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 12, 2022
	*	
KYLE ARDOIN, ET AL	*	VOLUME 4 OF 5

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

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(MAY 12, 2022)

(CALL TO THE ORDER OF COURT)

THE COURT: GOOD MORNING, EVERYONE.

BE SEATED.

ALL RIGHT. ANY HOUSEKEEPING MATTERS? YES, MA'AM?

MS. KHANNA: THANK, YOUR HONOR.

ABHA KHANNA FOR THE GALMON PLAINTIFFS.

I JUST WANTED TO GIVE THE COURT THE UPDATE ON THE CHESS CLOCK.

THE COURT: YES, MA'AM.

MS. KHANNA: THE PLAINTIFFS HAVE THUS FAR USED 481 MINUTES AND THE DEFENDANTS 386.

AND I DON'T KNOW IF NOW IS A GOOD TIME, BUT WE JUST WANT TO RAISE FOR THE COURT -- I DON'T KNOW IF THE COURT IS -- IF YOUR HONOR IS THINKING OF SOME KIND OF CLOSING OR ORAL ARGUMENT AT THE END -- OR WE'D CERTAINLY WANT TO GIVE YOU THE OPPORTUNITY TO ASK THE LAWYERS ANY QUESTIONS THAT YOU HAVE. I KNOW WE HAVE TWO MORE DAYS AND SEVERAL WITNESSES. I JUST WANTED TO MAKE SURE WE ARE ABLE TO ALLOT ANY TIME THAT YOU WOULD LIKE US TO.

THE COURT: I WAS NOT INCLINED TO ASK FOR CLOSING ARGUMENTS. IF YOU ALL FEEL LIKE -- THAT THERE ARE SOME THINGS THAT ARE PARTICULARLY GERMANE, I AM GOING TO GIVE YOU A BRIEFING DEADLINE SO THAT Y'ALL HAVE AN OPPORTUNITY TO SAY WHAT

10:34 YOU WANT TO SAY IN WRITING AND DOCUMENT THAT IN ANY WAY THAT YOU WOULD LIKE TO DO. SO WITH THAT BEING SAID, I REALLY DON'T FEEL THE NEED TO. BUT IF YOU ALL WANT TEN MINUTES, JUST TO KIND OF WRAP THINGS UP, I'LL CERTAINLY LET YOU HAVE IT, BUT THE COURT REALLY DOESN'T REQUIRE IT.

MS. KHANNA: I'LL CONFER WITH OTHER COUNSEL, BUT I THINK ON BEHALF OF THE GALMON PLAINTIFFS, OUR PRIMARY INTEREST IS IN MAKING SURE THAT IF YOU HAVE QUESTIONS YOU WANT TO ASK US, WE HAVE THE OPPORTUNITY TO DO ANY KIND OF ORAL ARGUMENT OR ANSWER ANY OF THOSE QUESTIONS.

THE COURT: OKAY. THANK YOU.

ALL RIGHT. NEXT WITNESS.

MR. LEWIS: I THINK BEFORE WE CALL THIS WITNESS -- DO WE -- WILL PLAINTIFFS BE WILLING TO STIPULATE TO DR. BLUNT'S QUALIFICATIONS IN THE FIELD OF POLITICAL SCIENCE?

MS. MADDURI: WE HAVE NO OBJECTION TO QUALIFYING DR. BLUNT IN THE FIELD OF POLITICAL SCIENCE.

MR. LEWIS: OKAY. AND WITH EMPHASES -- I SHOULD HAVE SAID THE WHOLE THING. POLITICAL SCIENCE WITH EMPHASES IN QUANTITATIVE POLITICAL SCIENCE AND DATA ANALYSIS IN THE MATTERS STATED IN THE RECORD.

THE DEPUTY CLERK: I'M SORRY. YOU SAID THAT REALLY FAST.

MR. LEWIS: I'M SORRY.

THE COURT: OKAY. HOLD ON, EVERYBODY.

10:35 **MR. LEWIS:** ALL RIGHT.

THE COURT: FIRST OF ALL, MAKE YOUR APPEARANCE. PATRICK LEWIS.

MR. LEWIS: YES. YES, YOUR HONOR. I APOLOGIZE.

THE COURT: REPRESENTING WHICH --

MR. LEWIS: I REPRESENT THE LEGISLATIVE INTERVENOR DEFENDANTS.

THE COURT: ALL RIGHT. NOW, YOU ARE TENDERING THE NEXT WITNESS, WHO IS --

MR. LEWIS: DR. CHRISTOPHER BLUNT.

THE COURT: -- DR. BLUNT.

AND SPEAK TO THE COURT, NOT THE OPPOSING COUNSEL.

MR. LEWIS: YES.

THE COURT: WHAT IS THE TENDER?

MR. LEWIS: EXCUSE ME, YOUR HONOR. YES. AS AN EXPERT IN THE FIELD OF POLITICAL SCIENCE WITH EMPHASES IN QUANTITATIVE POLITICAL SCIENCE AND DATA ANALYSIS IN THE MATTERS STATED IN THIS REPORT.

THE COURT: QUANTITATIVE POLITICAL SCIENCE AND DATA ANALYSIS IS THE EMPHASIS?

MR. LEWIS: YES, YOUR HONOR.

THE COURT: IS THERE A STIPULATION AS TO HIS EXPERTISE?

MS. MADDURI: THIS IS LALI MADDURI ON BEHALF OF THE

10:36 GALMON PLAINTIFFS.

WE DON'T STIPULATE TO HIS EXPERTISE IN POLITICAL SCIENCE OR DATA ANALYSIS, BUT WE DO OBJECT TO QUALIFYING -- I'M SORRY. WE DO STIPULATE TO THAT, BUT WE DO OBJECT TO QUALIFYING DR. BLUNT AS AN EXPERT IN THE MATTERS STATED IN HIS REPORT.

THE COURT: WHICH IS -- USUALLY THEY TESTIFY IN THE AREA IN WHICH THEY ARE TENDERED, AND YOU JUST STIPULATED TO HIS EXPERTISE IN THAT AREA. SO NOW I'M VERY CONFUSED. ALL RIGHT.

MR. LEWIS: YOUR HONOR, I THINK -- I THINK WE CAN ACCEPT THE TENDER AS STIPULATED. THE MATTER STATED IN HIS REPORT, YOUR HONOR, OF COURSE, FLOW FROM HIS EXPERTISE AND THAT'S A MATTER FOR THE COURT ULTIMATELY TO DECIDE, SO...

MS. MADDURI: OKAY. THEN WE OBJECT TO QUALIFYING DR. BLUNT AS AN EXPERT IN THE MATTERS STATED IN HIS REPORT.

THE COURT: OKAY. SO YOU ARE GOING TO HAVE TO GO THROUGH IT THE HARD WAY, MR. LEWIS. YOU ARE GOING TO HAVE TO CALL DR. BLUNT, QUALIFY HIM, LET THEM CROSS ON THE TENDER, AND THEN THE COURT WILL MAKE A DECISION.

MS. MADDURI: I'M SORRY. MAYBE I CAN JUST CLARIFY. WE DON'T OBJECT TO HIM TESTIFYING FOR PURPOSES OF THE PRELIMINARY INJUNCTION HEARING, BUT WE DO NOT STIPULATE TO HIS EXPERTISE OR HIM TESTIFYING IN FUTURE PROCEEDINGS. BUT WE CAN EXPLORE HIS QUALIFICATIONS ON CROSS-EXAMINATION.

THE COURT: OKAY. I MEAN, EITHER YOU ARE STIPULATING

10:37 1 THAT HE IS GOING TO GIVE OPINION TESTIMONY OR NOT, AND HE WILL
2 GIVE OPINION TESTIMONY IN THE FIELD IN WHICH HE IS TENDERED. I
3 DON'T KNOW HOW TO HELP YOU.
4 WE ARE GOING TO DO IT THIS WAY: YOU CALL
5 DR. BLUNT. YOU ESTABLISH HIS QUALIFICATIONS IN THE FIELDS IN
6 WHICH YOU PROPOSE TO TENDER HIM. YOU TENDER HIM. SHE
7 CROSS-EXAMINES HIM. THE COURT WILL DECIDE WHETHER OR NOT TO
8 ACCEPT OPINION TESTIMONY IN THE FIELD TENDERED.
9 **MR. LEWIS:** ALL RIGHT. YOUR HONOR, MAY I TRY ONE
10 LAST TIME TO SEE IF WE CAN GET THE STIPULATION SO WE CAN
11 JUST -- I WANT TO BE EFFICIENT WITH THE COURT'S TIME.
12 **THE COURT:** I DO TOO. I DO TOO.
13 **MR. LEWIS:** OKAY.
14 **THE COURT:** YOU MAY CERTAINLY TRY. WHAT IS YOUR --
15 WHAT IS YOUR --
16 **MR. LEWIS:** YES, YOUR HONOR. SO WE WOULD LOOK FOR A
17 STIPULATION TO TENDER DR. BLUNT AS AN EXPERT IN THE FIELD OF
18 POLITICAL SCIENCE WITH EMPHASES IN QUANTITATIVE POLITICAL
19 SCIENCE AND DATA ANALYSIS.
20 **MS. MADDURI:** WE CAN STIPULATE TO HIS EXPERTISE IN
21 THOSE GENERAL FIELDS.
22 **THE COURT:** ALL RIGHT.
23 **MR. LEWIS:** OKAY.
24 **THE COURT:** DR. BLUNT WILL BE ACCEPTED AS AN EXPERT
25 IN POLITICAL SCIENCE WITH AN EMPHASIS IN QUANTITATIVE POLITICAL

10:38 SCIENCE AND DATA ANALYSIS AND WILL BE PERMITTED TO GIVE OPINION TESTIMONY IN THOSE -- IN THAT FIELD.

MR. LEWIS: THANK YOU, YOUR HONOR.

THE COURT: EVERYBODY'S CLEAR? ALL RIGHT.

MR. LEWIS: ALL RIGHT.

THE COURT: CALL YOUR WITNESS.

MR. LEWIS: ALL RIGHT. LEGISLATIVE INTERVENORS CALL DR. CHRISTOPHER BLUNT TO THE STAND.

CHRISTOPHER C. BLUNT, PH.D.,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: DR. BLUNT, YOU MAY REPLACE YOUR MASK WITH A SHIELD IF YOU WISH TO, OR YOU CAN REMAIN MASKED. IT'S YOUR DECISION.

THE WITNESS: WHERE WOULD I GET A SHIELD?

THE COURT: SHE IS GOING TO HAND YOU ONE. IF YOU ARE FULLY VACCINATED, YOU DON'T HAVE TO WEAR ANY OF THE ABOVE, BUT IT'S YOUR CALL. THERE YOU GO. THANK YOU.

DIRECT EXAMINATION

BY MR. LEWIS:

Q. GOOD MORNING, DR. BLUNT.

I'M PATRICK LEWIS, ON BEHALF ON THE LEGISLATIVE INTERVENORS.

WOULD YOU STATE YOUR NAME FOR THE RECORD?

A. CHRISTOPHER BLUNT.

Q. OKAY. AND, DR. BLUNT, YOU PREPARED TWO REPORTS IN THIS

10:40 1 CASE. IS THAT CORRECT?
2 **A.** THAT'S CORRECT.
3 **MR. LEWIS:** AND, YOUR HONOR, MAY I APPROACH THE
4 WITNESS AND PROVIDE HIM WITH A BINDER THAT CONTAINS THE TWO
5 REPORTS?
6 **THE COURT:** YOU MAY.
7 **BY MR. LEWIS:**
8 **Q.** I'D LIKE TO TURN FIRST -- JUST TO IDENTIFY THE REPORTS FOR
9 THE RECORD, TURN FIRST TO TAB 1 IN YOUR BINDER, WHICH IS
10 EXHIBIT LEG 3, WHICH SHOULD ALSO COME UP ON THE SCREEN.
11 AND DO YOU RECOGNIZE THIS REPORT, DR. BLUNT?
12 **A.** YES.
13 **Q.** OKAY. AND THEN IF WE COULD GO TO THE SECOND REPORT, WHICH
14 IS THE SUPPLEMENTAL REPORT, LEGISLATIVE EXHIBIT 77.
15 **A.** YES.
16 **Q.** DO YOU RECOGNIZE THIS AS WELL?
17 **A.** YES.
18 **Q.** IF WE GO BACK TO THE FIRST EXHIBIT, LEGISLATIVE 3. AND
19 I'D ASK YOU TO TURN TO PAGE 16, WHICH I BELIEVE IS EXHIBIT A.
20 **A.** YES.
21 **Q.** AND, DR. BLUNT, IS THIS YOUR CURRICULUM VITAE?
22 **A.** YES.
23 **Q.** AND IT IS A CURRENT AND COMPLETE COPY OF YOUR C.V.?
24 **A.** YES.
25 **Q.** DR. BLUNT, WHAT IS YOUR EDUCATIONAL BACKGROUND?

10:42 **A.** I HAVE A PH.D. IN POLITICAL SCIENCE FROM UCLA. MY EMPHASES WERE AMERICAN GOVERNMENT CAMPAIGNS, VOTING BEHAVIOR.
Q. OKAY. ALL RIGHT. AND OTHER --
A. I ALSO HAVE A BACHELOR AND MASTER OF ARTS DEGREES IN POLITICAL SCIENCE FROM NORTHWESTERN UNIVERSITY. MY EMPHASES THERE WERE VERY SIMILAR.
Q. AND HAVE YOU PUBLISHED ACADEMIC OR PEER-REVIEWED PAPERS?
A. YES. AS LISTED ON THE SECOND PAGE OF MY C.V., I RECENTLY HAD A PEER-REVIEWED ARTICLE THAT I WAS THE CO-AUTHOR OF IN A POLITICAL SCIENCE JOURNAL, WORKING ON SOME WORK THAT WE HAD DONE. I DID THE GREAT BULK OF THE DATA ANALYSIS FOR THAT. THAT WAS MY ROLE AS CO-AUTHOR.
THE COURT: DR. BLUNT, ADJUST THE MIC SO THAT IT'S KIND OF UNDER THE MASK. THERE IS A LITTLE BIT OF A BARRIER BETWEEN THE MIC AND YOUR MASK.
THE WITNESS: IS THAT BETTER, YOUR HONOR?
THE COURT: YES. I THINK SO.
BY MR. LEWIS:
Q. I THINK THAT WORKS.
ALL RIGHT. AND, DR. BLUNT, WHAT IS YOUR CURRENT OCCUPATION?
A. I AM THE OWNER AND PRESIDENT OF OVERBROOK RESEARCH, WHICH IS A PUBLIC OPINION CONSULTING PRACTICE.
Q. AND HOW LONG HAVE YOU OPERATED OVERBROOK RESEARCH?
A. SINCE 2003.

10:43 1 **Q.** WHAT TYPES OF WORK DO YOU DO THROUGH OVERBROOK RESEARCH?
2 **A.** WELL, I DO A LOT OF CAMPAIGN TURNOUT MODELING, ESPECIALLY
3 DURING ELECTION YEARS. I'M VERY BUSY WITH THAT. AND I ALSO DO
4 WORK FOR OTHER CLIENTS. MANY OF MY CLIENTS ARE OTHER
5 RESEARCHERS AND RESEARCH FIRMS WHO HIRE ME TO DO SOME SECONDARY
6 ANALYSIS OF THEIR DATA.
7 **Q.** OKAY. AND BESIDES VOTER TURNOUT, WHAT TYPES OF DATA DO
8 YOU WORK WITH?
9 **A.** PUBLIC OPINION STUDIES THAT COULD BE FOR -- ON BEHALF OF
10 CAMPAIGNS OR CONSUMER PRODUCTS OR COULD BE CORPORATE
11 COMMUNICATIONS, PUBLIC POLICY. I ALSO WORK WITH CENSUS DATA
12 REGULARLY DURING THE COURSE OF MY WORK.
13 **Q.** AND DO YOU STUDY VOTING BEHAVIOR AND VOTING DATA AS PART
14 OF YOUR WORK?
15 **A.** YES, VERY FREQUENTLY.
16 **Q.** OKAY. FOR HOW LONG HAVE YOU STUDIED VOTING BEHAVIOR AND
17 VOTING DATA?
18 **A.** OH, ALL THE WAY BACK TO MY UNDERGRADUATE DAYS. I TOOK MY
19 FIRST DATA ANALYSIS COURSE AS AN UNDERGRAD IN THE DAYS WHEN YOU
20 HAD TO DO THESE THINGS ON MAINFRAMES. YOU HAD TO WALK ACROSS
21 CAMPUS TO A DATA CENTER TO DO THIS.
22 IT WAS MY -- IN FACT, MY FIRST JOB OUT OF COLLEGE WAS
23 WITH MARKET STRATEGIES, A NATIONAL POLITICAL POLLING FIRM. I
24 WAS BROUGHT ON IN PART BECAUSE I HAD THOSE PARTICULAR SKILLS.
25 I WAS ABLE TO DO THAT KIND OF DATA ANALYSIS ON BEHALF OF

10:44 CAMPAIGNS FOR PRESIDENT, FOR SENATE, FOR GOVERNOR ALL ACROSS THE COUNTRY.

Q. DR. BLUNT, DO YOU USE QUANTITATIVE STATISTICAL METHODS IN YOUR PROFESSIONAL WORK?

A. YES. VIRTUALLY, EVERY DAY.

Q. OKAY. AND CAN YOU EXPLAIN WHAT TYPES OF METHODS YOU EMPLOY?

A. WELL, IT WOULD DEPEND ON WHAT I WAS DOING FOR THE CLIENT. I BUILD TURNOUT MODELS FOR CAMPAIGNS. BUT FOR ANOTHER CLIENT, I MIGHT USE A LINEAR REGRESSION OR A BINOMIAL LOGISTIC REGRESSION OR A MULTINOMIAL. I MIGHT USE A FACTOR ANALYSIS AND A CLUSTER ANALYSIS TO BUILD AN AUDIENCE SEGMENTATION. I COULD BUILD A CLASSIFICATION ALGORITHM. MY CLIENTS COULD CLASSIFY FUTURE RESEARCH SUBJECTS INTO ONE OF THEIR CATEGORIES. I USE MAX DIFF AND A WHOLE NUMBER OF -- A HOST OF OTHER ANALYTICAL TECHNIQUES IN MY WORK.

Q. OKAY. AND YOU APPLY THOSE STATISTICAL METHODS TO STUDY DATA REGULARLY IN YOUR PRACTICE?

A. YES.

Q. AND FUNDAMENTALLY IN THE FIELD OF -- OR LET ME STRIKE THAT.

FOR HOW LONG HAVE YOU BEEN USING STATISTICAL TECHNIQUES IN YOUR WORK?

A. WELL, AS I NOTED FROM THE VERY BEGINNING FROM, YOU KNOW, MY UNDERGRADUATE DAYS, AND MY FIRST TIME AFTER, I USED IT IN --

10:46 1 OF COURSE, AFTER GRADUATE SCHOOL AND THEN FORMED MY ORIGINAL
2 RESEARCH, MY DISSERTATION, AND VIRTUALLY EVERYTHING THAT I'VE
3 DONE SINCE.
4 **Q.** SO IS THAT SINCE THE LATE -- OR THE EARLY 1990S?
5 **A.** OH, IT WOULD HAVE BEEN FROM THE EARLY 1990S.
6 **Q.** OKAY. ALL RIGHT. NOW, THIS CASE, OF COURSE, CONCERNS
7 REDISTRICTING. DR. BLUNT, ARE YOU FAMILIAR WITH REDISTRICTING
8 FROM YOUR WORK IN POLITICAL SCIENCE?
9 **A.** OH, YES. IT'S A VERY WELL-KNOWN ISSUE IN POLITICAL
10 SCIENCE, CERTAINLY SOMETHING THAT I'VE STUDIED.
11 **Q.** OKAY. AND IS THAT AN ISSUE YOU ARE FAMILIAR WITH FROM
12 YOUR GRADUATE SCHOOL DAYS?
13 **A.** YES.
14 **Q.** AND SO YOU STUDIED -- DID YOU STUDY THE LITERATURE AND
15 POLITICAL SCIENCE?
16 **A.** YES. AND REDISTRICTING, YES.
17 **Q.** OKAY. AND DID YOU CONDUCT -- AND DID YOU EVER CONDUCT
18 RESEARCH THAT INVOLVED THE USE OF CENSUS AND ELECTION DATA TO
19 STUDY VOTING BEHAVIOR?
20 **A.** YES. IN FACT, MY FIRST CONFERENCE PAPER THAT I
21 REPRESENTED -- I PRESENTED SEVERAL PAPERS AT ACADEMIC
22 CONFERENCES WHEN I WAS IN GRADUATE SCHOOL. THE FIRST OF THEM
23 USED BALLOT DATA THAT I HAD GATHERED IN LOS ANGELES COUNTY.
24 AND I JOINED THE CENSUS DATA TO THE PRECINCTS THAT THOSE
25 BALLOTS CAME FROM. IT WAS A VERY INTERESTING PROJECT. THIS

10:47 1 WAS IN THE EARLY DAYS OF GARY KING'S NEW METHOD FOR ECOLOGICAL
2 INFERENCE. I USED THE CENSUS DATA THAT BRUCE CAIN'S TEAM AT
3 CAL BERKELEY HAD PUT TOGETHER. AND SO THIS WAS WHEN -- VERY
4 EARLY TIMES OF THIS AND WAS ABLE TO GET A VERY INTERESTING
5 PAPER OUT OF THAT. IN FACT, IT WON AN AWARD FOR THE BEST
6 CONFERENCE PAPER BY A GRADUATE STUDENT IN OUR DEPARTMENT THAT
7 YEAR.
8 **Q.** AND HAVE YOU KEPT UP WITH THE REDISTRICTING LITERATURE
9 SINCE GRADUATION?
10 **A.** YES, I HAVE.
11 **Q.** AND MORE SPECIFICALLY ARE YOU FAMILIAR WITH THE POLITICAL
12 SCIENCE LITERATURE ON THE USE OF SIMULATION METHODS TO STUDY
13 REDISTRICTING?
14 **A.** YES, I AM.
15 **Q.** AND CAN YOU EXPLAIN WHAT REDISTRICTING SIMULATIONS ARE?
16 **A.** SURE. IT'S A -- WHAT THE SIMULATION EXERCISE DOES IS IT
17 GENERATES A LARGE NUMBER OF ALTERNATIVE DISTRICTING PLANS THAT
18 COULD HAVE BEEN DRAWN FOLLOWING A PARTICULAR SET OF LEGAL
19 CRITERIA. AND THE VALUE OF THAT IS THAT YOU CAN THEN COMPARE
20 ANY GIVEN ENACTED PLAN OR PROPOSED PLAN TO THIS RANGE OF
21 DISTRICTS THAT YOU -- THAT YOU MIGHT EXPECT TO EMERGE FROM THAT
22 PROCESS.
23 **Q.** ALL RIGHT. AND HAVE YOU BECOME FAMILIAR WITH THIS
24 METHODOLOGY?
25 **A.** YES, I HAVE.

10:49 **Q.** IN YOUR OPINION, HAS THIS METHODOLOGY BECOME ACCEPTED IN THE FIELD OF POLITICAL SCIENCE?
A. YES, IT'S VERY COMMON, WIDELY ACCEPTED. IT APPEARS FREQUENTLY IN THE LITERATURE AND, OF COURSE, IT'S BEEN USED IN MANY COURT CASES.
Q. AND DO YOU KNOW IF ANY COURTS HAVE ACCEPTED SIMULATIONS IN REDISTRICTING CASES?
A. YES. SIMULATIONS HAVE BEEN ACCEPTED BY COURTS OR REDISTRICTING COMMISSIONS IN NEW YORK, PENNSYLVANIA, NORTH CAROLINA, OHIO, MICHIGAN, AND IN OTHERS.
Q. NOW, HAVE YOU PERFORMED AN ANALYSIS USING A REDISTRICTING SIMULATION IN YOUR PRIOR WORK?
A. NO, I HAD NOT BEFORE THIS.
Q. OKAY. HOW DOES THIS TYPE OF SIMULATION ANALYSIS RELATE TO OTHER WORK THAT YOU HAVE DONE IN YOUR PRIOR WORK?
A. WELL, IT'S A QUESTION IN POLITICAL SCIENCE TO WHICH WE ARE APPLYING QUANTITATIVE DATA AND METHODS, WHICH IS WHAT I DO. THIS JUST HAPPENS TO BE A DIFFERENT QUESTION USING A SOMEWHAT DIFFERENT SET OF DATA AND A SOMEWHAT DIFFERENT SET OF METHODS. BUT IT'S FUNDAMENTALLY SOMETHING THAT I'M FAMILIAR WITH.
Q. AND SO MIGHT YOU USE -- IN SOME OF YOUR OTHER WORK, YOU MIGHT USE -- IS IT FAIR TO SAY YOU MIGHT USE DIFFERENT TOOLS TO STUDY DIFFERENT ISSUES?
A. YEAH. FUNDAMENTALLY IT'S A DIFFERENT TOOL, CERTAINLY. BUT IT'S -- BUT THE METHODOLOGY AND THE APPROACH IS SOMETHING

10:50 1 THAT I'M FAMILIAR WITH.
2 **Q.** OKAY. AND YOU HAVE EXPERIENCE WORKING WITH THE UNDERLYING
3 CENSUS DATA USED IN THAT METHODOLOGY FROM YOUR PRIOR WORK?
4 **A.** YES. IN ADDITION TO THE PAPER I WROTE IN GRAD SCHOOL. I
5 WORK WITH CENSUS DATA FREQUENTLY IN MY WORK.
6 **Q.** AND DID YOU FIND THAT THE SIMULATION TECHNIQUE WAS
7 PARTICULARLY DIFFICULT FOR YOU TO IMPLEMENT?
8 **A.** NOT REALLY. IT WAS -- CERTAINLY, AS WITH PICKING UP ANY
9 NEW TECHNIQUE, THERE IS A LEARNING PROCESS TO IT. BUT
10 FORTUNATELY, THIS ONE IS WELL DOCUMENTED. THE SOFTWARE IS
11 FAIRLY WELL SUPPORTED. THERE'S BEEN A LOT WRITTEN ABOUT IT.
12 AND SO IT WAS -- IT WASN'T A DIFFICULT THING TO PICK UP,
13 PARTICULARLY SINCE I WAS FOLLOWING THE SAME APPROACH THAT OTHER
14 RESEARCHERS HAVE USED BOTH IN THE LITERATURE AND IN COURT
15 CASES.
16 **Q.** OKAY.
17 **A.** I WASN'T PLOWING ANY PARTICULARLY NEW GROUND WITH THIS.
18 **Q.** OKAY. ALL RIGHT. SO I'D LIKE TO NOW TURN TO PAGE 1 OF
19 YOUR REPORT, BUT WE ARE GOING TO -- BECAUSE I THINK THE
20 PAGINATION ON OUR EXHIBIT IS A LITTLE OFF. AND I APOLOGIZE TO
21 ONE AND ALL FOR THAT. SO I WILL BE REFERRING TO THE PAGINATION
22 AT THE LOWER RIGHT-HAND CORNER, SO THAT'S LEG 3-3, IF YOU CAN
23 GO THERE.
24 NOW, DR. BLUNT, IN PARAGRAPH 2 OF YOUR REPORT, I
25 BELIEVE YOU IDENTIFY -- YOU DESCRIBED, YOU KNOW, SORT OF YOUR

10:52 -- THE WORK THAT YOU DID IN THIS CASE.
CAN YOU IDENTIFY FOR THE COURT THE QUESTION THAT YOU WERE ASKED TO ANSWER IN THIS CASE?
A. YES. IT WAS TO ANALYZE AND DETERMINE WHETHER A RACE-BLIND REDISTRICTING PROCESS FOLLOWING THE TRADITIONAL DISTRICTING CRITERIA WOULD OR WOULD NOT BE LIKELY TO PRODUCE A PLAN WITH TWO MAJORITY-MINORITY DISTRICTS.
Q. OKAY. AND JUST TO MAKE SURE WE'VE GOT THE TERMS RIGHT, WHEN YOU REFER TO "MAJORITY-MINORITY DISTRICTS," ARE YOU REFERRING TO "MAJORITY-BLACK DISTRICTS"?
A. YES. AND THAT'S -- AND WE'RE DEFINING "BLACK" AS "ANY PARTY BLACK" FROM THE CENSUS AND -- FROM THE REDISTRICTING FILE.
Q. OKAY.
A. IT WAS THE SAME DEFINITION USED BY PLAINTIFFS.
Q. OKAY. ALL RIGHT. AND IS IT FAIR TO SAY THAT YOU USED A SIMULATION METHOD TO STUDY THIS QUESTION?
A. YES. TO STUDY THE QUESTION, I GENERATED A SET OF 10,000 -- USED SIMULATION METHODOLOGY TO GENERATE A SET OF 10,000 POSSIBLE LOUISIANA CONGRESSIONAL DISTRICTING PLANS THAT ADHERED TO THOSE TRADITIONAL REDISTRICTING CRITERIA. BUT I DID NOT TAKE RACE OR PARTISANSHIP INTO ACCOUNT.
Q. OKAY. SO WHAT SOFTWARE DID YOU USE TO RUN YOUR SIMULATIONS?
A. I USED THE REDIST SOFTWARE PACKAGE. IT RUNS ON THE

10:53 1 R STATISTICAL PLATFORM. IT'S AN OPEN-SOURCE STATISTICAL
2 PROGRAM THAT'S WIDELY USED BY RESEARCHERS.
3 **Q.** OKAY. AND WHAT MADE YOU SELECT THE REDIST SOFTWARE?
4 **A.** WELL, IT'S ONE OF THE MOST COMMON AND POPULAR. IT APPEARS
5 FREQUENTLY IN THE LITERATURE. IT WAS DEVELOPED BY A TEAM AT
6 HARVARD UNIVERSITY. IT'S HAD TENS OF THOUSANDS OF DOWNLOADS.
7 IT HAS A NUMBER OF ALGORITHMS TO CHOOSE FROM. IT'S ALSO VERY
8 WELL DOCUMENTED. THEY HAVE EXCELLENT DOCUMENTATION FOR IT.
9 **Q.** I BELIEVE YOU SAID THERE WERE DIFFERENT ALGORITHMS THAT
10 YOU COULD SELECT. WHAT ALGORITHM DID YOU USE FOR THIS CASE?
11 **A.** THE DIFFERENT ALGORITHMS KIND OF SIMULATE THE DISTRICTS IN
12 A SLIGHTLY DIFFERENT PROCESS. I SELECTED THE ONE CALLED
13 SEQUENTIAL MONTE CARLO, AS BEING ESPECIALLY APPROPRIATE IN THIS
14 CASE BECAUSE WE WERE BUILDING DISTRICTS FROM SCRATCH FOR A
15 BLANK MAP.
16 **Q.** OKAY. AND WHEN YOU RUN THE ALGORITHM -- AND I BELIEVE YOU
17 GET INTO THIS IN PARAGRAPH 14 OF YOUR REPORT ON PAGE LEG 3-6.
18 WHEN YOU RUN THIS ALGORITHM, WHAT DOES IT GENERATE?
19 **A.** OKAY. IT GENERATES -- IT'S A LARGE NUMBER OF POSSIBLE
20 LOUISIANA CONGRESSIONAL DISTRICT PLANS. SO THE WONDERFUL THING
21 ABOUT THE SEQUENTIAL MONTE CARLO ALGORITHM IS THAT IT DOES THIS
22 IN A WAY SUCH THAT THE GENERATED PLANS ARE A REPRESENTATIVE
23 SAMPLE OF ALL THE PLANS THAT COULD HAVE BEEN DRAWN USING THOSE
24 SAME CRITERIA. SO IT'S MUCH THE SAME WAY THAT WE WOULD USE A
25 LARGE REPRESENTATIVE SAMPLE OF VOTERS TO DO A PUBLIC OPINION

10:55 POLL.

HERE WE ARE POLLING A LARGE REPRESENTATIVE SAMPLE OF REDISTRICTING PLANS TO STUDY THE QUESTION. AND SO THE -- SO THE WAY WE DID THIS -- I MEAN, THE PROCESS WE FOLLOWED, IT WAS USING THE STIPULATIONS THAT I PUT ON. WE HAVE TO GIVE SOME -- LET THE ALGORITHM KNOW KIND OF WHAT THE LIMITATIONS ARE. OBVIOUSLY, THESE HAVE TO BE CONTIGUOUS, OBVIOUSLY, REASONABLY COMPACT, LIMIT THE NUMBER OF SPLIT PARISH BOUNDARIES, AND SOME DEGREE OF POPULATION EQUALITY BETWEEN THE DISTRICTS IN THE PLAN.

Q. OKAY. AND WE'LL GET TO THE -- WE'LL GET TO THE CRITERIA IN A MOMENT.

A. YEAH.

Q. BUT WHAT IS THE RELEVANCE OF BEING ABLE TO LOOK AT A LARGE, YOU KNOW, SAMPLE OF ALTERNATIVE MAPS? WHAT DOES THAT ALLOW YOU AS A RESEARCHER TO LOOK AT?

A. WELL, IT GIVES YOU A GOOD SENSE OF THE RANGE OR DISTRIBUTION OF THE PLANS THAT WOULD EMERGE FROM THIS PROCESS USING ONLY THESE CRITERIA AND NOTHING MORE. SO IT'S WHAT -- FOR WHAT -- KIND OF WHAT THE WHOLE TERRITORY IS.

Q. OKAY. ALL RIGHT. SO YOU TALKED ABOUT CRITERIA THAT YOU MADE YOUR SIMULATED MAPS FOLLOW. CAN YOU IDENTIFY JUST -- I KNOW YOU SORT OF GOT INTO IT EARLIER, BUT I JUST WANT TO MAKE SURE WE GET THE RECORD CLEAR. WHAT CRITERIA DID YOU REQUIRE YOUR SIMULATED MAPS TO FOLLOW?

10:57 1 **A.** WELL, FIRST WAS CONTIGUITY. THE SECOND WAS RESPECTING
2 PARISH BOUNDARIES, TO THE EXTENT POSSIBLE OR PRACTICABLE, TO
3 ENSURE A DEGREE OF POPULATION EQUALITY BETWEEN THE DISTRICTS,
4 AND TO ENSURE THAT THEY WERE RELATIVELY COMPACT.
5 **Q.** ALL RIGHT. AND JUST FOR THE RECORD, DID YOUR SIMULATIONS
6 CONSIDER RACE PARTISANSHIP OR PRIOR DISTRICT BOUNDARIES IN
7 YOUR --
8 **A.** NO, I DID NOT.
9 **Q.** SO THEN -- IS IT FAIR THEN TO SAY THAT THE SIMULATIONS
10 WERE DRAWN IN A RACE-BLIND MANNER?
11 **A.** YES.
12 **Q.** IN SELECTING YOUR CRITERIA, DID YOU CONSIDER ANY OF THE
13 CRITERIA IDENTIFIED BY MR. COOPER, MR. FAIRFAX IN THEIR
14 RESPECTIVE EXPERT REPORTS?
15 **A.** WELL, THEY USED MANY OF THE SAME CRITERIA THAT I DID,
16 INCLUDING -- LIKE THE ONES THAT I USED. THEY ALSO USED -- IN
17 ADDITION TO WHAT I USED, THEY ALSO TALKED ABOUT PRESERVING
18 COMMUNITIES OF INTEREST.
19 **Q.** OKAY. AND DID YOUR MODELS PRESERVE COMMUNITIES OF
20 INTEREST?
21 **A.** WELL, THEY DID TO SOME EXTENT; TO THE EXTENT THAT A
22 COMMUNITY OF INTEREST IS CONTAINED ENTIRELY WITHIN THE BOUNDS
23 OF A PARISH. MY PLANS TENDED TO RESPECT PARISH BOUNDARIES.
24 AND SO WE WOULDN'T HAVE HAD VERY MANY OF THEM DIVIDED. BUT
25 THAT WAS NOT, YOU KNOW, A VARIABLE THAT COULD BE EXPLICITLY

10:59 1 ENTERED INTO THE MODEL AS A STIPULATION.
2 **Q.** OKAY. SO LET ME JUST START WITH A -- OR JUST A GENERAL
3 QUESTION. IS THERE A GENERALLY ACCEPTED DEFINITION OF A
4 COMMUNITY OF INTEREST IN THE FIELD OF POLITICAL SCIENCE?
5 **A.** NOT THAT I'M AWARE OF. IT'S A VERY BROAD TERM THAT CAN
6 ENCOMPASS ALL KINDS OF THINGS --
7 **Q.** ALL RIGHT.
8 **A.** -- OR CONSIDERATIONS.
9 **Q.** OKAY. AND DO MR. COOPER AND MR. FAIRFAX DEFINE
10 COMMUNITIES OF INTEREST THE SAME IN THEIR REPORTS?
11 **A.** NO. MR. FAIRFAX TENDED TO TALK MORE ABOUT CENSUS PLACES
12 AND LANDMARKS SORT OF THING; WHEREAS, MR. COOPER TALKED MORE
13 ABOUT STATISTICAL AREAS. I BELIEVE HE CALLED THEM CENSUS
14 METROPOLITAN STATISTICAL AREAS.
15 **Q.** AND CAN YOU RELIABLY CONTROL FOR COMMUNITIES OF INTEREST
16 IN A MODEL WITHOUT A GENERALLY ACCEPTED DEFINITION OF THE TERM?
17 **A.** NO. IT'S EASIER TO CONTROL FOR PARISHES BECAUSE WE KNOW
18 EXACTLY WHAT THOSE ARE. AS I STATED, THE ONES THAT ARE
19 CONTAINED ENTIRELY WITHIN A PARISH BOUNDARY COULD BE CONTROLLED
20 FOR -- TO SOME EXTENT, IF YOU ARE NOT DIVIDING PARISHES.
21 THE OTHER ONES -- LIKE THE STATISTICAL AREAS IN
22 THEORY COULD BE IF THE RESEARCHER KNEW THERE WERE CERTAIN ONES
23 THAT WERE IMPORTANT TO KEEP TOGETHER, THAT COULD -- THAT SORT
24 OF GEOGRAPHICAL CONSTRAINT COULD BE, YOU KNOW, TAKEN INTO
25 ACCOUNT.

11:00 **Q.** SO WHY DIDN'T YOU JUST PROGRAM THE MSA'S INTO THE ALGORITHM AND TELL IT TO KEEP THEM ALTOGETHER, OR SOMETHING TO THAT EFFECT?

A. WELL, IT WASN'T CLEAR TO ME WHICH ONES WERE CRITICAL TO KEEP TOGETHER AND WHICH ONES WERE NOT.

I NOTICED EVEN WITHIN MR. COOPER'S PLAN, THERE WERE SOME THAT STAYED TOGETHER AND SOME THAT DIDN'T. THAT'S KIND OF -- YOU KNOW, THE DECISION IS DIFFICULT TO MAKE AHEAD, YOU KNOW, IN ADVANCE.

Q. AND EVEN IF YOU COULD PROGRAM IN CERTAIN COMMUNITIES OF INTEREST, ARE THERE REASONS NOT TO PROGRAM A CONSTRAINT THAT LACKS A GENERALLY ACCEPTED DEFINITION, YOU KNOW, OFFERED BY THE MAPMAKER WHOSE MAP YOU'RE STUDYING?

A. YEAH. 'CAUSE I WAS STUDYING THESE MAPS, I WAS HESITANT TO INCLUDE SOMETHING LIKE A COMMUNITY OF INTEREST THAT DOESN'T HAVE A FIRM LEGAL DEFINITION THE SAME WAY THAT, SAY, A PARISH WOULD, AND IN PART BECAUSE THIS -- THAT'S SORT -- A COMMUNITY OF INTEREST, IT COULD HAVE SERVED AS A PROXY FOR RACE, WHICH IS EXACTLY THE QUESTION THAT I AM STUDYING AND TRYING TO EVALUATE IN THESE PLANS. I DIDN'T WANT TO BAKE THAT INTO THE MODELS IF IT HAD BEEN, YOU KNOW, BAKED IN SOMEHOW BY THE WAY THAT THEY HAD DRAWN THEIR MAPS.

Q. OKAY. SO JUST AS A -- JUST OF A MORE GENERAL QUESTION BEFORE WE MOVE ON, WHICH YEAR CENSUS DATA DID YOU USE IN YOUR MODEL?

11:02 1 **A.** OH, IT WAS THE 2020 REDISTRICTING FILE.
2 **Q.** OKAY. SO ALL YOUR DATA WAS FROM THE MOST RECENT
3 REDISTRICTING?
4 **A.** YES.
5 **Q.** OKAY. ALL RIGHT. I'D LIKE NOW TO TURN TO PARAGRAPH 20 OF
6 YOUR REPORT BEGINNING ON LEG 3-7.
7 AND SO, DR. BLUNT, WERE YOU ABLE TO GENERATE A SET OF
8 SIMULATED PLANS USING THE SOFTWARE AND THE CRITERIA THAT YOU
9 JUST DISCUSSED?
10 **A.** YES, I WAS.
11 **Q.** OKAY. AND HOW MANY MAPS WERE YOU ABLE TO GENERATE?
12 **A.** I DID 10,000.
13 **Q.** OKAY. NOW, DID YOU DO ANY -- DID YOU TAKE A LOOK AT ANY
14 OF THOSE MAPS AFTER YOU SIMULATED THEM?
15 **A.** YES, I DID. I LOOKED AT QUITE A FEW. IT'S POSSIBLE TO
16 RENDER THE MAPS RIGHT THERE IN THE SOFTWARE, SO I WANTED TO
17 MAKE SURE IT WAS DOING WHAT IT WAS SUPPOSED TO BE DOING AND THE
18 DISTRICTS WERE CONTIGUOUS AND THAT THEY LOOKED LIKE REAL MAPS.
19 SO THAT WAS KIND OF A QUALITY CHECK. I LOOKED AT QUITE A FEW
20 OF THEM.
21 **Q.** SURE. SO I'D LIKE TO JUST -- JUST QUICKLY JUST PUT UP ONE
22 EXAMPLE. IF WE COULD PUT UP -- WE HAVE DEMONSTRATIVE 1.
23 AND, DR. BLUNT, THIS LOOKS LIKE IT'S LABELED AS PLAN
24 NO. 220. CAN YOU EXPLAIN WHAT WE'RE LOOKING AT?
25 **A.** OH, SURE. THIS WAS THE 220TH DISTRICT PLAN THAT THE

11:03 SOFTWARE GENERATED. I BELIEVE IT JUST CHOSE THIS ONE AT RANDOM TO LOOK AT.

Q. OKAY.

A. SO IT'S -- THERE ARE SIX DISTRICTS, THEY'RE CONTIGUOUS. I DON'T KNOW WHAT ELSE TO SAY ABOUT IT.

Q. OKAY. EXCEPT THERE ARE, APPARENTLY, 9,999 OTHERS WHERE THAT CAME FROM?

A. YES.

MR. LEWIS: OKAY. ALL RIGHT. WE CAN TAKE THAT DOWN.

BY MR. LEWIS:

Q. IF WE COULD GO THEN BACK TO -- I THINK IT'S NOW PAGE 6 OF YOUR REPORT, LEG 3-8.

OKAY. SO, DR. BLUNT, YOU NOW HAVE YOUR 10,000 PLANS, AND CAN YOU -- DID YOU CALCULATE THE BLACK VOTING AGE POPULATION FOR THE DISTRICTS IN YOUR PLANS?

A. YES, I DID. I ASKED IT TO COMPUTE THE -- WHAT WE CALL THE BVAP, THAT'S THE "ANY PART BLACK VOTING AGE POPULATION" FOR EACH OF THE SIX DISTRICTS IN EACH OF THE 10,000 SIMULATED PLANS.

Q. OKAY.

A. SO THAT GAVE ME A NUMBER FOR EACH OF THE 60,000 DISTRICTS.

Q. OKAY. ALL RIGHT. SO YOU'VE GOT HERE -- SO YOU'VE CALCULATED THE BVAP FOR EACH, AND I BELIEVE THAT'S WHAT, 60,000 TOTAL DISTRICTS?

A. YES.

11:05 **Q.** ALL RIGHT. AND THEN IN FIGURE 1, IT LOOKS LIKE YOU ARE REPORTING WHAT YOU ARE CALLING THE HIGHEST BVAP DISTRICT?
A. YEAH. LET ME EXPLAIN WHAT THAT IS.
Q. CAN YOU EXPLAIN TO THE COURT WHAT THAT IS?
A. THE DISTRICT NUMBERS ON THESE PLANS, THEY HAVE NUMBERS BUT THEY ARE ARBITRARY BECAUSE THIS IS NOT IN REFERENCE TO AN EXISTING PLAN OR ANYTHING ELSE. SO IT'S A QUESTION OF LOOKING ACROSS THE SIX IN EACH CASE TO SEE WHICH ONE HAS THE HIGHEST BVAP. SO I PULLED THAT NUMBER TO ITS OWN VARIABLE. SO I ENDED UP WITH A NEW VARIABLE IN THE DATA FILE THAT HAD, YOU KNOW, THIS NUMBER REPRESENTING THE HIGHEST BVAP ACROSS THE PLAN.
SO THIS IS THE DISTRIBUTION OF WHAT THAT VARIABLE LOOKS LIKE. THESE ARE 10,000 DISTRICTS, AND IT'S ONE FROM EACH PLAN. EACH DISTRICT WAS THE ONE IN THE PLAN THAT HAD THE HIGHEST BVAP.
Q. ALL RIGHT. AND SO -- ALL RIGHT. SO HOW MANY OF YOUR 10,000 SIMULATED PLANS CONTAINED TWO MAJORITY-MINORITY DISTRICTS?
A. NONE OF THEM DID.
Q. AND HOW MANY EVEN HAD ONE MAJORITY-MINORITY DISTRICT?
A. NONE OF THEM DID.
Q. OKAY. SO CAN YOU IDENTIFY FOR THE COURT THE HIGHEST BVAP DISTRICT, THE PERCENTAGE BVAP AND THE HIGHEST BVAP DISTRICT THAT YOU ENCOUNTERED IN YOUR SIMULATIONS?
A. YES. IT WAS 45.47 PERCENT.

11:06 1 **Q.** AND WHAT WAS THE AVERAGE HIGHEST BVAP IN YOUR 10,000
2 PLANS?
3 **A.** IT WAS ABOUT 38 AND A HALF. IT WAS 38.56.
4 **Q.** OKAY. ALL RIGHT. SO THEN I'D LIKE TO TURN NOW TO THE
5 NEXT PAGE OF YOUR REPORT, WHICH IS LEG 3-9.
6 AND, DR. BLUNT, IT LOOKS LIKE YOU HAVE A FIGURE 2
7 HERE THAT TALKS ABOUT THE SECOND-HIGHEST BVAP DISTRICT. CAN
8 YOU EXPLAIN THIS ANALYSIS?
9 **A.** YES. WELL, IT'S -- ONCE I HAD PULLED OUT THE HIGHEST BVAP
10 DISTRICT, IT WAS A STRAIGHTFORWARD EXERCISE TO PULL OUT THE ONE
11 THAT WAS THE SECOND HIGHEST FROM EACH DISTRICT AND DID THE SAME
12 ANALYSIS HERE JUST TO LOOK AT THE DISTRIBUTION OF WHAT THE BVAP
13 WAS IN EACH OF THOSE. SO THAT'S WHAT YOU SEE HERE.
14 **Q.** OKAY. AND WHAT DID YOU ULTIMATELY FIND?
15 **A.** WELL, I FOUND THAT THE HIGHEST ONE OF THESE WAS JUST OVER
16 42 PERCENT. IT WAS 42.24 PERCENT BVAP. YOU SEE THAT WAY OVER
17 ON THE RIGHT TAIL. THE AVERAGE ACROSS THESE WAS JUST OVER
18 36 PERCENT BVAP.
19 **Q.** NOW, DID YOU ANALYZE WHETHER IN YOUR 10,000 SIMULATED
20 PLANS, THAT THEY -- WHETHER THEY COMMONLY HAD TWO RELATIVELY
21 HIGH BVAP DISTRICTS?
22 **A.** YES. I LOOKED AT THAT, BUT IT WAS A VERY UNUSUAL THING
23 FOR THERE TO BE TWO -- A PLAN THAT HAD TWO DISTRICTS WITH A
24 LARGE BVAP SHARE. IN FACT, IN ONLY 75 PLANS OUT OF THE 10,000
25 DID I HAVE TWO DISTRICTS THAT GOT TO 40 PERCENT BVAP. ONLY

11:08 ABOUT 200 PLANS GOT TO 39 PERCENT BVAP IN TWO DISTRICTS.
Q. OKAY. AND BASED ON, YOU KNOW, THIS SORT OF ANALYSIS, WERE YOU ABLE TO DRAW ANY CONCLUSIONS ABOUT THE QUESTION THAT, YOU KNOW, YOU LOOKED AT?
A. YEAH. I CONCLUDED THAT IT WOULD BE EXTREMELY UNLIKELY FOR A LOUISIANA REDISTRICTING PLAN THAT INCLUDED TWO MMD'S TO EMERGE FROM A PROCESS THAT FOLLOWED ONLY THE TRADITIONAL REDISTRICTING CRITERIA THAT I USED.
Q. OKAY. NOW, DID YOU LOOK AT -- I KNOW YOU'VE TESTIFIED THAT YOU SORT OF ACTUALLY LOOKED AT SOME OF YOUR PLANS. BUT DID YOU ALSO ANALYZE YOUR SIMULATED PLANS TO SEE HOW WELL THEY COMPLIED WITH THOSE TRADITIONAL REDISTRICTING CRITERIA THAT YOU USED IN YOUR MODEL?
A. YES, I DID.
Q. ALL RIGHT. SO I'D LIKE TO TURN NOW TO PAGE 8 OF YOUR REPORT, LEG 3-10.
AND DID YOU LOOK AT THE COMPACTNESS OF THE DISTRICTS THAT YOUR SIMULATED PLANS DREW?
A. YES. COMPACTNESS WAS A CRITERIA INSIDE. I LOOKED TO SEE HOW WELL MY DISTRICTS DID ON THAT.
Q. OKAY. AND I BELIEVE FIGURE 3 HERE ON PAGE LEG 3-10 REPORTS THAT THERE.
CAN YOU EXPLAIN TO THE COURT WHAT YOU FOUND?
A. YES. I REPORT HERE THE POLSBY-POPPER SCORE. IT'S A STANDARD MEASURE OF DISTRICT COMPACTNESS THAT POLITICAL

11:10 SCIENTIST'S USE. IT'S A VERY POPULAR, VERY COMMON METRIC YOU SEE WIDELY REPORTED. SO THIS IS ALL 60,000 DISTRICTS -- IS TO SHOW WHAT THOSE SCORES ARE. MY AVERAGE ACROSS THEM WAS ABOUT .25, A LITTLE BIT BETTER. NINETY PERCENT OF THESE DISTRICTS GOT TO AT LEAST .13. EIGHTY PERCENT OF THEM GOT TO AT LEAST .162, SO...

Q. ALL RIGHT. AND IF WE TURN TO THE NEXT PAGE OF YOUR REPORT, PAGE 9.

DID YOU COMPARE THE AVERAGE COMPACTNESS OF YOUR DISTRICTS TO THOSE OF THE ILLUSTRATIVE PLANS SUBMITTED BY MR. COOPER AND MR. FAIRFAX?

A. YEAH. THAT'S WHAT I DID HERE IN WHAT I'M CALLING FIGURE 4. AND, AGAIN, IN MINE THE AVERAGE WAS ABOUT .25. THEIRS WERE ABOUT .18, .19. SO MINE, ON AVERAGE, WERE BETTER. THE HIGH END, THEIRS TOPPED OUT. LET'S SEE. THE VERY BEST ONE WAS .31. AND I HAD -- I COMPUTED THE NUMBER OF -- I'M SORRY. I HAD ABOUT ONE-FOURTH OF MY DISTRICTS WERE BETTER THAN THAT OR MORE COMPACT THAN THAT.

Q. OKAY.

A. I'D SAY 26.4 PERCENT OF THE SIMULATED DISTRICTS GOT TO AT LEAST .31.

Q. OKAY. AND YOUR REPORTED THAT, THAT'S REPORTED IN YOUR REPORTS. CORRECT?

A. YES. I'D SAY YEAH. I'M JUST READING FROM THE REPORT.

Q. OKAY. SO DID YOU LOOK AT HOW MANY PARISHES WERE SPLIT IN

11:12 1 YOUR SIMULATIONS?
2 **A.** YES.
3 **Q.** OKAY. SO IF WE COULD LOOK -- I BELIEVE THAT'S AT THE
4 BOTTOM OF PAGE 9. IF WE COULD ZOOM IN ON THAT.
5 **A.** ALL RIGHT.
6 **Q.** ALL RIGHT. AND HOW MANY PARISH SPLITS DO YOUR SIMULATED
7 PLANS PRODUCE?
8 **A.** THE GREAT MAJORITY OF THEM SPLIT FIVE PARISHES OR FEWER.
9 IT WAS MOST COMMON TO SPLIT FIVE PARISHES. I HAD -- I HAD SOME
10 NUMBER -- IT WAS, I GUESS, 24 PERCENT THAT SPLIT SIX PARISHES.
11 BUT SIX WAS THE MOST THAT ANY OF THEM SPLIT.
12 **Q.** OKAY. I BELIEVE ON THE NEXT PAGE, FIGURE 5, IS THAT WHERE
13 YOU --
14 **A.** YES.
15 **Q.** -- KIND OF VISUALIZE THE NUMBER OF SPLITS?
16 **A.** YES.
17 **Q.** OKAY. AND HOW TO -- HOW DO YOUR SIMULATIONS COMPARE TO
18 THE ILLUSTRATIVE PLANS OF MR. COOPER AND MR. FAIRFAX WITH
19 RESPECT TO SPLITS OF PARISHES?
20 **A.** LET'S SEE. THEY SPLIT FEWER. SO THE -- I'M JUST MAKING
21 SURE I'M -- SO MR. COOPER REPORTED HIS PLANS 1 AND 3 SPLIT TEN
22 PARISHES. PLAN 2 SPLITS 11 PARISHES. MR. FAIRFAX'S PLAN
23 SPLITS 14 PARISHES. THAT'S ALL TAKEN FROM THEIR REPORTS.
24 **Q.** OKAY.
25 **A.** I DIDN'T INDEPENDENT VERIFY THAT, BUT THAT'S JUST WHAT

11:13 1 THEY REPORTED. SO I SPLIT, ON AVERAGE, I GUESS ABOUT HALF OF
2 WHAT MR. FAIRFAX REPORTED -- I'M SORRY. MR. COOPER.
3 **Q.** ALL RIGHT. AND IT APPEARS TO BE ON PARAGRAPH 28 ALSO ON
4 THAT PAGE 10, DO YOU REPORT ON HOW YOUR PLANS PERFORMED ON
5 POPULATION EQUALITY?
6 **A.** YES. THEY DO GET CLOSE TO EQUALITY OF TOTAL POPULATION.
7 IT'S VERY DIFFICULT FOR SIMULATION TO GET TO PERFECT EQUALITY
8 ACROSS DISTRICTS BY THE NATURE OF WHAT YOU'RE DOING, YOU'RE
9 USING VOTING TABULATION DISTRICTS, WHICH WERE NOT SPLITTING.
10 BUT I SET THE PARAMETER TO BE A TOTAL DEVIATION FROM PERFECT,
11 TO AIM FOR LESS THAN .25 PERCENT DEVIATION.
12 AND WHAT THAT IS, IT'S A -- YOU'RE JUST ADDING UP
13 ACROSS THE SIX DISTRICTS HOW FAR YOU ARE UNDER OR OVER THE
14 NUMBER OF 776,293, WHICH IS THE PERFECT TARGET. SO YOU'RE JUST
15 ADDING UP THE SUMS OF THOSE DEVIATIONS AND IT SHOULD GET TO
16 1940 OR LESS. AND ALMOST ALL OF THEM WERE UNDER THAT.
17 **Q.** OKAY. ALL RIGHT. SO JUST TO KIND OF SUM UP YOUR ULTIMATE
18 CONCLUSION HERE FROM YOUR ANALYSIS, I BELIEVE YOU REPORT THAT
19 ON PARAGRAPH 30, BEGINNING ON PAGE 11. IF YOU COULD JUST
20 SUMMARIZE FOR THE COURT KIND OF THE ULTIMATE, YOU KNOW,
21 CONCLUSIONS THAT YOU DREW FROM YOUR ANALYSIS IN THIS CASE?
22 **A.** YES. I FOUND THAT THESE SIMULATIONS WERE ABLE TO PRODUCE
23 DISTRICTS THAT WERE AT LEAST AS COMPACT AS THE ALTERNATIVE
24 PLANS. THEY SPLIT FEWER PARISH BOUNDARIES. MOST IMPORTANTLY,
25 I FOUND THAT USING ONLY THESE TRADITIONAL CRITERIA, A

11:15 1 DISTRICTING PLAN WOULD BE EXTREMELY UNLIKELY TO CONTAIN TWO
2 MMD'S. AND SO TO DRAW A PLAN IN LOUISIANA WITH TWO SUCH
3 DISTRICTS WOULD ALMOST CERTAINLY REQUIRE PRIORITIZING RACIAL
4 CONSIDERATIONS OR SOME PROXY FOR RACE OR WITH THESE TRADITIONAL
5 CRITERIA THAT THE SIMULATIONS FOLLOWED.
6 **MR. LEWIS:** FOREST, WE CAN TAKE THAT REPORT DOWN.
7 **BY MR. LEWIS:**
8 **Q.** NOW, DR. BLUNT, DID YOU REVIEW THE REBUTTAL REPORT OF
9 DR. MAXWELL PALMER?
10 **A.** YES, I DID.
11 **Q.** AND DID DR. PALMER CRITICIZE CERTAIN -- OR ONE OF THE
12 METHODOLOGICAL CHOICES YOU MADE IN DRAWING -- CREATING YOUR
13 MODEL?
14 **A.** YES, HE DID.
15 **Q.** OKAY. AND I'D LIKE TO TURN NOW TO YOUR SUPPLEMENTAL
16 REPORT, LEGISLATIVE EXHIBIT 77.
17 AND WAS THIS A -- THIS WAS A SUPPLEMENTAL REPORT THAT
18 YOU ISSUED IN RESPONSE TO THAT. IS THAT CORRECT?
19 **A.** YES.
20 **Q.** OKAY. IF WE COULD TURN TO IT'S FIRST PAGE, WHICH IS LEG
21 77-2.
22 CAN YOU SUMMARIZE DR. PALMER'S CRITIQUE OF YOUR
23 PARISH SPLIT CHOICE?
24 **A.** YES. HE CRITICIZED THE APPROACH FOR SPLITTING TOO FEW
25 PARISHES, AND THAT I HAD INSTRUCTED THE ALGORITHM TO DO THAT,

11:17 1 THAT BECAUSE I WAS SPLITTING AT MOST ONLY SIX PARISHES, THAT I
2 WASN'T GETTING THE FULL RANGE OR DISTRIBUTION OF THE SORTS OF
3 PLANS THAT MIGHT APPEAR IN LOUISIANA.
4 I DID THINK IT WAS IMPORTANT HE NOTED THIS, THAT THIS
5 IS A WIDELY-ACCEPTED METHODOLOGY AND AN APPROACH IN GENERAL TO,
6 IN FACT, ONE THAT HE USES IN HIS OWN RESEARCH. SO THAT WAS --
7 BUT THAT HE NOTED THAT THERE WAS THIS DETAIL ABOUT HOW I HAD
8 EXECUTED IT, THAT IT MAY BE LEADING IT TO FALL SHORT.
9 **Q.** OKAY. DID YOU -- WERE YOU AWARE -- EXCUSE ME.
10 DID YOU UNDERSTAND MR. FAIRFAX'S OR MR. COOPER'S
11 REDISTRICTING CRITERIA SET FORTH IN THEIR REPORTS TO INCLUDE
12 LIKE A MINIMUM NUMBER OF PARISH SPLITS?
13 **A.** NO. THEY DID NOT NOTE A MINIMUM NUMBER THEY WERE AIMING
14 AT, NOT THAT I SAW.
15 **Q.** OKAY. AND SO CAN YOU -- AND IN RESPONSE TO DR. PALMER'S
16 CRITIQUE, DID YOU ANALYZE TO SEE IF THAT ISSUE AFFECTED YOUR
17 RESULTS?
18 **A.** YES, I DID. SO AS A TEST TO THE ROBUSTNESS OF THE
19 FINDINGS IN THE ORIGINAL REPORT, I -- WELL, LET ME BACK UP.
20 I WANTED TO TEST THIS, BUT LET ME GIVE A CENSUS TO
21 HOW THAT'S POSSIBLE USING THE ALGORITHM BECAUSE I DID WANT TO
22 SEE IF THIS WAS AN ISSUE.
23 SO WITH THE SEQUENTIAL MONTE CARLO ALGORITHM, ONE OF
24 THE KIND OF STANDARD SETTINGS ON THAT IS IF YOU WERE GOING TO
25 CONSTRAIN FOR PARISH SPLITS, THEN IT PREFERS PLANS THAT HAVE

11:19 ONE SPLIT FEWER THAN THE NUMBER OF DISTRICTS YOU'RE CREATING.
FOR INSTANCE, IF LOUISIANA WERE MAKING SIX DISTRICTS, SO IT'S GOING TO -- THAT -- IF YOU SPECIFY THE PARISH SPLIT CONSTRAINT, IT'S GOING TO PUSH THE ALGORITHM TO GENERATE PLANS THAT HAVE FIVE SPLITS OR FEWER. WE DID GET SOME WITH SIX. BUT -- SO THAT'S THE STANDARD SETTING.
THERE IS NO WAY TO SET YOUR OWN MINIMUM. YOU CAN'T TELL IT, I WANT TO SPLIT TEN OR I WANT TO SPLIT 15. THE NUMBER IS EITHER NUMBER OF DISTRICTS MINUS ONE OR NOTHING.
SO MY OPTION WAS NOTHING. THAT'S -- SO THE WAY THAT I TESTED THIS WAS I REMOVED THE PARISH SPLIT CONSTRAINT ALTOGETHER, AND I LET THE ALGORITHM DO WHAT IT WAS GOING TO DO AND SPLIT PARISH BOUNDARIES AT WILL, GIVE IT MAXIMUM FREEDOM TO FIND WHAT IT WAS GOING TO FIND.
Q. OKAY. ALL RIGHT. SO DID YOU THEN RE-RUN ANOTHER SET OF SIMULATED MAPS WITHOUT THAT CONSTRAINT?
A. YES, THAT'S WHAT I DID. I DID 10,000 ADDITIONAL MAPS. I LEFT THE OTHER SETTINGS WHERE THEY WERE AND CHANGED ONE THING, KIND OF THE STANDARD SCIENTIFIC METHOD AND SAW WHAT HAPPENED.
Q. OKAY. AND IS THAT TYPE OF ROBUSTNESS CHECK COMMON IN THE FIELD OF POLITICAL SCIENCE?
A. YEAH. WE WOULD -- THERE WAS SOME KIND OF, YOU KNOW, CRITIQUE THAT SAID THAT THIS IS -- YOU KNOW, YOU ARE TOO STRICT OR TOO LENIENT ON SOMETHING AND YOU CHANGE IT AND YOU SEE WHAT HAPPENS.

11:20 **Q.** HOW LONG DID IT TAKE THE COMPUTER TO DRAW THE SECOND SET OF 10,000 MAPS?
A. I BELIEVE IT WAS ABOUT AN HOUR AND A HALF.
Q. ABOUT AN HOUR AND A HALF.
AND COULD ANOTHER RESEARCHER HAVE DONE EXACTLY AS YOU DID WITH THE DATA AND CODE PRODUCED WITH YOUR REPORT?
A. YES. I PROVIDED ALL THE CODE THAT I USED. IF DR. PALMER HAD BEEN CURIOUS, HE COULD HAVE -- HE COULD HAVE REMOVED THAT CONSTRAINT AND JUST RUN IT.
Q. OKAY.
A. I WAS HAPPY TO DO IT, THOUGH.
Q. SURE. AND SO IF WE COULD THEN TURN TO PAGE 77-3, PARAGRAPH 4.
I BELIEVE YOU REPORT THE RESULTS OF THAT SECOND SET OF SIMULATIONS. COULD YOU JUST KIND OF SUMMARIZE WHAT YOU FOUND FOR THE HIGHEST BVAP?
A. YES. I FOUND THAT IT DIDN'T CHANGE MUCH. THE HIGHEST PERCENT IN ANY ONE DISTRICT DID INCREASE VERY SLIGHTLY. IT HAD BEEN ABOUT 45 AND A HALF PERCENT BLACK. IT WAS NOW JUST OVER 46 PERCENT BLACK, BUT THAT WAS STILL WHERE IT MAXED OUT, AND I STILL DID NOT GET A SINGLE MMD IN ANY OF THE PLANS.
Q. OKAY. AND THEN IF WE TURN TO THE NEXT PAGE.
A. AND NOTE -- SORRY. YOU HAD THE -- AND THEN, OF COURSE, SO I DIDN'T GET ONE. I DIDN'T GET TWO EITHER. I DID GET -- I HAD AT LEAST 41 PERCENT IN TWO SEPARATE DISTRICTS IN 54 PLANS THAT

11:22 HAD BEEN 28, SO I GOT A LITTLE BIT MORE. BUT IT DID NOT SUBSTANTIALLY CHANGE THAT -- YOU KNOW, THOSE CORE FINDINGS.

Q. OKAY. ALL RIGHT. AND IF WE COULD JUST TURN TO THE NEXT PAGE VERY QUICKLY.

FIGURE 1, CAN YOU JUST BRIEFLY DESCRIBE WHAT FIGURE 1 REPORTS?

A. YES. THIS IS ESSENTIALLY A -- AN UPDATING OF THE FIGURE 1 IN MY ORIGINAL REPORT. I'M SHOWING THAT IT PULLED OUT THAT DISTRICT FROM EACH OF THESE 10,000 PLANS. IT HAD THE HIGHEST BVAP. IT SHOWED WHAT THAT DISTRIBUTION LOOKED LIKE, AND AS I NOTED IT, IT IS VERY SIMILAR TO WHAT -- YOU KNOW, WHAT I HAD ORIGINALLY REPORTED. SO EVEN WITH THE PARISH SPLIT CONSTRAINT REMOVED, IT DID NOT SUBSTANTIALLY CHANGE THE RESULTS.

Q. SURE. ALL RIGHT. AND DID THE REMOVAL OF THE CONSTRAINT AFFECT COMPACTNESS OR THE NUMBER OF PARISH SPLITS?

A. YES. ABSOLUTELY, IT DID.

Q. DID IT MAKE THE -- INCREASE THE NUMBER OF PARISH SPLITS? IS THAT FAIR TO SAY?

A. YEAH. THE NUMBER OF PARISH SPLITS INCREASED DRAMATICALLY. AND I REPORTED THAT, AS YOU WOULD EXPECT. YOU KNOW, IT WASN'T RESPECTING THOSE BOUNDARIES ANYMORE.

Q. SURE.

A. I NOTE THE COMPACTNESS ALSO DROPPED BY QUITE A BIT.

Q. ALL RIGHT. SO IN THE END, WHAT DOES THIS SECOND SIMULATION RUN TELL YOU?

11:23 1 **A.** IT TELLS ME THAT THE ORIGINAL -- THE ORIGINAL APPROACH
2 WAS -- I MEAN, IT WAS A STRONG ONE THAT HELD UP AGAINST THIS
3 ROBUSTNESS CHECK. EVEN WITH THE PARISH BOUNDARY CONSTRAINT
4 REMOVED, YOU GOT THE SAME FINDINGS; THAT TOLD ME THAT THE
5 SETTINGS THE ALGORITHM WAS USING WERE ALTOGETHER, YOU KNOW,
6 PROPER AND APPROPRIATE.
7 **MR. LEWIS:** OKAY. WE CAN TAKE THAT DOWN, MR.
8 WILLIAMSON. THANK YOU.
9 **BY MR. LEWIS:**
10 **Q.** ALL RIGHT. SO JUST FINALLY, I'LL REPRESENT TO YOU THAT
11 DR. PALMER ON MONDAY TESTIFIED IN THIS CASE AND OFFERED A
12 CRITIQUE -- MY WORDS, NOT HIS -- THAT YOU REQUIRED YOUR MODEL
13 TO CONSTRAIN POPULATION DEVIATION TOO TIGHTLY. HE SAID A PLUS
14 OR MINUS A QUARTER PERHAPS. IT SHOULD HAVE BEEN A LARGER
15 NUMBER. WAS THAT CRITICISM REFLECTED? DID YOU SEE THAT
16 CRITICISM IN HIS REBUTTAL REPORT ANYWHERE?
17 **A.** NO, HE DID NOT MENTION THAT CONCERN.
18 **Q.** OKAY. AND DO YOU HAVE A -- DO YOU HAVE A RESPONSE TO THAT
19 CRITICISM?
20 **A.** YES. I WOULD NOTE HAD HE MENTIONED THAT IN HIS ORIGINAL
21 REPORT, THAT IS SOMETHING I CERTAINLY WOULD HAVE LOOKED AT AND
22 REPORTED ON AS AN ADDITIONAL ROBUSTNESS CHECK.
23 I WILL SAY I DID -- FOR MY OWN CURIOSITY, I DID LOOK
24 AT WHAT A SET OF PLANS WOULD LOOK LIKE WITH THAT CONSTRAINT
25 CONSIDERABLY WIDENED. AND, AGAIN, THE RESULTS WERE VERY

11:25 SIMILAR TO WHAT WE GOT HERE. I THINK THE HIGHEST BVAP DISTRICT INCREASED VERY SLIGHTLY, AND WE HAD SOMETHING LIKE FOUR PLANS THAT HAD TWO DISTRICTS THAT WERE 42 PERCENT BVAP. BUT, AGAIN, WE WERE NOWHERE NEAR TO HAVING TWO MMD'S OR ONE.

Q. THANK YOU VERY MUCH, DR. BLUNT.

MR. LEWIS: AT THIS TIME, YOUR HONOR, I'D MOVE IN LEG 3 AND LEG 77.

MS. MADDURI: NO OBJECTION, YOUR HONOR.

THE COURT: ADMITTED.

MR. LEWIS: AND I HAVE NO FURTHER QUESTIONS.

THE COURT: THANK YOU.

CROSS.

CROSS-EXAMINATION

BY MS. MADDURI:

Q. GOOD MORNING, DR. BLUNT.

A. GOOD MORNING.

Q. MY NAME IS LALI MADDURI, AND I REPRESENT SOME OF THE PLAINTIFFS IN THIS CASE.

YOU WERE ENGAGED BY LEGISLATIVE DEFENDANTS. RIGHT?

A. CORRECT.

Q. OKAY. WHO FIRST REACHED OUT TO YOU?

A. OH, THE -- SOMEBODY AT BAKERHOSTETLER.

Q. DO YOU REMEMBER WHO?

A. I DON'T REMEMBER EXACTLY WHO THE FIRST CONTACT WAS. I VERY QUICKLY BEGAN WORKING WITH PATRICK LEWIS. I'D JUST --

11:27 YEAH, I'D HAVE TO GO BACK AND LOOK AT MY EMAILS.
Q. THAT'S FINE.
WHEN WERE YOU FIRST CONTACTED?
A. OH, IT WAS -- IT WAS SHORTLY BEFORE APRIL 22ND. IT WAS EARLIER THAT WEEK. APRIL 22ND WAS A FRIDAY. THAT WAS WHEN WE ENGAGED THE WORK. I WAS CONTACTED SHORTLY -- I GUESS A FEW DAYS BEFORE THAT. THAT WAS WHEN I FIRST HEARD ABOUT THE EXISTENCE OF THE PROJECT AND WE -- I BELIEVE WE SPOKE ON THAT FRIDAY, THE 22ND.
Q. OKAY. AND YOU'RE BEING COMPENSATED AT A RATE OF $250 AN HOUR?
A. THAT'S CORRECT.
Q. AND APPROXIMATELY HOW MUCH HAVE YOU BILLED WORKING ON THIS CASE?
A. HOW MUCH HAVE I BILLED? HOW MANY HOURS HAVE I LOGGED OR --
Q. SURE.
A. OH, AT LEAST 60 TO 70. BUT I WOULD HAVE TO CHECK MY NOTES TO ADD THAT UP.
Q. AND THIS IS YOUR FIRST TIME TESTIFYING AT A TRIAL OR BY DEPOSITION. RIGHT?
A. THAT'S CORRECT.
Q. YOU TESTIFIED ON DIRECT THAT YOU STUDIED REDISTRICTING. IS THAT RIGHT?
A. YES.

11:28 **Q.** AND THAT YOU'VE STUDIED SIMULATIONS?
A. YES.
Q. OKAY. ARE YOU -- OH, AND THAT YOU'RE GENERALLY FAMILIAR WITH SIMULATIONS?
A. YES.
Q. PRIOR TO YOUR ENGAGEMENT IN THIS CASE, HAD YOU EVER RUN A SIMULATION ANALYSIS OF ELECTORAL DISTRICTS?
A. NO, I HAD NOT.
Q. HAVE YOU EVER PUBLISHED ON SIMULATION ANALYSES IN A PEER-REVIEWED JOURNAL?
A. NO.
Q. HAVE YOU EVER PUBLISHED ON A SIMULATION ANALYSIS IN ANY ACADEMIC JOURNAL?
A. NO.
Q. HAVE YOU EVER PUBLISHED ON SIMULATION ANALYSES ANYWHERE?
A. NO.
Q. HAVE YOU EVER TAUGHT A COURSE ON SIMULATION ANALYSES?
A. NO.
Q. HAVE YOU EVER TAKEN A COURSE ON SIMULATION ANALYSES?
A. NONE OF THAT SPECIFICALLY, NO.
Q. DO YOU USE SIMULATION ANALYSES IN YOUR PROFESSIONAL WORK?
A. BEFORE THIS, I HAD NOT.
Q. HAVE YOU EVER PUBLISHED ON REDISTRICTING IN A PEER-REVIEWED JOURNAL?
A. NO.

11:29 1 **Q.** HAVE YOU EVER PUBLISHED ON REDISTRICTING IN ANY ACADEMIC
2 PUBLICATION?
3 **A.** NOT ON REDISTRICTING, NO.
4 **Q.** HAVE YOU EVER PUBLISHED ON REDISTRICTING ANYWHERE?
5 **A.** NO.
6 **Q.** HAVE YOU EVER TAUGHT A COURSE ON REDISTRICTING?
7 **A.** NO.
8 **Q.** EVER TAKEN A COURSE ON REDISTRICTING?
9 **A.** NOT IN REDISTRICTING IN PARTICULAR. BUT IT'S SOMETHING
10 THAT CERTAINLY COMES UP IN, YOU KNOW, POLITICAL SCIENCE
11 COURSEWORK AND, YOU KNOW, OTHER CONTEXT. IT CERTAINLY IS A
12 SUBJECT THAT WE, YOU KNOW, DISCUSS AND IS WELL-KNOWN AND, YOU
13 KNOW, WIDELY TAUGHT. BUT I WAS NOT AWARE OF ANY COURSE ON
14 REDISTRICTING, PER SE.
15 **Q.** SO IN THIS CASE YOU ARE APPLYING A QUANTITATIVE METHOD
16 THAT YOU'VE NEVER USED BEFORE. IS THAT RIGHT?
17 **A.** THIS PARTICULAR QUANTITATIVE METHOD, I PICKED UP FOR THIS
18 PARTICULAR APPLICATION, YES, WHICH I WOULD NOTE IS SOMETHING
19 THAT I HAVE DONE IN THE PAST. YOU KNOW, I HAVE, YOU KNOW,
20 LEARNED NEW METHODS, LOOKING FOR NEW APPLICATIONS. THE ROOT OF
21 IT, IT'S STILL JUST A POLITICAL SCIENCE QUESTION TO WHICH WE
22 ARE APPLYING AN ANALYTICAL METHOD.
23 **Q.** AN ANALYTICAL METHOD THAT YOU'VE NEVER USED BEFORE THIS
24 CASE?
25 **A.** THAT'S CORRECT.

11:30 1 **Q.** YOU TESTIFIED ON DIRECT THAT COURTS HAVE ACCEPTED
2 SIMULATION EXPERT ANALYSES IN OTHER CASES. IS THAT RIGHT?
3 **A.** YES.
4 **Q.** BUT NO COURT HAS EVER ACCEPTED YOU AS AN EXPERT IN THIS
5 AREA. CORRECT?
6 **A.** THAT'S TRUE. I'VE NEVER TESTIFIED BEFORE.
7 **Q.** YOU RAN A SPECIFIC CODE IN PERFORMING THE ANALYSIS THAT
8 YOU PRESENTED IN YOUR REPORTS. IS THAT RIGHT?
9 **A.** YES.
10 **Q.** DID YOU WRITE THAT CODE?
11 **A.** YES.
12 **Q.** YOU WROTE THE CODE THAT YOU RAN?
13 **A.** OH, I WROTE THE INSTRUCTIONS THAT EXECUTED THE UNDERLYING
14 ALGORITHM.
15 **Q.** OKAY. BUT YOU DIDN'T WRITE THE ALGORITHM?
16 **A.** NO. NO. THE MATHEMATICIANS AND THE -- THAT'S A --
17 DIFFERENT THAN THE PEOPLE WHO ACTUALLY WROTE THE ALGORITHM. I
18 RELIED ON THE TOOL THAT THEY PROVIDED AND PRODUCED, YES. I
19 JUST -- I'M USING IT. YEAH, I WROTE THE INSTRUCTIONS TO -- YOU
20 KNOW, TO MAKE IT WORK. BUT THE UNDERLYING ALGORITHM, NO. THAT
21 IS SOMETHING THAT SOMEONE ELSE DESIGNED AND PUBLISHED.
22 **Q.** WHERE DID YOU GET THAT ALGORITHM?
23 **A.** IT'S AVAILABLE THROUGH THE -- IT'S A PACKAGE. IT'S PART
24 OF THE R STATISTICAL SOFTWARE. THERE'S A -- I BELIEVE, I
25 FOOTNOTED IT IN MY REPORT THAT IT'S AVAILABLE THROUGH THERE.

11:32 IT'S A STANDARD PACKAGE THAT CAN BE DOWNLOADED AND ADDED INTO THE R SOFTWARE.

Q. DO YOU KNOW WHO WROTE THAT ALGORITHM?

A. I BELIEVE IT WAS -- DR. IMAI WAS ONE OF THE PEOPLE WHO -- FROM HARVARD.

THE COURT REPORTER: CAN YOU SPELL THAT?

THE WITNESS: I-M-A-I. I BELIEVE HE HAD COLLABORATORS, BUT HE WAS ONE OF THE PEOPLE WHO DEVELOPED IT. AND HE HAS TESTIFIED AS AN EXPERT IN -- YOU KNOW, IN OTHER CASES IN USING THIS ALGORITHM.

BY MS. MADDURI:

Q. SO YOU'RE AWARE THAT SIMULATION EXPERTS IN OTHER CASES WRITE THEIR OWN CODE?

A. I'M SURE SOME DO. AND DURING -- IN THE CASE OF DR. IMAI, HE WROTE THE ALGORITHM, YOU KNOW, HE DESIGNED IT.

Q. OKAY. ARE YOU AWARE THAT OTHER SIMULATION EXPERTS THAT HAVE TESTIFIED IN CASES ALSO TYPICALLY WRITE THE CODE THAT THEY PRESENT?

A. I DON'T KNOW IF THEY TYPICALLY DO OR NOT. I'M NOT SURE HOW YOU WOULD DEFINE "TYPICALLY." I KNOW SOME DO.

Q. AND BEFORE THIS APPLICATION, YOU HAD NEVER RUN DR. IMAI'S CODE. RIGHT?

A. THAT'S CORRECT.

Q. AND YOU ARE AWARE THAT DR. IMAI'S CODE PRODUCES SIMULATED PLANS USING A METROPOLIS-HASTINGS ALGORITHM?

11:33 1 **A.** I DON'T KNOW IF THAT'S THE NAME OF IT. BUT THIS IS -- THE
2 ONE I USED WAS SIMULATED MONTE CARLO. I DON'T KNOW IF THERE'S
3 SOMETHING ELSE THAT'S UNDER THERE THAT HE'S USING, BUT THAT WAS
4 THE ONE IN THE PACKAGE THAT I USED.
5 **Q.** OKAY. DO YOU HAVE ANY REASON TO DISAGREE IF I TOLD YOU
6 THAT DR. IMAI'S CODE -- HIS ALGORITHM IS USING A
7 METROPOLIS-HASTINGS ALGORITHM.
8 **A.** I WOULDN'T HAVE ANY PARTICULAR KNOWLEDGE TO CONTEST THAT.
9 **Q.** OKAY. AND SO I WOULD ASSUME THAT YOU CAN'T TELL ME
10 EXACTLY HOW THAT TYPE OF ALGORITHM WORKS?
11 **A.** SO THIS IS -- THE MATHEMATICIANS AND THE STATISTICIANS ARE
12 THE ONES WHO PUT THE ALGORITHMS TOGETHER. SO FOR A GREAT BULK
13 OF US RESEARCHERS, THIS IS A TOOL THAT IS THEN AVAILABLE TO US
14 THAT WE CAN USE AS AN APPLICATION IN OUR DAY-TO-DAY WORK, MUCH
15 AS -- THE SAME AS THE REST OF THE STATISTICAL SOFTWARE THAT I
16 USE AS ALGORITHMS UNDERLYING IT THAT I COULD NOT WRITE, BUT I
17 KNOW HOW USE THEM, TO APPLY THEM, TO SET THEM UP, AND TO
18 INTERPRET THE OUTPUT. IT'S WHAT I DO EVERY DAY WITH ALL KINDS
19 OF OTHER ALGORITHMS.
20 **Q.** OKAY. BUT YOU CAN'T EXPLAIN THE ACTUAL ALGORITHM THAT'S
21 AT PLAY HERE?
22 **A.** NO. I LOOKED, I READ THE ARTICLE THAT IS CURRENTLY UNDER
23 REVIEW, THAT DR. IMAI AND A COLLABORATOR HAVE SUBMITTED WHERE
24 HE EXPLAINS THE ALGORITHM. AND SO I GOT A SENSE FOR WHAT IT
25 WAS DOING AND THAT -- YOU KNOW, THE VALIDATION OF IT FROM THAT

11:35 ARTICLE. BUT NO, I COULD NOT -- I COULDN'T REPRODUCE THE MATH FOR YOU, NO.

Q. OKAY. SO YOU'RE NOT AN EXPERT IN THE ALGORITHM THAT YOU USED HERE?

A. NOT ON THE MATHEMATICS OF THAT ALGORITHM ITSELF, NO, NOT THE UNDERLYING ENGINE.

Q. OKAY. AND YOU'RE NOT AN EXPERT IN SIMULATIONS?

A. IN SIMULATIONS? THIS IS THE FIRST SIMULATION THAT I HAVE PRODUCED.

Q. SO NO?

A. I AM -- I AM AN EXPERT IN DATA ANALYSIS OF WHICH THIS SIMULATION WAS ONE COMPONENT. AS I SAID, THIS IS THE FIRST SIMULATION THAT I HAVE PRODUCED.

Q. OKAY. NOW MOVING TO THE ANALYSIS THAT YOU DID HERE. THE BASIC IDEA IS THAT IF YOU PRODUCE A SET OF SIMULATED MAPS USING TRADITIONAL REDISTRICTING CRITERIA AND NOT RACE, YOU CAN LOOK AT THAT SET OF SIMULATIONS THAT'S PRODUCED AND BE ABLE TO TELL HOW OFTEN A SIMULATED MAP THAT ADHERES TO THOSE CRITERIA WOULD CREATE A MAP THAT HAD TWO MAJORITY-MINORITY DISTRICTS IN IT. RIGHT?

A. YEAH. YOU CAN USE IT TO COMPARE, YEAH, ANY KIND OF MAP TO THIS DISTRIBUTION. YOU COULD SAY, YOU KNOW, CHOOSE YOUR MAP AND YOU CAN GET A SENSE FOR HOW FREQUENTLY YOU WOULD SEE SOMETHING LIKE THAT. IT'S OFTEN USED IN PARTISAN GERRYMANDERING CASES OR ALSO IN -- SOMETIMES IN RACIAL CASES AS

11:36 1 WELL, YES.
2 **Q.** OKAY. SO YOU COULD SIMULATE A SET OF MAPS USING CRITERIA
3 THAT'S AIMED AT MAXIMIZING COMPACTNESS. RIGHT?
4 **A.** YEAH. THE COMPACTNESS SETTING THAT I CHOSE WAS THE ONE
5 THAT DR. IMAI RECOMMENDED. IT'S DESCRIBED AS PRODUCING NICE
6 COMPACT DISTRICTS. I DON'T KNOW IF THAT IS MAXIMAL
7 COMPACTNESS, BUT THAT WAS WHAT WAS KIND OF RECOMMENDED AS THE
8 DEFAULT SETTING.
9 **Q.** AND --
10 **A.** THAT'S WHY I USED IT.
11 **Q.** THANK YOU. SORRY. I DIDN'T MEAN TO INTERRUPT YOU.
12 I UNDERSTAND. BUT JUST THEORETICALLY, YOU COULD
13 PROGRAM A SET -- YOU COULD PROGRAM AN ALGORITHM TO PRODUCE A
14 SET OF SIMULATED MAPS THAT DOES MAXIMIZE COMPACTNESS. RIGHT?
15 **A.** I BELIEVE THAT WOULD BE POSSIBLE, YES.
16 **Q.** OKAY. AND THEN YOU COULD SEE WHEN COMPACTNESS IS
17 MAXIMIZED, DO PLANS WITH TWO MAJORITY-MINORITY DISTRICTS
18 EMERGE?
19 **A.** YOU COULD CERTAINLY CHANGE THE SETTINGS FOR THE ALGORITHM
20 TO HAVE IT EMPHASIZE SOMETHING OVER SOMETHING ELSE AND THEN,
21 YOU KNOW, TO SEE WHAT CAME OUT OF IT, AND THEN COMPARE YOUR
22 HOLDOUT PLAN TO WHATEVER WAS PRODUCED, YES.
23 **Q.** SO THE IDEA IS TO PROGRAM THE SIMULATION ALGORITHM WITH
24 THE TRADITIONAL REDISTRICTING CRITERIA AND THEN SEE WHAT KIND
25 OF MAPS EMERGE?

11:38 1 **A.** YES.
2 **Q.** OKAY. AND THEN ACCORDING TO THAT THEORY, YOUR THEORY, IF
3 THE SIMULATED MAPS DIDN'T CONTAIN TWO MAJORITY-MINORITY
4 DISTRICTS, THAT MEANS THAT RACE PREDOMINATED IN THE DRAWING OF
5 ANY MAP THAT CONTAINS TWO MAJORITY-MINORITY DISTRICTS. RIGHT?
6 **A.** I WOULD STRONGLY SUSPECT THAT RACE OR SOME PROXY FOR IT
7 HAD PREDOMINATED OVER THOSE TRADITIONAL CRITERIA IF A MAP, IN
8 FACT, PRODUCED TWO MAJORITY-MINORITY DISTRICTS. IT CERTAINLY
9 WASN'T EMERGING ON ITS OWN.
10 **Q.** SO THAT MEANS IT'S NECESSARY FOR THE SIMULATION ALGORITHM
11 TO BE PROGRAMMED ACCORDING TO THE SAME CRITERIA THAT WHATEVER
12 COMPARATOR MAP WAS DRAWN USING. RIGHT?
13 **A.** WELL, NOT NECESSARILY. IT SHOULD RUN ACCORDING TO WHAT
14 THE STATED LEGAL CRITERIA ARE, NOT NECESSARILY WHAT THAT OTHER
15 MAPMAKER DID. BECAUSE IF YOU DO THAT, THEN YOU MIGHT BAKE INTO
16 THE MAP WHATEVER THE MAPMAKER HAD USED. SO IF THE MAPMAKER IS
17 USING SOME OTHER CRITERION AND YOU PROGRAM THAT INTO YOUR
18 ALGORITHM, YOU'RE RUNNING THE RISK OF JUST, YOU KNOW, PRODUCING
19 SOMETHING LIKE WHAT THE MAPMAKER DID. THE IDEA IS TO DO
20 SOMETHING DIFFERENT.
21 **Q.** OKAY. BUT YOU COULD PROGRAM IN ALL OF THE CRITERION LIKE
22 EXCEPT FOR RACE OR SOMETHING LIKE THAT FOR THE COMPARATOR MAP.
23 RIGHT?
24 **A.** YOU CAN PROGRAM IN SOME. I DON'T KNOW -- I DON'T KNOW
25 WHAT ALL THE CRITERIA WOULD -- YOU KNOW, WOULD ENCOMPASS.

11:39 1 **Q.** IF YOU HAD A LIST OF ALL THE CRITERIA THAT A MAPMAKER
2 USED, YOU COULD PROGRAM THE ALGORITHM TO INCLUDE ALL OF THOSE
3 CRITERIA EXCLUDING RACE?
4 **A.** I WOULD HAVE TO SEE WHAT THEY WERE. I'M NOT ENTIRELY
5 SURE. THERE'S A WAY TO INPUT EVERYTHING INTO IT.
6 **Q.** I UNDERSTAND.
7 SO YOU'RE SAYING THERE ARE SOME CRITERIA THAT
8 COULDN'T BE PROGRAMMED IN THE SIMULATIONS POTENTIALLY?
9 **A.** POTENTIALLY, YEAH. THERE WOULD BE -- I MEAN, FOR -- IF
10 THERE WERE SOME IDIOSYNCRATIC LOCAL TRADITIONS THAT GO INTO
11 DISTRICTING, SUCH AS, YOU KNOW, THERE ARE TWO PARISHES THAT
12 ALWAYS ARE -- YOU KNOW, GO TOGETHER IN ANY PLAN OR SOMETHING
13 PURELY LOCAL TO SOME PLACE, THAT MIGHT BE DIFFICULT. THERE
14 MIGHT BE A WAY TO DO IT. I'M JUST SAYING THERE COULD BE SOME
15 CONSTRAINTS THAT WOULD BE DIFFICULT TO INCORPORATE.
16 **Q.** OKAY. BUT TO SERVE AS A USEFUL COMPARISON, GENERALLY THE
17 SIMULATION SHOULD BE PROGRAMMED USING SORT OF THE SAME
18 TRADITIONAL REDISTRICTING CRITERIA THAT ARE BEING APPLIED?
19 **A.** YES. THAT'S WHAT I ATTEMPTED TO DO HERE.
20 **Q.** AND IF SIMULATION ALGORITHM IS NOT PROGRAMMED WITH SORT OF
21 THE SAME SET OF TRADITIONAL REDISTRICTING CRITERIA, THEN THAT
22 WOULDN'T SERVE AS AN APPROPRIATE COMPARISON. RIGHT? IT WOULD
23 BE SORT OF LIKE COMPARING APPLES TO ORANGES?
24 **A.** TO SOME EXTENT, YES. THAT'S WHY WHEN YOU SET THIS UP, YOU
25 TRY TO GET IT AS CLOSE AS YOU CAN. YOU MAY NOT BE ABLE TO GET

11:41 1 100 PERCENT, BUT YOU -- YOU KNOW, YOU PROGRAM IN THE
2 CONSTRAINTS THAT YOU CAN.
3 **Q.** OKAY. SO LET'S SUPPOSE THAT I PRODUCE SOME SIMULATED MAPS
4 FOR LOUISIANA'S CONGRESSIONAL DISTRICTS, BUT MY MAPS DIDN'T
5 FOLLOW TRADITIONAL REDISTRICTING CRITERIA. SO, FOR EXAMPLE,
6 THEY HAVE POPULATION DEVIATIONS BETWEEN DISTRICTS OVER 50
7 PERCENT AND THEY CONTAIN NON-CONTIGUOUS DISTRICTS. WOULD IT BE
8 OKAY TO USE THOSE SIMULATIONS TO ARRIVE AT ANY CONCLUSIONS?
9 **A.** NO. THEY HAVE TO MEET CERTAINLY THOSE MINIMUM STANDARDS
10 OF CONTIGUITY AND, YOU KNOW, REASONABLE POPULATION BALANCE.
11 **Q.** OKAY. SO A SET OF SIMULATIONS THAT DIDN'T ADHERE TO
12 TRADITIONAL REDISTRICTING CRITERIA, YOU COULDN'T -- YOU
13 COULDN'T USE THOSE SIMULATIONS TO ARRIVE AT ANY CONCLUSIONS
14 ABOUT MR. COOPER'S MAPS?
15 **A.** WELL, IT WOULD HAVE TO BE -- THE DEVIATIONS FROM
16 TRADITIONAL CRITERIA WOULD BE -- HAVE TO BE VERY LARGE, IN A
17 WAY THAT WOULD, YOU KNOW, MEANINGFULLY, YOU KNOW, AFFECT YOUR
18 OUTPUT.
19 **Q.** OKAY. SO IF THERE WERE MEANINGFUL DEVIATIONS IN THE
20 SIMULATIONS, THEN YOU COULDN'T USE THAT SET OF SIMULATIONS TO
21 ARRIVE AT ANY CONCLUSIONS ABOUT WHETHER MR. COOPER'S MAPS WERE
22 DRAWN WITH RACE AS A PREDOMINANT FACTOR?
23 **A.** I WOULD NEED TO KNOW WHAT KIND OF DEVIATIONS WE WERE
24 TALKING ABOUT IN PARTICULAR.
25 **Q.** BUT YOU COULD IMAGINE A SET OF DEVIATIONS WHERE THAT WOULD

11:43 BE THE CASE?
A. WELL, YOU DESCRIBED ONE SUCH AS A NON-CONTIGUOUS DISTRICTS.
Q. AND THAT'S BECAUSE THAT SET OF CRITERIA FOR THOSE SIMULATIONS, YOU ARE NOT CONTROLLING FOR THE TRADITIONAL REDISTRICTING PRINCIPLES?
A. WHAT DO YOU MEAN? I'M NOT SURE WHAT YOU MEAN BY "I'M NOT CONTROLLING FOR THE TRADITIONAL" --
Q. YOU'RE NOT FOLLOWING THE TRADITIONAL REDISTRICTING CRITERIA IN THE SET OF SIMULATIONS I DESCRIBED.
A. OH, THE ONES THAT YOU WERE DESCRIBING, NOT THE ONES THAT I PRODUCED?
Q. CORRECT.
A. OKAY. YES. RIGHT. IF WHAT YOU DESCRIBED, SUCH AS WITH, SAY, NON-CONTIGUOUS DISTRICTS, THAT'S RIGHT, THAT WOULD NOT BE A VALID COMPARISON SET.
Q. SO THAT MEANS IN ORDER TO DRAW ANY CONCLUSIONS ABOUT A GIVEN MAP BY WAY OF COMPARISON TO SIMULATIONS, IT'S NECESSARY FOR THE SIMULATION ALGORITHM TO BE PROGRAMMED ACCORDING TO THE SAME REDISTRICTING CRITERIA AS THE MAP YOU'RE TRYING TO ANALYZE, EXCLUDING RACE?
A. AS CLOSE AS YOU CAN TO IT.
Q. OKAY. YOUR SIMULATION ANALYSES TOOK INTO ACCOUNT FOUR CRITERIA. IS THAT RIGHT?
A. WHAT IS THAT, YEAH, CONTIGUITY, COMPACTNESS, MINIMIZING

11:44 PARISH BOUNDARY SPLITS, AND THE -- DID I SAY REASONABLY COMPACT?

Q. IS THE FOURTH ONE POPULATION EQUALITY?

A. YES. I'M SORRY. YES.

Q. HOW DID YOU SELECT THOSE CRITERIA?

A. THEY WERE OUTLINED IN JOINT RULE 21, MINIMIZING PARISH SPLITS, THE POPULATION EQUALITY, CONTIGUITY IS AN OBVIOUS ONE, AND THEN I HAVE ALREADY ADDRESSED COMPACTNESS. I USED THE STANDARD SETTING FOR COMPACTNESS IN THE ALGORITHM. SO I CERTAINLY TOOK THAT INTO ACCOUNT.

Q. DR. IMAI'S STANDARD --

A. YES.

Q. -- FOR COMPACTNESS?

A. YES. YES.

Q. OKAY. YOU WOULD AGREE THAT THE CRITERIA YOU USED ARE ONLY SOME OF THE CRITERIA THAT ARE CONSIDERED TRADITIONAL REDISTRICTING PRINCIPLES. RIGHT?

A. WELL, THOSE ARE AMONG THE MOST IMPORTANT. I KNOW THAT THERE MAY BE SOME OTHER CONSIDERATIONS THAT MAY HAVE ENTERED INTO THE MAPMAKING PROCESS IN A GIVEN STATE, BUT THOSE WERE THE BIG ONES, AS I UNDERSTOOD THEM.

Q. OKAY. YOU WOULD AGREE THAT PRESERVATION OF POLITICAL SUBDIVISIONS IS A TRADITIONAL REDISTRICTING CRITERIA. RIGHT?

A. YES.

Q. AND THAT'S INCLUDED IN JOINT RULE 21?

11:45 1 **A.** YES.
2 **Q.** YOUR SIMULATIONS DON'T CONSIDER POLITICAL SUBDIVISION
3 BOUNDARIES OTHER THAN PARISH SPLITS. RIGHT?
4 **A.** TO THE EXTENT THAT A SUBDIVISION IS CONTAINED WITHIN A
5 PARISH, YES. I'M DIVIDING VERY FEW OF THOSE SUBDIVISIONS JUST
6 BECAUSE I'M DIVIDING VERY FEW PARISHES. BUT IF THERE ARE
7 MULTI-PARISH -- YOU KNOW, A COMMUNITY OF POLITICAL BOUNDARIES,
8 THAT'S SOMETHING THAT I WAS NOT ABLE TO PUT INTO THIS
9 PARTICULAR EXERCISE.
10 **Q.** OKAY. BUT YOUR SIMULATIONS DON'T CONSIDER MUNICIPALITY
11 SPLITS, DO THEY?
12 **A.** NOT EXPLICITLY. JUST TO THE EXTENT THAT THEY LINE UP
13 WITH PARISHES, IT'S -- YOU KNOW, THAT'S TAKEN CARE OF, BUT NOT
14 EXPLICITLY, NO.
15 **Q.** AND THEN WHEN A PARISH IS SPLIT, THEN ANY NUMBER OF
16 MUNICIPALITIES WITHIN THAT PARISH COULD ALSO BE SPLIT. RIGHT?
17 **A.** POTENTIALLY, YES.
18 **Q.** AND IN YOUR SIMULATIONS, WE DON'T KNOW HOW MANY
19 MUNICIPALITIES ARE SPLIT BY THE MAPS THAT YOU SIMULATED.
20 RIGHT?
21 **A.** I WAS NOT ABLE TO GET A REPORT ON THAT NUMBER, NO.
22 **Q.** YOU WOULD AGREE THAT INCUMBENCY PROTECTION AND NOT PUTTING
23 TWO INCUMBENTS IN THE SAME DISTRICT IS ALSO A TRADITIONAL
24 REDISTRICTING PRINCIPLE. RIGHT?
25 **A.** I DID OBSERVE THAT IN LOUISIANA IN PRACTICE, FOR EXAMPLE,

11:47 1 THE 2021 -- THE CURRENT PLAN FOR 2022, STRONGLY RESEMBLES THE
2 2011 PLANS. I CONCEDE THAT, YES, THERE WAS SOME -- IT APPEARED
3 TO ME THAT THERE WAS SOME CONSIDERATION BEING GIVEN TO THAT.
4 **Q.** OKAY. I ALSO UNDERSTAND THAT TO BE CASE.
5 **A.** YEAH.
6 **Q.** BUT THAT'S A SLIGHTLY DIFFERENT THING. RIGHT?
7 **A.** YEAH.
8 **Q.** WE WOULD CALL THAT CORE PRESERVATION.
9 **A.** SURE. I UNDERSTAND THAT, YES, INCUMBENCY PROTECTION IS
10 OFTEN A CONSIDERATION.
11 **Q.** OKAY. AND YOUR SIMULATIONS DON'T CONSIDER INCUMBENCY
12 PROTECTION. CORRECT?
13 **A.** NO. NO, THEY DON'T.
14 **Q.** SO WE DON'T KNOW HOW OFTEN INCUMBENTS ARE PAIRED IN ANY
15 ONE OF YOUR 10,000 SIMULATED MAPS?
16 **A.** THAT'S CORRECT.
17 **Q.** AND YOU MENTIONED -- YOU MENTIONED CORE PRESERVATION.
18 YOUR SIMULATIONS ALSO DON'T ACCOUNT FOR CORE PRESERVATION.
19 CORRECT?
20 **A.** CORRECT. RIGHT. MY EXERCISE WAS TO SHOW IF YOU WERE
21 DRAWING MAPS FROM SCRATCH WITHOUT CONSIDERATION FOR THESE OTHER
22 PRINCIPLES, YES.
23 **Q.** OKAY. AND YOU DISCUSSED THIS A LITTLE BIT ON DIRECT.
24 YOU WOULD AGREE THAT PRESERVATION OF COMMUNITIES OF
25 INTEREST IS A TRADITIONAL REDISTRICTING CRITERIA. CORRECT?

11:48 1 **A.** WELL, I GUESS IT DEPENDS ON HOW YOU'RE DEFINING "COMMUNITY
2 OF INTEREST," AND WHAT WOULD GO INTO A COMMUNITY OF INTEREST.
3 AS I NOTED ON DIRECT, THAT'S A -- THAT CAN BE KIND OF A
4 NEBULOUS CONCEPT. SO IT CAN END UP MEANING WHATEVER THE
5 MAPMAKER WANTS IT TO MEAN. THAT'S THE -- I UNDERSTAND THERE IS
6 SOME CONSIDERATION GIVEN TO IT, BUT I WAS HESITANT TO
7 INCORPORATE SOMETHING LIKE THAT WITHOUT KNOWING WHAT THE FIRM
8 DEFINITION OF IT WAS.
9 **Q.** JOINT RULE 21 REQUIRES CONSIDERING AND PERSEVERING
10 COMMUNITIES OF INTEREST. RIGHT?
11 **A.** TO MY UNDERSTANDING, YES, IT DOES, BUT IT DOESN'T DEFINE
12 WHAT THOSE NECESSARILY ARE.
13 **Q.** OKAY.
14 **A.** WHEREAS WITH THE PARISHES, THOSE ARE WELL DEFINED.
15 **Q.** UNDERSTOOD. COMMUNITIES OF INTEREST ARE ACTUALLY A
16 PARTICULARLY IMPORTANT CONSIDERATION IN CRITERIA IN LOUISIANA.
17 RIGHT?
18 **A.** I DON'T KNOW IF IT'S A GREATER CONSIDERATION THAN IN ANY
19 OTHER STATE. I COULDN'T SPEAK TO THAT.
20 **Q.** AND YOU TESTIFIED ON DIRECT THAT YOU CAN'T CONTROL FOR
21 COMMUNITIES OF INTEREST IN SIMULATIONS. RIGHT?
22 **A.** I CAN DO SO TO A LIMITED DEGREE TO THE EXTENT THAT THEY
23 ARE WITHIN A PARISH BOUNDARY. BUT THE ONES THAT CROSS -- THAT
24 WOULD REQUIRE A LOT OF ADDITIONAL SETUP AND DEFINING THEM AHEAD
25 OF TIME, YOU WOULD NEED TO CUSTOM CODE YOUR GEOGRAPHY. WITH

11:49 1 MORE TIME, THERE'S A WAY FOR A WORKAROUND FOR THAT, BUT IN THIS
2 EXERCISE, NO, I DID NOT.
3 **Q.** AND YOU'RE AWARE -- YOU'RE AWARE THAT MR. COOPER AND
4 MR. FAIRFAX DID CONSIDER COMMUNITIES OF INTEREST IN THEIR
5 PLANS. RIGHT?
6 **A.** YES. I'M AWARE THAT THEY CONSIDERED THEM, BUT THEIR
7 DEFINITIONS OF "COMMUNITY OF INTEREST" WERE SOMEWHAT DIFFERENT.
8 **Q.** JOINT RULE 21 ACTUALLY SAYS THAT "COMMUNITIES OF INTEREST
9 ARE MORE IMPORTANT THAN PARISH BOUNDARIES." IS THAT RIGHT?
10 **A.** I BELIEVE IT SAYS THAT.
11 **Q.** YOUR SIMULATIONS ALSO DIDN'T TAKE INTO ACCOUNT FRACKING.
12 RIGHT?
13 **A.** WELL, IT -- AS I UNDERSTAND FRACKING TO MEAN MULTIPLE
14 INCURSIONS ACROSS A PARISH BOUNDARY.
15 COULD YOU DEFINE KIND OF WHAT YOU MEAN BY --
16 **Q.** MY UNDERSTANDING IS THAT FRACKING OCCURS WHEN A DISTRICT
17 BOUNDARY SPLITS A JURISDICTION INTO TWO OR MORE NON-CONTIGUOUS
18 AREAS CONTAINED WITHIN THAT JURISDICTION; SO HERE, A PARISH.
19 **A.** RIGHT. THERE'S NOT AN EXPLICIT CONSTRAINT FOR THAT, BUT
20 TO THE -- MY PLANS SPLIT SO FEW PARISHES EVEN ONCE TO BEGIN
21 WITH, I DON'T THINK THAT WAS REALLY -- I DON'T THINK THAT
22 HAPPENED VERY OFTEN, IF IT DID ALL, JUST BECAUSE WE SPLIT SO
23 FEW PARISHES.
24 **Q.** OKAY. BUT YOU'RE NOT SURE?
25 **A.** OH, NO, I'M NOT. THERE'S NOT A WAY TO GET A REPORT ON

11:51 THAT IN THE SOFTWARE, YOU KNOW, IF THAT HAD HAPPENED.
Q. OKAY. YOU'RE NOT AWARE OF A WAY TO GET A REPORT OF THAT THROUGH THE SOFTWARE?
A. NO, NOT ON FRACKING, PER SE.
Q. OKAY. SO YOU DON'T KNOW HOW MANY MAJORITY-MINORITY DISTRICTS WOULD HAVE BEEN PRODUCED HAD THE ALGORITHM TAKEN INTO ACCOUNT EACH OF THE OMITTED TRADITIONAL REDISTRICTING CRITERIA THAT WE JUST DISCUSSED. RIGHT?
A. I WOULD HAVE TO ADD THOSE CONSTRAINTS AND GENERATE A NEW SET OF MAPS. AGAIN, ONLY SOME OF THOSE CAN BE -- YOU KNOW, CAN BE ADDED. I WOULD HAVE TO LOOK AT WHAT THE OUTPUT OF THAT WAS.
Q. OKAY. SO YOU DON'T KNOW SITTING HERE TODAY?
A. AGAIN, I WOULD HAVE TO RUN THAT TO LOOK AT WHAT IT WAS.
Q. AND YOUR SIMULATIONS CAN'T TELL US ANYTHING ABOUT THE RANGE OF CONFIGURATIONS FOR MAPS THAT ARE DRAWN ACCORDING TO ALL OF THE TRADITIONAL REDISTRICTING PRINCIPLES THAT WE JUST DISCUSSED. RIGHT?
A. THESE MAPS, NO, DID NOT TAKE INTO ACCOUNT CORE PRESERVATION OR INCUMBENCY PROTECTION OR ANY OF THOSE CONSIDERATIONS. IT WAS PURELY TO SEE WHAT HAPPENS IF YOU ARE DRAWING THE MAPS FROM SCRATCH FOLLOWING THE LIMITED CRITERIA THAT I USED.
Q. SO NO?
A. NO. WHAT WAS THE -- I'M SORRY. COULD YOU REPEAT THE QUESTION?

11:53 **Q.** OF COURSE.
YOUR SIMULATIONS CANNOT TELL US ANYTHING ABOUT THE RANGE OF CONFIGURATIONS FOR MAPS THAT ARE DRAWN ACCORDING TO ALL OF THE TRADITIONAL REDISTRICTING CRITERIA THAT WE JUST DISCUSSED?
A. THESE PARTICULAR MAPS, NO. BUT TO -- AS I SAID, I THINK THIS GETS US -- THIS GIVES US A GOOD SENSE FOR THE MAJOR CRITERIA THAT I DESCRIBED. AND, AGAIN, AS I SAID, TO THE EXTENT THAT WE'RE PRESERVING PARISH BOUNDARIES, I DON'T THINK WE'RE SPLITTING MANY COMMUNITIES OF INTEREST.
Q. A PLAN THAT RESEMBLES THE ENACTED PLAN NEVER EMERGES NEAR SIMULATIONS. RIGHT?
A. NO, IT DOES NOT.
Q. IS IT YOUR OPINION THAT DRAWING THE ENACTED PLAN REQUIRED THE PRIORITIZATION OF RACIAL CONSIDERATIONS OR PROXIES FOR THEM OVER TRADITIONAL REDISTRICTING CRITERIA?
A. WELL, IT REQUIRED SOMETHING OTHER THAN THE TRADITIONAL CRITERIA. MY UNDERSTANDING IS THAT THE ENACTED PLAN FOLLOWED VERY CLOSELY THE 2011 PLAN. IN FACT, WHEN I WAS WORKING ON THIS, I WOULD SOMETIMES GET THE TWO MAPS CONFUSED BECAUSE THEY WERE SO SIMILAR. SO IT SEEMED TO ME AS A POLITICAL SCIENTIST AND KNOWING HOW THIS PROCESS WORKS, THAT CORE PRESERVATION WAS AN IMPORTANT PART OF THE ENACTED PLAN.
Q. AND YOU DON'T KNOW WHAT OTHER CRITERIA WENT INTO THAT?
A. NO, I WOULDN'T. THAT WASN'T -- THAT WASN'T THE FOCUS OF

11:55 1 WHAT I WAS LOOKING AT. I WASN'T FOCUSED ON ANALYZING THE
2 ENACTED PLAN.
3 **Q.** YOU ARE OFFERING AN OPINION HERE THAT BECAUSE NO MAPS THAT
4 HAD TWO MAJORITY-BLACK DISTRICTS EMERGED FROM YOUR SIMULATIONS,
5 THAT MEANS THAT THE ILLUSTRATIVE PLANS REQUIRED THE
6 PRIORITIZATION OF RACIAL CONSIDERATIONS OR PROXIES FOR THEM
7 OVER THE TRADITIONAL CRITERIA. RIGHT?
8 **A.** YES. I THINK IT'S VERY LIKELY THAT THEY DID SO, THAT THEY
9 WOULD HAVE HAD TO HAVE TAKEN THAT INTO ACCOUNT OVER THE
10 TRADITIONAL CRITERIA TO GET TO WHERE THEY GOT.
11 **Q.** OKAY. AND NO PLANS THAT CONTAINED ONE MAJORITY-MINORITY
12 DISTRICT EMERGED FROM YOUR SIMULATIONS. RIGHT?
13 **A.** THAT'S CORRECT.
14 **Q.** SO IS IT YOUR OPINION THAT THE ENACTED PLAN ALSO REQUIRED
15 THE PRIORITIZATION OF RACIAL CONSIDERATIONS OR PROXIES FOR
16 THEM?
17 **MR. LEWIS:** YOUR HONOR, I'D OBJECT TO THIS. THIS IS
18 WELL BEYOND THE SCOPE OF DIRECT. AND FURTHERMORE, PLAINTIFFS'
19 COUNSEL HAD STIPULATED THEY ARE NOT PURSUING A CLAIM FOR RACIAL
20 GERRYMANDERING IN VIOLATION OF THE 14TH AMENDMENT, WHICH WOULD,
21 OF COURSE, REQUIRE THE APPOINTMENT OF A THREE-COURT JUDGE PANEL
22 TO HEAR. SO I THINK THAT WE ARE GET FAR AFIELD OF WHAT THIS
23 WITNESS HAS TESTIFIED TO OR THE MATTERS BEFORE THIS COURT.
24 **MS. MADDURI:** YOUR HONOR, DR. BLUNT IS TESTIFYING
25 ABOUT WHAT TYPE OF A MAP IS LIKELY TO EMERGE WHEN RACE IS NOT

11:56 1 CONSIDERED AND THEN TRYING TO UNDERSTAND HIS OPINION ABOUT THE
2 ENACTED MAP, WHICH ALSO DID NOT EMERGE FROM HIS SIMULATIONS.
3 **THE COURT:** THE DEFENSE ASKED HIM ABOUT THE
4 ILLUSTRATIVE MAPS, AND SO THE OBJECTION IS OVERRULED.
5 **BY THE WITNESS:**
6 **A.** I DID NOT EXPLICITLY COMPARE THE ENACTED PLAN TO THE
7 SIMULATED PLANS IN MY ANALYSIS. BUT AS I ALREADY STATED, IT
8 SEEMED TO ME THAT AN IMPORTANT CONSIDERATION WAS CORE
9 PRESERVATION IN -- YOU KNOW, IN DESIGNING THE ENACTED PLAN.
10 THAT WAS LIKELY WHAT HAD -- YOU KNOW, WHAT -- AS TO WHY, YOU
11 KNOW, THE 2011 MAP LOOKS THE WAY IT DOES, OR WHAT WAS TAKEN
12 INTO CONSIDERATION TO DRAW THOSE DISTRICTS THAT THEN SEEMED TO
13 BE LARGELY CARRIED OVER INTO THE CURRENT PLAN. I CANNOT
14 ADDRESS IT. I WOULD HAVE TO DO A SEPARATE SET OF SIMULATIONS
15 USING CENSUS DATA FROM 2020 TO ANALYZE THE ENACTED MAP FROM
16 2011. SO I REALLY -- I CAN'T SPEAK TO WHAT WENT INTO THAT.
17 **BY MS. MADDURI:**
18 **Q.** OKAY. LET'S LOOK AT YOUR REPORT, WHICH IS LEGISLATIVE
19 DEFENDANT'S EXHIBIT 3. AND WE CAN TURN TO PARAGRAPH 14.
20 **A.** WHICH PARAGRAPH?
21 **Q.** OKAY. YOU STATE IN THIS PARAGRAPH --
22 **THE COURT:** ARE WE TALKING ABOUT PARAGRAPH 14 OR
23 PAGE --
24 **MS. MADDURI:** I'M SORRY. WE ARE TALKING ABOUT
25 PARAGRAPH 14.

11:58 1 **THE COURT:** OKAY. WELL, BECAUSE YOU SAID PAGE 14.
2 **MS. MADDURI:** I APOLOGIZE.
3 **THE COURT:** OKAY.
4 **BY MS. MADDURI:**
5 **Q.** SO IT'S PARAGRAPH 14. I THINK ON PAGE 6 OF THE EXHIBIT.
6 AND IN THE THIRD SENTENCE, WHICH IS IN THE THIRD LINE DOWN, YOU
7 STATE THAT, QUOTE, "IN LOUISIANA, THAT TRADITIONAL
8 REDISTRICTING PRINCIPLES MEANS DRAWING REASONABLY COMPACT
9 DISTRICTS."
10 DO YOU SEE THAT?
11 **A.** YES.
12 **Q.** OKAY. SO YOU BELIEVE THAT DRAWING REASONABLY COMPACT
13 DISTRICTS IS A TRADITIONAL CRITERIA. RIGHT?
14 **A.** CRITERIA, YES.
15 **Q.** WHAT DO YOU MEAN BY "REASONABLY COMPACT"?
16 **A.** WELL, I AM NOT AWARE OF A STANDARD COMPACTNESS SCORE THAT
17 POLITICAL SCIENTISTS USE AS A DIVIDING LINE TO SAY THIS
18 DISTRICT IS COMPACT AND THIS DISTRICT IS NOT. COMPACTNESS IS A
19 RANGE, SO MORE TENDS TO BE BETTER. WE LIKE DISTRICTS TO BE
20 MORE COMPACT RATHER THAN LESS. SO THIS IS A CONSIDERATION THAT
21 WE SHOULD BE AIMING FOR AND TRYING TO BE MORE COMPACT. BUT I'M
22 NOT AWARE OF, YOU KNOW, A PARTICULAR THRESHOLD AFTER WHICH, YOU
23 KNOW, WE ARE COMPACT AND BELOW THAT WERE NOT.
24 **Q.** YOU WOULD AGREE THAT THE TRADITIONAL CRITERIA IS TO HAVE
25 REASONABLY COMPACT DISTRICTS, RIGHT, IT DOESN'T REQUIRE

12:00 1 MAXIMIZING COMPACTNESS?
2 **A.** NO. I DON'T BELIEVE SO, NO.
3 **Q.** OKAY.
4 **A.** IT'S DIFFICULT TO ACHIEVE ANYWHERE.
5 **Q.** YOU TESTIFIED ON DIRECT THAT YOUR INITIAL SIMULATIONS SET
6 HAD AN AVERAGE POLSBY-POPPER COMPACTNESS SCORE OF .25. IS THAT
7 RIGHT?
8 **A.** YES.
9 **Q.** ARE YOU AWARE OF ANY PLAN ENACTED BY THE STATE OF
10 LOUISIANA THAT HAS AN AVERAGE COMPACTNESS SCORE OF .25?
11 **A.** I'M NOT AWARE OF -- I KNOW THE ENACTED PLAN, I BELIEVE, IS
12 LESS THAN THAT. I'M NOT AWARE OF ANY THAT'S HIGHER THAN THAT.
13 **Q.** THE ENACTED PLAN HAS AN AVERAGE POLSBY-POPPER SCORE OF
14 .14. DOES THAT SOUND RIGHT TO YOU?
15 **A.** THAT SOUNDS ABOUT LIKE WHAT I HAD SEEN IN AND REPORTED
16 ELSEWHERE. I DID NOT DO THAT COMPUTATION MYSELF, BUT I BELIEVE
17 I'VE SEEN A NUMBER LIKE THAT REPORTED.
18 **Q.** AND ALL OF MR. COOPER AND MR. FAIRFAX'S PLANS HAVE AN
19 AVERAGE POLSBY-POPPER SCORE OF EITHER .18 OR .19. RIGHT?
20 **A.** I BELIEVE SO. YES.
21 **Q.** SO IS IT FAIR TO SAY THAT YOUR SIMULATIONS MAXIMIZE
22 COMPACTNESS MORE THAN THE ENACTED PLAN OR THE ILLUSTRATIVE
23 PLANS?
24 **A.** I WOULDN'T SAY THEY MAXIMIZED COMPACTNESS, BUT THEY WERE
25 MORE COMPACT. THEY DID BETTER ON THAT METRIC ON AVERAGE.

12:01 1 **Q.** AND IT'S FAIR TO SAY THAT THE ENACTED PLAN WOULD NEVER
2 HAVE OCCURRED BASED ON THE COMPACTNESS CONSTRAINTS IN YOUR
3 SIMULATIONS. RIGHT?
4 **A.** WELL, I'M NOT SAYING NEVER. THERE WERE SOME -- THERE WERE
5 CERTAINLY SOME DISTRICTS. WHAT I WAS SHOWING WERE THE
6 COMPACTNESS OF THE DISTRICTS. THE INDIVIDUAL 60,000 DISTRICTS
7 IS WHAT I WAS REPORTING. SO YOU COULD -- I'M NOT SPEAKING TO
8 WHETHER THE ENACTED PLAN WOULD HAVE, YOU KNOW, HAD THE
9 COMPACTNESS THAT IT DOES. I'M JUST SAYING THAT IN THE
10 SIMULATED PLANS, IT TENDED TO BE BETTER, BUT I'M NOT SPEAKING
11 TO -- YOU KNOW, I'M NOT SAYING WHETHER IT'S LIKELY IT WOULD
12 HAVE EMERGED OR NOT. IT'S JUST A PERFORMANCE METRIC.
13 **Q.** YOU WOULD AGREE THAT 90 PERCENT OF THE DISTRICTS IN YOUR
14 SIMULATION SETS SCORED AT LEAST .13 ON THE POLSBY-POPPER
15 METRIC. RIGHT?
16 **A.** WHICH PAGE ARE YOU ON?
17 **Q.** IT WOULD BE PARAGRAPH 25 OF YOUR REPORT, WHICH I BELIEVE
18 IS ON PAGE 10 OF THE EXHIBIT.
19 **A.** YES. THAT'S WHAT I WAS INDICATING, THAT IT WAS THE --
20 YEAH, 80 PERCENT OF THE DISTRICTS WERE AT LEAST .162. I'M
21 SAYING 90 PERCENT OF THE DISTRICTS, YEAH, WERE AT LEAST .13.
22 **Q.** SO IT'S FAIR TO SAY THAT THE DISTRICTS IN YOUR SIMULATIONS
23 ARE ALMOST 90 PERCENT MORE COMPACT. I'LL SAY THAT AGAIN.
24 IS IT ACCURATE TO SAY THAT IN YOUR SIMULATIONS,
25 90 PERCENT OF THE DISTRICTS HAVE AN AVERAGE POLSBY-POPPER SCORE

12:03 1 THAT IS MORE COMPACT ABOUT 90 PERCENT OF THE TIME THAN THE
2 ENACTED PLAN?
3 **A.** I DON'T KNOW IF THAT'S THE RIGHT WAY TO SAY IT. WITH THE
4 ENACTED PLAN, IT IS AN AVERAGE ACROSS -- THE NUMBER THAT YOU
5 REPORT IS AN AVERAGE ACROSS ALL SIX DISTRICTS. I WOULD NEED TO
6 LOOK AT WHAT THE INDIVIDUAL SIX DISTRICT POLSBY-POPPER SCORES
7 WERE TO SEE HOW THEY FIT INTO THIS DISTRIBUTION OF -- YOU KNOW,
8 OF MINE. IT'S POSSIBLE YOU COULD GET, YOU KNOW, SIX DISTRICTS
9 THAT HAVE THE INDIVIDUAL POLSBY-POPPER SCORES THAT -- YOU KNOW,
10 I WOULD NEED TO LOOK TO SEE WHAT THOSE WERE.
11 **Q.** OKAY. YOU DON'T KNOW WHAT THAT IS?
12 **A.** NO. I WOULD NEED TO SEE WHAT THOSE WERE AND HOW THEY FIT
13 INTO THE DISTRIBUTION.
14 **Q.** OKAY. YOUR FIRST SIMULATION SET MINIMIZED PARISH SPLITS.
15 IS THAT RIGHT?
16 **A.** YES. THEY CONSTRAINED PARISH SPLITS.
17 **Q.** ON AVERAGE, THE MAPS IN THAT FIRST SIMULATION SET SPLIT 5
18 PARISHES. RIGHT?
19 **A.** THAT'S CORRECT.
20 **Q.** AND IN YOUR SECOND SIMULATIONS SET, MAPS CONTAINED ON
21 AVERAGE --
22 **A.** I BELIEVE IT WAS ABOUT --
23 **Q.** -- 30 PARISH SPLITS?
24 **A.** YES. I THINK YOU HAVE THAT -- I THOUGHT IT WAS --
25 **Q.** I CAN PULL IT UP.

12:05 1 **A.** YEAH. THE AVERAGE IS 30. YES.
2 **Q.** OKAY. JUST SO WE'RE CLEAR, SO IN THE SECOND SIMULATION
3 SET, MAPS ON AVERAGE CONTAIN 30 PARISH SPLITS. CORRECT?
4 **A.** YEAH. RIGHT.
5 **Q.** AND I SHOULD SAY, 30 SPLIT PARISHES, NOT 30 PARISH SPLITS.
6 **A.** YES. I BELIEVE THAT'S -- I BELIEVE THAT'S RIGHT. IT'S 30
7 SPLIT PARISHES.
8 **Q.** SO YOU DON'T ACTUALLY KNOW HOW MANY PARISH SPLITS THERE
9 WERE?
10 **A.** I WOULD NEED TO LOOK AT THAT MORE CLOSELY. I WAS
11 REPORTING WHAT IT GAVE ME. SORRY. I DON'T HAVE THE -- FURTHER
12 DOCUMENTATION ON THAT, WHETHER THERE WERE MULTIPLE SPLITS OF
13 THE SAME PARISH.
14 **Q.** YOU'RE NOT SURE IF THERE WERE MULTIPLE SPLITS WITHIN A
15 SINGLE PARISH?
16 **A.** YEAH, I'M NOT SURE.
17 **Q.** ARE YOU AWARE OF ANY PLAN ENACTED BY LOUISIANA THAT
18 CONTAINS ONLY FIVE SPLIT PARISHES?
19 **A.** I'M NOT AWARE OF ONE, NO.
20 **Q.** WHAT ABOUT ANY PLAN ENACTED BY LOUISIANA THAT CONTAINS 30
21 SPLIT PARISHES?
22 **A.** WELL, I KNOW THERE WAS ONE THAT WAS PROPOSED IN THE EARLY
23 '90'S THAT HAD -- WHAT THEY CALL THE ZARRO DISTRICT. IT SPLITS
24 THEM IN LIKE 28 PARISHES. SO I KNOW THERE WAS A PLAN THAT -- I
25 BELIEVE, IT WAS THROWN OUT ULTIMATELY. SO I KNOW THAT'S BEEN

12:06 1 ATTEMPTED, TO HAVE A LARGE NUMBER OF PARISH SPLITS. BUT THE
2 OBJECT OF THIS EXERCISE WAS TO SHOW WHAT HAPPENS WHEN YOU GIVE
3 IT MAXIMUM FREEDOM TO FIND WHAT IT'S GOING TO FIND.
4 **Q.** I UNDERSTAND.
5 YOU ARE NOT AWARE, THOUGH, OF ANY PLAN THAT LOUISIANA
6 HAS ENACTED THAT CONTAINS 30 SPLIT PARISHES. RIGHT?
7 **A.** AGAIN, I COULDN'T SPEAK -- NO, NOT THAT I'M AWARE OF. NOT
8 30, IN PARTICULAR. I'M NOT AWARE OF IT.
9 **Q.** WHAT ABOUT THE ILLUSTRATIVE PLANS, DID ANY OF THEM HAVE
10 FIVE PARISH SPLITS?
11 **A.** NO. THE LEAST THAT THEY SPLIT WAS TEN.
12 **Q.** AND I SAID, "PARISH SPLITS," BUT I SHOULD SAY, "SPLIT
13 PARISHES." CORRECT? I GUESS WE COULD ACTUALLY SAY EITHER ONE.
14 **A.** YEAH. FOR PURPOSES OF THIS, I'M SORRY I DIDN'T, YOU KNOW,
15 NARROW IT DOWN MORE SPECIFICALLY.
16 **Q.** THAT'S OKAY. DID ANY OF THE ILLUSTRATIVE PLANS SPLIT 30
17 PARISHES?
18 **A.** NO.
19 **Q.** SO YOUR SIMULATIONS ON AVERAGE EITHER SPLIT MANY MORE OR
20 MANY FEWER PARISHES WHEN COMPARED TO EITHER THE ILLUSTRATIVE
21 PLANS OR THE ENACTED PLAN. IS THAT RIGHT?
22 **A.** WELL, THOSE WERE THE CONSTRAINTS THAT I WAS ABLE TO USE
23 FOR THIS EXERCISE. AS I SAID, I WAS NOT AWARE OF A MINIMUM
24 NUMBER OF PARISH SPLITS THAT SHOULD BE INCLUDED OR AN OPTIMAL
25 NUMBER OF SPLITS. AND REGARDLESS, THAT WASN'T POSSIBLE TO

12:07 1 PROGRAM INTO THIS PARTICULAR ALGORITHM AS A SETTING. THESE
2 WERE MY TWO OPTIONS, AND I WAS SHOWING YOU WHAT WE GET.
3 **Q.** UNDERSTOOD.
4 SO TO CLARIFY, THOUGH, ON MY QUESTION, YOUR
5 SIMULATIONS ON AVERAGE EITHER SPLIT MANY MORE OR MANY FEWER
6 PARISHES WHEN COMPARED TO THE ILLUSTRATIVE PLANS OR THE ENACTED
7 PLANS. IS THAT CORRECT?
8 **A.** I DON'T KNOW IF FIVE IS MANY FEWER THAN TEN. THEY SPLIT
9 FEWER. I WOULD STIPULATE THAT ON AVERAGE 30 IS, YOU KNOW,
10 QUITE A BIT MORE THAN TEN. BUT I DON'T KNOW THAT I WOULD SAY
11 FIVE IS MANY -- OR SIX, I GUESS, IS WHAT SOME OF MY SPLIT.
12 **Q.** I UNDERSTAND.
13 YOU TESTIFIED, I THINK, NOW AND ON DIRECT THAT DR.
14 IMAI'S CODE DOESN'T ALLOW YOU TO SET A PARTICULAR NUMBER OF
15 PARISH SPLITS OR SPLIT PARISHES. RIGHT?
16 **A.** NOT THAT I'M AWARE OF IN THE SEQUENTIAL MONTE CARLO
17 ALGORITHM. THERE IS ANOTHER ALGORITHM THAT DOES ALLOW THAT
18 SPECIFICATION. I BELIEVE IT'S THE MARKOV CHAIN MONTE CARLO
19 ALGORITHM. BUT, AGAIN, I WENT WITH THE SMC ALGORITHM HERE
20 BECAUSE IT'S THE MOST APPROPRIATE. AND WHEN YOU'RE DRAWING
21 MAPS FROM SCRATCH -- A BLANK MAP.
22 **Q.** I UNDERSTAND.
23 SO THE ALGORITHM THAT YOU USED, YOU'VE TESTIFIED THAT
24 IT DOESN'T ALLOW YOU TO SET A PARTICULAR NUMBER OF SPLIT
25 PARISHES OR PARISH SPLITS?

12:09 1 **A.** NOT THAT I WAS AWARE OF WITHOUT GOING DEEP INTO THE --
2 UNDER THE HOOD TO DO SOMETHING THAT I, YOU KNOW, WAS NOT
3 FAMILIAR WITH OR COMFORTABLE WITH, YEAH.
4 **Q.** OKAY.
5 **A.** SO TO MY KNOWLEDGE, THERE WAS NO WAY TO DO THAT.
6 **Q.** OKAY.
7 **A.** IT CERTAINLY WASN'T IN THE DOCUMENTATION.
8 **Q.** YOU CAN, THOUGH -- YOU COULD WRITE YOUR OWN CODE, AND
9 IMPOSE A DIFFERENT RESTRICTION ON PARISH SPLITS. RIGHT?
10 **A.** IN THEORY, YES. SOMEONE WHO WAS WRITING HIS OWN
11 ALGORITHMS, SOMEONE LIKE DR. IMAI. IN FACT, I MIGHT SUGGEST
12 THAT HE PUT THAT INTO THE NEXT VERSION OF THE SMC ALGORITHM.
13 THAT WOULD BE A USEFUL FEATURE, I WOULD AGREE, BUT THAT'S NOT
14 SOMETHING THAT WAS WITHIN MY SCOPE OF WORK HERE.
15 **Q.** LET'S LOOK AT LEGISLATIVE DEFENDANT'S EXHIBIT 3, WHICH IS
16 YOUR FIRST REPORT. IF WE CAN TURN TO PAGE 12, FIGURE 5.
17 I THINK -- I DIDN'T CLARIFY ONE OF THE ISSUES THAT WE
18 WERE JUST DISCUSSING. SO, AGAIN, IN YOUR REPORT HERE, YOU ARE
19 IDENTIFYING THE NUMBER OF PARISHES THAT ARE SPLIT IN EACH PLAN.
20 IS THAT RIGHT?
21 **A.** YES.
22 **Q.** AND YOU ARE ACTUALLY NOT REPORTING THE TOTAL NUMBER OF
23 PARISH SPLITS?
24 **A.** I'M SORRY. I WOULD HAVE TO CHECK THAT DOCUMENTATION AS TO
25 EXACTLY WHAT IT'S COUNTING UP.

12:10 1 **Q.** ON DIRECT YOU TESTIFIED THAT A SIX-DISTRICT PLAN LIKE
2 LOUISIANA'S WOULD REQUIRE FIVE SPLITS AT MINIMUM. CORRECT?
3 **A.** IT WOULD -- IT WOULDN'T REQUIRE FIVE AT MINIMUM. IT SETS
4 THE PREFERRED MAXIMUM AT FIVE, AND THERE WERE SOME THAT GOT
5 THROUGH WITH SIX.
6 **Q.** SO IT'S YOUR TESTIMONY THAT IT IS POSSIBLE TO SPLIT TO
7 HAVE FEWER THAN FIVE PARISH SPLITS IN A SIX-DISTRICT PLAN?
8 **A.** YES. THERE WAS SOMETHING IN THE WAY THE ALGORITHM RAN IN
9 THIS INSTANCE; IT DID ALLOW SOME TO GET THROUGH THAT WERE MORE
10 THAN THAT OR MORE THAN FIVE.
11 **Q.** WHAT ABOUT LESS?
12 **A.** YES, IT DID. YOU CAN SEE THERE WERE -- YOU KNOW, ROUGHLY
13 20 PERCENT OF THEM GOT THROUGH WITH FOUR.
14 **Q.** FOUR PARISHES THAT ARE SPLIT, NOT FOUR PARISH SPLITS? IN
15 OTHER WORDS -- IN OTHER WORDS, WE'RE SAYING, I THINK, IN THE
16 COLUMN THAT HAS THE FOUR UNDERNEATH IT, THAT THERE ARE FOUR
17 PARISHES THAT ARE SPLIT, BUT WE DON'T KNOW HOW MANY TIMES EACH
18 OF THOSE FOUR PARISHES ARE SPLIT?
19 **A.** RIGHT. I BELIEVE THAT'S -- YES, I BELIEVE THAT'S THE
20 CASE.
21 **Q.** SO, FOR EXAMPLE, IN SOME OF YOUR SIMULATED PLANS, EAST
22 BATON ROUGE COULD BE SPLIT FOUR TIMES IN ONE OF THOSE PLANS.
23 RIGHT?
24 **A.** I DID NOT LOOK AT THAT.
25 **Q.** THE WAY THAT YOU HAVE REPORTED IT, THAT WOULD BE REPORTED

12:12 1 AS A SINGLE-PARISH SPLIT. CORRECT?
2 **A.** I WOULD NEED TO REVIEW MORE CAREFULLY -- AND I
3 APOLOGIZE -- EXACTLY WHAT THE DEFINITION OF A "PARISH SPLIT"
4 IS. SORRY. I'M SORRY. I DON'T HAVE THAT FOR YOU HERE.
5 **Q.** OKAY. SO YOU DON'T KNOW HOW MANY OF YOUR PLANS SPLIT EAST
6 BATON ROUGE PARISH INTO MORE THAN TWO DISTRICTS. RIGHT?
7 **A.** WITH SOME TIME, I MAY BE ABLE TO UNCOVER THAT, BUT I DON'T
8 HAVE THAT HERE.
9 **Q.** OKAY. AND YOU DON'T KNOW HOW MANY OF YOUR PLANS SPLIT
10 ORLEANS PARISH INTO MORE THAN TWO DISTRICTS. RIGHT?
11 **A.** CORRECT. I DON'T KNOW HOW MANY TIMES ORLEANS -- I CAN'T
12 WITHOUT, YOU KNOW, THE TIME TO GO INTO THIS DETERMINE WHEN --
13 YOU KNOW, HOW OFTEN PARTICULAR PARISHES ARE SPLIT.
14 **Q.** OKAY. SO IT'S POSSIBLE THAT IN YOUR SIMULATED PLANS, EAST
15 BATON ROUGE PARISH IS DIVIDED INTO MORE THAN TWO CONGRESSIONAL
16 DISTRICTS, AND YOU JUST DON'T KNOW THAT?
17 **A.** CORRECT. I WOULDN'T KNOW THAT WITHOUT DRILLING DOWN TO
18 LOOK.
19 **Q.** THE ENACTED PLAN DOESN'T SPLIT ANY PARISH INTO MORE THAN
20 TWO DISTRICTS. CORRECT?
21 **A.** IF THAT'S WHAT THEY REPORTED, I WOULD TAKE THEIR WORD FOR
22 THAT. I DIDN'T INDEPENDENTLY VERIFY THAT.
23 **Q.** AND ONLY ONE OF THE SIX ILLUSTRATIVE PLANS THAT PLAINTIFFS
24 PRESENTED SPLIT ANY PARISH INTO MORE THAN TWO DISTRICTS.
25 RIGHT?

12:13 1 **A.** AGAIN, IF THAT'S WHAT THEY REPORTED, I WOULD TAKE THEIR
2 WORD FOR IT.
3 **Q.** OKAY. WE CAN TAKE THIS DOWN.
4 DR. BLUNT, YOU REQUIRED THAT, QUOTE, "THE DISTRICTS
5 AS A WHOLE ARE AT LEAST AS COMPACT AS PROPOSED ALTERNATIVE
6 PLANS." IS THAT RIGHT?
7 **A.** YES. AND I COULD HAVE WORDED THAT MORE CAREFULLY. I
8 DIDN'T REQUIRE THAT THEY BE MORE COMPACT. BUT I WAS AIMING --
9 THAT WAS -- I WANTED THEM TO BE AS COMPACT AS WAS PRACTICABLE.
10 I WAS AIMING FOR MORE COMPACTNESS RATHER THAN LESS, AND I WAS
11 AIMING FOR THEM TO BE AT LEAST AS COMPACT AS WHAT I WAS
12 COMPARING THEM TO.
13 **Q.** OKAY. YOU WERE AIMING FOR THAT, BUT THAT'S NOT ACTUALLY
14 WHAT THEY ARE. RIGHT?
15 **A.** I WAS ENSURING THAT THE DISTRICTS BE REASONABLY COMPACT AS
16 A CONSTRAINT ON THE ALGORITHM WITH AN EYE TOWARD PRODUCING, YOU
17 KNOW, SIMULATED DISTRICTS THAT WERE AT LEAST AS COMPACT AS WHAT
18 HAD BEEN -- YOU KNOW, WHAT WAS IN THE ILLUSTRATIVE PLAN. I
19 COULD HAVE WORDED THAT BETTER IN MY REPORT -- MORE CLEARLY.
20 **Q.** OKAY. I UNDERSTAND THAT WAS YOUR GOAL. BUT THAT'S
21 ACTUALLY NOT THE CASE, THAT YOUR DISTRICTS AS A WHOLE ARE AT
22 LEAST AS COMPACT AT THE PROPOSED ALTERNATIVE PLANS. RIGHT?
23 **A.** WELL, ON AVERAGE -- THE AVERAGE -- I WAS REFERRING TO THE
24 AVERAGE POLSBY-POPPER SCORE ACROSS ALL OF THE -- ALL OF THE
25 DISTRICTS.

12:15 **Q.** OKAY. SO YOU DIDN'T SPECIFICALLY INSTRUCT THE SOFTWARE TO MATCH THE ILLUSTRATIVE PLANS ON COMPACTNESS?
A. NO, I DID NOT. I APPRECIATE THE OPPORTUNITY TO CLARIFY THAT.
Q. SO WHAT WEIGHT DID YOU INSTRUCT THE SOFTWARE TO GIVE THE GEOGRAPHIC -- WHAT WEIGHT DID YOU INSTRUCT THE SOFTWARE TO GIVE COMPACTNESS WHEN PRODUCING THE SIMULATED PLANS?
A. WHEN I -- AS I TESTIFIED EARLIER, I USED THE STANDARD DEFAULT, WHICH WAS -- THE WEIGHT IS ONE.
Q. OKAY. SO YOU COULD HAVE INSTRUCTED THE SOFTWARE TO GIVE A LOWER WEIGHT TO COMPACTNESS. RIGHT?
A. YOU COULD. BUT MY UNDERSTANDING IS IT DOESN'T RUN AS WELL WITH A LOWER COMPACTNESS SCORE, THAT THERE ARE REASONS TO USE THAT STANDARD.
Q. ONE IS THE MAXIMUM COMPACTNESS THAT YOU COULD HAVE PROGRAMMED INTO THE ALGORITHM. RIGHT?
A. I BELIEVE THERE WAS A -- YOU KNOW, I WOULD HAVE TO REVIEW THE DOCUMENTATION FOR THE SOFTWARE, BUT I BELIEVE YOU COULD ENTER A NUMBER LARGER THAN THAT.
Q. SO IT'S YOUR UNDERSTANDING THAT YOU COULD ENTER SOMETHING HIGHER THAN ONE?
A. I BELIEVE YOU CAN. AGAIN, I WOULD HAVE TO REVIEW THAT.
Q. DO YOU HAVE ANY REASON TO DISAGREE WITH ME IF I TOLD YOU THAT YOU CANNOT DO THAT?
A. WITHOUT REVIEWING, YOU KNOW, THE DOCUMENTATION FOR THE

12:16 SOFTWARE, I WOULDN'T HAVE A REASON TO.
Q. SO YOU DON'T KNOW HOW MANY MAJORITY-MINORITY DISTRICTS WOULD HAVE BEEN PRODUCED IN YOUR SIMULATIONS HAD THE ALGORITHM USED A LOWER COMPACTNESS CONSTRAINT THAN THE ONE YOU USED. CORRECT?
A. WELL, WE GET A SENSE OF THAT IN THE SUPPLEMENTAL BECAUSE AS A MATTER OF COURSE, THOSE DISTRICTS WERE MUCH LESS COMPACT. THAT SUGGESTS TO ME THAT HAD, YOU KNOW, COMPACTNESS BEEN, YOU KNOW, SET LOWER, WE STILL WEREN'T GETTING TWO MMD'S. SO EVEN IN THE SUPPLEMENTAL WHERE COMPACTNESS IS, IN FACT, QUITE A BIT LOWER ON AVERAGE THAN IN THE ORIGINAL RUN, WE STILL DIDN'T GET TWO MMD'S JUST BY BEING LESS COMPACT.
Q. BUT YOU DIDN'T CHANGE THE PROGRAMMING FOR THE COMPACTNESS SCORE THAT YOU SET IN THE SECOND SET OF SIMULATIONS. RIGHT? YOU WERE STILL USING THE MAXIMUM NUMBER OF ONE?
A. YES. I WAS USING THE VALUE OF ONE, AND I BELIEVE THE REASON THAT THEY WERE LESS COMPACT IS BECAUSE THEY WERE NOT RESPECTING PARISH BOUNDARIES.
Q. OKAY. SO BOTH IN THE FIRST SET OF SIMULATIONS AND THE SECOND SET OF SIMULATIONS, YOU MAXIMIZED COMPACTNESS ACCORDING TO THE CODE. CORRECT?
A. I USED THE VALUE OF ONE AS THE COMPACTNESS SETTING.
Q. I UNDERSTAND.
AND IN YOUR SECOND REPORT, YOU SAID, AS YOU JUST MENTIONED, YOU RELAXED THE NUMBER OF PARISH SPLITS RESTRICTION.

12:18 1 CORRECT?
2 **A.** YES. I ELIMINATED IT.
3 **Q.** AND WHEN YOU ELIMINATED OR RELAXED THAT CONSTRAINT, THE
4 MAXIMUM BLACK VOTING AGE POPULATION OF THE SIMULATED DISTRICTS
5 INCREASED, DIDN'T IT?
6 **A.** SLIGHTLY.
7 **Q.** OKAY. AND THAT'S BECAUSE THERE ARE FEWER CONSTRAINTS, SO
8 THERE'S A WIDER RANGE OF POSSIBLE SIMULATION OUTCOMES.
9 CORRECT?
10 **A.** I DON'T KNOW IF THAT'S PRECISELY THE REASON WHY, BUT I CAN
11 REPORT THAT THAT IS WHAT HAPPENED, WAS THAT WITH -- IT
12 INCREASED. THE MAXIMAL BVAP INCREASED SLIGHTLY.
13 **Q.** AND THAT DIDN'T HAPPEN BECAUSE YOU PUT IN ANY KIND OF
14 RACIAL CONSIDERATIONS --
15 **A.** NO.
16 **Q.** -- TO THAT SECOND SET. RIGHT?
17 **A.** NOT AT ALL, NO.
18 **Q.** SO DEPENDING ON CHANGING HOW THE TRADITIONAL REDISTRICTING
19 PRINCIPLES ARE WEIGHTED, THAT CAN RESULT IN DISTRICTS WITH
20 HIGHER BVAPS WITHOUT RACE PREDOMINATING. CORRECT?
21 **A.** IT CAN CHANGE. ANY TIME YOU CHANGE THE SETTINGS THAT THE
22 ALGORITHM USES, YOU CAN CHANGE YOUR -- BUT I DON'T KNOW THAT,
23 YOU KNOW, THAT NECESSARILY CHANGING ONE PARTICULAR SETTING IS
24 GOING TO NECESSARILY RESULT IN A PARTICULAR OUTCOME. I WOULD
25 NEED TO TRY IT AND OBSERVE WHAT HAPPENS. I'M SAYING IN THIS

12:19 PARTICULAR CASE, THIS IS WHAT HAPPENED.
Q. IN THIS PARTICULAR CASE, WHEN YOU RELAXED THE PARISH CONSTRAINTS, THE BVAPS INCREASED?
A. SLIGHTLY, YES.
Q. OKAY. THANK YOU.
LET'S NOW PULL UP DR. BLUNT'S DEMONSTRATIVE EXHIBIT 1. SO ON DIRECT YOU LOOKED AT ONE OF THE SIMULATED MAPS THAT CAME FROM YOUR SET OF 10,000.
DO YOU RECALL THAT?
A. YES.
Q. OKAY. AND I'LL REPRESENT TO YOU THAT THIS IS AN IMAGE OF THE FIRST OF THE 10,000 PLANS THAT YOU TURNED OVER. DO YOU HAVE ANY REASON TO DISAGREE WITH THAT?
A. NO. I'LL TAKE YOUR WORD FOR IT.
Q. OKAY. I CAN ALSO REPRESENT THAT THE MAPS WE'RE ABOUT TO LOOK AT WERE SELECTED RANDOMLY. ANY REASON TO DISAGREE?
A. NO.
Q. DR. BLUNT, DOES THIS SIMULATED MAP RESEMBLE ANY ENACTED CONGRESSIONAL MAP FOR LOUISIANA THAT YOU HAVE EVER SEEN?
A. NO.
Q. DOES IT RESEMBLE ANY OF THE PLAINTIFFS' ILLUSTRATIVE MAPS?
A. NO.
Q. LET'S TURN TO PAGE 4. AGAIN, THIS IS ONE OF THE SIMULATED PLANS THAT WAS CONTAINED IN YOUR 10,000 SIMULATIONS. DO YOU UNDERSTAND THAT?

12:21 1 **A.** YES.
2 **Q.** DOES THIS SIMULATED PLAN RESEMBLE ANY ENACTED
3 CONGRESSIONAL MAP FOR LOUISIANA THAT YOU'VE EVER SEEN?
4 **A.** NOT THAT I'M AWARE OF.
5 **Q.** DOES IT RESEMBLE ANY OF PLAINTIFFS' ILLUSTRATIVE MAPS?
6 **A.** NO.
7 **Q.** LET'S TURN TO PAGE 9.
8 DR. BLUNT, THIS IS ANOTHER ONE OF THE SIMULATED PLANS
9 FROM YOUR SET OF 10,000 MAPS. DO YOU HAVE ANY REASON TO
10 DISAGREE WITH THAT?
11 **A.** NO.
12 **Q.** DOES THE SIMULATED MAP -- DOES THIS SIMULATED MAP
13 RESEMBLE ANY ENACTED CONGRESSIONAL MAP FOR LOUISIANA THAT YOU
14 HAVE EVER SEEN?
15 **A.** NO, NOT THAT I'M AWARE OF.
16 **Q.** WHAT ABOUT ANY OF THE PLAINTIFFS' MAPS?
17 **A.** NO.
18 **Q.** LET'S LOOK AT THE LAST PAGE, PAGE 10. AND, AGAIN, I'M
19 GOING TO ASK YOU THE SAME QUESTIONS.
20 DO YOU HAVE ANY REASON TO DISAGREE THAT THIS IS ONE
21 OF THE SIMULATED MAPS --
22 **A.** NO.
23 **Q.** -- FROM YOUR SET THAT WAS CHOSEN AT RANDOM?
24 **A.** NO. NO REASON TO DISAGREE.
25 **Q.** DOES IT RESEMBLE ANY OF THE PLANS THAT YOU HAVE EVER SEEN

12:22 1 THAT THE STATE OF LOUISIANA HAS ENACTED?
2 **A.** NOT THAT I'M AWARE OF.
3 **Q.** DOES IT RESEMBLE ANY OF PLAINTIFFS' ILLUSTRATIVE PLANS?
4 **A.** NO, NOT THAT I SAW.
5 **Q.** OKAY. WE CAN TAKE THAT DOWN. THANK YOU.
6 AND TO CONFIRM, YOUR SIMULATION ANALYSIS INCLUDES NO
7 CONSIDERATION OF RACE AT ALL. IS THAT RIGHT?
8 **A.** THAT'S CORRECT.
9 **Q.** IT'S ENTIRELY RACE BLIND?
10 **A.** YES.
11 **Q.** IN YOUR VIEW, IS THE OPPOSITE OF A RACE-BLIND DISTRICT A
12 DISTRICT WHERE RACE PREDOMINATED IN THE DRAWING OF THE
13 DISTRICT?
14 **A.** I DON'T KNOW IF I WOULD CALL IT AN OPPOSITE, BUT IT'S
15 A -- IT'S AN ALTERNATIVE WAY OF DRAWING, YOU KNOW, A DISTRICT,
16 IS TO BE RACE CONSCIOUS. AND THAT COULD BE DONE EITHER THROUGH
17 LOOKING AT RACE ITSELF, OR AT SOME PROXY FOR IT THAT CORRELATES
18 HIGHLY WITH RACE.
19 **Q.** IN YOUR VIEW IS THERE A DIFFERENCE BETWEEN RACE CONSCIOUS
20 AND RACE PREDOMINANT?
21 **A.** I WOULD SAY THAT TO GET TO SOMETHING WITH TWO MMD'S WOULD
22 REQUIRE PRIORITIZING RACE OVER THE TRADITIONAL CRITERIA THAT I
23 FOLLOWED IN THE SIMULATION PLANS. SO YES, I BELIEVE THAT
24 RACIAL CONSIDERATIONS WOULD PREDOMINATE OVER THOSE
25 TRADITIONAL -- RACE OR SOME PROXY FOR IT; SOME OTHER

12:24 1 CONSIDERATION LIKE THAT WOULD NEED TO PREDOMINATE OVER THE
2 TRADITIONAL CRITERIA TO GET THERE.
3 **Q.** BUT MY QUESTION'S ACTUALLY NOT ABOUT -- I DON'T THINK YOU
4 QUITE ANSWERED MY QUESTION.
5 I'M TRYING TO UNDERSTAND IN YOUR VIEW, IS THERE A
6 DIFFERENCE BETWEEN WHETHER RACE PREDOMINATED OR RACE WAS
7 CONSIDERED?
8 **A.** I WOULD SAY GIVEN HOW LIKELY -- HOW UNLIKELY IT WOULD BE
9 TO SEE TWO MMD'S FALL UNDER THE TRADITIONAL CRITERIA, IT'S
10 DIFFICULT FOR ME TO QUANTIFY, YOU KNOW, THE DIFFERENCE BETWEEN
11 A CONSIDERATION AND -- I'M SAYING GIVEN HOW UNLIKELY -- WE
12 WEREN'T EVEN CLOSE IN THE SIMULATIONS. THAT'S WHY I CONCLUDED
13 THAT IT WOULD -- IT NEEDED TO HAVE PREDOMINATED OVER THOSE
14 TRADITIONAL CRITERIA.
15 **Q.** THE TRADITIONAL -- THE LIMITED TRADITIONAL CRITERIA THAT
16 YOU CONSIDERED?
17 **A.** THE LIMITED TRADITIONAL CRITERIA THAT I LOOKED AT, YES.
18 **Q.** OKAY. SO YOU DIDN'T CONDUCT --
19 **A.** I'M NOT SAYING THAT IT PREDOMINATED EVERY OTHER -- THAT
20 NECESSARILY -- BUT YES, THAT IT PREDOMINATED OVER THE ONES THAT
21 I LOOKED AT, YES.
22 **Q.** SO YOU DIDN'T CONDUCT ANY ANALYSIS INTO WHETHER A
23 SIMULATION ALGORITHM FOLLOWING TRADITIONAL REDISTRICTING
24 CRITERIA WITH SOME CONSIDERATION OF RACE COULD RESULT IN TWO
25 BLACK-MAJORITY DISTRICTS. RIGHT?

12:25 1 **A.** NO. I DID NOT, NO. I DID NOT DO A -- YOU KNOW, A LIGHT
2 CONSIDERATION FOR RACE TO SEE WHAT WOULD HAPPEN.
3 **Q.** SO IT'S POSSIBLE THAT THE SIMULATION ALGORITHM THAT
4 CONSIDERS RACE ALONG SIDE OTHER TRADITIONAL REDISTRICTING
5 CRITERIA COULD RESULT IN TWO BLACK-MAJORITY DISTRICTS?
6 **A.** WITHOUT ACTUALLY RUNNING THAT SIMULATION, I WOULDN'T BE
7 ABLE TO ANSWER THE QUESTION. BUT IT WOULD BE SOMETHING THAT
8 YOU'D HAVE TO LOOK AT.
9 **Q.** YOU DIDN'T DO THAT ANALYSIS?
10 **A.** I DID NOT DO THAT, NO.
11 **Q.** SO IT IS POSSIBLE THAT THE SIMULATION ANALYSIS THAT
12 CONSIDERS RACE ALONGSIDE OTHER TRADITIONAL REDISTRICTING
13 CRITERIA COULD RESULT IN TWO MAJORITY-BLACK DISTRICTS. RIGHT?
14 **A.** I WOULD BE -- AGAIN, I WOULD BE HESITANT TO LOOK AT THAT
15 WITHOUT SPECIFYING HOW HEAVILY THE ALGORITHM WAS INSTRUCTED TO
16 LOOK AT RACE.
17 **Q.** OKAY. YOU DIDN'T DO THAT, SO YOU DON'T KNOW ONE WAY OR
18 THE OTHER?
19 **A.** RIGHT. YES.
20 **Q.** AND YOU ALSO DID NOT CONDUCT ANY ANALYSIS INTO WHETHER A
21 SIMULATION ALGORITHM PRIORITIZING TRADITIONAL REDISTRICTING
22 CRITERIA BUT ALSO GIVING SOME CONSIDERATION TO RACE AS A
23 SUBORDINATE FACTOR COULD RESULT IN TWO MAJORITY-BLACK
24 DISTRICTS. RIGHT?
25 **A.** CORRECT. I DID NOT LOOK AT THAT QUESTION.

12:26 1 **Q.** SO IT IS POSSIBLE THAT THE SIMULATION ALGORITHM THAT
2 PRIORITIZES TRADITIONAL REDISTRICTING CRITERIA AND PUTS RACE AS
3 A SUBORDINATE FACTOR TO THOSE CRITERIA COULD RESULT IN TWO
4 MAJORITY-BLACK DISTRICTS. RIGHT?
5 **A.** WELL, AGAIN, I WOULD BE HESITANT TO SAY THAT WITHOUT
6 LOOKING TO SEE HOW STRONGLY IT WAS CONSIDERED. BUT I MEAN, I
7 DO THINK IT'S -- IT SAYS SOMETHING THAT NO ONE HAS PRODUCED
8 THAT SIMULATION ANALYSIS. I KNOW THESE SIMULATIONS ARE
9 FREQUENTLY DONE IN THESE CASES, AND I NOTICED THAT NO ONE ON
10 THE PLAINTIFFS' SIDE HAD PRODUCED A SIMULATION THAT DID TAKE
11 SOME ACCOUNT OF RACE AND THAT THEN RESULTED IN TWO MMD'S.
12 **Q.** AND YOU ALSO DIDN'T DO THAT PROCESS?
13 **A.** NO, I DIDN'T EITHER. BUT I JUST THINK IF SOMEONE COULD
14 HAVE DONE THAT, I THINK WE MAY HAVE SEEN IT.
15 **Q.** SO YOU DIDN'T DO IT, AND YOU ACTUALLY CAN'T SAY, ONE OR
16 ANOTHER, WHAT THE OUTCOME WOULD HAVE BEEN?
17 **A.** CORRECT.
18 **Q.** SO YOU ARE NOT OFFERING ANY OPINION ON WHETHER IT'S
19 POSSIBLE TO DRAW TWO MAJORITY-BLACK DISTRICTS THAT COMPLY WITH
20 TRADITIONAL REDISTRICTING PRINCIPLES. CORRECT?
21 **A.** I'M SORRY. COULD YOU REPEAT THAT QUESTION?
22 **Q.** SURE. YOU ARE NOT ACTUALLY OFFERING ANY OPINION ON
23 WHETHER IT'S POSSIBLE TO DRAW TWO MAJORITY-BLACK DISTRICTS THAT
24 ALSO COMPLY WITH TRADITIONAL REDISTRICTING PRINCIPLES?
25 **A.** WELL, THAT'S -- I SAID IT'S EXTREMELY UNLIKELY THAT WE

12:28 WOULD GET A PLAN WITH TWO MMD'S FOLLOWING THE CRITERIA THAT I USED.

Q. THAT'S RIGHT. SO YOUR CRITERIA, WHICH WAS RACE BLIND AND DIDN'T CONSIDER A NUMBER OF FACTORS, IN THAT SET OF SIMULATIONS, IT'S YOUR OPINION THAT TWO MAJORITY-BLACK DISTRICTS WERE NOT LIKELY TO EMERGE?

A. THAT'S CORRECT. AND I CONSIDER THOSE TO BE THE TRADITIONAL CRITERIA.

Q. SOME OF THE TRADITIONAL CRITERIA --

A. YES.

Q. -- AS WE DISCUSSED?

A. AND I AM NOT OFFERING AN OPINION, ONE WAY OR THE OTHER, ON WHAT WOULD HAPPEN IF YOU START ADDING ADDITIONAL CRITERIA TO THAT AND HOW THAT WOULD AFFECT THE OUTCOME.

Q. INCLUDING WHETHER TWO MAJORITY-BLACK DISTRICTS COULD BE PRODUCED?

A. CORRECT. YOU WOULD HAVE TO --

Q. OKAY. THANK YOU.

THE COURT: REDIRECT.

REDIRECT EXAMINATION

BY MR. LEWIS:

Q. DR. BLUNT, IN PERFORMING YOUR ANALYSIS IN THIS CASE, YOU REVIEWED THE CRITERIA THAT MR. COOPER AND MR. FAIRFAX REPRESENTED THAT THEY FOLLOWED IN CREATING THEIR ILLUSTRATIVE MAPS. IS THAT FAIR?

12:29 1 **A.** YEAH. I DIDN'T -- I DIDN'T FOLLOW EVERY ONE OF THE --
2 EVERY CRITERION THAT THEY LISTED, BUT YES, I FOLLOWED THE KEY
3 ONES THAT I LISTED IN MY REPORT.
4 **Q.** OKAY. DID MR. COOPER OR MR. FAIRFAX IDENTIFY AS THE
5 CRITERIA THAT THEY WERE FOLLOWING, THE PROTECTION OF
6 INCUMBENTS?
7 **A.** NO, THEY DID NOT, NOT THAT I SAW.
8 **Q.** AND DID MR. COOPER OR MR. FAIRFAX IDENTIFY THE
9 PRESERVATION OF CORES OF EXISTING DISTRICTS AS A PRINCIPLE THAT
10 THEY FOLLOWED IN CREATING THEIR MAPS?
11 **A.** NO, THEY DID NOT, NOT THAT I SAW IN THEIR REPORTS.
12 **Q.** OKAY. AND ASIDE FROM THE CENSUS TRACTS -- OR EXCUSE ME --
13 CENSUS PLACES OR METROPOLITAN STATISTICAL AREAS, DID EITHER
14 MR. COOPER OR MR. FAIRFAX DOCUMENT THE COMMUNITIES OF INTEREST
15 THAT THEY PROTECTED IN THEIR ILLUSTRATIVE PLANS?
16 **A.** I BELIEVE THEY -- WELL, THEY LISTED SOME THAT THEY KEPT
17 TOGETHER, BUT I DIDN'T SEE AN A PRIORI LIST OF ONES THAT WERE
18 JUST AS A MATTER OF PRINCIPAL NECESSARILY IMPORTANT TO
19 PRESERVE.
20 **Q.** I SEE.
21 **A.** NOT THAT I RECALL.
22 **Q.** I SEE.
23 AND SO FOR YOUR EXERCISE, WERE YOU TRYING TO FOLLOW
24 ALL OF THE TRADITIONAL DISTRICTING CRITERIA THAT THE
25 LEGISLATURE USED IN CONSIDERING THE ENACTED PLAN?

12:31 1 **A.** WELL, TO THE EXTENT THAT CORE PRESERVATION WAS SOMETHING
2 THAT THE LEGISLATURE FOLLOWED, I DIDN'T FOLLOW THAT, BUT I
3 FOLLOWED THE OTHER CONSIDERATIONS, WHICH IS, YOU KNOW,
4 COMPACTNESS AND MINIMIZING PARISH BOUNDARY SPLITS.
5 **Q.** I SEE.
6 BUT I THINK YOUR -- BUT WAS YOUR EFFORT TO ATTEMPT TO
7 TEST THE CRITERIA FOLLOWED BY THE LEGISLATURE OR BY MR. COOPER
8 AND MR. FAIRFAX?
9 **A.** WELL, IT -- THE -- IT WASN'T -- I DON'T KNOW EXACTLY WHAT
10 THE LEGISLATURE FOLLOWED IN ADDITION TO WHAT WAS LISTED IN
11 JOINT RULE 21. BUT THAT'S THE -- THOSE WERE THE -- THOSE
12 NEUTRAL CRITERIA WERE THE ONES THAT I WAS -- ONES THAT I WAS
13 TRYING TO FOLLOW, YES. IF THERE WAS SOMETHING ELSE THE
14 LEGISLATURE CONSIDERED, I WASN'T AWARE OF IT.
15 **Q.** AND, IN FACT, YOUR ANALYSIS -- DID YOUR ANALYSIS LOOK AT
16 THE ENACTED PLAN AT ALL?
17 **A.** NO.
18 **Q.** OKAY. AND DO YOU BELIEVE IT WOULD BE IMPORTANT FOR YOUR
19 MODEL TO CONSIDER A TRADITIONAL REDISTRICTING CRITERIA, FOR
20 EXAMPLE, THE PRESERVATION OF CORES OF EXISTING DISTRICTS THAT
21 MR. COOPER AND MR. FAIRFAX DID NOT IDENTIFY AS CRITERIA THAT
22 THEY FOLLOWED?
23 **A.** THAT COULD BE AN INTERESTING SECONDARY ANALYSIS IF ONE
24 WANTED TO, YOU KNOW, ANALYZE THE ENACTED PLAN. BUT I'M NOT
25 SURE EXACTLY -- COULD YOU --

12:32 1 **Q.** YEAH.
2 **A.** -- RESTATE THAT?
3 **Q.** IF THE SIMULATED -- IF THE SIMULATED MAPS ARE BEING USED
4 TO COMPARE TO A PLAN BY A MAPMAKER LIKE, FOR EXAMPLE, WE WILL
5 SAY MR. COOPER, WHO IDENTIFIED THAT HE FOLLOWED SPECIFIED
6 CRITERIA. RIGHT?
7 **A.** YES.
8 **Q.** AND HE DID SO. RIGHT?
9 **A.** YES.
10 **Q.** OKAY. WOULD IT MAKE SENSE FOR YOU TO BE CONTROLLING FOR
11 CRITERIA THAT HE DIDN'T SAY HE FOLLOWED?
12 **A.** YEAH, THAT'S CORRECT. SO IN THAT CASE FOR THIS EXERCISE,
13 IT WAS NOT APPROPRIATE FOR ME TO CONTROL FOR INCUMBENCY OR FOR
14 CORES OF EXISTING DISTRICTS BECAUSE MR. COOPER AND MR. FAIRFAX
15 DID NOT CONTROL FOR THAT EITHER.
16 NOW, IF WE WERE ANALYZING THE ENACTED PLAN, THAT
17 MIGHT BE A DIFFERENT CONSIDERATION, BUT IN THIS CASE, NO.
18 **Q.** OKAY. YOU WERE ASKED ABOUT FRACKING. AND DID BOTH OF
19 PLAINTIFFS' MAPMAKERS CONSIDER FRACKING IN THEIR REPORTS?
20 **A.** I DON'T RECALL. I KNOW AT LEAST ONE OF THEM DID.
21 **Q.** OKAY. SO I'M GOING TO TURN JUST VERY QUICKLY TO -- LET'S
22 GO TO PR-15, WHICH IS THE REPORT OF DR. FAIRFAX, AND PAGE 22.
23 SO HOW MANY INSTANCES OF FRACKING IS HE REPORTING FOR
24 MR. FAIRFAX'S PLAN?
25 **A.** HE REPORTED FIVE INSTANCES OF FRACKING FOR ONE OF HIS

12:34 PLANS; EIGHT FRACKING INSTANCES IN ANOTHER ONE. AND YEAH, SO -- SO HE CERTAINLY HAD FRACKING INCLUDED. HE HAD INSTANCES OF FRACKING IN HIS MAPS.

Q. OKAY. SO I'D LIKE TO JUST --

MR. LEWIS: WE CAN TAKE THAT DOWN NOW.

BY MR. LEWIS:

Q. SO I'D LIKE TO JUST TURN JUST VERY QUICKLY TO THE DISCUSSION THAT YOU HAD WITH OPPOSING COUNSEL REGARDING THE PARISH SPLITS OR SPLIT PARISHES AND THE CONCEPT OF FIVE -- LET ME JUST ASK THIS.

SO YOUR PLAN SPLIT FIVE AND SOMETIMES FOUR AND SOMETIMES SIX PARISHES. IS THAT RIGHT?

A. YES. ALMOST ALL THE TIME IT WAS FOUR, FIVE OR SIX.

Q. OKAY. AND YOU HAD A WIDER RANGE OF PARISH -- OF SPLIT PARISHES IN THE SECOND SET OF SIMULATIONS YOU RAN. IS THAT CORRECT?

A. YES.

Q. OKAY. SO AS YOU SIT HERE TODAY -- I MEAN, IS THERE A THEORETICAL BASIS TO BELIEVE THAT IT'S LIKELY THAT SIMULATIONS THAT ARE SPLITTING FIVE TO SIX PARISHES FIND NONE, NO MMD'S, THE PARISHES THAT SPLIT, SOME RANGE AROUND 30, NO MMD'S, YET PARISH -- YOU KNOW, SPLITTING BETWEEN -- SOMEWHERE BETWEEN 10 AND 14 PARISHES WOULD CREATE TWO MMD'S?

A. I WOULD HAVE NO REASON TO BELIEVE THAT WOULD HAPPEN.

Q. AND JUST FINALLY, YOU WERE SHOWN A FEW EXAMPLES OF YOUR

12:36 1 10,000 MAPS. IS THERE A -- IF ANY PARTICULAR PLAN -- SOMEONE
2 MIGHT SAY A PARTICULAR PLAN DOES NOT CONSIDER -- OR WOULD NOT
3 BE ADOPTED BY THE LEGISLATURE DOESN'T LOOK LIKE A PARTICULAR
4 PLAN?
5 **A.** CORRECT.
6 **Q.** WELL, THEN WHAT VALUE ARE THE -- OR RUNNING, YOU KNOW,
7 10,000 OF THEM?
8 **A.** RIGHT. THE IDEA IS TO PRODUCE 10,000 MAPS THAT SIMPLY
9 FOLLOW THE CRITERIA, REGARDLESS OF WHETHER THESE MAPS HAVE
10 NECESSARILY BEEN ENACTED OR HAVE BEEN ENACTED OR NOT. THEY ARE
11 GOING TO HAVE SOME IDIOSYNCRASIES TO THEM. THEY ARE GOING TO
12 HAVE SOME FEATURES THAT, YOU KNOW, MAY NOT -- MAY OR MAY NOT BE
13 CONSIDERED IN THE REAL WORLD OF REDISTRICTING.
14 THE IDEA IS YOU GENERATE ENOUGH OF THESE AND IT'S TO
15 SHOW US THE RANGE OF THE POSSIBLE SO THAT WE CAN -- SO THESE
16 IDIOSYNCRASIES HOPEFULLY COME OUT IN THE WASH, AND WHAT WE'RE
17 LOOKING AT IS THE DISTRIBUTION OF EVERYTHING RATHER THAN THE
18 LIKELIHOOD OF ANY PARTICULAR PLAN FROM THIS SET.
19 **Q.** AND THEN FINALLY, DR. BLUNT, SIMULATION ALGORITHMS THAT
20 HAVE BEEN USED IN -- THAT HAVE BEEN ACCEPTED BY COURTS, HAVE
21 THOSE ALGORITHMS CONTROLLED FOR ALL THE DIFFERENT COMMUNITIES
22 OF INTEREST THAT COULD POSSIBLY EXIST IN A STATE?
23 **A.** NOT THAT I'M AWARE OF. I KNOW SOME HAD THAT TRIED TO TAKE
24 ACCOUNT -- THEY HAVE TO BE HIGHLY CUSTOMIZED IN THEIR SETTINGS
25 TO LOOK AT PARTICULAR COUNTIES IN SOME STATES. BUT NO, I'M NOT

12:38 AWARE OF ANY THAT JUST AS A MATTER OF COURSE WILL CONTROL FOR ANY AND ALL COMMUNITIES OF INTEREST. THAT TERM ISN'T WELL DEFINED IN POLITICAL SCIENCE.

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

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

MS. MADDURI: I'M SORRY, YOUR HONOR.

THE COURT: IT IS -- PARDON ME?

MS. MADDURI: ONE ISSUE. I'M SO SORRY. PLAINTIFFS WOULD MOVE TO MOVE INTO EVIDENCE THE DEMONSTRATIVE EXHIBIT THAT WE USED WITH DR. BLUNT, IF THERE'S NO OBJECTION.

THE COURT: WHICH WAS MAP 1 OF HIS SIMULATION? IS THAT WHICH ONE IT WAS?

MS. MADDURI: IT WOULD BE -- WE CAN JUST MOVE IN THESE ONES WE LOOKED AT, WHICH WOULD BE MAP 4 -- I'M SORRY -- MAP 1, 4, 9, AND 10 OF THAT DOCUMENT.

THE COURT: ANY OBJECTION?

MR. LEWIS: I MEAN, I THINK -- WE HAVE NO OBJECTION, PROVIDED THAT OUR DEMONSTRATIVE IS ALSO PERMITTED IN. THE MAP --

THE COURT: AND THAT WAS MAP --

THE WITNESS: MAP 220.

MR. LEWIS: MAP 220.

THE COURT: -- 220. ANY OBJECTION?

MS. MADDURI: NO OBJECTION, YOUR HONOR.

12:39 **THE COURT:** OKAY. THE DEMONSTRATIVE EXHIBITS REFERENCED BY BOTH COUNSEL ARE ADMITTED.

MS. MADDURI: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

OKAY. ALL RIGHT. IT'S 20 MINUTES TO 1:00, WE WILL TAKE A RECESS UNTIL 1:45.

(WHEREUPON, THE COURT WAS IN RECESS.)

THE COURT: BE SEATED.

OKAY. NEXT WITNESS.

MR. FARR: YOUR HONOR, TOM FARR FOR THE SECRETARY OF STATE.

BEFORE WE BEGIN, MAY I THANK THE COURT AND THE PLAINTIFFS' COUNSEL FOR ACCOMMODATING DR. SADOW'S SCHEDULE. DR. SADOW WILL BE THE NEXT WITNESS, AND I BELIEVE HE'S IN THE WAITING ROOM FOR THE ZOOM CONTRAPTION THAT WE HAVE. IS THAT RIGHT?

YOUR HONOR, IS THE WITNESS GOING TO BE SWORN IN?

THE COURT: I CAN'T HEAR YOU.

YOU CAN SWEAR HIM IN.

THE DEPUTY CLERK: RAISE YOUR RIGHT HAND, PLEASE.

THE COURT: HE'S FROZEN.

JEFFREY SADOW, PH.D.,

HAVING BEEN DULY SWORN, TESTIFIED VIA VIDEOCONFERENCE AS FOLLOWS:

02:04

VOIR DIRE

BY MR. FARR:

Q. PLEASE STATE YOUR NAME.

A. JEFFREY SADOW.

Q. WHERE DO YOU RESIDE, MR. SADOW?

A. BOSSIER CITY, LOUISIANA.

Q. COULD YOU REPEAT THAT, PLEASE?

A. COULD YOU REPEAT THE QUESTION?

Q. NO, YOUR ANSWER.

WHERE DO YOU RESIDE?

A. BOSSIER CITY, LOUISIANA.

Q. AND DO YOU HAVE ANY DEGREES?

A. YES, I DO. I HAVE A BACHELOR OF ARTS FROM THE UNIVERSITY OF OKLAHOMA IN PUBLIC ADMINISTRATION AND POLITICAL SCIENCE IN '83, A MASTER'S OF BUSINESS ADMINISTRATION (UNINTELLIGIBLE DUE TO TECHNICAL DIFFICULTIES) FROM VANDERBILT UNIVERSITY CONCENTRATING IN MANAGEMENT INFORMATION SYSTEMS AND FINANCE IN 1985, AND A PH.D. FROM THE UNIVERSITY OF NEW ORLEANS IN POLITICAL SCIENCE, AWARDED IN 1990.

THE COURT: OKAY. THIS ISN'T GOING TO WORK, SO I DON'T KNOW WHAT WE ARE GOING TO DO. I DON'T KNOW.

DR. SADOW, DO YOU HAVE A MICROPHONE THAT YOU CAN ADJUST? OR I DON'T KNOW WHAT THE PROBLEM IS, BUT WE CAN'T MAKE OUT YOUR TESTIMONY.

THE WITNESS: ALL RIGHT. HOLD ON. LET ME SEE WHAT I

02:06 1 CAN DO.
2 **(WHEREUPON, THERE WAS AN OFF-RECORD DISCUSSION.)**
3 **THE COURT:** WELL, WHATEVER YOU DID, IT SEEMS TO HAVE
4 HELPED.
5 CARRY ON, MR. FARR.
6 **MR. FARR:** THANK YOU.
7 **BY MR. FARR:**
8 **Q.** SO, DR. SADOW, DID I HEAR YOU SAY -- OR, MR. SADOW, I'LL
9 START BY SAYING, DID I HEAR YOU SAY THAT YOU HAVE A PH.D. IN
10 POLITICAL SCIENCE?
11 **A.** THAT'S CORRECT.
12 **Q.** SO MAY I CALL YOU DR. SADOW FOR THE REST OF THIS
13 TESTIMONY?
14 **A.** AS YOU WISH.
15 **Q.** ARE YOU CURRENTLY EMPLOYED?
16 **A.** YES, I AM.
17 **Q.** WHERE ARE YOU EMPLOYED AND HOW LONG HAVE YOU WORKED THERE?
18 **A.** LOUISIANA STATE UNIVERSITY, SHREVEPORT. I STARTED THERE
19 IN THE FALL OF 1991.
20 **Q.** WHAT ARE YOUR POSITIONS THAT YOU'VE HELD THERE?
21 **A.** I STARTED AS AN ASSISTANT PROFESSOR IN POLITICAL SCIENCE.
22 IN 1997 I WAS PROMOTED TO ASSOCIATE (UNINTELLIGIBLE DUE TO
23 TECHNICAL DIFFICULTIES).
24 **Q.** DR. SADOW, CAN YOU TRY SPEAKING DIRECTLY INTO THE
25 MICROPHONE, AS BEST YOU CAN?

02:08 **A.** ALL RIGHT. I'LL REPEAT THE ANSWER.

IN 1991 I STARTED AS AN ASSISTANT PROFESSOR. IN 1997 I WAS PROMOTED TO ASSOCIATE PROFESSOR WITH TENURE. I -- (UNINTELLIGIBLE DUE TO TECHNICAL DIFFICULTIES.)

THE COURT: SO THAT THE RECORD -- I WANT TO PUT IT ON THE RECORD. THE COURT ACCOMMODATED DR. SADOW AT DEFENSE COUNSEL'S REQUEST TO HAVE HIM BY VIDEOCONFERENCE, AND WE ARE HAVING SOME TECHNICAL DIFFICULTY. SO WITH THAT SAID, LET'S SEE WHAT WE CAN DO TO FIX THIS.

MR. FARR: DR. SADOW, COULD YOU TRY TO GET A LITTLE CLOSER TO THE MICROPHONE, AS CLOSE AS YOU CAN?

THE COURT: IT DOESN'T SEEM TO BE -- IT DOESN'T SEEM TO BE A VOLUME ISSUE. IT SEEMS TO BE A CONNECTIVITY ISSUE. IT IS FADING OFF. IT IS NOT A QUESTION OF VOLUME.

MR. FARR: YOUR HONOR, MAY HE TRY TO CALL IN AGAIN? WOULD THAT BE WORTHWHILE TRYING?

DR. SADOW, WOULD YOU TRY TO CALL BACK IN USING THE TELEPHONE ZOOM INSTRUCTIONS YOU WERE PROVIDED?

THE WITNESS: ALL RIGHT. I'LL TRY TO DO THAT.

THE COURT: OKAY. WHILE Y'ALL DO THAT, I AM GOING TO -- I WILL COME BACK IN FIVE.

(WHEREUPON, THE COURT WAS IN RECESS.)

THE COURT: ALL RIGHT. BE SEATED.

GO AHEAD, MR. FARR.

MR. FARR: I HOPE WE HAVE IT. WE WILL SEE.

02:16 **THE COURT:** I DIDN'T HEAR THAT. WHAT?

MR. FARR: I'M SORRY, YOUR HONOR. WE TRIED TO FIGURE THIS OUT AND I'D LIKE TO TRY, IF WE COULD, AND IF IT DOESN'T WORK THEN WE WILL --

THE COURT: CALL YOUR NEXT WITNESS.

MR. FARR: -- CALL ANOTHER WITNESS.

THE COURT: LET'S GO.

MR. FARR: THANK YOU.

BY MR. FARR:

Q. DR. SADOW, CAN YOU HEAR ME?

A. (NO ORAL RESPONSE.)

THE COURT: FOR THE RECORD, DR. SADOW IS ON HIS CELL PHONE AND HIS PICTURE IS ON THE SCREEN AND THERE IS NO AUDIO.

BY MR. FARR:

Q. WOULD YOU TURN YOUR CELL PHONE OFF?

MS. RIGGINS: DR. SADOW, PLEASE UN-MUTE YOUR CELL PHONE.

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

MR. FARR: MAY I PROCEED, YOUR HONOR.

THE COURT: YOU MAY.

BY MR. FARR:

Q. SO, DR. SADOW, I THINK THE NEXT QUESTION I WANTED TO ASK WAS, COULD YOU TELL THE COURT WHAT CLASSES YOU HAVE TAUGHT OR ARE TEACHING AT LOUISIANA STATE AT SHREVEPORT?

A. YES. I TAUGHT A VARIETY OF COURSES. WE'RE A SMALL

02:18 DEPARTMENT -- AMERICAN GOVERNMENT -- AND THEN THERE ARE SOME OTHER RELEVANT COURSES. THIS WOULD BE POLITICAL BEHAVIOR, STATE AND LOCAL GOVERNMENT, URBAN POLITICS, AND LOUISIANA GOVERNMENT.

Q. ALL RIGHT. THANK YOU.

HAVE YOU PREPARED AN EXPERT REPORT IN THIS CASE?

A. YES, I HAVE.

Q. AND DO YOU HAVE THAT IN FRONT OF YOU TODAY?

A. I DO.

Q. IS THAT MARKED SOS_3?

A. YES.

Q. IS YOUR CURRICULUM VITAE ATTACHED TO THAT REPORT?

A. IT IS.

Q. DOES IT CONTAIN A COMPLETE SUMMARY OF YOUR CREDENTIALS AND PUBLICATIONS?

A. IT DOES.

MR. FARR: SO, YOUR HONOR, WE'D LIKE TO TENDER DR. SADOW AS AN EXPERT WITNESSES IN THE FIELDS OF POLITICAL SCIENCE, LOUISIANA GOVERNMENT, LOUISIANA POLITICAL SCIENCE, AND THE HISTORY OF LOUISIANA POLITICS.

MS. KHANNA: NO OBJECTION, YOUR HONOR.

MR. FARR: THANK YOU.

THE COURT: THE COURT WILL HEAR OPINION TESTIMONY IN THE FIELDS OF POLITICAL SCIENCE, LOUISIANA GOVERNMENT, LOUISIANA POLITICAL SCIENCE, AND THE HISTORY OF LOUISIANA

02:19 POLITICAL SCIENCE.

DIRECT EXAMINATION

BY MR. FARR:

Q. SO, DR. SADOW, IN YOUR REPORT YOU DISCUSS CONGRESSIONAL REDISTRICTING IN LOUISIANA, MAINLY BEGINNING IN 1991, TO THE PRESENT. IS THAT CORRECT?

A. THAT'S CORRECT.

Q. WHAT INFORMATION DID YOU RELY UPON TO DEVELOP THE OPINIONS YOU HAVE EXPRESSED IN YOUR REPORT?

A. I RELIED UPON ACADEMICS THAT HAVE BEEN PUBLISHED, ARTICLES AND CONTEMPORANEOUS NEWS REPORTS, BOOKS AND THE LIKE THAT I HAVE USED TO PREPARE FOR MY LOUISIANA GOVERNMENT CLASS AND THE CONVERSATIONS WITH PEOPLE INVOLVED IN LOUISIANA POLITICS.

Q. ARE THESE THE TYPES OF MATERIALS THAT A POLITICAL SCIENTIST WOULD REASONABLY RELY UPON TO FORM THE OPINIONS THAT YOU HAVE EXPRESSED IN THE REPORT?

A. YES, THEY WOULD.

Q. IN THIS REPORT, DR. SADOW, YOU ARE NOT OFFERING ANY LEGAL OPINIONS OR CONCLUSIONS, ARE YOU?

A. NO, I AM NOT.

Q. SO CAN YOU SUMMARIZE YOUR FINDINGS AS FAR AS THE HISTORY OF CONGRESSIONAL REDISTRICTING IN LOUISIANA?

A. AS FAR AS THE RECENT HISTORY, THE LEGISLATURE HAS CONSISTENTLY USED AMONG ITS PRINCIPLES, CONTINUITY OF REPRESENTATION AND PRESERVATION OF COMMUNITY OF (UNINTELLIGIBLE

02:21 1 DUE TO TECHNICAL DIFFICULTIES).
2 **Q.** COULD YOU PLEASE RESTATE THAT FOR THE COURT REPORTER?
3 **A.** YEAH. THE LOUISIANA LEGISLATURE HAS IN THE LAST 30 YEARS
4 OR, MAYBE TO BE MORE PRECISE, IN THE PAST 25 YEARS HAS
5 CONSISTENTLY USED AS PRINCIPLES OF REPRESENTATION, COMMUNITIES
6 OF INTEREST, AND CONTINUITY OF REPRESENTATION.
7 **Q.** ALL RIGHT, SIR. LET'S BEGIN WITH -- ARE YOU FAMILIAR WITH
8 THE SERIES OF CASES CHALLENGING LOUISIANA CONGRESSIONAL
9 DISTRICTS IN THE *HAYS* LITIGATION?
10 **A.** YES, I AM.
11 **Q.** COULD YOU PLEASE TURN TO PAGE 6 OF YOUR REPORT?
12 **A.** ALL RIGHT.
13 **Q.** COULD YOU TELL THE COURT, IS THERE A MAP ON PAGE 6 AND
14 COULD YOU EXPLAIN WHAT THAT REPRESENTS?
15 **A.** YES. THAT MAP IS WHAT THE LOUISIANA LEGISLATURE -- 1991,
16 THE REAPPORTIONMENT SESSION IS HOW THE -- ON THE BASIS OF 1990
17 CENSUS RESULTS, IT DREW MAPS FOR CONGRESSIONAL REPRESENTATION.
18 **Q.** AND HOW MANY CONGRESSIONAL DISTRICTS WERE IN THAT PLAN?
19 **A.** IN THAT PLAN, THERE ARE SEVEN.
20 **Q.** HOW DID THAT COMPARE TO THE CONGRESSIONAL DISTRICTING PLAN
21 USED IN THE 1980'S?
22 **A.** THERE'S ONE FEWER DISTRICT.
23 **Q.** NOW, ARE YOU FAMILIAR WITH THE TERM MAJORITY-BLACK
24 DISTRICT? AND IF YOU ARE, COULD YOU TELL US WHAT THAT MEANS?
25 **A.** YES. A MAJORITY-BLACK DISTRICT IS ONE WHERE YOU HAVE AT

02:23 1 LEAST 50 PERCENT PLUS ONE PERCENT OF THE VOTING AGE POPULATION
2 AS BLACK.
3 **Q.** NOW, DID THE 1981 PLAN, THE PLAN USED IN THE 1980'S IN
4 LOUISIANA, DID IT CONTAIN A MAJORITY-BLACK DISTRICT?
5 **A.** IT DID.
6 **Q.** AND HOW MANY?
7 **A.** ONE.
8 **Q.** NOW, LOOKING AT THE MAP ON PAGE 6, CAN YOU TELL US HOW
9 MANY MAJORITY-BLACK DISTRICTS ARE IN THAT MAP AND CAN YOU
10 IDENTIFY THEM, PLEASE?
11 **A.** THERE ARE TWO: ONE IN THE SECOND DISTRICT, WHICH IS
12 CENTERED AROUND NEW ORLEANS; THE SECOND IS THE FOURTH DISTRICT,
13 AND IS BASICALLY SPREAD ALL OVER THE STATE.
14 **Q.** ALL RIGHT, SIR. AND THE CONGRESSIONAL DISTRICT 2 IS
15 COLORED RED AND CONGRESSIONAL DISTRICT 4 IS COLORED YELLOW. IS
16 THAT CORRECT?
17 **A.** THAT'S CORRECT.
18 **Q.** DO YOU KNOW WHY THE LEGISLATURE INCREASED THE NUMBER OF
19 MAJORITY-BLACK DISTRICTS IN THE LOUISIANA CONGRESSIONAL PLAN
20 AND THE 1991 PLAN AS COMPARED TO THE PLAN USED IN 1980'S?
21 **A.** YES. THERE WERE TWO REASONS. FIRST OF ALL, THE
22 DEPARTMENT OF JUSTICE WAS SIGNALING THAT STATES SHOULD --
23 WHENEVER POSSIBLE -- CREATE THE MAXIMUM NUMBER OF
24 BLACK-MAJORITY DISTRICTS.
25 SECONDLY, IT SERVED THE POLITICAL INTERESTS OF BOTH

02:24 REPUBLICANS AND BLACK DEMOCRATS. OBVIOUSLY THERE WOULD BE MORE SEATS AVAILABLE FOR BLACK DEMOCRATS TO BE ELECTED UNDER THIS PLAN AND REPUBLICANS FIGURED THAT THIS KIND OF PLAN WOULD MAKE THEM MORE COMPETITIVE AND BE ABLE TO DEFEAT WHITE DEMOCRATS IN THE NON-BLACK-MAJORITY DISTRICTS.

Q. OKAY. THANK YOU, DR. SADOW.

THE MAP ON PAGE 6 DOES NOT LIST LOUISIANA PARISHES. BUT BASED UPON YOUR KNOWLEDGE OF LOUISIANA GEOGRAPHY, CAN YOU NAME SOME OF THE PARISHES THAT WERE INCLUDED IN CONGRESSIONAL DISTRICT 4?

A. SURE. WE HAVE LAFAYETTE, TANGIPAHOA, EAST BATON ROUGE, FLORIDA PARISHES, POINTE COUPEE, RAPIDES, TENSAS, MADISON, CONCORDIA, EAST CARROLL, WEST CARROLL, MOREHOUSE, UNION, CLAIBORNE, WEBSTER, BOSSIER, CADDO. I MIGHT HAVE MISSED ONE OR TWO.

Q. ALL RIGHT. THANK YOU.

NOW, BASED UPON YOUR KNOWLEDGE OF LOUISIANA CONGRESSIONAL PLANS, PRIOR TO 1991, HAD THE LEGISLATURE EVER PUT EAST BATON ROUGE PARISH IN THE SAME CONGRESSIONAL DISTRICT AS EAST AND WEST CARROLL AND MOREHOUSE PARISHES?

A. NO.

Q. NOW, DO YOU RECALL ANY COURT RULINGS ON THE PLAN THAT'S REFLECTED ON PAGE 6, THE 1991 CONGRESSIONAL PLAN? DID YOU HEAR MY QUESTION, DR. SADOW?

THE COURT: OKAY, COUNSEL. I AM GOING TO HAVE TO

02:27 INSIST THAT YOU CALL YOUR NEXT WITNESS. WE HAVE NOT HERETOFORE HAD THIS AMOUNT OF DIFFICULTY WITH VIDEOCONFERENCING. I HAVE TO BELIEVE THAT IT HAS TO DO WITH THE CONNECTIVITY MAYBE IN BOSSIER, WHICH IS WHERE DR. SADOW IS PHYSICALLY SITUATED.

MR. FARR: CAN YOU HEAR ME, DR. SADOW?

THE WITNESS: YES.

MR. FARR: MAY I TRY AGAIN, YOUR HONOR?

THE COURT: NO.

MR. FARR: COULD I GET HIM TO AUTHENTICATE HIS REPORT AND MOVE FOR THAT TO BE ADMITTED INTO EVIDENCE?

THE COURT: YOU CAN AUTHENTICATE IT. WELL, I MEAN, THE THING IS THAT NO, YOU CAN'T BECAUSE WHAT'S GOING TO HAPPEN IS, IS IF WE CAN'T GET HIM IN A POSITION WHERE HE CAN TESTIFY, WHICH I WILL REMIND YOU, THE COURT IS ACCOMMODATING YOU-ALL BY ALLOWING HIM TO TESTIFY BY VIDEOCONFERENCE, AND ALL INDICATORS ARE THAT THE DIFFICULTY WITH THIS LINK IS ON THE WITNESS'S END. WE HAVE NOT HAD THIS PROBLEM UP UNTIL TODAY. HE'S HAD TO CALL IN ON HIS PHONE. IT TELLS ME THAT HIS CONNECTIVITY IN HIS HOME OR WHEREVER HE IS, IS MAYBE LESS THAN OPTIMUM. I'M NOT GOING TO ALLOW YOU TO PUT IN HIS REPORT ONLY TO FIND OUT THAT HE'S NOT AVAILABLE FOR CROSS.

MR. FARR: I UNDERSTAND, YOUR HONOR.

THE COURT: SO I'M HAPPY FOR Y'ALL TO WORK THIS OUT, FIGURE OUT A WAY TO GET HIM SOME MORE CONNECTIVITY AND TRY AGAIN TOMORROW MORNING OR WHATEVER. BUT WE WERE SUPPOSED TO

02:28 COME BACK AT 1:45. WE DIDN'T COME BACK UNTIL 2:00 BECAUSE OF SOME ACCOMMODATIONS THAT THE COURT MADE FOR THE WITNESS. AND NOW WE HAVE BEEN ON THE RECORD FOR 30 MINUTES AND WE'VE GOTTEN MAYBE TEN QUESTIONS ANSWERED.

MR. FARR: YES, YOUR HONOR. THE COURT'S BEEN VERY GRACIOUS, AND I APPRECIATE EVERYTHING YOU'VE DONE TO ACCOMMODATE US. SO WE WILL -- WE WILL SEE IF WE CAN FIGURE OUT A BETTER WAY TO CONNECT WITH DR. SADOW TOMORROW, IF HE'S AVAILABLE.

THE COURT: HE IS CERTAINLY WELCOME TO TESTIFY, BUT WE'RE NOT GOING TO BURN UP ANY MORE RECORD TODAY -- OR AT LEAST NOT RIGHT NOW.

MR. FARR: I UNDERSTAND, YOUR HONOR. THANK YOU.

THE COURT: SO LET'S CALL YOUR NEXT WITNESS.

MR. JONES: JUDGE, I'M TOM JONES. THIS IS MY FIRST APPEARANCE IN THE CASE, AND I'M GOING TO CALL DR. JOHN ALFORD. A-L-F-O-R-D. HE IS GOING TO BE BY REMOTE AND SHOULD BE IN THE WAITING ROOM NOW, I THINK.

THE COURT: ALL RIGHT. THANK YOU, MR. JONES.

MR. ALFORD, CAN YOU HEAR US?

MR. JONES: CAN YOU HEAR, DR. ALFORD?

THE COURT: OKAY.

MR. JONES: CAN YOU HEAR ALL RIGHT, DR. ALFORD?

THE WITNESS: HELLO.

THE COURT: YOU ARE ABLE TO HEAR US, SIR?

02:30 **THE WITNESS:** YES, I AM.

THE COURT: OKAY. GOOD. THANK YOU.

DR. ALFORD, THE COURTROOM DEPUTY IS GOING TO SWEAR YOU IN, SIR.

JOHN R. ALFORD, PH.D.,

HAVING BEEN DULY SWORN, TESTIFIED VIA VIDEOCONFERENCE AS FOLLOWS:

THE COURT: YOU MAY PROCEED.

MR. JONES: HE IS GOING TO TESTIFY AS AN EXPERT. I THINK WE HAVE A STIPULATION ON EXPERTISE. HE IS BEING TENDERED AS AN EXPERT IN REDISTRICTING, FOCUSED ON *GINGLES* 2 AND 3 AND RACIALLY POLARIZED VOTING.

MR. HAWLEY: YOUR HONOR, JONATHAN HAWLEY FOR THE GALMON PLAINTIFFS.

WE HAVE NO OBJECTION.

THE COURT: OKAY. DR. ALFORD WILL BE PERMITTED TO GIVE OPINION TESTIMONY REGARDING REDISTRICTING, FOCUSING ON THE *GINGLES* 2 AND 3 FACTORS AND RACIALLY POLARIZED VOTING.

YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. JONES:

Q. PLEASE GIVE YOUR NAME, PLEASE.

A. JOHN ALFORD.

Q. WHAT IS YOUR ADDRESS?

A. IT IS XXXXXXXXXXXXXXXXXXXX, HOUSTON, TEXAS.

02:31 **THE COURT:** OKAY. THE HOUSTON, TEXAS WILL BE IN THE RECORD. THE PHYSICAL ADDRESS WILL BE REDACTED FROM THE RECORD. GO AHEAD.

BY MR. JONES:

Q. WHAT IS YOUR PROFESSION, SIR?

A. I'M A PROFESSOR OF POLITICAL SCIENCE AT RICE UNIVERSITY.

Q. WHAT POSITION DO YOU HOLD AT RICE?

A. I AM A PROFESSOR IN THE DEPARTMENT OF POLITICAL SCIENCE.

Q. AND HOW LONG HAVE YOU BEEN AT RICE?

A. I THINK CLOSE TO 35 YEARS.

Q. WHAT DEGREES DO YOU HOLD?

A. I HAVE A BACHELOR OF SCIENCE IN POLITICAL SCIENCE FROM THE UNIVERSITY OF HOUSTON. I HAVE A MASTER'S IN PUBLIC ADMINISTRATION FROM THE UNIVERSITY OF HOUSTON. I HAVE A MASTER'S IN POLITICAL SCIENCE FROM THE UNIVERSITY OF IOWA, AND A PH.D. IN POLITICAL SCIENCE FROM THE UNIVERSITY OF IOWA.

Q. BECAUSE OF YOUR EXPERTISE, HAVE YOU PREVIOUSLY BEEN CALLED UPON TO EXPRESS OPINIONS IN VOTING RIGHTS IN LITIGATION?

A. YES, I HAVE.

Q. HAVE YOU PREVIOUSLY TESTIFIED IN VOTING RIGHTS LITIGATION?

A. YES, I HAVE.

Q. IN APPROXIMATELY HOW MANY CASES?

A. I WOULD THINK SOMETHING LIKE 30 OR 40 CASES.

Q. AND YOU HAVE BEEN ACCEPTED AS AN EXPERT TO TESTIFY IN THOSE CASES. IS THAT CORRECT?

02:33 1 **A.** YES, I HAVE.
2 **Q.** NOW, YOU WERE ASKED TO RENDER AN OPINION IN THIS CASE,
3 WERE YOU NOT?
4 **A.** YES.
5 **Q.** AND YOU PREPARED A WRITTEN REPORT SUMMARIZING YOUR
6 OPINION?
7 **A.** YES.
8 **Q.** DO YOU HAVE THAT REPORT IN FRONT OF YOU?
9 **A.** I DO.
10 **Q.** IS IT MARKED AS STATE 1?
11 **A.** YES.
12 **Q.** NOW, LET'S START INTO YOUR REPORT AND TALK ABOUT THE
13 DOCUMENTS AND DATA YOU REVIEWED IN CONNECTION WITH THIS CASE.
14 ARE YOU STILL THERE?
15 **A.** YES.
16 **Q.** WHAT DOCUMENTS, IF ANY, DID YOU REVIEW?
17 **A.** I REVIEWED THE EXPERT REPORTS PROVIDED BY DR. HANDLEY, BY
18 DR. PALMER, AS WELL AS SOME MATERIAL THAT THEY DISCLOSED
19 RELATED TO THE DATASETS THEY RELIED ON.
20 **Q.** AND WHAT DATA DID YOU REVIEW IN PREPARATION OF YOUR
21 OPINION?
22 **A.** THE DATA UTILIZED BY DR. HANDLEY AND DR. PALMER TO PERFORM
23 THEIR ECOLOGICAL INFERENCE ANALYSIS TO ASSESS COHESION AND
24 POLARIZATION.
25 **Q.** LET'S TALK JUST A SECOND ABOUT ECOLOGICAL INFERENCE. WHAT

02:34 IS THAT?
A. SO IT'S BOTH A DESCRIPTION OF A BROADER TECHNIQUE OF ANALYSIS AND IT'S A LABEL GIVEN TO US. IT'S A TOOL FOR THAT ANALYSIS. SO BROADLY SPEAKING, ECOLOGICAL INFERENCE IS THE ATTEMPT TO DISCERN INFORMATION ABOUT INDIVIDUAL-LEVEL BEHAVIOR FROM AGGREGATE-LEVEL DATA.

SO IN THIS CASE WE ARE INTERESTED IN THE INDIVIDUAL-LEVEL BEHAVIOR OF BLACK VOTERS AND WHITE VOTERS IN LOUISIANA, BUT WE DON'T HAVE INDIVIDUAL-LEVEL INFORMATION ABOUT EITHER THE RACE OF THE VOTERS OR ABOUT THEIR VOTING BEHAVIOR, SO WE'VE RELIED ON INFORMATION AGGREGATED TO THE PRECINCT LEVEL AND THAT GIVES US INFORMATION ABOUT THE DEMOGRAPHICS OF THE PRECINCT AND ABOUT THE WAY VOTES WERE CAST IN THE PRECINCT.

ANY ATTEMPT TO GATHER INFORMATION ABOUT INDIVIDUAL-LEVEL BEHAVIOR FROM AGGREGATE-LEVEL BEHAVIOR IS BROADLY CALLED ECOLOGICAL INFERENCE.

YOU ALSO SEE IT REFERRED TO AS -- WITH A CAPITAL "E" AND A CAPITAL "I" OR SOMETIMES IT'S JUST EI. THAT TYPICALLY REFERS TO A STATISTICAL TECHNIQUE FOR DOING THIS KIND OF ANALYSIS THAT WAS DEVELOPED BY PROFESSOR KING AT HARVARD AND HAS LARGELY SUPPLANTED MORE EARLIER OR MORE TRADITIONAL TECHNIQUES FOR DOING THE SAME SORT OF ANALYSIS.

SO VERY EARLY ON PEOPLE WOULD SIMPLY LOOK AT WHAT WE CALL HOMOGENEOUS PRECINCTS. SO YOU'D LOOK AT PRECINCTS THAT WERE LARGELY BLACK OR PRECINCTS THAT WERE LARGELY WHITE AND

02:36 1 LOOK AT THE VOTING BEHAVIOR. THAT WAS TO BE REPLACED BY THE
2 TECHNIQUE CALLED ECOLOGICAL INFERENCE, WHERE ORDINARY
3 REGRESSION WAS USED TO ANALYZE THE -- BASICALLY THE CHANGE IN
4 BEHAVIOR ACROSS THE ENTIRE SPECTRUM OF PRECINCTS BASED ON THEIR
5 DEMOGRAPHIC VARIATION.
6 THERE ARE STATISTICAL PROBLEMS WITH THAT MODEL THAT
7 OFTEN PRODUCE ESTIMATES THAT WERE IMPOSSIBLE, YET ALSO DID NOT
8 PROVIDE ANY USEFUL OR APPROPRIATE MEASURE OF STATISTICAL
9 SIGNIFICANCE OR CONFIDENCE INTERVALS. PROFESSOR KING DEVELOPED
10 AN EARLY VERSION OF EI THAT'S BEEN SUPPLEMENTED WITH A VARIETY
11 OF MORE SOPHISTICATED VERSIONS. BUT IN GENERAL, A TECHNIQUE
12 FOR TRYING TO UNDERSTAND HOW THE INDIVIDUAL-LEVEL BEHAVIOR
13 MIGHT BE DERIVED FROM THE AGGREGATE-LEVEL INFORMATION, IN
14 PARTICULAR, TO TRY TO UNDERSTAND HOW THE BEHAVIOR OF -- IN THIS
15 CASE, TWO GROUPS, BLACK AND WHITE VOTERS, VARIES ROUGHLY ON
16 AVERAGE ACROSS THE PRECINCTS IN THE STATE OF LOUISIANA OR IN A
17 CONGRESSIONAL DISTRICT.
18 **Q.** IS EI AN ACCEPTABLE METHOD IN YOUR FIELD FOR ESTIMATING
19 VOTER PREFERENCE?
20 **A.** YES. IT'S NOT IDEAL. IT DOES -- IT IS AN ECOLOGICAL
21 INFERENCE TECHNIQUE RATHER THAN AN INDIVIDUAL-LEVEL TECHNIQUE,
22 SO IT REMAINS PROBLEMATIC IN THAT SENSE. BUT OF THE TECHNIQUES
23 THAT HAVE BEEN USED, IT IS I THINK THE MOST USEFUL, THE MOST
24 RELIABLE. IT'S NOW WIDELY RELIED ON BY EXPERTS IN THIS AREA,
25 BOTH IN COURTROOM WORK AND IN RESEARCH WORK. SO I WOULD SAY IT

02:39 1 IS BOTH WIDELY VESTED AND WIDELY UTILIZED AND RELIED ON.
2 **Q.** NOW, YOU INDICATED THAT YOU LOOKED AT THE DATA PRODUCED BY
3 DR. HANDLEY AND DR. PALMER. IS THAT CORRECT?
4 **A.** YES.
5 **Q.** DID YOU CHECK THEIR DATA?
6 **A.** YES. JUST SOME QUICK SPOT-CHECKS TO SEE HOW IT
7 CORRESPONDED TO DATA I HAD FROM THE SECRETARY OF STATE'S OFFICE
8 FOR ELECTION RETURNS AND PRECINCT-LEVEL INFORMATION, AND THAT
9 SPOT-CHECK -- AT LEAST FOR THE THINGS THAT I CHECKED, SHOWED
10 THAT IT MATCHED WHAT I HAD FROM THE STATE SOURCES.
11 **Q.** IN FORMULATING YOUR OPINION, DID YOU USE THE DATA PRODUCED
12 BY DR. HANDLEY AND DR. PALMER?
13 **A.** YES. SO I FIRST -- IN ADDITION TO SPOT-CHECKING THE DATA
14 ITSELF, I ALSO RAN QUICK EI'S TO CHECK THEIR EI RESULTS AGAINST
15 MY OWN ANALYSIS AND ALSO CHECKED TO MAKE SURE THAT THEIR
16 ANALYSIS MATCHED EACH OTHER WHERE THEY HAD EXAMINED THE SAME
17 ELECTIONS. ALL OF THOSE CHECKS SHOWED THE WORK TO BE CORRECT.
18 AND SO I RELIED, FOR PURPOSES OF THIS REPORT, ON THE
19 EI RESULTS THAT ARE ACTUALLY REPORTED BY DR. HANDLEY AND DR.
20 PALMER.
21 **Q.** AND THE DATA REPORTED BY DR. HANDLEY AND DR. PALMER AND
22 THE DATA THAT YOU PRODUCED ALL RELATE TO LOUISIANA ELECTIONS.
23 IS THAT CORRECT?
24 **A.** THAT'S CORRECT.
25 **Q.** NOW, YOU LOOKED AT THE -- SEVERAL PRESIDENTIAL ELECTIONS

02:41 IN LOUISIANA. IS THAT CORRECT?
A. YES. FOLLOWING THE EXAMPLE -- I BELIEVE IT'S DR. HANDLEY WHO LOOKED FIRST AT PRESIDENTIAL ELECTIONS, SO I LOOKED AT THOSE AS WELL.
MR. JONES: COULD WE DISPLAY TABLE 1 IN STATE 1?
BY MR. JONES:
Q. DO YOU HAVE TABLE 1 IN FRONT OF YOU, DR. ALFORD?
A. I DO.
Q. WHAT DID YOU FIND TO BE SIGNIFICANT IN THE DATA IN TABLE 1?
A. FIRST, IF WE LOOK AT THE BOTTOM ROW, THE 2020 PRESIDENTIAL ELECTION OF BIDEN VERSUS TRUMP, WE SEE SEVERAL THINGS. ONE, BECAUSE THIS WAS AN ELECTION UTILIZED BY BOTH DR. HANDLEY AND DR. PALMER, DR. HANDLEY ONLY ANALYZED RACES THAT WERE RACIALLY CONTESTED. SHE INCLUDED THIS CONTEST BECAUSE THE VICE PRESIDENTIAL CANDIDATE ON THE DEMOCRATIC SIDE WAS BLACK, SO THAT SORT OF -- AT LEAST PARTIALLY MET HER CRITERIA. SHE DID NOT INCLUDE 2012, BECAUSE SHE ONLY WENT BACK TO I THINK 2013 IN HER ANALYSIS. BUT THIS ELECTION IS INCLUDED IN BOTH HANDLEY AND PALMER.
AND YOU CAN SEE WHEN YOU LOOK AT THE ESTIMATES -- ESTIMATES FOR THE BEHAVIOR OF BLACK VOTERS, PALMER HAS 89 PERCENT VOTING FOR BIDEN; HANDLEY HAS 87 PERCENT VOTING FOR BIDEN. VERY SIMILAR ESTIMATES, VERY SIMILAR CONFIDENCE INTERVALS.

02:42 TURNING TO WHITE VOTERS, PALMER HAS WHITE VOTERS 17 PERCENT FOR BIDEN; HANDLEY HAS 18 PERCENT. AGAIN, SIMILAR CONFIDENCE INTERVALS.

SO THE FIRST THING IS THAT THIS IS A PART OF THAT REASSURANCE THAT NONE OF THIS FOCUSES ON A PARTICULAR ANALYST OR A PARTICULAR DATA OR APPROACH WHERE THE SAME ELECTION IS BEING ANALYZED, THEY ARE GETTING SUBSTANTIVELY AND STATISTICALLY VERY SIMILAR RESULTS.

THE SECOND THING THAT'S USEFUL IS -- BECAUSE PALMER ALSO ANALYZED THE 2016 AND THE 2012 CONTESTS, WE CAN PROVIDE SOME CONTEXT FOR LOOKING AT THOSE 2020 RESULTS. SO HANDLEY ASSUMES THAT 87 PERCENT BLACK SUPPORT FOR BIDEN IN PART REFLECTS THE FACT THAT THERE IS A BLACK CANDIDATE, A VICE PRESIDENTIAL CANDIDATE ON THAT BALLOT AND PRESUMABLY, THE -- HER REPORT OF AN 18 PERCENT WHITE VOTE, THAT BEING A MUCH LOWER LEVEL OF SUPPORT, REFLECTS THAT AS WELL.

BUT WHEN WE LOOK AT THE OTHER RESULTS, WE CAN SEE THAT, FOR EXAMPLE, IN THE 2012 CONTEST WHERE THE TOP OF THE TICKET, PRESIDENT OBAMA, WHO WAS A BLACK CANDIDATE, THE ESTIMATE OF BLACK SUPPORT THERE IS NOT MUCH DIFFERENT THAN IT WAS IN THE 2020 CONTEST, AND THE ESTIMATE OF WHITE SUPPORT IS ALSO NOT MUCH DIFFERENT THAN IT WAS IN THE 2020 CONTEST. AND THEN WE CAN COMPARE THAT TO 2016 WHERE BOTH OF THE CANDIDATES, BOTH THE VICE PRESIDENTIAL CANDIDATES WERE WHITE. AND THERE WE SEE CLINTON WAS SUPPORTED BY BLACK VOTERS IS AT 97 PERCENT;

02:44 1 CLINTON SUPPORTED BY WHITE VOTERS IS AT -- IS ACTUALLY LOWER
2 THAN PALMER'S ESTIMATE OF WHITE SUPPORT FOR EITHER OBAMA OR FOR
3 BIDEN AND HARRIS.
4 SO, AGAIN, THAT PROVIDES A PERSPECTIVE HERE ABOUT
5 WHAT THIS -- WHAT WE'RE SEEING HERE, VOTING BEHAVIOR THAT'S
6 VERY STABLE BY THE PARTY OF THE CANDIDATES, BUT IT'S NOT REALLY
7 RESPONSIVE TO THE RACIAL MAKEUP OF THE TICKET.
8 **Q.** IS THE VOTING CONSISTENT FOR DEMOCRATS AND REPUBLICANS IN
9 EACH RACE -- LET ME SAY IN EACH CONTEST WITHOUT REGARD TO RACE?
10 **A.** YES. THE BEHAVIOR IS QUITE CONSISTENT. AGAIN, IF WE WERE
11 BROADLY CHARACTERIZING THIS, WE'D SAY THAT BLACK VOTERS ARE
12 VOTING IN THE 90 -- LOW TO MID-90 RANGE, DEMOCRATIC CANDIDATE.
13 WHITE VOTERS ARE VOTING SOMEWHERE IN THE TEENS FOR THE
14 DEMOCRATIC CANDIDATE. AND THAT'S CONSISTENT ACROSS THESE
15 ELECTIONS, REGARDLESS OF WHETHER THAT DEMOCRATIC CANDIDATE
16 HAPPENS TO BE BLACK OR WHITE. OR IN THE CASE OF 2020, AGAIN,
17 REGARDLESS OF THE RACE OF THE VICE PRESIDENTIAL CANDIDATE.
18 **Q.** DID THOSE VOTING PATTERNS CHANGE -- THE VOTING PATTERNS
19 THAT YOU'VE JUST DESCRIBED, DO THEY CHANGE IN A REPUBLICAN
20 VERSUS REPUBLICAN RACE? AND WHEN I ASK YOU THAT, I WANT TO
21 LOOK AT TABLE 2, STATE 1, IF I COULD.
22 WHAT DOES THIS TABLE SHOW AND WHAT DOES IT TELL YOU
23 ABOUT A REPUBLICAN VERSUS REPUBLICAN CONTEST?
24 **A.** SO THESE ARE CONTESTS THAT WE INCLUDED IN DR. PALMER'S
25 ANALYSIS THAT INVOLVE -- THEY ARE NOT RACIALLY CONTESTED, SO

02:47 1 THEY ARE NOT IN PROFESSOR HANDLEY'S ANALYSIS, BUT THEY INVOLVE
2 TWO WHITE CANDIDATES. BUT BECAUSE OF THE SYSTEM USED IN
3 LOUISIANA, THEY -- THESE ELECTIONS ALSO INVOLVE -- RATHER THAN
4 A DEMOCRAT AND A REPUBLICAN, THIS WOULD BE MORE COMMON
5 ELSEWHERE -- INVOLVED TWO CANDIDATES, BOTH OF WHICH ARE
6 REPUBLICANS.
7 SO THIS IS USEFUL IF WE THINK ABOUT -- IF WE HAVE
8 SORT OF TWO VARIABLES THAT WE ARE TRYING TO UNDERSTAND, ONE
9 HAVING TO DO WITH THE RACE OF THE CANDIDATES; THE OTHER HAVING
10 TO DO WITH THE PARTY OF THE CANDIDATES. WE CAN EITHER LOOK AT
11 VARIATION OR WHOLE CONCEPT, ONE OR THE OTHER.
12 IN THIS CASE WE'RE ABLE TO REMOVE THE EFFECTS OF
13 PARTY AND SEE WHAT -- AND SEE WHAT REMAINS. AND WHAT WE SEE
14 HERE IS THAT WHEN BOTH CANDIDATES ARE REPUBLICAN, THE BEHAVIOR
15 OF BLACK AND WHITE VOTERS IS REMARKABLY SIMILAR.
16 SO IN THE MOST RECENT CONTEST OF 2019, COMMISSIONER
17 OF INSURANCE RACE, THE PREFERRED CANDIDATE OF BLACK VOTERS AT
18 54 PERCENT IS DONELON AND THE PREFERRED CANDIDATE OF WHITE
19 VOTERS AT 54 PERCENT IS ALSO DONELON. THESE ARE STATISTICALLY
20 INDISTINGUISHABLE NUMBERS.
21 SO NEITHER GROUP IS PARTICULARLY COHESIVE. THESE ARE
22 PRETTY EVENLY SPLIT BETWEEN DONELON AND TEMPLE, BUT THAT EVEN
23 SPLIT IS PRESENT FOR BOTH BLACK AND WHITE VOTERS. AND IN BOTH
24 CASES THEY SHOW A SLIGHT PREFERENCE FOR DONELON.
25 IN THE 2015 TREASURER CONTEST, 74 PERCENT OF BLACK

02:49 1 VOTERS PREFERRED KENNEDY; 83 PERCENT OF WHITE VOTERS PREFER
2 KENNEDY. AGAIN, THE CONTEST IS LOPSIDED. IN THIS CASE MUCH
3 LESS COMPETITIVE THAN THE COMMISSIONER'S RACE, INSURANCE
4 COMMISSIONER'S RACE, BUT IT'S LOPSIDED FOR BOTH BLACK AND WHITE
5 VOTERS IN THE SAME DIRECTION.
6 SO, AGAIN, WE'RE -- UNLIKE THAT PRESIDENTIAL TABLE,
7 PARTICULARLY USING JUST HANDLEY'S ELECTION WHERE YOU SEE VERY
8 DIFFERENT BEHAVIORS BETWEEN BLACK AND WHITE VOTERS, THEY HAVE A
9 CHOICE BETWEEN A DEMOCRAT AND A REPUBLICAN. WHEN THEY HAVE A
10 CHOICE BETWEEN TWO REPUBLICANS, THEIR SELECTION IS ACTUALLY
11 VERY SIMILAR.
12 THE THIRD CONTEST, THE 2015 ATTORNEY GENERAL CONTEST,
13 AGAIN, THIS IS FAIRLY EVENLY DIVIDED, MUCH MORE EVENLY DIVIDED
14 THAN IS TYPICAL FOR THE TWO-PARTY CONTEST. BUT HERE BLACK
15 VOTERS ARE SHOWING A MODEST PREFERENCE FOR CALDWELL AND WHITE
16 VOTERS FOR LANDRY. I THINK THIS PROBABLY REFLECTS THE FACT
17 THAT CALDWELL -- UP UNTIL THE TIME OF THIS PARTICULAR -- THE
18 YEAR OF THIS CONTEST, UP UNTIL 2015, CALDWELL WAS A DEMOCRAT.
19 SO HE HAD BEEN A DEMOCRAT AND RUN FOR OFFICE AS A DEMOCRAT AND
20 SWITCHED PARTIES EARLY IN 2015, IN PREPARATION FOR THIS CONTEST
21 AND FOR RUNNING AS A REPUBLICAN.
22 SO I SUSPECT THERE MAY BE -- THERE MAY BE SOME
23 PARTISAN FEELING FIGURING INTO THIS CONTEST, EVEN THOUGH BY THE
24 TIME OF THE ELECTION (UNINTELLIGIBLE DUE TO TECHNICAL
25 DIFFICULTIES) WAS OFFICIALLY A REPUBLICAN.

02:50 **Q.** WHAT CONCLUSION DID YOU DRAW FROM THIS TABLE, IF ANY?
A. AGAIN, WHAT WE SEE HERE IS THAT WHEN WE -- WHEN WE REMOVE PARTY CONTESTATION, WHEN WE TAKE AWAY THE ELEMENT OF A DEMOCRAT VERSUS A REPUBLICAN, WE DON'T REALLY SEE ANY PARTICULAR OR OBVIOUS PATTERN IN TERMS OF A DIFFERENTIATION BETWEEN HOW BLACK AND WHITE VOTERS VOTE. WE SEE SUBSTANTIAL VARIATIONS BETWEEN ELECTIONS BUT NOT BETWEEN RACIAL GROUPS IN VOTING. AND, AGAIN, THIS HIGHLIGHTS HOW IMPORTANT THAT DEMOCRAT AND REPUBLICAN DIFFERENCE IS AS WE SAW IN THE PRESIDENTIAL ELECTIONS.
Q. DID YOU LOOK AT OTHER STATEWIDE ELECTIONS?
A. YES.
MR. JONES: COULD YOU PULL UP TABLE 3 ON STATE 1?
BY MR. JONES:
Q. ARE THESE THE OTHER STATEWIDE ELECTIONS THAT YOU LOOKED AT?
A. SO I LOOKED AT TWO SETS OF ADDITIONAL STATEWIDE ELECTIONS, AND I ORGANIZED THEM ACCORDINGLY; ACCORDING TO, FIRST, TO THE ONES THAT WERE INCLUDED IN BOTH THE HANDLEY AND PALMER REPORT, WHICH WOULD BE THE RACIALLY CONTESTED ELECTIONS. AND THEN AFTER THAT LOOKED AT THE REMAINING STATEWIDE ELECTIONS THAT WERE ONLY IN THE PALMER REPORTS.
SO THESE ARE ALL RACIALLY CONTESTED ELECTIONS, AND THEY WERE ALL INCLUDED IN BOTH HANDLEY'S ANALYSIS AND PALMER'S ANALYSIS. AND, AGAIN, PART OF THE PURPOSE OF THIS TABLE IS JUST TO HIGHLIGHT HOW SIMILAR THE EI RESULTS ARE BETWEEN PALMER

02:52 AND HANDLEY. THEY VARY -- ONLY VARY SLIGHTLY. AGAIN, THEY REINFORCE THAT WE CAN PUT SOME CONFIDENCE IN THE ANALYSIS DONE BY BOTH DR. PALMER AND DR. HANDLEY.

Q. WHAT DID YOU FIND TO BE --

A. THE SECOND --

Q. GO AHEAD.

A. SORRY. I WAS GOING TO SAY THE SECOND OBVIOUS PATTERN IS THE ONE THAT BASICALLY DR. HANDLEY DRAWS FROM HER -- IN HER CONCLUSION FROM LOOKING AT THIS TABLE, WHICH IS THAT TWO THINGS ARE TRUE SIMULTANEOUSLY. ONE IS THAT BLACK VOTERS ARE VOTING IN THAT 80'S -- HIGH 80'S TO MID-90'S RANGE FOR THE BLACK CANDIDATE, WHICH ALSO HAPPENS TO BE THE DEMOCRATIC CANDIDATE, AND WHITE VOTERS ARE VOTING IN THE TEENS BASICALLY FOR THAT BLACK CANDIDATE, WHO ALSO HAPPENS TO BE THE DEMOCRATIC CANDIDATE.

SO, AGAIN, HERE AS WAS TRUE FOR THE SINGLE PRESIDENTIAL ELECTION IN 2020, FROM HANDLEY'S ANALYSIS, IT'S CLEAR THIS VOTE IS FOR PARTY OR A VOTE ON THE BASIS OF THE RACE OF THE CANDIDATE. IT'S CERTAINLY CONSISTENT HERE IN THE SENSE THAT IT SHOWS THAT VERY SAME AREA OF HIGH LEVEL OF SUPPORT AMONG BLACK VOTERS FOR THE BLACK CANDIDATE, WHO IS ALSO THE DEMOCRAT. AND THE SIMILAR LOWER LEVEL OF SUPPORT FOR THAT CANDIDATE, THAT DEMOCRATIC BLACK CANDIDATE BY WHITE VOTERS.

THE ISSUE WITH THE (UNINTELLIGIBLE DUE TO TECHNICAL DIFFICULTIES) IT SIMPLY DOES NOT (UNINTELLIGIBLE DUE TO

02:54 TECHNICAL DIFFICULTIES) THE ONE CONCLUSION YOU COULD DRAW FROM THIS IS THAT BLACK VOTERS HAVE A VERY STRONG PREFERENCE FOR BLACK CANDIDATES. SORRY. BLACK VOTERS HAVE A VERY STRONG PREFERENCE FOR BLACK CANDIDATES AND WHITE VOTERS MODESTLY HAVE A LOWER PREFERENCE FOR WHITE CANDIDATES. BUT YOU CAN'T DISTINGUISH THAT FROM SAYING THE SAME THING ABOUT DEMOCRATIC VERSUS REPUBLICAN CANDIDATES.

Q. WAS THERE ANYTHING ELSE IN THIS TABLE THAT STRUCK YOU BESIDES THOSE TWO THINGS?

A. NO.

MR. FARR: CAN YOU DISPLAY TABLE 4 IN STATE NO. 1.

BY MR. FARR:

Q. WHAT DID YOU FIND SIGNIFICANT IN TABLE 4, DR. ALFORD?

A. TABLE 4, AGAIN, ALLOWS US TO SEPARATE THE QUESTION OF PARTY AND RACE OF CANDIDATES. AGAIN, IF WE LOOK AT THE RESULTS HERE, THESE ARE THE PALMER RESULTS BECAUSE HANDLEY DIDN'T ANALYZE THESE CONTESTS. IF WE LOOK DOWN THE ESTIMATES FOR BLACK VOTERS, WE SEE EXACTLY THE PATTERN THAT WE SAW IN TABLE 3. BLACK VOTERS ARE VOTING IN THE -- SORT OF THE 90 PERCENT RANGE FOR THE DEMOCRATIC CANDIDATE. REPUBLICANS ARE VOTING IN THE TEEN TO 20 PERCENT FOR THE DEMOCRATIC CANDIDATE.

BUT HERE THAT DEMOCRATIC CANDIDATE IS NOT BLACK BUT IS ACTUALLY A WHITE CANDIDATE. SO IF WE HAD LOOKED AT ONLY THIS ANALYSIS, I THINK IT WOULD BE PRETTY CLEAR THAT THERE IS VERY STRONG PREFERENCE AMONG BLACKS FOR DEMOCRATIC CANDIDATES

02:56 AND A LESS STRONG PREFERENCE AMONG WHITE VOTERS FOR REPUBLICAN CANDIDATES. BUT BOTH BY THE NATURE OF THAT PREFERENCE, WHICH GROUP OF VOTERS FAVOR WHICH CANDIDATE, AND THE LEVELS AT WHICH THEY FAVOR BOTH CANDIDATES IS REMARKABLY SIMILAR TO THE TABLE THAT INCLUDES THE RACIALLY CONTESTED ELECTION.

SO THE CONCLUSION FROM TABLE 3 FROM DR. HANDLEY'S ANALYSIS THAT BLACK VOTERS ARE STRONGLY FAVORING BLACK CANDIDATES ISN'T BORNE UP IN THIS -- BY THIS TABLE BECAUSE IT SHOWS EXACTLY THE SAME STRONG PREFERENCE FOR A DEMOCRATIC CANDIDATE WHEN A CANDIDATE IS WHITE AS THERE IS FOR A DEMOCRATIC CANDIDATE WHEN THE CANDIDATE IS BLACK. IT'S -- (UNINTELLIGIBLE DUE TO TECHNICAL DIFFICULTIES) THE TENDENCY OF WHITE VOTERS TO PROVIDE AND SUPPORT ONLY IN TEENS OR IN 20'S FOR THAT DEMOCRATIC CANDIDATE IS THE SAME WHETHER THAT DEMOCRATIC CANDIDATE IS WHITE OR BLACK.

SO IN THE INFERENCE FROM HANDLEY, A SUBSET OF THE ELECTIONS COULD BE THAT WHITE VOTERS PREFER NOT TO VOTE FOR BLACK CANDIDATES; BLACK VOTERS PREFER TO VOTE FOR BLACK CANDIDATES. BUT LOOKING AT THIS TABLE WE CAN SEE, IN FACT, THAT THE PREFERENCE THAT WAS EVIDENT IN THE PREVIOUS TABLE IS THE PREFERENCE FOR DEMOCRATIC CANDIDATES IN GENERAL, NOT SIMPLY FOR DEMOCRATIC CANDIDATES THAT HAPPEN TO BE BLACK.

Q. SO THE RACE OF THE CANDIDATE REALLY WAS OF NO CONSEQUENCE, IT WAS PARTY RATHER THAN RACE?

A. I THINK THERE'S TWO THINGS. ONE IS CLEARLY THAT THE PARTY

02:58 OF THE CANDIDATE, BECAUSE THAT'S THE INFORMATION WE HAVE HERE IS THE PARTY OF THE CANDIDATE. BUT IT'S ALSO INFORMATION THAT THE VOTERS HAVE. IT'S ON THE BALLOT. THE PARTY OF THE CANDIDATE IS PRODUCING A STRONG POLARIZATION HERE IN VOTER BEHAVIOR. THAT POLARIZATION IS NOT BEING PRODUCED EITHER IN THE SENSE OF THE LEVELS OF BLACK COHESION OR THE LEVELS OF WHITE CROSSOVER BY THE RACE OF THE CANDIDATE BUT IS BEING PRODUCED BY THE PARTY AFFILIATION OF THE CANDIDATE.

SO -- AND, AGAIN, THE STRIKING SIMILARITY BETWEEN THE TWO TABLES -- WITH THE DIFFERENCE IN PULLING SORT OF CONSTANT -- THE PARTY AFFILIATION OF THE CANDIDATES BUT BEARING THE RACE OF THE CANDIDATES SUGGESTS THAT THE CONCLUSION THAT DR. HANDLEY DRAWS ABOUT THIS VERY DIFFERENT BEHAVIOR ON THE PART OF BLACK AND WHITE VOTERS BEING A RESPONSE, WHATEVER IT IS A RESPONSE TO, IT'S CLEARLY A RESPONSE -- OVERWHELMINGLY A RESPONSE TO THE AFFILIATION -- PARTY AFFILIATION OF THE CANDIDATE.

SO THERE IS POLARIZATION HERE BASED ON THE PARTY AFFILIATION OF THE CANDIDATES, BUT THAT SAME LEVEL OF POLARIZATION ISN'T APPARENT HERE WITH REGARD TO THE RACE OF CANDIDATES. AND, AGAIN, THAT IS BACKED UP BY WHAT WE SAW IN THE PRESIDENTIAL ELECTIONS. IT'S BACKED UP BY WHAT WE SAW IN THE ELECTIONS THAT DON'T FEATURE A REPUBLICAN RUNNING AGAINST A DEMOCRAT.

Q. TURNING TO THE CONGRESSIONAL ELECTIONS REPORTED BY DRS. HANDLEY AND PALMER, WHAT DID YOU FIND THERE WITH RESPECT

03:00 1 TO VOTING PATTERNS?
2 **A.** THERE ARE TWO DIFFERENT ANALYSES THERE. DR. PALMER
3 REPORTS JUST AN ADDITIONAL SET OF STATEWIDE ELECTIONS
4 PERFORMED -- ANALYSIS PERFORMED IN CONGRESSIONAL DISTRICTS BUT
5 DOESN'T ACTUALLY ANALYZE CONGRESSIONAL ELECTIONS. DR. HANDLEY
6 ANALYZES A HANDFUL OF CONGRESSIONAL ELECTIONS AS WELL, AND
7 THERE'S NOTHING IN THAT -- IN ANY OF THAT ANALYSES TO SUGGEST
8 ANYTHING OTHER THAN WHAT WE SEE IN THE STATEWIDE ANALYSES THAT
9 THERE IS STRONG EVIDENCE OF PARTY POLARIZATION AND THAT'S
10 REALLY WHAT THOSE -- THAT DOES. IT'S WHAT THAT EVIDENCE SHOWS,
11 AND IT SHOWS THAT, AS IT DOES STATEWIDE, IT SHOWS IT WITHIN
12 THAT CONGRESSIONAL DISTRICT AS WELL.
13 SO IN THE MAJORITY DEMOCRAT (UNINTELLIGIBLE DUE TO
14 TECHNICAL DIFFICULTIES) YOU SEE THAT PARTY VOTING PATTERN IN
15 DISTRICTS THAT ARE MORE REPUBLICAN. YOU SEE THAT PATTERN -- IT
16 IS A PATTERN THAT DEPENDS ON VOTERS' PARTISAN PREFERENCES, NOT
17 ON VOTERS' RACIAL PREFERENCES.
18 **Q.** BASED UPON THE ELECTION ESTIMATES AND THE DATA THAT YOU
19 REVIEWED, WHAT DID YOU CONCLUDE WITH RESPECT TO RACIAL VOTING
20 PATTERNS IN LOUISIANA?
21 **A.** THERE'S CLEARLY PARTISAN POLARIZATION. THE BLACK VOTERS
22 ARE VOTING COHESIVELY FOR DEMOCRATIC CANDIDATES. WHITE VOTERS
23 ARE VOTING COHESIVELY, ALBEIT SLIGHTLY LESS COHESIVELY, FOR
24 REPUBLICAN CANDIDATES. THAT'S WHAT THIS -- THAT'S WHAT THE
25 ELECTION ANALYSIS PROVIDED BY DR. PALMER SHOWS AS WELL AS

03:02 PROVIDED BY DR. HANDLEY.
Q. IS THAT UNIQUE TO LOUISIANA, THAT PATTERN OF PARTISAN DIFFERENCES?
A. I THINK IT'S A CHARACTERISTIC OF MODERN AMERICAN ELECTIONS. CERTAINLY ALL THE STATES THAT I'VE ANALYZED DATA FOR SHOW A SIMILAR PATTERN, PARTICULARLY IN THE LAST DECADE OR TWO. PARTISAN POLARIZATION, AS WE'RE ALL AWARE, HAS BECOME QUITE EXTREME IN THE UNITED STATES, A LITTLE BIT UNCHARACTERISTIC FOR THE U.S. WHERE WE HAVE OFTEN BEEN CRITICIZED HISTORICALLY FOR NOT HAVING PARTICULARLY STRONG COOPERATION BETWEEN THE PARTIES.
BUT IN THE MODERN ERA THE PARTIES ARE POLARIZED AND WHAT YOU SEE IN ELECTIONS IS VERY DURABLE PARTISAN PATTERNS. VOTERS RESPOND TO THE PARTY OF THE CANDIDATES QUITE STRONGLY IN THEIR ELECTION BEHAVIOR.
Q. IS IT BASICALLY FAIR TO SAY THAT THE TWO PARTIES ARE DUG IN AND THEY'RE NOT MOVING?
A. WELL, I HAVE SORT OF A STRONG BELIEF IN CYCLES, MAYBE IT'S JUST BECAUSE I'M OLD ENOUGH TO HAVE LIVED THROUGH A FEW, BUT THESE THINGS DO CHANGE OVER TIME. BUT CERTAINLY IN THE CONTEXT THAT WE'RE IN TODAY, THE PARTIES ARE QUITE WELL DUG IN, BOTH IN THE PARTISAN ELITES OPPOSITION TO EACH OTHER, AS WE SEE IN CONGRESSIONAL BEHAVIOR, AND IN PUBLIC BEHAVIOR OF CANDIDATES. AND IT'S TRUE WITH VOTERS AS WELL.
Q. AND IN THE FINAL ANALYSIS, IS IT YOUR OPINION THAT PARTY

03:04 AFFILIATION AND NOT RACE BEST EXPLAINS THE DIVERGENT VOTING PATTERNS AMONG MINORITIES AND WHITE VOTERS IN LOUISIANA?

A. FROM THE EVIDENCE THAT'S BEEN PROVIDED HERE, I DON'T THINK THERE'S ANY QUESTION ABOUT THE PARTY AFFILIATION OF CANDIDATES IS THE DRIVING FORCE IN THIS BEHAVIOR AND NOT THE RACE OF THE CANDIDATES.

Q. DR. ALFORD, YOU CONTRACTED WITH THE STATE TO CHARGE A FEE FOR YOUR WORK IN THIS CASE. IS THAT CORRECT?

A. THAT'S CORRECT.

Q. NOW, HOW IS YOUR FEE CALCULATED?

A. IT'S AN HOURLY RATE OF $500 AN HOUR FOR THE WORK I DO ON THE CASE, INCLUDING MY APPEARANCE HERE AT TRIAL.

Q. WHAT IS THE APPROXIMATE NUMBER OF HOURS YOU HAVE DEVOTED TO THIS CASE TO THIS POINT?

A. I DON'T -- I HAVEN'T SORT OF COMPILED ALL OF MY THINGS INTO A SPECIFIC NUMBER YET, BUT I WOULD THINK IT'S SOMETHING IN THE RANGE OF ROUGHLY ABOUT 100 HOURS.

Q. THANK YOU.

MR. JONES: JUDGE, I WOULD LIKE TO INTRODUCE INTO THE RECORD STATE 1 AND APPENDIX 1 TO STATE 1, WHICH IS HIS C.V.

THE COURT: ANY OBJECTION?

MR. HAWLEY: NO OBJECTION.

THE COURT: ADMITTED.

MR. JONES: AND THAT'S IT. I WOULD TENDER THE WITNESS, YOUR HONOR.

03:05 **THE COURT:** CROSS.

CROSS-EXAMINATION

BY MR. HAWLEY:

Q. GOOD AFTERNOON, DR. ALFORD.

CAN YOU HEAR ME OKAY?

A. YES, JUST FINE. THANK YOU.

Q. MY NAME IS JONATHAN HAWLEY, AND I REPRESENT SOME OF THE PLAINTIFFS IN THIS MATTER.

DR. ALFORD, ACCORDING TO YOUR REPORT, YOU WERE ENGAGED AS AN EXPERT BY THE OFFICE OF THE LOUISIANA ATTORNEY GENERAL. IS THAT CORRECT?

A. YES. I BELIEVE THAT'S CORRECT.

Q. WHO FIRST REACHED OUT TO YOU ABOUT SERVING AS AN EXPERT?

A. I BELIEVE IT WAS MR. CAREY.

Q. AND WHEN WERE YOU FIRST ENGAGED TO WORK ON --

A. I'M SORRY. I'M SORRY. MR. JONES.

Q. THANK YOU.

AND WHEN WERE YOU FIRST ENGAGED TO SERVE AS AN EXPERT IN THIS MATTER?

A. I DON'T RECALL PRECISELY, BUT I THINK SOME TIME EARLIER THIS YEAR. MAYBE LATE FALL, BUT I THINK EARLY -- SOME TIME EARLY SPRING.

Q. DO YOU KNOW IF THAT WAS BEFORE OR AFTER THE LOUISIANA LEGISLATURE INITIALLY -- SORRY -- WHEN GOVERNOR EDWARDS VETOED THE CONGRESSIONAL MAP ON MARCH 9TH? DO YOU KNOW IF IT WAS

03:07 BEFORE OR AFTER THEN?
A. I'M NOT SURE ABOUT THE ENGAGEMENT BECAUSE I WAS CONTACTED ABOUT -- TO CHECK AVAILABILITY AND TO SEE IF I WOULD BE ABLE TO WORK WITH THE STATE ON THIS CASE PRIOR TO MY ACTUALLY DOING ANYTHING ON THE CASE. SO I DON'T KNOW EXACTLY WHEN I MAY HAVE BEEN FIRST CONTACTED TO ASK ABOUT AVAILABILITY AND TIMING. BUT CERTAINLY THE -- YOU KNOW, THE FIRST TIME I WAS -- THAT I ACTUALLY WORKED ON THE CASE INVOLVED THE ANALYSIS THAT'S TAKEN PLACE MORE RECENTLY, SAY, APRIL AND -- APRIL AND THEN INTO MAY.
Q. SO JUST TO CLARIFY, YOU STARTED WORKING ON YOUR REPORT IN APRIL AND INTO MAY. IS THAT CORRECT?
A. YES. THERE WERE SOME -- I THINK SOME PRELIMINARY DATA ASSEMBLY AND CHECKING THAT WOULD HAVE TAKEN PLACE A LITTLE BIT BEFORE THAT, BUT NOTHING -- MOST OF THE SUBSTANTIVE WORK HAD TO DO WITH ACTUALLY RESPONDING TO REPORTS AS THEY CAME IN AND WORKING ON MY REPORT.
Q. THANK YOU.
DR ALFORD, YOUR REPORT RESPONDS ONLY TO THE EXPERT REPORTS OF DR. MAX PALMER AND DR. LISA HANDLEY. CORRECT?
A. THAT'S CORRECT.
Q. YOU PROVIDE NO RESPONSES TO THE REPORTS SUBMITTED BY PLAINTIFFS' OTHER EXPERTS?
A. THAT'S CORRECT.
Q. YOU DO NOT RESPOND TO CONCLUSIONS OF MR. COOPER AND MR. FAIRFAX REGARDING THE FIRST *GINGLES* PRECONDITION. IS THAT

03:09 1 CORRECT?
2 **A.** THAT'S CORRECT, I DID NOT.
3 **Q.** AND YOU PROVIDE NO ANALYSIS OF ANY OF THE SENATE FACTORS,
4 OTHER THAN RACIALLY POLARIZED VOTING?
5 **A.** THAT'S CORRECT. I PROVIDE NO ANALYSIS ON THOSE FACTORS.
6 **Q.** AND YOU PROVIDE NO DIRECT RESPONSE TO DR. LICHTMAN'S
7 ANALYSIS OF RACIALLY POLARIZED VOTING?
8 **A.** THAT'S CORRECT.
9 **Q.** DID YOU READ DR. LICHTMAN'S EXPERT REPORT IN THIS CASE?
10 **A.** I HAVE NOT SEEN DR. LICHTMAN'S REPORT.
11 **Q.** AND DR. PALMER AND DR. HANDLEY BOTH CONCLUDED THAT VOTING
12 IN LOUISIANA IS RACIALLY POLARIZED. CORRECT?
13 **A.** YES, THAT'S CORRECT.
14 **Q.** YOU IDENTIFIED NO ERRORS IN THEIR METHODOLOGY OR THEIR
15 APPLICATION OF ECOLOGICAL INFERENCE. CORRECT?
16 **A.** CORRECT.
17 **Q.** I BELIEVE YOU TESTIFIED ON DIRECT THAT ECOLOGICAL
18 INFERENCE IS A RELIABLE METHODOLOGY TO EVALUATE RACIALLY
19 POLARIZED VOTING. IS THAT CORRECT?
20 **A.** YES.
21 **Q.** IN FACT, HAVE YOU PREVIOUSLY REFERRED TO ECOLOGICAL
22 INFERENCE AS THE GOLD STANDARD FOR ANALYZING RACIALLY POLARIZED
23 VOTING?
24 **A.** YES.
25 **Q.** AND YOU REPLICATED SELECTED RESULTS FROM DR. PALMER AND

03:10 1 DR. HANDLEY'S ECOLOGICAL INFERENCE ANALYSES. CORRECT?
2 **A.** CORRECT.
3 **Q.** AND YOUR REPLICATION RESULTS MATCHED VERY CLOSELY THE
4 ESTIMATES REPORTED BY DR. HANDLEY AND DR. PALMER?
5 **A.** YES, IT DID.
6 **Q.** AND YOU CONCLUDED THAT THERE WERE NO SUBSTANTIVE
7 DIFFERENCES ACROSS DR. PALMER'S DATA, DR. HANDLEY'S RESULTS,
8 AND YOUR REPLICATION RESULTS. CORRECT?
9 **A.** THAT'S CORRECT.
10 **Q.** YOU DO NOT DISPUTE DR. PALMER'S AND DR. HANDLEY'S
11 CONCLUSION THAT BLACK LOUISIANIANS COHESIVELY VOTE FOR THE SAME
12 CANDIDATES?
13 **A.** CORRECT.
14 **Q.** AND THAT IS TRUE BOTH STATEWIDE AND IN THE STATE'S SIX
15 CONGRESSIONAL DISTRICTS. CORRECT?
16 **A.** I WANT TO MAKE SURE WE'RE CLEARLY BECAUSE I DID -- WE DID
17 LOOK AT THOSE REPUBLICAN VERSUS REPUBLICAN CONTESTS. SO IN THE
18 PARTISAN CONTESTED ELECTIONS, I WOULD AGREE.
19 **Q.** AND YOU OFFER NOTHING TO DISPUTE DR. PALMER'S AND
20 DR. HANDLEY'S CONCLUSION THAT BLACK AND WHITE LOUISIANIANS
21 CONSISTENTLY PREFER DIFFERENT CANDIDATES?
22 **A.** AGAIN, THAT IS NOT TRUE WHEN THE CANDIDATES ARE THE SAME
23 PARTY, BUT IT IS TRUE WHEN THE CANDIDATES ARE OF DIFFERENT
24 PARTIES.
25 **Q.** AND YOU OFFER NOTHING TO DISPUTE THEIR CONCLUSION THAT

03:11 1 WHITE-PREFERRED CANDIDATES GENERALLY DEFEAT BLACK-PREFERRED
2 CANDIDATES IN LOUISIANA, EXCEPT IN MAJORITY-BLACK DISTRICTS?
3 **A.** AGAIN, THAT'S ONLY TRUE IN CONTESTS THAT FEATURE A
4 DEMOCRAT VERSUS A REPUBLICAN. IN THE REPUBLICAN VERSUS
5 REPUBLICAN CONTEST, THAT'S NOT.
6 **Q.** AND YOU OFFER NOTHING TO DISPUTE DR. PALMER'S AND
7 DR. HANDLEY'S CONCLUSIONS THAT PLAINTIFFS' ILLUSTRATIVE
8 MAJORITY-BLACK DISTRICTS WOULD ON AVERAGE ELECT BLACK-PREFERRED
9 CANDIDATES. CORRECT?
10 **A.** I HAVE NOT EXAMINED THE PERFORMANCE OF THE ILLUSTRATIVE
11 DISTRICTS.
12 **Q.** ULTIMATELY, DR. ALFORD, YOU AGREE THAT THERE IS A
13 CORRELATION BETWEEN THE RACE OF VOTERS AND THE CANDIDATES THEY
14 PREFER IN LOUISIANA IN GENERAL. IS THAT CORRECT?
15 **A.** AGAIN, THERE IS A CORRELATION WHEN THERE IS BOTH A
16 DEMOCRAT AND A REPUBLICAN CANDIDATE. WHEN THERE ARE ONLY
17 REPUBLICAN CANDIDATES, FOR EXAMPLE, AS WE SAW, THERE IS NO
18 CORRELATION.
19 **Q.** BUT EVEN IN THE ELECTIONS WHERE YOU DID SEE CORRELATION IN
20 THE DEMOCRATIC AND REPUBLICAN CANDIDATE ELECTIONS, YOU
21 CONCLUDED THAT THESE RESULTS SHOW NOTHING MORE THAN PARTISAN
22 POLARIZATION. IS THAT FAIR?
23 **A.** THE ANALYSIS PRESENTED HERE BY DR. HANDLEY AND DR. PALMER
24 SHOWS VERY CLEAR EVIDENCE OF PARTY POLARIZATION. IT DOES NOT
25 SHOW ANY EVIDENCE OF -- THAT THAT SAME LEVEL OF POLARIZATION IS

03:13 1 IN ANY WAY RELATED TO THE RACE OF THE CANDIDATES.
2 **Q.** BUT YOU DIDN'T PROVIDE ANY QUALITATIVE OR QUANTITATIVE
3 ANALYSIS INTO THE REASONS BLACK VOTERS SUPPORT THEIR CANDIDATES
4 OF CHOICE. CORRECT?
5 **A.** THE ENTIRE ANALYSIS IS A VERY STRAIGHTFORWARD ANALYSIS OF
6 EXACTLY THAT POINT. IT SHOWS VERY CLEARLY THAT THE CANDIDATES
7 OF CHOICE ARE PREFERRED ON THE BASIS OF THE PARTY AFFILIATION
8 OF THE CANDIDATES.
9 **Q.** BUT YOU PROVIDED NO SUBJECTIVE INQUIRY INTO THE REASONS
10 WHY BLACK VOTERS SUPPORT DEMOCRATIC VERSUS REPUBLICAN
11 CANDIDATES. IS THAT CORRECT?
12 **A.** I'M NOT SURE WHAT YOU MEAN BY SUBJECTIVE INQUIRY INTO THE
13 PREFERENCE OF THE BLACK VOTER. THIS IS OBJECTIVE INFORMATION
14 ABOUT WHAT THE ECOLOGICAL STANDARD, ECOLOGICAL INFERENCE
15 ANALYSIS OF STATEWIDE ELECTIONS SHOWS US, AND IT SHOWS US
16 CLEARLY THAT THE PARTY OF THE CANDIDATE IS CRUCIAL AND THE RACE
17 OF THE CANDIDATE IS NOT.
18 **Q.** LET ME GIVE AN EXAMPLE. YOU PERFORMED NO QUALITATIVE OR
19 QUANTITATIVE ANALYSIS OF THE DEMOCRATIC AND REPUBLICAN PARTY
20 POSITIONS ON ISSUES RELATING TO RACE. IS THAT CORRECT?
21 **A.** CORRECT.
22 **Q.** DO YOU RECALL YOUR ANALYSIS OF ATTORNEY GENERAL CALDWELL,
23 A FORMER DEMOCRAT WHO RAN AS A REPUBLICAN IN THE 2015 RUNOFF?
24 **A.** YES.
25 **Q.** AS ANOTHER EXAMPLE, DID YOU DO ANY RESEARCH INTO ATTORNEY

03:14 GENERAL CALDWELL'S POLITICAL POSITIONS RELATIVE TO HIS OPPONENT?

A. NO.

Q. SO OTHER THAN EXAMINE THE RESULTS REPORTED BY DR. PALMER AND DR. HANDLEY, DID YOU CONDUCT ANY RESEARCH INTO WHAT MOTIVATES RACIALLY POLARIZED VOTING?

A. AGAIN, TO THE EXTENT THAT -- TO THE EXTENT THAT WE CAN UNDERSTAND WHAT IS BEING REVEALED BY THE VOTING -- OR BY THE ELECTION ANALYSIS THAT WE TYPICALLY DO IN THIS KIND OF A CASE THAT DR. PALMER DID, THAT DR. HANDLEY DID, THAT I DID, BEYOND THAT, I HAVE DONE NOTHING TO EXAMINE INDIVIDUAL VOTING PATTERNS. I'VE JUST SIMPLY DONE THE STANDARD RACIALLY POLARIZED VOTING ANALYSIS.

Q. AND YOU'VE TESTIFIED I BELIEVE ON DIRECT THAT ONE CONCLUSION THAT COULD BE DRAWN FROM THE RESULTS REPORTED BY DR. PALMER AND DR. HANDLEY IS THAT VOTERS ARE VOTING BASED ON RACE. IS THAT FAIR?

A. I MEAN, IT'S -- IT WOULD -- IF YOU LOOKED ONLY AT A SUBSET OF THE DATA, YOU COULD INCORRECTLY DRAW THAT CONCLUSION. IT'S CLEARLY NOT A CONCLUSION SUPPORTED BY THE DATA. I GUESS THIS IS WHERE WE'RE GETTING -- YOU SOMETIMES -- I'M NOT DISAGREEING WITH THE ANALYSES DONE BY DR. PALMER AND DR. HANDLEY, BUT THE CONCLUSIONS REACHED BY DR. PALMER AND DR. HANDLEY ARE NOT CORRECT.

AND IN THE CASE OF DR. PALMER, HE HAS THE INFORMATION

03:16 1 TO SEE THAT IT'S NOT CORRECT. IN THE CASE OF DR. HANDLEY, SHE
2 CERTAINLY DIDN'T PROVIDE THE COURT WITH THE INFORMATION IT
3 NEEDED TO SEE WHETHER THAT CONCLUSION WAS CORRECT OR NOT. SO
4 ONLY IF YOU -- ONLY IF YOU VERY CAREFULLY LIMITED THE CONTEST
5 YOU LOOK AT COULD YOU MISTAKENLY REACH THE CONCLUSION THAT THIS
6 COULD BE EITHER A PARTY PATTERN OR A RACIAL PATTERN BUT THAT
7 YOU COULDN'T TELL THE DIFFERENCE BETWEEN THEM. THAT WOULD BE A
8 FAIR CONCLUSION BASED ON A NARROW SUBSET OF THE DATA, BUT YOU
9 CAN'T FAIRLY CONCLUDE THAT THE DATA SHOWS THAT VOTERS ARE
10 VOTING ON THE BASIS OF RACE WHEN YOU HAVE NOT VARIED THE RACE
11 OF THE CANDIDATE TO THE PARTY OF THE CANDIDATES. IT JUST
12 ISN'T -- ANYBODY CAN LOOK AT THIS DATA AND SEE WHAT THE DATA
13 TELLS THEM. I THINK THAT'S QUITE CLEAR, AND I DON'T THINK OUR
14 DISAGREEMENT IS OVER WHAT THE DATA TELLS US.
15 MY UNDERSTANDING IS -- AS I UNDERSTAND DR. HANDLEY'S
16 AND DR. PALMER'S POSITION IN THE PREVIOUS CASES, THEIR POSITION
17 IS THAT NOT THAT THIS SHOWS SOMETHING DIFFERENT FROM WHAT I SAY
18 IT SHOWS, THEY JUST SAY THAT THAT'S NOT RELEVANT, THAT IT
19 DOESN'T MATTER WHETHER THE -- THIS IS A -- HAS TO DO WITH THE
20 RACE OF THE CANDIDATES OR THE PARTY OF THE CANDIDATES. ALL
21 THAT MATTERS IS DO BLACK VOTERS VOTE DIFFERENTLY THAN WHITE
22 VOTERS. AND THAT'S THE ONLY THING THAT MATTERS.
23 SO THAT'S THE BASIS FOR THEIR CONCLUSION THAT THIS IS
24 ACTUALLY RACIALLY POLARIZED VOTING BECAUSE THEY DON'T BELIEVE
25 RACIALLY POLARIZED VOTING HAS ANYTHING TO DO WITH THE RACE OF

03:18 1 THE CANDIDATES.
2 **Q.** IN YOUR DISCUSSION WITH MR. JONES I BELIEVE YOU AGREED
3 THAT CURRENTLY, AT LEAST, THE TWO POLITICAL PARTIES ARE DUG
4 INTO THEIR RESPECTIVE POSITIONS. IS THAT CORRECT?
5 **A.** AGAIN, I THINK I WAS A LITTLE MORE SUBTLE THAN THAT, BUT
6 THEY ARE CERTAINLY DUG IN TO THEIR OPPOSITION TO EACH OTHER.
7 I'M ALWAYS SURPRISED AT HOW MUCH FLEXIBILITY THEY CAN FIND
8 POSITIONALLY WITH THEM BEING -- WITH THEM BEING DUG IN, IN
9 THEIR OPPOSITION TO EACH OTHER.
10 **Q.** WOULD THAT OPPOSITION TO EACH OTHER INCLUDE ISSUES
11 RELATING TO RACE?
12 **A.** (UNINTELLIGIBLE DUE TO TECHNICAL DIFFICULTIES.)
13 **Q.** I'M SORRY, DR ALFORD. COULD YOU REPEAT YOUR ANSWER?
14 **A.** IT CERTAINLY COULD.
15 **Q.** AND YOU AGREE THAT IT'S POSSIBLE FOR POLITICAL AFFILIATION
16 OF VOTERS TO BE MOTIVATED BY RACE. CORRECT?
17 **A.** POLITICAL AFFILIATION, VOTERS CAN BE MOTIVATED BY ANY
18 NUMBER OF THINGS.
19 **Q.** AND THAT WOULD INCLUDE RACE. CORRECT?
20 **A.** IT WOULD INCLUDE RACE, YES.
21 **Q.** THANK YOU. NO FURTHER QUESTIONS, DR. ALFORD.
22 **THE COURT:** IS THERE ANY REDIRECT, MR. JONES?
23 **MR. JONES:** I DON'T, YOUR HONOR. THAT'S ALL I HAVE
24 FOR DR. ALFORD.
25 **THE COURT:** DR. ALFORD, THANK YOU FOR YOUR ASSISTANCE

03:19 TODAY. WE WILL BE LOGGING OFF.

OKAY. WHY DON'T WE TAKE ABOUT A TEN-MINUTE RECESS.

(WHEREUPON, THE COURT WAS IN RECESS.)

THE COURT: OKAY. BE SEATED.

WE HAD A LITTLE CHANGING OF THE GUARD THERE. WE GOT OUR SIGNALS CROSSED.

OKAY. FOR THE RECORD, THE LAST WITNESS CONFIRMS THE COURT'S OBSERVATIONS THAT THE PRIOR WITNESS, MR. SADOW, THE DIFFICULTY WITH THE VIDEOCONFERENCING WAS, APPARENTLY, HIS CONNECTIVITY. SO I KNOW THAT COUNSEL FOR THE DEFENDANTS ARE WORKING ON GETTING A WORKAROUND FOR THAT, BUT I WANTED TO PUT THAT ON THE RECORD, THAT IT DIDN'T SEEM TO BE ANY OF THE COURT'S EQUIPMENT THAT WAS PROHIBITING MR. SADOW FROM TESTIFYING IN A MANNER THAT WE COULD DISCERN WHAT HE WAS SAYING.

OKAY, MS. MCKNIGHT. NEXT WITNESS.

MS. MCKNIGHT: THANK YOU, YOUR HONOR.

WE NOW CALL DR. JEFF LEWIS.

JEFFREY B. LEWIS, PH.D.

HAVING BEEN DULY SWORN, TESTIFIED VIA VIDEOCONFERENCE AS FOLLOWS:

DIRECT EXAMINATION

BY MS. MCKNIGHT:

Q. GOOD AFTERNOON, DR. LEWIS.

03:34 COULD YOU STATE YOUR NAME FOR THE RECORD?

A. GOOD AFTERNOON.

MY NAME IS JEFFREY BYRON LEWIS.

Q. THANK YOU.

MS. MCKNIGHT: YOUR HONOR, THE PARTIES HAVE STIPULATED TO DR. LEWIS'S EXPERTISE. WE ARE OFFERING HIM AS AN EXPERT IN THE FIELDS OF POLITICAL SCIENCE, CENSUS DATA ANALYSIS, AND STATISTICS, MORE SPECIFICALLY FOR THIS CASE, RACIALLY POLARIZED VOTING ANALYSES.

THE COURT: IS THERE A STIPULATION?

MR. ADCOCK: NO OBJECTION, JUDGE.

THE COURT: OKAY. DR. LEWIS WILL BE PERMITTED TO GIVE OPINION TESTIMONY IN THE FIELD OF POLITICAL SCIENCE, CENSUS DATA, AND STATISTICS.

YOU MAY PROCEED.

MS. MCKNIGHT: THANK YOU, YOUR HONOR.

WE WILL BE REFERRING TO LEGISLATIVE INTERVENORS EXHIBIT NO. 2 TODAY, IF WE COULD PUT THAT UP ON THE SCREEN.

BY MS. MCKNIGHT:

Q. BUT FIRST, DR. LEWIS, DO YOU HAVE A COPY OF YOUR REPORT WITH YOU, A PAPER COPY?

A. YES, I DO. THANK YOU.

Q. WHAT YOU SEE ON THE SCREEN, IS THIS A COPY OF YOUR REPORT SUBMITTED IN THE CASE?

A. IT APPEARS TO BE, YES.

03:36 1 **Q.** OKAY. AND YOUR C.V. IS LOCATED AT PAGES 10 THROUGH 17 OF
2 THIS DOCUMENT. IS THAT RIGHT?
3 **A.** YES, THAT'S CORRECT.
4 **Q.** OKAY. COULD YOU BRIEFLY TELL THE COURT WHAT YOUR -- ABOUT
5 YOUR ACADEMIC BACKGROUND?
6 **A.** YES. I EARNED MY PH.D. IN POLITICAL SCIENCE FROM MIT IN
7 1998. I TAUGHT FOR SEVERAL YEARS AT PRINCETON UNIVERSITY IN
8 THE POLITICS AND PUBLIC POLICY SCHOOLS THERE, AND I SPENT A
9 YEAR AT DARTMOUTH BEFORE MOVING TO UCLA WHERE I'VE BEEN A
10 PROFESSOR FOR SOME 20 YEARS.
11 **Q.** AND CURRENTLY WHAT IS YOUR POSITION AT UCLA?
12 **A.** YES. I'M A PROFESSOR OF POLITICAL SCIENCE AND CHAIR OF
13 THE COLLEGE OF LETTERS AND SCIENCE.
14 **Q.** AND HAVE YOU ACTED AS AN EXPERT IN OTHER CASES BEFORE?
15 **A.** YES. IN ROUGHLY A DOZEN PREVIOUS CASES.
16 **Q.** AND HAS A COURT EVER FOUND YOU TO BE NOT QUALIFIED TO
17 TESTIFY ABOUT RACIALLY POLARIZED VOTING?
18 **A.** NO, THEY HAVE NOT.
19 **Q.** OKAY. AND HAS YOUR TESTIMONY EVER BEEN FOUND TO BE NOT
20 CREDIBLE BY ANY COURT?
21 **A.** NOT TO MY KNOWLEDGE.
22 **Q.** OKAY. LET'S TURN TO PARAGRAPH 4 OF YOUR REPORT. THIS IS
23 ON PAGE 2 OF YOUR REPORT. IT IS ON --
24 **A.** YES.
25 **Q.** AND JUST FOR THE RECORD, THIS IS LEGISLATIVE EXHIBIT 2,

03:38 PAGE 3, BUT IT'S PAGE 2 OF DR. LEWIS'S REPORT. AND WE'RE LOOKING AT PARAGRAPH 4.

WHAT WERE YOU ASKED TO DO IN THIS CASE, DR. LEWIS?

A. YES. MY ENGAGEMENT HERE WAS VERY LIMITED, AS SET FORTH IN PARAGRAPH 4 THERE. I WAS ASKED TO ESTIMATE THAT SUPPORT FOR BLACK AND WHITE, BUT FOR THE PURPOSES HERE WILL BE NON-BLACK VOTERS FOR BIDEN-HARRIS IN THE 2020 PRESIDENTIAL ELECTION, GENERAL ELECTION, I SHOULD SAY.

I WAS ALSO ASKED TO ESTIMATE THE SUPPORT FOR CANDIDATES FOR PRESIDENT IN THAT ELECTION AMONG BLACKS AND NON-BLACKS, AND I WAS ASKED TO CALCULATE THE SUPPORT AMONG ALL VOTERS WHO RESIDE IN EACH OF THE ILLUSTRATIVE DISTRICTS.

Q. THANK YOU.

AND WE'LL GET INTO MORE DETAIL IN A MINUTE. BUT AT A HIGH LEVEL, HOW DID YOU APPROACH ANSWERING THOSE QUESTIONS IN THE TIME PROVIDED?

A. YES. THANK YOU.

LET ME JUST SAY I THINK I LEFT SOMETHING OUT OF MY PREVIOUS ANSWER, AND I APOLOGIZE. I WAS GETTING SOME PRETTY SUBSTANTIAL SORT OF ECHO BACK OF WHAT I WAS SAYING, AND IT WAS A LITTLE BIT DISTRACTING. I APOLOGIZE FOR THAT.

I SHOULD ALSO SAY THAT THE LAST THING THAT I WAS ASKED TO LOOK AT WAS WHETHER IN THE ILLUSTRATIVE DISTRICTS BIDEN-HARRIS WOULD HAVE PREVAILED ALL ELSE BEING EQUAL IN THE ABSENCE OF ANY WHITE CROSSOVER VOTING. SO I SHOULD HAVE ADDED

03:39 THAT.
COULD YOU REPEAT YOUR LAST QUESTION FOR ME, PLEASE?
Q. SURE. AND LET ME JUST SAY, WOULD IT HELP TO TURN DOWN THE VOLUME ON YOUR END, TO LOWER THET ECHO?
A. YEAH. I CAN DO THAT A LITTLE BIT. I JUST WORRY ABOUT HEARING YOU.
Q. SURE. I'LL GET VERY CLOSE TO THE MICROPHONE FOR YOU.
A. OKAY. THANK YOU.
Q. LET'S SEE IF THIS WORKS. IS THAT ANY BETTER FOR YOU?
A. WE'LL SEE. I HOPE SO. THANK YOU.
Q. OKAY. SO LET ME GO BACK TO THAT QUESTION. WE'LL GET INTO MORE DETAIL IN A LITTLE BIT. BUT AT A HIGH LEVEL, HOW DID YOU APPROACH ANSWERING THESE QUESTIONS IN THE TIME PROVIDED?
A. YES. IN THE VERY NARROW TIME FRAME PROVIDED, WHAT I DID WAS TO TAKE DATASETS THAT HAD BEEN PREPARED BY DR. PALMER AND THEN WITH THE HELP OF CLARK BENSON ASSIGNED THE 2020 PRECINCTS THAT ARE ENUMERATED IN DR. PALMER'S DATASET, ASSIGNED THEM TO THE VARIOUS -- THE VARIOUS ILLUSTRATIVE CONGRESSIONAL DISTRICTS, THE SECOND AND FIFTH ILLUSTRATIVE -- UNDER THESE DIFFERENT ILLUSTRATIVE PLANS. AND THEN I WAS ABLE TO TABULATE IN SOME CASES OR CALCULATE OR ESTIMATE IN OTHER CASES THE QUANTITIES THAT I JUST DESCRIBED.
Q. OKAY. AND NOW WHAT ELECTION DID YOU STUDY? JUST SO IT IS CLEAR FOR THE RECORD.
A. YES. I'M SORRY. I STUDIED THE 2020 U.S. PRESIDENTIAL

03:41 GENERAL ELECTION.
Q. OKAY. AND WHY DID YOU STUDY THIS ONE ELECTION?
A. WELL, GIVEN THE TIME FRAME WE HAD TO CHOOSE -- OR I HAD TO CHOOSE ONE ELECTION TO FOCUS ON. SO, YOU KNOW, THIS TICKED A LOT OF BOXES. IT'S THE MOST RECENT ELECTION. IT'S AN ELECTION IN WHICH THE OFFICE UNDER CONSIDERATION HERE WAS ALSO CONTESTED. SO THERE WERE ALSO CONGRESSIONAL ELECTIONS HELD AT THAT TIME. IT WAS A CONTEST THAT INVOLVED AN AFRICAN-AMERICAN CANDIDATE AND I -- AND THE ALTERNATIVE ELECTION IN 2020, THE ELECTION FOR SENATE INVOLVED A NUMBER OF CANDIDATES. AND I DON'T THINK IT WOULD HAVE BEEN REPRESENTATIVE OF THE COHESION OF BLACK VOTERS THAT'S TYPICAL IN THE BROADER SET OF ELECTIONS THAT ONE MIGHT HAVE CONSIDERED. BUT IT SEEMED LIKE THE BEST SET AS THE ONE THAT WE WOULD WANT TO LOOK AT.
Q. OKAY. SO WHOSE DATA DID YOU USE TO CONDUCT YOUR ANALYSIS?
A. YES. THAT WOULD HAVE BEEN DR. PALMER'S DATA AS AUGMENTED BY MR. BENSON.
Q. OKAY. SO YOUR ANALYSIS ASSUMES THE CORRECTNESS OF DR. PALMER'S DATA. IS THAT RIGHT?
A. THAT IS CORRECT.
Q. OKAY. SO LET'S TURN NOW TO THE RESULTS OF YOUR ANALYSIS.
IS IT FAIR TO SAY THAT THE RESULTS OF YOUR ANALYSIS ARE INDICATED AT PARAGRAPH 7 THROUGH 11 OF YOUR REPORT?
A. YES.
Q. AND ARE THE RESULTS OF YOUR ANALYSIS ALSO SHOWN IN THE

03:43 TABLES ON PAGE 6 OF YOUR REPORT?
A. YES. ALL OF THE RESULTS DESCRIBED IN 7 THROUGH 11 ARE EITHER DIRECTLY PRESENTED OR DERIVED FROM WHAT'S REPORTED IN THOSE TWO TABLES.
Q. OKAY. ALL RIGHT. LET'S ZOOM IN ON THOSE TWO TABLES.
AND, DR. LEWIS, COULD YOU TELL THE COURT WHAT THESE TABLES SHOW?
A. YES. THEY SHOW THE QUANTITIES THAT I DESCRIBED AT THE BEGINNING OF OUR DISCUSSION TODAY. SO FOR ILLUSTRATIVE PLANS FOR DISTRICT 2 AND FOR DISTRICT 5 -- AND I'LL JUST SAY HERE THAT YOU'LL MAYBE SEE ME LOOKING TO THE LEFT HERE. I HAVE TWO SCREENS. THE COURTROOM IS APPEARING TO MY RIGHT AND THE EXHIBITS TO MY LEFT.
WHAT WE HAVE ARE TWO TABLES. THE TOP TABLE DESCRIBES THE RESULTS OF MY ANALYSIS FOR THE FOUR ILLUSTRATIVE PLANS WITH RESPECT TO THE DISTRICT 2 OF EACH OF THOSE PLANS, AND THE BOTTOM ARE THE FOUR ILLUSTRATIVE PLANS WITH RESPECT TO DISTRICT 5. AND THE FIRST COLUMN JUST SHOWS WHICH PLAN WE'RE REFERRING TO. BUT THE SECOND COLUMN SHOWS THE PERCENT OF EACH ONE OF THOSE DISTRICTS, THE PERCENT OF BLACK VOTERS THAT -- YOU KNOW, IN THAT ELECTION, SO WHAT FRACTION OF THE FOLKS WHO ACTUALLY VOTED IN THE 2020 GENERAL ELECTION WERE BLACK. THAT'S SHOWN IN THE FIRST COLUMN.
IN THE SECOND COLUMN I TABULATED FROM PALMER'S DATA THE FRACTION OF THE TWO-PARTY VOTE RECEIVED BY BIDEN AND

03:45 HARRIS. AND BY -- WHAT I MEAN BY TWO-PARTY VOTE IS THE FRACTION RECEIVED BY BIDEN OVER THE -- THE NUMBER OF VOTES RECEIVED BY BIDEN OVER THE NUMBER OF VOTES RECEIVED BY EITHER BIDEN OR HARRIS. BIDEN OR -- I'M SORRY -- BIDEN OR TRUMP. SO, AGAIN, BIDEN-HARRIS AS A FRACTION OF VOTES CASTS FOR BIDEN-HARRIS OR TRUMP-PENCE, TO BE CLEAR.

AND THEN THE NEXT COLUMN SHOWS THE ESTIMATED FRACTION OF THOSE BLACK VOTERS THAT SUPPORTED THE BLACK-PREFERRED CANDIDATE THAT WAS BIDEN. THE FRACTION -- AND THE NEXT COLUMN SHOWS THE FRACTIONS OF WHITE VOTERS WHO SUPPORTED BIDEN, AS ESTIMATED BY ECOLOGICAL INFERENCE.

AND THE FINAL COLUMN CALCULATES BASED ON THE OTHER NUMBERS IN THE TABLE, THE FRACTION OF THE VOTE THAT BIDEN-HARRIS WOULD HAVE RECEIVED IN EACH OF THOSE DISTRICTS IN THE ABSENCE OF ANY WHITE CROSSOVER VOTING ALL ELSE EQUAL.

Q. OKAY. YOU MENTIONED THAT IT WAS A CALCULATION THAT BROUGHT YOU TO THAT LAST COLUMN. COULD YOU WALK US THROUGH HOW YOU ACHIEVE -- HOW YOU REACH THAT NUMBER? HOW YOU CALCULATED IT USING THE OTHER NUMBERS ON THIS TABLE?

A. SURE. SO WHAT WE'RE GOING TO BE ABLE TO DO HERE IS DECOMPOSE THE TOTAL VOTE FOR BIDEN-HARRIS COMING FROM BLACK VOTERS AND ALSO COMING FROM WHITE VOTERS. SO THE ESTIMATE IN THE LAST COLUMN TAKES THE -- FOR EXAMPLE, IN THE FIRST ROW OF THE FIRST TABLE, THE 99.13 PERCENT OF THE BLACK VOTERS THAT VOTED -- WE ESTIMATE TO HAVE VOTED FOR BIDEN, MULTIPLY THAT BY

03:47 THE 51.18 PERCENT OF THE ELECTORATE IN THAT DISTRICT THAT WE ESTIMATE TO BE AFRICAN AMERICAN AND THOSE TWO NUMBERS TOGETHER GIVE US THE TOTAL FRACTION OF THE VOTE THAT -- OF THE TOTAL VOTE THAT BIDEN WOULD HAVE GOTTEN FROM BLACK VOTERS. AND UNDER THE ASSUMPTION THAT THERE'S NO CROSSOVER VOTING, THERE IS NOTHING TO ADD TO THAT.

SO SIMPLY THE PRODUCT OF THOSE TWO NUMBERS REVEALS THE FRACTION OF THE VOTE THAT WE ESTIMATE THAT BIDEN AND HARRIS WOULD HAVE RECEIVED IN THE ABSENCE OF ANY WHITE VOTING FOR BIDEN-HARRIS.

Q. SO IF WE ARE COUNTING EACH ROW IN THESE TWO TABLES AS A DISTRICT STUDIED IN THIS ELECTION, WHETHER UNDER DISTRICT 2 OR DISTRICT 5 IN PLAINTIFFS' FOUR ILLUSTRATIVE PLANS, I'M COUNTING EIGHT DISTRICTS ANALYZED. IS THAT FAIR?

A. YES.

Q. OKAY. AND SO OF THOSE EIGHT DISTRICTS ANALYZED, HOW MANY OF THOSE DISTRICTS THAT YOU STUDIED RELIED ON WHITE CROSSOVER VOTING FOR THE BLACK CANDIDATE TO WIN?

A. IN THE SENSE THAT WITHOUT ANY WHITE CROSSOVER VOTING, THE PERCENTAGE OF SUPPORT FOR -- OF THE TWO-PARTY VOTE SUPPORT FOR BIDEN WOULD ONLY HAVE BEEN ABOVE 50 PERCENT AS ESTIMATED HERE IN ONE OF THE EIGHT INSTANCES.

Q. AND SOMETHING YOU MENTIONED EARLIER, THIS IS AN ALL-ELSE-EQUAL ANALYSIS. COULD YOU EXPLAIN WHAT YOU MEANT BY THAT?

03:48 **A.** RIGHT. WHENEVER WE THINK ABOUT, YOU KNOW, WHAT WOULD HAVE HAPPENED HAD THINGS BEEN DIFFERENT. SO, FOR EXAMPLE, HAD DIFFERENT DISTRICT BOUNDARIES BEEN USED, WHAT WOULD THE SUPPORT FOR DIFFERENT CANDIDATES BE. WE HAVE TO SORT OF IMAGINE HOW THAT WORLD WAS CONSTRUCTED. WE HAVE TO THINK ABOUT ALL OF THE DIFFERENT THINGS THAT MIGHT BE THE SAME OR DIFFERENT. AND SO WHEN I SAY "ALL ELSE EQUAL" HERE, WHAT I MEAN IS THAT THE COMPOSITION OF THE ELECTORATE IN TERMS OF WHETHER -- OF THE FRACTION THAT IS AFRICAN AMERICAN WOULD HAVE REMAINED THE SAME, AND I MEAN THAT THE RACE IN WHICH AFRICAN AMERICANS AND WHITE VOTERS SUPPORTED BIDEN-HARRIS WOULD HAVE REMAINED THE SAME.

Q. AND DO THE DISTRICTS AS DRAWN BY PLAINTIFFS HERE, THESE EIGHT DISTRICTS, DO THEY RELY ON WHITE CROSSOVER VOTING TO REACH A MAJORITY VOTE?

A. IN ALL BUT ONE CASE.

Q. AND NOW EVEN THOUGH YOU ONLY HAD TIME TO STUDY ONE ELECTION, HAVE OTHER EXPERTS IN THIS MATTER MADE FINDINGS CONSISTENT WITH YOUR ANALYSIS?

A. I THINK THAT THIS PARTICULAR QUESTION ABOUT THE RELIANCE ON CROSSOVER VOTING IS MENTIONED IN THE AMICUS BRIEF. I'M NOT SURE IF YOU WOULD CONSIDER THAT ONE OF THE EXPERTS. THEY NOTE THAT THOSE DISTRICTS WOULD RELY ON MORE THEN -- YOU KNOW, ON SOME AMOUNT OF CROSSOVER VOTING, THAN THE ONES THAT THEY PROPOSE, WHICH ARE DIFFERENT FROM THESE.

I'M NOT SURE THAT THE EXPERTS -- FOR EXAMPLE, PALMER

03:50 1 OR LICHTMAN, SPECIFICALLY ENGAGED THIS QUESTION.
2 **Q.** OKAY. AND DID THEY ENGAGE ANOTHER QUESTION THAT IS
3 CONSISTENT WITH YOUR ANALYSIS IN THIS CASE?
4 **A.** YES. THE OTHER QUANTITY THAT WE LOOKED AT HERE IS WHETHER
5 THESE DISTRICTS REQUIRED 50 PERCENT BVAP OR BLACK VOTING AGE
6 POPULATION IN ORDER TO -- IN ORDER TO BE EFFECTIVE; THAT IS TO
7 SAY, COULD THESE DISTRICTS HAVE GIVEN THE AMOUNT OF WHITE
8 CROSSOVER VOTING THAT'S ESTIMATED TO HAVE EXIST -- ESTIMATED TO
9 EXIST, COULD THEY BE EFFECTIVE AT LESS THAN 50 PERCENT BLACK
10 VOTING AGE POPULATION?
11 THE CONCLUSION IS REACHED IS THAT THEY COULD, AND
12 THAT CONCLUSION IS CONSISTENT I BELIEVE WITH THE CONCLUSIONS OF
13 DR. PALMER AND DR. LICHTMAN.
14 **Q.** YOU MENTIONED THE AMICUS BRIEF IN THIS CASE. LET'S PULL
15 THAT UP SO THAT I CAN ASK YOU A QUESTION ABOUT THAT.
16 **MS. MCKNIGHT:** THIS IS LOCATED AT ECF 90, YOUR HONOR,
17 IN THE RECORD. THIS IS AN AMICUS BRIEF.
18 **MR. ADCOCK:** YOUR HONOR, I RESPECTFULLY OBJECT. THIS
19 IS OUTSIDE THE BOUNDS OF THE DOCTOR'S REPORT, AND I OBJECT TO
20 HIM BEING QUESTIONED ABOUT IT. HE HASN'T REFERRED TO IT.
21 THERE'S BEEN NO OTHER TESTIMONY ABOUT IT, SO IT'S IMPROPER.
22 **MS. MCKNIGHT:** YOUR HONOR, IF I MAY, THIS REPORT WAS
23 FILED -- THIS AMICUS BRIEF WAS FILED ON THE SAME DAY THAT
24 DR. LEWIS FILED HIS REPORT. WE'VE HEARD TESTIMONY FROM TWO --
25 WE'VE HEARD TESTIMONY FROM TWO OF PLAINTIFFS' EXPERTS THIS WEEK

03:52 THAT THESE DISTRICTS CAN PERFORM AT BELOW 50 PERCENT.
DR. LEWIS HAS REVIEWED THIS AND IS OFFERING THAT IT IS
CONSISTENT WITH HIS OWN ANALYSIS.
THE COURT: THE OBJECTION IS SUSTAINED.
BY MS. MCKNIGHT:
Q. DR. LEWIS, HOW DID YOU COME TO AN UNDERSTANDING THAT --
STRIKE THAT.
DR. LEWIS, DO YOU HAVE ANY REASON TO DISAGREE WITH
PLAINTIFFS' EXPERTS THAT THESE DISTRICTS COULD PERFORM AT BELOW
50 PERCENT BVAP?
MR. ADCOCK: YOUR HONOR, I HAVE THE SAME OBJECTION.
THE WITNESS: I DO NOT.
THE COURT: ONE MOMENT, SIR. THERE IS AN OBJECTION
ON THE --
MR. ADCOCK: I'LL WITHDRAW IT. I'M SORRY,
YOUR HONOR.
THE COURT: ALL RIGHT. OBJECTION'S WITHDRAWN.
DO YOU WANT TO RE-ASK IT?
MS. MCKNIGHT: SURE.
THE COURT: OR DO YOU REMEMBER THE QUESTION, SIR?
MS. MCKNIGHT: I CAN RE-ASK IT.
THE COURT: OKAY.
BY MS. MCKNIGHT:
Q. DR. LEWIS, DO YOU HAVE ANY REASON TO DISAGREE WITH
PLAINTIFFS' EXPERTS THAT THESE DISTRICTS CAN PERFORM AT BELOW

03:53 50 PERCENT BVAP?

MR. ADCOCK: OBJECTION, JUDGE. I WAS RIGHT THE FIRST TIME. NO, I'M JUST JOKING. I DON'T BELIEVE ANY EXPERT HAS SAID THAT. AND SO IF COUNSEL COULD LAY A FOUNDATION OF WHAT EXPERT SAID THAT, WHETHER DR. LEWIS HAS SEEN THAT AND WHETHER HE AGREES WITH IT.

MS. MCKNIGHT: SURE. I CAN LAY THAT FOUNDATION, YOUR HONOR.

THE COURT: PLEASE LAY A FOUNDATION.

MS. MCKNIGHT: OKAY.

BY MS. MCKNIGHT:

Q. DR. LEWIS, HOW DO YOU KNOW THAT PLAINTIFFS' EXPERTS HOLD THE OPINION THAT DISTRICTS CAN PERFORM AT BELOW 50 PERCENT BVAP?

A. I'VE SEEN PORTIONS OF THEIR HEARING TESTIMONY.

Q. OKAY. AND IN WHAT FORMAT DID YOU SEE THE PORTION OF THAT TESTIMONY? DID YOU SEE IT IN A TRANSCRIPT, OR WERE YOU LISTENING LIVE?

A. YEAH, IN A DRAFT. I THINK WHAT YOU REFERRED TO AS A ROUGH-DRAFT TRANSCRIPT.

Q. THANK YOU.

MS. MCKNIGHT: YOUR HONOR, I WOULD OFFER THAT IF DR. LEWIS WAS ABLE TO BE WITH US IN THE COURTROOM, HE COULD HAVE SAT IN ON THAT TESTIMONY AND SAT IN HERE WITH US TODAY AND SAID THAT HE WAS HERE FOR THE TESTIMONY. HE HAS REVIEWED

03:54 PORTIONS OF THE TRANSCRIPTS THAT ARE EQUALLY AVAILABLE TO PLAINTIFFS' COUNSEL. PLAINTIFFS' COUNSEL WAS IN THE COURTROOM WHEN THAT TESTIMONY WAS PROVIDED.

MR. ADCOCK: YOUR HONOR, I JUST WANT TO LODGE AN OBJECTION. BY CHOICE, THE EXPERT WAS NOT IN THE COURTROOM AND THAT WAS THE CHOICE OF DEFENDANTS AND THE EXPERT.

SECOND, HE HASN'T IDENTIFIED WHAT EXPERT HE'S TALKING ABOUT. HE HASN'T SAID THAT HE LOOKED AT AN EXPERT REPORT. HE CAN'T IDENTIFY WHICH EXPERT SAYS WHAT COUNSEL IS SAYING THEY SAID. AND HE HAD EVERY OPPORTUNITY, JUST LIKE SEEMINGLY EVERY OTHER EXPERT IN THIS CASE, TO ISSUE A REBUTTAL REPORT OR A SUPPLEMENTAL REPORT WITH THIS KIND OF REBUTTAL OR OPINION ABOUT OTHER PEOPLE'S TESTIMONY AND HE CHOSE NOT TO DO IT. SO I THINK IT'S IMPROPER HERE.

MOREOVER, COUNSEL STILL HAS NOT BEEN ABLE TO LAY A FOUNDATION EXCEPT THAT VAGUELY, MAYBE HE SAW SOMETHING IN SOME DRAFT TRANSCRIPT.

THE COURT: I'M GOING TO SUSTAIN THE OBJECTION. AND TO THE EXTENT THAT IT OBJECTS TO LACK OF FOUNDATION, IF YOU CAN ESTABLISH WHAT TESTIMONY HE LISTENED TO, TO SAY THAT THERE WAS TESTIMONY THAT DISTRICTS CAN PERFORM AT OR BELOW 50 PERCENT BVAP, THEN START WITH THAT AND WE WILL GO FROM THERE.

MS. MCKNIGHT: THANK YOU, YOUR HONOR.

BY MS. MCKNIGHT:

Q. DR. LEWIS, LET'S GO WITH THIS STEP BY STEP. LET'S START

03:55 1 WITH THE FIRST EXPERT. WHAT IS THE FIRST EXPERT'S TESTIMONY
2 YOU REVIEWED TO UNDERSTAND THAT PLAINTIFFS' EXPERT WITNESSES
3 SAID THAT THESE DISTRICTS COULD PERFORM AT BELOW 50 PERCENT
4 BVAP?
5 **A.** DR. PALMER.
6 **Q.** OKAY. AND DO YOU RECALL WHAT DR. PALMER SAID?
7 **MR. ADCOCK:** OBJECTION, YOUR HONOR; VAGUE.
8 **THE COURT:** YOU KNOW, WE WERE ALL SITTING HERE WHEN
9 DR. PALMER TESTIFIED. SO WHAT YOU ARE -- LET'S ASK THE
10 SUBSTANTIVE QUESTION. I DON'T NEED HIM TO TELL THE COURT WHAT
11 DR. PALMER TESTIFIED TO. WE WILL HAVE A RECORD OF THAT.
12 **MS. MCKNIGHT:** SURE. PARDON ME, YOUR HONOR. I WAS
13 TRYING TO LAY A FOUNDATION THAT HE UNDERSTANDS WHAT DR. PALMER
14 SAID AND IS PREPARED TO GIVE TESTIMONY ABOUT IT, ABOUT HOW HIS
15 ANALYSIS IS CONSISTENT WITH DR. PALMER'S.
16 **THE COURT:** ASK THE QUESTION.
17 GO AHEAD.
18 **MR. ADCOCK:** AND, YOUR HONOR, I LODGE A FURTHER
19 OBJECTION. I DON'T BELIEVE DR. PALMER TESTIFIED TO THAT. IF
20 COUNSEL HAS A DRAFT TRANSCRIPT OR AN OFFICIAL TRANSCRIPT THAT
21 THEY CAN SHOW US AND PRODUCE IT, THEN I'M NOT SURE THERE'S A
22 GOOD-FAITH BASIS TO BE ASKING THAT QUESTION.
23 **THE COURT:** OKAY. IT'S A BENCH TRIAL. WE'RE GOING
24 TO HAVE A RECORD. YOU'RE RELYING -- FOR THE RECORD, THAT IS
25 NOT THE OFFICIAL COURT RECORD. WHATEVER YOU SENT THIS WITNESS

03:57 IS NOT THE OFFICIAL COURT RECORD. IF YOU WANT TO ASK HIM ABOUT ANOTHER WITNESS'S TESTIMONY, IF IT IS NOT BORNE OUT IN THE RECORD, WELL, THEN I GUESS THAT WILL JUST ASSAIL HIS TESTIMONY ON THAT POINT.

MS. MCKNIGHT: THANK YOU, YOUR HONOR. SO I UNDERSTAND --

THE COURT: PROCEED.

MS. MCKNIGHT: PARDON ME, YOUR HONOR. I DON'T WANT TO MISUNDERSTAND WHAT YOU SAID. AM I ALLOWED TO CONTINUE ASKING HIM ABOUT THE TESTIMONY?

THE COURT: ASK HIM SPECIFIC QUESTIONS, WHETHER HE AGREES WITH PURPORTED TESTIMONY OR NOT, AND WE WILL FIND OUT WHETHER OR NOT THAT WAS THE TESTIMONY.

MS. MCKNIGHT: YOUR HONOR, MAY I HAVE JUST ONE MINUTE TO GRAB A COPY OF THE TESTIMONY TO MAKE SURE IT'S CLEAR?

THE COURT: YOU MAY.

BY MS. MCKNIGHT:

Q. DR. LEWIS, DO YOU -- I UNDERSTAND THAT YOU REVIEWED TESTIMONY BY DR. PALMER IN THIS CASE. DO YOU BELIEVE -- DID YOU UNDERSTAND THAT YOUR ANALYSIS IN THIS CASE IS CONSISTENT WITH WHAT DR. PALMER FOUND ON THE POINT OF WHETHER CD2 AND CD5 COULD LIKELY BE DRAWN AT BELOW 50 PERCENT BVAP AND STILL ELECT BLACK-PREFERRED CANDIDATES?

A. YES.

Q. AND JUST TO BE CLEAR, IT WAS CONSISTENT IN THAT BOTH OF

03:59 THOSE DISTRICTS COULD BE DRAWN AT BELOW 50 PERCENT BVAP AND PERFORM. IS THAT RIGHT?

A. YES.

Q. DID YOU REVIEW ANY OTHER EXPERT TESTIMONY IN THIS CASE?

MR. ADCOCK: SAME OBJECTION, JUDGE. SHE NEEDS TO BE MORE SPECIFIC.

THE COURT: LET ME JUST ASK YOU THIS. I DON'T WANT TO TELL YOU HOW TO TRY YOUR CASE, MS. MCKNIGHT, I REALLY DON'T. I THINK YOU'RE VERY CAPABLE. JUST ASK HIM WHAT HIS OPINIONS ARE AND THEN YOU CAN ARGUE IN YOUR BRIEF THAT THAT WAS CONSISTENT WITH WHAT THE OTHER EXPERTS SAID.

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

THE COURT: SO ASK HIM --

MS. MCKNIGHT: THAT'S FAIR. I'LL MOVE ON. THANK YOU, YOUR HONOR.

THE COURT: OKAY. JUST ASK HIM HIS OPINIONS AND THEN YOU CAN ARGUE IT.

MS. MCKNIGHT: THAT'S FAIR. THAT'S FAIR.

BY MS. MCKNIGHT:

Q. IS IT YOUR OPINION, DR. LEWIS, THAT THESE DISTRICTS CAN PERFORM AT BELOW 50 PERCENT BVAP?

A. BASED ON WHAT'S PRESENTED IN MY REPORT AND MY READING OF DR. PALMER'S REPORT, YES.

MS. MCKNIGHT: YOUR HONOR, AT THIS POINT I'D LIKE TO ADMIT INTO EVIDENCE DR. LEWIS'S REPORT, LEG 2.

04:00

THE COURT: ANY OBJECTION?

MR. ADCOCK: NONE, JUDGE.

THE COURT: ADMITTED.

MS. MCKNIGHT: THANK YOU VERY MUCH, YOUR HONOR.

THE COURT: CROSS.

MR. ADCOCK: JOHN ADCOCK ON BEHALF OF THE ROBINSON PLAINTIFFS. I PREVIOUSLY APPEARED, BUT I'M MAKING MY APPEARANCE AGAIN. IT'S BEEN A FEW DAYS.

THE COURT: YES, SIR.

CROSS-EXAMINATION

BY MR. ADCOCK:

Q. DOCTOR, VERY QUICKLY, IN YOUR REPORT -- I WANT TO GO THROUGH WHAT YOU WERE ASKED TO DO, ACCORDING TO YOUR REPORT. THE FIRST ONE IS, YOU WERE ASKED TO CALCULATE THE FRACTION OF VOTERS IN A 2020 PRESIDENTIAL ELECTION WHO IDENTIFIED AS BLACK. THAT'S THE FIRST ONE. CORRECT?

A. YEAH. LET ME JUST -- I JUST WANT TO MAKE SURE THAT WE'RE ALWAYS ON THE SAME PAGE HERE. LET'S SEE.

Q. IT IS PAGE 2, PARAGRAPH 4, I THINK YOU'RE LOOKING FOR.

A. YES. THAT'S WHO IDENTIFIES BLACK IN THESE ILLUSTRATIVE DISTRICTS, YEAH, EACH OF THESE ILLUSTRATIVE DISTRICTS.

Q. AND YOU WERE ASKED TO ESTIMATE THE SUPPORT OF BLACK AND WHITE VOTERS FOR THE BIDEN-HARRIS TICKET?

A. YES.

Q. AND YOU WERE ASKED TO ESTIMATE THE SUPPORT OF BLACK AND

04:02 1 WHITE VOTERS FOR BIDEN AMONG ALL VOTERS?
2 **A.** YES.
3 **Q.** AND YOU WERE ASKED TO ESTIMATE THE SUPPORT OF BLACK AND
4 WHITE VOTERS FOR BIDEN ABSENT ANY CROSSOVER VOTING?
5 **A.** YES.
6 **Q.** AND NOTHING ELSE?
7 **A.** WELL, I WAS ALSO ASKED -- AND MAYBE IT DOESN'T APPEAR
8 DIRECTLY IN THAT PARAGRAPH, BUT IT'S ONE OF THE FINDINGS AT
9 THE END TO CONSIDER, WHETHER THESE DISTRICTS WOULD HAVE
10 PERFORMED AT LESS THAN 50 PERCENT. AND SO I ALSO DID THAT.
11 **Q.** UH-HUH. SO I'M GOING TO GO THROUGH THIS AGAIN, DOCTOR.
12 YOU WERE -- THE FIRST THING YOU WERE ASKED, ACCORDING TO YOUR
13 REPORT, WAS TO CALCULATE A FRACTION OF VOTERS IN THE
14 PRESIDENTIAL ELECTION IDENTIFIED AS BLACK. CORRECT?
15 **A.** YES.
16 **Q.** AND THAT'S WHAT YOU SAID IN YOUR REPORT? THAT'S WHAT YOU
17 SAID IN YOUR REPORT?
18 **A.** THAT IS WHAT IT SAYS IN THE FIRST SENTENCE OF THE
19 PARAGRAPH WE ARE TALKING ABOUT, YES.
20 **Q.** THAT IS WHAT THE INTERVENORS ASKED YOU TO DO?
21 **A.** IT IS AMONG THE THINGS THEY ASKED ME TO DO, YES.
22 **Q.** AND YOU WERE ASKED TO ESTIMATE THE SUPPORT OF BLACK AND
23 WHITE VOTERS FOR BIDEN?
24 **A.** YES.
25 **Q.** OKAY. AND YOU WERE ASKED TO ESTIMATE THE SUPPORT OF BLACK

04:03 1 AND WHITE VOTERS FOR BIDEN AMONG ALL VOTERS?
2 **A.** YES.
3 **Q.** AND ASKED TO ESTIMATE THE SUPPORT OF BLACK AND WHITE
4 VOTERS FOR BIDEN ABSENT ANY CROSSOVER VOTING?
5 **A.** YES.
6 **Q.** OKAY. AND THOSE FOUR THINGS INVOLVED PLAINTIFFS'
7 ILLUSTRATIVE DISTRICTS FOR CD2 AND CD5. CORRECT?
8 **A.** YES.
9 **Q.** OKAY. AND YOU WERE HIRED TO DO THAT BY THE PLAINTIFF --
10 BY THE INTERVENORS. CORRECT?
11 **A.** YES.
12 **Q.** OKAY. NOW, YOU SAY IN YOUR REPORT, "A COMPLETE ANALYSIS
13 WOULD REQUIRE CONSIDERATION OF ADDITIONAL ELECTIONS." CORRECT?
14 **A.** YES.
15 **Q.** AND WE JUST DISCUSSED, YOU WERE ONLY ASKED TO ANALYZE THE
16 2020 PRESIDENTIAL ELECTION. CORRECT?
17 **A.** YES.
18 **Q.** AND IN THE NEXT SENTENCE YOU STATE YOU "DID NOT CONSIDER
19 ADDITIONAL ELECTIONS DUE TO TIME LIMITATIONS." CORRECT?
20 **A.** YES.
21 **Q.** NOW, YOU AGREE THAT EVIDENCE OF ONE ELECTION DOES NOT GIVE
22 A COMPLETE PICTURE ABOUT VOTING PATTERNS WITHIN A DISTRICT?
23 **A.** YES.
24 **Q.** AND YOU AGREE THAT VOTER TURNOUT CAN DIFFER ACROSS
25 ELECTIONS. CORRECT?

04:04 1 **A.** YES.
2 **Q.** DEPENDING ON THE CANDIDATES?
3 **A.** POTENTIALLY DEPENDING ON MANY THINGS. DEPENDING ON THE
4 WEATHER, DEPENDING ON MANY THINGS, YEAH.
5 **Q.** THE CANDIDATES CAN BE PART OF THAT?
6 **A.** POTENTIALLY THE DEGREE TO WHICH CANDIDATES AFFECT TURNOUT
7 DEPENDS A LOT ON BROADER CONTEXT, BUT IN PRINCIPLE, THERE IS
8 SOME -- AND IN THE SCIENCE -- AND IN THE POLITICAL SCIENCE
9 LITERATURE, THERE'S SOME EVIDENCE THAT POLITICAL CANDIDATES
10 (UNINTELLIGIBLE DUE TO TECHNICAL DIFFICULTIES) AFFECTS TURNOUT,
11 YES.
12 **Q.** UH-HUH. AND THE RACE OF THE CANDIDATES AFFECTS TURNOUT?
13 **A.** IT COULD. IT COULD AFFECT TURNOUT. BUT, AGAIN, FOR
14 EXAMPLE, THE RACE OF THE CONGRESSIONAL CANDIDATE MAY NOT HAVE A
15 BIG EFFECT ON THE TURNOUT IN A PRESIDENTIAL ELECTION, FOR
16 EXAMPLE, WHERE PEOPLE'S TURNOUT DECISIONS MAY BE DRIVEN BY THE
17 HIGHER OFFICE THAT'S BEING CONTESTED AND NOT THE LOWER OFFICE.
18 **Q.** BUT IT COULD?
19 **A.** IT IS NOT IMPOSSIBLE.
20 **Q.** NOW, THERE ARE OTHER ELECTIONS YOU COULD HAVE LOOKED AT.
21 CORRECT?
22 **A.** YES.
23 **Q.** AND FROM 2015 TO 2020 THERE WERE 15 STATEWIDE ELECTIONS
24 WITH A WHITE AND BLACK CANDIDATE. CORRECT?
25 **A.** I'M NOT AWARE OF HOW MANY ELECTIONS DURING THAT PERIOD

04:06 INVOLVED THE BLACK AND WHITE CANDIDATES.
Q. YOU'RE NOT AWARE OF THAT.
YOU WERE NOT ASKED TO DO THAT ANALYSIS. CORRECT?
A. CORRECT.
Q. YOU WERE NOT ASKED TO LOOK AT THAT DATA. CORRECT?
A. NO. ONLY INSOFAR AS -- PERHAPS SOME OF THOSE ELECTIONS THAT YOU'VE MENTIONED ARE PRESENTED IN OTHER EXPERT REPORTS SUCH AS THAT OF DR. PALMER, WHICH I WAS GIVEN TO REVIEW.
Q. NOT MY QUESTION.
YOU WERE ASKED TO -- YOU WERE NOT ASKED TO ANALYZE THOSE STATEWIDE ELECTIONS. CORRECT?
A. I WAS NOT ASKED TO ANALYZE THEM, THAT'S CORRECT. I APOLOGIZE FOR MISUNDERSTANDING YOUR QUESTION.
Q. SO YOU DIDN'T LOOK AT THAT?
A. THAT'S CORRECT.
Q. NOW, WE WENT THROUGH YOUR TABLE ON PAGE 6 OF YOUR REPORT.
AND, DOCTOR, YOU RECOGNIZE THIS. CORRECT?
A. YES.
Q. THIS IS YOUR REPORT IN THE CASE. AND THIS IS PAGE 6 OF YOUR REPORT. THESE ARE THE TABLES YOU TESTIFIED ABOUT EARLIER. CORRECT?
A. YES.
Q. OKAY. NOW, I JUST WANT TO TALK ABOUT THE FINAL COLUMN, THE ONE ON THE FAR RIGHT OF THE SCREEN. CORRECT? DO YOU SEE WHAT I'M SAYING?

04:07 **A.** YOU WANT TO TALK ABOUT THE FAR -- THE FAR RIGHT COLUMN YOU JUST HIGHLIGHTED?
Q. YES. IT'S TITLED "WITHOUT WHITE CROSS-OVER VOTES." DO YOU SEE THAT?
A. YES.
Q. OKAY. NOW, THAT SHOWS -- I THINK YOU TESTIFIED ON DIRECT, THAT SHOWS WHAT THE SHARE OF THE VOTE FOR THE BIDEN-HARRIS TICKET WOULD HAVE BEEN WITHOUT ANY CROSSOVER VOTES WHATSOEVER, WITHOUT ANY WHITE CROSSOVER VOTES?
A. ALL ELSE EQUAL, YES.
Q. YES. WITH EVERYTHING ELSE REMAINING CONSTANT. IS THAT A YES?
A. YES.
Q. INCLUDING -- SCRATCH THAT.
NOW, MY QUESTION IS: CAN YOU TESTIFY -- HAVE YOU EVER SEEN AN ELECTION WITH NO WHITE CROSSOVER VOTING?
A. WITH ZERO WHITE CROSSOVER VOTING, I'M NOT AWARE OF ANY SUCH ELECTION. I'VE NEVER APPLIED EI ANYWHERE WHERE -- I HAVE APPLIED EI PLACES WHERE THE ESTIMATE WAS ZERO, YES.
Q. BUT YOU'VE NEVER SEEN AN ELECTION WITH NO WHITE CROSSOVER VOTING? THAT'S MY QUESTION.
A. WELL, I CAN'T DIRECTLY OBSERVE WHETHER THERE'S WHITE CROSSOVER VOTING OR NOT, SO I CAN ONLY RELY ON THE ESTIMATES.
THERE ARE INSTANCES IN WHICH THE CROSSOVER -- WHERE THE FRACTIONS OF THE VOTE BY EACH ETHNIC GROUP ARE ESTIMATED TO

04:09 1 BE 100 PERCENT OR ZERO PERCENT FOR A PARTICULAR CANDIDATE IN A
2 PARTICULAR INSTANCE, ALTHOUGH THAT MAY NOT ACTUALLY REVEAL THE
3 ANSWER TO THE QUESTION YOU WERE ASKING, WHICH IS, WAS THERE, IN
4 FACT, NOT A SINGLE WHITE CROSSOVER VOTE.
5 **Q.** BUT THAT'S NOT THE CASE IN ANY ELECTION HERE?
6 **A.** NO. THE ESTIMATES ARE SUBSTANTIALLY HIGHER THAN THAT.
7 THAT'S CLEAR.
8 **Q.** NOW, YOU WERE RETAINED BY THE LEGISLATIVE INTERVENORS IN
9 THIS CASE?
10 **A.** I BELIEVE SO, YES.
11 **Q.** OKAY. WHEN WERE YOU FIRST CONTACTED BY THEM TO WORK ON
12 THIS CASE?
13 **A.** IN APRIL OF THIS YEAR, I BELIEVE.
14 **Q.** DO YOU KNOW WHEN IN APRIL?
15 **A.** I THINK THAT WE MAY HAVE HAD A DISCUSSION EARLY IN THE
16 MONTH, AND THEN IT WAS ONLY LATER THAT THERE WAS AN ACTUAL
17 SPECIFIC DISCUSSION OF SOMETHING THAT I MIGHT ACTUALLY DO.
18 **Q.** OKAY. AND YOU TURNED IN YOUR REPORT --
19 **A.** I DON'T RECALL SPECIFICALLY THE DAYS.
20 **Q.** SURE. AND YOU TURNED IN YOUR REPORT ON APRIL 29TH.
21 CORRECT?
22 **A.** I DON'T RECALL. BUT I -- IF -- THAT'S SOUNDS POSSIBLE TO
23 ME, YES. I SEE THAT DATE ON THE REPORT, SO I ASSUME THAT'S
24 CORRECT.
25 **Q.** OKAY. NOW, WERE YOU CONTACTED BY ANYONE AT BAKERHOSTETLER

04:11 ABOUT THE 2020 REDISTRICTING CYCLE IN LOUISIANA NOT INVOLVING THIS LITIGATION?
A. I DON'T BELIEVE SO. I'VE WORKED WITH THEM ON OTHER THINGS AND I'VE HAD MAYBE GENERAL CONVERSATIONS ABOUT OTHER THINGS THEY'RE WORKING ON.
Q. SURE.
A. BUT I HAVEN'T HAD ANY SPECIFIC CONVERSATION ABOUT LOUISIANA, OTHER THAN PERHAPS BEING AWARE THAT THEY WERE INVOLVED.
Q. OKAY. THAT WAS MY QUESTION, SO I MISSTATED IT.
SO HAVE YOU EVER BEEN CONTACTED -- OUTSIDE OF THIS LITIGATION, HAVE YOU EVER BEEN CONTACTED FOR ADVICE, INFORMATION, ANYTHING ABOUT THE 2020 REDISTRICTING CYCLE IN LOUISIANA?
A. I DON'T BELIEVE SO.
Q. THAT INCLUDES YOU'VE NEVER BEEN CONTACTED BY ANYONE AT THE LEGISLATURE ABOUT THAT?
A. OH, CERTAINLY NOT, NO.
Q. OKAY. AND JUST TO GO OVER THIS, YOU DID NOT SUBMIT A REBUTTAL REPORT. CORRECT?
A. NO, I DID NOT.
Q. OKAY. YOU DID NOT SUBMIT A SUPPLEMENTAL REPORT?
A. NO. I ONLY SUBMITTED THE ONE REPORT THAT WE'RE LOOKING AT RIGHT NOW.
Q. YOU DID NOT SUBMIT A SUPPLEMENTAL REPORT?

04:12 1 **A.** NO, I DID NOT.
2 **Q.** AND YOU WERE NOT ASKED TO DO THAT. CORRECT?
3 **A.** CORRECT.
4 **Q.** SO YOU DIDN'T DO IT?
5 **A.** CORRECT.
6 **Q.** NOW, YOU'RE BEING PAID BY THE STATE IN THIS CASE.
7 CORRECT?
8 **A.** I BELIEVE THAT'S CORRECT.
9 **Q.** YOU'RE NOT SURE?
10 **A.** I ASSUME THAT THAT'S CORRECT. I HAVE NOT YET -- AS OF YET
11 BEEN PAID, SO I'M NOT ENTIRELY SURE WHOSE, YOU KNOW, NAME WILL
12 BE ON THE CHECK.
13 **Q.** THE STATE RETAINED YOU AS AN EXPERT?
14 **A.** YOU KNOW, MY ENGAGEMENT IS CREATED -- WAS ESTABLISHED BY
15 THE PLAINTIFFS' ATTORNEYS. I ASSUME THAT I'M INDIRECTLY AT
16 LEAST WORKING FOR THE STATE.
17 **Q.** OKAY.
18 **A.** BUT I DON'T UNDERSTAND THE DETAILS OF THAT ARRANGEMENT.
19 **Q.** PERHAPS IT'S THE LEGISLATURE?
20 **A.** PERHAPS.
21 **Q.** OKAY. YOU'RE NOT SURE.
22 AND THE STATE IS PAYING YOU OR THE LEGISLATURE IS
23 PAYING YOU $550 AN HOUR?
24 **A.** I'M BILLING $550 AN HOUR, REGARDLESS OF WHO IS PAYING ME.
25 **Q.** AND CAN YOU ESTIMATE FOR THE COURT HOW MANY HOURS YOU'VE

04:13 SPENT ON THIS CASE?
A. LESS THAN 20.
Q. LESS THAN 20.
MR. ADCOCK: NO MORE QUESTIONS, JUDGE.
THE COURT: ANY REDIRECT?
MS. MCKNIGHT: NO REDIRECT, YOUR HONOR.
THE COURT: THANK YOU, DR. LEWIS. WE WILL BE DISCONNECTING. THANK YOU FOR YOUR ASSISTANCE.
THE WITNESS: THANK YOU, YOUR HONOR.
THE COURT: OKAY. DO WE HAVE ANOTHER WITNESS?
MS. PROUTY: YOUR HONOR, MY NAME IS ERIKA PROUTY. I'M COUNSEL TO THE LEGISLATIVE INTERVENORS IN THIS CASE.
THE COURT: LAST NAME?
MS. PROUTY: PROUTY. P-R-O-U-T-Y.
THE COURT: AND YOUR WITNESS?
MS. PROUTY: DR. M.V. HOOD, III.
M.V. HOOD, III, PH.D.,
HAVING BEEN DULY SWORN, TESTIFIED VIA VIDEOCONFERENCE AS FOLLOWS:
THE COURT: MS. PROUTY, DO YOU REPRESENT THE ATTORNEY GENERAL INTERVENORS OR THE LEGISLATIVE INTERVENORS?
MS. PROUTY: THE LEGISLATIVE INTERVENORS, YOUR HONOR.
THE COURT: OKAY. PLEASE PROCEED.
MS. PROUTY: YOUR HONOR, WE WOULD OFFER DR. HOOD AS AN EXPERT IN POLITICAL SCIENCE, QUANTITATIVE POLITICAL ANALYSIS

04:15 IN ELECTION ADMINISTRATION.

THE COURT: IS THERE A DISPUTE OR IS THERE A STIPULATION?

MS. WENGER: NO OBJECTIONS.

THE COURT REPORTER: MA'AM, WHAT IS YOUR NAME?

THE COURT: MA'AM, THE RESPONDER?

MS. WENGER: APOLOGIES. VICTORIA WENGER ON BEHALF OF THE ROBINSON PLAINTIFFS.

THE COURT: LAST NAME?

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

THE COURT: OKAY. POLITICAL SCIENCE, QUANTITATIVE -- I'M SORRY. ONE MORE TIME.

MS. PROUTY: QUANTITATIVE POLITICAL ANALYSIS IN ELECTION ADMINISTRATION.

THE COURT: OKAY. DR. HOOD WILL BE PERMITTED TO GIVE OPINION TESTIMONY IN THOSE FIELDS.

DIRECT EXAMINATION

BY MS. PROUTY:

Q. GOOD AFTERNOON, DR. HOOD.

A. GOOD AFTERNOON.

Q. COULD YOU PLEASE STATE YOUR NAME, FOR THE RECORD?

A. M.V. HOOD, III.

Q. AND WERE YOU RETAINED AS AN EXPERT WITNESS IN THIS CASE ON BEHALF OF THE LEGISLATIVE INTERVENORS?

A. YES.

04:16 **Q.** AND WERE YOU ASKED TO PREPARE REPORTS IN THIS CASE ON BEHALF OF THE LEGISLATIVE INTERVENORS?

A. YES.

MS. PROUTY: YOUR HONOR, MAY I APPROACH THE WITNESS TO PROVIDE HIM WITH COPIES OF HIS REPORTS IN THIS CASE?

THE COURT: YOU MAY.

MS. PROUTY: CAN WE ALSO BRING UP LEG 1?

BY MS. PROUTY:

Q. AND DO YOU RECALL THIS DOCUMENT, DR. HOOD?

A. YES.

Q. WHAT IS IT?

A. IT'S A COPY OF MY INITIAL REPORT IN THIS MATTER.

Q. AND IF YOU WOULD TURN TO PAGE 10. IS THIS AN ACCURATE COPY OF YOUR C.V.?

A. YES, IT IS.

Q. AND IT'S DATED APRIL 20, 2022, BUT IT'S A CURRENT COPY OF YOUR C.V.?

A. NO CHANGES SINCE THEN.

Q. AND IT'S PAGES 10 TO 25 IN THIS DOCUMENT. IS THAT RIGHT?

A. YES.

Q. OKAY. AND DID YOU ALSO PREPARE A SUPPLEMENTAL REPORT IN THIS CASE?

A. I DID.

MS. PROUTY: CAN WE BRING UP LEG 78?

BY MS. PROUTY:

04:17 1 **Q.** DO YOU RECALL THIS DOCUMENT, DR. HOOD?
2 **A.** YES.
3 **Q.** AND WHAT IS IT?
4 **A.** A SUPPLEMENTAL REPORT I PRODUCED FOR THIS MATTER.
5 **Q.** AND WE'LL GET INTO MORE DETAIL IN A MOMENT.
6 BUT AT A HIGH LEVEL, CAN YOU TELL THE COURT WHAT YOU
7 WERE ASKED TO DO IN THIS CASE?
8 **A.** I WAS ASKED TO INVESTIGATE TWO QUESTIONS. ONE, DEALING
9 WITH DISTRICT CONGRUITY BETWEEN THE BENCHMARK PLAN OR THE PLAN
10 THAT WAS INTRODUCED IN -- OR THAT WAS USED IN -- FROM 2011, AND
11 THE ENACTED PLAN THAT WAS JUST ADOPTED IN 2022, ALONG WITH SOME
12 OTHER PLANS THAT WERE INTRODUCED BY THE PLAINTIFFS.
13 SO I WAS ASKED TO DO A DISTRICT CONGRUITY
14 EXAMINATION. AND I ALSO DID AN EXAMINATION OF DISTRICT RACIAL
15 COMPOSITION BETWEEN THE BENCHMARK, THE ENACTED, AND THESE
16 PLAINTIFFS' PRODUCED PLANS.
17 **Q.** AND IN YOUR SUPPLEMENTAL REPORT, DID YOU PERFORM THE EXACT
18 SAME TYPES OF ANALYSES THAT YOU DID IN YOUR INITIAL REPORT,
19 JUST ON SOME ADDITIONAL PLANS?
20 **A.** YES.
21 **Q.** OKAY. CAN YOU PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND
22 FOR THE COURT?
23 **A.** I HAVE THREE DEGREES IN POLITICAL SCIENCE, A B.S. FROM
24 TEXAS A&M, AND AN M.A. FROM BAYLOR UNIVERSITY, AND A PH.D. FROM
25 TEXAS TECH.

04:18 1 **Q.** AND WHERE ARE YOU CURRENTLY EMPLOYED?
2 **A.** I AM A PROFESSOR OF POLITICAL SCIENCE AT THE UNIVERSITY OF
3 GEORGIA WHERE I'VE BEEN SINCE 1999.
4 **Q.** AND WHAT DEPARTMENT DO YOU HAVE AN APPOINTMENT IN?
5 **A.** THE DEPARTMENT OF POLITICAL SCIENCE, AND I ALSO SERVE AS
6 THE DIRECTOR OF THE SPIA SURVEY RESEARCH CENTER --
7 **Q.** ARE YOU --
8 **A.** -- FOR THE PAST FIVE YEARS. SPIA STANDS FOR SCHOOL OF
9 PUBLIC AND INTERNATIONAL AFFAIRS.
10 **Q.** I APOLOGIZE FOR ALMOST INTERRUPTING YOU.
11 ARE YOU A TENURED PROFESSOR?
12 **A.** YES.
13 **Q.** WHAT TYPES OF COURSES HAVE YOU TAUGHT AT THE UNIVERSITY OF
14 GEORGIA?
15 **A.** WELL, OVER THE YEARS I'VE TAUGHT A VARIETY OF COURSES IN
16 AMERICAN POLITICS AND POLICY. MOST RECENTLY, EVERY SPRING I
17 TEACH A COURSE IN SOUTHERN POLITICS; THAT HAS A HEAVY DOSAGE OF
18 VOTING RIGHTS AND ALSO REDISTRICTING WITHIN IT. I'VE TAUGHT
19 THAT COURSE AT BOTH THE UNDERGRADUATE AND GRADUATE LEVEL. I'VE
20 TAUGHT GRADUATE COURSES ALSO IN THE -- UNDER THE TOPIC OF
21 ELECTION ADMINISTRATION.
22 MOST OF MY OTHER TIME AT THE UNIVERSITY CURRENTLY IS
23 DIRECTED AT MANAGING THE SURVEY RESEARCH CENTER, SO...
24 **Q.** AND WHAT ARE YOUR CURRENT AREAS OF RESEARCH AND
25 PUBLICATION?

04:19 **A.** I HAVE TWO CURRENT AREAS. AGAIN, WITHIN THE LARGER UMBRELLA OF AMERICAN POLITICS AND POLICY, AND THOSE ARE SOUTHERN POLITICS AND ELECTION ADMINISTRATION.

Q. DOES THIS INCLUDE ISSUES RELATING TO REDISTRICTING?

A. YES.

Q. HAVE YOU EVER RECEIVED RESEARCH GRANTS TO STUDY ELECTION ADMINISTRATION ISSUES?

A. I HAVE. I HAVE RECEIVED EXTERNAL GRANT FUNDING FROM THE PEW CHARITABLE TRUSTS, THE NATIONAL SCIENCE FOUNDATION, AND THE CENTER FOR ELECTION INTEGRITY AND RESEARCH -- OR INNOVATION AND RESEARCH, EXCUSE ME, TO STUDY ELECTION ADMINISTRATION ISSUES.

Q. HAVE YOU PUBLISHED ANY PEER-REVIEWED BOOKS AND JOURNAL ARTICLES?

A. YES. I HAVE PUBLISHED TWO UNIVERSITY PRESS BOOKS. ONE IS JUST ABOUT TO COME OUT, I MEAN, LITERALLY, IN THE SUMMER. SO -- SO IT'S COMPLETE. AND I'VE PUBLISHED SOMEWHERE NORTH OF 50 PEER-REVIEWED JOURNAL ARTICLES AT THIS POINT.

Q. AND ARE ALL OF THESE INCLUDED IN YOUR C.V.

A. YES, THEY ARE ALL LISTED IN MY C.V.

Q. DO YOU SERVE ON THE BOARD OF ANY -- ON THE EDITORIAL BOARDS OF ANY PUBLICATIONS?

A. YES. I CURRENTLY SERVE ON THE EDITORIAL BOARDS FOR *SOCIAL SCIENCE QUARTERLY* AND *ELECTION LAW JOURNAL*. *ELECTION LAW JOURNAL* IS A JOURNAL THAT SPECIALIZES IN ELECTION ADMINISTRATION.

04:21 1 **Q.** DO YOU REGULARLY USE AND ANALYZE CENSUS DATA IN YOUR
2 ACADEMIC WORK?
3 **A.** YES.
4 **Q.** AND DO YOU USE AND ANALYZE CENSUS DATA IN THE COURSES THAT
5 YOU TEACH?
6 **A.** YES.
7 **Q.** HAVE YOU EVER TESTIFIED AS AN EXPERT WITNESS BEFORE?
8 **A.** I HAVE.
9 **Q.** DOES THAT INCLUDE IN ANY REDISTRICTING CASES?
10 **A.** YES.
11 **Q.** HOW MANY CASES WOULD YOU SAY YOU HAVE TESTIFIED AS AN
12 EXPERT WITNESS IN?
13 **A.** I DON'T HAVE AN EXACT COUNT. MORE THAN 25.
14 **Q.** AND MOST RECENTLY, WERE YOU QUALIFIED AND FOUND TO BE A
15 CREDIBLE EXPERT WITNESS BY A THREE-JUDGE PANEL IN A
16 REDISTRICTING CASE IN ALABAMA?
17 **A.** YES.
18 **Q.** AND THAT WAS *CASTER VERSUS MILLIGAN*?
19 **A.** CORRECT.
20 **Q.** AND I THINK WE HEARD PLAINTIFFS' WITNESS, DR. LICHTMAN,
21 JOKE THE OTHER DAY -- AND I'M PARAPHRASING -- SOMETHING ALONG
22 THE LINES OF, WHEN YOUR SIDE LOSES, YOUR FOUND NOT TO BE
23 CREDIBLE.
24 HAVE THERE BEEN SOME INSTANCES WHERE COURTS HAVE
25 GIVEN LESS WEIGHT TO YOUR TESTIMONY?

04:22 1 **A.** THERE HAVE BEEN, YES.
2 **Q.** AND IN THOSE CASES DID ANY COURTS FIND THAT YOU DID NOT
3 CORRECTLY CONDUCT THE TYPES OF ANALYSES THAT YOU'VE PERFORMED
4 IN THIS CASE?
5 **A.** NOT TO MY KNOWLEDGE.
6 **Q.** AND BEFORE WE GET INTO YOUR REPORTS, I WANT ASK A FEW MORE
7 QUESTIONS. WERE YOU ASKED TO REVIEW THE CRITERIA THAT THE
8 LOUISIANA LEGISLATURE USED IN THE 2022 REDISTRICTING PROCESS?
9 **A.** NO, I WAS NOT.
10 **Q.** HAVE YOU EVER REVIEWED THAT CRITERIA?
11 **A.** NO, I HAVE NOT.
12 **Q.** AND ARE YOU OFFERING ANY OPINIONS IN THIS CASE ABOUT WHAT
13 REDISTRICTING CRITERIA SHOULD BE USED BY LEGISLATORS?
14 **A.** NO, I'M NOT.
15 **Q.** SO LET'S TURN TO YOUR INITIAL REPORT. THIS IS LEG 1. IF
16 WE CAN GO TO PAGE 4. SO LET'S DISCUSS YOUR DISTRICT CONGRUITY
17 ANALYSIS FIRST. HOW DID YOU PERFORM YOUR DISTRICT CONGRUITY
18 ANALYSIS HERE?
19 **A.** SO THERE'S TWO PARTS TO THIS ANALYSIS. THERE IS WHAT'S
20 CALLED A CORE-RETENTION ANALYSIS, AND I ALSO MAKE USE OF A
21 METRIC CALLED THE SIMILARITY INDEX TO LOOK AT GEOGRAPHIC
22 CONGRUITY. CORE RETENTION LOOKS AT POPULATION.
23 **Q.** AND WE'LL DISCUSS IT IN MORE DETAIL IN A MOMENT.
24 BUT WHAT DID YOUR DISTRICT CONGRUITY ANALYSIS
25 CONCLUDE?

04:23 1 **A.** IN A NUTSHELL AT A VERY HIGH LEVEL, THE ENACTED PLAN IS
2 HIGH CONGRUITY WITH THE BENCHMARK PLAN. AND THE PLAINTIFF
3 INTRODUCED PLANS ARE LESS CONGRUENT THAN THE ENACTED PLAN AS
4 COMPARED TO THE BENCHMARK PLAN.
5 **Q.** AND I APOLOGIZE, DR. HOOD, IF YOU'VE ALREADY EXPLAINED
6 THIS. BUT WHEN YOU SAY "BENCHMARK PLAN," WHAT DO YOU MEAN?
7 **A.** SO THERE I'M TALKING ABOUT THE 2011 PLAN.
8 **Q.** AND THE ENACTED PLAN IS WHICH PLAN?
9 **A.** THE 2022 PLAN.
10 **Q.** AND SO LET'S DISCUSS YOUR CORE-RETENTION ANALYSIS FIRST.
11 WHAT DOES CORE RETENTION MEAN?
12 **A.** SO CORE RETENTION LOOKS AT HOW MUCH OF A PRESENT DISTRICT
13 IS COMPRISED OF ITS FORMER SELF IN TERMS OF POPULATION. SO THE
14 MEASURE WOULD RANGE FROM 0 TO 100 PERCENT. SO IF IT'S, SAY,
15 100 PERCENT, IT WOULD MEAN THAT THE CURRENT DISTRICT
16 CONFIGURATION WHOLLY CONTAINS POPULATION THAT WAS FROM THE
17 PREVIOUS DISTRICT.
18 IF IT IS ZERO, THAT MEANS THERE'S NO OVERLAP IN
19 POPULATION FROM THE CURRENT DISTRICT TO THE PREVIOUS DISTRICT.
20 SO AS YOU GET CLOSER TO 100, OBVIOUSLY THERE'S MORE CONGRUITY
21 BETWEEN THE TWO DISTRICTS IN TERMS OF THE POPULATION THAT WAS
22 CARRIED OVER ACROSS THE REDISTRICTING CYCLE.
23 **Q.** AND DOES TABLE 1 CONTAIN THE RESULTS OF YOUR
24 CORE-RETENTION ANALYSIS?
25 **A.** YES.

04:25 **Q.** AND WHAT DOES TABLE 1 SHOW AS TO THE CORE-RETENTION SCORE OF THE ENACTED PLAN?
A. WELL, MAYBE IT'S EASIEST TO LOOK AT THE ROW WHERE THE MEAN AVERAGES ARE HOUSED. IT'S 96.4 PERCENT FOR THE ENACTED PLAN. SO ON AVERAGE, A DISTRICT IN THE ENACTED PLAN HAD A CORE RETENTION OF 96.4 PERCENT. SO FAIRLY HIGH, CLOSE TO 100.
Q. AND OVERALL, WHAT DOES TABLE 1 SHOW AS TO THE CORE-RETENTION SCORE OF THE PLAINTIFFS' PROPOSED PLANS THAT YOU ANALYZED IN YOUR INITIAL REPORT?
A. WELL, THE CORE-RETENTION SCORES FOR THE PLAINTIFFS' PLANS ARE LOWER THAN THOSE FOR THE ENACTED PLANS. AGAIN, YOU CAN LOOK AT THE MEAN ROW, 67.1, 69.6, 73.1 OR 66.66 ARE THE MEAN AVERAGE CORE-RETENTION SCORES FOR THE PLAINTIFF-INTRODUCED PLANS IN THIS PARTICULAR TABLE, AGAIN, AS COMPARED TO THE 96.4 PERCENT FOR THE ENACTED PLAN.
Q. AND WHAT DOES TABLE 1 SHOW AS TO THE CORE-RETENTION SCORES WHEN YOU LOOK DISTRICT BY DISTRICT?
A. WELL, YOU CAN COMPARE ANY DISTRICT, SAY, STARTING WITH DISTRICT 1 THROUGH DISTRICT 6. AND IF YOU LOOK AT THE CORE-RETENTION SCORE FOR DISTRICT 1 AND COMPARE IT TO THE CORE-RETENTION SCORE FOR THE CORRESPONDING DISTRICT 1 AND ANY OF THE PLAINTIFF-INTRODUCED PLANS, THE CORE-RETENTION SCORE FOR THE ENACTED PLAN FOR THAT DISTRICT IS HIGHER THAN FOR THE PLAINTIFF-INTRODUCED PLANS.
Q. AND WHAT DID YOU CONCLUDE AS TO THE ABILITY OF

04:26 CONSTITUENTS TO RETURN THEIR PREVIOUS INCUMBENTS TO OFFICE, IF THEY SO CHOSE, IN THE PLANS THAT YOU ANALYZED?

A. WELL, THE ABILITY FOR THAT TO OCCUR TO VOTE AN INCUMBENT IN OR OUT BY THEIR CONSTITUENTS IS MUCH HIGHER IN THE ENACTED PLAN AS COMPARED TO THE PLAINTIFF-INTRODUCED PLANS.

Q. NOW, IN ADDITION TO YOUR CORE-RETENTION ANALYSIS, I HEARD YOU ALSO SAY YOU PERFORMED A SIMILARITY INDEX ANALYSIS. WHAT DOES A SIMILARITY INDEX MEASURE?

A. WELL, AGAIN, IT'S MEASURING CONGRUITY. HERE I'M USING IT TO MEASURE GEOGRAPHIC CONGRUITY, SO NOT POPULATION, BUT LITERALLY GEOGRAPHY, HOW MUCH OF THE GEOGRAPHY OF A PRESENT DISTRICT WAS SHARED BY ITS FORMER INCARNATION OR THE PREVIOUS DISTRICT WHERE IT WAS OCCUPIED. AND SO THIS IS A FORMULA THAT'S FROM THE ACADEMIC LITERATURE. THE CITATION THERE IS IN FOOTNOTE 5 FOR THIS. IT IS FROM A PUBLISHED PEER-REVIEWED PRESS ACADEMIC BOOK. AND, AGAIN, HERE I'M LOOKING AT GEOGRAPHY. AGAIN, THIS SCORE WOULD RANGE FROM ZERO TO 100 PERCENT.

SO IF IT'S A 100 PERCENT, THEN THE DISTRICT WOULD BE COMPRISED WHOLLY OF GEOGRAPHY FROM THE PREVIOUS DISTRICT. IF IT'S ZERO, THERE'S LITERALLY NO GEOGRAPHIC OVERLAP BETWEEN THOSE TWO DISTRICTS, GEOGRAPHICALLY SPEAKING.

Q. AND THE FORMULA YOU'VE USED IS ON LEG 1-5 IN YOUR REPORT. IS THAT RIGHT?

A. CORRECT.

04:28 1 **Q.** SO DOES TABLE 2 ON PAGE LEG 1-6 CONTAIN THE RESULTS OF
2 YOUR SIMILARITY INDEX ANALYSIS?
3 **A.** YES.
4 **Q.** AND OVERALL WHAT DOES TABLE 2 SHOW AS TO THE SHARED
5 GEOGRAPHY BETWEEN THE ENACTED PLAN AND THE PLAINTIFFS' PLANS
6 AND THE BENCHMARK PLAN?
7 **A.** WELL, AGAIN, IF WE LOOK AT THE MEAN SCORE FOR THE ENACTED
8 PLAN IN TERMS OF THE SIMILARITY INDEX, IT'S 88.3, SO FAIRLY
9 HIGH, A FAIRLY HIGH DEGREE OF GEOGRAPHIC CONGRUITY BETWEEN THE
10 ENACTED PLAN AND THE BENCHMARK PLAN.
11 IF YOU LOOK AT THE PLAINTIFF-INTRODUCED PLANS OF THIS
12 PARTICULAR TABLE, THE SIMILARITY INDEX MEAN IS LOWER,
13 44 PERCENT, 44 PERCENT, 46 PERCENT, OR 41 PERCENT, FOR
14 INSTANCE. SO THERE'S LESS GEOGRAPHIC CONGRUITY BETWEEN THE
15 PLAINTIFF-INTRODUCED PLANS AND THE BENCHMARK PLAN AS COMPARED
16 TO THE ENACTED PLAN AND THE BENCHMARK PLAN.
17 **Q.** AND WHAT DID THE ANALYSIS SHOW WHEN YOU LOOKED DISTRICT
18 BY DISTRICT?
19 **A.** AGAIN, IF YOU CAN LOOK AT ANY ONE OF THESE DISTRICTS AND
20 COMPARE THE ENACTED PLAN SIMILARITY INDEX SCORE TO THE
21 SIMILARITY INDEX SCORE FOR THE OTHER PLAINTIFF-INTRODUCED PLANS
22 AND -- IT'S HIGHER FOR THE ENACTED PLAN THAN ANY OF THE OTHER
23 PLAINTIFF-INTRODUCED PLANS.
24 **Q.** I APOLOGIZE, DR. HOOD. I SHOULD HAVE ASKED THIS AT THE
25 OUTSET. WHAT PLANS DID YOU ANALYZE IN THIS INITIAL REPORT?

04:29 **A.** IN THIS INITIAL REPORT, AGAIN, THE ENACTED PLAN, THE ROBINSON PLAN, GALMON 1, 2 AND 3.

Q. SO LET'S TURN TO YOUR SUPPLEMENTAL REPORT. IT'S LEG 78. IT'S IN TAB 2 OF YOUR BINDER, IF WE GO TO PAGE 2.

AND WHAT PLANS DID YOU ANALYZE IN THIS REPORT?

A. IN THIS REPORT I ANALYZED ROBINSON 2A, GALMON 4, AND AN AMICUS PLAN THAT WAS INTRODUCED BY SOME PROFESSORS AT LSU AND TULANE.

Q. AND DOES TABLE 1 CONTAIN THE RESULTS OF YOUR CORE-RETENTION ANALYSIS FOR THESE THREE ADDITIONAL PLANS COMPARED TO THE ENACTED PLAN AND THE BENCHMARK PLAN?

A. YES.

Q. AND OVERALL WHAT DID YOUR ANALYSIS CONCLUDE HERE?

A. WELL, THERE IS A COLUMN FOR THE ENACTED PLAN, JUST FOR REFERENCE. THE FIGURES ARE THE SAME AS THE ENACTED PLAN OF CALCULATIONS REFERENCED IN THE ORIGINAL REPORT. BUT, AGAIN, SO IT'S 96.4 PERCENT CORE RETENTION FOR THE ENACTED PLAN AS COMPARED TO LOWER CORE-RETENTION LEVELS ON AVERAGE, 68.8, 69.7, OR 68.3 FOR THE OTHER PLANS THAT ARE ANALYZED IN THE TABLE.

Q. OKAY. AND WE WANT TO TURN TO PAGE 3. WHAT DOES TABLE 2 CONTAIN?

A. THIS IS THE SIMILARITY INDEX, THE GEOGRAPHIC SIMILARITY INDEX. AND, AGAIN, JUST FOR REFERENCE, THE ENACTED -- THE CALCULATIONS FOR THE ENACTED PLAN ARE LISTED THERE IN THE SECOND COLUMN.

04:31 SO, AGAIN, THE MEAN FOR THE ENACTED PLAN ON THE SIMILARITY INDEX IS 88.3, IF YOU COMPARE THAT TO LOWER MEAN SCORES FOR ROBINSON 2A AT 42.7, GALMON 4 AT 44.4, OR THE LSU-TULANE PLAN AT 44.6.

Q. IF WE CAN TURN BACK TO YOUR INITIAL REPORT, IF YOU TURN TO PAGE 6.

DID YOU ALSO COMPARE THE PERCENTAGE OF THE BLACK POPULATION WITHIN EACH DISTRICT FOR SEVERAL PLANS?

A. I DID.

Q. AND IS THIS YOUR DISTRICT RACIAL COMPOSITION ANALYSIS?

A. YES, IN SECTION 4.

Q. AND HOW DID YOU MEASURE THE PERCENTAGE OF THE BLACK POPULATION IN EACH DISTRICT?

A. I USED THE FORMULA THAT'S MADE AVAILABLE BY THE DEPARTMENT OF JUSTICE. THE SPECIFIC FORMULA IS THERE ON PAGE 4 OF THIS REPORT, ALONG WITH DOCUMENTATION. BUT BASICALLY SOMEONE IS CONSIDERED BLACK IF THEY ARE NON-HISPANIC, SINGLE-RACE BLACK, OR NON-HISPANIC SINGLE-RACE WHITE PLUS BLACK. SO THOSE TWO CATEGORIES ADDED TOGETHER DIVIDED BY THE TOTAL POPULATION OR THE TOTAL VOTING AGE POPULATION, DEPENDING ON WHAT CALCULATION IS BEING MADE.

Q. IS THIS WHAT'S ALSO REFERRED TO AS "DOJ BLACK"?

A. THAT'S THE SHORTHAND SOME PEOPLE USE, YES.

Q. NOW, ARE YOU OFFERING ANY OPINIONS IN THIS CASE ABOUT WHETHER THE DOJ DEFINITION OF BLACK OR SOME OTHER DEFINITION

04:32 1 SHOULD BE USED BY COURTS?
2 **A.** NO.
3 **Q.** AND WHY IS IT HELPFUL TO HAVE ONE METRIC OF THE PERCENTAGE
4 OF THE BLACK POPULATION IN DISTRICTS IN THIS CASE?
5 **A.** WELL, THERE ARE DIFFERENT WAYS OBVIOUSLY YOU CAN MEASURE
6 PERCENT BLACK IN A DISTRICTING PLAN. AND SO I THINK IT'S
7 USEFUL OR HELPFUL TO CONSISTENTLY USE A MEASURE ACROSS A RANGE
8 OF REDISTRICTING PLANS. AND SO YOU HAVE THE SAME CALCULATION
9 FOR THE ENACTED PLAN AND THE PLAINTIFF-INTRODUCED PLANS, AND
10 EVEN THE AMICUS PLANS, SO THEY CAN ALL BE COMPARED SIDE BY
11 SIDE.
12 **Q.** IN USING THE DOJ DEFINITION OF BLACK, WHAT WAS THE TOTAL
13 BLACK POPULATION IN LOUISIANA IN 2010?
14 **A.** 32.2 PERCENT.
15 **Q.** USING THAT SAME DOJ DEFINITION OF BLACK, WHAT WAS THE
16 TOTAL BLACK POPULATION IN LOUISIANA IN 2020?
17 **A.** 32.1 PERCENT.
18 **Q.** AND WITH THAT SAME DEFINITION, WHAT WAS THE BLACK VOTING
19 AGE POPULATION IN LOUISIANA IN 2010?
20 **A.** 30.0 PERCENT.
21 **Q.** AND USING THAT SAME DEFINITION, WHAT WAS THE BLACK VOTING
22 AGE POPULATION IN 2020?
23 **A.** 30.4 PERCENT.
24 **Q.** AND WHAT DID YOU CONCLUDE ABOUT ANY TRENDS IN THE BLACK
25 POPULATION OVER THE LAST DECADE IN LOUISIANA?

04:34 1 **A.** WELL, FROM THESE NUMBERS IT'S FAIRLY STATIONARY OR STATIC.
2 **Q.** CAN YOU TURN TO PAGE 7 IN YOUR REPORT?
3 WHAT DOES TABLE 3 CONTAIN?
4 **A.** THESE ARE THE DEPARTMENT OF JUSTICE -- AGAIN, USING THE
5 DEPARTMENT OF JUSTICE BLACK FORMULA FOR TOTAL POPULATION FOR
6 BOTH THE BENCHMARK AND THE ENACTED PLANS AND THEN THESE
7 PLAINTIFF-INTRODUCED PLANS. AND HERE I WANT TO -- I DO WANT TO
8 STATE FOR THE BENCHMARK PLAN IN THIS PARTICULAR TABLE, IT'S THE
9 BENCHMARK PLAN USING 2020 CENSUS DATA, JUST SO THERE'S NO
10 CONFUSION THERE.
11 **Q.** IF WE TURN TO PAGE 8, WHAT DOES TABLE 4 CONTAIN?
12 **A.** THESE ARE THE SAME CALCULATIONS MADE USING THE DOJ
13 FORMULA, EXCEPT THIS TIME THIS IS VOTING AGE POPULATION
14 COMPARISONS.
15 **Q.** AND WHAT DOES TABLE 4 SHOW AS TO THE BLACK VOTING AGE
16 POPULATION IN THE BENCHMARK AND ENACTED PLANS?
17 **A.** IT SHOWS US THAT THERE'S ONE MAJORITY-BLACK VOTING AGE
18 POPULATION DISTRICT AT 57.0 PERCENT IN BOTH THE BENCHMARK AND
19 THE ENACTED PLANS.
20 **Q.** AND WHAT DOES TABLE 4 SHOW AS TO THE BLACK VOTING AGE
21 POPULATION IN PLAINTIFFS' PLANS?
22 **A.** IN THIS PARTICULAR TABLE, IT SHOWS US THAT, FOR INSTANCE,
23 UNDER THE ROBINSON PLAN, DISTRICT 5 WOULD BE A MAJORITY-BLACK
24 VOTING AGE POPULATION DISTRICT AT 51.2 PERCENT, AND UNDER THE
25 GALMON 3 PLAN, DISTRICT 5 IS ALSO A MAJORITY-BLACK VOTING AGE

04:35 1 DISTRICT AT 50.8 PERCENT. UNDER THE GALMON 1 AND 2 PLANS IN
2 THIS TABLE, THERE ARE NO MAJORITY-BLACK VOTING AGE POPULATION
3 DISTRICTS USING THIS METRIC.
4 **Q.** IS CONGRESSIONAL DISTRICT 2 A MAJORITY-BLACK DISTRICT IN
5 ANY OF PLAINTIFFS' PROPOSED PLANS USING THE DOJ DEFINITION OF
6 BLACK?
7 **A.** NO.
8 **Q.** WHAT DOES TABLE 5 SHOW AS TO THE VOTING AGE BLACK TOTAL
9 POPULATION IN DISTRICT 2 IN 2011 WITH 2010 CENSUS DATA?
10 **A.** SO THIS IS JUST FOR REFERENCE. THIS IS THE BENCHMARK PLAN
11 IN 2010 USING THE 2020 CENSUS. AND SO UNDER THAT DRAWING
12 DISTRICT 2 IS A MAJORITY VOTING AGE BLACK -- EXCUSE ME -- A
13 MAJORITY-BLACK VOTING AGE POPULATION DISTRICT AT 58.7 PERCENT
14 BVAP.
15 **Q.** AND WHAT DID YOU FIND WHEN COMPARING THE BLACK VOTING AGE
16 POPULATION IN CD2 BETWEEN 2010 AND 2020?
17 **A.** THE BLACK VOTING AGE POPULATION IN THAT DISTRICT DROPS
18 1.7.
19 **Q.** AND WE'LL TURN BACK TO YOUR SUPPLEMENTAL REPORT AGAIN.
20 IT'S LEG 78. WE'LL GO TO PAGE 5. OKAY.
21 AND WHAT DOES TABLE 4 CONTAIN?
22 **A.** SIMILAR COMPARISONS. THESE ARE THE BLACK VOTING AGE
23 POPULATION COMPARISONS FOR THESE DIFFERENT PLANS, THE ENACTED
24 PLAN, AGAIN, ROBINSON 2A, GALMON 4, AND THE LSU-TULANE PLAN.
25 **Q.** OKAY. AND SO WHAT DOES TABLE 4 SHOW AS TO THE BLACK

04:37 VOTING AGE POPULATION OF THE DISTRICTS IN THE ROBINSON 2A, GALMON 4, AND THE LSU-TULANE AMICUS PLAN?

A. OKAY. SO IN THE ROBINSON 2A PLAN, FOR EXAMPLE, THERE ARE TWO MAJORITY BLACK VOTING AGE POPULATION DISTRICTS USING THIS METRIC, ONE AT 50.02 PERCENT AND ONE AT 51.1 PERCENT. AND IN THE GALMON 4 AND THE LSU-TULANE PLANS, THERE ARE NO MAJORITY-BLACK VOTING AGE POPULATION DISTRICTS.

Q. THANK YOU, DR. HOOD.

DID YOU REVIEW ANY OF THE REPORTS BY PLAINTIFFS' EXPERTS IN THIS CASE?

A. NO. I REVIEWED -- THE ONLY THING I REVIEWED IN TERMS OF REPORTS WERE, I GUESS, SOME REBUTTAL REPORTS AND ONLY THE PARTS THAT PERTAIN TO THE REPORT I HAD SUBMITTED ORIGINALLY IN THIS MATTER, AND I THINK THOSE WERE REBUTTAL REPORTS THAT WERE SUBMITTED BY MR. COOPER AND MR. FAIRFAX.

Q. SO OTHER THAN THOSE, YOU DIDN'T REVIEW ANY OTHER REPORTS?

A. NO.

Q. AND YOU ONLY REVIEWED THE PORTIONS OF THOSE REPORTS THAT RESPONDED TO YOUR INITIAL REPORT?

A. CORRECT.

Q. IN HIS MAY 2ND SUPPLEMENTAL REPORT, PR-86 -- WE DON'T NEED TO BRING IT UP -- BUT DID DR. FAIRFAX DISPUTE YOUR CORE RETENTION OR SIMILARITY INDEX CALCULATIONS?

A. NO.

Q. DID YOU REVIEW DR. FAIRFAX'S RESPONSE TO YOUR CALCULATION

04:39 OF DOJ BLACK?
A. YES.
Q. DO YOU HAVE A RESPONSE TO THAT?
A. WELL, HE QUESTIONED MY USE OF THE FORMULA. SO THERE'S AN EXTENSION TO THE DEPARTMENT OF JUSTICE FORMULA. IT'S MY UNDERSTANDING THE EXTENSION TO CONTINUE TO COUNT INDIVIDUALS WHO ARE IN THIS CASE, FOR INSTANCE, SINGLE-RACE BLACK PLUS ANOTHER SINGLE RACE OUTSIDE OF BEING WHITE, YOU WOULD ONLY CONTINUE TO DO THAT IF IT WAS AN ENFORCEMENT ACTION. SO I DIDN'T MAKE USE OF THAT PART OF THE FORMULA. SO HE DISAGREED WITH ME ABOUT THAT.
Q. DID YOU LOOK AT WHAT THE IMPACT OF USING THAT SECOND PART OF THE FORMULA WOULD HAVE BEEN?
A. WELL, I TOOK A QUICK PEEK AT IT. FROM WHAT I SAW -- AGAIN, THERE ARE FEW PEOPLE THAT FALL INTO THESE OTHER CATEGORIES, WHICH WOULD BE BLACK PLUS NATIVE-AMERICAN OR BLACK PLUS ASIAN OR BLACK PLUS OTHER OR BLACK PLUS HAWAIIAN OR PACIFIC ISLANDER. THERE'S ABOUT -- BETWEEN 5 AND 6,000 PEOPLE THAT WOULD FALL -- STATEWIDE THAT WOULD FALL INTO THOSE OTHER RACIAL CATEGORIES.
Q. AND SO DID THE PERCENTAGE OF THE BLACK POPULATION USING THAT ADDITIONAL METRIC INCREASE SIGNIFICANTLY WHEN YOU LOOKED AT IT?
A. WELL, THAT WOULD ADD SOMETHING OF LIKE ABOUT TWO-TENTHS OF A PERCENTAGE POINT STATEWIDE.

04:40 1 **Q.** AND IN HIS MAY 2, 2022 REBUTTAL REPORT -- IT'S GX-29. WE
2 DON'T NEED TO BRING IT UP -- BUT DID MR. COOPER, EXCUSE ME,
3 DISPUTE ANY OF THE CALCULATIONS IN YOUR REPORT?
4 **A.** NO.
5 **Q.** AND, IN FACT, DID MR. COOPER SPECIFICALLY SAY IN HIS
6 REPORT THAT HE DID NOT DISAGREE WITH YOUR CALCULATIONS?
7 **A.** YES, THAT'S CORRECT.
8 **MS. PROUTY:** YOUR HONOR, AT THIS TIME WE WOULD MOVE
9 FOR THE ADMISSION OF DR. HOOD'S REPORTS. THEY ARE LEG 1, HIS
10 INITIAL REPORT, AND LEG 78, HIS SUPPLEMENTAL REPORT.
11 **THE COURT:** ANY OBJECTION?
12 **MS. WENGER:** NO OBJECTION.
13 **THE COURT:** ADMITTED.
14 **MS. PROUTY:** AND WHILE WE'RE HERE, YOUR HONOR, WE
15 ACTUALLY HAVE ANOTHER EXHIBIT WE'D OFFER FOR ADMISSION. WE
16 JUST HEARD DR. HOOD'S TESTIMONY ABOUT HOW IT WOULD BE USEFUL TO
17 HAVE A SIDE BY SIDE COMPARISON OF ALL THE METRICS AND ALL THE
18 PLANS IN THIS CASE. WE'VE PREPARED AN EXHIBIT. IT'S MARKED AS
19 LEG 79. AS PERMITTED BY FEDERAL RULE OF EVIDENCE 1006, WE HAVE
20 PREPARED A CHART THAT PROVES THE CONTENT OF VOLUMINOUS WRITINGS
21 THAT CANNOT BE CONVENIENTLY EXAMINED IN COURT.
22 IN THIS CASE IT'S THE CENSUS DATA FROM THE 2010
23 AND 2020 CENSUS FOR ALL THE PLANS THAT HAVE BEEN OFFERED AND
24 PROPOSED AND DISCUSSED IN THIS CASE. WE HAVE MADE THIS
25 DOCUMENT AND ITS SOURCES AVAILABLE TO PLAINTIFFS' COUNSEL. THE

04:42 SOURCES ARE NOTED IN THE CHART. WE PROVIDED THIS DOCUMENT INITIALLY LAST WEEK AS A PROPOSED JOINT STIPULATED EXHIBIT. WE HAVE PROVIDED AN UPDATED VERSION ON MONDAY AND MARKED IT AS AN EXHIBIT, AND WE WOULD MOVE FOR ITS ADMISSION AT THIS TIME.

THE COURT: IS THERE AN OBJECTION AS TO THE 1009 SUMMARY?

MS. WENGER: CAN WE JUST SEE THE EXHIBIT BRIEFLY?

MS. PROUTY: OH, SURE. I HAVE A COPY OF IT.

YOUR HONOR, I WOULD OFFER THAT WE PROVIDED THIS OVER A WEEK AGO AND WE HAVE NOT HEARD FROM PLAINTIFFS' COUNSEL IF THERE IS ANY ISSUES WITH ITS ACCURACY.

THE COURT: OKAY. WELL, AND THAT MAY BE AS IT WERE, BUT LET THEM TAKE A LOOK AT IT. I MEAN, WE HAVE ALL BEEN WORKING PRETTY HARD HERE.

MS. PROUTY: OH, I UNDERSTAND, YOUR HONOR.

THE COURT: I THINK THE REAL QUESTION FOR THE COURT ARE THE HEADINGS. I MEAN, IF THIS IS A COMPILATION OF THE CENSUS DATA, THAT SEEMS LIKE IT WOULD FIT THE DEFINITION OF A CHART OR A SUMMARY 1009. I GUESS I'D ASK YOU-ALL TO TAKE A LOOK AT THE HEADINGS AND SEE IF THOSE COMPORT WITH CENSUS HEADINGS.

MS. PROUTY: AND THERE IS A CHART TOWARDS THE END OF THE EXHIBIT THAT EXPLAINS THE MEANING OF THE HEADINGS AND THEN IT ALSO HAS THE SOURCES.

THE COURT: I TELL YOU WHAT -- AND RATHER THAN -- I

04:43 REALIZE THAT YOU GAVE IT TO THEM. I REALIZE THEY HAVEN'T HAD A CHANCE TO LOOK AT IT. IT'S BEEN OFFERED. THE COURT WILL RULE ON IT AFTER YOU-ALL HAVE A CHANCE TO TAKE A LOOK AT IT AND THEN MAYBE Y'ALL CAN WORK OUT ANY KIND OF DISCREPANCIES. HOW ABOUT THAT?

MS. WENGER: THANK YOU, YOUR HONOR.

THE COURT: SO IT'S BEEN OFFERED, AND THE COURT WILL DEFER ITS RULING ON ADMISSION UNTIL I HEAR FROM THE PLAINTIFFS.

MS. PROUTY: THANK YOU, YOUR HONOR. I HAVE NO FURTHER QUESTIONS FOR DR. HOOD AT THIS TIME.

THE COURT: ALL RIGHT. CROSS-EXAMINATION.

CROSS-EXAMINATION

BY MS. WENGER:

Q. GOOD AFTERNOON, DR. HOOD.

A. GOOD AFTERNOON.

Q. I'D LIKE TO TALK TO YOU ABOUT YOUR WORK IN LOUISIANA LEADING UP TO THIS HEARING. WHEN DID YOU START WORKING ON CONGRESSIONAL REDISTRICTING IN LOUISIANA?

A. ON THIS MATTER?

Q. IN GENERAL.

A. WELL, THIS IS THE ONLY MATTER I'M INVOLVED WITH IN LOUISIANA.

Q. AND WHEN DID YOUR WORK ON THIS MATTER BEGIN?

A. LATE APRIL, FROM WHAT I RECALL.

Q. SO YOU WERE NEVER ASKED TO PERFORM AN ANALYSIS ON ANY OF

04:44 1 THE BILLS PRESENTED DURING THE REDISTRICTING SESSION THAT
2 PROVIDED FOR TWO BLACK-MAJORITY DISTRICTS. CORRECT?
3 **A.** THAT'S CORRECT.
4 **Q.** WHO CONTACTED YOU TO BECOME INVOLVED IN THIS MATTER?
5 **A.** THE DEFENDANT INTERVENORS, LEGISLATIVE DEFENDANT
6 INTERVENORS.
7 **Q.** DO YOU KNOW WHO EXACTLY?
8 **A.** WELL, I WAS CONTACTED BY BAKERHOSTETLER LAW FIRM ON THEIR
9 BEHALF, I GUESS.
10 **Q.** SO HAVE YOU EVER SPOKEN WITH A LOUISIANA LEGISLATOR ABOUT
11 THE ENACTED MAP?
12 **A.** NO, I HAVE NOT.
13 **Q.** HOW ABOUT ANY OF THE ALTERNATIVE MAPS?
14 **A.** I HAVE NOT SPOKEN TO ANY LEGISLATORS IN LOUISIANA.
15 **Q.** WHAT IS YOUR HOURLY RATE IN THIS LITIGATION?
16 **A.** $400 AN HOUR.
17 **Q.** AND ABOUT HOW MANY HOURS HAVE YOU BILLED THUS FAR?
18 **A.** ZERO.
19 **Q.** HOW MANY HOURS HAVE YOU WORKED ON THIS MATTER THUS FAR?
20 **A.** I HAVEN'T COMPILED AN INVOICE AT THIS POINT, SO...
21 **Q.** DO YOU HAVE A GENERAL ESTIMATION?
22 **A.** WELL, IT WAS ONLY AN ESTIMATION, 10 TO 12.
23 **Q.** DR. HOOD, HAS YOUR TESTIMONY BEEN REJECTED OR FOUND NOT
24 CREDIBLE OR HELPFUL BY COURTS IN THE PAST?
25 **A.** COURTS HAVE GIVEN MY TESTIMONY VARYING DEGREES OF WEIGHT

04:45 OVER THE YEARS.
Q. ON VOTING RIGHTS CASES SPECIFICALLY?
A. WELL, THOSE ARE THE ONLY KIND OF CASES I TESTIFY IN.
Q. YOU TESTIFIED IN A CASE CAPTIONED *NORTHEAST OHIO COALITION FOR THE HOMELESS V. HUSTED*. CORRECT?
A. THAT'S CORRECT.
Q. AND THAT CASE WAS ABOUT PROVISIONAL AND ABSENTEE-VOTING ACCESS IN OHIO. CORRECT?
A. CORRECT.
Q. THE COURT SAID YOUR TESTIMONY WAS IRRELEVANT TO THE ISSUES BEFORE THE COURT. CORRECT?
A. FROM WHAT I RECALL.
Q. AND THAT YOUR REPORT REFLECTED METHODOLOGICAL ERRORS THAT UNDERMINED YOUR CONCLUSIONS?
A. FROM WHAT I RECALL. AGAIN, THAT'S A DIFFERENT ANALYSIS FROM WHAT I'M DOING IN THIS PARTICULAR CASE.
Q. OKAY. AND YOU TESTIFIED IN A MATTER CALLED *VEASEY V. PERRY*. CORRECT?
A. CORRECT.
Q. AND THAT WAS A CASE ABOUT VOTER I.D. LAWS IN TEXAS. RIGHT?
A. CORRECT.
Q. AND THE COURT FOUND YOUR TESTIMONY AND ANALYSIS UNCONVINCING AND GAVE IT LITTLE WEIGHT. CORRECT?
A. CORRECT. AGAIN, THAT'S NOT THE SAME ANALYSIS I'M DOING IN

04:46 1 THIS CASE, THOUGH.
2 **Q.** ALL RIGHT. SO LET'S SHIFT TO THE ANALYSIS THAT YOU ARE
3 DOING HERE REGARDING CORE RETENTION. CAN A STATE'S DESIRE TO
4 PRESERVE THE CORES OF PRIOR DISTRICTS RELIEVE IT FROM ITS
5 OBLIGATION TO COMPLY WITH THE VOTING RIGHTS ACT?
6 **A.** I MEAN, IT DOES -- DOES CORE RETENTION TRUMP THE VOTING
7 RIGHTS ACT? IS THAT WHAT YOU'RE ASKING?
8 **Q.** CERTAINLY.
9 **A.** OKAY. WELL, AGAIN, THAT'S A LEGAL MATTER. BUT NO, AS A
10 GENERAL MATTER, AS A GENERAL PRINCIPLE, CORE RETENTION DOESN'T
11 TRUMP THE VOTING RIGHTS ACT, ALTHOUGH I WILL SAY THAT THERE IS
12 SOME CAVEATS. YOU KNOW, IF YOU'RE DRAWING A SECTION 2 RELIEF
13 DISTRICT, YOU CAN'T IGNORE -- COMPLETELY IGNORE TRADITIONAL
14 REDISTRICTING CRITERIA LIKE COMPACTNESS, FOR INSTANCE.
15 **Q.** YOU TESTIFIED EARLIER THAT YOU ARE NOT AWARE OF WHAT THE
16 PRIORITIZED REDISTRICTING PRINCIPLES FOR THIS STATE OF
17 LOUISIANA WERE. CORRECT?
18 **A.** THAT'S CORRECT. THAT WAS A GENERAL STATEMENT I JUST MADE.
19 **Q.** BUT YOU DID NOT --
20 **A.** THAT'S NOT RELATED TO THIS PARTICULAR STATE AT THIS
21 PARTICULAR TIME. I'M JUST SPEAKING GENERALLY.
22 **Q.** CERTAINLY. BUT YOU DID NOT REVIEW ANY RULES PASSED BY THE
23 LEGISLATURE IDENTIFYING THE PRIORITIES THAT THEY WERE GOING TO
24 APPLY DURING THIS REDISTRICTING PROCESS?
25 **A.** AS I STATED, I DID NOT.

04:48 1 **Q.** BECAUSE YOU DON'T KNOW THOSE PRINCIPLES SO YOU DON'T KNOW
2 IF THE ILLUSTRATIVE PLANS HERE COMPLY WITH THOSE PRINCIPLES.
3 CORRECT?
4 **A.** AGAIN, I DIDN'T REVIEW THOSE PRINCIPLES, SO I DON'T KNOW
5 THE ANSWER TO THAT QUESTION.
6 **Q.** RIGHT. AND YOU'RE OFFERING NO OPINION AS TO THE
7 COMPLIANCE OF PLAINTIFFS' ILLUSTRATIVE MAPS HERE WITH THE
8 PRINCIPLES THAT WERE OUTLINED BY THE LOUISIANA LEGISLATURE FOR
9 THIS REDISTRICTING PROCESS. CORRECT?
10 **A.** THAT IS CORRECT, YES. YOU ASKED ME A GENERAL QUESTION
11 PREVIOUSLY AND I ANSWERED IT, SO...
12 **Q.** CERTAINLY. DR. HOOD, I'D LIKE TO PULL UP TABLE 4 ON
13 PAGE 6 OF YOUR REPORT. THAT'S EXHIBIT LEG 1.
14 **MS. WENGER:** MATTHEW, CAN YOU PULL THAT UP ON THE
15 SCREEN? I BELIEVE IT'S PAGE 8 OF THE PDF DOCUMENT I'VE SHARED.
16 THANK YOU.
17 **BY MS. WENGER:**
18 **Q.** DR. HOOD, YOU RECOGNIZE THIS TABLE. CORRECT?
19 **A.** CORRECT.
20 **Q.** AND THE THIRD COLUMN HERE WHERE IT SAYS ENACTED, THAT
21 SHOWS THE BLACK VOTING AGE POPULATION IN EACH OF THE SIX
22 DISTRICTS IN THE ENACTED PLAN. CORRECT?
23 **A.** CORRECT.
24 **Q.** AND WHAT WAS THE PERCENTAGE OF THE BLACK VOTING AGE
25 POPULATION IN THE DISTRICT WITH THE SECOND HIGHEST BLACK VOTING

04:49 AGE POPULATION?
A. FOR THE ENACTED PLAN?
Q. CORRECT.
A. 33.1, DISTRICT 4.
Q. AND DISTRICT 5, THAT FOLLOWS CLOSELY BEHIND, CORRECT, WITH 32.3?
A. CORRECT.
Q. ALL RIGHT. AND THAT'S NOT BASED OFF OF "ANY PART BLACK." CORRECT?
A. THAT'S BASED OFF OF THE DOJ FORMULATION THAT I DISCUSSED PREVIOUSLY. SO, AGAIN, IT'S NON-HISPANIC BLACK PLUS NON-HISPANIC BLACK PLUS WHITE, THOSE TWO CATEGORIES.
Q. YOU WOULD AGREE THAT WHILE FACTORING OTHER REDISTRICTING PRINCIPLES, IF A MAPMAKER SET OUT TO DRAW A SECOND MAJORITY-BLACK DISTRICT, AT MINIMUM, THAT DISTRICT -- AT MINIMUM, ABOUT 17 OR SO PERCENT OF ONE OF THE NON-MAJORITY BLACK DISTRICTS, LIKE THOSE HERE, MUST BE DISPLACED IN ORDER TO MAKE WAY FOR ENOUGH BLACK VOTERS TO FORM A MAJORITY IN THAT SECOND DISTRICT?
MS. PROUTY: OBJECTION, YOUR HONOR. THIS IS OUTSIDE THE SCOPE OF THE OPINIONS DR. HOOD HAS OFFERED IN THIS CASE.
MS. WENGER: THIS IS SPECIFICALLY ABOUT THE POPULATION THAT WOULD HAVE TO SHIFT IN ORDER TO CREATE A SECOND MAJORITY DISTRICT FROM THE CORE POPULATION OF AN EXISTING DISTRICT.

04:51 **MS. PROUTY:** SHE'S ASKING HYPOTHETICALS ABOUT MAPS THAT HE DID NOT PROPOSE OR DRAW IN THIS CASE AND ABOUT REDISTRICTING PRINCIPLES THAT HE HAS NOT TESTIFIED ABOUT.

THE COURT: WELL, HIS PRINCIPAL TESTIMONY HAS BEEN ABOUT CORE RETENTION. AND AS I UNDERSTAND THE QUESTION, THAT'S WHAT YOU ARE GETTING AT?

MS. WENGER: CORRECT.

THE COURT: CAN YOU REPHRASE THE QUESTION, JUST SO THE COURT UNDERSTANDS EXACTLY WHAT YOU ARE ASKING?

MS. WENGER: CERTAINLY.

BY MS. WENGER:

Q. SO YOU WOULD AGREE THAT IF A MAPMAKER IS TRYING TO CREATE A SECOND MAJORITY-BLACK DISTRICT USING THESE DISTRICTS, FOR EXAMPLE, YOU WOULD HAVE TO TAKE SOME OF THE PERCENTAGE IN A NON-MAJORITY BLACK DISTRICT -- WE COULD SAY DISTRICT 4, DISTRICT 5 HERE -- AND YOU WOULD HAVE TO TAKE SOME OF THAT POPULATION AND SHIFT IT AROUND TO CREATE A SECOND BLACK-MAJORITY DISTRICT. CORRECT?

MS. PROUTY: YOUR HONOR, I APOLOGIZE. I WOULD OBJECT, AGAIN. DR. HOOD HASN'T OFFERED ANY TESTIMONY ABOUT HOW TO CREATE A SECOND MAJORITY-BLACK DISTRICT. HE'S JUST REPORTING WHAT THE CORE-RETENTION FIGURES ARE IN THE PLANS PROPOSED IN THIS CASE AND NOT WHAT WOULD HAVE TO BE DONE TO CREATE A SECOND DISTRICT.

THE COURT: COUNSEL?

04:52 **BY MS. WENGER:**
Q. JUST --
THE COURT: NO, NO, NO. ADDRESS THE OBJECTION.
MS. WENGER: CERTAINLY. I AM SPECIFICALLY JUST ASKING ABOUT THE STATISTICAL MANIPULATION HERE. WE DON'T EVEN HAVE TO SAY THEY ARE DISTRICTS, FOR EXAMPLE. WHAT TYPE OF MATH WOULD YOU HAVE TO DO TO SHIFT THESE NUMBERS TO GET TWO OF THOSE DISTRICTS -- OR WHATEVER YOU WANT TO CALL THEM -- TO A 50 PERCENT THRESHOLD?
THE COURT: OBJECTION SUSTAINED.
MS. WENGER: ARE WE ABLE TO PULL UP THAT SAME EXHIBIT ONCE MORE?
THE COURT: YES.
MS. WENGER: THANK YOU.
THE COURT: IT'S PART OF HIS REPORT.
BY MS. WENGER:
Q. DR. HOOD, HERE YOU HAVE MENTIONED THAT DISTRICT 4 AND DISTRICT 5 IN THE ENACTED PLANS HAVE POPULATIONS JUST OVER 30 PERCENT. CORRECT?
A. THAT'S CORRECT.
Q. AND HOW -- IN ALL OF -- WHAT PERCENTAGE WOULD YOU HAVE TO INCREASE 33.1 PERCENT BY TO REACH A 50 PERCENT THRESHOLD.
MS. PROUTY: YOUR HONOR, SAME OBJECTION.
THE COURT: SUSTAINED. YES. I MEAN, HE WASN'T -- HE'S BEEN ASKED TO GIVE OPINIONS ABOUT THE RETENTION IN THE

04:52 ENACTED PLAN COMPARED TO THE BENCHMARK PLAN AND THE
ILLUSTRATIVE PLANS COMPARED TO THE BENCHMARK PLAN, NOT WHAT --
WELL, I DON'T NEED TO EXPLAIN IT. OBJECTION IS SUSTAINED.
BY MS. WENGER:
Q. DR. HOOD, LET'S LOOK AT SOMETHING DIFFERENT. ROUGHLY,
WHAT IS THE DIFFERENCE BETWEEN -- IN THIS CHART RIGHT HERE,
DISTRICT 5'S ENACTED -- IN THAT ENACTED COLUMN, DISTRICT 5 IS
AT WHAT PERCENTAGE POINT?
A. IN THE ENACTED PLAN?
Q. CORRECT.
A. 32.3 PERCENT BVAP.
Q. AND HOW DOES THAT COMPARE TO THE ROBINSON PLAINTIFFS'
PLAN?
A. IT'S LOWER.
Q. BY ABOUT HOW MUCH?
A. OH, 19 PERCENT.
Q. AND HOW ABOUT IN THE GALMON 3 PLAN?
A. WHAT ABOUT IT SPECIFICALLY?
Q. WHAT IS THE DIFFERENCE BETWEEN THE PERCENTAGE IN DISTRICT
5 IN THE ENACTED PLAN VERSUS THE GALMON 3 PLAN?
A. ABOUT 19, APPROXIMATELY.
Q. NINETEEN PERCENT WITH A DOJ BLACK METRIC. CORRECT?
A. YES.
Q. IF YOU WERE TO CHANGE ANY OF THE NUMBERS IN THE ENACTED
PLAN, SHIFTING ONE PERCENTAGE HERE OR THERE IN ANY OF THOSE

04:55 STATISTICS IN AN ENACTED PLAN FOR EACH ONE OF THE DISTRICTS, WOULD THAT HAVE A RIPPLE EFFECT ON THE OTHER DISTRICTS?

MS. PROUTY: YOUR HONOR, SAME OBJECTION.

THE COURT: I'LL ALLOW IT. I MEAN, CLEARLY IT DOES. IT DOESN'T TAKE AN EXPERT TO TELL US THAT.

GO AHEAD. ANSWER THE QUESTION.

THE WITNESS: YES.

BY MS. WENGER:

Q. AND SO SOLELY ON YOUR OPINION OF CORE RETENTION, YOU HAVE NOT LOOKED AT ANY OF THE OTHER REDISTRICTING PRINCIPLES AND STATE NO OPINIONS ON WHAT IMPLICATIONS FACTORING THOSE OTHER PRINCIPLES WOULD HAVE ON CORE-RETENTION SCORES. CORRECT?

A. CORRECT. MY OPINIONS IN THIS MATTER ARE HOUSED IN THESE TWO REPORTS PRESENTED IN COURT TODAY.

Q. NO FURTHER QUESTIONS.

THE COURT: IS THERE ANY REDIRECT?

MS. PROUTY: NO, YOUR HONOR.

THE COURT: DR. HOOD, YOU MAY STEP DOWN. THANK YOU FOR YOUR ASSISTANCE TO THE COURT.

THE WITNESS: THANK YOU.

THE COURT: OKAY. IT'S 5:00. HOW MUCH IS LEFT, FOLKS? LET'S TALK ABOUT THAT.

MR. STRACH: YOUR HONOR, PHIL STRACH.

WE HAVE TWO WITNESSES LEFT. THE ONE THAT'S HERE THIS AFTERNOON, THE DIRECT WOULD BE AT LEAST 30, 40 MINUTES AND

04:57 THEN WE HAVE ONE WITNESS AFTER THAT. SO WE SHOULD BE ABLE TO -- IF WE COME BACK TOMORROW MORNING, WE SHOULD BE ABLE TO WRAP UP PRETTY EARLY IN THE MORNING.

THE COURT: ALL RIGHT. SO DO YOU THINK THAT YOUR -- OKAY. OFF THE RECORD.

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

THE COURT: ALL RIGHT. DO WANT TO START A LITTLE EARLIER TOMORROW MORNING, FOLKS?

MR. STRACH: THAT'S FINE. 9:00?

THE COURT: 9:00 WORKS. OKAY. HEARING NO OBJECTION, THEN WE WILL BREAK FOR THE DAY AND WE WILL RECONVENE AT 9:00 A.M.

THE LAW CLERK: COURT'S NOW IN RECESS.

(WHEREUPON, THIS MATTER WAS RECESSED UNTIL MAY 13, 2022 AT 9:00 A.M.)

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04:57

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