VOTERS DON'T WANT TO SPLIT AND SEPARATE.
Q. WHAT OTHER SOURCES DID YOU LOOK AT TO IDENTIFY COMMUNITIES OF INTEREST?
A. I LOOKED AT REFERENCE INFORMATION OF A WEBSITE CALLED "FOLKLIFE," A WEBSITE THAT PROVIDED ME SOME CONTEXT TO TRADITION AND CULTURAL AREAS THROUGHOUT THE STATE AS WELL, AND I USED SOCIOECONOMIC DATA AND ALSO SOME TESTIMONY.
Q. WHAT KIND OF TESTIMONY?
A. TESTIMONY FROM THE ROADSHOWS, DECLARATIONS, THE VIDEOS THAT THE STATE LEGISLATURE HAD.
Q. AND WHAT SOCIOECONOMIC DATA DID YOU CONSIDER?
A. I LOOKED AT A VARIETY OF SORT OF COMMON STANDARDS, SOCIOECONOMIC INDICATORS LIKE INCOME AND EDUCATION AND POVERTY,

02:03 RENTER PERCENTAGE. AND THOSE WERE THE MAJOR ONES.
Q. GOING BACK TO COMMUNITIES OF INTEREST, CAN THEY OVERLAP?
A. YES. YES.
Q. AND CONFLICT?
A. YES.
Q. HOW DID YOU PRIORITIZE THE TRADITIONAL REDISTRICTING CRITERIA THAT YOU CONSIDERED?
A. I TRIED TO BALANCE OUT ALL OF THE CRITERIA. SO THERE REALLY WASN'T ANY PRIORITY EXCEPT FOR COMMUNITIES OF INTEREST -- EXCUSE ME -- COMPACTNESS AND FRACKING WEREN'T INCLUDED IN THE JOINT RULE 21. THAT SAID, COMPACTNESS IS PART OF THE COMPONENT OF *GINGLES*. SO I HAD TO WEIGH THAT A LITTLE HIGHER THAN NORMALLY. AND SO I WOULD ACTUALLY EQUALIZE THAT WITH THE OTHER TRADITIONAL REDISTRICTING CRITERIA. SO FRACKING REALLY WAS THE ONLY ONE THAT I PROBABLY PUT AT A LOWER LEVEL.
Q. AND IS IT POSSIBLE THAT DIFFERENT TRADITIONAL REDISTRICTING PRINCIPLES CONFLICT WITH ONE ANOTHER?
A. OH, ABSOLUTELY. YEAH, THERE ARE TRADE-OFFS. THERE ARE ALWAYS TRADE-OFFS IN REDISTRICTING AND WHEN YOU'RE DRAWING PLANS.
JUST TO GIVE YOU AN EXAMPLE, IF YOU'RE TRYING TO MAKE SOMETHING MORE COMPACTED, IF YOU WILL, THAT MEANS THAT YOU MAY HAVE TO SPLIT A POLITICAL SUBDIVISION. AND IF YOU SPLIT A POLITICAL SUBDIVISION, THAT WORKS AGAINST OR WORKS FOR COMPACTNESS.

02:05 IT ALSO MAY MEAN THAT IF YOU'RE TRYING TO MAKE SOMETHING MORE EQUALLY POPULATED, YOU MAY ALSO HAVE TO SPLIT A POLITICAL SUBDIVISION. IF YOU'RE TRYING TO MAKE SOMETHING MORE COMPACT, IT MAY BE THAT YOU HAVE TO ADJUST THE EQUAL POPULATION AND TOLERATE A LITTLE MORE IN POPULATION DEVIATION. SO THERE ARE ALWAYS TRADE-OFFS THAT YOU HAVE.

MS. SADASIVAN: THANK YOU, MATTHEW. YOU CAN TAKE THOSE DOWN.

BY MS. SADASIVAN:

Q. LET'S TURN NOW TO YOUR MAP-DRAWING PROCESS.

DID YOU USE SOFTWARE TO DEVELOP THE ILLUSTRATIVE PLANS?

A. YES, I DID.

Q. WHAT SOFTWARE DID YOU USE?

A. I USED MAPTITUDE FOR REDISTRICTING.

Q. AND WHAT KIND OF DATA DID YOU CONSIDER IN DRAWING THE ILLUSTRATIVE PLANS?

A. A VARIETY OF SOURCES I USED. THE PRIMARY SOURCE WAS SOMETHING CALLED THE PL94-171 DATA. IT'S KNOWN AS REDISTRICTING DATA. IT'S AN EXTRACT FROM THE CENSUS, THE DECENNIAL CENSUS. IN THIS PARTICULAR CASE, THE 2020 CENSUS. IT PROVIDES YOU THE RACE AND ETHNICITY DOWN TO THE BLOCK LEVEL.

I ALSO LOOKED AT THE AMERICAN COMMUNITY SURVEY, BOTH THE ONE-YEAR AND THE FIVE-YEAR SURVEYS. PART OF THAT EXTRACT FROM THE ACS, THEY CALL IT, WAS THE CVAP DATA, WHICH PROVIDES

02:06 1 YOU CITIZEN VOTING AGE POPULATION. AND THE ACS ALSO PROVIDED
2 SOCIOECONOMIC DATA AS WELL.
3 I ALSO LOOKED AT DIFFERENT GEOGRAPHIC BOUNDARIES, OF
4 COURSE, FROM THE 2011 BOUNDARIES FOR THE PREVIOUSLY ENACTED
5 PLAN, AS WELL AS HB1 PLAN.
6 I ALSO ACCESSED THE AMERICAN COMMUNITY SURVEY -- HAS
7 INTEGRATED AND CREATED -- OR RATHER THE CENSUS BUREAU HAS
8 INTEGRATED AND CREATED FROM ACS AND OTHER SOURCES SOMETHING
9 CALLED THE COMMUNITY RESILIENCE ESTIMATES, AND THESE ARE
10 DESIGNED REALLY TO SHOW WHERE COMMUNITIES ARE AT RISK FOR A
11 DISASTER, INCLUDING COVID, THROUGHOUT THE COUNTRY.
12 I ALSO ACCESSED PLAINTIFFS' LOCATIONS AND ULTIMATELY
13 INCUMBENTS' ADDRESSES.
14 **Q.** AND DID YOU USE ANY OTHER DISTRICTING PLAN AS THE BASIS
15 FOR YOUR ILLUSTRATIVE PLANS?
16 **A.** YES. YES. THE 2011.
17 **Q.** AND WHY DID YOU USE THAT 2011 MAP AS THE BASIS FOR YOUR
18 ILLUSTRATIVE PLANS?
19 **A.** IN REDISTRICTING, NORMALLY YOU DON'T START FROM SCRATCH.
20 YOU DON'T JUST START DEVELOPING A PLAN ANYWHERE YOU WANT. YOU
21 START WITH A BASELINE, AND USUALLY THAT'S THE PREVIOUS ENACTED
22 PLAN AND THEN MODIFY FROM THAT PLAN.
23 **Q.** AND WAS THERE A MAJORITY-MINORITY DISTRICT IN THAT PLAN?
24 **A.** YES.
25 **Q.** IN WHICH DISTRICT?

02:07 1 **A.** DISTRICT 2.
2 **Q.** SO LET'S NOW WALK THROUGH EACH PRINCIPLE THAT YOU
3 CONSIDERED IN YOUR MAP DRAWING PROCESS AND WHETHER YOUR OPINION
4 -- IN YOUR OPINION THAT YOU FORMED THE ILLUSTRATIVE PLANS THAT
5 YOU DREW ADHERED TO THAT PRINCIPLE AND WHETHER THE HB1 PLAN
6 ADHERES TO THAT PRINCIPLE.
7 **MS. SADASIVAN:** MATTHEW, CAN YOU PLEASE PULL UP TABLE
8 5, PR-15 AT PAGE 20.
9 **BY MS. SADASIVAN:**
10 **Q.** AND WHAT'S THE IDEAL DISTRICT SIZE FOR A LOUISIANA
11 CONGRESSIONAL DISTRICT?
12 **A.** 776,293.
13 **Q.** AND HOW DID YOU MEASURE POPULATION DEVIATION?
14 **A.** YOU MEASURE -- AND, OF COURSE, THE SOFTWARE DOES THIS.
15 BUT THE POPULATION DEVIATION IS MEASURED FROM WHAT'S CALLED THE
16 IDEAL POPULATION SIZE, AND IT'S CALCULATED BY TAKING THE TOTAL
17 POPULATION OF THE STATE RESIDENTIAL POPULATION AND DIVIDING THE
18 NUMBER OF DISTRICTS INTO IT AND THAT GIVES YOU THE IDEAL
19 POPULATION SIZE. AND SO THAT DEVIATION FROM THAT IS HOW MUCH
20 THE DISTRICT DEVIATES FROM THAT IDEAL POPULATION SIZE. AND IF
21 YOU DIVIDE THE IDEAL POPULATION SIZE BY THAT NUMBER, YOU END UP
22 WITH THE DEVIATION PERCENTAGE.
23 **Q.** THANK YOU.
24 **MS. SADASIVAN:** MATTHEW, YOU CAN TAKE THOSE DOWN. IF
25 YOU WOULDN'T MIND PULLING UP PR-15 AT PAGE 23 AND PR-90 AT PAGE

02:09 1 5.
2 **BY MS. SADASIVAN:**
3 **Q.** MR. FAIRFAX, HOW DID YOUR ILLUSTRATIVE PLANS COMPARE TO
4 THE HB1 PLAN IN TERMS OF THE EQUAL POPULATION STANDARD?
5 **A.** THE ILLUSTRATIVE PLAN 1 ACTUALLY WAS ONLY 51 FOR AN
6 OVERALL DEVIATION WHERE YOU LOOK AT THE LOWEST POPULATED
7 DISTRICT FROM THE HIGHEST POPULATED DISTRICT AND GET THE
8 DIFFERENCE. AND SO THERE WAS 51 INDIVIDUALS IN THAT
9 DIFFERENCE. THE HB1 PLAN HAD 65.
10 **Q.** AND YOU TESTIFIED EARLIER THAT YOU TOOK INTO ACCOUNT
11 MATHEMATICAL COMPACTNESS WHEN YOU DEVELOPED YOUR ILLUSTRATIVE
12 PLANS IN ADDITION TO OTHER TRADITIONAL AND STATE REDISTRICTING
13 CRITERIA. RIGHT?
14 **A.** THAT'S CORRECT.
15 **Q.** AND WHAT ARE THE QUANTITATIVE MEASURES OF COMPACTNESS THAT
16 YOU CONSIDERED?
17 **A.** I LOOKED AT THREE MEASURES, THREE POPULAR MEASURES:
18 REOCK, POLSBY-POPPER AND CONVEX HULL.
19 **Q.** AND IS ANY SINGLE QUANTITATIVE MEASURE OF COMPACTNESS
20 DISPOSITIVE AS TO WHETHER OR NOT A PLAN IS OR IS NOT COMPACT?
21 **A.** NO. NO. THEY ALL USUALLY MEASURE A PARTICULAR ASPECT OF
22 THE DISTRICTING PLAN.
23 **Q.** SO HOW DO YOU COMPARE PLANS TO DETERMINE WHICH IS MORE
24 COMPACT?
25 **A.** PROBABLY THE BEST WAY AND THE MOST COMMON WAY IS TO LOOK

02:10 1 AT THE MEAN, THE MEAN OF ALL THE DISTRICTS. AND SO YOU WOULD
2 CALCULATE -- OR THE SYSTEM CALCULATES WHAT THAT MEAN IS FOR
3 EACH OF THE DISTRICTS FOR THE PLAN, AND THEN YOU COMPARE THAT
4 NUMBER WITH ONE PLAN AGAINST ANOTHER PLAN.
5 **Q.** AND SO HOW DID THE MEAN COMPACTNESS OF YOUR ILLUSTRATIVE
6 PLANS COMPARE TO THE HB1 PLAN?
7 **A.** THE ILLUSTRATIVE PLAN 1, 2 AND 2A WERE MORE COMPACT IN ALL
8 THREE MEASURES THAN THE HB1 ENACTED PLAN.
9 **Q.** AND IN YOUR OPINION, HOW DID YOUR ILLUSTRATIVE PLANS
10 COMPARE TO THE HB1 PLAN IN TERMS OF THE PRINCIPLE OF
11 CONTIGUITY?
12 **A.** BOTH PLANS WERE CONTIGUOUS.
13 **Q.** AND YOU TALKED EARLIER ABOUT VTD'S. WHAT IS A "VTD"?
14 **A.** VTD'S ARE VOTING TABULATION DISTRICTS, AND IT'S THE CENSUS
15 BUREAU'S EFFORT TO MIMMICK, IF YOU WILL, PRECINCTS. IN SOME
16 CASES THEY ARE EXACTLY LIKE PRECINCTS. IN OTHER CASES THEY ARE
17 NOT.
18 BUT THE CENSUS BUREAU USES CENSUS BLOCKS FOR THEIR
19 BASIS. PRECINCTS AT THE LOCALITY MAY NOT. THEY MAY SPLIT
20 CENSUS BLOCKS.
21 **Q.** SO WHY DID YOU CONSIDER VTD SPLITS IN COMPARING YOUR
22 ILLUSTRATIVE PLANS WITH THE HB1 PLAN?
23 **A.** THEY'RE CONSIDERED POLITICAL SUBDIVISION SPLITS OR
24 POLITICAL SUBDIVISIONS.
25 **Q.** AND HOW DID YOUR ILLUSTRATIVE PLANS COMPARE TO THE HB1

02:11 1 PLAN IN TERMS OF SPLITTING OR NOT SPLITTING VTD'S?
2 **A.** BOTH OF THE PLANS SPLIT ZERO SPLITS, INSOFAR AS I COULD
3 TELL.
4 **Q.** IN YOUR OPINION, HOW DO YOUR ILLUSTRATIVE PLANS COMPARE TO
5 THE HB1 PLAN IN TERMS OF ADHERING TO THE CRITERIA OF PRESERVING
6 POLITICAL SUBDIVISIONS?
7 **A.** IN ADDITION TO THE VTD'S, I LOOKED AT PARISH SPLITS. AND
8 SO THE ILLUSTRATIVE PLAN SPLIT 14 AND THE HB1 PLAN SPLIT 15.
9 **Q.** AS YOU WERE DRAWING THESE ILLUSTRATIVE PLANS, YOU
10 TESTIFIED EARLIER THAT YOU COMPARED THE ILLUSTRATIVE PLANS TO
11 THE HB1 PLANS IN TERMS OF PRESERVING COMMUNITIES OF INTEREST
12 BY LOOKING AT CENSUS PLACES AND LANDMARKS. RIGHT?
13 **A.** YES.
14 **Q.** AND HOW DID YOUR ILLUSTRATIVE PLANS COMPARE TO THE HB1
15 PLAN IN TERMS OF SPLITTING CENSUS PLACES?
16 **A.** THE ILLUSTRATIVE PLAN SPLIT 31 AND THE HB1 PLAN SPLIT 32.
17 **Q.** AND HOW ABOUT THE COMPARISON OF YOUR ILLUSTRATIVE PLANS TO
18 THE HB1 PLANS IN TERMS OF CENSUS LANDMARKS?
19 **A.** BOTH OF THEM SPLIT THE SAME AT 58.
20 **Q.** AT WHAT POINT IN YOUR MAP-DRAWING PROCESS DID YOU CONSIDER
21 SOCIOECONOMIC INDICES OF SHARED INTERESTS?
22 **A.** IN THE BEGINNING, MANY TIMES WHEN I DRAW PLANS I'LL DRAW
23 OR DEVELOP AN OVERLAY MAP OF SOCIOECONOMIC DATA, AND THAT WILL
24 ALLOW ME TO ACTUALLY SEE AND VISUALLY SEE COMMONALITIES AMONGST
25 DIFFERENT GEOGRAPHIC AREAS IN THE STATE OR EVEN IN A PARTICULAR

02:13 1 CITY. AND SO I DID THIS IN THIS CASE, TOO.
2 **MS. SADASIVAN:** MATTHEW, CAN YOU PLEASE PULL UP PR-86
3 AT 98.
4 **BY MS. SADASIVAN:**
5 **Q.** AND, MR. FAIRFAX, CAN YOU PLEASE DESCRIBE WHAT THIS MAP
6 ILLUSTRATES?
7 **A.** THIS IS AN EXAMPLE OF ONE OF THE OVERLAYS THAT I CREATED
8 TO OVERLAY DURING THE DISTRICTING PROCESS. AND IT WOULDN'T BE
9 ON ALL THE TIME, BUT I WOULD BE ABLE TO TURN IT ON DURING
10 TIMES. BUT THIS REPRESENTS CENSUS TRACTS AND THAT DEPICTS THE
11 MEDIAN HOUSEHOLD INCOME. AND THE COLORS REPRESENT -- OR ARE
12 REPRESENTED BY FIVE DIFFERENT WHAT'S CALLED QUINTILES. SO A
13 QUINTILE BREAKS UP THE EQUAL PARTS OF CENSUS TRACTS INTO FIVE
14 EQUALLY PARTED AREAS.
15 WHEN I'M LOOKING AT THIS, THE COLORED AREAS REPRESENT
16 THE LOWEST TWO QUINTILES. SO YOU CAN SEE THAT IN DISTRICT 5
17 YOU CAN KIND OF MAP OUT, IF YOU WILL, THE SHAPES OR THE
18 COMMONALITIES AMONGST THE MEDIAN HOUSEHOLD INCOME.
19 **Q.** AND WHEN YOU SAY "OVERLAY," YOU MEANT YOU OVERLAY THE
20 CONGRESSIONAL DISTRICTING PLANS ONTO THIS SOCIOECONOMIC DATA?
21 **A.** YES. AS I'M DRAWING, I COULD ACTUALLY SEE THIS SAME MAP
22 ON MY SCREEN. AND SO I COULD ACTUALLY DRAW AND ADD OR REMOVE
23 AREAS AT WILL USING THIS PARTICULAR MAP AND THE OTHER MAPS THAT
24 I CREATED.
25 **Q.** SO, FOR EXAMPLE, WHY DIDN'T YOU ADD CALDWELL PARISH INTO

02:14 1 CONGRESSIONAL DISTRICT 5?
2 **A.** RIGHT. I LOOKED AT CALDWELL PARISH TO BE INCLUDED IN
3 DISTRICT 5 VERY SIMILAR AND -- BUT I DECIDED, ONCE I ADDED IT
4 AND LOOKED AT IT, IT MADE THE DISTRICT LESS COMPACT, SO I
5 DECIDED NOT TO INCLUDE THAT. BUT I ALSO REALIZED THAT YOU
6 COULD CREATE AN ADDITIONAL MAJORITY-BLACK DISTRICT WITH
7 CALDWELL INCLUDED THAT SATISFIED *GINGLES* AND ADHERED TO
8 TRADITIONAL REDISTRICTING PRINCIPLES.
9 **Q.** SO THIS IS JUST ONE OF THE MAPS THAT YOU COULD HAVE
10 DRAWN?
11 **A.** THAT'S CORRECT.
12 **MS. SADASIVAN:** MATTHEW, COULD YOU PLEASE PULL UP
13 PR-86 AT PAGE 99.
14 **BY MS. SADASIVAN:**
15 **Q.** AND, MR. FAIRFAX, WHAT DOES THIS FIGURE ILLUSTRATE?
16 **A.** THIS IS VERY SIMILAR TO THE PREVIOUS ONE. IT'S BROKEN
17 DOWN INTO, AGAIN, THE FIVE QUINTILES, IF YOU WILL, WHERE THIS
18 SHOWS YOU REALLY THE TOP TWO QUINTILES FOR NO HIGH SCHOOL
19 EDUCATION.
20 SO THE TOP TWO SHOWS THOSE CENSUS TRACTS THAT HAVE A
21 GREAT DEAL, IF YOU WILL, OF PERSONS THAT HAVE NO HIGH SCHOOL
22 EDUCATION. AND YOU CAN SEE THAT REFLECTED IN THE RED AND
23 BROWNISH COLORS.
24 **Q.** AND CAN YOU GIVE ME AN EXAMPLE OF HOW YOU CONSIDERED THIS
25 INFORMATION IN DRAWING THE ILLUSTRATIVE PLANS?

02:16 1 **A.** YES. IF YOU LOOK AT IT EXCLUDING CALDWELL, THE CENSUS
2 TRACTS OF THOSE HIGHEST QUINTILES TEND TO DRAW CONGRESSIONAL
3 DISTRICT 3 ITSELF. SO IT DIRECTS YOU REALLY TO WHERE THE
4 BOUNDARY LINES ACTUALLY SHOULD BE IN THAT PARTICULAR DISTRICT.
5 ONE OF THE OTHER THINGS IS IT ALSO LETS YOU KNOW OF
6 WHERE THE SPLIT PARISHES POTENTIALLY COULD BE. AND SO YOU SEE
7 IN OUACHITA AND RAPIDES AND EVANGELINE AND LAFAYETTE, EVEN
8 BATON ROUGE AREA, THEY HAVE THAT SAME AND SIMILAR
9 COMMONALITIES, IF YOU WILL.
10 **MS. SADASIVAN:** AND, MATTHEW, CAN YOU PLEASE PULL UP
11 PR-86 AT PAGE 100.
12 **BY MS. SADASIVAN:**
13 **Q.** AND WHAT DOES THIS PAGE OF YOUR SUPPLEMENTAL REPORT
14 ILLUSTRATE, MR. FAIRFAX?
15 **A.** THIS IS THAT DATASET THAT I SAID THAT THE CENSUS BUREAU
16 CREATED FROM ACS AND OTHERS CALLED THE COMMUNITY RESILIENCE
17 ESTIMATES, WHERE WHAT THEY DID WAS THEY CAME UP WITH INDICES,
18 IF YOU WILL, OF THE RISKS FOR A DISASTER FOR PARTICULAR
19 COMMUNITIES. THIS IS AT THE CENSUS TRACT LEVEL AS WELL.
20 AND SO THIS ACTUALLY MAPS OUT -- ONCE AGAIN, IN THOSE QUINTILES
21 THAT I SAID -- THE TOP TWO QUINTILES FOR THOSE AREAS THAT HAD
22 GREATER THAN THREE RISK FACTORS. AND SO, ONCE AGAIN, YOU CAN
23 ACTUALLY SEE AND VISUALLY SEE HOW THIS SOMEWHAT ACTUALLY
24 CREATES AND MAPS OUT THE BOUNDARIES REALLY FOR DISTRICT 5.
25 **Q.** THANK YOU.

02:17 **MS. SADASIVAN:** AND MISTER -- MATTHEW, SORRY, WOULD YOU PLEASE PULL UP PR-86 AT PAGE 101.

BY MS. SADASIVAN:

Q. AND WHAT DOES THIS PAGE OF YOUR SUPPLEMENTAL REPORT ILLUSTRATE, MR. FAIRFAX?

A. VERY SIMILAR TO THE OTHER ONES. THIS SHOWS YOU THE TOP TWO QUINTILES FOR HOUSEHOLDS THAT RECEIVE FOOD STAMPS AND THE SNAP PROGRAM. THIS ONE SPECIFICALLY IS DESIGNED TO SHOW HOW THESE AREAS LIKE IN OUACHITA AND RAPIDES AND EVANGELINE, LAFAYETTE AND BATON ROUGE ALL HAVE SIMILAR AND COMMONALITIES AMONGST THOSE THREE CITIES, INCLUDING THE FOOD STAMP PERCENTAGES.

Q. AND THIS IS A MAP THAT YOU WERE ALSO LOOKING AT AS YOU WERE DRAWING THE ILLUSTRATIVE PLANS?

A. YES, ABSOLUTELY.

MS. SADASIVAN: AND, MATTHEW, CAN YOU PLEASE PULL UP PR-86 AT PAGE 102.

BY MS. SADASIVAN:

Q. AND CAN YOU DESCRIBE WHAT THIS MAP ILLUSTRATES, MR. FAIRFAX?

A. ONCE AGAIN, THIS IS A MAP OF THE TOP -- OR THE FIVE QUINTILES BROKEN DOWN LOOKING AT THE TOP PERCENT OF PERSONS IN POVERTY. AND SO, ONCE AGAIN, YOU CAN SEE HOW THE CENSUS TRACTS TEND TO DEFINE THAT DISTRICT 5, AS WELL AS THE PARISHES THAT WERE SPLIT.

02:19 1 **Q.** AND HOW DID YOU CONSIDER THIS DATA IN DETERMINING WHICH
2 CITIES TO INCLUDE WITHIN AND WITHOUT YOUR DISTRICT 5?
3 **A.** WHEN I WENT ABOUT DEVELOPING THE PLAN, I WOULD LOOK AT
4 THIS AND USE IT AS A REFERENCE, SO WHERE AM I ACTUALLY GOING TO
5 ACTUALLY ADD POPULATIONS BY SPLITTING A PARISH? AND SO THIS
6 LET ME KNOW THAT IT WAS OKAY, IF YOU WILL, TO GO INTO A
7 DIFFERENT PARISH AND SPLIT IT, ADD A PARTICULAR AREA TO THAT
8 DISTRICT 5 AT CD5.
9 **MS. SADASIVAN:** MATTHEW, CAN YOU PLEASE PULL UP PR-86
10 AT PAGE 103 NOW.
11 **BY MS. SADASIVAN:**
12 **Q.** AND, MR. FAIRFAX, WHAT DOES THIS MAP ILLUSTRATE?
13 **A.** THIS IS SIMILAR TO THE OTHER ONE WHERE IT'S REALLY
14 DESIGNED TO SHOW HOW THOSE SPLIT PARISHES IN OUACHITA, RAPIDES,
15 EVANGELINE, LAFAYETTE AND EAST BATON ROUGE ACTUALLY HAVE THAT
16 COMMONALITY, WHICH MAKES ME BELIEVE THAT THEY BELONG WITHIN
17 THAT SAME DISTRICT.
18 **Q.** AND ARE ANY OF THE SOCIOECONOMIC INDICES WE JUST WENT
19 THROUGH IN THESE MAPS THAT YOU CONSIDERED BROKEN DOWN OR
20 AGGREGATED BY RACE?
21 **A.** NO. NO.
22 **Q.** AND WHAT IS FRACKING, MR. FAIRFAX?
23 **MS. SADASIVAN:** MATTHEW, YOU CAN TAKE THAT DOWN.
24 THANK YOU.
25 **BY THE WITNESS:**

02:20 **A.** FRACKING IS SOMEWHAT OF A RELATIVELY NEW CRITERIA, AND IT'S WHERE A DISTRICT SLICES THROUGH, LET'S SAY, A COUNTY IN TWO DIFFERENT AREAS IN THE COUNTY, AND WITHIN THE COUNTY THOSE TWO AREAS AREN'T TOUCHING EACH OTHER. THEY'RE NOT CONTIGUOUS.

Q. AND WHY DID YOU EVALUATE FRACKING IN CONSIDERING THE ILLUSTRATIVE PLANS AND THE HB1 PLAN?

A. AS I MENTIONED BEFORE, YOU KNOW, FRACKING IS BECOMING MORE AND MORE POPULAR. THEY'RE INCLUDING IT IN -- OR THEY INCLUDED IT IN MAPTITUDE FOR REDISTRICTING'S LATEST VERSION. THE SPECIAL MASTERS INCLUDED IT IN THE *BETHUNE-HILL* CASE, AND THE IDEA IS THAT IT GIVES AN INDICATION OF GERRYMANDERING.

Q. THANK YOU.

MS. SADASIVAN: AND, MATTHEW, COULD YOU PLEASE PULL UP PR-15 AT 23 AND PR-90 AT 5.

BY MS. SADASIVAN:

Q. HOW MANY INSTANCES OF FRACKING OCCUR IN YOUR ILLUSTRATIVE PLANS?

A. FIVE.

Q. AND HOW MANY INSTANCES OF FRACKING OCCUR IN THE HB1 PLAN?

A. EIGHT.

Q. AND SO HOW DOES YOUR PLAN COMPARE TO THE HB1 PLAN IN TERMS OF FRACKING?

A. THEY PERFORM BETTER.

MS. SADASIVAN: AND, MATTHEW, COULD YOU PLEASE PULL UP PR-86 AT PAGE 23.

02:21 1 **BY MS. SADASIVAN:**
2 **Q.** MR. FAIRFAX, ON PAGES 21 AND 22 OF YOUR SUPPLEMENTAL
3 REPORT YOU ADDRESS TESTIMONY YOU CONSIDERED FROM THE ROADSHOW.
4 CAN YOU DESCRIBE HOW YOU USED THIS ROADSHOW TESTIMONY IN YOUR
5 ILLUSTRATIVE MAP-DRAWING PROCESS?
6 **A.** SURE. THE TESTIMONY WAS USED EITHER TO MODIFY OR AT LEAST
7 VALIDATE THE PROCESS THAT I WAS GOING THROUGH. SO, FOR
8 EXAMPLE, THERE WERE -- OR THERE WAS TESTIMONY ABOUT KEEPING THE
9 DELTA PARISHES INTACT, IF YOU WILL. THERE WAS TESTIMONY ABOUT
10 KEEPING THE FLORIDA PARISHES WHOLE. AND THERE WAS TESTIMONY,
11 FOR EXAMPLE, ABOUT THE RIVER PARISHES WHERE THEY WERE SPLIT
12 BEFORE BUT COULD YOU MAKE THEM WHOLE. AND SO THEY ALL FEED
13 INTO THE DESIGN, IF YOU WILL, OF THE CONGRESSIONAL DISTRICTING
14 PLAN.
15 **Q.** OVERALL, MR. FAIRFAX, HOW DID YOUR ILLUSTRATIVE PLANS
16 COMPARE TO THE HB1 PLAN IN TERMS OF ADHERING TO THOSE
17 TRADITIONAL REDISTRICTING CRITERIA THAT WE JUST WENT THROUGH?
18 **A.** THE ILLUSTRATIVE PLANS PERFORMED EQUALLY OR BETTER IN
19 EIGHT OF THE EIGHT REDISTRICTING CRITERIA. IN FIVE OF THE
20 CRITERIA THEY PERFORMED BETTER. AND IN NONE, IN ZERO, DID THE
21 HB1 ENACTED PLAN PERFORM BETTER.
22 **Q.** THANK YOU, MR. FAIRFAX.
23 **MS. SADASIVAN:** YOU CAN TAKE THAT DOWN, MATTHEW, AND
24 IF YOU COULD PLEASE PULL UP PR-15 AT 5 AND PR-86 AT 27.
25 **BY MS. SADASIVAN:**

02:23 1 **Q.** SO GOING BACK TO THE QUESTION YOU WERE ASKED TO CONSIDER.
2 IN THIS CASE YOU TESTIFIED EARLIER THAT YOU WERE ASKED TO DRAW
3 ILLUSTRATIVE PLANS SHOWING IT WAS POSSIBLE TO PRIORITIZE
4 TRADITIONAL AND STATE REDISTRICTING CRITERIA WHILE CREATING TWO
5 COMPACT MAJORITY-BLACK CONGRESSIONAL DISTRICTS IN LOUISIANA.
6 DO YOU HAVE AN OPINION AS TO WHETHER THE "BLACK VOTING AGE"
7 POPULATION IN LOUISIANA IS SUFFICIENTLY NUMEROUS AS TO
8 CONSTITUTE A MAJORITY IN A SECOND CONGRESSIONAL DISTRICT?
9 **A.** YES.
10 **Q.** AND WHY?
11 **A.** I PERFORMED THE SAME ANALYSIS LOOKING AT THE VOTING AGE
12 POPULATION, BOTH FOR ANY PART BLACK AND AS WELL FOR THE
13 NON-HISPANIC BLACK ALONE PLUS THE BLACK AND WHITE COMBINED.
14 I'VE LOOKED AT THE COMPACTNESS. I'VE LOOKED AT ALL OF THE
15 METRICS OF POLITICAL SUBDIVISION SPLITS AND COMMUNITIES OF
16 INTEREST AND LED ME TO BELIEVE THAT IT IS SUFFICIENTLY LARGE.
17 **Q.** AND YOU DREW THESE TWO ILLUSTRATIVE PLANS AS AN EXAMPLE
18 OF ADHERING TO THOSE PRINCIPLES?
19 **A.** YES.
20 **MS. SADASIVAN:** MATTHEW, WOULD YOU PLEASE PULL UP
21 PR-15 AT 74.
22 **BY MS. SADASIVAN:**
23 **Q.** WHAT WAS THE "ANY PART BLACK" VOTING AGE POPULATION OF THE
24 MAJORITY-MINORITY DISTRICTS IN YOUR ILLUSTRATIVE PLAN 1?
25 **A.** FOR DISTRICT 2 IT WAS 50.96, AND FOR DISTRICT 5 IT'S

02:24 1 52.05.
2 **Q.** AND WHAT WAS THE "ANY PART BLACK CITIZEN VOTING AGE"
3 POPULATION OF THE MAJORITY-MINORITY DISTRICTS IN YOUR
4 ILLUSTRATIVE 1?
5 **A.** FOR DISTRICT 2 IT WAS 54.1, AND FOR DISTRICT 5 IT WAS
6 52.21.
7 **Q.** AND WHY DID YOU SUBMIT THE SECOND ILLUSTRATIVE
8 CONGRESSIONAL PLAN?
9 **A.** ONCE AGAIN, SOME OF THE DEFENDANTS' EXPERTS HAD AN ISSUE
10 WITH THE "ANY PART BLACK," USING "ANY PART BLACK," SO IT --
11 WHAT I DID WAS I DETERMINED YOU CAN CREATE A PLAN THAT DOESN'T
12 HAVE TO USE "ANY PART BLACK." IT COULD USE THE NON-HISPANIC
13 BLACK ALONE, PLUS THE NON-HISPANIC BLACK AND WHITE COMBINED.
14 **Q.** LET'S TALK ABOUT THAT A LITTLE BIT MORE.
15 **A.** EXCUSE ME.
16 **MS. SADASIVAN:** MATTHEW, COULD YOU PULL UP PR-86 AT
17 36.
18 **BY MS. SADASIVAN:**
19 **Q.** SO THIS WAS RESPONDING TO THE BRYAN EXPERT REPORT
20 REGARDING THE "ANY PART BLACK" STATISTIC THAT YOU USED THIS
21 OTHER METRIC?
22 **A.** THAT'S CORRECT. I THINK IT WAS TWO EXPERTS THAT BROUGHT
23 THAT UP.
24 **Q.** AND DOES MR. BRYAN'S AGGREGATION OF RACE DATA IN HIS
25 REPORT ACCORD WITH YOUR UNDERSTANDING OF THE JUSTICE

02:25 1 DEPARTMENT'S AGGREGATION OF RACE DATA FOR THE PURPOSE OF
2 ALLOCATING INDIVIDUALS FOR CIVIL RIGHTS ENFORCEMENT?
3 **A.** RIGHT. I THINK THEY ONLY LOOKED AT THE FIRST STEP
4 INVOLVED IN THE DOJ PROCESS GUIDELINES.
5 **Q.** AND CAN YOU EXPLAIN WHY THAT IS NOT APPROPRIATE IN
6 LOUISIANA?
7 **A.** RIGHT. THE FIRST PART THAT THE DOJ GUIDELINES RECOMMEND
8 IS TO USE THE NON-HISPANIC BLACK, LET'S SAY, MINORITY
9 POPULATION BUT IN THIS CASE BLACK ALONE, PLUS THE NON-HISPANIC
10 BLACK AND WHITE COMBINED. BUT THEN THE NEXT SENTENCE IS: IF
11 THERE'S A SIGNIFICANT AMOUNT OF COMBINED RACE, THEN YOU BEGIN
12 TO ADD THAT IN AN INTEGER PROCESS. AND SO THAT'S THE PART
13 THAT'S LEFT OUT. AND SO WHEN YOU DO THAT AND DO SO, YOU'LL END
14 UP USING THE "ANY PART BLACK" OR CLOSE TO "ANY PART BLACK."
15 **Q.** SO WHAT IS THE BLACK VOTING AGE POPULATION PERCENTAGE, AS
16 MR. BRYAN HAS DEFINED IT, IN THE MAJORITY-MINORITY DISTRICTS IN
17 ILLUSTRATIVE PLAN 2?
18 **A.** IT IS 50.02 FOR DISTRICT 2 AND 50.96 FOR DISTRICT 5.
19 **Q.** AND WHAT'S THE "ANY PART BLACK"?
20 **A.** "ANY PART BLACK" FOR DISTRICT 2 IS 51.55, AND DISTRICT 5
21 IS 51.79.
22 **MS. SADASIVAN:** AND, MATTHEW, COULD YOU PLEASE PULL
23 UP 37 OF 86 -- OF PR-86.
24 **BY MS. SADASIVAN:**
25 **Q.** AND WHAT'S THE PERCENTAGE OF BLACK REGISTERED VOTERS IN

02:27 1 THE MAJORITY-MINORITY DISTRICTS IN ILLUSTRATIVE 2?
2 **A.** FOR DISTRICT 2 IT IS 53. YOU SAID "REGISTERED VOTERS,"
3 DID YOU?
4 **Q.** YES.
5 **A.** IT IS 53.62 AND DISTRICT 5 IS 53.2.
6 **Q.** AND WHY DID YOU CONSIDER THE PERCENTAGE OF BLACK
7 REGISTERED VOTERS IN YOUR ILLUSTRATIVE PLAN 2?
8 **A.** IT'S JUST ANOTHER WAY OF DETERMINING WHETHER THE BLACK
9 POPULATION IS IN THE MAJORITY.
10 **Q.** THANK YOU.
11 **MS. SADASIVAN:** AND IF YOU COULD TAKE THAT DOWN,
12 MATTHEW, AND PLEASE PULL UP PR-90 AT PAGE 8. AND I PROMISE
13 THIS IS THE LAST TIME I'M GOING TO ASK YOU TO PULL SOMETHING
14 UP. THANK YOU.
15 **BY MS. SADASIVAN:**
16 **Q.** WHAT'S THE BLACK VOTING AGE PERCENTAGE OF POPULATION, AS
17 MR. BRYAN DEFINED IT, OF THE MAJORITY-MINORITY DISTRICTS IN
18 ILLUSTRATIVE PLAN 2A?
19 **A.** THAT'S 50.02 FOR DISTRICT 2 AND 51.15 FOR DISTRICT 5.
20 **Q.** AND THE "ANY PART BLACK" VOTING AGE PERCENTAGE IN THE
21 MAJORITY-MINORITY DISTRICTS?
22 **A.** FOR DISTRICT 2 IT'S 51.55 AND DISTRICT 5 IT'S 51.98.
23 **Q.** THANK YOU.
24 **MS. SADASIVAN:** AND YOU CAN TAKE THAT DOWN, MATTHEW.
25 **BY MS. SADASIVAN:**

02:28 1 **Q.** SO SEVERAL DEFENDANTS' EXPERTS ASSERTED THAT IN DRAWING
2 YOUR ILLUSTRATIVE PLANS, RACE WAS THE PREDOMINANT FACTOR
3 MOTIVATING YOUR DECISION TO MOVE COMMUNITIES INTO OR OUT OF
4 PARTICULAR DISTRICTS. DO YOU AGREE WITH THOSE STATEMENTS?
5 **A.** NO. NO, I DON'T.
6 **Q.** WHY?
7 **A.** AND BECAUSE MY PRIMARY USE -- AND SPECIFICALLY I POINT TO
8 DIFFERENT AREAS THAT ARE SPLIT -- WAS THE SOCIOECONOMIC DATA,
9 AND THAT'S WHAT I USED TO GO INTO THOSE AREAS OF THOSE
10 PARISHES, THE CITIES THAT WERE INSIDE OF THOSE PARISHES AS
11 WELL.
12 **Q.** IN SEVERAL DEFENDANTS' EXPERT REPORTS ASSERTED THAT THE
13 SPLITS OF LAFAYETTE, ALEXANDRIA, MONROE AND BATON ROUGE WERE ON
14 THE BASIS OF RACE. DO YOU AGREE WITH THOSE STATEMENTS?
15 **A.** NO. NO.
16 **Q.** AND WHY NOT?
17 **A.** THE SAME ANSWER. THE SAME ANSWER: I USED SOCIOECONOMIC
18 DATA DURING THE PLAN DEVELOPMENT PHASE.
19 **Q.** YOUR REBUTTAL REPORT ADDRESSED THE REPORT SUBMITTED BY
20 ALAN MURRAY AS WELL, WHICH ALLEGED THAT THE GEOGRAPHIC
21 DISTRIBUTION OF WHITE VOTERS IS -- OR THE WHITE VOTING AGE
22 POPULATION IS FUNDAMENTALLY DIFFERENT FROM THE GEOGRAPHIC
23 DISTRIBUTION OF THE BLACK VOTING AGE POPULATION AND THAT THE
24 BLACK VOTING AGE POPULATION IS OFTEN NOT AS CLOSE. DID THAT
25 REPORT HAVE ANY EFFECT ON YOUR CONCLUSION THAT THE BLACK VOTING

02:29 AGE POPULATION IS SUFFICIENTLY GEOGRAPHICALLY COMPACT FOR THE PURPOSES OF *GINGLES* 1?

A. NO. NO, IT DIDN'T HAVE ANY IMPACT ON THE CONCLUSIONS. AND I WAS A LITTLE LOST AT WHAT THE CONCLUSIONS HE WAS TRYING TO MAKE WITH THAT. AND SO MY ONLY INFERENCE FROM THAT WAS THAT I BELIEVE HE'S TRYING TO SAY THAT SINCE THE CLUSTERING OF BLACK POPULATIONS ARE FURTHER APART THAN WHITE POPULATIONS, THEN YOU CANNOT NATURALLY CREATE A MAJORITY-BLACK DISTRICT WITHOUT CREATING SOMETHING IRREGULARLY SHAPED. AND WE HAVE SOMETHING TO TEST THAT WITH, AND THAT'S CALLED "COMPACTNESS." AND I USED THE THREE COMPACTNESS MEASUREMENTS: THEY WERE REOCK, POLSBY-POPPER AND CONVEX HULL. AND IN THREE OF THOSE, THE ILLUSTRATIVE PLAN PERFORMED BETTER THAN THE HB1 ENACTED PLAN.

Q. YOUR REBUTTAL REPORT ALSO ADDRESSED THE CLAIM BY M.V. HOOD THAT YOUR ILLUSTRATIVE PLANS DON'T PRESERVE THE CORES OF THE PRIOR -- OR THE EXISTING DISTRICTS AS WELL AS THE HB1 PLAN. DID DR. HOOD'S REPORT CHANGE YOUR CONCLUSION THAT YOUR PLAN BETTER ADHERED TO TRADITIONAL AND STATE REDISTRICTING CRITERIA THAN THE HB1 PLAN?

A. NO, NOT AT ALL. FIRST, DISTRICT CORES WERE NOT INCLUDED AS A CRITERIA IN JOINT RULE 21. THAT SAID, IT IS A REDISTRICTING CRITERIA TRADITIONAL 1. BUT SPECIFICALLY IN NEW OR ADDITIONAL MAJORITY-MINORITY DISTRICTS, IT'S NOT EXPECTED THAT YOU'RE GOING TO STAY WITH THE SAME PLAN. HOW CAN YOU CREATE A NEW DISTRICT, A NEW MINORITY DISTRICT BY STAYING WITH

02:31 THE EXACT SAME PLAN THAT YOU DID BEFORE?
Q. DID YOU HAVE TO COMPRISE ANY TRADITIONAL OR STATE REDISTRICTING CRITERIA OR SUBORDINATE THAT CRITERIA TO RACE IN ORDER TO CREATE TWO CONGRESSIONAL DISTRICTS WITH A MAJORITY "BLACK VOTING AGE" POPULATION?
A. NO, NOT AT ALL.
Q. AND IN YOUR OPINION, IS LOUISIANA'S BLACK POPULATION SUFFICIENTLY LARGE AND GEOGRAPHICALLY COMPACT TO CONSTITUTE A MAJORITY IN TWO SINGLE-MEMBER CONGRESSIONAL DISTRICTS?
A. YES, IT IS.
Q. THANK YOU.
MS. SADASIVAN: YOUR HONOR, AT THIS TIME I'D LIKE TO MOVE PR-15, 86 AND 90 INTO EVIDENCE.
THE COURT: ANY OBJECTION?
MR. STRACH: NO.
THE COURT: SO ORDERED -- OR I SHOULD SAY ADMITTED.

CROSS-EXAMINATION

BY MR. STRACH:
Q. GOOD AFTERNOON, MR. FAIRFAX.
GOOD TO SEE YOU AGAIN. IT'S BEEN A LONG TIME.
A. IT HAS.
GOOD AFTERNOON.
Q. AND IT IS, MR. FAIRFAX. RIGHT? YOU DO NOT CURRENTLY HAVE A PH.D.?
A. NO. NOT YET AT LEAST.

02:32 1 **Q.** OKAY. AND YOU ARE NOT A LAWYER. CORRECT?
2 **A.** THAT'S CORRECT.
3 **Q.** NO LEGAL TRAINING?
4 **A.** NO.
5 **Q.** ALL RIGHT. SO YOU REFERENCED SOME CASE LAW IN YOUR
6 REPORT. BUT YOU'RE NOT PURPORTING TO GIVE ANY SORT OF A LEGAL
7 OPINION?
8 **A.** ABSOLUTELY NOT. I ONLY COME FROM THE MAP DRAWER'S
9 PERSPECTIVE.
10 **Q.** ALL RIGHT. SO IS IT A FAIR STATEMENT THAT YOUR ASSIGNMENT
11 IN THIS CASE WAS TO DRAW A SECOND 50 PERCENT MAJORITY BLACK
12 CONGRESSIONAL DISTRICT?
13 **A.** NO. NO. IT WAS TO ANALYZE WHETHER I COULD DRAW AN
14 ILLUSTRATIVE CONGRESSIONAL PLAN THAT ADHERED TO TRADITIONAL
15 REDISTRICTING CRITERIA AND SATISFY THAT FIRST PRECONDITION OF
16 *GINGLES*. IT COULD HAVE BEEN THREE DISTRICTS IF I COULD HAVE
17 DRAWN ONE, IF THAT SATISFIED IT. IN THIS CASE IT CAME OUT TO
18 TWO.
19 **Q.** ALL RIGHT. BUT YOU DO CONCEDE IN YOUR REPORT THAT YOU
20 WERE ONLY FOCUSED ON COMPLYING WITH THE *GINGLES* FIRST
21 PRECONDITION. CORRECT?
22 **A.** THAT IS CORRECT. AND ADHERING, OF COURSE, TO TRADITIONAL
23 STATE AND FEDERAL GUIDELINES FOR REDISTRICTING CRITERIA.
24 **Q.** ALL RIGHT. SO YOU WEREN'T ANALYZING WHETHER OR NOT THE
25 POPULATIONS THAT YOU WERE PUTTING TOGETHER IN THIS

02:33 1 MAJORITY-BLACK DISTRICT WOULD ACTUALLY, IN FACT, ELECT A BLACK
2 CANDIDATE OF CHOICE. RIGHT?
3 **A.** THAT IS CORRECT.
4 **Q.** ALL RIGHT. AND YOU WERE NOT STUDYING AT ALL WHETHER THE
5 BLACK POPULATION THAT YOU WERE PUTTING INTO THIS NEW DISTRICT
6 WERE SUBJECTED TO THE -- OR ENGAGED IN RACIALLY POLARIZED
7 VOTING. CORRECT?
8 **A.** THAT IS CORRECT.
9 **Q.** AND YOU CERTAINLY WEREN'T LOOKING AT WHETHER ANY POLARIZED
10 VOTING IN THIS NEW BLACK DISTRICT WAS LEGALLY SIGNIFICANT.
11 RIGHT?
12 **A.** THAT IS CORRECT.
13 **Q.** SO AS YOU WERE GOING AROUND PULLING IN BLACK POPULATION
14 FOR THESE DISTRICTS, YOU HAD NO IDEA IN YOUR MIND HOW THEY WERE
15 GOING TO ACTUALLY VOTE IN AN ACTUAL ELECTION. CORRECT?
16 **A.** CORRECT. I'M USING THAT 50 PERCENT VOTING AGE POPULATION
17 AS WHATEVER THRESHOLD THAT *GINGLES* BRINGS TO IT.
18 **Q.** ALL RIGHT. SO YOU -- AS A DEMOGRAPHER, MAP DRAWER, YOU'RE
19 JUST LOOKING AT THE RACIAL DATA TO MAKE SURE YOU GET THE
20 NUMBER RIGHT. CORRECT?
21 **A.** RIGHT. AND, OF COURSE, ADHERING TO TRADITIONAL
22 REDISTRICTING CRITERIA IN MAKING SURE THERE'S COMMONALITY
23 INSIDE OF THE DISTRICT, YES.
24 **Q.** OKAY. AND LET ME JUST ASK YOU A PRACTICAL QUESTION. YOU
25 WERE USING MAPTITUDE. RIGHT?

02:35 1 **A.** YES, THAT'S CORRECT.
2 **Q.** AND IN MAPTITUDE I THINK YOU TESTIFIED THAT YOU CAN
3 DISPLAY THE BVAP FOR EACH VTD?
4 **A.** NO, I DIDN'T TESTIFY. I THINK MAYBE SOMEBODY ELSE, BUT
5 NOT ME.
6 **Q.** OKAY. ALL RIGHT. SORRY.
7 **A.** IT'S OKAY.
8 **Q.** SOMETIMES I LIKELY GET MANY THINGS WRONG.
9 **A.** YEAH.
10 **Q.** SO FEEL FREE TO CORRECT ME.
11 DID YOU HAVE THE ABILITY TO DISPLAY THE BVAP OF EACH
12 VTD AS YOU WERE DRAWING?
13 **A.** YES.
14 **Q.** AND DID YOU, IN FACT, DO THAT?
15 **A.** NO. NO. THE ONLY TIME I DID THAT IS YOU HAVE TO GET AN
16 IDEA OF WHERE THE BLACK POPULATION IS INSIDE THE STATE IN ORDER
17 TO BEGIN DRAWING. BUT THEN AFTER THAT, THE SOCIOECONOMIC DATA
18 TOOK OVER.
19 **Q.** OKAY. THANK YOU.
20 SO LET ME MAKE SURE I UNDERSTAND, BECAUSE WE HAVEN'T
21 -- NO ONE'S TAKEN ANY DEPOSITIONS IN THIS CASE, SO JUST LET ME
22 ASK A FEW FOLLOW-UPS ABOUT THAT. LET ME MAKE SURE I HAVE THAT
23 STRAIGHT IN MY MIND.
24 SO YOU DID AN INITIAL CHECK USING THE BVAP
25 INFORMATION IN MAPTITUDE TO SEE WHERE THE BLACK POPULATION WAS

02:36 1 IN THE STATE?
2 **A.** I ANALYZED WHERE THE BLACK POPULATION WAS IN THE STATE
3 USING A VARIETY OF LEVELS, IF YOU WILL, JUST TO SEE WHERE YOU
4 NEED TO START. YOU CAN'T DRAW A PLAN IN AN AREA WHERE BLACK
5 POPULATION DOESN'T EXIST.
6 **Q.** ALL RIGHT. SO YOU WANTED TO GET A SENSE ON THE FRONT END
7 OF WHERE THAT BLACK POPULATION WAS. CORRECT?
8 **A.** YEAH.
9 **Q.** AND YOU USED THE DISPLAY OF BVAP INFORMATION ON MAPTITUDE
10 TO GET THAT SENSE EARLY ON. CORRECT?
11 **A.** YES. VERY EARLY ON, JUST TO GET AN IDEA, JUST AN
12 UNDERSTANDING OF WHERE THE DISTRICT COULD EXIST INSIDE THE
13 STATE.
14 **Q.** ALL RIGHT. AND THEN AS YOU WERE COMPLETING THE MAP, DID
15 YOU PULL THE BVAP PERCENTAGES BACK UP TO CHECK YOUR WORK?
16 **A.** OH, YEAH. YOU HAVE TO, YEAH.
17 **Q.** ALL RIGHT. THAT'S HOW YOU KNEW WHAT THE ACTUAL
18 PERCENTAGES WERE. CORRECT?
19 **A.** THAT'S RIGHT. THAT'S RIGHT.
20 **Q.** ALL RIGHT. AND SO JUST TO BE CLEAR, DURING THE
21 MAP-DRAWING PROCESS, AFTER YOU DID THIS INITIAL VIEW, DID YOU
22 TURN THE BVAP FUNCTION OFF?
23 **A.** NO. NO. IT'S NOT A MATTER OF THAT. IT'S A MATTER OF NOT
24 LOOKING AT -- AND I ASSUME YOU'RE TALKING ABOUT THE DATA VIEW?
25 **Q.** CORRECT.

02:37 1 **A.** IT'S JUST A MATTER OF NOT LOOKING AT THE DATA VIEW ON A
2 CONSTANT BASIS. OF COURSE YOU'RE GOING TO LOOK AT IT, BUT
3 YOU'RE NOT LOOKING AT IT ON A CONSTANT BASIS THAT YOU'RE
4 DEVELOPING THE PLAN USING RACE. SO RACE DOESN'T PREDOMINATE
5 BECAUSE YOU'RE NOT LOOKING AT EACH STEP THAT YOU ACTUALLY DRAW.
6 **Q.** ALL RIGHT. BUT TO KNOW EXACTLY HOW MUCH YOU LOOKED AT IT,
7 WE WOULD HAVE HAD TO HAVE BEEN RIGHT THERE BEHIND YOUR
8 SHOULDER. RIGHT?
9 **A.** THAT'S CORRECT. THAT'S TRUE.
10 **Q.** ALL RIGHT. AND IS IT FAIR TO SAY YOU WERE LOOKING AT IT
11 ENOUGH TO SEE THE BVAP PERCENTAGE INCREASING SO THAT YOU KNEW
12 WHEN YOU GOT TO 50 PERCENT YOU'RE DONE?
13 **A.** NO. NO. IT'S NOT A MATTER OF GETTING 50 PERCENT
14 INCREASING. YOU MAY BE ALREADY AT 50 PERCENT. AND SO, YOU
15 KNOW, IN REDISTRICTING WHEN YOU'RE ADDING AREAS, YOU MAY BE AT
16 60 PERCENT AND ADD AREAS. AND SO IT'S NOT A QUESTION OF YOU
17 ADD AN AREA THAT IT COULD GO FROM 30 TO 40 TO 50 PERCENT. IT'S
18 NOT LIKE THAT.
19 **Q.** ALL RIGHT. SO DURING THE MAP-DRAWING PROCESS, YOU SAID
20 YOU WOULD OCCASIONALLY LOOK AT THE BVAP INFORMATION. WHAT WERE
21 YOU LOOKING AT IT FOR? WHAT WAS THE PURPOSE?
22 **A.** WELL, I MEAN, YOU HAVE TO -- I MEAN, THAT'S THE
23 SUFFICIENTLY LARGE COMPONENT OF *GINGLES*. IF YOU DON'T LOOK AT
24 IT, YOU'LL NEVER KNOW IF YOU REACHED THAT.
25 **Q.** RIGHT. SO YOU NEED TO LOOK AT IT OCCASIONALLY TO KNOW

02:38 1 WHEN THE BVAP IS APPROACHING 50 PERCENT. RIGHT?
2 **A.** RIGHT. AND I'M ONLY HAVING ISSUE WITH -- IT SOUNDS AS
3 THOUGH IT'S AN INCREASING 30, 40, 50. IT'S NOT LIKE THAT. DO
4 YOU SEE WHAT I MEAN? BECAUSE YOU CAN START AT 60-SOMETHING
5 PERCENT. AND SO IT'S NOT AS IF YOU'RE ADDING POPULATION TO GET
6 TO THAT 50 PERCENT.
7 **Q.** ALL RIGHT.
8 **A.** YOU COULD ADD A GROUP AND BE AT 70 PERCENT STARTING AND
9 THEN START TO ADD DIFFERENT AREAS AND IT MAY GO DOWN.
10 **Q.** ALL RIGHT. WELL, WITH REGARD TO THE CD5 THAT YOU DREW --
11 **A.** UH-HUH.
12 **Q.** -- WHICH IS THE SECOND MAJORITY-BLACK DISTRICT, WHERE DID
13 YOU START DRAWING THAT DISTRICT? IN THE NORTH? IN THE SOUTH?
14 IN THE MIDDLE? WHERE?
15 **A.** I STARTED WITH THE EXISTING PLAN. AND SO THAT DISTRICT 5
16 WAS THE STARTING POINT. AND SO I BEGAN TRIMMING THE AREA TO
17 THE WEST TO MAKE THAT NORTHEAST DELTA REGION A MORE SUBSTANTIAL
18 PRESENCE IN THE NORTHEAST. AND SO I THEN BEGAN TO EXPAND DOWN
19 FURTHER TO ADD DIFFERENT AREAS.
20 **Q.** OKAY. SO IS IT FAIR TO SAY, THEN, YOU STARTED IN THE
21 NORTH AND WORKED YOUR WAY DOWN SOUTH?
22 **A.** THAT'S CORRECT.
23 **Q.** ALL RIGHT.
24 **A.** AND IT WASN'T EXACTLY LIKE THAT BECAUSE THERE'S A
25 BACK-AND-FORTH WHEN YOU'RE ACTUALLY DRAWING PLANS. IT'S A --

02:40 IT'S A ADDING, A SUBTRACTING AND ADDING HERE AND SUBTRACTING THERE, SO IT'S NOT NECESSARILY A "LET'S GO DOWN SOUTH AND JUST COMPLETE THE DISTRICT."

Q. BUT IT'S GENERALLY A NORTH-TO-SOUTH DRAW?

A. I DON'T KNOW IF I CAN ACCEPT THAT, BUT IT IS A NORTH-TO-SOUTH WITH DIFFERENT VARIATIONS ON THE DISTRICT.

Q. OKAY.

A. HERE AND THERE.

Q. GOTCHA.

A. ALL RIGHT.

Q. AND SO IF YOU ARE STARTING IN THE NORTHERN DELTA PARISHES AND TRIMMING THOSE, OBVIOUSLY YOU WERE NOT AT 50 PERCENT AT THAT POINT IN THE DISTRICT. CORRECT?

A. THAT IS CORRECT.

Q. AND SO WHAT THAT MEANS IS YOU ADDED TO THE DISTRICT, YOU WOULD HAVE BEEN INCREASING THE BVAP AS YOU WENT ALONG?

A. THAT IS CORRECT. BUT THERE IS A TIME WHERE I'M ABOVE 50 PERCENT; 60, SAY, BECAUSE I'VE MADE SOME CHANGES. AND SO AT THAT TIME WE'RE NOT -- WE'RE NOT INCREASING NOW. WE'RE DECREASING.

Q. GOT IT.

A. YOU SEE?

Q. YES. LET ME BE SPECIFIC ABOUT CD5 IN YOUR ILLUSTRATIVE PLAN.

A. UH-HUH.

02:41 **Q.** AND IN THE PROCESS OF DRAWING THAT DISTRICT, DID THERE COME A TIME WHEN THAT PARTICULAR DISTRICT WAS 60 PERCENT?
A. YES. WHEN I WAS ADDING AND REMOVING AREAS JUST TO SEE. SO DURING THE PROCESS I MAY HAVE REMOVED SEVERAL PARISHES AND THE INCREASE WENT UP ABOVE 50 PERCENT, LET'S SAY TO 60 PERCENT. THEN IT'S A MATTER OF ADDING TERRITORY THAT BRINGS IT DOWN.
Q. GOT IT. SO ONCE YOUR -- YOUR DISTRICT OBVIOUSLY ENDED UP AROUND 50 PERCENT. RIGHT?
A. THAT'S CORRECT.
Q. SO WHILE YOU WERE DRAWING AND YOU WERE AT OR AROUND 60 PERCENT, YOU OBVIOUSLY MADE DECISIONS THAT GOT THAT DOWN TO CLOSER TO 50 PERCENT. RIGHT?
A. THAT'S CORRECT. THAT'S RIGHT. AND I'M USING 60 AS JUST A -- YEAH -- A GUESS. BUT IT'S ABOVE 50 PERCENT, MORE THAN JUST ONE OR TWO PERCENTAGES.
Q. ALL RIGHT. THE POINT BEING, WHEN YOU GOT TO 60 PERCENT, YOU DIDN'T STOP DRAWING?
A. THAT'S CORRECT.
Q. ALL RIGHT. SO IN YOUR FIRST PLAN, THE NUMBERS I HAVE ARE CD2 --
MR. STRACH: AND, FOREST, LET'S PULL UP PR-15 AT PARAGRAPH 55, WHICH I THINK HAS A CHART. SO SCROLL TO THE NEXT PAGE. OH, WAIT A MINUTE. GO BACK.
BY MR. STRACH:
Q. OKAY. THE A.P., "ANY PART BLACK," IS 52.05 IN DISTRICT 5

02:43 IN YOUR ILLUSTRATIVE PLAN. CORRECT?
A. YES.
Q. ALL RIGHT.
MR. STRACH: NOW, LET'S GO, FOREST, TO PR-86 AT PARAGRAPH 14. ALL RIGHT. IF YOU'LL SCROLL TO THE NEXT PAGE MAYBE THIS WAS WHERE THE CHART WAS.
BY MR. STRACH:
Q. ALL RIGHT. IF YOU LOOK AT TABLE 2 ON PAGE 6, YOUR SUPPLEMENTAL REPORT, MR. FAIRFAX --
A. YES.
Q. -- IT LOOKS TO ME LIKE YOUR -- THE "DOJ BLACK," NOT THE "ANY PART BLACK" -- THE DOJ BLACK IN YOUR CD2 IS 50.02 PERCENT. CORRECT?
A. THAT'S CORRECT.
Q. AND IN CD5 IT WAS 50.96 PERCENT. CORRECT?
A. THAT'S CORRECT.
Q. AND AS YOU'VE TESTIFIED, ISN'T IT TRUE THAT BOTH OF THESE DISTRICTS COULD HAVE BEEN WELL ABOVE 50 PERCENT?
A. CAN YOU ELABORATE WHAT YOU MEAN BY BOTH OF THEM COULD BE?
Q. SURE. SO WHEN WE WERE TALKING ABOUT CD5 A MINUTE AGO, AND YOU SAID AT ONE POINT THE DISTRICT GOT UP TO 60 PERCENT?
A. GOTCHA. DURING THE PROCESS, SURE, SURE. THEY COULD HAVE BEEN ANYWHERE, YEAH.
Q. OKAY.
A. YEAH.

02:44 1 **Q.** ALL RIGHT. SO AT LEAST WE KNOW THAT CD5 COULD HAVE ENDED
2 UP ANYWHERE FROM 50 TO 60 PERCENT DOJ BLACK?
3 **A.** I DON'T KNOW IF IT WOULD BE THAT HIGH. YEAH, I DON'T KNOW
4 IF IT WOULD BE THAT HIGH.
5 **Q.** ALL RIGHT.
6 **A.** BUT CERTAINLY THERE'S A POSSIBILITY TO BE HIGHER THAN WHAT
7 IT IS HERE, IF THAT'S WHAT YOU'RE GETTING TO.
8 **Q.** CORRECT. AND SO YOU CONSCIENTIOUSLY DREW THE DISTRICT
9 RIGHT AROUND 50 PERCENT BECAUSE THAT'S WHAT YOU NEEDED FOR THE
10 FIRST *GINGLES* PRECONDITION. RIGHT?
11 **A.** THAT'S RIGHT. I'M SATISFIED -- IT SATISFIED THAT FIRST
12 PRECONDITION.
13 **Q.** ALL RIGHT. AND IN BOTH OF YOUR ILLUSTRATIVE PLANS YOU
14 INCLUDE THE NORTHERN DELTA PARISH, OR AT LEAST SOME OF THEM, IN
15 CD5. CORRECT?
16 **A.** THAT'S CORRECT.
17 **Q.** AND THAT'S YOUR SECOND MAJORITY-BLACK DISTRICT. CORRECT?
18 **A.** YES.
19 **Q.** ALL RIGHT. AND YOU MADE A POINT IN YOUR REPORT, YOU SAID
20 THAT "THE LOUISIANA DELTA REGION IS CHARACTERIZED BY UNIQUE
21 COMMUNITIES OF INTEREST OF CULTURE AND TRADITION. IT IS
22 COMMONLY REPRESENTED BY THE PARISHES OF MOREHOUSE" --
23 **MR. STRACH:** YOUR HONOR, I'M GOING TO HAVE TO SEEK
24 HELP ON A PRONUNCIATION.
25 **THE COURT:** OUACHITA.

02:46 **MR. STRACH:** OUACHITA. THAT'S WHAT HAPPENS WHEN YOU BRING IN -- WE MAY SOUND THE SAME.

BY THE WITNESS:

A. IT TOOK ME A WHILE TO --

MR. STRACH: BUT I STILL CAN'T PRONOUNCE THE NAMES. MY APOLOGIES TO ALL LOUISIANIANS.

BY MR. STRACH:

Q. -- OUACHITA, WEST CARROLL, EAST CARROLL, CALDWELL, TENSAS, CATAHOULA, RICHLAND, MADISON, FRANKLIN, LA SALLE, AND CONCORDIA." DO YOU REMEMBER WRITING THAT IN YOUR REPORT?

A. YES.

Q. AND YOU -- DO YOU REMEMBER CITING A WEBSITE CALLED LOUISIANAFOKELIFE.ORG FOR THAT?

A. YES. YES.

Q. ALL RIGHT. THE EAST BATON ROUGE AND WEST BATON ROUGE PARISHES ARE NOT LISTED IN THE COMMUNITY OF INTEREST THAT YOU CITED IN THAT PARAGRAPH FOR THE LOUISIANA DELTA REGION, ARE THEY?

A. IT WASN'T INCLUDED AS THAT, AND THERE ARE OTHER WEBSITES THAT ACTUALLY MENTIONED THE DELTA PARISHES AS WELL THAT MATCHED THAT.

Q. ALL RIGHT. BUT YOU DIDN'T CITE THOSE. CORRECT?

A. THAT'S CORRECT, YEAH.

Q. ALL RIGHT. SO EAST BATON ROUGE, WEST BATON ROUGE ARE NOT PART OF THE LOUISIANA DELTA REGION. CORRECT?

02:47 1 **A.** AS FAR AS I KNOW, CORRECT.
2 **Q.** ALL RIGHT.
3 **A.** THAT'S CORRECT.
4 **Q.** BUT YOU KNOW, BECAUSE YOU'VE LOOKED AT THE DATA INITIALLY,
5 THAT EAST AND WEST BATON ROUGE PARISHES HAVE A SIGNIFICANT
6 NUMBER OF BLACK RESIDENTS. CORRECT?
7 **A.** I WOULD SAY EAST BATON ROUGE PROBABLY WOULD BE CLASSIFIED
8 AS HAVING A SIGNIFICANT BLACK POPULATION.
9 **Q.** ALL RIGHT. AND YOU INCLUDED EAST BATON ROUGE IN YOUR
10 VERSION OF CD5 WHICH WENT UP TO THE DELTA REGION. CORRECT?
11 **A.** THAT'S CORRECT.
12 **Q.** ALL RIGHT. AND ISN'T IT TRUE THAT YOU INCLUDED EAST BATON
13 ROUGE IN THAT CD5 BECAUSE YOU NEEDED THE BLACK POPULATION IN
14 EAST BATON ROUGE TO HAVE A CHANCE AT GETTING A 50 PERCENT
15 DISTRICT?
16 **A.** I WOULD SAY THAT IF I REMOVED EAST BATON ROUGE FROM THAT,
17 IT WOULD BE VERY DIFFICULT TO CREATE A MAJORITY-BLACK DISTRICT,
18 BUT THAT'S JUST NOT UNCOMMON IN PLANS LIKE THIS. IT'S
19 PROBABLY, WHAT, THE SECOND LARGEST METROPOLITAN AREA IN THE
20 STATE, HAS A SIGNIFICANT AMOUNT OF BLACK POPULATION. IT'S
21 UNDERSTANDABLE THAT THAT'S GOING TO HAVE TO BE PART OF THAT
22 SECOND BLACK DISTRICT.
23 **Q.** ALL RIGHT. AND DID YOU TRY TO DRAW ANY SECOND
24 MAJORITY-BLACK DISTRICTS THAT DIDN'T INCLUDE EAST BATON ROUGE?
25 **A.** I MIGHT HAVE LOOKED AT THAT. I'M TRYING TO RECALL. AND I

02:48 BELIEVE THAT I DID NOT COME UP WITH ANY PLANS. NOT TO SAY THAT IT'S NOT POSSIBLE, BUT I BELIEVE I DIDN'T RECALL COMING UP WITH ANY PLANS -- OR I DON'T RECALL COMING UP WITH ANY PLANS THAT DON'T INCLUDE EAST BATON ROUGE.

MS. SADASIVAN: YOUR HONOR, I WOULD JUST LIKE TO OBJECT TO THE EXTENT THAT THIS CALLS FOR ATTORNEY WORK PRODUCT THAT WAS DEVELOPED WITH AN EYE TOWARDS LITIGATION.

MR. STRACH: I'M NOT ASKING FOR WORK PRODUCT. I'M JUST ASKING WHETHER HE TRIED THIS OR NOT. IT'S A SIMPLE QUESTION.

MS. SADASIVAN: BUT THAT IS -- THAT'S WORK PRODUCT THAT OUR EXPERT PREPARED IN DEVELOPING HIS ILLUSTRATIVE PLANS IN THIS CASE.

MR. STRACH: I DON'T KNOW HOW IT'S INAPPROPRIATE. I'M JUST ASKING IF HE TRIED IT OR NOT.

THE COURT: OVERRULED.

BY MR. STRACH:

Q. MR. FAIRFAX, ARE YOU AWARE OF ANY MAJORITY-BLACK DISTRICTS THAT'S EVER BEEN DRAWN IN A LOUISIANA CONGRESSIONAL PLAN THAT CONNECTS THE BLACK POPULATION OF THE NORTHERN DELTA PARISHES WITH THE EAST BATON ROUGE PARISH?

A. ANY BLACK DISTRICTS?

Q. ARE YOU AWARE OF ANY MAJORITY-BLACK DISTRICTS IN THE PAST THAT HAVE BEEN DRAWN CONNECTING THOSE TWO POPULATIONS?

A. I THINK WE PREVIOUSLY SAW SOME EXAMPLES OF THAT, I

02:50 1 BELIEVE, IN THE PAST, YEAH.
2 **Q.** TO YOUR RECOLLECTION, WOULD THAT BE -- WOULD THE ONLY TIME
3 THAT OCCURRED WAS IN THE PLAN AT ISSUE IN THE *HAYS* CASE WHEN IT
4 WAS STRUCK DOWN?
5 **A.** YEAH, I BELIEVE SO. BUT -- AND -- THOSE WERE EXTREMELY
6 NON-COMPACT PLANS. IT'S -- AS ANOTHER EXPERT SAYS, THAT "I
7 WOULD NEVER DRAW A PLAN THAT LOOKS LIKE THAT."
8 **Q.** UNDERSTOOD. OTHER THAN THAT PLAN, ARE YOU AWARE OF ANY
9 OTHER LOUISIANA CONGRESSIONAL PLAN THAT HAD A MAJORITY-BLACK
10 DISTRICT CONNECTING THOSE TWO POPULATIONS?
11 **A.** NOT THAT I KNOW OF, NO.
12 **Q.** ALL RIGHT. AND SPEAKING OF COMPACTNESS, YOU USED
13 MATHEMATICAL TESTS FOR COMPACTNESS. CORRECT?
14 **A.** CORRECT. THEY ARE ALL MATHEMATICAL.
15 **Q.** RIGHT. WELL, THE -- THE INNER -- THE EYEBALL TEST, THAT'S
16 NOT MATHEMATICAL. RIGHT?
17 **A.** THEY'VE EVEN GOT -- QUANTIFIED THAT ON DAYS REDISTRICTING.
18 **Q.** OKAY.
19 **A.** SO THERE IS SOME MATH TO CALCULATE THAT.
20 **Q.** ALL RIGHT. THOSE TESTS COMPUTE COMPACTNESS BASED ON THE
21 MATHEMATICS OF THE SHAPE OF THE DISTRICT LINE. ISN'T THAT
22 CORRECT?
23 **A.** YEAH, THAT'S CORRECT. THE AREA IN THE BOUNDARIES.
24 **Q.** ALL RIGHT. THOSE MATHEMATICAL TESTS DON'T MEASURE THE
25 DISPERSION OF PARTICULAR POPULATIONS WITHIN THE DISTRICT, DO

02:51 THEY?
A. THAT'S CORRECT.
Q. ALL RIGHT. ALL RIGHT. AND YOU HAVE -- YOU'VE TESTIFIED AT LENGTH ABOUT THE SOCIOECONOMIC DATA THAT YOU'VE USED IN DRAWING THE TWO PLANS. CORRECT?
A. RIGHT. CAN I ADD SOMETHING TO YOUR LAST COMMENT?
Q. SURE.
A. I NEED TO SAY THAT THERE IS A GROWING ARGUMENT OVER THE LAST 20, 30 YEARS OF WHETHER COMPACTNESS IS GEOGRAPHY OR IS POPULATION A GEOGRAPHY. AND IT'S STILL RESOLVED -- UNRESOLVED, BUT PEOPLE ARE, I THINK, MORE ON THE GEOGRAPHIC SIDE VERSUS THE POPULATION AND GEOGRAPHIC SIDE, IF YOU CAN FOLLOW WHAT I'M SAYING. THE DISPERSION OF THAT POPULATION, PEOPLE LOOKING AT IT TO DEFINE COMPACTNESS, TO DEFINE A GEOGRAPHIC AREA VERSUS A GEOGRAPHIC AND POPULATION AREA. SO I JUST WANTED TO SAY THAT.
Q. GOT IT. AND THAT DEBATES AMONG DEMOGRAPHERS AND EXPERTS. RIGHT?
A. YEAH. YEAH.
Q. THAT'S NOT -- DO YOU KNOW IF THAT IS A LEGAL DEBATE OR NOT?
A. NO. NO. NO. I THINK INSOFAR AS WHAT MY UNDERSTANDING IS, THAT COMPACTNESS LEGALLY RELATES TO THE GEOGRAPHY, NOT POPULATION AND GEOGRAPHY.
Q. ALL RIGHT. THANK YOU FOR THAT.
LET'S TALK ABOUT THE SOCIOECONOMIC DATA.

02:53 1 **A.** UH-HUH.
2 **Q.** IN YOUR FIRST REPORT YOU CONCLUDED THAT LOUISIANA'S WHITE
3 POPULATION OUTPACES THE BLACK POPULATION ON SEVERAL
4 SOCIOECONOMIC INDICATORS ACCORDING TO 2019 ACS DATA. BLACK
5 PEOPLE HAD SIGNIFICANTLY HIGHER PERCENTAGES OF PEOPLE WITH NO
6 HIGH SCHOOL EDUCATION AND LOWER MEDIAN HOUSEHOLD INCOMES THAN
7 WHITE PEOPLE IN HOUSEHOLDS. FURTHERMORE, BLACK PEOPLE HAD
8 HIGHER POVERTY RATES THAN WHITE PEOPLE.
9 DO YOU RECALL THOSE FINDINGS?
10 **A.** YES.
11 **Q.** AND DO YOU STILL STAND BY THOSE FINDINGS?
12 **A.** YES.
13 **MR. STRACH:** OKAY. LET'S GO TO PR-86 AND LET'S GO TO
14 PAGE 13. IN PARTICULAR, I'M LOOKING AT FIGURE 5. SO IF YOU
15 CAN BLOW THAT UP, FOREST.
16 **BY MR. STRACH:**
17 **Q.** SO YOU TALKED ABOUT THIS IN YOUR DIRECT. THIS IS A MAP
18 WITH YOUR ILLUSTRATIVE CONGRESSIONAL DISTRICTS OVERLAID ON
19 AREAS WITH POPULATION THAT HAS NO HIGH SCHOOL EDUCATION.
20 CORRECT?
21 **A.** THAT'S CORRECT.
22 **Q.** ALL RIGHT. SO ISN'T IT TRUE THAT IN AREAS WITH NO HIGH
23 SCHOOL EDUCATION, BASED ON YOUR CONCLUSION, THESE ARE ALSO
24 AREAS WITH HIGH BLACK POPULATION?
25 **A.** NO. NO.

02:54 1 **Q.** HAVE YOU ACTUALLY STUDIED THAT?
2 **A.** I'M JUST FAMILIAR WITH THE BLACK AREA AND THE WHITE AREA.
3 IF YOU REMEMBER, I'M LOOKING AT AREAS THAT -- EXCUSE ME. I'M
4 LOOKING AT CENSUS TRACTS THAT DON'T HAVE A RACIAL COMPONENT.
5 IF I WAS LOOKING AT A CENSUS TRACT THAT WERE MAJORITY-BLACK
6 CENSUS TRACTS THAT HAD A CERTAIN "NO-HIGH-SCHOOL-EDUCATION"
7 PERCENTAGE, I WOULD AGREE WITH YOU. BUT THESE ARE ALL
8 POPULATION, ALL RACES INCLUDED IN HERE, NOT JUST THE BLACK
9 POPULATION.
10 **Q.** I UNDERSTAND THAT. LET ME BE CLEAR. THAT WAS A BAD
11 QUESTION. AND LET'S BREAK THIS DOWN A LITTLE BIT. THE DARKER
12 THE SHADING, THE MORE CONCENTRATED THE NUMBER OF PEOPLE ARE
13 WITH NO HIGH SCHOOL EDUCATION. IS THAT RIGHT?
14 **A.** THAT'S CORRECT.
15 **Q.** ALL RIGHT. AND YOU KNOW -- BASED ON THE LOOK YOU TOOK AT
16 THE BVAP DATA, YOU KNOW THAT THE NORTHERN DELTA PARISHES ARE
17 SIGNIFICANTLY MINORITY BLACK. CORRECT?
18 **A.** RIGHT. BUT THERE'S WHITE POPULATION ALSO.
19 **Q.** I UNDERSTAND. BUT THOSE ARE ALSO AREAS ON THIS MAP THAT
20 ARE HEAVILY SHADED. CORRECT?
21 **A.** THAT'S CORRECT.
22 **Q.** SO THE AREA AT LEAST IN THE NORTHERN DELTA PARISHES WHERE
23 THERE IS A LACK OF HIGH SCHOOL EDUCATION CORRELATE WITH THE
24 BLACK POPULATION. CORRECT?
25 **A.** I DISAGREE, BECAUSE I BELIEVE THAT THERE ARE ALSO WHITE

02:56 PERSONS INCLUDED IN THOSE AREAS THAT DON'T HAVE HIGH SCHOOL EDUCATION IN A HIGHER PERCENTAGE. JUST LIKE POVERTY, I'M SURE THERE ARE WHITE PERSONS THAT HAVE -- ARE IN POVERTY AT A HIGHER PERCENTAGE. JUST LIKE INCOME, WHITE PERSONS THAT HAVE A HIGHER INCOME IN THOSE AREAS.

Q. ALL RIGHT. LET'S TAKE A LOOK AT -- WHEN YOU LOOK AT THE AREAS WITH NO HIGH SCHOOL EDUCATION AND YOU COMPARE THE NORTHERN DELTA REGION, WHICH IS -- I WILL JUST CALL IT HEAVILY SHADED. DO YOU AGREE WITH THAT CHARACTERIZATION?

A. YES. YES.

Q. ALL RIGHT. AND I COMPARE THAT WITH EAST BATON ROUGE AND WEST BATON ROUGE. THEY ARE NOT HEAVILY SHADED, ARE THEY?

A. THEY ARE SHADED IN AREAS.

Q. BUT THERE IS A LOT OF WHITE THERE TOO, RIGHT, WHICH INDICATES HIGH SCHOOL EDUCATIONS?

A. IN THIS PARTICULAR ATTRIBUTE, THAT'S CORRECT.

Q. OKAY. ALL RIGHT. AND YET, YOU THOUGHT IT WAS APPROPRIATE TO -- BASED ON SOCIOECONOMIC FACTORS -- TO INCLUDE THOSE TWO PARISHES WITH THE HEAVILY SHADED NORTHERN DELTA PARISHES?

A. REMEMBER, I'M USING A COLLECTION OF MULTIPLE SOCIOECONOMIC ASPECTS, NOT JUST THIS ONE FOR NO HIGH SCHOOL EDUCATION. SO I'M OVERLAYING ALL OF THEM TOGETHER. NOT ONLY THAT, WHEN IT COMES DOWN TO THE FINE-TUNING OF REDISTRICTING, I RECALL THIS WAS ONE OF THE AREAS THAT I ALSO ADDED TO EQUALIZE THE POPULATION, BASICALLY.

02:57 1 **Q.** ALL RIGHT. AND IN YOUR ILLUSTRATIVE PLAN, YOUR CD5, YOU
2 DON'T JUST INCLUDE THE AREAS OF, SAY, WEST BATON ROUGE THAT ARE
3 SHADED, YOU INCLUDE ALL OF EAST BATON ROUGE, I THINK -- WELL,
4 MAYBE ALL OF WEST BATON ROUGE AND A LOT OF EAST BATON ROUGE.
5 CORRECT?
6 **A.** I INCLUDED A PORTION OF EAST BATON ROUGE AND ALL OF WEST
7 BATON ROUGE.
8 **MR. STRACH:** ALL RIGHT. WELL, THEN LET'S LOOK AT
9 FIGURE 6 ON PAGE 15.
10 **BY MR. STRACH:**
11 **Q.** AND SO, MR. FAIRFAX, THIS IS A CHART REGARDING MEDIAN
12 HOUSEHOLD INCOME. CORRECT?
13 **A.** CORRECT.
14 **Q.** AND THE MORE SHADING THERE IS, THE LOWER THE INCOME.
15 CORRECT?
16 **A.** THAT'S CORRECT.
17 **Q.** ALL RIGHT. SO SIMILARLY WITH THE LAST CHART WE SAW, THE
18 LAST MAP, THE AREAS IN THE NORTHERN DELTA PARISHES ARE FAIRLY
19 HEAVILY SHADED. CORRECT?
20 **A.** YES.
21 **Q.** ALL RIGHT. AND THEN WOULD YOU AGREE WITH ME THAT IF WE
22 LOOK AT EAST AND WEST BATON ROUGE, THERE IS VERY LITTLE SHADING
23 IN THAT ONE?
24 **A.** YOU'RE TALKING ABOUT THROUGHOUT OR --
25 **Q.** YEAH. I MEAN, I'M JUST LOOKING AT EAST AND WEST BATON

02:59 ROUGE AND I'M JUST NOT SEEING VERY MUCH SHADING LIKE I AM UP IN THE NORTHERN DELTA?

A. CORRECT.

Q. OKAY. AND THERE ARE A LOT OF PARISHES TO THE WEST OF YOUR CD5 THAT ARE HEAVILY SHADED. RIGHT?

A. CORRECT.

Q. ALL RIGHT.

A. NOT A LOT. BUT, YEAH, I UNDERSTAND THERE ARE SOME.

Q. YEAH.

A. YEAH. YEAH.

Q. I MEAN, I LOOK AT THIS MAP, AND I GUESS TO MY EYE IT WOULD HAVE MADE MORE SENSE TO TAKE THAT WEST TO CAPTURE THOSE HEAVILY SHADED PARISHES RATHER THAN GOING SOUTH?

A. YOU ARE TALKING ABOUT IN THE NORTHERN END?

Q. IN THE NORTHERN END, YES.

A. NO, NOT WHEN YOU LOOK AT ALL OF THE SOCIOECONOMIC ASPECTS. IT'S CLEAR THAT THE WESTERN PORTION OF THOSE DELTA PARISHES, WHEN YOU LOOK AT THE TOTALITY OF THE SOCIOECONOMIC INDICATORS, THAT THERE IS A DIFFERENCE BETWEEN THE DELTA PARISHES AND THOSE TO THE WEST. YOU CAN PICK OUT ONE OR TWO AREAS THAT ARE DIFFERENT, BUT OVERALL THAT WESTERN AREA IS DIFFERENT THAN THE EASTERN AREA.

MR. STRACH: ALL RIGHT. LET'S GO BACK TO THE FIGURE 5 ON PAGE 13 FOR US.

BY MR. STRACH:

03:00 1 **Q.** SO YOU'RE SAYING, BASED ON THE SHADING THAT I'M SEEING IN
2 DISTRICT 4, THAT IT WOULD NOT HAVE MADE SENSE FOR THIS DISTRICT
3 TO GO WEST INSTEAD OF SOUTH?
4 **A.** THE ONLY -- EXCUSE ME. THE ONLY PARISH THAT I CAN SEE WAS
5 CALDWELL. AND I EXPLAINED THE REASON WHY I DIDN'T USE
6 CALDWELL. ALL OF THESE OTHER ONES HAD FRACTURED LITTLE PIECES,
7 IF YOU WILL. AND SO YOU HAVE TO TAKE THE TOTALITY OF THE
8 PARISHES; WHEREAS YOU CAN SEE ON THE EAST SIDE THEY HAVE THE
9 MAJORITY OF THE PARISH INCLUDED IN THE COLOR.
10 **MR. STRACH:** ALL RIGHT. LET'S GO TO PAGE 16.
11 **BY MR. STRACH:**
12 **Q.** AND I THINK, MR. FAIRFAX, YOU HAVE ANOTHER FIGURE 6. SO I
13 THINK YOU DUPLICATED FIGURE 6 JUST F.Y.I., IN THIS REPORT.
14 THESE ARE THE RISK FACTORS MAP. CORRECT?
15 **A.** THAT'S CORRECT.
16 **Q.** AND THERE IS A LOT OF HEAVY SHADING IN THE NORTHERN DELTA
17 PARISHES. CORRECT?
18 **A.** YES. BUT TO GET TO THEM YOU'D HAVE TO ALMOST FORM ONE OF
19 THOSE REDISTRICTING CONFIGURATIONS YOU TALKED ABOUT IN THE
20 '90'S. YOU'D HAVE TO HAVE ALMOST THAT Z LOOKING BECAUSE YOU'D
21 GRAB THOSE AREAS IN THE NORTHERN END. IF YOU NOTICE, THERE
22 AREN'T A SUBSTANTIAL AMOUNT IN THE PARISHES THAT ARE DIRECTLY
23 WEST. YOU'D HAVE TO GO TO THE NORTH OR YOU'D HAVE TO GO RIGHT
24 THROUGH THOSE PARISHES THAT ARE -- THAT DON'T HAVE THE SAME
25 C.R.E. RISK FACTORS TO GET TO SOME OF THE ONES THAT DO.

03:02 **Q.** AND YOU WILL AGREE WITH ME, AT LEAST IN WEST BATON ROUGE, THERE'S ALMOST NO SHADING. CORRECT?
A. IN WEST BATON ROUGE?
Q. CORRECT.
A. THAT IS CORRECT IN THIS PARTICULAR EXAMPLE.
Q. ALL RIGHT. AND THAT WAS ONE -- THAT WAS A PARISH THAT YOU INCLUDED WHOLLY WITHIN YOUR CD5. CORRECT?
A. THAT IS CORRECT. BUT ONCE AGAIN, IT'S THE TOTALITY THAT I'M LOOKING AT, NOT JUST ONE OF THESE MAPS.
MR. STRACH: ALL RIGHT. THANK YOU, YOUR HONOR. NOTHING FURTHER AT THIS TIME.
THE COURT: THANK YOU.
REDIRECT?
MS. SADASIVAN: KATHRYN SADASIVAN FOR THE ROBINSON PLAINTIFFS AGAIN.

REDIRECT EXAMINATION

BY MS. SADASIVAN:
Q. MR. FAIRFAX, WHEN YOU STARTED DRAWING YOUR ILLUSTRATIVE PLANS, WHICH DISTRICT DID YOU START IN?
A. CD2.
Q. AND WHY?
A. FIRST, IT IS A CONVENTION TO START WITH WHAT'S CALLED THE VOTING RIGHTS ACT DISTRICT, THE VRA DISTRICT. AND SO SINCE CD2 WAS THAT, USUALLY YOU START -- AND I STARTED WITH THAT AS SOMEWHAT PROTECTING THAT DISTRICT. IF YOU END UP HAVING THAT

03:03 1 LAST, THE DISTRICT MAY NOT END UP BEING CONFIGURED OR MAY END
2 UP WITH A VOTING RIGHTS ACT VIOLATION.
3 **Q.** AND WHAT DID YOU SEEK TO DO IN CONGRESSIONAL DISTRICT 2?
4 **A.** THE DESIGN OR GOALS THAT I HAD FROM THE BEGINNING WAS TO
5 MAKE THAT DISTRICT MORE COMPACT, SPLIT LESS POLITICAL
6 SUBDIVISIONS INCLUDING -- OR SPECIFICALLY PARISHES AND REMOVE A
7 PORTION FROM THE BATON ROUGE REGION. AND SO WHAT I DID WAS,
8 THERE WERE RIVER PARISHES THAT WERE SPLIT, I MADE THEM WHOLE.
9 THE DISTRICT WAS MADE MORE COMPACT JUST BY THE SHAPE ADDED TO
10 IT. AND I MOVED A PORTION OUT OF EAST BATON ROUGE, BROUGHT
11 THAT DISTRICT DOWN AND MADE IT MORE COMPACT THAT WAY AS WELL.
12 **Q.** AND THEN WHAT DISTRICT DID YOU GO TO?
13 **A.** THEN I BEGAN IN THE NORTH AND BEGAN LOOKING AT THAT FOURTH
14 AND FIFTH SOMEWHAT COMBINED TOGETHER. I WANTED THE FIFTH TO BE
15 THAT DELTA -- MORE OF A DELTA PRESENCE IN THE NORTH AREA. AND
16 I NOTICED THAT THE SOCIOECONOMIC MAKEUP OF THE WEST PORTION OF
17 DISTRICT 5 WASN'T THE SAME AS THE EAST PORTION, SO I BEGAN SORT
18 OF GOING BACK AND FORTH REMOVING PORTIONS OF DISTRICT 5 AND
19 ADDING THEM TO DISTRICT 4 AND THEN BEGAN, I GUESS, COMING DOWN
20 AND RECREATING SORT OF THAT DISTRICT 5.
21 **Q.** AND WHEN YOU WERE TALKING ABOUT CONGRESSIONAL DISTRICT 5
22 EARLIER, YOU WERE TALKING ABOUT THE NUMBER OF -- OR THE BLACK
23 VOTING AGE POPULATION FLUCTUATING? YOU WEREN'T TRYING TO
24 ACHIEVE ANY PARTICULAR RACIAL TARGET IN DRAWING DISTRICT 5?
25 **A.** NO. NO. NO. NO. I'M JUST TRYING TO SATISFY THAT FIRST

03:05 PRECONDITION -- FIRST COMPONENT PRECONDITION OF *GINGLES* THAT'S SUFFICIENTLY LARGE.

Q. THANK YOU, MR. FAIRFAX. THAT'S ALL I HAVE.

THE COURT: THAT CONCLUDES YOUR EXAMINATION?

MS. SADASIVAN: YES, THAT CONCLUDES THE EXAMINATION. THANK YOU SO MUCH, MR. FAIRFAX.

THE COURT: OKAY. YOU MAY STEP DOWN. THANK YOU. SIR?

MR. SHELLY: GOOD AFTERNOON, YOUR HONOR. I'LL BE TAKING THE NEXT WITNESS. WOULD IT BE OKAY TO TAKE A QUICK BREAK FIRST?

THE COURT: I WAS JUST GOING TO SAY THAT WE ARE GOING TO TAKE A BREAK. AND I DO HAVE SOMETHING OFF THE RECORD.

(WHEREUPON, THERE WAS AN OFF-RECORD DISCUSSION.)

THE COURT: ALL RIGHT. OKAY. WE WILL BE IN RECESS FOR 15 MINUTES.

(WHEREUPON, THE COURT WAS IN RECESS.)

THE COURT: OKAY. BE SEATED. OKAY, LADIES AND GENTLEMEN. WE ARE WORKING ON THE TEMPERATURE, AND I ONLY HAVE ONE WORD TO SAY -- IT'S ACTUALLY NOT A WORD, IT'S AN ACRONYM -- GSA. IF YOU WANT TO GO TO YOUR CAR AND GET A BLANKET, WE WILL RELAX OUR PROTOCOLS ACCORDINGLY. WE ARE WORKING ON IT. SO WE ARE GOING TO TRY TO GET IT A LITTLE BIT MORE HABITABLE IN HERE. NEXT WITNESS.

03:24 **MR. SHELLY:** GOOD AFTERNOON, YOUR HONOR.
I'M JACOB SHELLY, S-H-E-L-L-Y.
AS THE COURT WELL KNOWS, I REPRESENT THE GALMON PLAINTIFFS, AND WE CALL MR. CHARLES CRAVINS.

CHARLES CRAVINS,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: GO AHEAD, SIR.

DIRECT EXAMINATION

BY MR. SHELLY:

Q. GOOD AFTERNOON, MR. CRAVINS.
CAN YOU PLEASE STATE YOUR FULL NAME FOR THE RECORD.

A. CHARLES CRAVINS.

Q. AND WHERE DO YOU LIVE?

A. I LIVE IN ST. LANDRY PARISH OUTSIDE THE TOWN OF WASHINGTON, LOUISIANA.

Q. HOW LONG HAVE YOU LIVED IN ST. LANDRY PARISH?

A. 66 YEARS, MINUS THREE YEARS I SPENT IN THE MILITARY.

Q. AND THAT'S EFFECTIVELY YOUR ENTIRE LIFE?

A. YES.

Q. HOW LONG HAS YOUR FAMILY LIVED IN THE ST. LANDRY PARISH AREA?

A. MY FOREBEARS CAME TO ST. LANDRY PARISH IN 1764.

Q. CAN YOU BRIEFLY DESCRIBE HOW THEY -- HOW THAT CAME ABOUT?

A. THERE WAS A FRENCHMAN BY THE NAME OF GREGOIRE GUILLORY AND AN ENSLAVED WOMAN BY THE NAME OF MARGUERITE GUILLORY.

03:25 1 MARGUERITE SUBSEQUENTLY WENT TO COURT IN 1782 UNDER SPANISH --
2 WHILE LOUISIANA WAS UNDER THE SPANISH AUTHORITY AND MAINTAINED
3 HER FREEDOM, AND FAMILY HAS BEEN THERE EVER SINCE.
4 **Q.** CAN YOU BRIEFLY DESCRIBE YOUR PROFESSIONAL BACKGROUND FOR
5 THE COURT?
6 **A.** CURRENTLY I'M A PARTNER IN CRAVINS TROSCLAIR, A
7 PROFESSIONAL LAW CORPORATION IN OPELOUSAS SINCE JANUARY OF
8 2021. FROM JANUARY OF 2020 UNTIL JANUARY OF 2021, I WAS
9 DISTRICT ATTORNEY OF ST. LANDRY PARISH. PRIOR TO THAT, I WAS
10 FIRST ASSISTANT DISTRICT ATTORNEY. PRIOR TO THAT, FROM 2007 I
11 WAS AN ASSISTANT DISTRICT ATTORNEY AND CHIEF ADMINISTRATIVE
12 OFFICER. PRIOR TO THAT, FROM 1997 TO '07, I WAS ONLY CHIEF
13 ADMINISTRATIVE OFFICER OF THE DISTRICT ATTORNEY'S OFFICE.
14 BEFORE THAT I WORKED FOR THE FOURTH CONGRESSIONAL
15 DISTRICT IN CONSTITUENT SERVICES AND GOVERNMENT RELATIONS. AND
16 PRIOR TO THAT I WAS IN THE RADIO AND INSURANCE INDUSTRIES AND
17 STILL HAVE AN ADVOCATION IN RADIO. I'VE BEEN DOING A RADIO
18 SHOW FOR -- SINCE 1986. AND THAT'S REALLY THE BULK OF WHAT
19 I'VE DONE.
20 **Q.** WHAT IS THE SUBJECT OF THAT RADIO PROGRAM?
21 **A.** OUR RADIO SHOW IS A PUBLIC AFFAIRS AND ZYDECO MUSIC RADIO
22 PROGRAM, SORT OF A UNIQUE FORMAT.
23 **Q.** DO YOU CONSIDER YOURSELF FAMILIAR WITH ST. LANDRY PARISH
24 AND SURROUNDING AREAS AND HOW IT FITS INTO THE STATE OF
25 LOUISIANA?

03:27 **A.** I DO.
Q. YOU MENTIONED YOU'RE A LAWYER. WHERE DID YOU ATTEND LAW SCHOOL?
A. SOUTHERN UNIVERSITY LAW CENTER IN BATON ROUGE.
Q. IN YOUR EXPERIENCE, IS IT COMMON FOR ST. LANDRY RESIDENTS TO ATTEND COLLEGE OR A UNIVERSITY IN BATON ROUGE?
A. YES.
Q. DO YOU HAVE ANY OTHER PERSONAL EXPERIENCE WITH THAT?
A. YES. WE ARE NINE SIBLINGS IN MY FAMILY. OF THE NINE, FIVE HAVE COLLEGE DEGREES OR POST-GRADUATE DEGREES. ALL FIVE OF THOSE ATTENDED COLLEGE IN BATON ROUGE. ALSO, JUST A LOT -- THERE ARE A LOT OF PEOPLE I KNOW -- A LOT OF PEOPLE FROM ST. LANDRY PARISH WHO ATTEND COLLEGE IN BATON ROUGE.
Q. AND WHAT DO YOU ATTRIBUTE THAT EDUCATIONAL CONNECTION TO?
A. WELL, I THINK AS FAR AS THE AFRICAN-AMERICAN COMMUNITY IS CONCERNED, THAT STARTED AS THE ONLY OPTION, BECAUSE THERE WERE NO INTEGRATED COLLEGES THAT PEOPLE COULD ATTEND. THERE WAS GRAMBLING, BUT GRAMBLING IS IN NORTHWEST LOUISIANA AND VIRTUALLY INACCESSIBLE AT THAT TIME FROM ST. LANDRY PARISH.
AND THE OTHER COLLEGE IN LAFAYETTE WAS AT THE TIME KNOWN AS SOUTHERN LOUISIANA INSTITUTE. SO IT WAS A REGIONAL COLLEGE AND JUST DIDN'T HAVE THE PRESTIGE THAT LSU HAD AND CONTINUES TO HAVE IN LOUISIANA.
AND SO FROM THAT NECESSITY, I GUESS, FROM THE SEGREGATION AND THE EDUCATIONAL OPPORTUNITIES, IT'S BECOME SORT

03:28 1 OF A TRADITION FOR PEOPLE TO ATTEND IN BATON ROUGE.
2 **Q.** IN ADDITION TO THE EDUCATIONAL TIES, ARE THERE OTHER
3 ECONOMIC TIES THAT LINK ST. LANDRY PARISH WITH BATON ROUGE?
4 **A.** DEFINITELY.
5 **Q.** CAN YOU DESCRIBE THAT?
6 **A.** ALL OF SOUTH LOUISIANA IS VERY INVOLVED AND, IN SOME
7 EXTENT, DEPENDENT UPON THE PETROCHEMICAL INDUSTRY, AND
8 PARTICULARLY AS IT RELATES TO OFFSHORE DRILLING AND REFINING.
9 AND SO THERE ARE A LOT OF JOBS IN THAT INDUSTRY.
10 MY FATHER, FOR INSTANCE, BELONGED TO BATON ROUGE
11 LOCAL 1177, WHICH IS THE LABORERS LOCAL. AND HE AND A LOT OF
12 MEN FROM ST. LANDRY PARISH OF HIS GENERATION RODE A BUS OR
13 HITCHHIKED EVERY DAY TO BATON ROUGE TO WORK. AS A MATTER OF
14 FACT, THOSE BUSES WEREN'T COMMERCIAL BUSES. THEY WERE BUSES
15 THAT WERE SET UP SPECIFICALLY FOR THAT PURPOSE: TO BRING
16 PEOPLE TO WORK IN BATON ROUGE. SO THAT, AND, OF COURSE, WE
17 HAVE A REFINERY IN ST. LANDRY PARISH THAT'S A VERY STRONG TIE,
18 A VERY STRONG ECONOMIC TIE.
19 ALSO, THERE IS AGRICULTURAL TIES THAT -- YOU KNOW,
20 IMMEDIATELY TO THE WEST OF THE CITY OF BATON ROUGE. IF YOU ARE
21 TRAVELING UP 190 TOWARD OPELOUSAS, YOU'LL SEE SUGARCANE FIELDS
22 ALL THROUGHOUT THAT AREA, AND THAT IS A VERY IMPORTANT RURAL
23 CROP IN ST. LANDRY PARISH AND A LOT OF SOUTH LOUISIANA UP -- AS
24 I SAID, UP TO THE BORDER OF BATON ROUGE PROPER.
25 **Q.** ARE THERE SOCIAL AND CULTURAL CONNECTIONS THAT ST. LANDRY

03:30 PARISH SHARES WITH BATON ROUGE?
A. WELL, WE DO A ZYDECO PUBLIC AFFAIRS PROGRAM, SO -- THAT PEOPLE LISTEN TO IN BATON ROUGE. AND YES, THERE ARE. THE MEDIA -- I KNOW A MEDIA MARKET IS A TERM OF ART USED IN THAT INDUSTRY. BUT MEDIA -- SO ST. LANDRY PARISH IS NOT PART OF THE BATON ROUGE MEDIA MARKET, BUT THERE IS A GREAT DEAL OF BATON ROUGE MEDIA CONSUMPTION IN ST. LANDRY PARISH.
WHEN YOU SUBSCRIBE FOR CABLE, FOR INSTANCE, YOU CAN GET THE BATON ROUGE STATIONS. THE BATON ROUGE NEWSPAPER IS VERY WIDELY READ IN ST. LANDRY PARISH. BATON ROUGE TELEVISION STATIONS, RADIO STATIONS ARE VERY POPULAR IN ST. LANDRY PARISH. SO THERE IS THAT CONNECTION.
THERE'S ALSO FAMILY CONNECTIONS THAT DERIVE FROM THOSE ECONOMIC CONNECTIONS WE TALKED ABOUT EARLIER. PEOPLE GET JOBS AT THE PLANTS, THEY MOVE THERE, THEIR FAMILIES GROW UP THERE. I HAVE TWO DAUGHTERS WHO LIVE IN BATON ROUGE.
YOU ALSO HAVE THAT HISTORIC CONNECTION. I TALKED ABOUT SPANISH GOVERNANCE OF LOUISIANA. BATON ROUGE AND ST. LANDRY PARISH ALSO BOTH SHARE THE VESTIGES OF THAT STRONG FRENCH AND SPANISH INFLUENCE ON BOTH OF THOSE AREAS, AND THE FOOD. YOU KNOW, IT'S PERVASIVE. THOSE CONNECTIONS ARE PERVASIVE.
Q. ANY OTHER CONNECTIONS IN RELIGION, SPORTS, OTHER THINGS LIKE THAT?
A. YEAH. THE CATHOLIC CHURCH IS VERY -- THERE ARE A LOT OF

03:32 1 CATHOLICS IN SOUTH LOUISIANA, AND THE CATHOLIC CHURCH
2 HISTORICALLY HAS HAD A LOT OF INFLUENCE IN THE SOUTHERN PART OF
3 THE STATE, BOTH -- WELL, PARTICULARLY FROM A CULTURAL AND
4 SOCIAL STANDPOINT.
5 AND AS FAR AS SPORTS ARE CONCERNED, THIS IS SAINTS
6 COUNTRY. AND SO, YOU KNOW, THIS IS WHERE THE SAINTS FANS ARE.
7 **Q.** WOULD COMMUNITIES OF INTEREST BEST BE MAINTAINED BY
8 GROUPING ST. LANDRY PARISH IN A CONGRESSIONAL DISTRICT WITH
9 SHREVEPORT OR WITH BATON ROUGE?
10 **A.** DEFINITELY BATON ROUGE.
11 **Q.** WHEN WE'RE THINKING SPECIFICALLY ABOUT CONGRESSIONAL
12 REPRESENTATION, WHY IS IT IMPORTANT TO KEEP ST. LANDRY PARISH
13 WITH BATON ROUGE?
14 **A.** ST. LANDRY PARISH IS NOT A SMALL PARISH, YOU KNOW,
15 LOUISIANA -- AS FAR AS LOUISIANA PARISHES GO, BUT IT IS NOT A
16 LARGE HEAVILY-POPULATED AREA. GENERALLY MOSTLY RURAL, 13
17 MUNICIPALITIES BUT NOT DENSELY POPULATED. IN ORDER FOR ST.
18 LANDRY TO HAVE ITS FULL POLITICAL POTENTIAL, IT NEEDS TO BE
19 PAIRED WITH WHAT I CALL SOME CENTER OF INFLUENCE OR CENTERS OF
20 INFLUENCE.
21 AND THERE HAVE TRADITIONALLY BEEN MORE DENSELY --
22 THREE -- THREE MORE DENSELY POPULATED AREAS THAT ST. LANDRY HAS
23 BEEN ASSOCIATED WITH AND HAS ALIGNED WITH. AND THOSE WOULD BE
24 LAKE CHARLES, LAFAYETTE AND BATON ROUGE. AND THERE ARE NO
25 OTHER DENSELY-POPULATED AREAS THAT -- WHERE ST. LANDRY CAN

03:33 EXTEND AND MAGNIFY ITS INFLUENCE BY ASSOCIATING WITH THOSE AREAS. IF ST. LANDRY IS CUT OFF FROM ONE OF THOSE, YOU CAN MAKE IT. YOU STILL HAVE SOME VOICE BECAUSE YOU HAVE TWO REMAINING. IF YOU'RE CUT OFF FROM TWO, YOU HAVE LESS OF A VOICE, BUT YOU STILL -- THERE IS STILL SOME REASON FOR PEOPLE TO PAY ATTENTION TO YOU. BUT WHEN YOU'RE CUT OFF FROM ALL THREE, YOU ARE EFFECTIVELY DISENFRANCHISED AS FAR AS CONGRESSIONAL POLITICS GO BECAUSE NOBODY CARES ABOUT YOU.

FOR INSTANCE, RIGHT NOW UNDER THE 2011 MAP, ST. LANDRY IS DIVIDED BETWEEN THE NORTHWESTERN PART OF THE STATE AND THE NORTHEASTERN PART OF THE STATE. AS FAR AS I KNOW, THE CONGRESSMAN FROM SHREVEPORT HAS NEVER VISITED. HE HAS ROUGHLY HALF THE GEOGRAPHIC AREA OF ST. LANDRY PARISH. I DON'T KNOW THAT HE'S VISITED SINCE HE'S BEEN ELECTED.

NOW, I DO KNOW THAT SEVERAL DIFFERENT CONGRESS PEOPLE FROM NORTHWEST LOUISIANA HAVE VISITED. SO I DON'T -- I DON'T KNOW WHAT'S THE REASON FOR THAT DISPARITY. WELL, I DO HAVE SOME IDEAS WHAT THE REASONS ARE FOR THAT DISPARITY, BUT THE DISPARITY EXISTS.

Q. JUST FOR THE RECORD, I THINK YOU SAID PEOPLE FROM NORTHWEST HAVE --

A. NO. NORTHEAST. I'M SORRY. I MEANT TO SAY FROM THE NORTHEAST HAVE VISITED. FROM THE MONROE AREA, THE CURRENT CONGRESSMAN IS FROM START, I BELIEVE. I KNOW SHE'S BEEN THERE, WHICH IS IN THE NORTHEAST PORTION OF THE STATE. BUT THE

03:35 1 CONGRESSMAN FROM THE NORTHWEST, WHO IS FROM SHREVEPORT, AS FAR
2 AS I KNOW, HAS NEVER VISITED ST. LANDRY.
3 **Q.** ARE THERE POLICY INTERESTS THAT RESIDENTS OF ST. LANDRY
4 SHARE WITH BATON ROUGE THAT THEY DO NOT NECESSARILY SHARE WITH
5 SHREVEPORT RESIDENTS?
6 **A.** ABSOLUTELY. AND LET ME JUST -- I'LL GIVE YOU JUST A
7 COUPLE. ONE IS THE PETROCHEMICAL INDUSTRY THAT I MENTIONED
8 EARLIER, PARTICULARLY AS IT DEALS WITH REFINING AND OFFSHORE
9 OIL DRILLING. AND, YOU KNOW, THAT -- IN THE NORTHERN PART OF
10 THE STATE YOU HAVE NATURAL GAS. BUT THAT IS A DIFFERENT ANIMAL
11 FROM THE REFINERY AND OFFSHORE OIL DRILLING PETROCHEMICAL
12 BUSINESS.
13 IN THE SOUTHERN PART OF THE STATE YOU ALSO HAVE THE
14 ENVIRONMENTAL CONCERNS THAT COME WITH THOSE REFINERIES. AND
15 I'M SURE YOU'VE HEARD OF CANCER ALLEY AND THOSE TYPES OF
16 ENVIRONMENTAL CONCERNS INVOLVED WITH, YOU KNOW, AIR QUALITY AND
17 WATER QUALITY AND THAT TYPE OF THING THAT WOULD -- THAT WOULD
18 BE COMMON TO ST. LANDRY PARISH AND TO BATON ROUGE.
19 ALSO, YOU HAVE THE ISSUE OF CLIMATE AS IT RELATES TO
20 THE PETROCHEMICAL INDUSTRY, BUT YOU ALSO HAVE THE ISSUE OF
21 WEATHER AND DISASTER RELIEF. IN SOUTH LOUISIANA, DISASTER
22 RELIEF -- CONGRESSIONAL POLICY ON DISASTER RELIEF IS CRITICAL.
23 AND BATON ROUGE AND ST. LANDRY PARISH WOULD SHARE THAT; WHEREAS
24 THE NORTHERN PART OF THE STATE, PARTICULARLY NORTHWESTERN PART
25 OF THE STATE -- THE NORTHEASTERN PART OF THE STATE HAS THE

03:37 RIVER -- MISSISSIPPI RIVER. THERE ARE SOME FLOODING PROBLEMS. THERE ARE SOME DISASTER RELIEF ISSUES THAT WOULD AFFECT THAT PART.

BUT THE SOUTHERN PART, HURRICANES ARE THE THING. AND IT SEEMS THAT EVERY YEAR WE GET HIT WITH ONE, SOMETIMES MULTIPLE HURRICANES. YOU MAY HAVE SEEN IN THE NEWS IN THE LAST COUPLE OF YEARS THERE ARE SOME CONGRESS PEOPLE WHO ARE OPPOSED TO THE FEDERAL GOVERNMENT'S AGGRESSIVE RESPONSE TO DISASTER -- FEMA'S RESPONSE APPROPRIATIONS DEALING WITH DISASTER RELIEF.

IN NORTH LOUISIANA YOU MIGHT BE ABLE TO GET AWAY WITH BEING OPPOSED TO THOSE RELIEF EFFORTS. IN SOUTH LOUISIANA YOU'RE NOT GOING TO MAKE IT THROUGH THE NEXT ELECTION IF YOU ARE NOT SUPPORTING YOUR PEOPLE IN THAT DISASTER RELIEF.

Q. ARE THE CROPS THE SAME CROPS FOR --

A. ONE -- I WAS GOING TO TELL YOU ONE MORE. AND THIS ONE IS NOT AS WIDELY KNOWN, BUT I MENTIONED THE SUGARCANE FIELDS WEST OF BATON ROUGE. SUGARCANE IS AN IMPORTANT RURAL CROP IN SOUTH LOUISIANA. AND THE ISSUE OF SUGAR SUPPORTS, THAT'S SOMETHING A LOT OF PEOPLE NEVER PAY ANY ATTENTION TO. IT'S NOT AS WIDELY KNOWN AS MAYBE SOME OF THE OTHER ISSUES THAT I'VE MENTIONED. BUT THE ISSUE OF SUGAR SUPPORTS, PRICE SUPPORTS IS CRITICAL IN SOUTH LOUISIANA AND UNIMPORTANT IN THE NORTHWESTERN PART OF THE STATE.

Q. SWITCHING GEARS SLIGHTLY, HAS YOUR VOTING PRECINCT CHANGED RECENTLY?

03:38 1 **A.** YES, IT DID.
2 **Q.** HOW LONG WAS THAT CHANGE IN PLACE?
3 **A.** THE CHANGE WAS IN PLACE FROM THE BEGINNING OF 2021. SO IT
4 WAS NOT IN EFFECT FOR THE 2020 PRESIDENTIAL ELECTION. AND IT
5 WAS IN PLACE FOR THE MOST RECENT RUN-OFF ELECTION THAT OCCURRED
6 IN APRIL BUT WILL NOT BE IN PLACE FOR THE NOVEMBER ELECTIONS.
7 **Q.** CAN YOU DESCRIBE GEOGRAPHICALLY WHAT THAT CHANGE WAS?
8 **A.** THE CHANGE WAS THAT IT INCREASED -- IT DECREASED THE
9 NUMBER OF PRECINCTS IN ST. LANDRY PARISH.
10 SO IN MY CASE, MY PRIOR POLLING PLACE WAS ROUGHLY
11 1.2, 1.3 MILES FROM MY HOME IN THE TOWN -- THE POLLING PLACE
12 WAS IN THE TOWN OF WASHINGTON. I LIVE RIGHT OUTSIDE THE TOWN
13 OF WASHINGTON. MY POLLING PLACE UNDER THE PLAN THAT'S
14 CURRENTLY IN PLACE UNTIL THE NOVEMBER ELECTIONS IS 17 MILES
15 FROM MY HOME. SO FORTUNATELY WE HAVE A CAR SO WE CAN DO IT,
16 BUT IT'S REALLY EXTREMELY INCONVENIENT.
17 **Q.** WHAT WAS THE RESPONSE IN THE COMMUNITY TO THIS CHANGE?
18 **A.** THERE WAS AN UPROAR. THERE WAS A LOT OF -- A LOT OF
19 PEOPLE THOUGHT THAT IT WAS -- AND I BELIEVE IT WAS DONE FOR --
20 TO DILUTE MINORITY VOTES.
21 SO WHAT HAPPENED IS THAT SMALL -- NOT SMALL, BUT
22 PRECINCTS THAT WERE PREDOMINANTLY AFRICAN AMERICAN WERE
23 COMBINED WITH PRECINCTS THAT WERE MAJORITY WHITE INTO MUCH
24 LARGER PRECINCTS. SO YOU MAY -- THEY MAY HAVE TAKEN THREE
25 PRECINCTS THAT WERE PREDOMINANTLY AFRICAN AMERICAN, COMBINED

03:40 THEM WITH FIVE THAT WERE MAJORITY WHITE, AND THOSE ARE THE PRECINCTS.

SO IN MY CASE, FOR INSTANCE, THOSE PRECINCTS WERE USED DURING THE REDISTRICTING PROCESS. AND JUST COINCIDENTALLY OR NOT THEY WERE IN PLACE BASICALLY ONLY FOR -- DURING THE REDISTRICTING PROCESS. SO NOW MY STATE REPRESENTATIVE, CURRENT STATE REPRESENTATIVE, IS A PERSON WHO OWNS A BUSINESS. HE'S A PHARMACIST -- A NURSE PRACTITIONER, I'M SORRY. HE OWNS A BUSINESS JUST A FEW MILES FROM MY HOME. MUCH CLOSER THAN MY CURRENT PRECINCT IS. AND I WENT TO HIGH SCHOOL WITH HIS PARENTS. AND NOW THE CENTER OF THE STATE REPRESENTATIVE DISTRICT THAT I'M GOING TO BE IN, THE CENTER OF POPULATION FOR THAT, IS IN AVOYELLES PARISH. AND I LIVE A PRETTY LONG WAY FROM AVOYELLES PARISH.

BUT THAT IS THE EFFECT OF THAT PRECINCT CHANGE. BECAUSE IN THE REDISTRICTING PROCESS, ONE OF THE PRINCIPLES WAS WE DON'T SPLIT PRECINCTS. IF THOSE PRECINCTS HADN'T BEEN ENLARGED, YOU WOULD HAVE A MUCH DIFFERENT PROCESS THAN WHAT OCCURRED.

Q. WHAT DO YOU UNDERSTAND TO BE THE OFFICIAL REASON FOR THESE PRECINCT CHANGES?

A. THE ASSERTED REASON WAS THAT MIKE HEFNER WENT TO THE PARISH PRESIDENT AND THE COUNCIL AND TOLD THEM THAT THERE WAS A MANDATE FROM THE SECRETARY OF STATE TO REDUCE COSTS. AND THAT'S THE ASSERTED REASON. I CAN'T VOUCH FOR THE TRUTH OF

03:42 THAT ASSERTION.

MR. WALE: YOUR HONOR, I'M SORRY. I HAVE TO INTERRUPT TO RAISE AN OBJECTION TO HEARSAY. HE'S ASKING FOR THE RESPONSES OF OTHERS.

MR. SHELLY: I AM MOST GENEROUSLY NOT OFFERING THESE REASONS FOR THE TRUTH OF THE MATTER FOR WHY PRECINCTS WERE CHANGED. I WANTED MR. CRAVINS TO TESTIFY ABOUT WHAT HE UNDERSTOOD THE REASON -- MY NEXT QUESTION IS WHETHER HE FOUND THAT REASON TO BE CREDIBLE.

THE COURT: WELL, THE QUESTION WAS WHAT -- I DON'T -- I'LL PARAPHRASE -- WAS WHAT WAS THE STATED REASON FOR THE PRECINCT CHANGES. I'M GOING TO ALLOW THE QUESTION BECAUSE IT'S A BENCH TRIAL, BUT IT DID CALL FOR HEARSAY. BUT YOUR OBJECTION IS OVERRULED.

MR. WALE: THANK YOU, YOUR HONOR.

THE COURT: GO AHEAD. NEXT QUESTION.

BY MR. SHELLY:

Q. MR. CRAVINS, DO YOU FIND THE STATED REASON TO BE CREDIBLE?

A. NO, I DON'T FIND THE STATED REASON TO BE CREDIBLE, BECAUSE I WAS RECENTLY AT THE PARISH COUNCIL MEETING WHERE THAT ISSUE WAS ON THE AGENDA AND THERE WAS NO MENTION OF COST. AND THE PARISH IS GOING BACK -- I THINK THE PARISH IS ACTUALLY GOING TO WIND UP WITH ONE MORE PRECINCT THAN THERE WAS BEFORE ALL THESE CHANGES WERE MADE. SO THERE ARE GOING TO BE 99 PRECINCTS IN THE PARISH, I BELIEVE, UP FROM 33 AND UP FROM THE 98 BEFORE THE

03:43 30-SOMETHING PRECINCTS.
Q. I BELIEVE YOU ALLUDED TO THIS. DO YOU KNOW WHO WAS RESPONSIBLE FOR THE CHANGE?
A. MIKE HEFNER WAS THE DEMOGRAPHER FOR THAT.
Q. ARE YOU FAMILIAR WITH MR. HEFNER'S ROLE IN THIS CASE?
A. I READ PART OF A REPORT THAT WAS PREPARED BY MR. HEFNER.
Q. SUBMITTED ON BEHALF OF THE STATE?
A. YES. IT WAS SUBMITTED ON BEHALF OF THE ATTORNEY GENERAL.
Q. WHAT IS YOUR REACTION TO THE WAY THAT HE DESCRIBES COMMUNITIES OF INTEREST?
MR. WALE: EXCUSE ME. I'M GOING TO OBJECT, YOUR HONOR. HE'S CLEARLY CALLING FOR OPINION BY A LAY WITNESS. MR. HEFNER HAS BEEN OFFERED AS AN EXPERT IN THIS CASE, NOT IN THIS -- HE'S CLEARLY A FACT WITNESS, NOT AN EXPERT.
THE COURT: YOU ARE CALLING FOR OPINION.
MR. SHELLY: I'M SORRY?
THE COURT: YOU ARE CALLING FOR OPINION. WHAT'S YOUR RESPONSE?
MR. SHELLY: MR. CRAVINS IS TESTIFYING ABOUT HIS KNOWLEDGE OF THE COMMUNITIES OF INTEREST, WHICH WAS THE SUBJECT OF THE REPORT. I'M ASKING IF THAT IS CONSISTENT WITH HIS LAY UNDERSTANDING OF COMMUNITIES OF INTEREST WHERE HE LIVES.
THE COURT: SUSTAINED.
MR. WALE: THANK YOU.
BY MR. SHELLY:

03:44 **Q.** MR. CRAVINS, ARE YOU FAMILIAR WITH THE ILLUSTRATIVE MAPS THAT THE GALMON PLAINTIFFS HAVE SUBMITTED IN THIS CASE?

A. YES, I AM.

Q. DO YOU BELIEVE THEY RESPECT COMMUNITIES OF INTEREST?

MR. WALE: AGAIN, YOUR HONOR, I'M GOING TO REPEAT THE OBJECTION: THAT THIS WITNESS IS A FACT WITNESS GIVING OPINION AS AN EXPERT WHEN HE HAS NOT BEEN TENDERED AS SUCH.

MR. SHELLY: HE TESTIFIED TO HIS UNDERSTANDING OF WHERE ST. LANDRY FITS AS A COMMUNITY, WHICH COMMUNITIES IT SHARES INTEREST WITH. I'M MERELY ASKING HIM TO EXPLAIN WHETHER HIS UNDERSTANDING AS A --

THE COURT: WELL, BUT COMMUNITY OF INTEREST IS A LEGAL TEST FOR WHICH OPINION TESTIMONY HAS BEEN OFFERED AND ACCEPTED. YOU ARE CALLING FOR A LEGAL -- YOU ARE NOT CALLING FOR A LEGAL CONCLUSION. YOU ARE CALLING FOR OPINION TESTIMONY. IT'S FAR BEYOND LAY OPINION TESTIMONY. SUSTAINED.

MR. WALE: THANK YOU.

MR. SHELLY: OKAY. IF I CAN TRY IT ONE MORE TIME.

BY MR. SHELLY:

Q. MR. CRAVINS, YOU TESTIFIED TO THE EDUCATIONAL, CULTURAL AND INDUSTRIAL CONNECTIONS THAT ST. LANDRY SHARES WITH BATON ROUGE. DO YOU BELIEVE THAT -- THE ILLUSTRATIVE MAPS THAT YOU'VE REVIEWED, DO YOU BELIEVE THAT THOSE WOULD ALLOW RESIDENTS OF ST. LANDRY PARISH TO HAVE THEIR POLICY INTERESTS HEARD?

03:45 **MR. WALE:** YOUR HONOR, AGAIN, I'M GOING TO REPEAT MY EARLIER OBJECTION. THAT'S, AGAIN, CALLING FOR AN OPINION TESTIMONY THAT AN EXPERT SHOULD RENDER, NOT A FACT WITNESS.

THE COURT: WELL, THIS ONE IS A LITTLE DIFFERENT. HE IS A RESIDENT OF ST. LANDRY PARISH. HIS QUESTION IS: AS A RESIDENT OF ST. LANDRY PARISH, LOOKING AT THESE MAPS, DO YOU THINK THAT THE FOLKS IN YOUR PARISH HAVE A CHANCE AT ELECTING THEIR REPRESENTATIVES? I'M GOING TO OVERRULE IT.

MR. WALE: THANK YOU, YOUR HONOR.

THE COURT: YOU MAY ANSWER IT, SIR.

BY THE WITNESS:

A. THE MAP -- ARE YOU ASKING ME ABOUT THE 2022 MAP OR THE GALMON PLAINTIFFS?

Q. THE GALMON MAPS.

A. THE GALMON MAPS WOULD AT LEAST ALLOW US TO MAINTAIN THAT CONNECTION WITH LAFAYETTE AND BATON ROUGE THAT I SPOKE OF EARLIER AS TWO OF THE THREE CENTERS OF INFLUENCE THAT ARE IMPORTANT TO ST. LANDRY PARISH.

MR. SHELLY: NO FURTHER QUESTIONS AT THIS TIME. THANK YOU.

THE COURT: CROSS?

YOUR NAME, SIR?

MR. WALE: ALL RIGHT. JEFFREY WALE ON BEHALF OF THE STATE, YOUR HONOR.

THE COURT: THANK YOU.

03:46

CROSS-EXAMINATION

BY MR. WALE:

Q. HI, MR. CRAVINS. MY NAME IS JEFFREY WALE. I'M GOING TO BE ASKING YOU A FEW QUESTIONS THIS AFTERNOON.

A. YES, SIR.

Q. FIRST OF ALL, I HAVE TO ASK -- WE PREPARED A LOT FOR THE TRIAL. I DID NOT PREPARE ANYTHING ON ZYDECO MUSIC. YOU HAVE A RADIO SHOW THAT FEATURES ZYDECO MUSIC?

A. YES, SIR.

Q. OKAY. THAT'S FANTASTIC.

WHAT STATION DOES THAT COME ON? IS IT ON THE RADIO?

A. 105.9 FM.

Q. 105.9 FM.

A. ALSO AVAILABLE ONLINE.

Q. ALSO AVAILABLE ONLINE. PERFECT.

DOES 105.9 FM -- DOES THAT CARRY OVER INTO THE BATON ROUGE MEDIA MARKET?

A. IT CAN BE PICKED UP IN BATON ROUGE, BUT WE HAVE A LOT OF ONLINE LISTENERS.

Q. OKAY. SO IT'S MORE ONLINE THAN ON THE RADIO?

A. I WOULDN'T -- I COULDN'T SAY THAT IT'S MORE ONLINE THAN ON THE RADIO. IT'S BOTH. I JUST DIDN'T WANT YOU TO LEAVE WITH THE IMPRESSION THAT IT WAS STRICTLY ON-AIR LISTENERSHIP.

Q. SURE. SURE. BECAUSE I HAD HEARD SOME EARLIER STATEMENTS ABOUT BATON ROUGE IS IN THE MEDIA MARKET OR BATON ROUGE AND ST.

03:47 1 LANDRY PARISH SHARE A MEDIA AND THAT IT DOESN'T. CAN YOU
2 CLARIFY WHETHER YOU THINK THAT THEY SHARE A MEDIA MARKET OR
3 NOT?
4 **A.** ARE YOU REFERRING TO TESTIMONY BEFORE I TOOK THE STAND?
5 **Q.** NO. YOUR TESTIMONY EARLIER.
6 **A.** NO. NO. WHAT I SAID WAS A MEDIA MARKET IS A TERM OF ART.
7 SO THESE ORGANIZATIONS DEFINE MEDIA MARKETS. ST. LANDRY PARISH
8 IS NOT PART OF THE DEFINED BATON ROUGE MEDIA MARKET. BUT THERE
9 IS A LOT OF CONSUMPTION OF BATON ROUGE MEDIA IN ST. LANDRY
10 PARISH.
11 **Q.** I UNDERSTAND. AND SO JUST TO CONFIRM TODAY, MR. CRAVINS,
12 YOU ARE NOT BEEN OFFERED AS AN EXPERT TODAY. CORRECT?
13 **A.** I'M BEING OFFERED AS A FACT WITNESS.
14 **Q.** ALL RIGHT. THANK YOU.
15 AND SO EVERYTHING THAT YOU'RE TESTIFYING TO TODAY IS
16 BASED SOLELY ON YOUR PERSONAL EXPERIENCE AS A RESIDENT OF ST.
17 LANDRY PARISH?
18 **A.** YES.
19 **Q.** YOU ARE A LAWYER IN ST. LANDRY PARISH AND YOU RAN FOR
20 DISTRICT ATTORNEY?
21 **A.** YES, SIR.
22 **Q.** AND YOU RAN AS A DEMOCRAT. IS THAT CORRECT?
23 **A.** THAT IS CORRECT.
24 **Q.** SO WHEN YOU RAN YOU WERE THE ACTING DISTRICT ATTORNEY.
25 CORRECT?

03:48 **A.** NO, SIR.
Q. YOU WERE NOT?
A. NO, SIR.
Q. WHAT WAS YOUR POSITION?
A. I WAS THE DISTRICT ATTORNEY BY OPERATION OF LAW, NOT ACTING.
Q. CAN YOU EXPLAIN THAT TO ME? CAN YOU EXPLAIN THAT TO ME?
A. IN LOUISIANA IF YOU ARE A SHERIFF AND THE SHERIFF'S OFFICE IS VACATED, THEN BY OPERATION OF LAW THE CHIEF DEPUTY SHERIFF BECOMES THE SHERIFF. HE DOESN'T BECOME THE ACTING SHERIFF. THEY BECOME SHERIFF. IN A DISTRICT ATTORNEY -- IN THE CASE OF A DISTRICT ATTORNEY, THE FIRST ASSISTANT DISTRICT ATTORNEY IN THE EVENT OF VACANCY IN THE OFFICE OF DISTRICT ATTORNEY BECOMES THE DISTRICT ATTORNEY BY OPERATION OF LAW.
Q. SO YOU WERE THE ASSISTANT DISTRICT ATTORNEY WHO TOOK OVER AS DISTRICT ATTORNEY UPON THE RESIGNATION OF THE PREVIOUS --
A. THE RETIREMENT.
Q. THE RETIREMENT, EXCUSE ME -- OF THE PREVIOUS DISTRICT ATTORNEY.
ALL RIGHT. SO YOU HAD NEVER BEEN ELECTED TO THAT OFFICE PREVIOUSLY?
A. NO.
Q. BUT YOU DID RUN FOR THE ELECTION IN 2020?
A. YES, SIR.
Q. AND YOU APPEARED ON THE BALLOT AT THE SAME TIME AS THE

03:49 1 PRESIDENTIAL ELECTION?
2 **A.** THAT IS CORRECT.
3 **Q.** AND AT THAT TIME PRESIDENT TRUMP CARRIED ST. LANDRY PARISH
4 BY A MARGIN OF ABOUT 56 PERCENT. IS THAT CORRECT?
5 **A.** I DIDN'T REALLY PAY ATTENTION. I KNOW HE CARRIED THE
6 PARISH. I COULDN'T TESTIFY AS TO THE PERCENTAGE.
7 **Q.** BUT WOULD YOU BELIEVE ME IF I TOLD YOU THAT HE -- THAT HE
8 CARRIED ABOUT 56 PERCENT OF THE PARISH?
9 **A.** YES.
10 **Q.** AND IN YOUR RESULT, YOUR OPPONENT, A REPUBLICAN, RECEIVED
11 ABOUT 52 PERCENT OF THE VOTES AND YOU RECEIVED ABOUT 48 PERCENT
12 OF THE VOTES. IS THAT CORRECT?
13 **A.** ROUGHLY 51 POINT SOMETHING, 48 POINT SOMETHING.
14 **Q.** SO AS A DEMOCRAT DO YOU BELIEVE THAT YOU WOULD HAVE
15 RECEIVED -- BASED ON WHAT I JUST TOLD YOU -- THAT YOU WOULD
16 HAVE RECEIVED AT LEAST SOME CROSSOVER VOTERS FROM TRUMP VOTERS;
17 THAT PEOPLE VOTED FOR BOTH TRUMP AND YOURSELF?
18 **A.** YES.
19 **Q.** ALL RIGHT. SO LET'S TALK ABOUT ST. LANDRY PARISH.
20 **A.** LET ME -- LET ME -- LET ME -- LET ME -- LET ME AMEND THAT
21 ANSWER. AND THE REASON -- I CAN'T TELL YOU. THE REASON IS
22 THAT THERE WAS A LARGE DISPARITY BETWEEN THE NUMBER OF VOTES
23 CAST IN THOSE TWO ELECTIONS. SO I COULDN'T TELL YOU WHO VOTED
24 FOR WHOM.
25 **Q.** OKAY. BUT LET'S DISCUSS ST. LANDRY PARISH. THERE ARE

03:50 1 ABOUT 90,000 RESIDENTS OF ST. LANDRY PARISH. CORRECT?
2 **A.** EIGHTY-SOMETHING THOUSAND.
3 **Q.** EIGHTY-SOMETHING THOUSAND, I APOLOGIZE. I'M ROUNDING.
4 I'M USING ROUGH NUMBERS HERE.
5 AND IS THE MINORITY POPULATION ABOUT 45 PERCENT?
6 **A.** ABOUT 43 PERCENT.
7 **Q.** 43 PERCENT. AGAIN, I APOLOGIZE FOR ROUNDING IT.
8 **A.** WELL, WHEN YOU SAY "MINORITY," WHAT DO YOU -- WHO ARE YOU
9 CLASSIFYING AS MINORITIES?
10 **Q.** BY VARIOUS STANDARDS, USING VOTER REGISTRATION STATISTICS,
11 BLACK VOTERS AND "ANY PART BLACK" VOTERS.
12 **A.** OKAY. BLACK VOTERS AND ANY -- AND "ANY PART BLACK" VOTERS
13 YOU SAID?
14 **Q.** YES.
15 **A.** IS THAT ON SOME KIND OF OFFICIAL REGISTRY?
16 **Q.** I'M SORRY. I WAS USING -- I BELIEVE I WAS USING
17 PERCENTAGE OF BLACK VOTERS FROM VOTER REGISTRATION STATISTICS.
18 **A.** OKAY. IT'S NOT 45 PERCENT.
19 **Q.** OKAY. I APOLOGIZE.
20 SO MAJORITY -- BUT YOU WOULD SAY A MAJORITY OF THE
21 PARISH IS WHITE. CORRECT?
22 **A.** YES.
23 **Q.** THE MAJORITY OF THE POPULATION IS WHITE? AND WHAT ARE THE
24 MAJOR CITIES OF ST. LANDRY PARISH? WOULD THAT BE EUNICE,
25 OPELOUSAS, ARNAUDVILLE, KROTZ SPRINGS, ET CETERA? IS THAT

03:51 1 CORRECT?
2 **A.** THERE ARE 13 MUNICIPALITIES IN ST. LANDRY PARISH.
3 **Q.** THIRTEEN MUNICIPALITIES, RIGHT.
4 AND SO WOULD YOU SAY THAT REPUBLICANS TYPICALLY WIN
5 PARISH-WIDE OFFICE IN ST. LANDRY PARISH?
6 **A.** NO.
7 **Q.** YOU WOULD NOT SAY THAT?
8 **A.** NO.
9 **Q.** ALL RIGHT. SO --
10 **A.** ABSOLUTELY NOT.
11 **Q.** AS I DISCUSSED EARLIER, PRESIDENT TRUMP WON IN 2020 --
12 **A.** IF --
13 **Q.** -- I BELIEVE YOU SAID THAT HE CARRIED BY A LARGE MARGIN?
14 **A.** RIGHT.
15 **Q.** I BELIEVE SENATOR CASSIDY, A REPUBLICAN, CARRIED THAT BY A
16 LARGE MARGIN AT THE SAME ELECTION. CORRECT?
17 **A.** IF YOU WOULD ALLOW ME TO FINISH ANSWERING YOUR LAST
18 QUESTION. THE ONLY REPUBLICAN PARISH-WIDE ELECTED OFFICIAL IN
19 ST. LANDRY PARISH CURRENTLY IS THE REPUBLICAN DISTRICT ATTORNEY
20 WHO WON THE RACE THAT I WAS INVOLVED IN. THERE IS -- NO OTHER
21 REPUBLICAN WAS ELECTED PRIOR TO HIM.
22 **Q.** AND SO TO REPHRASE MY QUESTION IN ANOTHER WAY, DO
23 REPUBLICANS TYPICALLY WIN ELECTIONS HELD PARISH-WIDE, SUCH AS
24 PRESIDENT, SUCH AS SENATOR, SUCH AS CONGRESSMAN?
25 **A.** JOHN BEL EDWARDS CARRIED LOUISIANA. AND TO SAY THAT

03:53 1 REPUBLICANS TYPICALLY CARRY ST. LANDRY PARISH IS NOT CORRECT.
2 **Q.** OKAY. AND THERE ARE -- ALL RIGHT. LET'S MOVE ON TO TALK
3 ABOUT THE CONGRESSIONAL DISTRICTS.
4 WHAT CONGRESSIONAL DISTRICTS ARE CURRENTLY INCLUDED
5 IN ST. LANDRY PARISH?
6 **A.** RIGHT NOW WE HAVE THE DISTRICT THAT COMES UP THE -- HALF
7 OF THE PARISH IS IN THE DISTRICT THAT COMES UP THE EASTERN --
8 UP THE DELTA REGION REPRESENTED BY JULIA LETLOW. AND WE HAVE
9 ON THE -- THAT'S THE -- IT WOULD BE THE EASTERN HALF OF THE
10 PARISH. THE WESTERN HALF OF THE PARISH IS THE DISTRICT THAT IS
11 WHERE MIKE JOHNSON FROM SHREVEPORT IS CURRENTLY CONGRESSMAN.
12 **Q.** SO THAT'S THE FOURTH AND THE FIFTH DISTRICTS, IF I MAY?
13 **A.** THAT'S CORRECT.
14 **Q.** ALL RIGHT. AND SO -- AND CAN YOU CLARIFY FOR ME: IS THE
15 THIRD -- THE CONGRESSIONAL THIRD DISTRICT, IS THAT REGION -- TO
16 ST. LANDRY PARISH, THAT'S CLAY HIGGINS' DISTRICT?
17 **A.** THE THIRD DISTRICT THERE IS -- I'M GLAD YOU ASKED ME THAT
18 QUESTION. THE THIRD DISTRICT CONTAINS ONE OR TWO PRECINCTS IN
19 THE CANKTON AREA, WHICH IS IN THE SOUTHWESTERN PART OF THE
20 PARISH -- SOUTH CENTRAL TO SOUTHWESTERN PART OF THE PARISH THAT
21 ARE IN THE THIRD CONGRESSIONAL DISTRICT. AT LEAST THAT ALLOWS
22 ST. LANDRY PARISH AND ITS PARISH-WIDE ELECTED OFFICIALS TO
23 STILL HAVE SOME VOICE WITH THOSE REPRESENTATIVES -- THAT
24 REPRESENTATIVE WHO REPRESENTS THE THIRD CONGRESSIONAL DISTRICT.
25 THE 2022 MAP TAKES AWAY THAT SMALL CONNECTION THAT THE

03:54 1 PARISH-WIDE OFFICIALS WOULD HAVE TO SPEAK FOR THEIR
2 CONSTITUENTS.
3 **Q.** SO YOU ARE FAMILIAR WITH THE NEW PARISH MAP THAT THE
4 LEGISLATURE ENACTED. CORRECT?
5 **A.** THE 2022 ENACTED MAP?
6 **Q.** THE 2022 ENACTED MAP? YES, SIR.
7 **A.** YES, I AM.
8 **THE COURT:** THE NEW PARISH MAP? I'M SORRY. YOU SAID
9 THE NEW PARISH MAP?
10 **MR. WALE:** OH, CONGRESS MAP. I APOLOGIZE, YOUR
11 HONOR.
12 **THE COURT:** OKAY. ALL RIGHT.
13 **MR. WALE:** I APOLOGIZE IF I MISSPOKE.
14 **BY MR. WALE:**
15 **Q.** BUT TO CONFIRM YOUR EARLIER TESTIMONY, WHAT WE JUST SAID,
16 CURRENTLY THE ST. LANDRY PARISH IS PART OF THE THIRD, FOURTH
17 AND FIFTH CONGRESSIONAL DISTRICTS. WHAT PART -- ARE YOU
18 FAMILIAR WITH WHAT DISTRICTS BATON ROUGE IS CURRENTLY MADE UP
19 OF?
20 **A.** BATON ROUGE IS -- AT LEAST PART OF BATON ROUGE IS
21 REPRESENTED BY THE NEW CONGRESSMAN FROM NEW ORLEANS -- AND I
22 KNOW HIM -- TROY CARTER AND GARRETT GRAVES I THINK REPRESENTS
23 -- DOES HE REPRESENT PART OF BATON ROUGE?
24 **Q.** WELL, NORMALLY WE ASK THE QUESTIONS, AS I'M SURE YOU'RE
25 AWARE. BUT I WILL REPRESENT TO YOU THAT CONGRESSMAN GRAVES

03:55 REPRESENTS THE SIXTH DISTRICT; CONGRESSMAN CARTER REPRESENTS THE SECOND DISTRICT.

A. UH-HUH.

Q. AND BOTH OF THOSE CONGRESSMEN REPRESENT BATON ROUGE. SO MY QUESTION TO YOU IS: WHAT PART OF ST. LANDRY PARISH, BASED ON THE CURRENT MAPS -- NOT THE '22 ENACTED MAP, BUT CURRENTLY OR PREVIOUS TO THE ENACTMENT OF THIS LAW BASED -- WHAT WE USED AFTER 2011 --

A. UH-HUH.

Q. -- WHAT PART OF ST. LANDRY PARISH WAS IN THE -- SHARED A CONGRESSIONAL DISTRICT WITH BATON ROUGE?

A. ALTHOUGH BATON ROUGE CURRENTLY FROM 2011 IS NOT CONNECTED TO ST. LANDRY, IT'S NOT IN THE SAME CONGRESSIONAL DISTRICT OF ST. LANDRY. WHAT I TESTIFIED TO EARLIER IS THAT IT IS CRITICALLY IMPORTANT FOR ST. LANDRY PARISH TO MAINTAIN A CONNECTION WITH AT LEAST ONE OF THOSE CENTERS OF INFLUENCE THAT ALLOW ST. LANDRY PARISH TO HAVE SOME POLITICAL VOICE. THOSE THREE CENTERS OF INFLUENCE ARE BATON ROUGE, LAFAYETTE AND LAKE CHARLES, NOT NECESSARILY IN THAT ORDER.

RIGHT NOW, BECAUSE OF THAT SMALL CONNECTION IN THE 2011 MAP THAT WE HAVE WITH THE THIRD CONGRESSIONAL DISTRICT, WE ARE CONNECTED WITH LAFAYETTE AND LAKE CHARLES. THE 2022 ENACTED MAP TAKES AWAY ALL THOSE CONNECTIONS AND GOES OUT OF ITS WAY -- BECAUSE ST. LANDRY PARISH HAS A LARGE AFRICAN-AMERICAN POPULATION -- TO TAKE ST. LANDRY PARISH AWAY

03:57 1 FROM THOSE CENTERS OF INFLUENCE.
2 **Q.** I'M SORRY. I NEED YOU TO CLARIFY OR REPEAT SOMETHING FOR
3 ME. WHAT DID YOU SAY THE THREE CENTERS OF INFLUENCE ARE?
4 **A.** LAFAYETTE, LAKE CHARLES AND BATON ROUGE.
5 **Q.** WHAT ARE THOSE THE THREE CENTERS OF INFLUENCE OF?
6 **A.** OF POLITICAL INFLUENCE. THEY ALSO HAVE ECONOMIC
7 INFLUENCE, SOCIAL INFLUENCE. WE HAVE A CONNECTION. WE HAVE
8 SOME COMMONALITIES WITH THOSE THREE AREAS THAT RESIDENTS OF THE
9 PARISH USE TO STRENGTHEN THEIR VOICE. AS FAR -- WE'RE IN HERE
10 ON A HEARING ON AN INJUNCTION ON A POLITICAL MATTER, SO MY
11 FOCUS IS ABOUT POLITICS. AND FROM A POLITICAL STANDPOINT, ST.
12 LANDRY'S CONNECTION WITH THOSE AREAS MAGNIFIES ST. LANDRY'S
13 INFLUENCE.
14 **Q.** BUT ARE YOU SAYING THOSE ARE THE ONLY THREE CENTERS OF
15 INFLUENCE IN THE STATE?
16 **A.** EXCUSE ME?
17 **Q.** ARE YOU SAYING THOSE THREE CITIES THAT YOU NAMED ARE THE
18 ONLY THREE CENTERS OF INFLUENCE IN THE STATE OF LOUISIANA?
19 **A.** I DON'T THINK I SAID THAT.
20 **Q.** YOU SAID THOSE ARE THE THREE CENTERS OF INFLUENCE.
21 **A.** THAT ST. LANDRY PARISH HAS COMMONALITY OF INTEREST WITH.
22 **Q.** ALL RIGHT. SO SPEAKING OF COMMONALITY --
23 **A.** ST. LANDRY PARISH HAS NO COMMONALITY OF INTEREST WITH
24 SHREVEPORT. SHREVEPORT IS THE CENTER OF INFLUENCE OF THE
25 STATE. ST. LANDRY PARISH HAS LESS COMMONALITY OF INTEREST WITH

03:58 NEW ORLEANS THAN IT DOES WITH BATON ROUGE, LAKE CHARLES AND LAFAYETTE.

Q. ALL RIGHT, MR. CRAVINS. ARE YOU FAMILIAR WITH INTERSTATE 49?

A. I AM.

Q. WHERE DOES INTERSTATE 49 TAKE YOU? FROM WHERE TO WHERE?

A. IT TAKES YOU FROM SHREVEPORT TO THIBODAUX AND ON TO NEW ORLEANS.

Q. ALL RIGHT. DOES IT RUN THROUGH THE CENTER OF ST. LANDRY PARISH?

A. YES, IT DOES.

Q. ALL RIGHT. AND SO IF I WAS GOING -- IF I WAS TRAVELING TO NORTH LOUISIANA FROM THE BATON ROUGE AREA, WHAT WOULD BE THE QUICKEST WAY FOR ME TO GET TO SHREVEPORT?

A. WHAT YOU FIRST DO IF YOU KNEW WHERE YOU -- WHERE YOU WERE GOING AND HOW TO GET THERE MOST EXPEDITIOUSLY, IS THAT YOU WOULD GO DOWN HIGHWAY 190 THROUGH ALL THOSE SUGARCANE FARMS UNTIL YOU GOT TO OPELOUSAS. AND THEN YOU WOULD TAKE A RIGHT AND GET ON I-49 AND YOU WOULD TRAVEL NORTH AND YOU WOULD SEE THOSE SAME SUGARCANE FARMS THAT I WAS TALKING ABOUT EARLIER ON YOUR RIGHT AND LEFT AS YOU WERE HEADED TOWARDS SHREVEPORT.

NOW, IF YOU'RE HEADED SOUTH -- IF YOU MADE A WRONG TURN ON I-49 AND YOU HEADED SOUTH, YOU WOULD ALSO SEE THOSE SAME SUGARCANE FARMS AND YOU WOULD SEE ASPECTS OF THE OFFSHORE DRILLING INDUSTRY. IF YOU CONTINUED NORTH ON I-49 HAVING MADE

04:00 1 THE CORRECT TURN, YOU WOULD NO LONGER SEE THOSE.
2 **Q.** ALL RIGHT. SO YOU MENTIONED IN YOUR DECLARATION THAT ST.
3 LANDRY PARISH, TO USE YOUR EXACT WORDS, CONTAINS A
4 PETROCHEMICAL PLANT ALONG THE ATCHAFALAYA RIVER IN THE EASTERN
5 PART OF THE PARISH. CORRECT?
6 **A.** CORRECT.
7 **Q.** ALL RIGHT. THAT'S HOW MANY -- THAT'S HOW MANY IT HAS?
8 **A.** THERE'S ONLY ONE IN ST. LANDRY PARISH.
9 **Q.** THERE'S ONLY ONE. ALL RIGHT.
10 AND SO DO YOU KNOW WHETHER CADDO PARISH HAS ANY
11 PETROCHEMICAL PLANTS?
12 **A.** PEOPLE IN ST. LANDRY PARISH, ME BEING ONE OF THEM, ARE
13 VERY UNFAMILIAR WITH CADDO PARISH. SO, NO, I DON'T.
14 **Q.** SO WOULD YOU BELIEVE ME IF I TOLD YOU THAT THEY DID?
15 **A.** I DOUBT THAT YOU WOULD TELL ME THAT IF IT WASN'T TRUE.
16 **Q.** ALL RIGHT. ALL RIGHT. WELL, WHAT ABOUT -- WHAT ABOUT
17 CALCASIEU PARISH?
18 **A.** CALCASIEU PARISH HAS SEVERAL.
19 **Q.** AND WHAT ABOUT ST. CHARLES PARISH?
20 **A.** YES, ST. CHARLES PARISH HAS SOME PLANTS. THAT'S PART OF
21 CANCER ALLEY, ISN'T IT?
22 **Q.** SO YOU WOULD SAY THAT SEVERAL PARISHES IN LOUISIANA HAVE
23 PETROCHEMICAL PLANTS MORE SO THAN ST. LANDRY?
24 **A.** THE PETROCHEMICAL INDUSTRY, AS I DISCUSSED EARLIER, IS NOT
25 A MONOLITHIC INDUSTRY. IN ST. LANDRY PARISH THERE IS A

04:01 REFINERY. IN LAFAYETTE AND LAKE CHARLES THERE ARE REFINERIES. IN NORTH LOUISIANA THE PETROCHEMICAL INDUSTRY IS MORE CLOSELY RELATED TO NATURAL GAS. IT IS NOT AS RELATED TO OFFSHORE OIL PRODUCTION, OIL AND NATURAL GAS PRODUCTION. IT'S BASED ON LAND-BASED NATURAL GAS.

SO THOSE PETROCHEMICAL PLANTS ARE NORMALLY FOUND ON THE WATERWAYS AND ON THE GULF. AND YOU'RE NOT TALKING ABOUT THE SAME TYPE OF INDUSTRY OR THE -- NECESSARILY -- NECESSARILY THE SAME INTEREST, EITHER PRO JOBS-TYPE INTEREST OR THE SAME ENVIRONMENTAL CONCERNS THAT YOU HAVE IN SOUTH LOUISIANA.

Q. ARE YOU FAMILIAR WITH EVANGELINE PARISH AT ALL?

A. YES.

Q. HOW CLOSE IS EVANGELINE PARISH TO ST. LANDRY PARISH?

A. IT'S A NEIGHBORING PARISH.

Q. IT'S A NEIGHBORING PARISH?

A. UH-HUH.

Q. AND SO -- AND SO --

A. IT USED TO BE PART OF ST. LANDRY PARISH.

Q. DID IT? IT USED TO BE PART OF THE PARISH?

A. UH-HUH.

Q. AND THEN IT SPLIT AT SOME POINT. DO YOU REMEMBER WHAT YEAR THAT WAS?

A. NEITHER YOU OR I WERE ALIVE AT THAT TIME.

Q. FAIR ENOUGH. AND SO -- SO YOU WOULD SAY THAT THE COMMUNITY -- THAT THOSE COMMUNITIES HAVE A LOT IN COMMON

04:02 BETWEEN THE RESIDENTS OF EVANGELINE PARISH AND ST. LANDRY PARISH?

A. THE SOUTHERN PART OF EVANGELINE PARISH -- YOU'RE TALKING ABOUT TWO LARGE GEOGRAPHIC PARISHES. THE SOUTHERN PART OF EVANGELINE PARISH IN THE VILLE PLATTE AREA, CHATAIGNIER, MAMOU HAVE A LOT OF THOSE -- A LOT OF SIMILARITIES.

FOR INSTANCE, THERE IS A LARGE MARDI GRAS CELEBRATION IN MAMOU. WHEN YOU GO UP TO THE NORTHERN PART OF EVANGELINE PARISH, PINE PRAIRIE, TURKEY CREEK, THAT IS A VERY DIFFERENT COUNTRY. THAT'S -- YOU'RE STARTING TO GET -- PINE PRAIRIE, FOR INSTANCE, IS BECAUSE OF THE PINE TREES. SO THEN YOU'RE STARTING TO GET INTO THE AREA WHERE FORESTRY IS AN IMPORTANT AGRICULTURAL ITEM, NOT SO MUCH ROW CROPS AS THEY ARE IN SOUTHERN LOUISIANA, IN THE SOUTHERN PART OF EVANGELINE PARISH, ST. LANDRY PARISH AND ON EAST TO THE BORDER OF -- TO THE MISSISSIPPI RIVER, TO BATON ROUGE.

Q. ALL RIGHT. I UNDERSTAND.

WELL, THAT'S ALL THE QUESTIONS I HAVE. THANK YOU, MR. CRAVINS.

A. THANK YOU.

THE COURT: ANY REDIRECT?

MR. SHELLY: NO, YOUR HONOR.

THE COURT: ALL RIGHT, MR. CRAVINS. THANK YOU FOR YOUR TIME, SIR. YOU MAY STEP DOWN.

THE WITNESS: THANK YOU.

04:04 **THE COURT:** OKAY. WE HAVE TIME FOR ANOTHER WITNESS.

MS. KHANNA: YOUR HONOR, CAN I MAKE ONE EVIDENTIARY CLARIFICATION BEFORE WE CALL OUR NEXT WITNESS?

THE COURT: IT IS PROBABLY GOING TO PROVOKE ALL KINDS OF CONSTERNATION, BUT PLEASE FEEL FREE.

MS. KHANNA: I HOPE IT DOES NOT. I JUST WANT TO MAKE SURE THAT I UNDERSTAND CORRECTLY; THAT THE FACT THAT THE DEFENDANTS HAVE PURPORTED TO OFFER AN EXPERT REPORT ON THE ISSUE OF COMMUNITIES OF INTEREST DOES NOT PROHIBIT FACT WITNESSES FROM SPEAKING OF THEIR OWN PERSONAL OBSERVATIONS, EXPERIENCES WITH THEIR OWN COMMUNITIES OF INTEREST. IS THAT A FAIR CLARIFICATION?

THE COURT: NO. THE COURT DOES NOT STAND ADMONISHED. THANK YOU.

MS. KHANNA: ALL RIGHT. I JUST WANTED TO MAKE SURE WE UNDERSTOOD GOING FORWARD. THANK, YOUR HONOR.

THE COURT: NEXT WITNESS.

THE DEPUTY CLERK: WHO IS THE NEXT WITNESS?

MS. SEDWICK: CHRIS TYSON. CHRISTOPHER TYSON.

THE COURT: MA'AM, INTRODUCE YOURSELF.

MS. SEDWICK: YES.

GOOD AFTERNOON.

MAY IT PLEASE THE COURT. I'M OLIVIA SEDWICK, COUNSEL FOR THE GALMON PLAINTIFFS. AND MY LAST NAME IS SPELLED S-E-D-W-I-C-K.

04:05 **THE COURT:** AND SPELL YOUR FIRST NAME FOR THE COURT REPORTER, PLEASE.

MS. SEDWICK: OLIVIA, O-L-I-V-I-A.

CHRISTOPHER J. TYSON,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MS. SEDWICK:

Q. GOOD AFTERNOON, MR. TYSON.

A. GOOD AFTERNOON.

Q. THANK YOU FOR TAKING THE TIME TO TESTIFY FOR THE COURT TODAY.

Q. CAN YOU PLEASE STATE YOUR FULL NAME FOR THE RECORD.

A. CHRISTOPHER JORDAN TYSON.

Q. AND WHERE DO YOU LIVE?

A. HERE IN BATON ROUGE.

Q. AND WHERE DID YOU GROW UP?

A. BATON ROUGE.

THE COURT: MS. SEDWICK, LET ME TAKE JUST A SECOND. WELCOME TO YOUR FATHER'S COURTROOM, SIR. YOU MAY PROCEED.

THE WITNESS: THANK YOU. THANK YOU, JUDGE.

BY MS. SEDWICK:

Q. MR. TYSON, HOW DO YOU RACIALLY IDENTIFY?

A. BLACK.

Q. AND IF YOU COULD, PLEASE TELL ME A LITTLE BIT ABOUT YOUR

04:05 1 EDUCATIONAL BACKGROUND.
2 **A.** YES. BORN AND RAISED HERE IN BATON ROUGE, GRADUATED FROM
3 UNIVERSITY LABORATORY SCHOOL, ATTENDED -- AND GRADUATED FROM
4 HOWARD UNIVERSITY WITH A BACHELOR'S IN ARCHITECTURE. I
5 GRADUATED FROM THE HARVARD KENNEDY SCHOOL WITH A MASTER'S OF
6 PUBLIC POLICY AND THE GEORGETOWN UNIVERSITY LAW CENTER WITH A
7 J.D.
8 **Q.** AND DID YOU HAVE ANY INTERNSHIPS WHILE YOU WERE IN SCHOOL?
9 **A.** YES. I INTERNED IN A NUMBER OF PLACES. MOST NOTABLY, I
10 INTERNED FOR FORMER SENATOR MARY LANDRIEU IN HER WASHINGTON,
11 D.C. OFFICE, A POSITION I STARTED THE DAY AFTER KATRINA STRUCK.
12 AND SO I WAS VERY PROUD TO SERVE THE SENATOR IN THE STATE OF
13 LOUISIANA IN THOSE MONTHS AND THE YEAR AFTER HURRICANE KATRINA.
14 **Q.** AND WHAT DO YOU CURRENTLY DO FOR A LIVING?
15 **A.** I'M CURRENTLY A LAW PROFESSOR AT THE LSU LAW CENTER.
16 **Q.** AND YOU'VE RUN FOR ELECTED OFFICE. CORRECT?
17 **A.** YES. I WAS ON THE BALLOT IN 2015 AS SECRETARY OF STATE
18 AND SPENT TWO YEARS RUNNING STATEWIDE ALL AROUND THE STATE IN
19 SUPPORT OF THAT CAMPAIGN.
20 **Q.** AND DO YOUR -- DURING YOUR CAMPAIGN WHAT WERE SOME OF THE
21 THINGS THAT YOU SAW?
22 **A.** WELL, JUST GOT TO EXPERIENCE THE DIVERSITY OF THE STATE OF
23 LOUISIANA, GOT TO TRAVEL AROUND AND MEET PEOPLE, ENGAGED IN
24 POLITICS AND JUST REGULAR ISSUES IN THEIR COMMUNITIES. IT WAS
25 TRULY AN EYE-OPENING EXPERIENCE AND ONE THAT I TREASURE.

04:07 1 **Q.** AND, IF YOU COULD, PLEASE TELL ME ABOUT SOME OF YOUR OTHER
2 PROFESSIONAL EXPERIENCE IN THE LAST 10 YEARS.
3 **A.** SURE. IN THE LAST FOUR YEARS I SERVED AS CEO OF THE -- OF
4 AN ORGANIZATION CALLED BUILD BATON ROUGE, WHICH IS THE
5 REDEVELOPMENT AUTHORITY AND LAND BANK FOR THE CITY. PRIOR TO
6 THAT I WAS AN ATTORNEY WITH THE LAW FIRM OF JONES WALKER.
7 **Q.** AND CAN YOU TELL ME A LITTLE ABOUT WHAT IS BUILD BATON
8 ROUGE?
9 **A.** BUILD BATON ROUGE IS THE REDEVELOPMENT AUTHORITY AND LAND
10 BANK FOR EAST BATON ROUGE PARISH. IT IS A POLITICAL
11 SUBDIVISION OF THE STATE OF LOUISIANA THAT HAS AS ITS
12 JURISDICTION ALL OF EAST BATON ROUGE PARISH. IT'S FOCUSED ON
13 BLIGHT REMEDIATION, COORDINATED LAND DEVELOPMENT, NEIGHBORHOOD
14 AND URBAN DEVELOPMENT.
15 **Q.** AND WHAT'S THE GENERAL DEMOGRAPHIC OF THE COMMUNITY THAT
16 BUILD BATON ROUGE SERVES?
17 **A.** ALL OF EAST BATON ROUGE PARISH IS ITS JURISDICTION. AND
18 SO THAT IS ROUGHLY I THINK 48, 49 BLACK AND WHITE WITH A NUMBER
19 OF OTHER ETHNICITIES MAKING UP THE BALANCE.
20 **Q.** SO, MR. TYSON, HOW LONG HAS YOUR FAMILY BEEN IN LOUISIANA
21 AND UNDER WHAT CIRCUMSTANCES DID THEY ARRIVE HERE?
22 **A.** I TRACED MY OLDEST ANCESTOR TO THE 1860'S CENSUS HERE IN
23 BATON ROUGE. LIKE MANY FAMILIES AND MANY BLACK FAMILIES IN
24 PARTICULAR IN BATON ROUGE, MY FAMILY IN -- ON BOTH SIDES
25 MIGRATED HERE FROM WILKINSON COUNTY, MISSISSIPPI, IN THE EARLY

04:08 1 PART OF THE 20TH CENTURY, KIND OF MOVING DOWN THE DELTA TO
2 BATON ROUGE AS THE NEAREST BIG CITY.
3 **Q.** AND, IF YOU COULD, PLEASE TELL THE COURT THE ROLE THAT
4 RACE HAS PLAYED IN YOUR FAMILY'S EXPERIENCE SINCE COMING TO
5 BATON ROUGE.
6 **A.** CERTAINLY. WELL, I THINK LIKE MANY BLACK FAMILIES IN
7 BATON ROUGE, MY FAMILY EXPERIENCED THE DAYS OF SEGREGATION IN
8 JIM CROW IN THIS COMMUNITY. WE HAD RESIDENTS IN OLD SOUTH
9 BATON ROUGE AND THE EDEN PARK EASY TOWN, WHICH WERE TWO, I
10 WOULD SAY, OF THE THREE OR FOUR AREAS PRIOR TO INTEGRATION THAT
11 YOU HAD BLACK RESIDENTS IN THE METROPOLITAN AREA, THE OTHERS
12 BEING SCOTLANDVILLE AND VALLEY PARK.
13 AND SO MY GREAT-GRANDPARENTS HAD A GROCERY STORE IN
14 OLD SOUTH BATON ROUGE THAT WAS IN THE PATH OF THE INTERSTATE.
15 LIKE MANY COMMUNITIES, OUR INTERSTATE SYSTEM DISSECTED BLACK
16 COMMUNITIES AS IT MOVED THROUGH BATON ROUGE. MY MOTHER WAS IN
17 THE THIRD CLASS TO INTEGRATE BATON ROUGE HIGH SCHOOL. MY
18 FATHER WAS ONE OF THE FIRST BLACK GRADUATES OF THE LSU LAW
19 CENTER. AND SO JUST A NUMBER OF INCIDENTS THAT, YOU KNOW, KIND
20 OF TRACK BLACK LIFE IN THE CITY.
21 **Q.** AND HOW HAS RACE SHAPED YOUR LIFE EXPERIENCES?
22 **A.** CERTAINLY. I GREW UP HERE IN THE '80S AND '90S. THE YEAR
23 I STARTED FIRST GRADE WAS THE YEAR -- FIRST YEAR OF FORCED
24 BUSING IN BATON ROUGE, 1981, IN THE KIND OF LONG, DRAWN-OUT
25 SCHOOL DESEGREGATION LAWSUIT THAT WE HAD HERE IN BATON ROUGE.

04:10 1 AND WHEN I LOOK BACK OVER MY LIFE -- I DON'T THINK I REALIZED
2 IT GROWING UP -- MANY OF THE CHANGES THAT WERE HAPPENING IN THE
3 CITY BECAUSE OF INTEGRATION AND BATON ROUGE'S KIND OF LONG
4 RESISTANCE TO IMPLEMENTING THE MANDATES OF BROWN WERE REFLECTED
5 IN MY LIFE IN THE CHANGES THAT I WOULD SEE IN THE CITY BEFORE
6 LEAVING FOR SCHOOL AND THEN COMING BACK TO FIND REALLY A TALE
7 OF TWO CITIES NARRATIVE AS WE TALK ABOUT OFTEN WITH BUILD BATON
8 ROUGE. AND I THINK RESONATES WITH MANY PEOPLE AS WE GRAPPLE
9 WITH THE ISSUES OF RACE AND CLASS STRATIFICATION IN BATON
10 ROUGE.
11 **Q.** SO I WANT TO SHIFT GEARS JUST A LITTLE BIT. HAVE YOU HAD
12 THE OPPORTUNITY TO REVIEW THE GALMON PLAINTIFFS' ILLUSTRATIVE
13 PLANS?
14 **A.** YES.
15 **Q.** AND IN YOUR VIEW, WOULD IT MAKE SENSE TO CREATE A
16 CONGRESSIONAL DISTRICT THAT CONNECTS BATON ROUGE AND THE DELTA
17 PARISHES?
18 **A.** ABSOLUTELY.
19 **Q.** AT A HIGH LEVEL, COULD YOU SHARE WITH US THE CONNECTIONS
20 THAT YOU SEE BETWEEN BATON ROUGE AND THE DELTA PARISHES?
21 **A.** WELL, BATON ROUGE IS HERE ON THE MISSISSIPPI RIVER, AND
22 LOUISIANA'S HISTORY FLOWS THROUGH THE DELTA -- AND LOUISIANA'S
23 BLACK HISTORY FLOWS THROUGH THE DELTA. IN MANY WAYS, BLACK
24 POPULATION IS STILL CENTERED AROUND THE RIVER, WHICH WE KNOW IS
25 THE SOURCE OF THE PLANTATION INDUSTRY. AND SO WE KNOW THAT

04:11 THOSE CONNECTIONS EXIST THROUGH FAMILY, THROUGH FAITH NETWORKS, THROUGH CULTURAL EXPERIENCES. THE CONNECTION TO BATON ROUGE THROUGHOUT THE DELTA AND PARTS OF CENTRAL LOUISIANA INCLUDED I THINK ARE FELT IN FAMILY BONDS. I'VE SEEN IT IN MY FAMILY THROUGH FAITH BONDS, AND PEOPLE TRAVEL FOR REVIVALS AND OTHER EXPERIENCES THROUGHOUT THIS REGION. THERE ARE STRONG CONNECTIONS. AND I KNOW MANY OTHERS WHOSE FAMILIES ARE CONNECTED TO THE AREAS OF THE DELTA. AND THEY SPEND WEEKENDS GOING HOME FOR DINNER AND CAN BE BACK AT WORK IN BATON ROUGE ON MONDAY MORNING. SO I THINK THOSE CONNECTIONS ARE STRONG.

Q. OKAY. LET'S TAKE A FEW OF THOSE IN TURN. SO FIRST, IF YOU COULD KIND OF GIVE US -- YOU'VE GIVEN US A LITTLE BIT ALREADY, BUT THE FAMILIAL TIES, THE EDUCATIONAL TIES BETWEEN BATON ROUGE AND THE DELTA PARISHES.

A. YEAH. AND I'LL TAKE THOSE IN REVERSE. THE EDUCATIONAL TIES ARE STRONG. MY FAMILY, AS MANY OTHERS, GRANDPARENTS AND GREAT GRANDPARENTS RECEIVED EDUCATION FROM MCKINLEY SENIOR HIGH SCHOOL WHEN THAT WAS THE ONLY OPTION FOR PURSUING HIGH SCHOOL FOR BLACK STUDENTS IN THIS REGION BEFORE CAPITOL HIGH SCHOOL WOULD COME ONLINE, I BELIEVE, IN THE 1950'S. AND THEN WE HAD, YOU KNOW, SLOW SCHOOL INTEGRATION AND OTHER OPTIONS.

AND SO MCKINLEY SENIOR HIGH SCHOOL, PEOPLE MAY NOT REALIZE, WAS ONE OF THE ONLY PLACES TO PURSUE EDUCATION AFTER EIGHTH GRADE FOR BLACK STUDENTS, NOT JUST IN BATON ROUGE BUT THROUGHOUT THE REGION. AND I'VE MET PEOPLE WHO -- ELDERLY

04:13 PEOPLE WHO TALK ABOUT COMING TO BATON ROUGE TO GO TO NINTH GRADE FROM THE RURAL AREAS OF THE DELTA. AND SO THAT IS STRONG.

WE ALSO KNOW THAT SOUTHERN UNIVERSITY IS HERE, AND ALSO LELAND COLLEGE USED TO BE HERE AS WELL. SO YOU HAD TWO HISTORICALLY BLACK COLLEGES IN THE REGION. BOTH OF MY GRANDMOTHERS ATTENDED BOTH INSTITUTIONS, AND SO -- AND THEY WERE CONNECTED TO OTHERS WHO CONNECTED TO THOSE INSTITUTIONS AS ROUTES TO HIGHER EDUCATION AND ONTO THE MIDDLE CLASS AS THOSE INSTITUTIONS WERE VERY IMPORTANT FOR BLACK ACCESS TO THE MIDDLE CLASS IN THIS REGION.

FAMILIAL, AGAIN, I KNOW SO MANY PEOPLE, INCLUDING MY OWN FAMILY. AND THEN YOU LOOK AT THE FUNERAL PROGRAMS AND YOU SEE THE CONNECTION THROUGHOUT THE DELTA AND MANY OTHERS WHO STILL HAVE PARENTS AND GRANDPARENTS THROUGHOUT THE DELTA THAT THEY VISIT AND CONNECT WITH ON A REGULAR BASIS, EVEN THOUGH THEY RESIDE HERE IN THE CITY OF BATON ROUGE OR IN THE BROADER METROPOLITAN AREA.

Q. NOW, WHAT ABOUT FROM AN ECONOMIC PERSPECTIVE, THE CONNECTIONS BETWEEN BATON ROUGE AND THE DELTA PARISHES?

A. WELL, BATON ROUGE OBVIOUSLY IS THE MOST URBANIZED AREA IN THE DELTA BEFORE YOU GET FURTHER DOWN TO NEW ORLEANS. THE PETROCHEMICAL INDUSTRY HAS A STRONG FOOTHOLD HERE. AND THAT HAS GROWN THROUGHOUT THE 20TH CENTURY.

ONE OF MY GREAT-GRANDFATHERS WAS ONE OF THE FIRST

04:14 1 BLACK EMPLOYEES AT EXXON. AND SO, YOU KNOW, THOSE JOBS
2 PROVIDED SOME OPPORTUNITIES FOR BLACK PEOPLE EARLY ON IN THE
3 20TH CENTURY AND CONTINUE TO DO SO TODAY. AND THOSE ARE JOBS
4 THAT NOT ONLY EXIST IN BATON ROUGE, BUT STRETCH UP THE RIVER.
5 AND THE PEOPLE WHO WORK IN THOSE INDUSTRIES LIVE ALL AROUND AND
6 COMMUTE FROM ALL AROUND THE DELTA. AND SO THERE ARE STRONG
7 ECONOMIC TIES THERE, TO SAY NOTHING OF THE GOVERNMENTAL BASE
8 HERE IN BATON ROUGE AND THE AMOUNT OF TRAVEL THAT PEOPLE ENJOY
9 WHEN THEY COMMUTE TO WORK FROM RURAL AREAS AS WE LIKE TO DO IN
10 LOUISIANA.
11 **Q.** NOW, WHAT ABOUT FROM A HISTORICAL PERSPECTIVE? YOU TALKED
12 ABOUT THE CONNECTION EARLIER, THE CONNECTION BETWEEN BATON
13 ROUGE AND THE MISSISSIPPI RIVER. SO FROM A HISTORICAL
14 PERSPECTIVE, WHAT WOULD YOU SAY?
15 **A.** THE HISTORY OF THAT, AGAIN, IS THE DELTA REGION, THE
16 PLANTATION ECONOMY TRANSFORMING INTO THE PETROCHEMICAL ECONOMY,
17 BLACK COMMUNITIES REALLY NEVER LEAVING THE PLANTATION GEOGRAPHY
18 OF LOUISIANA, STAYING CLOSE TO THE RIVER. AND THAT'S WHERE WE
19 FIND POPULATION TO THIS DAY, LITERALLY, THROUGHOUT LOUISIANA.
20 **Q.** NOW, SHIFTING GEARS AGAIN JUST A LITTLE BIT, YOU'VE ALSO
21 SEEN THE ENACTED MAP. CORRECT?
22 **A.** YES.
23 **Q.** AND WHEN VIEWING THE ENACTED MAP, IT IS YOUR UNDERSTANDING
24 THAT DISTRICT 2 LINKS BATON ROUGE AND NEW ORLEANS TOGETHER.
25 CORRECT?

04:16 **A.** YES.
Q. AND IN YOUR LIVED EXPERIENCE, WOULD YOU SAY THAT BATON ROUGE AND NEW ORLEANS ARE -- MAKE SENSE AS COMMUNITIES JOINED TOGETHER?
A. NO. IN THE WAY THAT IT IS -- IT IS CONSTRUCTED IN CD -- IN THE EXISTING CD2, YOU HAVE IN BATON ROUGE AND NEW ORLEANS THE TWO POPULATION CENTERS OF THE STATE. AND WHILE THEY ARE AN HOUR AND SOME CHANGE APART FROM EACH OTHER, THEY ARE VERY DIFFERENT ECONOMIES. THEY HAVE VERY DIFFERENT HISTORIES. AND THE SCALE AND SCOPE OF NEW ORLEANS' ECONOMY AND THE ISSUES IT FACES -- AS IT RECEIVES OVER 30 MILLION VISITORS A YEAR IS A SYMBOL FOR GLOBAL TOURISM -- ARE VERY DIFFERENT FROM THE STATE CAPITAL, UNIVERSITY TOWN THAT BATON ROUGE IS.
I KNOW FROM MY EXPERIENCE IN SENATOR LANDRIEU'S OFFICE AND ON CAPITOL HILL THE IMPORTANCE OF CONGRESSIONAL REPRESENTATION TO BRING FEDERAL RESOURCES HOME TO THE DISTRICT AND HOME TO LOUISIANA. AND THE ISSUES THAT NEW ORLEANS FACES AND THE ISSUES THAT BATON ROUGE FACE ARE VERY DIFFERENT AND REQUIRE THEIR OWN LEVELS OR THEIR OWN ADVOCATES IN CONGRESS TO ADVANCE THOSE ISSUES.
AND SO LINKING PEOPLE ON HARDING BOULEVARD AND PEOPLE ON BULLARD DOES NOT NECESSARILY MAKE SENSE TO ME BECAUSE THOSE ARE DISTINCT COMMUNITIES LINKED BY RACE. BUT THERE ARE OTHER FACTORS THAT I THINK NEED TO BE TAKEN INTO CONSIDERATION THAT JUSTIFY HAVING A DIFFERENT REPRESENTATION IN THE BATON ROUGE

04:18 1 AND DELTA REGION THAN YOU HAVE IN THE ORLEANS REGION.
2 **Q.** NOW, BASED ON YOUR EXPERIENCES, HOW DOES GROUPING BATON
3 ROUGE AND NEW ORLEANS TOGETHER IN A CONGRESSIONAL DISTRICT
4 AFFECT THE VOTING POWER OF BLACK VOTERS IN BATON ROUGE?
5 **A.** WELL, I THINK IT RUNS THE RISK OF SUBORDINATING THE ISSUES
6 OF BLACK VOTERS IN BATON ROUGE, WHICH, AGAIN, ARE BLACK VOTERS
7 WHO LIVE IN THE STATE CAPITAL, WHO LIVE IN THE SHADOW OF
8 SOUTHERN UNIVERSITY AND THE TREMENDOUS IMPACTS SOUTHERN
9 UNIVERSITY HAS ON THIS COMMUNITY, WHO LIVE IN A DECIDEDLY
10 DIFFERENT URBAN CONTEXT THAN THOSE IN NEW ORLEANS AND,
11 THEREFORE, HAVE DIFFERENT ISSUES THAT REQUIRE ADVOCACY AND
12 ATTENTION AND PRIORITY THAT I'M NOT SURE ALWAYS HAPPENS IN THE
13 CURRENT CONSTRUCTION.
14 **Q.** COULD YOU GIVE ANY EXAMPLES OF SUBURBAN AREAS OR AREAS
15 OUTSIDE OF THE LARGER METROPOLITAN AREA OF NEW ORLEANS THAT
16 HAVE A CONNECTION TO NEW ORLEANS THAT ALSO HAVE A CONNECTION TO
17 BATON ROUGE?
18 **A.** YOU KNOW, AGAIN, I THINK YOU CAN LOOK AT THE RIVER
19 PARISHES AS HAVING, YOU KNOW, SOME CONNECTION, PERHAPS THE
20 NORTH SHORE AS WELL. BUT BY AND LARGE, I THINK THAT THOSE --
21 YOU KNOW, NEW ORLEANS IS SUCH A SPECIFIC URBAN CONTEXT AND THE
22 AREAS AROUND IT THAT DRAIN INTO NEW ORLEANS AND SUPPORT IT AND
23 FEED OFF OF ITS TOURISM INDUSTRY, THE PORT OF NEW ORLEANS,
24 DIFFERENTIATE IT FROM THE BATON ROUGE REGION.
25 **Q.** AGAIN, BASED ON YOUR LIVED EXPERIENCE AS A NATIVE

04:20 LOUISIANIAN, DOES FOCUSING ON CULTURAL SIMILARITIES OR CULTURAL IDENTIFIERS SUCH AS FOOD OR MUSIC OR ANY DIFFERENCES IN THOSE CULTURAL IDENTITIES -- PERHAPS BY FOCUSING ON THOSE THINGS, DOES IT DIMINISH THE ROLE THAT RACE SHOULD PLAY IN THESE CONVERSATIONS?

A. YES. LOOK, I THINK, YOU KNOW, WE ARE LOUISIANIANS AND WE LOVE OUR FOOD, WE LOVE OUR CULTURE, WE LOVE OUR MUSIC. IT'S A RICH AND UNIQUE CULTURE THAT WE SHOULD TAKE PRIDE IN IT. AND IN SOME AREAS OF THE STATE WE USE BLACK PEPPER, IN SOME AREAS WE SAY WE USE RED PEPPER. IN ALL OF THE STATE WE HAD JIM CROW, RIGHT? IN ALL OF THE STATE WE HAD A VERY RIGID SOCIAL HIERARCHY THAT WAS THE DOMINANT FORCE IMPACTING BLACK LIFE, IN PARTICULAR ALL LIVES IN THE STATE OF LOUISIANA. SO IT'S GREAT TO REVEL IN THOSE CULTURAL NARRATIVES. WE'RE ALL VERY FAMILIAR WITH GUMBO NARRATIVE, RIGHT, THIS COLLECTION OF CULTURES AND THIS MIXING. BUT IT'S IMPORTANT NOT TO CONFUSE THAT, I THINK, WITH WHAT PEOPLE'S LIVED EXPERIENCES HAVE BEEN AND CONTINUE TO BE, PARTICULARLY AROUND RACE, THE ROLE THAT HAS PLAYED IN EDUCATIONAL OPPORTUNITIES AND ECONOMIC OPPORTUNITIES, SOCIAL OPPORTUNITIES, YOUR ABILITY TO MOVE, YOU KNOW, YOUR ABILITY TO LIVE IN CERTAIN PLACES, YOU KNOW, WHERE YOU WENT TO SCHOOL. AND SO I DON'T THINK WE SHOULD USE THAT TO KIND OF MINIMIZE OR KIND OF WHITEWASH, IF YOU WILL, THAT VERY SPECIFIC HISTORY THAT WE ALL KNOW AND WHICH, YOU KNOW, HAS CUMULATIVE IMPACTS ON THE PRESENT.

04:22 **Q.** AND IN YOUR LIVED EXPERIENCE, DO YOU BELIEVE THAT IT MAKES MORE SENSE TO LINK BATON ROUGE WITH NEW ORLEANS AND THE RIVER PARISHES THAN TO LINK BATON ROUGE WITH THE DELTA PARISHES?
A. NO. I THINK, AGAIN, RACE IS A FACTOR THAT WE TAKE INTO ACCOUNT, AND WE TAKE RACE INTO ACCOUNT WITH OTHER URBAN DYNAMICS. I DO NOT THINK IT MAKES SENSE TO LINK BATON ROUGE AND NEW ORLEANS, THE TWO, YOU KNOW, LARGEST POPULATION CENTERS OF THE STATE, THE TWO LARGEST BLACK COMMUNITIES OF THE STATE AND VERY DIFFERENT ECONOMIES AND VERY DIFFERENT, YOU KNOW, SETTINGS THAT REQUIRE REPRESENTATION.
I THINK BATON ROUGE IS NATURALLY CONNECTED TO THE DELTA REGION, AND I THINK THE HISTORY OF BLACK SETTLEMENT IN BATON ROUGE ALSO REFLECTS VERY REAL AND ENDURING CONNECTIONS TO THE DELTA REGION.
MS. SEDWICK: NO FURTHER QUESTIONS, YOUR HONOR.
THE COURT: CROSS.
MR. WALSH: GOOD AFTERNOON, YOUR HONOR.
JOHN WALSH ON BEHALF OF SECRETARY OF STATE ARDOIN.
THE COURT: MR. WALSH.
CROSS-EXAMINATION
BY MR. WALSH:
Q. GOOD AFTERNOON, MR TYSON.
A. GOOD AFTERNOON.
Q. IS IT MR. TYSON OR PROFESSOR TYSON?

04:23 1 **A.** EITHER ONE. CHRIS IS FINE, TOO.
2 **Q.** ALL RIGHT. WE'LL GO WITH PROFESSOR TYSON.
3 AS A FELLOW U-HIGH CUB, I'M GOING TO KEEP THIS SHORT
4 THIS AFTERNOON.
5 **A.** ALL RIGHT.
6 **Q.** PROFESSOR, WHEN DID YOU START AT U HIGH?
7 **A.** WELL, I ENROLLED IN 1981 IN FIRST GRADE.
8 **Q.** FIRST GRADE?
9 **A.** SO I WAS A 12-YEAR SENIOR.
10 **Q.** A 12-YEAR SENIOR.
11 WELL, WE WERE THERE AT THE SAME TIME.
12 **A.** OKAY.
13 **Q.** I'M JUST ABOUT A DECADE AHEAD OF YOU.
14 **A.** YEAH.
15 **Q.** YOU MENTIONED THAT WHEN YOU STARTED IN 1981 THAT WAS THE
16 FIRST YEAR OF FORCED BUSING IN EAST BATON ROUGE PARISH?
17 **A.** YES.
18 **Q.** AND ARE YOU AWARE NOW THAT THE PARISH HAS ACHIEVED UNITY
19 AND HAS BEEN RELEASED FROM ITS DESEGREGATION PLAN?
20 **A.** YES. YES.
21 **Q.** OKAY. AND YOU ALSO MENTIONED THAT -- AND YOU HAVE VERY
22 STRONG FEELINGS, YOU'VE EXPRESSED TODAY, THAT THE DELTA REGION,
23 THE DELTA PARISHES HAVE A UNIQUE CONNECTION TO EAST BATON ROUGE
24 PARISH?
25 **A.** YES.

04:24 1 **Q.** OKAY. IF THAT'S TRUE THEN, WHY -- WITH SUCH A STORY,
2 HISTORY AND BACKGROUND, WHY HAVEN'T WE HAD A CONGRESSIONAL
3 DISTRICT FROM BATON ROUGE RUNNING UP INTO THE DELTA, WITH THE
4 EXCEPTION OF 1992 THAT WAS ULTIMATELY STRUCK DOWN?
5 **A.** YEAH. I THINK WE HAVE HAD THAT IN '92. YOU KNOW, I
6 CANNOT SPEAK TO THE TWO CYCLES OF REDISTRICTING BETWEEN THE '92
7 MAP -- THE '90 MAP AND THE CURRENT MAP. POLITICS, I THINK,
8 PLAYS A ROLE IN THAT. BUT, YOU KNOW, THAT'S ALL I COULD SAY ON
9 THAT.
10 **Q.** OKAY. BUT PRIOR TO 1992, YOU'RE NOT AWARE OF ANY OTHER
11 CONGRESSIONAL MAPS THAT RAN BATON ROUGE INTO THE LOUISIANA
12 DELTA?
13 **A.** I'M NOT AWARE OF IT.
14 **Q.** OKAY. AND YOU MENTIONED YOU WERE A CANDIDATE FOR
15 SECRETARY OF STATE IN 2015?
16 **A.** YES. YES.
17 **Q.** OKAY. WAS THAT YOUR FIRST TIME RUNNING FOR ELECTED
18 OFFICE?
19 **A.** IT WAS.
20 **Q.** OKAY. AND YOU TOOK THE TIME, YOU FILED ALL THE ETHICS
21 REQUIREMENTS, CAMPAIGN FINANCE, THE WHOLE NINE YARDS?
22 **A.** YES.
23 **Q.** OKAY. AND YOU HAD MENTIONED YOU CAMPAIGNED FOR
24 APPROXIMATELY TWO YEARS PRIOR TO THE ELECTION?
25 **A.** YES. I DECLARED MY CANDIDACY IN 2013.

04:25 **Q.** AND YOU TRAVELED THROUGHOUT THE STATE?
A. YES.
Q. OKAY. WHEN YOU WERE TRAVELING THE STATE, DID YOU -- HOW WOULD YOU GO FROM BATON ROUGE TO, LET'S SAY, LAKE PROVIDENCE, LOUISIANA?
A. I MEAN, I TRAVELED -- YOU KNOW, IF I WAS GOING TO NORTH LOUISIANA, SOMETIMES I WENT UP 61 AND CAME BACK OVER IN NATCHEZ. IF I WAS ON I-20 AND I WAS GOING TO COME BACK, YOU KNOW, EAST AFTER VISITING SHREVEPORT OR GETTING TO THE MONROE AREA, IT JUST DEPENDS ON THE TRIP. BUT WE TOOK MANY TRIPS --
Q. SURE.
A. -- ALL UP AND AROUND THE STATE.
Q. SO YOU WOULD GO FROM BATON ROUGE UP THROUGH ST. FRANCISVILLE, UP THROUGH WOODVILLE, MISSISSIPPI, HAVE TO GO INTO MISSISSIPPI?
A. UH-HUH. SOMETIMES, YES.
Q. GO TO NATCHEZ, CROSS OVER BACK INTO VIDALIA --
A. UH-HUH.
Q. -- UP THROUGH FERRIDAY, SLOW DOWN AT CLAYTON SO YOU DON'T GET A TICKET --
A. GOT TO SLOW DOWN.
Q. -- AND THEN RIDE BACK UP THROUGH TENSAS, AND SO FORTH?
A. UH-HUH.
Q. ABOUT HOW LONG WOULD A TRIP LIKE THAT TAKE FROM BATON ROUGE TO, LET'S SAY, LAKE PROVIDENCE, LOUISIANA?

04:26 1 **A.** WELL, IN MANY OF THOSE TRIPS WE WERE STOPPING AND MEETING
2 WITH, YOU KNOW, SUPPORTERS ALONG THE WAY, SO IT'S KIND OF HARD
3 FOR ME SAY KIND OF DRIVING, YOU KNOW, STEADILY.
4 **Q.** IF I REPRESENTED TO YOU TODAY IT TAKES ABOUT FOUR HOURS
5 AND 20 MINUTES WITHOUT GETTING A TICKET IN CLAYTON, WOULD YOU
6 -- WOULD YOU AGREE WITH THAT?
7 **A.** I GUESS YOU CERTAINLY COULD SPEND THAT AMOUNT OF TIME
8 GETTING THERE.
9 **Q.** WERE YOU RUNNING AGAINST AN INCUMBENT OR WAS IT A VACANT
10 SEAT?
11 **A.** I WAS RUNNING AGAINST AN INCUMBENT: MR. SCHEDLER.
12 **Q.** MR. SCHEDLER.
13 AND HE HAD -- HE WAS FILLING THE UNEXPIRED TERM? AT
14 THAT POINT HE HAD BEEN ELECTED TO FILL THE UNEXPIRED TERM OF
15 THEN LIEUTENANT GOVERNOR DARDENNE?
16 **A.** THIS WAS SUBSEQUENT TO THAT UNEXPIRED TERM, SO HE HAD
17 ACTUALLY BEEN ELECTED AFTER FILLING SECRETARY DARDENNE'S
18 UNEXPIRED TERM.
19 **Q.** OKAY. SO WOULD YOU AGREE THAT AS THE INCUMBENT IT'S A
20 LITTLE EASIER TO RUN FOR OFFICE THAN AS THE CHALLENGER?
21 **A.** IT CAN BE. IT DEPENDS ON THE OFFICE. SECRETARY OF STATE
22 -- AND I ENJOYED TALKING TO PAST CANDIDATES AND SECRETARIES OF
23 STATE, REPUBLICAN AND DEMOCRAT. AND IT IS A PARTICULARLY HARD
24 RACE TO RUN FOR. SO I KNOW MR. SCHEDLER RAN A CAMPAIGN AS I
25 DID. AND SO I'VE YET TO MEET ANYONE WHO HAS BEEN SECRETARY OF

04:27 STATE OR WHO HAS RUN FOR SECRETARY OF STATE THAT DESCRIBES THAT
AS AN EASY POSITION TO RUN FOR.
Q. AND WHEN YOU SAY IT'S A TOUGH POSITION TO RUN FOR, IS IT
IN TERMS OF RAISING FUNDS?
A. YES.
Q. OKAY. AND DID YOU -- DID YOU LOAN YOUR CAMPAIGN FUNDS
FROM TIME TO TIME?
A. YES.
Q. OKAY. BUT YOU WERE ABLE TO -- ONCE YOU RAISED MONEY, YOU
WERE ABLE TO PAY THOSE LOANS BACK TO YOURSELF. RIGHT?
A. YES.
Q. OKAY. AND IN YOUR CAMPAIGN DID YOU -- WOULD YOU CONSIDER
YOUR CAMPAIGN ANY MORE OF A GRASSROOTS-STYLE CAMPAIGN OR WAS IT
HEAVY ON THE MEDIA?
A. MORE GRASSROOTS. YOU KNOW, WE DIDN'T HAVE TREMENDOUS
RESOURCES TO DO A GREAT MEDIA CAMPAIGN. SO MORE GRASSROOTS.
Q. WERE YOU ABLE TO GO ON ANY BROADCAST TV IN ANY OF THE
SEVEN MAJOR MEDIA MARKETS? I SAY "MAJOR MEDIA MARKETS," BUT
LOUISIANA MAJOR MEDIA MARKETS?
A. WE DID NOT.
Q. OKAY.
A. I DON'T THINK WE BOUGHT ANY MEDIA TIME WITH ANY OF THE
PRODUCTIONS WE DID.
Q. BUT YOU DID CUT SOME SPOTS?
A. YES.

04:28 **Q.** AND RUN THEM ON FACEBOOK AND SOME PLACES LIKE THAT?
A. YES.
Q. OKAY. ALL RIGHT. YOU MENTIONED EARLIER THAT THE I-20 CROSSES NORTH LOUISIANA.
A. UH-HUH.
Q. LET'S JUST SAY MADISON PARISH WHERE I-20 GOES THROUGH RIGHT THERE AT TALLULAH.
A. UH-HUH.
Q. RIGHT THERE PRETTY CLOSE TO THE MISSISSIPPI RIVER?
A. UH-HUH.
Q. IS MADISON PARISH -- IS TALLULAH RIGHT THERE? IS IT CLOSER TO JACKSON, MISSISSIPPI, OR TO BATON ROUGE AT THAT POINT?
A. I DON'T KNOW THE MILEAGE, SO I WOULDN'T, YOU KNOW, ANSWER THAT.
Q. IF I REPRESENTED TO YOU IT WAS LESS THAN 70 MILES TO JACKSON, WOULD -- DOES THAT SEEM RIGHT TO YOU?
A. THAT CERTAINLY -- I'D HAVE TO SEE A MAP.
Q. HOW ABOUT MONROE? ABOUT HOW FAR FROM MONROE, LOUISIANA, TO MADISON PARISH RIGHT THERE AT I-20 WOULD YOU SAY THAT IS?
A. NOT FAR.
Q. BUT THAT'S DEFINITELY CLOSER THAN BATON ROUGE?
A. IT CERTAINLY IS CLOSER THAN BATON ROUGE, YES.
Q. AND IN YOUR -- IN YOUR DECLARATION YOU MENTIONED THAT, YOU KNOW, BATON ROUGE, YOU KNOW, WOULD BE A GOOD ANCHOR FOR A

04:29 1 CONGRESSIONAL DISTRICT THAT RUNS UP THE RIVER?
2 **A.** UH-HUH.
3 **Q.** IT SEEMS THAT WHILE BATON ROUGE IS THE STATE CAPITAL,
4 WOULDN'T ALEXANDRIA, WHICH IS LOCATED RIGHT IN THE MIDDLE OF
5 THE STATE AND IS CLOSER TO THE MISSISSIPPI THAN TO THE
6 LOUISIANA DELTA, BE MORE OF AN ANCHOR?
7 **A.** NO, I DON'T THINK SO. I THINK THAT, AS I UNDERSTAND
8 DISTRICTING AND THE PROCESS OF DRAWING A MAP, THERE ARE A
9 NUMBER OF FACTORS THAT ARE BEING WEIGHED, INCLUDING POPULATION
10 DENSITY. AND SO I DON'T THINK THAT THAT PART OF LOUISIANA
11 WOULD HAVE THE DENSITY TO BE AN ANCHOR.
12 I WOULD IMAGINE BATON ROUGE, GIVEN ITS RELATIVE
13 RELATIONSHIP AND THINKING ABOUT COMMUNITIES OF INTEREST, THE
14 HISTORICAL TIES THAT I'VE DISCUSSED, WOULD MAKE IT A LOGICAL
15 CHOICE FOR AN ANCHOR.
16 **Q.** IN YOUR CAMPAIGN FOR SECRETARY OF STATE, IT WAS AN OPEN
17 SEAT FOR GOVERNOR AT THAT TIME. CORRECT?
18 **A.** YES.
19 **Q.** OKAY. AND GOVERNOR EDWARDS WAS ON THE BALLOT?
20 **A.** YES.
21 **Q.** MR. DARDENNE WAS ON THE BALLOT? SENATOR VITTER WAS ON THE
22 BALLOT?
23 **A.** YES.
24 **Q.** OKAY. IT WAS ALSO AN OPEN SEAT FOR LIEUTENANT GOVERNOR, I
25 BELIEVE?

04:30 1 **A.** YES.
2 **Q.** FORMER MAYOR HOLDER HERE IN BATON ROUGE, HE WAS ON THE
3 BALLOT?
4 **A.** YES.
5 **Q.** ALONG WITH MR. NUNGESSER, WHO ULTIMATELY WON THE ELECTION.
6 AND IT WAS JUST YOU AND MR. SCHEDLER IN YOUR RACE?
7 **A.** YES.
8 **Q.** SO IT WAS DECIDED IN THE PRIMARY?
9 **A.** IT WAS.
10 **Q.** AND DO YOU REMEMBER THE RACE HERE IN EAST BATON ROUGE
11 PARISH, HOW DID YOU DO?
12 **A.** IN EAST BATON ROUGE PARISH I THINK I GOT ABOUT 48 OR
13 49 PERCENT OF THE VOTE.
14 **Q.** IF I TOLD YOU IT WAS RIGHT AT -- YOU'RE RIGHT ON IT. IT
15 WAS 48/52?
16 **A.** UH-HUH.
17 **Q.** OKAY. AND DO YOU REMEMBER HOW MR. HOLDEN DID HERE IN EAST
18 BATON ROUGE PARISH?
19 **A.** IN THE PRIMARY OR THE --
20 **Q.** YES, IN THE PRIMARY.
21 **A.** I DON'T EXACTLY.
22 **Q.** IF I REPRESENTED TO YOU THAT THE FORMER MAYOR HOLDEN
23 RECEIVED APPROXIMATELY 58 PERCENT OF THE VOTE IN EAST BATON
24 ROUGE PARISH, WOULD THAT SOUND RIGHT?
25 **A.** I TRUST YOU. I DON'T THINK YOU WOULD TELL ME THE WRONG

04:31 NUMBER.
Q. OKAY. AND GOVERNOR EDWARDS, HE WON EAST BATON ROUGE PARISH AS WELL?
A. YES.
Q. OKAY. AND THEY WERE BOTH RUNNING AS DEMOCRATS. CORRECT?
A. YES.
Q. OKAY. AND YOU WERE RUNNING -- YOU RAN AS A DEMOCRAT ALSO?
A. YES.
Q. AND MR. SCHEDLER WAS A REPUBLICAN?
A. YES.
Q. IF A NEW CONGRESSIONAL DISTRICT IS FORMED WITH BATON ROUGE AS AN ANCHOR, ARE YOU A CANDIDATE?
A. NO.
Q. HAVE YOU HEARD OF ANYBODY WHO IS THINKING ABOUT THIS RACE?
A. NO.
Q. THANK YOU VERY MUCH.
THE COURT: IS THERE ANY REDIRECT, SIR?
MS. SEDWICK: NO REDIRECT, YOUR HONOR.
THE COURT: THANK YOU, MA'AM.
MR. TYSON, YOU MAY STEP DOWN. PROFESSOR, YOU MAY STEP DOWN.
THE WITNESS: THANK YOU, JUDGE.
THE COURT: OKAY. CAN WE TAKE ANOTHER WITNESS?
MS. MADDURI: GOOD AFTERNOON, YOUR HONOR.
THE PLAINTIFFS CALL DR. MAXWELL PALMER.

04:32 **THE COURT:** AND YOUR NAME, MA'AM?

MS. MADDURI: LALI MADDURI. THAT'S SPELLED L-A-L-I. LAST NAME MADDURI, M-A-D-D-U-R-I. AND I REPRESENT THE GALMON PLAINTIFFS.

THE COURT: THANK YOU.

MAXWELL PALMER, PH.D.,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MS. MADDURI:

Q. GOOD AFTERNOON, DR. PALMER.

CAN YOU PLEASE STATE YOUR NAME FOR THE RECORD.

A. MAXWELL PALMER.

Q. AND YOU'VE BEEN RETAINED AS AN EXPERT FOR THE GALMON PLAINTIFFS. IS THAT CORRECT?

A. YES.

MS. MADDURI: PLAINTIFFS AT THIS TIME WOULD PROFFER DR. PALMER AS AN EXPERT IN REDISTRICTING AND DATA ANALYSIS.

THE COURT: IS THERE ANY OBJECTION TO THE TENDERING IN REDISTRICTING AND DATA ANALYSIS?

MS. MCKNIGHT: JUST TRYING TO UNDERSTAND. REDISTRICTING IS A FAIRLY BROAD CATEGORY -- PARDON ME, YOUR HONOR.

THE DEPUTY CLERK: CAN YOU STATE YOUR NAME, PLEASE.

MS. MCKNIGHT: PARDON ME. KATE MCKNIGHT.

THE COURT: I AM HAVING A HARD TIME HEARING YOU,

04:33 MA'AM.

MS. MCKNIGHT: OH, I'M SORRY.

THE COURT: I THINK YOU ARE A LITTLE SOFT-SPOKEN.

MS. MCKNIGHT: PARDON ME. CAN YOU HEAR ME NOW?

THE COURT: YES.

MS. MCKNIGHT: WOULD YOU LIKE ME TO REPEAT MYSELF?

THE COURT: YOU SAID THAT YOU QUESTIONED THE TENDER IN REDISTRICTING?

MS. MCKNIGHT: CORRECT. IT'S A FAIRLY BROAD CATEGORY. I'D JUST ASK FOR IT TO BE MORE SPECIFIC.

THE COURT: DO YOU CARE TO BE MORE SPECIFIC? IF THAT'S YOUR TENDER, THAT'S YOUR TENDER. BUT SHE'S EITHER GOING TO STIPULATE OR NOT AND THEN SHE CAN CROSS ON THE TENDER. YOU KNOW THE RULES. YOU KNOW HOW THAT GOES. SO WHATEVER YOU WANT TO DO. WHAT SAY YOU?

MS. MADDURI: THANK YOU, YOUR HONOR.

I THINK THAT IS WHAT WE WILL TENDER HIM IN.

MS. MCKNIGHT: I'D OFFER THAT HE'S PREPARED A REPORT ON RACIALLY POLARIZED VOTING. HE HAS NOT PREPARED A REPORT ON GENERAL REDISTRICTING.

THE DEPUTY CLERK: YOU ARE GOING TO HAVE TO SLOW DOWN.

THE COURT: YES. MAYBE PULL THE MIC CLOSER TO YOU, MS. MCKNIGHT.

MS. MCKNIGHT: OKAY.

04:34 **THE COURT:** THERE YOU GO.

MS. MCKNIGHT: THANK YOU, YOUR HONOR.

HE HAS PREPARED A REPORT ON RACIALLY POLARIZED VOTING, NOT ON REDISTRICTING IN GENERAL. SO I'D STIPULATE TO HIM BEING AN EXPERT IN RACIALLY POLARIZED VOTING.

THE COURT: I AM NOT AWARE OF ANY FIELDS CALLED RACIALLY POLARIZED VOTING. BUT THEN AGAIN, THIS IS MY FIRST RODEO ON THIS, SO...

SO SHE'S WILLING TO STIPULATE TO A TENDER IN RACIALLY POLARIZED VOTING.

MS. MADDURI: I THINK DR. PALMER IS GOING TO TESTIFY ABOUT MORE THAN JUST RACIALLY POLARIZED VOTING, IF YOU'RE FAMILIAR WITH HIS REPORT.

MS. MCKNIGHT: AS LONG AS HE'S JUST TESTIFYING ABOUT HIS REPORT, WE CAN STIPULATE TO THAT.

MS. MADDURI: CERTAINLY. HE'LL BE -- WE'LL OFFER HIM AS AN EXPERT IN REDISTRICTING AS IT RELATES TO THE CONTENT OF HIS REPORT.

THE COURT: OKAY. HOW ABOUT IF WE SAY REDISTRICTING WITH AN EMPHASIS ON RACIALLY POLARIZED VOTING. CAN THAT SATISFY EVERYBODY?

MS. MCKNIGHT: THAT'S FINE, YOUR HONOR.

THE COURT: AND DATA ANALYSIS. DOES THAT SATISFY EVERYONE?

MS. MCKNIGHT: YES. THAT'S FINE, YOUR HONOR. THANK

04:35 YOU.

THE COURT: OKAY. DR. PALMER WILL BE ADMITTED BY THE COURT AND MAY GIVE OPINION TESTIMONY IN REDISTRICTING WITH AN EMPHASIS IN RACIALLY POLARIZED VOTING AND DATA ANALYSIS.

YOU MAY PROCEED.

MS. MADDURI: THANK YOU, YOUR HONOR.

BY MS. MADDURI:

Q. DR. PALMER, YOU'VE PREPARED TWO REPORTS IS THIS CASE. IS THAT CORRECT?

A. YES.

MS. MADDURI: AND FOR THE RECORD, THOSE REPORTS ARE GX-2, WHICH IS RECORD DOC 47, AND GX-30, WHICH IS RECORD DOC 120-3. AND I AM GOING TO HAND YOU A COPY OF YOUR REPORTS, IF THAT'S OKAY WITH YOUR HONOR AND DEFENDANTS' COUNSEL?

THE COURT: YOU MAY.

BY MS. MADDURI:

Q. DR. PALMER, IS YOUR C.V INCLUDED IN YOUR INITIAL REPORT, WHICH IS GX-2?

A. YES.

Q. IS YOUR C.V. A COMPLETE AND ACCURATE SUMMARY OF YOUR BACKGROUND AND PROFESSIONAL EXPERIENCE?

A. YES.

Q. I'LL BRIEFLY ASK YOU A COUPLE OF QUESTIONS ABOUT YOUR BACKGROUND BEFORE WE MOVE TO YOUR OPINIONS ON THIS CASE.

FIRST, CAN YOU BRIEFLY SUMMARIZE YOUR EDUCATIONAL

04:37 BACKGROUND?
A. I RECEIVED MY UNDERGRADUATE DEGREE IN MATHEMATICS AND GOVERNMENT AND LEGAL STUDIES FROM BOWDOIN COLLEGE IN MAINE AND MY PH.D. IN POLITICAL SCIENCE FROM HARVARD UNIVERSITY.
Q. AND WHERE ARE YOU CURRENTLY EMPLOYED?
A. I'M CURRENTLY AN ASSOCIATE PROFESSOR OF POLITICAL SCIENCE AT BOSTON UNIVERSITY.
Q. AND ARE YOU TENURED?
A. YES.
Q. WHAT CLASSES DO YOU TEACH?
A. I TEACH COURSES ON AMERICAN POLITICS, ESPECIALLY AMERICAN POLITICAL INSTITUTIONS, INCLUDING CONGRESS, AS WELL AS CLASSES ON DATA ANALYSIS, DATA SCIENCE AND FORMAL THEORY.
Q. AND WHAT ARE YOUR PRINCIPAL AREAS OF RESEARCH?
A. MY MAIN AREAS OF RESEARCH ARE CONGRESS, REDISTRICTING AND VOTING RIGHTS AND LOCAL POLITICS.
Q. HAVE YOU BEEN ACCEPTED AS AN EXPERT WITNESS IN CASES INVOLVING REDISTRICTING BEFORE?
A. YES.
Q. HAVE YOU EVER BEEN REJECTED AS AN EXPERT BY ANY COURT?
A. NO.
Q. IS THE LIST OF CASES IN WHICH YOU'VE SERVED AS AN EXPERT INCLUDED IN YOUR EXPERT REPORT ON PAGE 2?
A. YES.
Q. AND IN HOW MANY OF THOSE CASES HAVE YOU PROVIDED A

04:38 RACIALLY POLARIZED VOTING ANALYSIS?
A. IN ALL EIGHT.
Q. OKAY. AND HAVE COURTS PREVIOUSLY CREDITED AND RELIED ON YOUR ANALYSES?
A. THEY HAVE.
Q. OKAY. LET'S NOW TALK SPECIFICALLY ABOUT THE WORK YOU PERFORMED IN THIS CASE.
WHAT WERE YOU ASKED TO DO?
A. I WAS ASKED TO OFFER AN EXPERT OPINION ON THE EXTENT TO WHICH VOTING IS RACIALLY POLARIZED IN LOUISIANA AS A WHOLE AND IN EACH OF THE CONGRESSIONAL DISTRICTS UNDER THE NEWLY ENACTED MAP. I WAS ALSO ASKED TO EVALUATE THE PERFORMANCE OF BLACK-PREFERRED CANDIDATES AND THEIR ABILITY TO WIN IN THE STATE AND THESE DISTRICTS.
Q. WERE YOU ALSO ASKED TO EVALUATE THE PERFORMANCE OF THE GALMON PLAINTIFFS' ILLUSTRATIVE MAJORITY-BLACK DISTRICTS?
A. YES.
Q. AND AT A HIGH LEVEL, WHAT DID YOU CONCLUDE ABOUT WHETHER THERE IS RACIALLY POLARIZED VOTING IN LOUISIANA?
A. I FIND STRONG EVIDENCE OF RACIALLY POLARIZED VOTING IN LOUISIANA AND IN EACH OF THE CONGRESSIONAL DISTRICTS. I FIND THAT BLACK AND WHITE VOTERS GENERALLY SUPPORT DIFFERENT CANDIDATES AND THAT THE BLACK-PREFERRED CANDIDATES ARE GENERALLY UNABLE TO WIN ELECTIONS.
Q. AND IS THAT TRUE BOTH STATEWIDE AND WITHIN EACH

04:39 CONGRESSIONAL DISTRICT?
A. STATEWIDE BLACK-PREFERRED CANDIDATES WERE DEFEATED IN ALL OF THE CONTESTS I LOOKED AT EXCEPT FOR TWO: THE TWO ELECTIONS FOR GOVERNOR.
AT THE CONGRESSIONAL DISTRICT LEVEL, BLACK-PREFERRED CANDIDATES WERE GENERALLY UNSUCCESSFUL IN EVERY DISTRICT EXCEPT FOR THE SECOND CONGRESSIONAL DISTRICT, WHICH IS THE ONLY MAJORITY-BLACK DISTRICT.
Q. AND WHAT DID YOU CONCLUDE ABOUT THE PERFORMANCE OF THE ILLUSTRATIVE MAJORITY-MINORITY DISTRICTS IN THE GALMON PLAINTIFFS' PLANS?
A. I FIND THAT THE BLACK-PREFERRED CANDIDATES ARE GENERALLY ABLE TO WIN ELECTIONS IN THE SECOND AND FIFTH DISTRICTS.
Q. OKAY. LET'S NOW DISCUSS THE RPV OR RACIALLY POLARIZED VOTING ANALYSIS.
FIRST, WHAT IS RACIALLY POLARIZED VOTING?
A. RACIALLY POLARIZED VOTING IS WHEN VOTERS OF DIFFERENT RACIAL OR ETHNIC GROUPS PREFER DIFFERENT CANDIDATES, SUCH THAT A MAJORITY OF, SAY, BLACK VOTERS SUPPORT ONE CANDIDATE AND A MAJORITY OF WHITE VOTERS ARE SUPPORTING THEIR OPPONENT.
Q. IS IT ALWAYS THE CASE THAT THERE IS RACIALLY POLARIZED VOTING IN A PARTICULAR JURISDICTION?
A. NO.
Q. IN PAST CASES, HAVE YOU CONDUCTED A RACIALLY POLARIZED VOTING ANALYSIS AND FOUND THAT THERE WAS NO RACIALLY POLARIZED

04:40 VOTING?
A. YES. FOR EXAMPLE, IN *BETHUNE-HILL, VIRGINIA*, WHICH WAS A CASE ABOUT THE HOUSE OF DELEGATES DISTRICTS IN VIRGINIA, I ANALYZED RACIALLY POLARIZED VOTING IN A NUMBER OF DISTRICTS AND FOUND THAT IN SOME DISTRICTS THERE WAS RACIALLY POLARIZED VOTING BUT IN OTHER DISTRICTS THERE WAS NOT.
Q. AND AT A HIGH LEVEL, HOW DO YOU GO ABOUT EXAMINING WHETHER THERE IS RACIALLY POLARIZED VOTING?
A. I USE A STATISTICAL TECHNIQUE CALLED ECOLOGICAL INFERENCE, WHICH IS OFTEN REFERRED TO AS EI. AND WHAT EI DOES IS IT ESTIMATES THE PERCENTAGE OF THE VOTERS OF EACH RACIAL OR ETHNIC GROUP SUPPORTING EACH CANDIDATE IN A PARTICULAR ELECTION. AND THEN I CAN LOOK AT THOSE NUMBERS OF LOCAL SUPPORT TO DETERMINE, FIRST, IF EACH GROUP HAS A CANDIDATE OF CHOICE AND THEN, IF SO, ARE THOSE THE SAME CANDIDATES OF CHOICE OR ARE THEY IN OPPOSITION TO EACH OTHER.
Q. OKAY. AT ANY POINT IN -- AS PART OF YOUR RACIALLY POLARIZED VOTING ANALYSIS, DO YOU ATTEMPT TO IDENTIFY THE REASON A PARTICULAR GROUP EITHER VOTES FOR OR AGAINST A PARTICULAR CANDIDATE?
A. NO. THAT'S NOT THE QUESTION THAT RACIALLY POLARIZED VOTING ANALYSIS CAN ANSWER. WHAT THIS ANALYSIS DOES IS IT DETERMINES HOW VOTERS ARE VOTING. IT IS WHAT CHOICES ARE THEY MAKING BUT NOT WHY. THIS DOESN'T GIVE ANY GOOD REASONS BEHIND THE CHOICES OF WHICH CANDIDATES TO SUPPORT.

04:41 1 **Q.** WHAT GEOGRAPHIC REGIONS OF LOUISIANA DID YOU EXAMINE?
2 **A.** I EXAMINED THE STATE AS A WHOLE AS WELL AS EACH OF THE SIX
3 CONGRESSIONAL DISTRICTS UNDER THE NEWLY ENACTED MAP.
4 **Q.** AND WHICH ELECTIONS DID YOU EXAMINE?
5 **A.** I LOOKED AT 22 STATEWIDE ELECTIONS FROM 2012 THROUGH 2020.
6 AND AS WE'VE HEARD TODAY, LOUISIANA HAS A DIFFERENT ELECTORAL
7 SYSTEM THAN IN MOST OF THE COUNTRY. AND SO FOR EACH ELECTION I
8 LOOKED AT THE FINAL ROUND OF VOTING IN THAT PARTICULAR CONTEST.
9 SO FOR AN ELECTION THAT WAS DECIDED IN THE PRIMARY, I LOOKED AT
10 ALL OF THE CANDIDATES WHO RAN IN THE PRIMARY. FOR AN ELECTION
11 THAT WENT TO A RUNOFF, I JUST LOOKED AT THE RESULTS FROM THE
12 RUNOFF ELECTION.
13 **Q.** OKAY. AND AT A HIGH LEVEL, WHAT DATA DID YOU USE FOR THE
14 RPV ANALYSIS?
15 **A.** I COMBINED A FEW DIFFERENT KINDS OF DATA. FIRST, I HAVE
16 PRECINCT LEVEL ELECTION RESULTS FOR EVERY ELECTION, SO THE
17 TOTAL NUMBER OF VOTES CAST FOR EACH CANDIDATE. AND THEN I
18 COMBINED THAT WITH PRECINCT LEVEL DATA ON VOTER TURNOUT BY
19 RACE, WHICH IS PROVIDED BY THE SECRETARY OF STATE BASED ON THE
20 STATE VOTER REGISTRATION FILE. SO I KNOW FOR EACH PRECINCT IN
21 ELECTION HOW MANY VOTES WERE CAST FOR EACH CANDIDATE, AND THEN
22 THE NUMBER OF VOTERS BY EACH -- OF EACH RACE CASTING THOSE
23 VOTES. I ALSO MATCHED THAT UP WITH A SHAPE FILE, A MAP, OF THE
24 CONGRESSIONAL DISTRICTS TO FIGURE OUT WHICH PRECINCTS FALL INTO
25 WHICH DISTRICTS. AND THOSE PRECINCTS VARY A LITTLE BIT FROM

04:43 1 YEAR TO YEAR. SO I DID THAT SEPARATELY FOR EACH OF THE
2 DIFFERENT ELECTION YEARS I EXAMINED.
3 **Q.** NOW, DIGGING INTO EI, WHAT IS THE EI METHODOLOGY?
4 **A.** EI IS A STATISTICAL TECHNIQUE TO ESTIMATE GROUP-LEVEL
5 BEHAVIORS FROM AGGREGATE DATA. AND SO THE CHALLENGE THAT WE
6 HAVE IS THAT WE DON'T GET TO OBSERVE HOW INDIVIDUAL PEOPLE
7 VOTE. WHAT WE DO SEE IS HOW FOR SPECIFIC AREAS, PRECINCTS, THE
8 TOTAL VOTES FOR EACH CANDIDATE THERE AND THEN THE NUMBER OF
9 VOTERS BY RACE. AND SO WHAT EI DOES IS IT LOOKS AT THAT DATA
10 ACROSS A GEOGRAPHY, WHETHER THE STATE OR A CONGRESSIONAL
11 DISTRICT, AND ESTIMATES THE PERCENTAGE OF EACH GROUP VOTING FOR
12 EACH CANDIDATE.
13 **Q.** IS EI REGULARLY USED BY SCHOLARS AND EXPERTS TO EXAMINE
14 RACIALLY POLARIZED VOTING?
15 **A.** IT IS.
16 **Q.** WOULD YOU SAY THAT EI IS THE BEST AVAILABLE METHOD FOR
17 ACCESSING RACIALLY POLARIZED VOTING?
18 **A.** YES.
19 **Q.** AND IS IT YOUR UNDERSTANDING THAT COURTS REGULARLY RELY ON
20 EI TO EVALUATE RACIALLY POLARIZED VOTING?
21 **A.** YES.
22 **Q.** SO WHAT KIND OF RESULTS DOES AN EI ANALYSIS PRODUCE?
23 **A.** SO WHEN I RUN EI, I RUN IT SEPARATELY. IT'S A MODEL
24 THAT'S RUN SEPARATELY FOR EACH ELECTION I EXAMINE. SO I RUN IT
25 22 TIMES STATEWIDE AND THEN 22 TIMES SEPARATELY FOR EACH OF THE

04:44 DISTRICTS AS WELL. AND FOR EACH SEPARATE RUN OF THE MODEL, I GET AN ESTIMATE OF THE PERCENTAGE OF EACH GROUP VOTING FOR EACH CANDIDATE, AS WELL AS A 95 PERCENT CONFIDENCE INTERVAL, WHICH IS A MEASURE OF UNCERTAINTY IN THE ESTIMATES.

Q. OKAY. LET'S NOW DISCUSS THE RESULTS OF THE ANALYSIS THAT YOU DID FOR RACIALLY POLARIZED VOTING. OVERALL, WHAT DID YOU FIND?

A. STATEWIDE I FOUND CLEAR EVIDENCE OF RACIALLY POLARIZED VOTING. IN 18 OF THE 22 ELECTIONS I EXAMINED, THERE WAS A CLEAR BLACK CANDIDATE OF CHOICE. AND IN 21 OF THE 22, THERE WAS A CLEAR WHITE CANDIDATE OF CHOICE. OVERALL, ACROSS THOSE 18 BLACK CANDIDATES OF CHOICE, THEY RECEIVED AN ESTIMATED 91.4 PERCENT OF THE VOTE FROM BLACK VOTERS, AND THOSE SAME CANDIDATES RECEIVED ONLY ABOUT 20.8 PERCENT OF THE VOTE FROM WHITE VOTERS. SIMILARLY, AMONG THE 21 WHITE PREFERRED CAND' -- WHITE PREFERRED CANDIDATES, I ESTIMATE THAT THE AVERAGE CANDIDATE RECEIVED ABOUT 10.3 PERCENT OF THE VOTE FROM BLACK VOTERS AND 81.2 PERCENT OF THE VOTE FROM WHITE VOTERS.

Q. OF THE 18 ELECTIONS WHERE BLACK VOTERS HAD A PREFERRED CANDIDATE, IN HOW MANY OF THOSE ELECTIONS DID WHITE VOTERS AND BLACK VOTERS SUPPORT DIFFERENT CANDIDATES?

A. IN 17 OF THOSE 18 ELECTIONS, WHITE AND BLACK VOTERS HAVE DIFFERENT CANDIDATES OF CHOICE, MEANING THAT THERE IS A STRONG EVIDENCE OF RACIALLY POLARIZED VOTING IN THOSE 17 CONTESTS. AMONG THE CANDIDATES IN THOSE CONTESTS, BLACK VOTER --

04:46 1 BLACK-PREFERRED CANDIDATES RECEIVED ABOUT 92 PERCENT OF THE
2 VOTE FROM BLACK VOTERS AND ABOUT 17 PERCENT OF THE VOTE FROM
3 WHITE VOTERS.
4 **MS. MADDURI:** LET'S NOW LOOK AT GX-2, PAGE 6, FIGURE
5 1, WHICH IS ENTITLED "TOP CANDIDATES FOR BLACK AND WHITE
6 VOTERS."
7 **BY MS. MADDURI:**
8 **Q.** WHAT DOES THIS FIGURE SHOW?
9 **A.** THIS FIGURE IS A GRAPHICAL REPRESENTATION OF THE RESULT OF
10 MY STATEWIDE EI ANALYSIS. AND SO EACH ROW OF THE FIGURE LISTS
11 THE ELECTIONS I'M LOOKING AT WITH THE NAME ON THE LEFT SIDE OF
12 THE CANDIDATE RECEIVING THE MOST VOTES FROM BLACK VOTERS AND ON
13 THE RIGHT SIDE THE CANDIDATE RECEIVING THE MOST VOTES FROM
14 WHITE VOTERS.
15 I THINK IT'S EASIER IF WE CAN ZOOM IN ON JUST THE
16 BOTTOM OF THE FIGURE, THE LAST TWO ROWS. THIS SHOWS US THE EI
17 RESULTS FOR THE 2020 PRESIDENTIAL ELECTION AND THE 2020 U.S
18 SENATE ELECTION.
19 AND SO LOOKING AT THE PRESIDENTIAL ELECTION, WE SEE
20 THAT BIDEN WAS THE CANDIDATE OF CHOICE FOR BLACK VOTERS,
21 RECEIVED ALMOST 90 PERCENT OF THE VOTE FROM BLACK VOTERS. AND
22 THAT'S THAT BLACK CIRCLE ON THE RIGHT IN THAT ROW. AND THEN IN
23 THE WHITE CIRCLE ON THAT SAME ROW IS THE ESTIMATED PERCENTAGE
24 OF THE VOTE THAT BIDEN RECEIVED FROM WHITE VOTERS SOMEWHERE IN
25 THE -- IN THE TEENS. SO WE CAN SEE THERE THAT A LARGE MAJORITY

04:47 1 OF BLACK VOTERS SUPPORTING BIDEN AND ONLY A SMALL PERCENTAGE OF
2 WHITE VOTERS DOING SO.
3 AND THEN ON THE RIGHT-HAND SIDE WE SEE ESSENTIALLY
4 THAT EXACT SAME FIGURE FLIPPED. AND THE REASON IS BECAUSE
5 THERE IS ONLY TWO CANDIDATES, AND SO THE VOTES ARE JUST 100
6 PERCENT MINUS WHATEVER I ESTIMATED FOR BIDEN THERE. SO WE SEE
7 THAT PRESIDENT TRUMP WAS THE CLEAR CANDIDATE OF CHOICE FOR
8 WHITE VOTERS, PRESIDENT BIDEN THE CLEAR -- PRESIDENT TRUMP
9 GETTING A VERY LOW SHARE OF THE VOTE FROM BLACK VOTERS.
10 IN THE BOTTOM ROW WE SEE A DIFFERENT CASE, WHERE ON
11 THE RIGHT-HAND SIDE WE SEE THAT SENATOR CASSIDY WAS THE CLEAR
12 CANDIDATE OF CHOICE FOR WHITE VOTERS. ON THE RIGHT WE SEE THAT
13 HE RECEIVED A VERY LARGE SHARE OF THE VOTE FROM WHITE VOTERS, A
14 VERY SMALL SHARE OF THE VOTE FROM BLACK VOTERS. BUT ON THE
15 LEFT-HAND SIDE WE SEE THAT BLACK DOT FOR ONE OF THE SENATE
16 CANDIDATES, PERKINS, RIGHT BELOW 50 PERCENT. AND THAT'S
17 BECAUSE THERE WASN'T A CLEAR BLACK CANDIDATE OF CHOICE IN THIS
18 PARTICULAR ELECTION. IT WAS DECIDED IN THE PRIMARY, AND THERE
19 WERE TWO BLACK CANDIDATES WHO EACH RECEIVED A RELATIVELY LARGE
20 SHARE OF THE BLACK VOTE. ESSENTIALLY THERE WAS NO ONE SINGLE
21 BLACK CANDIDATE OF CHOICE. AND I WOULDN'T SAY IN THIS
22 PARTICULAR CONTEST THEN THAT WE HAVE EVIDENCE OF RACIALLY
23 POLARIZED VOTING.
24 AND IF WE CAN ZOOM OUT TO THE FIGURE AS A -- AS A
25 WHOLE AGAIN, I THINK IT'S USEFUL TO LOOK AT INDIVIDUAL

04:49 1 ELECTIONS BUT MORE USEFUL TO LOOK AT THE PATTERN OVERALL. AND
2 SO IF WE LOOK AT THE LEFT-HAND SIDE, "THE TOP CANDIDATE FOR
3 BLACK VOTERS" COLUMN, WE SEE A GENERAL PATTERN IN WHICH THE
4 BLACK DOTS ARE USUALLY WELL TO THE RIGHT OF THE DOTTED LINE AT
5 50 PERCENT, SHOWING THAT IN MOST OF THE ELECTIONS I'M LOOKING
6 AT THERE IS A CLEAR CANDIDATE OF CHOICE FOR BLACK VOTERS -- FOR
7 BLACK VOTERS. AND IN MOST OF THE ELECTIONS, THE WHITE SUPPORT
8 FOR THAT CANDIDATE IS VERY LOW, WAY BELOW 50 PERCENT. AND SO
9 WE SEE A VERY CLEAR GENERAL TREND ACROSS THE WHOLE SET OF
10 ELECTIONS OF RACIALLY POLARIZED VOTING.
11 **Q.** SO TO KIND OF SUM UP, WHAT'S THE TAKEAWAY FROM FIGURE 1?
12 **A.** THERE'S CLEAR EVIDENCE OF RACIALLY POLARIZED VOTING AT THE
13 STATEWIDE LEVEL.
14 **Q.** AND DOES YOUR REPORT CONTAIN THE PRECISE NUMBERS FOR THE
15 PERCENTAGES THAT WE WERE JUST LOOKING AT?
16 **A.** YES. TABLE 2 HAS ALL THE NUMBERS PRESENTED IN THIS
17 FIGURE.
18 **Q.** DID YOU RUN THE SAME RPV ANALYSIS ON A
19 DISTRICT-BY-DISTRICT BASIS?
20 **A.** I DID.
21 **Q.** WHAT WERE THE RESULTS OF THOSE ANALYSES?
22 **A.** GENERALLY THE SAME PATTERN. I FIND THAT BLACK AND WHITE
23 VOTERS ACROSS ALL SIX DISTRICTS HAVE CLEAR CANDIDATES OF CHOICE
24 IN MOST ELECTIONS AND ARE SUPPORTING OPPOSING CANDIDATES.
25 **Q.** AND, AGAIN, DOES YOUR REPORT CONTAIN THE FULL RESULTS OF

04:50 THOSE ANALYSES?
A. YES. IN TABLES 3 THROUGH 8.
Q. OKAY. SO WE ARE NOW WRAPPING UP THE SECTION ABOUT YOUR RACIALLY POLARIZED VOTING ANALYSIS. CAN YOU JUST SUM UP WHAT YOUR CONCLUSIONS ARE FROM THAT ANALYSIS?
A. I FIND STRONG EVIDENCE OF RACIALLY POLARIZED VOTING BOTH STATEWIDE AND WITH ANY TO THE CONGRESSIONAL DISTRICTS.
Q. OKAY. SO AFTER YOU DETERMINED THE LEVELS OF RACIALLY POLARIZED VOTING, WHAT DID YOU DO NEXT?
A. I THEN TURNED TO THE PERFORMANCE OF THE BLACK-PREFERRED CANDIDATES I IDENTIFIED IN THE PREVIOUS ANALYSIS STATEWIDE AND IN EACH OF THE SIX DISTRICTS.
Q. IS THIS PART OF THE ANALYSIS COMMONLY REFERRED TO AS *GINGLES* 3?
A. YES.
Q. AND HOW DO YOU CONDUCT THIS PIECE OF THE ANALYSIS?
A. THIS IS JUST ABOUT AGGREGATING ELECTION RESULTS. AND SO FOR THE STATEWIDE ANALYSIS I JUST ADD UP THE ELECTION RESULTS FOR THE CANDIDATES IN THE ELECTIONS I JUST ANALYZED TO SEE IF THE BLACK-PREFERRED CANDIDATE WON THE MAJORITY OF THE VOTE OR NOT. AND FOR THE CONGRESSIONAL DISTRICTS I FIRST IDENTIFY WHICH PRECINCTS FALLS INTO WHICH DISTRICT AND THEN AGGREGATE THE ELECTION RESULTS UP TO THE DISTRICT LEVEL.
Q. SO OF THE ELECTIONS WHERE YOU FOUND RACIALLY POLARIZED VOTING, WERE BLACK VOTERS ABLE TO ELECT THEIR PREFERRED

04:51 1 CANDIDATES STATEWIDE?
2 **Q.** NO. AMONG THE RACIALLY POLARIZED ELECTIONS, BLACK
3 PREFERRED -- THE BLACK-PREFERRED CANDIDATE WON ONLY TWICE.
4 BOTH TIMES THAT WAS GOVERNOR EDWARDS.
5 **Q.** AND WHAT ABOUT ON A DISTRICT-BY-DISTRICT BASIS? OF THE
6 RACIALLY POLARIZED VOTING ELECTION -- RACIALLY POLARIZED
7 ELECTIONS -- WE'RE LOOKING AT THE INDIVIDUAL DISTRICTS -- IN
8 HOW MANY OF THOSE ELECTIONS DID BLACK-PREFERRED CANDIDATES GET
9 A MAJORITY OF THE VOTE?
10 **A.** IN THE FIRST DISTRICT THE BLACK-PREFERRED CANDIDATE LOST
11 EVERY CONTEST; IN THE THIRD, FOURTH, FIFTH AND SIXTH DISTRICTS
12 THEY LOST EVERY CONTEST EXCEPT FOR ONE.
13 IN THE SECOND CONGRESSIONAL DISTRICT, THE ONLY
14 MAJORITY-BLACK DISTRICT, THE BLACK-PREFERRED CANDIDATE WON
15 EVERY ELECTION IN WHICH THERE WAS A BLACK-PREFERRED CANDIDATE.
16 **Q.** OKAY. AND, AGAIN, ARE THE RESULTS OF THESE ANALYSES IN
17 YOUR REPORT?
18 **A.** YES. IN TABLE 9.
19 **Q.** OKAY. LET'S NOW TURN TO YOUR ANALYSIS OF THE PERFORMANCE
20 OF THE GALMON PLAINTIFFS' ILLUSTRATIVE MAJORITY-MINORITY
21 DISTRICTS. WHAT DID YOUR PERFORMANCE ANALYSIS EXAMINE?
22 **A.** I LOOKED AT THE ABILITY OF THE SAME BLACK-PREFERRED
23 CANDIDATES ALREADY IDENTIFIED TO WIN IN THE SECOND AND FIFTH
24 CONGRESSIONAL DISTRICTS UNDER THE FOUR GALMON PLAINTIFFS'
25 ILLUSTRATIVE MAPS.

04:52 **Q.** AND HOW DID YOU CONDUCT THIS ANALYSIS?
A. THE EXACT SAME WAY I DID THE OTHER PERFORMANCE ANALYSIS, EXCEPT I USED THE SHADE FILES FOR EACH OF THE ILLUSTRATIVE MAPS TO IDENTIFY WHICH PRECINCTS FELL INTO WHICH DISTRICTS.
Q. OKAY. AND WHAT DID YOU FIND ABOUT WHETHER BLACK PREFERRED CANDIDATES WOULD BE ABLE TO WIN ELECTIONS IN THE GALMON PLAINTIFFS' ILLUSTRATIVE MAJORITY-BLACK DISTRICTS?
A. I FIND THAT UNDER ALL FOUR MAPS, BLACK CANDIDATES OF CHOICE ARE GENERALLY ABLE TO WIN ELECTIONS IN THE MAJORITY-BLACK DISTRICTS.
IN THE SECOND CONGRESSIONAL DISTRICT UNDER ALL FOUR MAPS, BLACK-PREFERRED CANDIDATES WIN 17 OF THE 18 ELECTIONS, AN AVERAGE OF ABOUT 69 PERCENT OF THE VOTE.
IN CD5, BLACK-PREFERRED CANDIDATES WIN 15 OF THE 18 UNDER MAPS 1, 3 AND 4, AND 14 OF THE 18 ELECTIONS UNDER MAP 2, AVERAGING IN THE MID-TO-HIGH 50 PERCENT RANGE.
MS. MADDURI: LET'S TURN BRIEFLY NOW TO GX-2, PAGE 9, FIGURE 3, WHICH IS ENTITLED "VOTE SHARES OF BLACK-PREFERRED CANDIDATES UNDER THE ILLUSTRATIVE MAPS."
BY MS. MADDURI:
Q. WHAT DOES FIGURE 3 SHOW?
A. FIGURE 3 SHOWS THE ESTIMATED VOTE SHARE OF THE BLACK-PREFERRED CANDIDATES FOR EACH OF THE ELECTIONS IN WHICH THERE WERE WAS A BLACK-PREFERRED CANDIDATE UNDER THE THREE INITIAL ILLUSTRATIVE MAPS FOR THE SECOND AND FIFTH

04:54 CONGRESSIONAL DISTRICTS. THE BLACK CIRCLES CORRESPOND TO CASES WHERE THE BLACK CANDIDATE OF CHOICE WON AND THE WHITE CIRCLES TO CASES WHERE THE BLACK CANDIDATE OF CHOICE LOST.

MS. MADDURI: WE CAN GO AHEAD AND TAKE THIS DOWN.

BY MS. MADDURI:

Q. AND SHIFTING GEARS A LITTLE BIT NOW, YOU ALSO SUBMITTED A REBUTTAL REPORT IN THIS CASE RESPONDING TO SOME OF DEFENDANTS' EXPERT WITNESSES, AND I'D LIKE TO ASK YOU ABOUT SOME OF THOSE TOPICS NOW.

FIRST, DID YOU REVIEW DR. ALFORD'S REPORT?

A. I DID.

Q. ARE THERE ANY ASPECTS OF YOUR REPORTS THAT DR. ALFORD AGREES WITH?

A. YES. DR. ALFORD REVIEWED THE DATA AND METHODOLOGY I USED AND AGREED WITH IT AND RELIED ON MY NUMBERS AND MY ESTIMATES IN HIS OWN -- IN HIS REPORT. AND HE ALSO AGREES THAT THERE IS RACIALLY POLARIZED VOTING; THAT IS, THAT BLACK AND WHITE VOTERS PREFER DIFFERENT CANDIDATES.

Q. WHAT IS DR. ALFORD'S PRIMARY POINT OF ISSUE WITH YOUR REPORTS?

A. DR. ALFORD ARGUES THAT THE RACIALLY POLARIZED VOTING THAT WE OBSERVE IS BASED ON PARTISAN POLARIZATION RATHER THAN RACIAL POLARIZATION. SO HE IS TRYING TO EXPLAIN WHY VOTERS ARE VOTING THE WAY THEY DO. BUT WE'RE IN AGREEMENT ON HOW THEY ARE VOTING.

04:55 **Q.** ARE YOU FAMILIAR WITH TABLE 1 IN DR. ALFORD'S REPORT WHICH HIGHLIGHTS THE RESULTS OF YOUR RPV ANALYSIS FOR JUST THE LAST THREE PRESIDENTIAL ELECTIONS?

A. YES.

Q. WHAT'S YOUR RESPONSE TO THAT TABLE AND THE CONCLUSIONS THAT DR. ALFORD DRAWS FROM IT?

A. SO IN THAT ANALYSIS DR. ALFORD IS COMPARING THE PERFORMANCE OF THE PRESIDENTIAL CANDIDATES FROM 2012, 2016 AND 2020. AND HE ARGUES THAT BECAUSE BARACK OBAMA, A BLACK DEMOCRAT, RECEIVED A SLIGHTLY SMALLER SHARE OF THE VOTE THAN HILLARY CLINTON, THE WHITE DEMOCRAT, IN THOSE ELECTIONS, THAT MIGHT BE EVIDENCE OF PARTISAN POLARIZATION RATHER THAN RACE BECAUSE BLACK VOTERS DIDN'T SUPPORT THE BLACK DEMOCRAT QUITE THE SAME VERY HIGH RATE.

AND WHILE HE'S CORRECT IN JUST LOOKING AT THESE THREE ELECTIONS ALONE, I THINK HE'S CHERRYPICKING THESE RESULTS. IF YOU ZOOM OUT TO THE FULL SET OF ELECTIONS THAT I ANALYZED, ACROSS THE 18 ELECTIONS WHERE THERE IS A BLACK-PREFERRED CANDIDATE, IN NINE OF THOSE ELECTIONS THE BLACK-PREFERRED CANDIDATE IS BLACK AND IN NINE OF THOSE ELECTIONS THE BLACK-PREFERRED CANDIDATE IS WHITE. AND IF YOU AVERAGE ACROSS THAT FULL SAMPLE, I FIND THAT WHITE VOTERS SUPPORT WHITE, BLACK-PREFERRED CANDIDATES BY ABOUT TEN PERCENTAGE POINTS MORE OF THE VOTE AND THEY SUPPORT THE BLACK-PREFERRED CANDIDATE WHEN THAT CANDIDATE IS BLACK. SIMILARLY, BLACK VOTERS ALSO SUPPORT

04:57 THE BLACK-PREFERRED CANDIDATE WITH A SLIGHTLY HIGHER VOTE BY ABOUT FOUR OR FIVE PERCENTAGE POINTS WHEN THE CANDIDATE IS BLACK THAN WHEN THE BLACK-PREFERRED CANDIDATE IS WHITE.

Q. DID YOU ALSO REVIEW DR. LEWIS' REPORT?

A. I DID.

Q. DR. LEWIS CONDUCTED AN RPV ANALYSIS OF THE 2020 PRESIDENTIAL ELECTION. IS THAT RIGHT?

A. YES.

Q. HOW DID THE RESULTS OF DR. LEWIS' RPV ANALYSES COMPARE TO THE RESULTS OF YOUR ANALYSES?

A. DR. LEWIS IS USING A SIMILAR METHODOLOGY AND THE EXACT SAME DATA, BUT HE IS LOOKING AT A DIFFERENT GEOGRAPHY. HE IS LOOKING AT THE BOUNDARIES OF THE ILLUSTRATIVE MAPS RATHER THAN THE ENACTED ONES, BUT USING THE SAME METHODOLOGICAL APPROACH AS I AM AND WE GET VERY SIMILAR RESULTS. HE ALSO FINDS EVIDENCE OF RACIALLY POLARIZED VOTING, THOUGH HE IS ONLY LOOKING AT ONE ELECTION.

Q. DR. LEWIS ALSO OFFERS SOME HYPOTHETICAL SCENARIOS IN HIS REPORT. ARE YOU FAMILIAR WITH THOSE?

A. YES.

Q. WHAT IS YOUR RESPONSE TO THOSE HYPOTHETICALS?

A. DR. LEWIS LOOKS AT A VERY EXTREME HYPOTHETICAL CASE IN WHICH THERE IS NO WHITE CROSSOVER VOTING IN SUPPORT OF A BLACK-PREFERRED CANDIDATE. AND I'M NOT QUITE SURE WHAT THE RELEVANCE OF THIS IS FOR UNDERSTANDING THE PERFORMANCE OF THE

04:58 ILLUSTRATIVE MAPS BECAUSE, IN FACT, THERE IS SOME WHITE CROSSOVER VOTING. BUT I ALSO THINK THAT THE WAY HE GOES ABOUT HIS ANALYSIS RELIES ON A VERY STRONG ASSUMPTION THAT I DON'T THINK IS NECESSARILY JUSTIFIED.

SO WHAT DR. LEWIS DOES IS HE FIRST ESTIMATES THE PERCENTAGE OF BLACK AND WHITE VOTERS SUPPORTING BIDEN AND TRUMP IN THE 2020 PRESIDENTIAL ELECTION. AND THEN HE SAYS, SUPPOSE ALL OF THE WHITE VOTERS WHO WERE SUPPORTING BIDEN SWITCHED THEIR VOTES AND ALL OF THEM INSTEAD VOTED FOR TRUMP INSTEAD, SUCH THAT THERE IS NO CROSSOVER VOTING BECAUSE ALL VOTERS ARE JUST CHANGING THEIR VOTES. IN THAT CASE THESE DISTRICTS WOULD NOT GENERALLY PERFORM.

BUT THAT'S JUST ONE WAY OF THINKING ABOUT THE LACK OF CROSSOVER VOTING. WE COULD ALSO IMAGINE ANOTHER ALTERNATIVE, WHICH IS SUPPOSE THOSE WHITE VOTERS WHO ARE VOTING FOR BIDEN JUST SAID, I'M GOING TO STAY HOME AND NOT VOTE AT ALL ON THIS ELECTION. THERE WOULD BE NO WHITE CROSSOVER VOTING THEN, TOO. BUT IN THAT CASE THESE DISTRICTS WOULD LARGELY PERFORM. I THINK ALL BUT ONE OF THEM WOULD STILL HAVE SUPPORTED BIDEN OVERALL.

SO I'M NOT SURE WHY THIS IS A USEFUL HYPOTHETICAL. BUT TO THE DEGREE IT IS, I DON'T THINK THAT DR. LEWIS' APPROACH IS NECESSARILY JUSTIFIED.

Q. SO IN YOUR OPINION, WHAT IS THE RELEVANCE OF THESE HYPOTHETICALS TO EVALUATING WHETHER OR NOT PLAINTIFFS'

04:59 1 ILLUSTRATIVE DISTRICTS WOULD PERFORM FOR BLACK-PREFERRED
2 CANDIDATES?
3 **A.** WELL, WE KNOW THEY PERFORM FOR BLACK-PREFERRED CANDIDATES
4 FROM USING THE ACTUAL ELECTION RESULTS; AND DR. LEWIS' OWN
5 CALCULATIONS MATCH UP WITH MINE WHEN HE DOESN'T DO THIS
6 HYPOTHETICAL.
7 **Q.** DID YOU -- I'M SORRY. DID YOU REVIEW DR. SOLANKY'S
8 REPORT?
9 **A.** I DID.
10 **Q.** DO YOU RECALL DR. SOLANKY'S ANALYSIS OF EAST BATON ROUGE
11 PARI' -- EAST BATON ROUGE PARISH AND HIS CONCLUSION THAT,
12 QUOTE, BASED ON THE VOTING PATTERN IN EAST BATON ROUGE FOR THE
13 2020 PRESIDENTIAL ELECTION, IT DOES NOT APPEAR THAT WHITE
14 VOTERS ARE VOTING AS A BLOC TO DEFEAT THE BLACK MINORITY
15 PREFERRED CANDIDATE?
16 **A.** YES.
17 **Q.** DOES DR. SOLANKY'S CONCLUSION MEAN THAT THERE IS NO
18 RACIALLY POLARIZED VOTING IN EAST BATON ROUGE PARISH?
19 **A.** NO. THERE IS STRONG RACIALLY POLARIZED VOTING IN EAST
20 BATON ROUGE PARISH. I ESTIMATED -- IN MY REPLY REPORT, I
21 ESTIMATED RPV IN EAST BATON ROUGE PARISH ALONE FOR THE 2020
22 PRESIDENTIAL ELECTION -- WHICH IS THE ONLY ONE THAT DR. SOLANKY
23 LOOKS AT. I ESTIMATE THAT ABOUT 92.5 PERCENT OF BLACK VOTERS
24 SUPPORTED BIDEN, WHILE ONLY ABOUT 23.7 PERCENT OF WHITE VOTERS
25 DID SO. SO THAT'S STRONG EVIDENCE OF RACIALLY POLARIZED VOTING

05:00 THERE.
Q. AND FINALLY, DID YOU REVIEW DR. BLUNT'S REPORTS?
A. I DID.
Q. DR. BLUNT CONDUCTED SOME SIMULATION ANALYSES. IS THAT RIGHT?
A. YES.
Q. DO YOU HAVE ANY CONCERNS WITH THE WAY HE CONDUCTED THOSE SIMULATIONS?
A. DR. BLUNT USES A STANDARD REDISTRICTING PACKAGE THAT'S WIDELY AVAILABLE AND ONE THAT I HAVE USED A LOT IN MY OWN ACADEMIC WORK. AND WHEN YOU SIMULATE DISTRICTS IN THE SOFTWARE, THE PERSON RUNNING IT CAN SET DIFFERENT CONSTRAINTS AND DIFFERENT GOALS. AND DR. BLUNT USES SOME VERY, VERY STRICT CONSTRAINTS. IN PARTICULAR, HE USES A VERY STRICT POPULATION CONSTRAINT, A VERY STRICT COMPACTNESS CONSTRAINT AND THEN, IN HIS INITIAL REPORT, A VERY STRICT CONSTRAINT THAT ONLY SIX PARISHES TOTAL OR A MAXIMUM OF SIX PARISHES COULD POSSIBLY BE SPLIT IN ANY OF HIS MAPS. AND SO WHEN YOU RUN THE MODELS UNDER THESE REALLY STRONG CONSTRAINTS, YOU DON'T GET MAPS THAT LOOK LIKE MAPS THAT ARE EVER ACTUALLY IN EFFECT OR DRAWN FOR LOUISIANA.
Q. DO DR. BLUNT'S SIMULATIONS ACCOUNT FOR ALL OF THE TRADITIONAL REDISTRICTING PRINCIPLES?
A. NO. THEY DON'T TAKE INTO ACCOUNT COMMUNITIES OF INTEREST OR METROPOLITAN AREAS.

05:02 **MS. MCKNIGHT:** YOUR HONOR, I'D HAVE TO INSERT AN OBJECTION HERE.

PARDON ME, DR. PALMER.

THIS IS NOT INCLUDED IN HIS REBUTTAL REPORT. WE HAVE GONE BEYOND THE SCOPE OF IT.

THE COURT: YOU MAY ADDRESS IT.

MS. MADDURI: YOUR HONOR, IT IS IN THE REBUTTAL REPORT AND I CAN DIRECT COUNSEL TO THAT IF IT WOULD BE HELPFUL.

THE COURT: CAN YOU POINT IT OUT TO MS. MCKNIGHT SO SHE CAN KEEP UP?

MS. MADDURI: SURE. IN GX-30, WHICH IS DR. PALMER'S REBUTTAL REPORT, PARAGRAPH 11, HE DISCUSSES THE VARIOUS LIMITATIONS OF THE CONSTRAINTS.

MS. MCKNIGHT: SO IN PARAGRAPH 11 HE IDENTIFIES ONE CONSTRAINT AT ISSUE, WHICH IS THE NUMBER OF PARISHES SPLIT. HE DID NOT ADDRESS TRADITIONAL DISTRICTING CRITERIA SHE WAS JUST ASKING HIM ABOUT. HE DID NOT ADDRESS POPULATION OR COMPACTNESS.

MS. MADDURI: I WOULD ALSO REQUEST THAT THOSE LEGISLATIVE DEFENDANTS SUBMITTED A REPLY REPORT FOR DR. BLUNT AFTER AN UNTIMELY REPLY REPORT. AND SO DR. PALMER I BELIEVE SHOULD ALSO BE ABLE TO RESPOND TO THAT REPORT.

THE COURT: OBJECTION IS OVERRULED.

BY MS. MADDURI:

Q. SO, DR. PALMER, I CAN ASK YOU THAT AGAIN.

05:03 **THE COURT:** ASK THE QUESTION AGAIN, PLEASE.
BY MS. MADDURI:
Q. SO YOU DESCRIBED SOME OF THE CONSTRAINTS THAT YOU SAID WERE OVERLY STRICT IN DR. BLUNT'S REPORT. ARE THERE ALSO CONSTRAINTS OR CRITERIA THAT ARE MISSING FROM THAT ANALYSIS?
A. YES. SO THESE MODELS DON'T TAKE INTO ACCOUNT THINGS LIKE COMMUNITIES OF INTEREST, THINGS LIKE THE MSA'S THAT WE HEARD THE MAP DRAWERS TALK ABOUT EARLIER, CORE-RETENTION OR WHERE INCUMBENTS MIGHT LIVE, AND THINGS LIKE THAT.
Q. SO WHY ARE --
MS. MCKNIGHT: YOUR HONOR, PARDON ME. JUST FOR THE RECORD, I NEED TO REASSERT THE OBJECTION THAT THIS IS BEYOND THE SCOPE OF WHAT HE IDENTIFIED IN HIS REBUTTAL REPORT. HE HAD DR. BLUNT'S REPORT AT THE TIME HE PREPARED HIS REBUTTAL REPORT AND HE HAS GONE BEYOND THE SCOPE OF THAT.
THE COURT: YOUR OBJECTION IS NOTED.
YOU MAY CONTINUE.
BY MS. MADDURI:
Q. SO, DR. PALMER, WHY ARE THE CRITERIA DR. BLUNT USES PROBLEMATIC?
A. THE MAPS THAT HE GENERATES, THAT HE SIMULATES, DON'T LOOK LIKE MAPS THAT ARE ACTUALLY USED IN PRACTICE IN LOUISIANA. IN PARTICULAR, YOU KNOW, IN HIS INITIAL SET WITH ONLY SIX PARISHES SPLIT AT THE MOST, THAT DOESN'T LOOK LIKE ANY OF THE MAPS THAT WE'VE DISCUSSED OR THE ONES THAT HAVE ACTUALLY BEEN IMPLEMENTED

05:04 OR PASSED BY THE LEGISLATURE. AND THE COMPACTNESS CONSTRAINTS AND THINGS LIKE THAT ALSO RESULT IN MAPS THAT DON'T ACTUALLY LOOK LIKE ANYTHING THAT MIGHT REALISTICALLY BE EMPLOYED HERE.

SO I THINK THERE ARE -- BY A SAMPLE, THEY DON'T TELL US ANYTHING ABOUT WHAT MAPS SHOULD ACTUALLY LOOK LIKE OR WHAT THE STATISTICS SHOULD ACTUALLY BE.

MS. MADDURI: I DON'T HAVE ANY MORE QUESTIONS FOR DR. PALMER AT THIS TIME. BUT I'D LIKE TO CONFIRM THAT WE'VE MOVED INTO EVIDENCE HIS TWO REPORTS, WHICH ARE GX-2 AND GX-30?

THE COURT: SUBJECT TO --

MS. MCKNIGHT: NO OBJECTION, YOUR HONOR.

THE COURT: ADMITTED.

CROSS-EXAMINATION?

MS. MCKNIGHT: YES.

THE COURT: IT'S THE COURT'S INTENTION TO FINISH THIS WITNESS TONIGHT, SO -- JUST SO Y'ALL KNOW.

MS. MCKNIGHT: THANK YOU, YOUR HONOR.

MY NAME IS KATE MCKNIGHT FOR LEGISLATIVE INTERVENORS.

CROSS-EXAMINATION

BY MS. MCKNIGHT:

Q. GOOD AFTERNOON, DR. PALMER.

I BELIEVE I TOOK YOUR VERY FIRST DEPOSITION IN *BETHUNE-HILL*, SO IT'S NICE TO SEE YOU AGAIN AFTER THIS TIME.

A. NICE TO SEE YOU.

05:05 **Q.** COULD I START WITH WHEN YOU WERE FIRST CONTACTED ABOUT DOING WORK IN LOUISIANA FOR THIS REDISTRICTING CYCLE?
A. MID TO LATE MARCH.
Q. OKAY. AND WHO CALLED YOU?
A. LALI MADDURI.
Q. OKAY. AND WHEN WERE YOU ENGAGED FOR THIS WORK?
A. MID TO LATE MARCH.
Q. OKAY. DID YOU DO ANY WORK RELATED TO LOUISIANA PRIOR TO MARCH?
A. NO.
MS. MCKNIGHT: LET'S GO TO YOUR REPORT, YOUR FIRST REPORT AT GX-2. AND WE'LL START AT PAGE 2, MR. WILLIAMSON.
BY MS. MCKNIGHT:
Q. SO IN YOUR REPORT, DR. PALMER, PARAGRAPH 6, YOU STATE THAT YOU FOUND STRONG EVIDENCE OF RACIALLY POLARIZED VOTING ACROSS LOUISIANA. NOW, YOU DID THIS IN A STATEWIDE ANALYSIS. CORRECT?
A. STATE AND CONGRESSIONAL DISTRICTS.
Q. OKAY. AND YOU DID NOT DO ANY REGIONAL-SPECIFIC ANALYSES, DID YOU?
A. NOT OTHER THAN THE CONGRESSIONAL DISTRICTS.
Q. OKAY. AND WHEN YOU ARE REFERRING TO THE ANALYSIS YOU DID FOR THE CONGRESSIONAL DISTRICTS, THAT WAS LIMITED TO A RECOMPILED ELECTION ANALYSIS WHERE YOU TOOK THOSE CONGRESSIONAL DISTRICTS, THE PLAN, THE -- AS DRAWN AND FILLED THEM IN WITH

05:07 ELECTION DATA FROM PAST ELECTIONS. IS THAT CORRECT?
A. I'M SORRY. CAN YOU REPEAT THE QUESTION?
Q. SURE. LET ME BREAK IT DOWN. LET ME GO A LITTLE MORE SLOWLY.
DID YOU STUDY RACIALLY POLARIZED VOTING WITHIN SPECIFIC REGIONS OF THE STATE OF LOUISIANA?
A. AS I SAID, ONLY THE CONGRESSIONAL DISTRICTS.
Q. OKAY. NOW, CAN YOU GIVE ANY TESTIMONY ABOUT WHETHER POLARIZATION LEVELS IN LOUISIANA VARY ACROSS REGIONS IN THE STATE?
A. JUST AT THE DISTRICT LEVEL.
Q. AT THE CONGRESSIONAL DISTRICT LEVEL?
A. YES.
Q. OKAY. NOW, I WANT TO SAY SOMETHING, AND TELL ME IF YOU AGREE WITH IT. YOU CAN HAVE STRONG EVIDENCE OF RACIALLY POLARIZED VOTING BUT STILL HAVE MEANINGFUL WHITE CROSSOVER VOTING. WOULD YOU AGREE?
A. YES.
MS. MCKNIGHT: OKAY. LET'S GO TO PARAGRAPH 7.
BY MS. MCKNIGHT:
Q. THE THIRD SENTENCE HERE, YOU SAY, "WHEN TAKEN ON A DISTRICT-BY-DISTRICT BASIS," YOU'RE REFERRING ONLY TO THE CONGRESSIONAL PLAN HERE. CORRECT?
A. YES.
Q. OKAY. THIS DOES NOT TAKE INTO ACCOUNT THE LOUISIANA

05:08 LEGISLATIVE BLACK CAUCUS WITH DOZENS OF REPRESENTATIVES AND STATE SENATORS IN THE LOUISIANA LEGISLATURE. CORRECT?

A. THAT'S RIGHT. I ONLY LOOKED AT RPV AT THE CONGRESSIONAL DISTRICT LEVEL.

MS. MCKNIGHT: OKAY. AND LET'S GO TO PARAGRAPH 9.

BY MS. MCKNIGHT:

Q. HERE YOU NOTE THAT YOU EXAMINED STATEWIDE AND CONGRESSIONAL ELECTIONS IN LOUISIANA FROM 2012 TO 2020. BUT THAT'S NOT QUITE ACCURATE, IS IT? YOU DID NOT EXAMINE CONGRESSIONAL ELECTIONS. CORRECT?

A. YOU'RE RIGHT, THAT'S AN ERROR. IT SHOULD SAY JUST "STATEWIDE ELECTIONS."

Q. OKAY. AND IN EXAMINING THE CONGRESSIONAL PLANS, YOU RECOMPILED STATEWIDE ELECTIONS WITHIN THOSE DISTRICTS IN THE CONGRESSIONAL PLAN. CORRECT?

A. I'M NOT SURE "RECOMPILED" IS THE RIGHT TERM, BUT I TOOK STATEWIDE ELECTIONS AND THEN DETERMINED WHICH PRECINCTS FOR THOSE ELECTIONS FELL INTO WHICH DISTRICTS.

Q. OKAY. SO YOU DID NOT ANALYZE ANY ACTUAL CONGRESSIONAL ELECTIONS TO TELL THIS COURT HOW A CONGRESSIONAL ELECTION WOULD BEHAVE. CORRECT?

A. NO, BECAUSE THERE HAVE NOT BEEN ANY CONGRESSIONAL ELECTIONS UNDER THIS PLAN. AND I DON'T THINK YOU CAN COMBINE ELECTION RESULTS FROM DIFFERENT DISTRICTS INTO THE NEW BOUNDARIES IN THE SAME WAY AS YOU CAN A STATEWIDE ELECTION

05:10 WHERE IT'S THE SAME CANDIDATES IN EVERY PRECINCT.
Q. THANK YOU.
MS. MCKNIGHT: LET'S GO TO PARAGRAPH 10. THIS IS STILL ON PAGE 2.
BY MS. MCKNIGHT:
Q. YOU WRITE THAT YOU "RELIED ON AND DOWNLOADED TURNOUT INFORMATION BY RACE." DO YOU SEE THAT?
A. YES.
Q. OKAY. BUT YOU DID NOT REPORT TURNOUT INFORMATION IN YOUR EXPERT REPORT IN THIS CASE, DID YOU?
A. I'M RELYING ENTIRELY ON THE TURNOUT INFORMATION, BUT I DON'T REPORT THE TURNOUT STATISTICS, NO.
Q. OKAY. THANK YOU.
MS. MCKNIGHT: LET'S GO TO PARAGRAPH 18, AND I BELIEVE THIS IS ON PAGE 4.
BY MS. MCKNIGHT:
Q. HERE I SEE YOU NOTE THAT THE AVERAGE CANDIDATE OF CHOICE FOR BLACK VOTERS GARNERED 20.8 PERCENT OF THE VOTE FROM WHITE VOTERS. IS THAT RIGHT?
A. YES.
Q. OKAY. AND THIS IS AN AVERAGE. SO WE COULD EXPECT THAT THERE WAS A HIGHER OR LOWER PERCENTAGE IN SOME OTHER -- IN SOME PARTS OF THE STATE. RIGHT?
A. SO THIS IS A STATEWIDE ESTIMATE. IT'S AN AVERAGE OF STATEWIDE ESTIMATES. WE'D EXPECT SOME OF THOSE STATEWIDE

05:11 1 ESTIMATES TO BE HIGHER AND SOME TO BE LOWER.
2 **Q.** OKAY. DID YOU COME TO ANY UNDERSTANDING ABOUT WHERE THAT
3 FIGURE WOULD BE HIGHER IN THE STATE?
4 **A.** ONLY FROM LOOKING AT THE CONGRESSIONAL DISTRICTS. BUT THE
5 PURPOSE OF THE ANALYSIS WAS TO LOOK AT THE STATEWIDE LEVELS.
6 **Q.** OKAY. SO YOU JUST SAID THAT YOU CAME TO AN UNDERSTANDING
7 OF WHERE THAT RATE OF VOTES FROM WHITE VOTERS MIGHT BE HIGHER
8 ON AVERAGE. COULD YOU EXPLAIN TO US WHAT THAT UNDERSTANDING
9 WAS?
10 **A.** IF WE LOOK AT THE CONGRESSIONAL DISTRICT RESULTS, IT SEEMS
11 LIKE IN SOME DISTRICTS, SUCH AS DISTRICT 1, THE RATE OF SUPPORT
12 FOR BLACK-PREFERRED CANDIDATES TENDS TO BE LOWER; AND IN
13 DISTRICT 2, FOR EXAMPLE, IT'S A LITTLE BIT HIGHER.
14 **Q.** OKAY. AND NOW ON AVERAGE, ONE-FIFTH OF WHITE VOTERS IN
15 LOUISIANA VOTE FOR THE BLACK-PREFERRED CANDIDATE. CORRECT?
16 **A.** YES.
17 **MS. MCKNIGHT:** OKAY. LET'S GO TO FIGURE 1 ON PAGE 5.
18 **BY THE WITNESS:**
19 **A.** I'M SORRY. DISTRICT 5 THEY VOTE FOR BLACK-PREFERRED
20 CANDIDATES, YEAH. I JUST WANTED TO MAKE SURE I HAVE THAT
21 RIGHT.
22 **BY MS. MCKNIGHT:**
23 **Q.** I THINK WE GOT THAT RIGHT.
24 **A.** OKAY.
25 **Q.** YES. THANK YOU, DR. PALMER.

05:12 1 SO WHEN I'M LOOKING AT THIS IMAGE, I JUST WANT TO
2 MAKE SURE IT'S CLEAR THAT -- AND I'M LOOKING AT THE COLUMN ON
3 THE LEFT: "TOP CANDIDATES FOR BLACK VOTERS." WHEN I SEE THE
4 WHITE CIRCLES ON THE LEFT, THEY INDICATE WHITE VOTE SHARE FOR A
5 CANDIDATE OF CHOICE FOR BLACK VOTERS. CORRECT?
6 **A.** YES.
7 **Q.** OKAY. SO THE HORIZONTAL AXIS BELOW INDICATES THE
8 PERCENTAGE VOTE SHARE. CORRECT?
9 **A.** YES.
10 **Q.** OKAY. AND THE VERTICAL DOTTED LINE REPRESENTS 50 PERCENT.
11 RIGHT?
12 **A.** YES.
13 **Q.** SO LOOKING AT THE COLUMN "TOP CANDIDATES FOR BLACK
14 VOTERS," WHENEVER WE SEE THE WHITE CIRCLE TO THE RIGHT OF THE
15 VERTICAL ZERO LINE, THAT MEANS THAT THERE IS CROSSOVER VOTING.
16 CORRECT?
17 **A.** THAT MEANS A MAJORITY OF WHITE VOTERS SUPPORTED THE
18 BLACK-PREFERRED CANDIDATE. I THINK WE WERE JUST TALKING ABOUT
19 CROSSOVER VOTING AS ANY WHITE VOTERS VOTED FOR THE
20 BLACK-PREFERRED CANDIDATE. WE SAID THERE WAS 20 PERCENT
21 CROSSOVER VOTING. THAT'S NOT REFERRING TO THE SAME THING.
22 **Q.** OKAY.
23 **A.** RIGHT?
24 **Q.** WELL, I'M JUST ASKING YOU ABOUT THIS COLUMN HERE AND THE
25 PERCENTAGE VOTE. YOU INDICATED THAT THE WHITE CIRCLE SHOWS THE

05:14 VOTE SHARE FOR WHITE VOTERS FOR THE BLACK CANDIDATE OF CHOICE. RIGHT?

A. YES.

Q. OKAY. SO IN LOOKING AT THAT, WHENEVER I SEE THAT WHITE CIRCLE TO THE RIGHT OF ZERO, THAT MEANS THERE ARE WHITE VOTERS VOTING FOR THE BLACK CANDIDATE OF CHOICE. CORRECT?

A. TO THE RIGHT OF ZERO?

Q. YES.

A. YES.

Q. OKAY. AND WHEN WHITE VOTERS VOTE FOR BLACK CANDIDATES OF CHOICE, THAT IS DEFINED AS CROSSOVER VOTING, ISN'T IT?

A. I THINK THAT'S A FAIR DEFINITION.

Q. THANK YOU.

NOW, WHITE CROSSOVER VOTING IN LOUISIANA ELECTIONS IS SO COMMON THAT YOU CALLED IT AN "EXTREME HYPOTHETICAL." AND JUST EARLIER ON THE STAND YOU CALLED IT "VERY EXTREME" TO HAVE NO WHITE CROSSOVER VOTING. ISN'T THAT RIGHT?

A. YES. I'VE NEVER RUN AN RPV ANYWHERE WHERE THERE ISN'T AT LEAST SOME WHITE CROSSOVER VOTING.

MS. MCKNIGHT: OKAY. NOW, UNDERSTANDING YOUR FINDINGS ON WHITE CROSSOVER VOTING, LET'S TURN TO PAGE 23, TABLE 16.

BY MS. MCKNIGHT:

Q. SO, AGAIN, TO ORIENT THE COURT AND EVERYONE, THIS IS YOUR TABLE SHOWING "VOTE SHARES OF BLACK-PREFERRED CANDIDATES UNDER

05:15 1 THE ILLUSTRATIVE MAPS." SO MAP 1 REFERS TO GALMON PLAINTIFFS'
2 ILLUSTRATIVE PLAN 1, MAP 2 AND 3, SO FORTH.
3 **A.** YES.
4 **Q.** AND WHAT YOU'VE DONE HERE, YOU'VE JUST FOCUSED IN ON THE
5 TWO MAJORITY-MINORITY DISTRICTS THAT GALMON PLAINTIFFS HAVE
6 ARGUED ARE IN THESE ILLUSTRATIVE PLANS BEING CD2 AND CD5. IS
7 THAT RIGHT?
8 **A.** YES.
9 **Q.** OKAY. AND WHEN I'M LOOKING AT THIS CHART -- I'LL JUST
10 LOOK AT MAP NO. 1 AT CD2 AND CD5. I SEE A RANGE OF WINNING
11 VOTE PERCENTAGES WHERE THE BLACK-PREFERRED CANDIDATE GARNERED
12 BETWEEN 50.09 PERCENT UP TO 79.1 PERCENT. DO YOU SEE THAT?
13 **A.** YES.
14 **Q.** OKAY. NOW, DO YOU RECALL OFF THE TOP OF YOUR HEAD THE
15 "ANY PART BLACK" VOTING AGE POPULATION NUMBER FOR CD5 IN MAP 1?
16 **A.** NO.
17 **Q.** OKAY. LET'S REFRESH YOUR RECOLLECTION SO IT CAN INSTRUCT
18 THIS DISCUSSION.
19 **MS. MCKNIGHT:** IF WE COULD PULL UP GX-1B AT PAGE 10.
20 PARDON ME, YOUR HONOR. I DO HAVE A COLD. IT IS
21 NOT COVID, I PROMISE, BUT I WILL BE VERY CAREFUL. I'VE TESTED
22 MULTIPLE TIMES.
23 **THE COURT:** OKAY.
24 **MS. MCKNIGHT:** THAT'S WHY I'VE BEEN WEARING A MASK IN
25 HERE. I CAN WIPE DOWN THE MICROPHONE WHEN I'M DONE.

05:17 1 **BY MS. MCKNIGHT:**
2 **Q.** OKAY. SO HERE WE HAVE -- THIS IS FROM DR. COOPER'S REPORT
3 PREPARED BY GALMON PLAINTIFFS, AND IT IDENTIFIES THE 18-PLUS
4 VOTE -- SO THE VOTING AGE POPULATION FOR ALL -- "ANY PART
5 BLACK." AND DO YOU SEE THAT FOR DISTRICT 5 IT'S INDICATED AT
6 50.04 PERCENT?
7 **A.** I'M SORRY. WHICH COLUMN? OH, YES, I DO SEE THAT.
8 **Q.** OKAY. SO NOW THAT WE UNDERSTAND THAT ILLUSTRATIVE PLAN 1
9 FOR DISTRICT 5 IS 50.04 PERCENT "ANY PART BLACK." LET'S RETURN
10 BACK TO YOUR REPORT.
11 **MS. MCKNIGHT:** AND HERE WE'LL GO TO PAGE 5 OF GX-2.
12 PARDON ME. PAGE 23. PARDON ME, MR. WILLIAMSON.
13 **BY MS. MCKNIGHT:**
14 **Q.** SO NOW UNDERSTANDING THAT UNDER MAP 1 CD5 HAS BEEN DRAWN
15 AT A LEVEL OF 50.04 PERCENT "ANY PART BLACK" POPULATION, DO YOU
16 HAVE AN UNDERSTANDING OF HOW MUCH OF THIS VOTE PERCENTAGE -- OF
17 THESE WINNING VOTE PERCENTAGES FOR CD5 ARE MADE UP OF WHITE
18 VOTERS?
19 **A.** IT RANGES, BUT USUALLY A FEW PERCENTAGE POINTS WOULD BE MY
20 GUESS.
21 **Q.** OKAY. AND WHAT DO YOU BASE THAT GUESS ON?
22 **A.** WELL, IN SOME OF THEM THE PERCENTAGE IS BELOW THAT NUMBER.
23 AND SO I DON'T KNOW TO THE DEGREE THAT'S ABOUT WHITE CROSSOVER
24 VOTING VERSUS DIFFERENT LEVELS OF SUPPORT FROM BLACK VOTERS.
25 THERE IS GOING TO BE VARIATIONS IN BOTH DIMENSIONS. IN SOME

05:19 1 IT'S HIGHER. AND SO THE SAME PROBLEMS. SO WE DON'T KNOW
2 EXACTLY FROM THIS TABLE WHAT THE PERCENTAGES ARE.
3 **Q.** OKAY. SO YOU CAN'T TELL THIS COURT WHAT THE PERCENTAGE OF
4 WHITE VOTE SHARE IS FOR THE CD5 VICTORIES. CORRECT?
5 **A.** NOT NECESSARILY.
6 **Q.** OKAY. IS IT TRUE THAT CD2 AND CD5 COULD LIKELY BE DRAWN
7 AT BELOW 50 PERCENT BVAP AND STILL ELECT BLACK-PREFERRED
8 CANDIDATES?
9 **A.** BASED ON THIS TABLE, YES.
10 **Q.** THANK YOU.
11 NOW FINALLY, AS AN EXPERT IN THIS CASE DR. BLUNT USED
12 A METHODOLOGY FOR SIMULATING REDISTRICTING PLANS. YOU WERE
13 JUST DISCUSSING IT ON THIS STAND. HE USED THE REDIST PACKAGE
14 IN R TO SIMULATE 10,000 REDISTRICTING PLANS. THIS IS A
15 STANDARD APPROACH TO SIMULATING REDISTRICT PLANS. CORRECT?
16 **A.** THE PACKAGE IS COMMONLY USED, BUT THERE IS NOT JUST ONE
17 APPROACH IN HOW IT'S IMPLEMENTED. THERE IS MANY DIFFERENT WAYS
18 TO USE IT.
19 **Q.** AND IT'S BEEN USED BY BOTH SCHOLARS AND TESTIFYING
20 EXPERTS?
21 **A.** THAT'S MY UNDERSTANDING.
22 **Q.** OKAY. AND YOU VIEWED THIS PACKAGE AS RELIABLE ENOUGH THAT
23 YOU'VE USED IT IN YOUR OWN ACADEMIC RESEARCH. CORRECT?
24 **A.** YES. BUT IT'S NOT A SIMPLE THING TO RUN. THERE'S A LOT
25 OF DIFFERENT WAYS IT CAN BE RUN, A LOT OF DIFFERENT SETTINGS TO

05:20 -- TO SORT OF TUNE AND TO ADJUST WHEN TRYING TO MAKE GOOD SIMULATIONS.

Q. THANK YOU VERY MUCH, DR. PALMER. I HAVE NO FURTHER QUESTIONS.

THE COURT: ANY REDIRECT?

MS. MCKNIGHT: AND PARDON ME, YOUR HONOR. I DO WANT TO WIPE THIS DOWN JUST OUT OF RESPECT.

THE COURT: THANK YOU FOR YOUR COURTESY.

ANY REDIRECT?

MS. MADDURI: JUST A COUPLE OF BRIEF QUESTIONS, YOUR HONOR.

THE COURT: OKAY. GIVE HER A CHANCE TO -- WE ARE TRYING TO KEEP EVERYBODY HEALTHY HERE.

THANK YOU, MS. MCKNIGHT.

REDIRECT EXAMINATION

BY MS. MADDURI:

Q. DR. PALMER, YOU'VE TESTIFIED AS AN EXPERT IN RPV IN A NUMBER OF CASES. IS THAT RIGHT?

A. YES.

Q. AND IN ALL OF THOSE CASES THE COURT HAS CREDITED YOUR RPV ANALYSIS?

A. YES.

Q. HAVE YOU EVER ENCOUNTERED A CASE WHERE -- IN WHICH 100 PERCENT OF WHITE VOTERS VOTED AGAINST THE BLACK-PREFERRED CANDIDATE?

05:22 **A.** I DON'T BELIEVE SO.
Q. IS IT YOUR UNDERSTANDING THAT THE EXISTENCE OF ANY LEVEL OF WHITE CROSSOVER VOTING NEGATES THE EXISTENCE OF RACIALLY POLARIZED VOTING?
A. NOT AT ALL.
MS. MADDURI: NO FURTHER QUESTIONS.
THE COURT: OKAY. YOU MAY STEP DOWN. THANK YOU, SIR.
OKAY. THAT CONCLUDES OUR TESTIMONY FOR DAY ONE. I WANT TO THANK THE PARTIES. IT WENT REALLY SMOOTHLY AND YOU ALL ARE EXTREMELY PREPARED. WELL DONE, ONE AND ALL.
THERE WAS NOBODY IN COURTROOM 5, WHICH THE COURT HAD DESIGNATED AS AN OVERFLOW COURTROOM. I DON'T ANTICIPATE THAT WE ARE GOING TO HAVE MORE PEOPLE ON DAY TWO, SO THE COURT IS GOING TO LET THE I.T. DEPARTMENT TAKE DOWN THE VIDEO LINK TO COURTROOM 5, UNLESS YOU ALL THINK THERE IS A REASON NOT TO DO THAT. OKAY. NO HANDS RAISED.
ALL RIGHT. WE WILL COMMENCE TOMORROW MORNING AT 9:30 A.M.
THE LAW CLERK: THE COURT IS NOW IN RECESS.
(WHEREUPON, THIS MATTER WAS RECESSED UNTIL MAY 10, 2022, AT 9:30 A.M.)
* * *

05:22

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