

EXHIBIT 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF LOUISIANA

3

4 PRESS ROBINSON, et al, CASE NO.
5 Plaintiffs, 3:22-cv-00211-SDD-SDJ

6 v

7 KYLE ARDOIN, in his
8 official capacity as c/w
9 Secretary of State for
10 Louisiana,
11 Defendant.

12
13 EDWARD GALMON, SR., et
14 al, CASE NO.
15 Plaintiffs, 3:22-cv-00214-SDD-SDJ

16 v

17 R. KYLE ARDOIN, in his
18 official capacity as
19 Louisiana Secretary of
20 State,
21 Defendant.

22

23 PROCEEDINGS

24 INJUNCTION HEARING

25 Held on Monday, May 9, 2022

Before The

HONORABLE SHELLY DICK

Judge Presiding

Baton Rouge, Louisiana

26

27 REPORTED BY:CHERIE' E. WHITE
28 CCR (LA), CSR (TX), CSR (MS), RPR
29 CERTIFIED COURT REPORTER

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2

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9 JACOB D. SHELLY, ESQUIRE

10 SAMANTHA OSAKI, ESQUIRE

11 SARAH BRANNON, ESQUIRE

12 JOHN ADCOCK, ESQUIRE

13 STUART NAIFEH, ESQUIRE

14 KATHRYN SADASIVAN, ESQUIRE

15 VICTORIA WENGER, ESQUIRE

16 SARA ROHANI, ESQUIRE

17 JONATHAN H. HURWITZ, ESQUIRE

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11 President of the Louisiana Senate:

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14 KATHERINE L. MCKNIGHT, ESQUIRE

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20 Capacity as Attorney General:

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23 JEFFERY M. WALE, ESQUIRE

24 JASON B. TORCHINSKY, ESQUIRE

25 PHILLIP M. GORDON, ESQUIRE

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1 P R O C E E D I N G S

2 THE COURT:

3 Okay. Call the case, please.

4 THE BAILIFF:

5 This is Civil Action No. 22211
6 consolidated with 22214 Chris Robinson and
7 others versus Kyle Ardoin and others and
8 Edward -- Edward Galmon, Senior and others
9 versus Kyle Ardoin and others.

10 THE COURT:

11 Okay. Counsel, before we get
12 started, I'm going to ask you to make
13 appearances momentarily, but before we do
14 that, let me just make -- make a couple of
15 comments. As a reminder, the court's
16 general order is that masks are -- are
17 optional, but if you are unvaccinated,
18 masks are mandatory. If the court should
19 learn that someone in this audience or
20 someone that comes in is unmasked and
21 unvaccinated, they will be in contempt of
22 court. I don't need to explain it to you
23 what that means.

24 We have agreed previously that we
25 will have one lawyer per witness for the

1 plaintiff or whoever's perpetuating that
2 testimony and one on cross-examination. I
3 want to confirm that the parties are going
4 to be keeping their own time clocks and I
5 registered stipulations obviously. So
6 what we will do at the beginning of court
7 every morning, we will just take a survey
8 to make sure that you are in agreement as
9 to what time was used and what time is
10 remaining, so that we cannot have an issue
11 at the end of the week with respect to
12 some dispute. 4.

13 With respect to today, we will break
14 at 11:45. The court has a 12:00 o'clock
15 obligation. I have every anticipation of
16 being back on the record by 1:15, so 11:45
17 to 1:15. Those are the few little
18 housekeeping matters. We will have a few
19 little other housekeeping matters, but let
20 me ask the parties to make their
21 appearances.

22 First, let me start with counsel for
23 the Robinson plaintiffs.

24 MR. NAIFEH:

25 Your Honor, this is Stuart --

1 THE COURT:

2 Okay. Stand when you address the
3 court.

4 MR. NAIFEH:

5 This is Stuart Naifeh.

6 THE COURT:

7 I'm sorry. Your last name, sir?

8 MR. NAIFEH:

9 It's N-A-I-F-E-H, Naifeh, with the
10 NAACP.

11 THE COURT:

12 Let's make sure that the mics are
13 on. Hold on a second.

14 MR. NAIFEH:

15 The light is on.

16 THE COURT:

17 Okay. You might adjust it. Can you
18 adjust it a little bit?

19 MR. NAIFEH:

20 (Complied.)

21 THE COURT:

22 Okay. Thank you, sir. One more
23 time.

24 MR. NAIFEH:

25 Stuart Naifeh.

1 THE COURT:

2 Naifeh.

3 MR. NAIFEH:

4 With the NAACP Legal Defense Fund.

5 THE COURT:

6 And as you introduce yourselves, if
7 you will tell me who you kind of think is
8 going to be taking the lead on things.

9 MR. NAIFEH:

10 I will be taking the lead and I have
11 our first examination.

12 THE COURT:

13 Okay. Great. Thank you. Next?

14 MR. ADCOCK:

15 Good morning, Your Honor.
16 John Adcock on behalf of the Robinson
17 plaintiffs.

18 THE COURT:

19 Okay. What kind of role will you be
20 taking, sir?

21 MR. ADCOCK:

22 I don't think I'll be speaking. We
23 have witnesses later.

24 THE COURT:

25 Great. Let me just ask this,

1 counsel, because there's a lot of you.
2 I'm reasonably good with names and faces,
3 but there's a lot of moving parts in this
4 thing; but more importantly, it's going to
5 be important that the court reporter knows
6 who's speaking so when you get the
7 transcript, your official transcript of
8 these proceedings, you'll -- you'll be
9 appropriately acknowledged.

10 Okay. Yes, ma'am?

11 MS. SADASIVAN:

12 I'm Kathryn Sadasivan with the NAACP
13 Legal Defense Fund.

14 THE COURT:

15 Last name again, ma'am?

16 MS. SADASIVAN:

17 It's S-A-D-A-S-I-V-A-N.

18 THE COURT:

19 NAACP. And what kind of role will
20 you be taking, ma'am?

21 MS. SADASIVAN:

22 I'll be the Robinson plaintiffs.

23 THE COURT:

24 All right.

25 MS. ROHANI:

1 Good morning, Your Honor. Sarah
2 Rohani with the NAACP Legal Defense Fund
3 on behalf of the Robinson plaintiffs.

4 THE COURT:

5 And the last name, please, ma'am?

6 MS. ROHANI:

7 Rohani, R-O-H-A-N-I.

8 THE COURT:

9 Okay. Thank you.

10 MS. WENGER:

11 Good morning, Your Honor.
12 Victoria Wenger with the Robinson
13 plaintiffs for the NAACP Legal Defense
14 Fund.

15 THE COURT:

16 And the last name is?

17 MS. WENGER:

18 Wenger, W-E-N-G-E-R.

19 THE COURT:

20 Okay.

21 MS. KHANNA:

22 Good morning. I'm on behalf of
23 plaintiffs. My name is Abha Khanna,
24 A-B-H-A, K-H-A-N-N-A. I'll be taking the
25 lead regarding the Edward Galmon

1 plaintiffs. With me is Darrel Papillion
2 and Lali Madduri. I have several other
3 colleagues for certain witnesses. Would
4 you like each of them to individually
5 present?

6 THE COURT:

7 Why don't we just do that as we move
8 forward. Unless you feel it necessary to
9 make appearances, as we move forward, you
10 can introduce yourself and I am going to
11 assume that you are not enrolled if you
12 are not telling me that, so we can get you
13 enrolled if we need to do that.

14 MS. KHANNA:

15 Thank you, Your Honor.

16 THE COURT:

17 All right. Anybody else? That's
18 it? Can I hear from the Ardoin or
19 actually lead defendant?

20 MR. STRACH:

21 Good morning, Your Honor,
22 Phil Strach, S-T-R-A-C-H. I'll be the
23 lead counsel for secretary of the state.
24 I have a couple of colleagues. They will
25 be with me later in the week and I'll be

1 crossing the witnesses today.

2 THE COURT:

3 Okay. Good morning. Yes, ma'am?

4 MS. MCKNIGHT:

5 Good morning, Your Honor. Kate

6 McKnight on behalf of legislative

7 intervenors. I will be taking the lead on

8 matters related to legislative intervenors

9 in this case. One of my colleagues today

10 will be questioning, examining a witness.

11 His name is Patrick Lewis.

12 THE COURT:

13 Okay.

14 MS. LEWIS:

15 Thank you, Your Honor.

16 MR. WALE:

17 And good morning, Your Honor.

18 Jeffrey Wale on behalf of the state

19 through the attorney general. I'll be

20 handling a couple of witnesses today. In

21 the seat next to me is Phillip Gordon. He

22 will be taking the lead for the attorney

23 general's office. Also representing the

24 attorney general's office is Angelique

25 Freel.

1 THE COURT:

2 And the person next to you? I
3 didn't catch the name.

4 MR. WALE:

5 I'm sorry. That's Phil Gordon. He
6 will be taking the lead today.

7 THE COURT:

8 All right. Anybody else for the
9 defendants and the intervenors?

10 MR. JOHNSON:

11 Okay. May it please the court,
12 Earnest Johnson representing -- we have
13 one more intervenor.

14 THE COURT:

15 You can use this front -- you can
16 either borrow theirs or use this front
17 one, whatever makes you comfortable. Mr.
18 Johnson, you said Earnest Johnson?

19 MR. JOHNSON:

20 Yes, ma'am. Good morning. I'm
21 joined today with co-counsel
22 representative, Vincent Pierre, the
23 chairman of the Louisiana Legislative
24 Black Caucus. The trial attorney in this
25 matter will be Mr. Steve Irving, who will

1 be in court tomorrow.

2 THE COURT:

3 Okay. I'm going to ask,
4 Mr. Johnson, since you are late
5 intervening, to coordinate with your other
6 colleagues who are either intervenors or
7 the plaintiffs, however you want to
8 coordinate with respect to your role, and
9 as you don't have any witnesses that you
10 are going to put on and we are going to
11 try to stream cross-examination and I'm
12 not assuming that you haven't already done
13 this, but I know that you are late in the
14 game. So if you'll coordinate with the
15 plaintiffs, in particular with respect to
16 what witnesses you-all are going to take.

17 MR. JOHNSON:

18 Thank you, Your Honor.

19 THE COURT:

20 All right. Yes, sir.

21 Okay. Anybody else that needs to
22 make an appearance as we move forward? If
23 you have not made an appearance, if you
24 are speaking for the first time, if you'll
25 tell the court who you are so the court

1 reporter, like I said, can note -- can
2 note that for the record.

3 All right. Let's go over your
4 stipulation. I have a few things that I
5 want to talk about with respect to
6 stipulations. First, let me just say
7 the -- the parties' decision to present
8 all of the experts with respect to one
9 subject matter congregated or in sequence
10 is a very good -- very, very good idea and
11 the court thanks you for that. I think it
12 will help move things along tremendously.

13 Again, the parties will monitor the
14 clock, and at the beginning of every
15 morning, if I don't -- if I don't
16 remember, I'll be happy for one of you to
17 prod me. We will figure out where we are
18 in the clock so that we don't get to the
19 end of the week with any surprises.

20 There is a question that the court
21 has about the expert witnesses what you've
22 stipulated is that the expert witnesses
23 may testify clearly okay. That's great.
24 Reserving the right to cross-examine
25 experts on any matter, including 702. So

1 I take it that this will be
2 traditionally -- the traditional way we do
3 experts. You'll make a tender, they will
4 be crossed on the tender. Is that what I
5 understand? Yes? I'm seeing yeses.
6 Okay. If there is a stipulation as to
7 expertise, it will be helpful if you would
8 make that before, and then we will just
9 have a stipulation to expertise and we can
10 move directly into the subject matter; but
11 otherwise, I will expect that there will
12 be a tender you are articulating to the
13 court the field in which you are tendering
14 the expert and then they will be one
15 person, one lawyer who will cross on
16 tender. Are we in agreement? Okay. Head
17 nods all around.

18 All right. The Court will admit the
19 following into evidence. The parties have
20 stipulated that the following declarations
21 can be admitted requiring testimony. So
22 for the record -- and you-all may want to
23 follow along just to make sure that I
24 don't misstate one of these record
25 document numbers -- the declaration as of

1 the following: Edward Galmon Record
2 Document 150-1; Ciara Hart Record
3 Document 50-3; Tranelle Howard, I hope I
4 said that right, Record Document 50-4.
5 The other declarations as to the Robinson
6 plaintiffs, Press Robinson Record
7 Document 41-3, Exhibit 5; Edgar Cage
8 Record Document 41-3, Exhibit 6; Dorothy
9 Nairne Record Document 41-3, Exhibit 7;
10 Renée Soule Record Document 41-3,
11 Exhibit 8; Alice Washington Record
12 Document 41-3, Exhibit 9; Clee Lowe Record
13 Document 41-3, Exhibit 10; Devante Lewis
14 Record Document 41-3, Exhibit 11;
15 Martha Davis Record Document 41-3,
16 Exhibit 12; Ambrose Sims Record
17 Document 41-3, Exhibit 13;
18 Michael McClanahan Record Document 41-3,
19 Exhibit 4; Ashley Shelton Record
20 Document 41-3, Exhibit 5.

21 Those stipulations are admitted into
22 evidence and considered submitted for the
23 purposes of the record of this case.

24 The parties -- oh, I'm sorry.
25 Defendants' witness, Joel Watson Record

1 Document 101-3. Likewise, that
2 declaration is admitted into evidence.

3 Okay. The parties have stipulated
4 that publicly available copies of the
5 legislative materials are admitted and
6 that certified copies, when received, will
7 be substituted into the record; is that
8 correct?

9 COUNSEL:

10 (Indicated.)

11 THE COURT:

12 Those will be admitted.

13 The following exhibits will come in
14 without objection and argument:
15 Edward Galmon Exhibits 4-28, 32-, I'm
16 sorry, Exhibit Nos. 4 through 28 and
17 Exhibit Nos. 32 through 38. Those are at
18 Record Document 121. Robinson Exhibits 1
19 through 11 and 16 through 85 at Record
20 Document 133; defendants' Exhibits Nos. 1
21 and 2, Record Document 99; Legislative
22 Intervenor, Exhibits 4 through 76, Record
23 Document 138; state intervenor defendants'
24 numbers, Exhibit Nos. 5 through 30, Record
25 Document 140.

1 All right. There are some hearsay
2 objections. As you offer those -- as you
3 offer those exhibits, make your objection
4 and the court will rule on those
5 objections.

6 The legislative record transcripts,
7 the parties have indicated that they will
8 stipulate and may use transcripts of the
9 legislative road show hearings and Florida
10 Bates PR-38 to PR-78, and the parties have
11 agreed to allow the court or that they
12 will use those in their proposed findings
13 of fact and conclusions and law and will
14 cite to page and line numbers for purposes
15 of the record. It is best practice that
16 those be introduced into evidence, so I'm
17 going to count on you.

18 P-38, I'm sorry, PR-38 to PR-78 will
19 be admitted into evidence. They should
20 comprise part of the record, so do need to
21 be uploaded into the jurisdiction at your
22 convenience. If you are not going to
23 refer to them in the hearing, we don't
24 need them right now, just use them in your
25 findings of fact and conclusions of law.

1 Okay. The stipulated facts that are
2 contained on Record Document 143 at
3 page -- pages 6 -- 6 through 11 are noted
4 as stipulated.

5 All right. Are there any other
6 housekeeping matters before we call our
7 first witness?

8 COUNSEL:

9 (Indicated.)

10 THE COURT:

11 All right. Who's starting? Call
12 your first witness.

13 MR. NAIFEH:

14 Good morning, Your Honor.
15 Stuart Naifeh for the Robinson plaintiffs.
16 Robinson plaintiffs call
17 Michael McClanahan.

18 THE COURT:

19 Sir, if you'll step right up here,
20 there is one other thing for the record.
21 There is a second court reporter in the
22 courtroom, so this is on the record. The
23 only certified record of this matter is
24 the court's official record. The parties
25 have agreed and I assume shared the costs

1 for another certified court reporter so
2 that you can get daily transcripts. The
3 daily transcripts you may certainly use
4 them in briefing, but they are not
5 constituted from the official court
6 record.

7 All right. Yes, sir?

8 MICHAEL MCCLANAHAN,
9 after having first been duly sworn by the
10 above-mentioned court reporter, did testify as
11 follows:

12 DIRECT EXAMINATION BY MR. NAIFEH:

13 Q. Good morning, Mr. McClanahan. Can
14 you please state and spell your name for the
15 record?

16 A. Good morning. My name is
17 Mike McClanahan. My last name is spelled
18 M-C-C-L-A-N-A-H-A-N.

19 Q. And how long have you lived in
20 Louisiana, Mr. McClanahan?

21 A. I'm born and raised in Louisiana.
22 All my life.

23 Q. And where in Louisiana do you
24 currently live?

25 A. Baton Rouge.

1 Q. And what part of Baton Rouge?

2 A. I stay in the area by called Cortana
3 Mall, Villa Del Rey area.

4 Q. Okay. And, Mr. McClanahan, what is
5 your role in this case?

6 A. Well, I'm a plaintiff with NAACP.

7 Q. And so are you a plaintiff in your
8 individual capacity?

9 A. No. As the state president of the
10 NAACP.

11 Q. And so the Louisiana NAACP is a
12 plaintiff in this case?

13 A. Yes.

14 Q. And how long have you been a state
15 president of the Louisiana NAACP?

16 A. For probably about five years.

17 Q. Okay. And are you also a member of
18 the NAACP?

19 A. I'm a proud member, life member of
20 the NAACP.

21 Q. And how long have you been a member?

22 A. I've been a member probably about
23 over ten years. I've been a life member about
24 two years.

25 Q. Okay. Can you tell us what is the

1 Louisiana NAACP?

2 A. The Louisiana NAACP is called the
3 NAACP Louisiana State Conference. It's a
4 coalition of all of the branches and units
5 throughout the State of Louisiana. I coordinate
6 activities amongst what you call the branches and
7 the youth and college chapters.

8 Q. Is the Louisiana NAACP a partisan
9 organization?

10 A. No.

11 Q. What is the Louisiana NAACP's
12 mission?

13 A. Well, in a nutshell, we're fighting
14 against the racism, bigotry, hatred, you know,
15 discrimination, anything that, you know, we deem
16 is below the mark of character and dealt
17 adversely effecting people of color like myself.

18 Q. And does the NAACP's mission include
19 a mission in the area of voting rights?

20 A. Oh, I believe.

21 Q. Can you explain that?

22 A. Well, we believe that in this
23 Democratic society everyone should have an
24 opportunity to participate in it; and we know
25 that the only way you can participate is through

1 vote, and so we are always doing what you call
2 registering, doing voting recommendations, voting
3 training, that type of stuff.

4 Q. And you mentioned the local branches
5 of the Louisiana NAACP. How many local branches
6 do you have?

7 A. It varies, but we have -- basically
8 always basically have about 40.

9 Q. Forty.

10 A. And dove branches and about 16 youth
11 and college chapters.

12 Q. Where are they located?

13 A. All over Louisiana.

14 Q. And do you have branches in every
15 parish?

16 A. Yeah. We have members in every
17 parish and we have branches -- every branch may
18 be able to represent two parishes, but we pretty
19 much cover the whole State of Louisiana.

20 Q. Okay. And does the -- you mentioned
21 members. Does the Louisiana NAACP have members?

22 A. Yes.

23 Q. And who are the members of the
24 Louisiana NAACP?

25 A. People who -- who want to see the

1 State of Louisiana do better in terms of however
2 it effects the black people of Louisiana, and so
3 those that want to fight, they want to advocate
4 for what's right in terms of how black and brown
5 people are shown respect in Louisiana. They
6 become a member of the NAACP.

7 Q. Okay. And does your membership
8 include black Louisianians?

9 A. Black Louisianians.

10 Q. And does it include registered
11 voters?

12 A. Registered voters.

13 Q. And about how many members do you
14 have in the State of Louisiana?

15 A. That varies somewhere between 5,
16 5,000 or so.

17 Q. Okay. Okay. Mr. McClanahan, do you
18 know people in Louisiana who might have one black
19 grandparent and three white grandparents?

20 A. Oh, yeah. It's called Louisiana.

21 Q. And do you consider those people
22 black?

23 A. They are black. You know, I
24 remember when I was in school, I'm from a little
25 town of called Zwolle, so in northwest Louisiana;

1 and we were taught if we had one drop of black
2 blood, no matter what you look like on the
3 outside, you considered black.

4 Q. Okay. And has the NAACP been
5 involved in the redistricting process for the
6 congressional plan in this redistricting cycle?

7 A. Very much so, but we got involved
8 not only in the redistricting act, because we
9 realized in order to get to the redistricting
10 part, you got to get in the census part, so we
11 are very much involved in the onset of getting
12 bias counted.

13 Q. And did -- during the redistricting
14 process, did the Louisiana legislature take
15 public input -- input from members of the public?

16 A. Yeah. They have what you call town
17 hall. They would have redistricting town hall
18 meetings throughout the State of Louisiana.

19 Q. And are those commonly referred to
20 as road shows?

21 A. Road shows, yeah, road shows.

22 Q. And did the NAACP play a role in the
23 road shows?

24 A. We did, you know, because I realized
25 and understood that in order to let the

1 legislature know and understand what the people
2 think, the people had to go to the road shows.
3 And so I would have calls every Monday, Monday
4 night with members throughout the NAACP state
5 conference and chapters and we talk about getting
6 people to the road shows so they can tell the
7 legislature what they expect them to do, how they
8 feel about the redistricting aspect of the
9 process.

10 Q. And did you offer testimony at any
11 of the road show meetings?

12 A. Happily. I did happily.

13 Q. And what did you testify about?

14 A. I told the legislature, you know,
15 because redistricting only happens every -- every
16 ten years, that there's a shift, and so we want
17 that the legislature would have got back to the
18 session to let the lives reflect the make up of
19 the State of Louisiana, we make up at least a
20 third of the population and so in their -- in
21 their deliberations of drawing these maps, they
22 should take careful consideration as to the make
23 up of the State of Louisiana so they could
24 adequately reflect what it looks like in
25 Louisiana.

1 Q. And did you feel that the
2 legislatures listened to the testimony that you
3 offered?

4 A. If they did, they must have been
5 listening with deaf ears.

6 Q. Okay. And did they act on what they
7 heard from you and your members?

8 A. They must have been asleep because
9 they didn't.

10 Q. Okay. And was a map ultimately
11 passed by the legislature?

12 A. Yes. It was a map that, you know,
13 if you would have closed your eyes, you could
14 have drawn it because it did not reflect nothing
15 that was said at the road shows. It did not
16 reflect what the data has shown. It did not
17 reflect what was said, even in the -- the
18 community hearings at the legislature session.

19 Q. And what did that map look like?

20 A. Well, you know, in your eyesight, in
21 our minds, the recollection of the map would have
22 been two majority-minority congressional seats,
23 two. What it looks like now is only one kept --
24 it keeps power within that one, you know, the
25 make up of six white congressmen and only one

1 black.

2 Q. And when you say six white, do you
3 mean there are six districts in total?

4 A. Seven, six. Yeah. Five. No. I'm
5 sorry.

6 Q. And after that congressional plan
7 was passed by the legislature, what did you and
8 your members do?

9 A. Well, I know the process because
10 I've been, you know, down to the legislature for
11 a minute and I realized that once it passed
12 through the state house that means the Senate and
13 the state representatives going to the governor's
14 desk, it only will become you law if he did
15 nothing or he signed it into law. And so our
16 strategy was to get to the governor to veto those
17 maps, and we did all in our power to get to him
18 in terms of calling him. We had a rally, we had
19 -- we had persons operating social media, we
20 contacted legislators to let him know what he
21 thought about those maps.

22 Q. And what did he ultimately do, the
23 governor of Louisiana, with the congressional
24 maps passed by the legislature?

25 A. Well, the governor, in his infinite

1 wisdom, he vetoed that map.

2 Q. And how did you feel when you heard
3 about the veto?

4 A. Well, I understand the process, so I
5 was optimistic but skeptical because we knew that
6 the legislature previously -- the previous
7 legislature session tried to override one of his
8 vetoes then, and we know that there was a ground
9 square for them to come and override this
10 particular veto. But I'm a praying man. We went
11 to God first and then we started working the
12 phones and the polls, you know, to ensure that
13 the governor veto -- the veto was sustained.

14 Q. And was the veto sustained?

15 A. No, as you would have it. I'm from
16 Louisiana. I do understand how it works. No, it
17 was not.

18 Q. And were you -- did the legislature
19 convene a veto session to consider an override?

20 A. Yeah. During the legislative
21 session, they -- they brought in a veto session
22 to override that particular bill.

23 Q. And were there NAACP members in
24 attendance during the vote on the override of the
25 veto of the congressional planning?

1 A. Oh, yes. We were -- we were in the
2 chambers of both houses and we were walking
3 throughout the entire building to ensure that our
4 voices were heard.

5 Q. And were you personally there?

6 A. I was.

7 Q. And what was the reaction of you and
8 your members when the legislature voted to
9 override the veto?

10 A. Well, you know, it was a lot of my
11 members, they just knew that the governor's veto
12 was going to be sustained. They were -- they
13 were hurt. They were dejected because the
14 members of the legislator -- you know,
15 Louisiana's full of festivals and so we love to
16 get together and we talk and go to the crawfish
17 festival and go to the catfish festival and we
18 hang out together, but in the house, the state
19 house, it's separate. They show us that we can
20 eat together, but we cannot share power together.

21 That's what it meant to me, that we
22 could not share power. They basically told me as
23 a black person in the State of Louisiana that
24 your sons and daughters can play football at LSU,
25 play football at Nicholls State, play football at

1 ULM and that's good, but your parents cannot
2 share power in the State of Louisiana. I don't
3 want you to do it. You can do whatever you want,
4 but when it comes to having a voice, when it
5 comes to operating here in the State of
6 Louisiana, when it comes to making laws, when it
7 comes to making policy, stay your place on the
8 porch.

9 Q. Okay. What was the reaction of the
10 legislators who voted in favor of overriding the
11 veto of the congressional house?

12 A. It's just as though they were
13 outside of their can bringing trash and partying
14 and drinking. It was a party affair. They
15 partied off the history. They were high fiving,
16 jumping up in the air like they scored a
17 touchdown, a home run. You know, it was absurd.
18 It was a slap in the face of everybody who came
19 up through history to make it better. The State
20 of Louisiana went back 40 years, 50 years
21 basically on that vote. That one vote took us
22 back 40 years.

23 Q. What would it mean to the NAACP if
24 Louisiana were redistricted to have two majority
25 black congressional seats?

1 A. It's history. It's history. It
2 would be historical for us to get another voice
3 in Congress because, you know -- you know, I'm
4 black. I don't know if you noticed or not, I'm
5 black, no matter what I have on. When I go into
6 stores, I'm black; and so to have somebody
7 understand my plight that would come to my side
8 of town, pull up a chair and play cards and
9 dominoes or we could talk from any part black you
10 want to, but understand it's my plight.

11 We need that, and I was sharing with
12 somebody the other day -- I have a lot of
13 friends, Democrat, Republicans, what have you,
14 right, but to have somebody look me in the eye
15 and know how I feel, that's what we need. We
16 were hoping to get that with another seat.

17 Q. Mr. McClanahan, did you file an
18 affidavit in this litigation, a declaration?

19 A. I did.

20 Q. And in your declaration, you
21 state -- state that you have personally witnessed
22 the effects of institutional racism in Louisiana.

23 Can you describe some of the effects
24 that you personally have witnessed?

25 A. How much time do I have? I live it.

1 I'm 57. I've lived it every day all of my life.
2 I lived -- this -- Louisiana is full of stuff.
3 This is called cancer alley. It's a strip of
4 towns and zone in the parish that runs from --
5 from New Orleans up to Baton Rouge, all points in
6 between.

7 Those chemical plants, they set up
8 shop in black neighborhoods where they poison and
9 kill people every day, poison school kids every
10 day, senior citizens every day. They don't live
11 to grow old. If they do, they will have -- they
12 don't have a quality of life. They are being
13 poisoned up and down the Mississippi River where
14 their way of life is off the bayou blowing that
15 poison. Now, they are poisoning the water.

16 I had a hearing before the committee
17 a while back in St. James. The Corps of
18 Engineers was there because they have to give us
19 permission to operate in coastal -- a navigable
20 body of water. I said take this plant and let it
21 operate on Pennsylvania Avenue, get it out of our
22 neighborhoods, stop killing our people because
23 black lives do matter, black lives matter. Who
24 wants their loved one to die and you can't do
25 anything about it because he got 20 or 30 forms

1 of cancer? It's ridiculous.

2 I live in Louisiana. Most of the --
3 most of the police departments and fire
4 departments operate up under the consent decree.
5 We couldn't even get that right.

6 The police department is there to
7 serve and protect. How can they serve and
8 protect because they want to beat me up first,
9 throw me on the ground? If I'm lucky, I'll
10 escape alive. Captain Reeves said he was killed.
11 Ronald Green was murdered by the state police.
12 This is Louisiana. I testified before the
13 legislature last year. I'm on the committee with
14 LSU dealing with racism, the extent of racism.
15 We talked about the extent of racism in one of
16 the -- one of the --

17 MR. WALE:

18 Your Honor, I have an objection.
19 The question calls for an area -- I
20 apologize I didn't object earlier, but the
21 I find that under all four maps, black
22 candidates of choice are generally able to
23 win elections in the majority black
24 district.

25 In the 2nd Congressional District,

1 under all four maps, black preferred
2 candidates won 17 of the 18 elections and
3 averaged about 69 percent of the votes.

4 In CD5, black preferred candidates
5 won 15 of the 18 elections under maps 1
6 through 4 and 14 of the elections under
7 Map 2 averaging in the mid to high
8 50 percent range. The witness is in an
9 area --

10 THE COURT:

11 Overruled.

12 THE WITNESS:

13 They -- you know, I testified about
14 a -- about a church -- about a church,
15 black -- a white church in Baton Rouge,
16 the older population. And so one of my
17 friends told the church I see we have an
18 older population, no members, what do you
19 want to do. Well, the back part of the
20 church was a black and brown community.
21 He said we can go out and fellowship, get
22 the members in and keep the church open.

23 I can tell you the church is closed,
24 it was sold. Instead of them going out
25 and evangelizing to the black and brown

1 people behind them, they chose to close
2 the church down. This is Louisiana.
3 Gemco laws were instituted right here.
4 The black codes were right here in
5 Louisiana. The Plessy versus Ferguson,
6 right here in Louisiana.

7 BY MR. NAIFEH:

8 Q. Mr. McClanahan, did you work on the
9 governor's task force concerning the impacts of
10 COVID?

11 A. Healthcare, I did healthcare,
12 quality healthcare. You know, we realized when
13 COVID first came on there was an inordinate
14 number of blacks dying. We said everybody
15 catches COVID. Looked like why are so many of us
16 dying because it was found out access to quality
17 healthcare was limited in the black communities.
18 You know, either we went to the doctor, the
19 doctors couldn't see us or it's found out this is
20 documented, that they -- they had a choice: Let
21 me save the life of a white person or a black
22 person. Our numbers went up, the deaths went up
23 because the doctors even in their mission failed
24 to carryout and provide quality healthcare to all
25 of the citizens of the State of Louisiana.

1 Q. And in your role as the president of
2 the Louisiana NAACP, did you hear from members
3 who were effected by the chemical contamination
4 in the area called cancer alley?

5 A. I live it. We would march and
6 protest all the time, and I was sharing with some
7 members it's sad. I get all the calls. You
8 know, I understand sometimes it's long at the top
9 because all the calls come up and to -- there's
10 an area called Moss Field. It's right outside of
11 Lake Charles. And, you know, you get to know
12 these people. You get to know them. You get to
13 know their families. You get to know them. You
14 see their kids grow up. And so Marksville is no
15 longer Marksville. It's called Sasaw -- Sasaw.
16 The entire town has been wiped out.

17 I get a call about last year, Mike,
18 you got to come see me, when you going to come
19 see me. I said why. She said because we are
20 still fighting, but my husband has died. Come on
21 now, my husband died, cancer. Black lives
22 matter, and I'm telling you brother, black lives
23 matter and we going to fight those chemical
24 plants because they need to take that -- those
25 plants somewhere else.

1 There's a whole lot of Texas out
2 there. Take it to Odessa, because they should
3 come out of our communities and we going to fight
4 it until they are no longer there.

5 MR. NAIFEH:

6 Thank you. No more questions.

7 THE COURT:

8 Any cross? Counsel, make an
9 appearance.

10 MR. WALE:

11 Hi, Jeffrey Wale on behalf of the
12 state intervenor defendant, Your Honor.

13 CROSS-EXAMINATION BY MR. WALE:

14 Q. Hi, Mr. McClanahan. My name is
15 Jeffrey Wale. I have a few questions for you.

16 You testified earlier that you are
17 familiar with the legislative process, correct?

18 A. Yes.

19 Q. And so do you agree that the
20 Louisiana House of Representatives is controlled
21 by the Republicans?

22 A. I don't know who they controlled by.
23 All I know is --

24 Q. I'm sorry. I'll rephrase that. Is
25 the majority of the house representatives

1 Republican in Louisiana?

2 A. Right.

3 Q. And is the Senate in Louisiana also
4 majority Republican?

5 A. I think so.

6 Q. And is the governor a Democrat?

7 A. I really don't know that process.

8 If you say he is, he is.

9 Q. If I say the governor is a Democrat,
10 you would believe me?

11 A. I have no reason to discredit you.

12 Q. Thank you.

13 So Mr. McClanahan, as president of
14 the NAACP, you serve on a variety of committees
15 and task forces and the like for the State of
16 Louisiana; is that correct?

17 A. Correct.

18 Q. That includes we mentioned earlier
19 the Louisiana governor's COVID health task force?

20 A. That's correct.

21 Q. I'm sorry. We just need the volume
22 for the -- for the transcript. I know you were
23 nodding. I'm sorry.

24 A. Okay.

25 Q. So you were also on the legislative

1 and police training and screening police task

2 force?

3 A. That's correct.

4 Q. And the Access to Justice committee

5 created by the Louisiana Supreme Court?

6 A. That's correct.

7 Q. And the Closed Primary committee?

8 A. Yes.

9 Q. Which I work with. And would you
10 say this is because the state values the opinion

11 of the NAACP?

12 A. We believe so.

13 Q. All right. And you mentioned that
14 in your declaration that you texted the governor
15 regarding the congressional plan; is that
16 correct?

17 A. Yes.

18 Q. So you have the governor's cell
19 phone number?

20 A. No. This is what we do. We text
21 his office, whatever is going on in the office,
22 we text and e-mail.

23 Q. Who do you text in the office?

24 A. There's a main switchboard that
25 those things go there and we have a deal. We

1 call it a texting campaign, and so we have the
2 numbers on their office and everybody gets on
3 their phone and texts.

4 Q. I'm generally interested. The
5 governor has a number you can text?

6 A. Someone told me we have a Monday
7 call that you call and text these numbers, e-mail
8 these numbers, that stuff goes to -- goes to his
9 office. As a matter of fact, they shut his
10 office down.

11 Q. You shut his office down?

12 A. We shut the switchboard down.

13 Q. Shut the switchboard down. Does
14 that include phone calls and text messages?

15 A. I know that includes when you text
16 and e-mail and all that. That's what we did.

17 Q. So you don't remember who in the
18 governor's office you texted?

19 A. No. Because what I do is I send
20 out -- you know, we have them call and say we
21 need to let the governor know our displeasure and
22 so they start doing that.

23 Q. All right. Did you speak to the
24 governor personally regarding the NAACP's
25 position?

1 A. I did not.

2 Q. You never or did any of your members
3 speak to him?

4 A. Not that I'm aware of.

5 Q. So you're not aware that you do not
6 have a complaint to the governor one way or the
7 other regarding the veto?

8 A. No.

9 Q. Or regarding any position on
10 redistricting?

11 A. No.

12 Q. All right. And you mentioned
13 earlier in your testimony that you had a rally.
14 What was the rally regarding?

15 A. The rally was regarding do you want
16 the governor to veto the -- the congressional
17 map.

18 Q. And where was that rally held?

19 A. From front of his house.

20 Q. At the governor's mansion?

21 A. Governor mansion.

22 Q. All right. And who did you contact
23 to arrange that rally?

24 A. Nobody. We went there.

25 Q. Nobody?

1 A. (Shook head negatively.)

2 Q. Is the governor's mansion not
3 secured by a gate?

4 A. We didn't go inside the gate.
5 There's public parking in front of the governor's
6 mansion and we held it there.

7 Q. Oh, I'm sorry. You were outside the
8 gate?

9 A. Right.

10 Q. Outside the mansion?

11 A. Right.

12 Q. In paragraph 17 of your declaration,
13 you said that you supported every map that the
14 legislature proposed that included a second
15 majority black district; is that correct?

16 A. Correct.

17 Q. And was that regardless of whether
18 the map adhered to traditionally redistricting
19 principles?

20 A. What are traditional redistricting
21 principles?

22 Q. Well, again, I believe you mentioned
23 that -- that the maps in paragraph 18, you say
24 the maps also adhered to traditional
25 redistricting principles, so I'd like you to tell

1 me --

2 A. Well, if you going to say that --

3 Q. I didn't say it, sir. You said it
4 in your declaration.

5 A. Yes, sir. My thought process is
6 since Louisiana's made up of a third of
7 African-Americans, that all maps should reflect
8 that and so --

9 Q. So -- I'm sorry.

10 A. So that should be some traditional
11 redistricting principles, that they should
12 reflect the make up of that particular area.

13 Q. So you are saying that Louisiana
14 should have proportional representation?

15 A. I didn't say proportional. I said
16 it should reflect the make up.

17 Q. And what is the current make up
18 of -- of the black population of Louisiana at the
19 moment?

20 A. 30 some odd percent.

21 Q. Okay. And what -- and how many
22 congressional seats do we have?

23 A. I think we have six.

24 Q. And you are seeking a second
25 majority district, correct?

1 A. Yes.

2 Q. So that would bring us to 206?

3 A. 206.

4 Q. And that would be one-third?

5 A. One-third.

6 Q. So what you were saying is not like
7 proportional records you mentioned?

8 A. I -- I would think one-third would
9 be good. That means that the people in
10 Louisiana, the black folk would have another
11 voice to speak for our issues.

12 Q. All right. In paragraph six of your
13 declaration, you state that under the enacted map
14 black voters in Louisiana are packed into
15 Congressional District 2 because they constitute
16 a disproportionate majority. Black voters are
17 disbursed or cracked across the other five
18 congressional districts. Do you see that in your
19 declaration?

20 A. I don't have it before me.

21 Q. You don't have your declaration in
22 front of you?

23 MR. WALE:

24 Can you get that pulled up, please?

25 And that will be exhibit -- I believe it's

1 Exhibit 10 of the plaintiffs. And so I
2 believe that can pop up in the screen in
3 front of you, if I understand the
4 technology correct.

5 TRIAL TECH:

6 (Complied.)

7 THE WITNESS:

8 You said 10?

9 MR. WALE:

10 I'm sorry. It's Exhibit PR-10.
11 It's at the bottom of the screen. I don't
12 know if the screen in front of you is on.

13 THE WITNESS:

14 Yes, it is. I see it.

15 BY MR. WALE:

16 Q. But we are looking at No. 6. And so
17 if I -- and so, again, I -- I can repeat it if
18 there's no objection.

19 Under the enacted map, black voters
20 in Louisiana are packed at the CD2, which I
21 believe is Congressional District 2, because they
22 constitute a disproportionate majority. Black
23 voters were disbursed or cracked across the other
24 five congressional districts, which comprise
25 positions for our -- to elect our candidates,

1 etc. So you do see that now?

2 A. I see it.

3 Q. That is your declaration, right?

4 A. It is my declaration.

5 Q. Do you believe that every voter
6 should be placed into a majority black district?

7 A. No.

8 Q. You do not. Okay. So you would
9 agree that at least some black voters in
10 Louisiana cannot be in a majority black district?

11 A. Right. I do.

12 Q. Are those voters not cracked?

13 A. Well, I don't know what you mean
14 by -- by black voters and crack. Only thing I
15 know is that --

16 Q. Again, I'm sorry. In paragraph six,
17 you said black voters are disbursed or cracked
18 across the other five congressional districts.

19 THE COURT:

20 Mr. Wale --

21 BY MR. WALE:

22 Q. Is that where I'm getting that from?

23 THE COURT:

24 Mr. Wale, you are going to have to
25 slow down a tad.

1 MR. WALE:

2 I apologize.

3 THE COURT:

4 I'm having trouble hearing you.

5 MR. WALE:

6 I apologize to the court and the
7 private court reporter as well, so I'm
8 sorry. Let's go back.

9 BY MR. WALE:

10 Q. No. 6, the second sentence, black
11 voters are disbursed or cracked across the other
12 five congressional districts which comprise of
13 black people of main representation and
14 opportunity to elect our preferred candidates.

15 So my question is, are black voters
16 that cannot be in a majority district wherever
17 they are drawn, are those voters cracked?

18 A. Yes. They are disbursed, right.

19 Q. All right. Thank you.

20 And so you had mentioned earlier
21 that you had provided or that you used all
22 available means -- I forget your exact words, but
23 you used every available mean to convince the
24 legislature to adopt the second majority
25 district, correct?

1 A. Correct.

2 Q. And so did the NAACP perform any
3 studies relative to the performance of a second
4 majority-minority congressional district?

5 A. We did not.

6 Q. You did not do that.

7 MR. WALE:

8 All right. So can we pull up
9 legislative Exhibit No. 9, please? Can we
10 go to page 2 of this exhibit, please? I'm
11 sorry. We are going to look at the letter
12 attached to this e-mail, which is page 2,
13 and this is legislative Exhibit No. 2.

14 TRIAL TECH:

15 (Complied.)

16 MR. WALE:

17 I'm sorry. Can we go to the next
18 page on this exhibit, please?

19 TRIAL TECH:

20 (Complied.)

21 MR. WALE:

22 All right. Nope. Here we go.

23 BY MR. WALE:

24 Q. Let's see. In the -- it looks like
25 the second full paragraph, it starts with "Chair

1 Stefanski's concerns are unfounded and reflect an
2 incomplete analysis of Coalition maps. We
3 conducted an analysis of recompiled election
4 results and determined that these two proposed
5 black majority districts in the Coalition maps
6 (CD2 and CD5) would reliably perform to provide
7 an opportunity for a candidate preferred by black
8 voters to prevail." Do you see that?

9 A. Yes, I do.

10 MR. WALE:

11 Can you scroll to the bottom of this
12 exhibit, please?

13 TRIAL TECH:

14 (Complied.)

15 MR. WALE:

16 All right. Stop there.

17 BY MR. WALE:

18 Q. On page 7, is that your name that
19 appears at the top, towards the top of the page?

20 A. Yes, it is.

21 Q. So you wrote this letter?

22 A. Yes, I did.

23 Q. All right. So now that we are --

24 now that we have refreshed your memory, did the

25 NAACP perform any studies relative to performance

1 of the second majority-minority congressional
2 district?

3 A. Our lawyers did.

4 Q. Your lawyers did?

5 A. Yes, the lawyers.

6 Q. Okay. All right. And those were
7 the lawyers for the -- was that the NAACP legal
8 defense fund?

9 A. There you go. That's right.

10 Q. Okay. I'm just asking. I mean,
11 your name is on the letter, so I'm just
12 wondering.

13 So on page 2, you discuss the
14 analysis and about recompiling the election
15 results. Do you know when the studies were
16 performed?

17 A. I don't remember.

18 Q. You don't remember. Okay. And do
19 you know why weren't these studies provided to
20 the legislature?

21 A. I'm quite sure they were. I'm quite
22 sure. I don't know why they were, but I'm quite
23 sure they were.

24 Q. You're sure they probably were? My
25 understanding is they were not provided, so, I

1 mean, do you have any records of when you would
2 have sent that to the legislature?

3 A. No, I don't.

4 Q. So you don't know what format you
5 would have sent it to them in?

6 A. No. Because it's been a while.

7 Q. Okay. All right. So you attended
8 the road shows conducted by the legislature,
9 correct? And when I say "road shows," I think we
10 discussed that earlier --

11 A. Correct.

12 Q. -- the town halls across the state.

13 Do you remember attending a road show on or
14 around December 16th, 2021?

15 A. Yeah.

16 Q. You do. Okay.

17 MR. WALE:

18 So I want to draw your attention,
19 it's an exhibit that's already been
20 admitted into evidence. It's PR-42. If
21 we can pull up PR-42 and if we go to
22 page 86 of that, looking for page 86 of
23 PR-42.

24 TRIAL TECH:

25 (Complied.)

1 BY MR. WALE:

2 Q. All right. We are going to look
3 on -- let's see. All right. We are going to
4 start on -- on line 11. On line 11, it says "I
5 got something called the law on my side and I
6 like to tell people how to organize, immobilize,
7 agitate and litigate. Literally, we have the
8 best, largest side of heaven, and if I talk to
9 you, don't win out and I know it will. I'm from
10 Louisiana, from Zwolle, but if it doesn't work,
11 I'm going to sue you and I can tell you now, if
12 we sue, we win, end quote.

13 MR. NAIFEH:

14 Objection. No foundation for this
15 question.

16 MR. WALE:

17 I -- Your Honor, I believe I laid
18 the foundation. I said he attended the
19 road shows and he's looked at it.

20 THE COURT:

21 Objection overruled.

22 MR. WALE:

23 Thank you, Your Honor.

24 MR. NAIFEH:

25 Your Honor, if I may, that he hasn't

1 established that these are

2 Mr. McClanahan's words.

3 MR. WALE:

4 I'm sorry.

5 BY MR. WALE:

6 Q. Mr. McClanahan, do you recall

7 stating these words?

8 A. They written there. I'm from

9 Zwolle.

10 Q. Okay. Thank you.

11 Do you feel like you had a better

12 chance of obtaining your goals in court than in

13 the legislature?

14 A. No. I said that we were going to go

15 through the process. In the end, if the process,

16 what we started at first didn't work, then we

17 would continue until we got some resolution.

18 Q. All right. I understand. So I want

19 to turn to a little bit of the work of the NAACP.

20 And I know that you had stated earlier in your

21 declaration, particularly in No. 12, you had

22 talked about, you know, one of your big goals is

23 to registered voters in the State of Louisiana;

24 is that correct?

25 A. That's correct.

1 Q. And that -- that this litigation or
2 it seems like the redistricting process is for --
3 is causing you to divert your resources away from
4 those goals; is that correct?

5 A. That's correct.

6 Q. So are you not encouraging people to
7 register to vote right now?

8 A. We are, but our focus has also been
9 to make sure that this process here is seen
10 through.

11 Q. But you did encourage -- but you do
12 continue to encourage people to register to vote?

13 A. We do.

14 Q. To hold the events across the state,
15 all right. And one of the things I'm interested
16 in is the Souls to the Polls program. The
17 Louisiana NAACP participates in that, correct?

18 A. Correct.

19 Q. All right. And can you explain a
20 little more what that does? My understanding is
21 that it -- you encourage people to go vote, and
22 is that faith based?

23 A. It's not -- it's not particularly
24 faith based. You know, what we do is get your
25 church and your pastor to get you and your

1 congregation to the polls on a particular date,
2 but it doesn't have to be your church as long as
3 a pastor talks about a person, he sees your choir
4 members while they are practicing their songs,
5 they going to sing on a Sunday, while they are
6 leaving, we want to get people to the Souls to
7 the Polls.

8 Q. Got it. And that's part of a
9 national movement, right, or a national
10 organization, the Souls to the Polls?

11 A. Well, I know - I know we do it here
12 in Louisiana.

13 Q. Okay. And what election do you-all
14 do it at? I mean, is it every election? I know
15 we just had one on April 30th. I mean, is it
16 every single election or just kind of the big
17 ones?

18 A. When you say "we," what are you
19 talking about?

20 Q. The State of Louisiana held an
21 election on April 30th --

22 A. Okay.

23 Q. -- and before that in March.

24 A. Okay.

25 Q. And we have at least four different

1 elections every year.

2 A. Yeah.

3 Q. So my question for you is what
4 election does -- what elections does Souls to the
5 Polls participate in?

6 A. Well, I do know we -- we chose to do
7 it a couple years ago and we don't do it at every
8 election.

9 Q. Okay. Were -- were you-all active
10 in the last governor's election?

11 A. We were.

12 Q. And do you think that the souls to
13 the polls effort was successful?

14 A. I know we got Souls to the Polls, so
15 that increased the voter turnout, the voter
16 participation. We were successful.

17 Q. Would you say that was steadily
18 increasing the black voter turnout?

19 A. Well -- well, when I go out, most of
20 the time I wear voting shirts because I
21 understand the voting, so I want people to vote
22 all the time and often. I want them to become
23 primary voters.

24 Q. Right. But my question is do you
25 feel like that increased the number of black

1 voters that participated?

2 A. I think it had something to do with
3 it.

4 Q. All right. And when you say that,
5 in the 2019 election, that -- that would have
6 been pivotal in electing Governor John Bel
7 Edwards?

8 A. I don't know pivotal, but I know we
9 got them to vote.

10 Q. Okay. So you -- you participated in
11 that election. All right. And so do you think
12 if Governor Edwards was the candidate of choice
13 for -- for many of the voters participating in
14 the Souls to the Polls?

15 A. I don't know. I didn't -- I
16 didn't -- I just wanted them to go out and vote.

17 Q. Okay.

18 A. So whoever they voted for, that was
19 their choice.

20 Q. All right. And so -- so there's
21 been a lot of talk about the second
22 majority-minority district. Do you know who's
23 interested in running for that second
24 majority-minority?

25 A. No. They don't come tell me.

1 Q. They don't come tell you, so you are
2 not familiar with that.

3 A. No.

4 Q. So you said you are from Zwolle, but
5 you live in the Baton Rouge area?

6 A. Correct.

7 Q. So you live here in Baton Rouge?

8 A. Correct.

9 Q. So obviously with the changes over
10 the years with hurricanes, you have experience
11 dealing with hurricane relief; is that correct?

12 A. Correct.

13 Q. And so does that include working
14 after Hurricane Katrina?

15 A. Right.

16 Q. And so you're aware that many people
17 moved to Baton Rouge and to the Baton Rouge area
18 following Hurricane Katrina --

19 A. True.

20 Q. -- is that correct? And then for a
21 while, Baton Rouge became the largest city in
22 Louisiana; is that right?

23 A. I think we are still now.

24 Q. Yeah. I believe they are the
25 largest parish. So you would admit that a lot of

1 people living in Baton Rouge live here now, they
2 once lived in New Orleans?

3 A. I don't know where they came from
4 because, you know, Hurricane Katrina affected
5 almost all of Louisiana.

6 Q. Sure.

7 A. They could have come from this. I
8 don't know where they came from.

9 Q. Sure. But you can see that some
10 people did move from New Orleans to Louisiana?

11 A. I don't know.

12 MR. NAIFEH:

13 Objection. Asked and answered.

14 MR. WALE:

15 I apologize, Your Honor. I'll move
16 on.

17 BY MR. WALE:

18 Q. And so --

19 THE COURT:

20 Folks, if you are going to make
21 objections, make them and either let me
22 rule on them or, I mean -- okay. Go
23 ahead.

24 MR. WALE:

25 Yes, Your Honor. I apologize.

1 I'll -- I'll move on.

2 BY MR. WALE:

3 Q. So would you say that -- that
4 New Orleans and Baton Rouge have a lot in common
5 with each other as far as voting areas?

6 A. No.

7 Q. You would not. In your declaration,
8 you do state that New Orleans and Baton Rouge are
9 distinct cities with distinct needs.

10 A. Distinct. They have their own --
11 New Orleans has its own and Baton Rouge has its
12 own.

13 Q. Right. And so for that reason, you
14 think they should be in different congressional
15 districts, right?

16 A. Yeah.

17 Q. And so my question for you is, don't
18 all the congressional districts have cities that
19 are very distinct from each other? For example,
20 Monroe and Bogalusa are in the same congressional
21 area, but they have very distinct needs; would
22 you agree to that?

23 A. Yeah.

24 Q. And would you agree about
25 Lake Charles and Lafayette having distinct needs?

1 A. Uh-huh (affirmatively).

2 Q. And then also, you know, like
3 Shreveport and Minden up -- up in north
4 Louisiana?

5 A. Right.

6 Q. So you would agree with that. I was
7 interested that you had stated in your
8 declaration, I do forget where, that you said
9 that feel like Baton Rouge has a slower pace than
10 New Orleans?

11 A. Correct.

12 Q. Isn't New Orleans nicknamed the "Big
13 Easy"?

14 A. Big Easy.

15 Q. All right. I was just wondering.
16 It seems like that's a thing, but Baton Rouge and
17 New Orleans, they have been -- you know,
18 Baton Rouge and New Orleans seems like they are
19 having more and more in common together.

20 Are you familiar with the rail
21 project the governor is pushing to link
22 Baton Rouge and New Orleans?

23 A. I'm -- I'm -- I'm from -- I've been
24 in Baton Rouge for 40 years.

25 Q. Yes, sir.

1 A. You know, so when I go to the Big
2 Easy, I go to the Big Easy because Baton Rouge is
3 a little slower, so I don't know what they have
4 in common other than I-10.

5 Q. But in addition to I-10, are you
6 familiar with the rail project that the
7 governor's pushing?

8 A. That's another I-10.

9 Q. That's another I-10?

10 A. That's another way to get from
11 Baton Rouge to New Orleans.

12 Q. Right. But why are people going
13 between Baton Rouge and New Orleans? Isn't it
14 because they work and live there, some people
15 work in New Orleans and live in Baton Rouge and
16 vice versa?

17 A. That may -- that's true. That --
18 that could be true in any area, though, you know,
19 build the highways and byways in the State of
20 Louisiana for the people to travel for work,
21 play, church, to go to the football game, see
22 Southern University beat up on our quarterback
23 for Grambling, right.

24 Q. Right. And so I'm just making sure
25 that Baton Rouge and New Orleans have a lot of

1 common. So you said you would go to New Orleans
2 for a good time. That's a normal part of what
3 Baton Rouge people do?

4 MR. NAIFEH:

5 Objection. These questions are
6 testimony. They are not questions.

7 THE COURT:

8 Rephrase. Sustained.

9 BY MR. WALE:

10 Q. All right. So, Mr. McClanahan, do
11 you think that Baton Rouge and New Orleans have
12 at least some things in common as far as -- as
13 far as people traveling to and from them?

14 A. I've been in Baton Rouge for
15 40 years. You tell me when.

16 Q. Okay. About the NAACP, it is my
17 understanding that the NAACP opposes candidates,
18 but they don't endorse candidates at any level;
19 is that correct?

20 A. All I know is we get people out to
21 vote. We support issues, but we don't support or
22 oppose candidates. You know, we are -- that's
23 what we do, so we want people to vote. I wear a
24 voting shirt all the time. I have one up under
25 here that's called vote, go vote.

1 Q. So it's your position that NAACP
2 will not -- will not oppose a candidate for any
3 reason?

4 A. All I know is we get people out to
5 vote. Our mission is voting, voting engagement,
6 voting participation.

7 Q. So NAACP will not be endorsing a
8 candidate of choice for the second congressional
9 district?

10 A. We get people out to vote, vote for
11 participation, voting registration, voting
12 engagement, voter training. That's what we do.

13 Q. And so if there -- there is no
14 candidate of choice, you don't have any
15 candidates of choice, the NAACP doesn't have
16 candidates of choice in an election, correct?

17 MR. NAIFEH:

18 Objection. He's using a legal term
19 asking a question about candidates of
20 choice of the NAACP. It's a legal
21 question.

22 THE COURT:

23 Sustained.

24 BY MR. WALE:

25 Q. All right. And so the NAACP does

1 not endorse or oppose candidates at any level,
2 correct?

3 A. We are -- we voter engagement, voter
4 participation. You got to vote. That's what we
5 do.

6 MR. WALE:

7 I -- I didn't hear an answer, Your
8 Honor.

9 THE COURT:

10 Restate your answer, sir.

11 THE WITNESS:

12 We do voting engagement, voting
13 participation, just get people to vote.
14 We don't -- we don't endorse anybody.

15 MR. WALE:

16 My question is more of a yes or no,
17 Your Honor.

18 BY MR. WALE:

19 Q. Does the NAACP --

20 MR. NAIFEH:

21 It's already been asked and
22 answered.

23 MR. WALE:

24 At any level was my clarification,
25 Your Honor. I previously asked about

1 endorsing candidates generally. I wanted
2 to confirm it was at any level.

3 THE COURT:

4 At any level?

5 MR. WALE:

6 Endorsing a candidate.

7 THE COURT:

8 He just said no.

9 MR. WALE:

10 All right. Thank you, Your Honor.

11 BY MR. WALE:

12 Q. And so if there -- so there's no
13 record of the NAACP supporting or opposing
14 candidates; is that correct?

15 A. Not at the state levels since I have
16 been the state president.

17 Q. Okay. And then the last thing I
18 want to talk to you, you had -- you had recently
19 discussed talking environmental racism at
20 chemical plants, and you had discussed in your
21 declaration and in your testimony about cancer
22 alley. Is that -- can you describe that area,
23 what you are talking about cancer alley?

24 A. When you talk about describe, what
25 do you mean by "describe"?

1 MR. WALE:

2 Well, let's go -- if we could pull
3 up your declaration again at paragraph 26,
4 if we could do that.

5 BY MR. WALE:

6 Q. In your declaration at paragraph 26,
7 and it says "Another example of Louisiana's long
8 history of racism includes environmental racism,
9 Louisiana cancer alley where petrochemical
10 plants" --

11 THE COURT:

12 Slow down.

13 BY MR. WALE:

14 Q. -- "where petrochemical plants
15 running along the Mississippi River between
16 Baton Rouge and New Orleans have caused high
17 rates of cancer and respiratory diseases."

18 The area running along Mississippi
19 River between Baton Rouge and New Orleans, are
20 you familiar with that?

21 A. Uh-huh (affirmatively).

22 Q. Is that currently near Congressional
23 District 2?

24 A. Repeat your question.

25 Q. Does the area you're describing

1 between the Mississippi River between Baton Rouge
2 and New Orleans, does that mirror Congressional
3 District 2?

4 A. You said -- mirror is the word you
5 used, mirror?

6 Q. Right. Similar district?

7 A. I -- I don't know.

8 Q. You don't --

9 A. I don't know.

10 Q. All right. So you don't -- you
11 don't have any information?

12 MR. WALE:

13 All right. Your Honor, can I
14 consult for a second with my co-counsel?

15 THE COURT:

16 You may.

17 (A short recess was taken.)

18 BY MR. WALE:

19 Q. All right. Mr. McClanahan, just a
20 couple more questions. Does the Louisiana NAACP
21 have a website, correct?

22 A. The state conference, we have one.

23 Q. All right.

24 A. We built -- we built one.

25 Q. And there's a biography, your

1 biography is on that website, correct?

2 A. I haven't had a chance to look at
3 it.

4 Q. You haven't had a chance to look at
5 it. So would you disagree if I represented to
6 you that -- that in your biography online the
7 Souls to the Polls is -- you state "Souls to the
8 Polls is instrumental in electing the only
9 Democratic governor in the deep south"?

10 A. I have to see it. I don't know.

11 MR. WALE:

12 All right. No further questions,
13 Your Honor.

14 THE COURT:

15 All right. Any -- anything further,
16 sir?

17 MR. NAIFEH:

18 No, Your Honor.

19 THE COURT:

20 Okay. You may step down. Thank
21 you, sir.

22 Counsel and folks in the gallery,
23 how's the air-conditioner? I have on a
24 lot of clothes and it feels cold to me,
25 but I'm not -- but I'm fine. So by a show

1 of hands, is it too cold?

2 Okay. We will roll it up or down or
3 whatever it needs to be. Next?

4 MS. KHANNA:

5 And, Your Honor, Abha Khanna for the
6 Galmon plaintiffs. We call
7 Mr. Bill Cooper.

8 THE COURT:

9 Will there be a stipulation as to
10 Mr. Cooper's expertise?

11 MR. LEWIS:

12 Your Honor, I -- I just asked
13 plaintiffs' counsel to --

14 THE REPORTER:

15 Can you state your name?

16 Mr. LEWIS:

17 Oh, I'm sorry. I'm sorry.
18 Patrick Lewis on behalf of the legislative
19 intervenors. If plaintiffs' counsel could
20 identify the subject matter with regard to
21 his expertise?

22 THE COURT:

23 Well, there's a Cooper that's --
24 that's an expert. Do I have the wrong
25 Cooper here? Oh, I have the wrong Cooper.

1 MS. KHANNA:

2 No, no. You're okay. You have the
3 right one. He's the expert.

4 THE COURT:

5 Okay. He's their illustrative map
6 expert; is that correct?

7 MS. KHANNA:

8 Yes, Your Honor.

9 THE COURT:

10 What would the tender be? What
11 would -- in what field?

12 MS. KHANNA:

13 We are offering him as an expert in
14 redistricting, demographics and census
15 data.

16 THE COURT:

17 Redistricting, demographics and
18 census data.

19 MR. LEWIS:

20 We have no objection, Your Honor.

21 THE COURT:

22 All right. So there's a stipulation
23 to the tender. Dr. -- is it Doctor, sir?

24 THE WITNESS:

25 Mister.

1 THE COURT:

2 Mister, Mr. Cooper will be permitted
3 to give opinion testimony in the field
4 of -- one more time, Ms. Khanna?

5 MS. KHANNA:

6 Redistricting, demographics and
7 census data.

8 THE COURT:

9 Okay. Please swear in the witness.

10 THE DEPUTY:

11 Raise your right hand, please.

12 WILLIAM SEXTON COOPER,

13 after having first been duly sworn by the
14 above-mentioned court reporter, did testify as
15 follows:

16 DIRECT EXAMINATION BY MS. KHANNA:

17 Q. Good morning, Mr. Cooper.

18 A. Good morning.

19 Q. Can you please state your full name
20 for the court?

21 A. My name is William Sexton Cooper.

22 Q. And you've been retained as an
23 expert on behalf of the Galmon plaintiffs in this
24 case?

25 A. I have.

1 Q. You prepared two expert reports; is
2 that right?

3 A. I did.

4 Q. And those are marked, just for the
5 court's reference, as Galmon and plaintiff
6 Exhibits 1 and 29, GX-1 and GX-29.

7 Do you actually have a copy of the
8 exhibits in front of you?

9 A. No, I do not.

10 Ms. KHANNA:

11 Your Honor, if I may approach, this
12 is just a copy of his stamped exhibits in
13 case he has trouble reading the screen.

14 MR. LEWIS:

15 No objection.

16 THE COURT:

17 Sir, for the record, you have before
18 you GX-1 and GX-29; is that correct?

19 Those are your two reports, the report and
20 the supplemental report. Mr. Cooper, do
21 you have before you your report and your
22 supplemental report?

23 THE WITNESS:

24 Oh, yes.

25 THE COURT:

1 Is there anything else but those
2 documents in front of you?

3 THE WITNESS:

4 No.

5 THE COURT:

6 All right. Go ahead.

7 MS. KHANNA:

8 Thank you, Your Honor.

9 BY MS. KHANNA:

10 Q. Included with your initial report is
11 your CV; is that correct?

12 A. Yes.

13 Q. And just for the court's records,
14 that's that GX-1-A, Exhibit H-4 is where that
15 begins? Is that a complete and accurate summary
16 of your background and professional experience
17 through March of this year?

18 A. Yes. I did testify in a case a
19 couple of weeks ago in Arkansas.

20 Q. And does that CV involve all of your
21 experience and other experience as well?

22 A. It does. I mean, it lists all the
23 cases that I've been involved in that related to
24 the -- it does not list, for example, cases that
25 I have been involved in relating to school

1 desegregation or a couple of environmental cases
2 in state courts, for example.

3 Q. Mr. Cooper, what is your profession?

4 A. I provide GIS consulting services,
5 mapping census data or other kinds of data that
6 can be displayed with a map on a screen for
7 different varieties of clients, mostly
8 non-profits, occasionally governmental entities
9 or ad hoc requests from individuals.

10 Q. Is it fair to say that you draw maps
11 for a living?

12 A. Yes.

13 Q. And you've been accepted as an
14 expert witness in cases before and undergone
15 fact; is that right?

16 A. Yes. I've testified in federal
17 court in about 52 cases that involved voting and
18 the vast majority of those would have been
19 Section 2 district cases.

20 Q. Have you testified in any Louisiana
21 cases before?

22 A. I have. I think I've testified in
23 four or five trials involving voting in Louisiana
24 and filed declarations in several others and also
25 have been involved in providing maps to community

1 organizations here and there around the state.

2 Q. What regions has that experience
3 covered over the course of years?

4 A. Well, overall, it's pretty much
5 covered the whole state. I -- I was involved in
6 Shreveport area back in the '90s; and also in the
7 '90s and even in the early 2000s in the northeast
8 part of the state, East Carroll Parish, down in
9 Madison Parish and Pointe Coupee and some of the
10 other areas right around Baton Rouge to the north
11 and even extending south all the way to
12 Terrebonne Parish. So I've been in almost the
13 whole state over the course of that time. I
14 don't like to fly from here. I generally drive
15 from southwest Virginia and, because of that,
16 I've criss-crossed the state a number of times.

17 Q. So is it fair to say that you are
18 pretty familiar with Louisiana geography and
19 communities?

20 A. I think so. I have general
21 knowledge. I can't speak to the knowledge that
22 the president of the NAACP has offered, but at
23 least I've been here for a number of trips.

24 Q. Thank you, Mr. Cooper.

25 Can you tell the court a little bit

1 about what you were asked to do in this case?

2 THE COURT:

3 Counsel, let me just interrupt you.

4 There's also been a stipulation as to the

5 tender and the court has accepted him.

6 Can we reach an agreement that record

7 Document 44, which is his CV, will be

8 admitted into evidence?

9 MR. LEWIS:

10 Your Honor, yes, we can.

11 THE COURT:

12 All right. All right. 44 is in

13 evidence. Go ahead.

14 MS. KHANNA:

15 Just to clarify, I believe that's

16 GX-1A at page 4 is where his CV begins.

17 THE COURT:

18 Well, I don't know what that means.

19 It's in the record at Document 44, all

20 right?

21 BY MS. KHANNA:

22 Q. All right. Just to make sure,

23 Mr. Cooper, will you please tell the court what

24 you were asked to do in this case?

25 A. Well, there were two primary

1 requests; one was just to determine whether the
2 black population in Louisiana is sufficiently
3 large and geographically compact to allow for the
4 creation of two majority black congressional
5 districts out of the 6th District plan.

6 Secondarily, I was asked to examine
7 socioeconomic data to identify whether or not
8 there are disparities between the races with
9 respect to socioeconomic well-being statewide as
10 well as at the local level.

11 Q. I'm going to focus in for a moment
12 on that first question. Did you arrive at any
13 conclusion when it came to the first question of
14 whether Africa-Americans in Louisiana are
15 sufficiently numerous and geographically compact
16 to form an additional majority-minority
17 congressional district?

18 A. Yes.

19 Q. And what was your conclusion?

20 A. Unquestionably, the answer is that
21 the black population in the State of Louisiana is
22 sufficiently large and geographically compact to
23 allow for two districts that are majority black.

24 MS. KHANNA:

25 Let's pull up your first report,

1 which is Galmon plaintiffs Exhibit 1; and

2 I want to turn to exhibit page 10,

3 Figure 4. And we can just highlight

4 Figure 4.

5 TRIAL TECH:

6 (Complied.)

7 MS. KHANNA:

8 There we go. Thank you.

9 BY MS. KHANNA:

10 Q. Mr. Cooper, what does this figure
11 indicate about populations growth patterns among
12 the different racial groups in Louisiana between
13 the 2010 and 2020 census?

14 A. This shows that Louisiana gains
15 population between 2010 and 2020, approximately
16 125,000 persons, but the white population, the
17 non-Hispanic white population actually fell by
18 132,182 persons. So all of the gain over that
19 ten-year period can be attributed to growth from
20 the minority population; and of that gain, about
21 half of it related to gains in the black
22 population.

23 Q. So over the course of the last
24 decade, the white population actually fell by a
25 larger amount than the state as a whole

1 population gained?

2 A. Yes.

3 Q. And this is similar to the same kind
4 of trend we see in the previous decade; is that
5 right?

6 A. That's right. There's been an
7 overall decline in the percentage of the white
8 population in the State of Louisiana since the
9 1990 census.

10 Q. And does that comport with a
11 corresponding increase for what has also been an
12 increase in the black population over that time?

13 A. Yes.

14 Q. Mr. Cooper, looking at this chart, I
15 see at the top right two columns, I see the terms
16 SR black and AP black. Can you explain what
17 those are?

18 A. Yes. SR black is -- simply refers
19 to persons who identify as single race black in
20 the 2020 census. Any part black corresponds with
21 persons who identify as single race black or
22 black and some other race.

23 Q. And which metric do you use
24 typically when determining whether the black
25 population is sufficiently numerous and

1 geographically compact in the Gingles 1 analysis?

2 A. Well, I use voting age, and I use
3 the any part black voting age metric to determine
4 whether or not the population at -- in question
5 is -- is in a district that's over 50 percent
6 black voting age.

7 Q. Why do you use the any part black
8 definition?

9 A. That has been accepted, I think, in
10 many cases throughout the country since the
11 Ashcroft v Georgia decision in 2003, and I've
12 testified in cases here in Louisiana even where
13 I've used that metric and other places as well.

14 Q. And the Georgia v Ashcroft position
15 that you mentioned, that's from the U.S. Supreme
16 Court?

17 A. Yes.

18 Q. You also mentioned that you
19 testified in Section 2 cases in which the courts
20 have used the APV app metric; is that right?

21 A. Yes. Specifically in Fayette
22 County, Georgia in 2014, although I think my
23 testimony in Fayette County, Georgia was by way
24 of declaration. And in Ferguson, Missouri in
25 2016, in Terrebonne Parish, Louisiana in 2017;

1 and then in several cases this year, Alabama, the
2 Castor case; in Georgia, the Pendergrass case; in
3 Baltimore County, Maryland, I used the any part
4 black definition. So it's pretty much been a
5 standard that I've relied upon since just before
6 the 2010 census.

7 MS. KHANNA:

8 I'm going to now pull up Figure 1 of
9 your first report, which is going to be on
10 GX-1 exhibit, page 6.

11 TRIAL TECH:

12 (Complied.)

13 BY MS. KHANNA:

14 Q. What does this figure tell us about
15 each racial group's share of the population in
16 2020?

17 A. It shows that at the top, you see
18 non-Hispanic whites now represent 60 -- I'm
19 sorry, 55.75 percent of the overall population.
20 African-Americans in the any part category are
21 about one-third, 33.13 percent.

22 Q. So how has the white population
23 changed over time just looking at this figure?
24 How do we see the effect on white population?
25 You mentioned that there has been a steady

1 decline. Where do we see that in this chart?

2 A. Well, you can see by looking at the
3 left most columns there for 1990, the -- at the
4 time of the 1990 census, the white population
5 comprised almost two-thirds of the population in
6 the state, 55.78 percent, and the black
7 population at the same time would have been about
8 32 percent. So there's been a big drop in the
9 amount of non-Hispanic white population and a
10 modest increase in the portion of the state that
11 is African-American since 1990.

12 MS. KHANNA:

13 I want to turn now to the 2022
14 congressional maps, so if we could pull up
15 GX-29 at page 20.

16 TRIAL TECH:

17 (Complied.)

18 BY MS. KHANNA:

19 Q. Mr. Cooper, this is the
20 congressional map that was just recently enacted
21 over the governor's veto; is that correct?

22 A. Yes.

23 Q. If we could take a closer look at
24 Districts 2 and 6, which we can find at page 29
25 and 27, can you please describe for the court the

1 configuration of the enacted map?

2 A. Well, yes. You can see it's sort of
3 a certain district that stretches from the east
4 end that's Lake Pontchartrain, Orleans Parish.
5 One is all the way through Jefferson and Orleans
6 and into the River Parishes over as far west as
7 Assumption Parish back through Iberville, part of
8 Iberville Parish, and then there are quarters
9 through West Baton Rouge along the river and then
10 into East Baton Rouge Parish.

11 Q. Can you also describe District 6,
12 which is the orange district on this map?

13 A. Yes. District 6 is a wraparound
14 district. It's sort of the inverse of the -- of
15 District 2. So it extends from the Livingston
16 Parish in north and wraps around, goes all the
17 way around to the Terrebonne Parish and the
18 barrier islands and then back up on the other
19 side of District 2. You can see that it's also
20 partly in the River Parishes and extends in on
21 the -- on the west side of Pontchartrain and then
22 narrow peninsula between Lake Pontchartrain and
23 Lake Maurepas. I think that's how you pronounce
24 it.

25 Q. Would you characterize either of

1 these two districts as compact?

2 A. I could not characterize them as
3 compact.

4 Q. How -- you testified in cases across
5 the country. Do you have a sense of how District
6 2 compares in terms of compactness to other
7 districts across the country, other congressional
8 districts across the country?

9 A. Well, there -- there was a report
10 produced by a software firm called -- starts -- I
11 think it's -- I think it's called -- they looked
12 at all the congressional districts in the country
13 and District 2 was the seventh least compact
14 district in the nation out of 435 congressional
15 districts in 2011. I haven't seen a similar
16 report yet for the congressional districts based
17 on the 2020 census, but District 2 is just a
18 carbon copy in the 2020 plan of the 2010 census
19 plan, in other words, the 2011 congressional
20 plan. So it's going to score very low
21 nationwide, guarantee it.

22 MS. KHANNA:

23 If you could pull up GX-29, page 18.

24 This is the -- this is the population data
25 for the enacted plan.

1 TRIAL TECH:

2 (Complied.)

3 BY MS. KHANNA:

4 Q. What is the black voting age
5 population or the BVAP of the new congressional
6 CD2 under the plan?

7 A. It is 58.65 percent.

8 Q. And the surrounding districts?

9 A. All are under 34 percent.

10 District 4 is 33.82 percent, District 5 is
11 32.91 percent, and the others are even lower.

12 Q. Mr. Cooper, you mentioned earlier
13 that the black population in Louisiana now
14 constitutes over a third of the population; is
15 that right?

16 A. Right.

17 Q. What percentage of the congressional
18 districts in the enacted plan are majority black?

19 A. Well, it's just one out of six, so
20 it's a little over 16 percent.

21 Q. You also testified that whites make
22 up 55 percent of the population of Louisiana in
23 2020; is that right?

24 A. Correct.

25 Q. What percentage of the congressional

1 districts in the enacted plan are majority white?

2 A. A little over 91 percent. I'm

3 sorry, 84 percent. Excuse me.

4 Q. So that's the five out of six?

5 A. Right.

6 MS. KHANNA:

7 We can take this down.

8 TRIAL TECH:

9 (Complied.)

10 BY MS. KHANNA:

11 Q. Mr. Cooper, you drew four

12 illustrative plans in this case; is that right?

13 A. Yes.

14 Q. Can you please briefly describe for

15 the court what is an illustrative plan, what is

16 its purpose?

17 A. It's simply to demonstrate to the

18 court that plaintiffs have met the first

19 Gingles 1 prong, which is whether or not the

20 district is comprised of a population that is a

21 majority voting age for the minority community of

22 interest.

23 Q. So what is your general approach

24 when you draw an illustrative map?

25 A. Well, I obtain census data and --

1 and the geographic files for the jurisdiction at
2 issue and then apply traditional redistricting
3 principles. I draw a plan.

4 Q. Can you explain what traditional
5 redistricting principles are generally?

6 A. Well, in general terms, traditional
7 redistricting principles are just the procedures
8 one would use to develop a plan that is
9 acceptable in court; and that would include
10 things like one person would vote, districts that
11 are regionally compact, that to the extent
12 practicable follow political subdivision lines,
13 that did not dilute minority voting districts,
14 districts that are contiguous and that are
15 observants of -- of communities of interest.

16 Q. In these traditional redistricting
17 principles, the map drawers have used them and
18 you have used them both for in court
19 presentations like illustrative maps and in
20 actual maps for drawing jurisdictions; is that
21 right?

22 A. Right.

23 Q. When you draw an illustrative map,
24 do you consider race?

25 A. I am aware of race, exactly, because

1 one of the traditional redistricting principles
2 is to avoid looking at the minority voting
3 strengths.

4 MS. KHANNA:

5 I'd like to call up your
6 Illustrative Plan 1 and I'd like to put it
7 alongside the enacted congressional map.

8 TRIAL TECH:

9 (Complied.)

10 BY MS. KHANNA:

11 Q. So if we are looking at this, you
12 can see GX-1A at page 51 is on the left of the
13 enacted map and GX-29 at page 20, the
14 illustrative plan 1. Great.

15 MS. KHANNA:

16 I think these are actually not -- I
17 think we need to switch these out. It
18 looks like I have the -- two versions of
19 the enacted plan.

20 THE WITNESS:

21 Right. That's not the -- that's not
22 the illustrative plan.

23 MS. KHANNA:

24 Okay. I'm sorry. Can we --
25 Mr. Martinson, can you -- can we put up

1 GX-29, page 20 on the left and then GX-1B,
2 page 13 on the right?

3 TRIAL TECH:

4 (Complied.)

5 MS. KHANNA:

6 There we go.

7 BY MS. KHANNA:

8 Q. Now, we are looking at the enacted
9 plan versus the Illustrative Plan 1. Just
10 looking at the two plans, Mr. Cooper, what are
11 the key differences between the Illustrative Plan
12 1 as you drew it and the enacted map?

13 A. Well, the enacted map, as I
14 discussed, has this really bizarrely shaped
15 District 2 that extends from New Orleans up into
16 parts of Baton Rouge. There's the wraparound
17 District 6, so that's problematic, very
18 problematic, and you can see Illustrative Plan 1
19 does not have that configuration. It has a
20 District 2 that extends from New Orleans to the
21 River Parishes and West Baton Rouge and that's
22 it.

23 District 5, which in the enacted
24 plan covers a very large land area, stretches
25 from around Ruston in the north all the way to

1 Bogalusa and beyond on Alabama and Mississippi
2 border area. And the plan that I developed for
3 illustrative 1, it's a more compact district that
4 extends from the delta northeast, East Carroll
5 and Morehouse Counties (sic) down to the
6 Baton Rouge area and as far east as St. Helena.

7 Q. And District 6 in your illustrative
8 plan?

9 A. That too is a district that is much
10 more compact than District 6 under the existing
11 plan. It includes the Florida Parishes and part
12 of the River Parishes.

13 MS. KHANNA:

14 I'm going to pull up Illustrative
15 Plan 2, GX-1B at page 40.

16 TRIAL TECH:

17 (Complied.)

18 BY MS. KHANNA:

19 Q. What are the defining features of
20 Illustrative Plan 2 in relation to illustrative
21 1? What's the main distinction between the two
22 plans?

23 A. Well, I developed Illustrative Plan
24 2 in an effort to put as much of Acadiana in the
25 District 3 as I could. Acadiana involves 22

1 parishes; and the base population of those 22
2 parishes is too large to go in one district, so
3 Acadiana has to be split.

4 In the end, using this
5 configuration, I was able to create two majority
6 black -- majority black districts, District 2 and
7 District 5, while at the same time keeping about
8 81 percent of Acadiana in District 3, which is
9 about the same percentage that is achieved in the
10 enacted plan where I think the figure is
11 84 percent of Acadiana is in District 3.

12 MS. KHANNA:

13 And let's pull up Illustrative
14 Plan 3, GX-1-Z, at page 7.

15 TECHNICAL SUPPORT:

16 (Complied.)

17 BY MS. KHANNA:

18 Q. What are the defining features of
19 illustrative plan three. How is it different
20 than the other illustrative plans that you drew?

21 A. This plan actually does not change
22 District 2 at all, as it's compared to
23 Illustrative Plan 1, CD2. However, it does
24 change District 5 by making it cover a slightly
25 smaller footprint, excluding some of the parishes

1 in the north that are included in illustrative
2 plans one and two. So it's a -- it's a more
3 eccentric, even though it does include the rural
4 parishes along the Mississippi River.

5 MS. KHANNA:

6 And let's look also at Illustrative
7 Plan 4, which you said that in your
8 supplemental report, that's at GX-29,
9 page 45, so we can go to now.

10 TECHNICAL SUPPORT:

11 (Complied.)

12 BY MS. KHANNA:

13 Q. And what would you say are the
14 distinctive or defining characteristics of this
15 illustrative plan compared to the others?

16 A. Well, this is similar to
17 Illustrative Plan 1. In this particular plan in
18 response to a criticism or assertion by one of
19 the defendants experts, I decided to draw a plan
20 that splits no precincts at all, no VTDs to make
21 the point that that was possible.

22 The other three illustrative plans
23 were drawn to achieve absolutely perfect 0
24 population deviations, so this -- this is a -- a
25 representative map showing how Illustrative Plan

1 1 could be modified to be drawn solely with whole
2 VTDs and the same can be done with illustrative
3 plans two and three.

4 Q. Thank you.

5 Mr. Cooper, you spoke earlier about
6 the traditional districting principles that you
7 considered in drawing your illustrative plans; is
8 that right?

9 A. Yes.

10 Q. You list out in your reports
11 specific principles that you factored that you
12 considered for your references at paragraphs 49
13 and 50 of your report.

14 Can you list for the court what the
15 traditional districting factors that you
16 considered were?

17 A. Well, I balanced them all,
18 specifically one person, one vote requirements,
19 the importance of drawing districts that are
20 reasonably compact and reasonably shaped. I
21 looked at making sure that I was following to the
22 extent practicable political subdivision lines,
23 so I was paying attention to parish lines and
24 municipal lines and precinct lines.

25 Obviously, I needed to also respect

1 communities of interest to the extent possible,
2 and certainly I needed to make sure that I was
3 not diluting minority voting strength, so I
4 balanced all those factors. I didn't weigh one
5 over the other in the sense of the word.

6 Q. You also examined the legislature's
7 adopted redistricting criteria; is that correct?

8 A. I did. Joint Rule 21.

9 Q. So I'd like to touch upon the
10 contributing factors individually as they pertain
11 to your illustrative map. Let's start with one
12 person one vote. How is this principle reflected
13 in your illustrative plan?

14 A. The illustrative plans, all four of
15 them apply to one person one vote in my opinion.
16 Clearly, Illustrative Plans 1, 2 and 3 are the
17 perfect plans from the standpoint of one person
18 one vote because the districts analysis is one
19 person in the 6th District is shown. It's not
20 possible to draw six zero deviations in our
21 figures, but it is possible to draw five and an
22 additional district is minus one.

23 Q. So the first three illustrative
24 plans have exactly equal populations among the
25 six congressional districts, except for one

1 district, which has one fewer person?

2 A. I think that's correct.

3 Q. And what about Illustrative Plan 4?

4 A. Illustrative Plan 4 is drawn to
5 avoid splitting any precincts or any VTDs, so
6 it's zero, zero VTD splits. And so because of
7 that, you can't get to ideal perfect deviation,
8 but that particular plan, I don't have the number
9 in front of me, but it's plus or minus 150 or so.
10 It's about a hundred 50 persons over all
11 deviations, so it for all intents and purposes
12 meets the population requirements.

13 MS. KHANNA:

14 Let's turn now to parish and
15 municipality splits. Let's put up from
16 your report GX-1 exhibit, page 34,
17 Figure 20.

18 TRIAL TECH:

19 (Complied.)

20 BY MS. KHANNA:

21 Q. What was your approach when it comes
22 to parishes and municipalities in drawing the
23 illustrative plans? Let's just focus on those
24 two for now.

25 A. Well, Joint Rule 21 specifically

1 outlines that plan drawers should attempt to keep
2 parishes intact and in one district to the extent
3 practicable and avoid splitting municipalities
4 and VTDS to the extent bracket. So that's what I
5 did again, balancing things, and I was able to do
6 better than the enacted plan in all four
7 illustrative plans across all four categories.

8 Q. So looking at specifically parish
9 splits, your illustrative plans managed to
10 minimize the number of parish splits compared to
11 the enacted map; is that right?

12 A. That's right. The enacted map has
13 15 parish splits and the illustrative plan has
14 one, two, three and four have 10 or 11. I think
15 plan two has 11, so one, three and four have ten
16 parish splits.

17 Q. And when it comes to municipality
18 splits, how do your illustrative plans compare to
19 the enacted plan?

20 A. Again, superior. The 2022 plan --
21 and this is actually showing the arranged chart
22 that I think I have mentioned in my second
23 declaration. The actual number of splits and
24 municipalities in the enacted plan is 38. Two of
25 them are actually a zero population split, so I

1 discount those. So the number I would be using
2 would be 36 because that is actually reflecting
3 pieces not -- not split municipalities in this
4 chart. The numbers that I come up with are 18
5 municipalities are split in the enacted plan and
6 I'd have to go -- well, you can see here that
7 Illustrative Plan 1 was split, I think 12
8 municipalities in Illustrative Plan 2 was split,
9 15 in Illustrative Plan 3 would actually split,
10 16 if you just looked at municipality splits as
11 opposed to pieces of municipalities as clearly
12 superior to the enacted plan across that metric
13 as well as the parish splits. And although it's
14 not superior in terms of VTD splits, that's only
15 because I was seeking to achieve zero population
16 deviation. Clearly, it would be very easy to
17 draw four illustrative plans that are zero VTD
18 splits and within plus or minus 150 people or so,
19 as I've shown in Illustrative Plan 4.

20 MS. KHANNA:

21 And let's take a look at that.

22 Let's look at in your supplemental report

23 GX-29 page 8, Figure 3.

24 TRIAL TECH:

25 (Complied.)

1 BY MS. KHANNA:

2 Q. So this talks about -- can you
3 explain what the -- what happened here when it
4 came to the precinct or the VTD splits?

5 A. Yes. This is the actual HB1 plan
6 instead of my mistake that was SB1, not HB1 in my
7 initial declaration, but the bottom line, it
8 doesn't change my opinion in any way. You see
9 the 2022 plan splits 15 parishes versus
10 Illustrative Plan 4 splits 10 with no precinct
11 splits; whereas, the 2022 plan actually does have
12 a split VTD in West Baton Rouge right along the
13 I-10 bridge area and it has fewer populated
14 municipal splits. And if you discount some of
15 the dozen or so towns and cities in -- in
16 Louisiana that spill over into another parish,
17 both plans then have fewer real splits in the
18 sense that they are -- like Morgan City I think
19 is in two different parishes, and so it's kind of
20 unfair to call that a split when, you know,
21 you're not splitting the parish. You are keeping
22 the parishes intact and, because of that, you're
23 actually splitting a municipality. That really
24 shouldn't count as a strike against you. So
25 single parish populated splits, again, you can

1 see from the Illustrative Plan 4 fewer
2 municipality splits are involved in Illustrative
3 Plan 4.

4 Q. Looking at the same figure on the
5 screen, the last column says CBSA splits. Can
6 you explain for the court what CBSA refers to?

7 A. Yes. CBSAs are defined by the
8 Office of Management and Budget, and they are --
9 most people are familiar with the term
10 metropolitan municipal areas, like -- so like an
11 area of New Orleans would have two or three
12 parishes where there is metropolitan statistical
13 areas.

14 These metropolitan statistical areas
15 are defined by Office of Management and Budget.
16 They reflect commuting patterns that then can be
17 expressed as relationships between parishes and
18 small towns in and around a larger population
19 center. Metropolitan statistical areas have to
20 have at least one urban center that is 50,000
21 people or more.

22 So obviously New Orleans and
23 Baton Rouge are metropolitan statistical areas,
24 but so is Thibodaux and Houma because those areas
25 have smaller cities that are more than 50,000

1 people.

2 And there are nine metropolitan
3 statistical areas in Louisiana, but there are
4 also some areas that are kind of urbanized but
5 smaller cities and they are known as micropolitan
6 statistical areas, and there are ten of those in
7 the state.

8 Q. So --

9 A. And that would include some of the
10 smaller cities. Like Bogalusa I think is
11 actually a micropolitan statistical area.

12 Q. So it's fair to state that the CBSA
13 are government defined regions of -- basically
14 centered on urban centers and their surrounding
15 communities; is that right?

16 A. Right. Based on commuting patterns,
17 so they reflect communities of interest that are
18 centered on commercial activity, journey to work.
19 They are defined in -- in this a neutral way by
20 the Office of Management and Budget in
21 conjunction with the census bureau in the
22 journey-to-work files. So it's a very effective
23 way to define regions, and that's not just in
24 Louisiana but nationwide.

25 Q. And what does the federal government

1 do with the CBSAs? Why is that relevant in terms
2 of federal funds and other things?

3 A. Well, that's exactly it. It effects
4 things like highway funding, medication funds,
5 Medicare reimbursement. I mean, it's amazing all
6 the different federal programs that would be
7 effected as it relates to whether or not a place
8 is in a metropolitan statistical area or in a
9 micropolitan statistical area. And some parts of
10 the state, of course, are not in either. They
11 are part of a rural area, so there would be other
12 funding formulas for those particular parishes,
13 but a lot of areas in northeast Louisiana --
14 northeast Louisiana, for example, would be rural
15 and not in micropolitan or metropolitan areas.

16 Q. How does your Illustrative Plan 4
17 compare to the enacted plan when it comes to
18 division of these CBSA communities?

19 A. There are 14 splits. In other
20 words, 7 CBSAs are split compared to 18 splits in
21 the 2022 plan or 9 CBSAs.

22 MS. KHANNA:

23 I want to turn now to the criterion
24 of compactness. If you could pull up
25 Figure 18 of your first report, GX-1,

1 page 32. A lot of numbers here.

2 TRIAL TECH:

3 (Complied.)

4 BY MS. KHANNA:

5 Q. What are the metrics that are
6 reflected here and what do they say about
7 quantitative compactness?

8 A. Well, these are measures that
9 demonstrate graphs that have been developed over
10 the years to determine whether or not one can
11 objectively measure compactness. And so I'm
12 looking here at two different measures that are
13 probably like the most widely used measures. One
14 is the REOCK that is based on the -- the land
15 area of a district as it relates to a
16 circumscribed circle.

17 So a perfect plan or district would
18 be 1.0 and districts that are not so perfect
19 would drop from that level. Most districts never
20 achieve 1.0 because there are not very many
21 circular cities. So you get a range between zero
22 and 1, and so the right score for the 2022 plan
23 is 3.7. And you can see that CD2 is 0.18 and the
24 illustrative plans are generally in the same
25 range for REOCK, but significantly better on the

1 Polsby-Popper.

2 The Polsby-Popper score, which is
3 the right most column, looks at the perimeter of
4 a district. So if you've got lots of squiggly
5 lines, then you are going to have a low
6 Polsby-Popper score. And, you know, you can see
7 the 2022 plan has a fairly low Polsby-Popper
8 score overall, .16, and the illustrative plan
9 scored higher on that measure. And of particular
10 note is the extraordinary low score for CD2,
11 which is .06 on the Polsby-Popper score.

12 Q. So looking at these metrics, I
13 believe you mentioned that the -- how do your
14 illustrative plans compare overall as an average
15 measure to the enacted plan?

16 A. Better.

17 Q. And what about on the individual
18 district level?

19 A. Again, better, particularly as
20 compared to CD2, which is the majority black
21 district in the 2022 plan.

22 Q. If you could go back to that
23 side-by-side showing the enacted plan on the left
24 and the Illustrative Plan 1 on the right, how do
25 these metrics that we just talked about map onto

1 the visual, the map itself? Just looking at the
2 map, how would you describe where we see those
3 being in compactness?

4 A. Well, the -- you can see that
5 District 2 is just very oddly shaped and so
6 that's -- you don't need to look at compactness
7 scores to see that Illustrative Plan 1 is far
8 superior in terms of compactness scores. If you
9 examine District 2 alone and then -- but because
10 District 6 is the inverse of that and wraps
11 around CD2, it naturally also is going to have a
12 very low compactness score. And you can look at
13 Illustrative Plan 1 and see that District 6 in
14 Illustrative Plan 1 states basically north of
15 Lake Pontchartrain, that is not wraparound, so
16 obviously it's going to score higher. But,
17 again, it's just in the eye of the beholder.
18 Illustrative Plan 1 surely can be that, no
19 reasonable person arguing otherwise.

20 Q. You also mentioned in your report
21 that contiguity is another traditional
22 redistricting principle; is that right?

23 A. Yes.

24 Q. Are your illustrative plans
25 contiguous?

1 A. Yes, they are.

2 Q. And how did the illustrative plans
3 compare to the enacted plan on contiguity?

4 A. The enacted plan is contiguous,
5 technically speaking, but if you look very
6 closely at the enacted plan around East
7 Baton Rouge and West Baton Rouge Parish --

8 MS. KHANNA:

9 I -- I can pull up a map for you.
10 Put up GX-29 at 27.

11 TRIAL TECH:

12 (Complied.)

13 THE WITNESS:

14 Yeah. This is a Zoom on District 2
15 and District 6, and you can see how in the
16 enacted plan District 2 kind of picks up a
17 few VTDs in West Baton Rouge and then when
18 it reaches I-10. And, again, this
19 particular exhibit doesn't zoom in like
20 maybe it could to make this point.

21 MS. KHANNA:

22 Can we zoom in on the area we need?

23 TRIAL TECH:

24 (Complied.)

25 THE WITNESS:

1 Yeah. Okay. You can sort of see
2 the area of concern here where you get to
3 the I-10 bridge; and naturally taking the
4 I-10 bridge, you're going to cross from
5 Port Allen into Baton Rouge. And you can
6 see that going by I-10, it -- District 2
7 is on both sides of I-10, just barely on
8 the other side. So you really leave
9 District 6 and go into District 2. And so
10 there's a little -- a little piece, a
11 little carveout in downtown Baton Rouge
12 around the capital, the federal building
13 here that is in District 6, but it's not
14 really connected other than by water to
15 any other part of District 6. Basically,
16 you have to swim upriver in order to
17 actually get to a point where you could go
18 from that part of downtown Baton Rouge,
19 which is District 6, into the other part
20 of District 6 in East Baton Rouge.

21 BY MS. KHANNA:

22 Q. If we could zoom out back to the
23 original exhibit, are there any other portions
24 that -- of the enacted map that present --
25 presented any continuity concern?

1 TRIAL TECH:

2 (Complied.)

3 THE WITNESS:

4 Yeah. There's another area on the
5 east side. Well, actually really the west
6 side of Lake Pontchartrain, but on the
7 east side of District 6, you can -- you
8 can see how there's a little peninsula
9 kind of between Lake Pontchartrain and
10 Lake Maurepas. I'm not sure if I'm
11 pronouncing that right. I guess you know
12 where I mean, and you can see to get from
13 St. John the Baptist Parish, you either
14 have to swim across Lake Maurepas to
15 Livingston Parish or you have to take I-55
16 and go into Tangipahoa Parish and then
17 pick up another road that would take you
18 back into District 6. So it's contiguous
19 by water but not by land.

20 BY MS. KHANNA:

21 Q. Mr. Cooper, how many majority black
22 districts do your illustrative plans contain?

23 A. Two.

24 Q. And when you say "majority black,"
25 how did you -- what method did you use to measure

1 whether your districts were majority black?

2 A. I used the any part black voting
3 age. Anything over 50 percent black voting age
4 is majority black.

5 Q. Were there any other metrics that
6 you examined when determining whether you had
7 created two majority black districts?

8 A. Yes. I also confirmed that by
9 looking at the registered voter file that the
10 State of Louisiana legislature released in the
11 summer of 2021 for redistricting purposes. And
12 there too, I was able to determine that both
13 Districts 2 and 5 in the illustrative plans have
14 over 50 percent black registered voters. That
15 confirms that it's clearly a situation where both
16 districts are over 50 percent.

17 And then I also looked at the census
18 bureau's special tabulation of citizen voting age
19 population and determined there again that using
20 the most conservative measure possible, which is
21 single race, non-Hispanic citizen voting age,
22 both citizens in all four illustrative plans are
23 over 50 percent black, so there's really no
24 argument. I'm sure the defendants will try and
25 claim otherwise, but these are two majority black

1 districts that were very easy to draw.

2 Q. Mr. Cooper, we discussed a number of
3 factors.

4 MS. KHANNA:

5 You can take that down. Thank you.

6 TRIAL TECH:

7 (Complied.)

8 BY MS. KHANNA:

9 Q. We discussed a number of factors
10 that went into the drawing of the illustrative
11 plans. Was any one factor a predominant factor
12 in drawing your illustrative maps?

13 A. No. I made a real effort to try to
14 balance all the factors.

15 Q. Tried to balance all the factors
16 concurrent?

17 A. Right, right.

18 Q. Could you have increased or
19 maximized the black voting population of one or
20 both of your majority coefficients if you wanted
21 to?

22 A. Sure. I could have split more
23 precincts, more municipalities, maybe more
24 parishes and increased it quite a bit probably.

25 Q. So you could have increased the

1 black composition of the black districts that
2 would have come at the expense of other
3 principles?

4 A. Yes. However, municipalities and
5 precincts in Louisiana take on some very odd
6 shapes.

7 Q. Mr. Cooper, you read a report
8 submitted by Tom Bryan on behalf of the state
9 defendant; is that right?

10 A. Yes.

11 Q. And Mr. Bryan suggests that your
12 illustrative maps segregate black neighborhoods
13 from white neighborhoods in various cities; do
14 you recall that from his report?

15 A. Yes.

16 Q. And that both cities included like
17 Baton Rouge and Alexandria, right?

18 A. Right.

19 MS. KHANNA:

20 I'm going to pull up an exhibit from
21 Mr. Bryan's report looking at state's
22 Exhibit 2, page 81. And, if you could,
23 just zoom in on the figure itself.

24 TRIAL TECH:

25 (Complied.)

1 BY MS. KHANNA:

2 Q. This is the City of Baton Rouge in
3 the enacted plan; and if you could just ignore
4 the district lines and numbers for the moment,
5 are black and white Louisianians uniformly
6 distributed within Baton Rouge?

7 A. No. The black population lives
8 predominantly in the northern part of Baton Rouge
9 and the white population lives in the southern
10 areas and eastern areas.

11 Q. So apart from the way districts are
12 drawn, there is also a segregation between the
13 two division populations within the city?

14 A. Right. There's been historical
15 housing segregation and that's been per graduated
16 into modern times. So yes, there's no question
17 that African-Americans are in a very compact area
18 in Baton Rouge and it's in the north.

19 Q. And that's -- the same patterns are
20 seen in other cities as well?

21 A. Oh, absolutely. Absolutely. You
22 see the same segregated housing pattern, and it's
23 clear that within those cities African-Americans
24 live in very compact, easily definable areas.

25 MS. KHANNA:

1 We can take down this exhibit.

2 TRIAL TECH:

3 (Complied.)

4 BY MS. KHANNA:

5 Q. Mr. Cooper, under the enacted plan,
6 what percentage of the state's black population
7 lives in a majority black district?

8 A. For the black population living in a
9 majority black district, approximately 31 percent
10 live in a majority black district.

11 Q. And that's listed in your report?

12 A. Right.

13 Q. Just for the court's reference,
14 paragraph 42 of your initial report, what about
15 the white population under the enacted plan, what
16 percentage of the white population lives in a
17 majority white district?

18 A. 91.5 percent.

19 Q. Under your illustrative maps,
20 approximately what percentage of the black
21 population would live in a majority black
22 district?

23 A. A little over half.

24 Q. And the other half would be --
25 what -- what racial composition would that be?

1 A. Well -- well, you -- well, about --
2 about half of the black population would live in
3 the majority black district.

4 Q. Okay. Thank you.

5 And approximately what percentage of
6 the white population would live in a majority
7 white district under any of your illustrative
8 plans?

9 A. About three, three-quarters of the
10 white population would live in a majority white
11 district. So this improves over the enacted plan
12 where we see 31 percent of the black population
13 and 91 percent of the white population living in
14 separate or majority white districts.

15 THE COURT:

16 Just a second, Counsel.

17 THE DEPUTY:

18 Why do we keep losing the counsel or
19 is there nothing up there?

20 THE COURT:

21 There's nothing up there.

22 BY MS. KHANNA:

23 Q. Just to make sure, while you
24 described the enacted plan has approximately
25 31 percent of the black population in a majority

1 black district and 9 -- over 90 percent of the
2 white population in a white district, your
3 illustrative plan would make up roughly half of
4 the population in the black majority district and
5 three-quarters of the white population in a
6 majority white district; did I hear that
7 correctly?

8 A. Right, right.

9 Q. So under your illustrative maps, is
10 it fair to say that more white people would live
11 in more racially diverse districts than they do
12 under the enacted map?

13 A. Absolutely.

14 Q. You were also asked to look at
15 various economic data; is that right?

16 A. Yes.

17 Q. And what was the purpose of that
18 analysis?

19 A. Just to determine whether or not the
20 black population and white populations have
21 disparate measures in terms of socioeconomic
22 well-being. It relates to factor five, which I
23 believe another witness may testify on, but I
24 just gathered together the underlying data from
25 the American Community Survey for the year 2019,

1 a one-year survey statewide that is the most
2 current data available from the census bureau.

3 Q. And what did you conclude from your
4 examination of that socioeconomic data?

5 A. Well, I prepared an exhibit with
6 charts to accompany the data set in my
7 declaration, and across almost every single
8 category, you could see that non-Hispanic whites
9 enjoy higher levels of socioeconomic well-being.

10 Q. And is that both statewide and at
11 the parish level?

12 A. Absolutely. I've got a link to a
13 set of files from the 2015, 2019 ACS. The link
14 is in my declaration on the last page; and if you
15 are interested in a particular parish, there's
16 data comparing African-Americans and whites and
17 also included a table -- a -- charts that show
18 the Latino population, and you can get that
19 information for any parish in Louisiana.
20 Guaranteed, you'll see the same patterns. And if
21 you are interested in a municipality, you can get
22 all municipalities in Louisiana; cities, towns
23 villages and even unincorporated places that have
24 at least 10 percent black population; and the
25 same pattern is there.

1 Q. And that pattern is that whites
2 outpace blacks --

3 A. Yes.

4 Q. -- under any socioeconomic map that
5 you looked at?

6 A. Yes.

7 Q. Thank you.

8 MS. KHANNA:

9 Your Honor, I have no further
10 questions at this time, but I would like
11 to move into evidence plaintiffs -- Galmon
12 plaintiffs' Exhibits 1, which includes
13 1-A, 1-B, 1-C, and Galmon plaintiffs'
14 Exhibit 29. Those are Mr. Cooper's
15 reports and all the attachments.

16 THE COURT:

17 Without objection, admitted.

18 MS. KHANNA:

19 Thank you, Your Honor.

20 THE COURT:

21 We still got about 20 minutes on the
22 record. Does the -- would the defense
23 like to come in and cross-examine
24 Mr. Cooper?

25 MR. LEWIS:

1 Yes, Your Honor.

2 THE COURT:

3 Counsel, if you don't mind, state
4 your name, please, sir.

5 CROSS-EXAMINATION BY MR. LEWIS:

6 Q. Good morning, Mr. Cooper. My name
7 is Patrick Lewis. I represent the legislative
8 intervenors in this case.

9 A. Good morning.

10 Q. Mr. Cooper, when were you hired to
11 work on this case?

12 A. Pardon?

13 Q. When were you hired to work on this
14 case?

15 A. I think in early March or February
16 of 2022.

17 Q. Okay. And did you spend the time
18 from -- at March or February until the date of
19 your initial report working on your illustrative
20 maps and other work in this case?

21 A. Yes. I was doing a lot of other
22 stuff; but yes, I was -- that would have been the
23 time period I would have worked on the
24 illustrative maps.

25 Q. Now, Mr. Cooper, I just want to make

1 sure I understand from your -- your direct
2 testimony. Would you agree with me that House
3 Bill 1 is functionally a carbon copy of the 2011
4 congressional plan for Louisiana?

5 A. I stated that in my declaration.
6 There are minor differences, but it's basically a
7 carbon copy, right.

8 Q. Okay. And I believe you testified
9 on direct examination that your assignment in
10 this case was to determine if Louisiana's black
11 population was sufficiently large geographically
12 compact, excuse me, to permit two majority black
13 districts; did I hear that right?

14 A. Yes.

15 Q. Okay. So is it fair to say that
16 your goal from the outset was to draw two
17 majority-minority districts from the get-go,
18 right?

19 A. No. It was not my goal, because
20 when developing a plan, you have to follow
21 traditional redistricting principles; so I -- I
22 did not have a goal to under all circumstances
23 create two majority black districts. I had to
24 balance out the population from peer-reviewed
25 redistricting principles.

1 Q. During your map drawing process, did
2 you ever draw a one majority-minority district?

3 A. I did not because I was specifically
4 asked to draw two by the plaintiffs.

5 Q. Okay. Now, Mr. Cooper, for each of
6 your four illustrative plans, isn't it true that
7 you don't draw a single district that's
8 52 percent or higher that measured with the any
9 part black metric?

10 A. That could be correct. I don't have
11 the numbers in front of me, but that could be
12 correct.

13 Q. Okay. But we could find those
14 numbers in Exhibits J-1, K-1 and L-1 to your
15 report; is that right?

16 A. I think so. I guess. I'm not
17 disagreeing with you. I -- I don't recall
18 drawing a district that was significantly above
19 the low 50s BVAP.

20 MR. LEWIS:

21 Okay. And, in fact, just to -- just
22 to illustrate the plan, if we could pull
23 up Exhibit GX-1B at page 37.

24 TRIAL TECH:

25 (Complied.)

1 MR. LEWIS:

2 There we go.

3 BY MR. LEWIS:

4 Q. I believe this is Exhibit K-1 to
5 your report. Do you recognize this, Mr. Cooper?

6 A. Yes.

7 Q. So this is your Illustrative Plan 2,
8 correct?

9 A. It is.

10 Q. Okay. And so your District 2 has
11 50.65 percent BVAP; is that right?

12 A. That's correct.

13 Q. And District 5 is 50.04 percent,
14 right?

15 A. Right.

16 Q. So, Mr. Cooper, what made you decide
17 to stop right there at that 50.04 percent at
18 District 5?

19 A. Zero deviation. I was attempting to
20 balance out the population so that it was
21 perfect. I've been in some cases where the
22 parties on the other side have insisted that no,
23 it's got to be zero deviation or you haven't
24 prepared an acceptable plan for the court. So
25 yeah, when I hit zero, I stopped because it was

1 still above 50 percent BVAP.

2 Q. Okay. Now, you testified on direct
3 examination, Mr. Cooper, that for your fourth
4 illustrative plan, that rebuttal report, that you
5 no longer attempted to reach perfect population
6 equality; is that right?

7 A. That's correct.

8 MR. LEWIS:

9 Okay. And if we can go to Exhibit
10 GX-29 at page 43.

11 TRIAL TECH:

12 (Complied.)

13 BY MR. LEWIS:

14 Q. Okay. Mr. Cooper, this is Exhibit
15 B-1 to your rebuttal. Do you recognize this?

16 A. Yes.

17 Q. Great. And would you agree with me
18 that District 2 in your Illustrative Plan 4 has a
19 BVAP of 50.06 percent?

20 A. Yes.

21 Q. Okay. So what made you stop at
22 50.06 percent for District 2 in this plan?

23 A. Well, again, I'm not sure I stopped
24 at 50.06 percent. That's where it ended up. I
25 was simply focused on trying to put together a

1 good combination of precincts so that the overall
2 deviation was in the same range as the enacted
3 plan, but I didn't split any VTDs where the
4 enacted plan splits one. So the deviation in
5 this plan is slightly higher than the deviation
6 in the enacted plan, if that matters.

7 Q. Sure. But I believe you testified
8 on direct that you could have drawn higher
9 than -- than a bare 50 percent BVAP majority,
10 correct?

11 A. Oh, I'm confident you could by
12 splitting more VTDs.

13 Q. Okay. Now, Mr. Cooper, did you
14 conduct an analysis to determine if your 50
15 percent BVAP districts in your four illustrative
16 plans would be likely to elect black preferred
17 candidates in Congress?

18 A. No. I did not handle panels two and
19 three. There's another expert in this case.
20 Dr. Palmer who will be testifying on that point.

21 Q. Okay. I'd like to ask you a few
22 questions now about your CD5.

23 MR. LEWIS:

24 So for one example, let's pull up
25 your Illustrative Plan 2, which is GX-1 at

1 page 27.

2 TRIAL TECH:

3 (Complied.)

4 MR. LEWIS:

5 There we go. Sorry about that.

6 It's actually page GX-28. I apologize for

7 that.

8 BY MR. LEWIS:

9 Q. So, Mr. Cooper, you would agree that
10 you drew East Baton Rouge Parish into all four of
11 your illustrative plans District 5, correct?

12 A. That is true.

13 Q. Okay. Would you further agree with
14 me that all four of your plans you drew in the
15 parishes of East Carroll, West Carroll, Madison,
16 Tensas, Concordia and portions of Ouachita,
17 correct?

18 A. Correct.

19 Q. Okay. And those parishes that I
20 just mentioned, those are up in that delta
21 region; is that right?

22 A. Right.

23 MR. LEWIS:

24 Okay. So if we could now turn to
25 Figure 3 on page 8 of your report, which

1 should be page GX-9, GX-1-9. Excuse me.

2 TRIAL TECH:

3 (Complied.)

4 BY MR. LEWIS:

5 Q. Okay. Now, Mr. Cooper, this figure
6 you drew here, it's shaded to show the percentage
7 of BVAP in each of Louisiana's 64 parishes; is
8 that right?

9 A. Yes.

10 Q. All right. Now, those delta
11 parishes have pretty substantially high BVAP;
12 isn't that correct, as a percentage?

13 A. Well, East Carroll and -- and
14 Madison are clearly super majority black. Of
15 course, they are not heavily populated, and then
16 some of the others are in the 40 to 60 percent
17 black category, right.

18 MR. LEWIS:

19 Okay. So just to put some numbers
20 on it, I'd like to turn to Exhibit C-1 to
21 your report, which is Exhibit GX-1A at
22 page 18.

23 TRIAL TECH:

24 (Complied.)

25 BY MR. LEWIS:

1 Q. And, Mr. Cooper, this table reports,
2 among many other variables, the number of any
3 part black population in each of Louisiana's 64
4 parishes, right?

5 A. Yes.

6 Q. All right. Okay. So just to go
7 through very quickly just a few of these, so
8 Concordia has any part black population of 7,725,
9 right?

10 A. Yeah. Correct.

11 Q. All right. East Carroll Parish,
12 5,272, correct?

13 A. Correct.

14 Q. And then Ouachita has 61,217, right?

15 A. I'm not on --

16 Q. Oh. I need to go to the next page.

17 A. I need more.

18 Q. There we go. 61,217, correct?

19 A. Yes.

20 Q. Okay. Now, the ideal population
21 size for a Louisiana congressional district is
22 776,293. Does that sound right?

23 A. That sounds right. I guess I can
24 confirm it. Yes, that's right.

25 Q. Okay. Great. So would you agree

1 then that in order to draw a second
2 majority-minority district in Louisiana, that
3 other than District 2 and District 5, that you
4 needed to include substantial black population
5 from the delta parishes?

6 A. That -- that would be true. I
7 believe that you would have to include part of
8 the delta area in at least part of the delta
9 area. In District 5, it would be majority black.

10 Q. And, in fact, none of the remedial
11 plans or illustrative plans submitted in this
12 case drew a second MMD without including those
13 parishes; is that right?

14 A. That is correct.

15 Q. Did you try to draw a remedial plan
16 that had a second MMD without going up into the
17 delta?

18 MS. KHANNA:

19 Objection, Your Honor. Under
20 Rule 26, we are not allowed to ask about
21 draft reports and other things that are
22 not actually in the expert report.

23 THE COURT:

24 Counsel?

25 MR. LEWIS:

1 I'm asking him -- he's asked to
2 draw -- I'm asking him if he made an
3 attempt. I'm not asking about his draft
4 report did he draw it or not.

5 THE COURT:

6 Well, restate your question.

7 BY MR. LEWIS:

8 Q. Okay. Try this again. Have you
9 drawn -- have you ever drawn --

10 All right. Let's try it this way.
11 None of your reports include a remedial plan that
12 has a second MMD that did not go into the delta;
13 is that right?

14 A. I have not prepared remedial plans.
15 These are simply illustrative plans to --

16 Q. Excuse me.

17 A. -- demonstrate the principles when
18 it's met.

19 Q. But let me restate that. An
20 illustrative plan. None of your illustrative
21 plans contain two MMD districts that go up into
22 the delta, right?

23 A. That's correct.

24 Q. And, as you sit here today, are you
25 aware of a way that you could draw a second

1 majority-minority district without going into the
2 delta?

3 A. I -- I am not. I've never tried to
4 do that.

5 Q. Okay. All right. Now, I believe
6 you've spoken on direct examination about trying
7 to protect core-based statistical areas as a
8 community of interest; is that fair?

9 A. They represent a community of
10 interest, yes, sir.

11 Q. Okay. And did you try to protect
12 those communities of interest in your -- in your
13 plans?

14 A. Well, I believe I did. I was aware
15 of the lines. It's impossible to avoid splitting
16 those metropolitan statistical areas and
17 micropolitan statistical areas because they are
18 comprised generally of more than one parish. So
19 there are splits, but the end result of
20 Illustrative Plans 1, 2, 3 and 4 are that my
21 plans involved fewer splits of core-based
22 statistical areas in the enacted plan.

23 Q. Now, Mr. Cooper, is it fair to say
24 that there is no MSA metropolitan for a
25 core-based statistical area that includes both

1 East Baton Rouge and parishes of the delta such
2 as East Carroll, Morehouse or Ouachita?

3 A. I'd have to look at the map. I
4 don't believe that Baton Rouge metropolitan area
5 would extend into the delta area.

6 Q. Okay. Now, one of the metropolitan
7 statistical areas that you considered was the
8 Monroe metropolitan statistical area; is that
9 correct?

10 A. That would have been one that would
11 have been split.

12 Q. Okay. That's what I mean, split.
13 All right. And, in fact, you split over
14 40 percent of its population to create
15 District 5; is that not correct?

16 A. I'd have to look at the table. What
17 table are you looking at?

18 Q. Sure. Sure. Let's do that.

19 MR. LEWIS:

20 If we could go to exhibit GX-1B at
21 page 35. This looks right.

22 TRIAL TECH:

23 (Complied.)

24 THE COURT:

25 I'm having a hard time seeing it.

1 MR. LEWIS:

2 Yeah. If you could zoom in for us.

3 TRIAL TECH:

4 (Complied.)

5 THE WITNESS:

6 I could probably find it now. It's

7 GX-1B.

8 BY MR. LEWIS:

9 Q. There. Does that help?

10 A. Yeah.

11 Q. If I'm reading this correctly, maybe

12 I'm not, but it looks to me like you've got for

13 District 4, Monroe, Louisiana, 86,424 people of

14 that MSA or CBSA, excuse me, were put into

15 District 4, correct?

16 A. That is correct.

17 Q. Okay. And for District 5 you had

18 120,608 people, right?

19 A. Right.

20 Q. Okay. So I think I -- actually, my

21 question to you, I may have had that number

22 backwards. It looks like about 58 percent of the

23 Monroe MSA or, excuse me, CBSA was put in and

24 assigned to District 5, correct?

25 A. Correct.

1 Q. And do you -- would you agree with
2 me that in the remainder of your plans that that
3 split would be similar?

4 A. Probably is similar.

5 Q. All right.

6 A. I would agree with that.

7 Q. Okay. So I'd like now to turn to
8 the report of Tom Bryan. I believe you testified
9 about that briefly on direct examination.

10 A. Uh-huh (affirmatively).

11 MR. LEWIS:

12 And specifically page 46, so State 2
13 at page 46, please.

14 TRIAL TECH:

15 (Complied.)

16 BY MR. LEWIS:

17 Q. Okay. Have you seen this chart
18 before?

19 A. I have seen the chart. I have not
20 looked at it in great detail.

21 Q. Sure. Okay. And do you see for
22 East Baton Rouge where he's identifying that you
23 divided a certain population between Districts 5
24 and 6 in your Illustrative Plan 2?

25 A. Yes.

1 Q. Okay. Do you have any basis to
2 dispute his calculation that you assigned
3 72.78 percent of the black population of East
4 Baton Rouge Parish into District 5?

5 A. Oh, I have not double checked his
6 figures, but it is not unlikely. It is likely
7 that that's correct.

8 Q. All right. And then if we could
9 look down at Ouachita Parish, I believe Ouachita
10 is in the Monroe MSA, right?

11 A. It is.

12 Q. Okay. And in your review, did you
13 have any basis to dispute his calculation when
14 you divided Ouachita Parish between Districts 4
15 and 5 that you assigned 88.45 percent of
16 Ouachita's black population into District 5?

17 A. Again, I cannot confirm his numbers,
18 but I have no reason to think that they could be
19 correct.

20 Q. Okay.

21 THE COURT:

22 Counsel, I apologize for
23 interrupting you in cross, but we are
24 going to have to take a break until 1:15,
25 so we will be in recess until 1:15 p.m.

1 (A lunch recess was taken at 11:45 a.m.)

2 THE COURT:

3 Mr. Lewis, your witness.

4 BY MR. LEWIS:

5 Q. Good afternoon, Mr. Cooper.

6 A. Good to see you again.

7 Q. So before the break, we were talking
8 briefly about some of the manners in which, you
9 know, you split some of the parishes between
10 Congressional District 5 and other districts. Do
11 you recall that testimony?

12 A. I do.

13 Q. Okay. Good. Is it fair to say that
14 through those moves that you moved a fair amount
15 of BVAP into CD5 through those splits?

16 A. Well, the splits do follow some
17 areas that are segregated. I did a housing
18 segregation going back decades, so the end result
19 is I have put majority black neighborhoods in the
20 second majority black district, not exclusively,
21 but certainly that's -- that's the case.

22 Q. Okay. And is that one of the
23 main -- you know, the fact that those are black
24 majority neighborhoods, is that one of the big
25 drivers why you assigned those to CD5?

1 A. Not necessarily. I have to go back
2 and carefully review the map and my
3 decision-making process at the time, which often
4 is not something that I would record. But the
5 point is that these cities have very clearly
6 defined neighborhoods that are overwhelmingly
7 black in some cases, and that's just the way it
8 is. They are compact areas and easy to join to
9 other compact majority black populations to
10 comprise the second majority black district.

11 Q. Okay. I had one question for you
12 about your testimony about the growth of the
13 population changes in Louisiana, so if you can go
14 to page 5 of your report, GX-1?

15 A. (Complied.)

16 Q. And my question for you relates to
17 Figure 1. And I believe, you know, you offered
18 testimony that since between 2000 and 2020 that
19 the share of non-Hispanic white population
20 decreased in the State of Louisiana; is that
21 right?

22 A. I believe I was talking about
23 between 1990 and 2020. It may have -- I may have
24 referenced the white population in 1990 as being
25 65.8 percent roughly, and as of the 2020 census,

1 it's 55.8 percent roughly.

2 Q. Okay. And is it fair to say that --
3 you know, that there's been a substantial growth
4 in the Latino population in the State of
5 Louisiana since 1990?

6 A. That is fair to say.

7 Q. And that growth would be reflected
8 on Figure 1 --

9 A. Right. Correct.

10 Q. -- from about 2 percent to 7 percent
11 roughly in the state's population?

12 A. Roughly speaking, correct.

13 Q. All right. So, Mr. Cooper, are you
14 aware of any time in the 20th or 21st century
15 when a Louisiana congressional plan combined East
16 Baton Rouge Parish with East Carroll Parish?

17 A. In the 20th century?

18 Q. Yes, sir.

19 A. I actually have maps. I don't think
20 that the 2001 plan did. It's in my report, but
21 allow me to double check. Get my hand on -- yes.
22 The 2001, which was actually a seven district
23 plan, included Iberville in District 5, but it
24 did not include Baton Rouge.

25 Q. Okay. So, and then in the prior,

1 you know, from 1990 to 2000 or, no, 1900 to 2000,
2 are you aware of a district that put East
3 Baton Rouge Parish and East Carroll Parish in the
4 same congressional district?

5 A. I have not reviewed all the maps, so
6 I really -- I really could not -- could not say
7 with any certainty at all --

8 Q. Okay.

9 A. -- one way or the other.

10 Q. All right. Were you familiar with
11 the Hays litigation in Louisiana in 1990?

12 A. I'm aware of it. I have no -- no
13 involvement at all on any level.

14 Q. Okay.

15 A. And actually, I have some maps
16 showing the majority black districts that were
17 drawn during that 1990 to 2000 timeframe.

18 Q. So just to illustrate one of them,
19 if we could just go to -- and I'm only using this
20 for illustrative purposes, but to Dr. Sadow's
21 report, Exhibit SOS_3 at page 6?

22 A. I don't have his report. I have
23 these maps in my declaration. I just have to put
24 my hands on them. I actually prefer to use my
25 maps. They have a little better detail. So we

1 are looking at the original map, which would be
2 Exhibit F-1 in my declaration.

3 Q. Okay. So that's GX-01 at looks like
4 page 38?

5 A. GX-1A.

6 Q. At 38?

7 A. Right.

8 Q. All right.

9 MR. LEWIS:

10 Morris, can you pull it up?

11 TRIAL TECH:

12 (Complied.)

13 BY MR. LEWIS:

14 Q. Okay. So this --

15 A. So that map actually did include
16 East Baton Rouge and District 4.

17 Q. Okay. And that map was struck down
18 as a racial journey member, was it not?

19 A. Yes. I think that map has the
20 lowest Polsby-Popper score I think I've seen in
21 my life at 0.1, so it's not surprising, but I do
22 not know the specifics of the ruling in terms of
23 why it was -- why it was rejected by the court.

24 Q. Okay. And this particular plan also
25 included portions of Ouachita Parish combined

1 with East Baton Rouge; is that right?

2 A. It did apparently, right.

3 Q. Okay. Okay. So, Mr. Cooper, I'd
4 like now turn to some of that -- some of the
5 sociological data that you pulled in this case.

6 My understanding of your report is
7 that you reported on certain economic,
8 educational and other, I'll just say,
9 sociological statistics from Louisiana, both at
10 the state level and at the local level, in East
11 Baton Rouge Parish and Orleans Parish; is that
12 right?

13 A. I do have charts that can be
14 accessed from the 2015, 2019 five-year surveys
15 for East Baton Rouge and all parishes in
16 Louisiana.

17 Q. Okay. And I believe you testified
18 on direct examination that you looked at these
19 statistics to help determine if -- if there were
20 differences between the black population and the
21 white population of Louisiana on those particular
22 factors; is that right?

23 A. Well, I didn't look at all those
24 charts. They were batch produced. I've looked
25 at I think in December of 2020 or maybe it would

1 have been -- I think it would have been December
2 of 2020. I was recently involved in a voting
3 case in Louisiana and filed a declaration where I
4 produced charts from I think the 2015, 2019 ACS
5 or 2014 ACS based on East Baton Rouge. That
6 was -- that was one of the charts that I prepared
7 for that case.

8 Q. And for this particular case, your
9 report doesn't contain any analysis comparing the
10 economic, educational or sort of other
11 sociological differences between the black
12 community of East Baton Rouge Parish and the
13 black community of the delta parishes; isn't that
14 right?

15 A. Well, you could look at those --
16 those similarities. I'm not saying that folks
17 who live in East Carroll Parish where I admit
18 where I've seen that people are in dire economic
19 straights, at least as of the mid 1990s, I'm not
20 saying that those folks necessarily are on the
21 same income level as a typical African-American
22 in Baton Rouge; but I think you've heard very
23 clear testimony from Mr. McClanahan, representing
24 and the president of the state NAACP -- and he's
25 right -- in great detail how the people in the

1 delta area have a great deal of connections to
2 East Baton Rouge. So there's nothing at all
3 unusual about including East Carroll Parish and
4 East Baton Rouge in the same district.

5 Q. Okay. But, in fact, would you agree
6 with me that there are, in fact, significant
7 differences both -- you know, just two examples:
8 You know, median black household income and
9 educational attainment levels between the black
10 community of East Baton Rouge and the black
11 community of East Carroll Parish?

12 A. Well, I think you could also look at
13 the white community in East Carroll Parish and
14 the white community in East Baton Rouge and you
15 can also see there are differences.

16 Q. So the answer to my question is yes,
17 sir?

18 A. My answer is is that you can do
19 that, but it really -- it does not mean much of
20 anything because the -- the key thing to remember
21 in this lawsuit is that African-Americans have a
22 shared interest in a history that they have
23 experienced in Louisiana, and only Mr. McClanahan
24 and other plaintiffs who will follow him can
25 describe that because I'm not black and I didn't

1 grow up in Louisiana.

2 MR. LEWIS:

3 Your Honor, I'd like to move to
4 strike that answer. It goes beyond his --
5 his expertise as an expert in census data
6 and the sociological statistics and stuff.
7 He's speaking about -- he's going into
8 specific factors he didn't get asked for.

9 THE COURT:

10 Denied. Ask the next question.

11 MR. LEWIS:

12 So I'd like to review with you just
13 a few of those numbers. So if we could
14 turn to Exhibit GX-1C at page 88. And,
15 Mr. Cooper, I'll represent this comes out
16 of Exhibit O to your report.

17 TRIAL TECH:

18 (Complied.)

19 THE WITNESS:

20 Yes.

21 BY MR. LEWIS:

22 Q. Okay. All right. Is it fair to say
23 from this report, sir, that approximately
24 50.6 percent of black residents have either some
25 college, an associate's degree or higher level of

1 education?

2 A. This would indicate that that
3 30.8 percent of the black population has some
4 college with an associate's degree as compared to
5 whites in that category, which would be
6 27.2 percent. Although, I remind you that even
7 though there's a gap there, you see that if you
8 look at bachelor's degrees, blacks have
9 19.8 percent of the population under 25 with a
10 bachelor degree versus 31.6 percent. So in some
11 ways, this second-to-the-right column is just a
12 reflection of the big disparity among those who
13 are actually holding -- hold four-year degrees,
14 so there's nothing unusual about this chart.

15 Q. Okay. So if I -- if I just add 30.8
16 and 19.8, I get 50.6. Is it then fair for me to
17 say that 50.6 percent of black residents in the
18 Baton Rouge metropolitan area have some college
19 or greater educational attainment?

20 A. I did not --

21 THE COURT:

22 No.

23 THE WITNESS:

24 I did not add those up myself, but

25 I'll take your word for it, but -- but

1 then I'll remind you that 50 -- 58 percent
2 of -- of whites have some college or a
3 bachelor's degree.

4 THE COURT:

5 And would not the 19.8 be a part of
6 the 30.85 not in addition to? Am I the
7 only one that sees it that way? If -- if
8 the 19. -- I'm sorry, the 30.8, which is
9 some college or associate's degree, then
10 if you have a bachelor's, that is a subset
11 of that, not in addition to. Am I
12 incorrect, Mr. Lewis?

13 MR. LEWIS:

14 I guess I could put that question to
15 the witness.

16 THE COURT:

17 Okay. And I'm sorry.

18 THE WITNESS:

19 And actually --

20 THE COURT:

21 You ask the question. I don't want
22 to -- I don't want to take over your case.
23 I just want to make sure that I
24 understand.

25 MR. LEWIS:

1 Yes, Your Honor.

2 THE WITNESS:

3 Yeah. And, I mean, in this chart,
4 the -- the persons in this category, some
5 college or associate's degree, would be
6 individuals who did not complete the
7 four-year degree, so it's -- it's not
8 really a subset.

9 THE COURT:

10 Okay.

11 THE WITNESS:

12 It's those who went to college maybe
13 for a couple of years but didn't graduate.

14 THE COURT:

15 Okay. Thank you.

16 THE WITNESS:

17 Or graduated with an associate's
18 degree as opposed to four years or higher.

19 MR. LEWIS:

20 Okay. Thank you.

21 If we could turn to page 97 of this
22 document.

23 TRIAL TECH:

24 (Complied.)

25 BY MR. LEWIS:

1 Q. And, Mr. Cooper, would you agree
2 with me that black median household income was
3 reported in this chart for east -- you know, for
4 Baton Rouge area is \$42,643?

5 A. Yes.

6 MR. LEWIS:

7 All right. If we could then turn to
8 page 102.

9 TRIAL TECH:

10 (Complied.)

11 BY MR. LEWIS:

12 Q. And here, Mr. Cooper, would you
13 agree with me that 16.6 percent of black family
14 households in Baton Rouge were below the poverty
15 level in the past 12 months?

16 A. Yes. Except this is Baton Rouge
17 metro area, so I'd -- I'd have to go back and --

18 Q. I understand.

19 A. And it's not -- it's not just the
20 City of Baton Rouge.

21 MR. LEWIS:

22 Okay. So I would like to take a
23 very -- just a very quick look at a couple
24 of those figures you've got on your
25 website, so I'm going to go with -- we

1 will start with East Carroll Parish, and
2 specifically we are going to take -- you
3 can start with page 22.

4 TRIAL TECH:

5 (Complied.)

6 BY MR. LEWIS:

7 Q. First of all, do you recognize this
8 document?

9 A. Yes.

10 MR. LEWIS:

11 Okay. And if we could go to
12 page 22?

13 TRIAL TECH:

14 (Complied.)

15 MR. LEWIS:

16 Yes.

17 BY MR. LEWIS:

18 Q. So would you agree with me then that
19 East Carroll Parish, based on this ACS survey,
20 that 58 percent of black families in East Carroll
21 Parish were below poverty level in the past
22 12 months?

23 A. During that survey period, which
24 went from 2015 to 2019, so it would be a survey
25 at that point in 2017.

1 MR. LEWIS:

2 Okay. So if we could go to page 24?

3 TRIAL TECH:

4 (Complied.)

5 BY MR. LEWIS:

6 Q. All right. And -- and would you
7 agree with me this is reporting that the median
8 household income for black residents of East
9 Carroll Parish was \$14,800 per year within that
10 survey period?

11 A. Yes.

12 MR. LEWIS:

13 All right. If we turn to page --
14 page 18.

15 TRIAL TECH:

16 (Complied.)

17 THE WITNESS:

18 By the way, I ran these charts off a
19 nationwide basis for various uses and so
20 I'm including the Latino population as
21 part of that batch production that went
22 into all like 3,000 counties and I don't
23 know how many municipalities, and the idea
24 was that any place that was at least -- at
25 least had 10 percent black population or

1 10 percent Latino population would be
2 included. I don't have the number
3 percentage of the population in East
4 Carroll Parish that is Latino, but it's a
5 very small number, so you have to take
6 some of these Latino numbers off.

7 BY MR. LEWIS:

8 Q. And, Mr. Cooper, we are
9 unfortunately on a clock, so I just ask that you
10 please confine your answers to the question asked
11 and, if you want to follow up, your counsel can
12 inquire.

13 A. I'm sorry. I didn't know you had a
14 clock.

15 Q. Thank you. So for here again, if
16 we -- if we just sum up this is educational
17 attainment, East Carroll Parish, can you just sum
18 up that 16.8 and 5.4, we get approximately, you
19 know, just slightly -- just slightly over
20 22 percent of black residents have either some
21 college or greater; is that fair?

22 A. Fine.

23 Q. Okay. All right. Same exercise
24 very quickly for Ouachita Parish, which would be
25 Exhibit 2, okay. Once again, you recognize this

1 is one of your charts?

2 A. Yes.

3 Q. Okay. Perfect.

4 MR. LEWIS:

5 All right. If we could go to

6 page 26.

7 TRIAL TECH:

8 (Complied.)

9 BY MR. LEWIS:

10 Q. All right. And this is again that

11 daily household below the poverty line for the

12 past 12 months for Ouachita. The report says

13 38.7 percent of black family households were

14 below the poverty level in that time period,

15 correct?

16 A. In the parish, yes.

17 Q. Okay. Perfect.

18 MR. LEWIS:

19 All right. If we could go to

20 page 32.

21 TRIAL TECH:

22 (Complied.)

23 BY MR. LEWIS:

24 Q. All right. And this -- this sheet

25 is reporting median household income in Ouachita

1 Parish for black households is \$25,644, correct?

2 A. Correct.

3 MR. LEWIS:

4 All right. And then page 22.

5 TRIAL TECH:

6 (Complied.)

7 BY MR. LEWIS:

8 Q. All right. And I won't ask you to
9 add these numbers other than, you know, I added
10 them up, I got about 47.7 percent as educational
11 attainment of black residents in Ouachita Parish
12 black population or greater. Does that look
13 right?

14 A. That looks about right, yes.

15 Q. Thank you. I'd like to turn you --
16 you indicated that in your rebuttal report, you
17 said race did not dominant in any of your
18 illustrative plans; and you've also testified
19 that one of the criteria you attempted to follow
20 was the avoidance of minority voting dilution.
21 Do you recall that testimony?

22 A. Well, along with several other
23 redistricting principles.

24 Q. How does one avoid minority voting
25 dilution in drawing your plan?

1 A. Well, if you have a jurisdiction
2 where it is a significant black population and
3 there is no majority black district, and then if
4 you can create that majority black district while
5 following other traditional redistricting
6 principles, then you've avoided minority vote
7 dilution.

8 Q. And is there a specific target black
9 voting age population that you would look to to
10 assure you were not diluting minority votes?

11 A. No. I -- I am not aiming for a
12 target, but I am aware of the Garner v.
13 Strickland rule that basically acknowledges that
14 50 percent plus 1 is the voting age majority.

15 Q. All right. Now, when you were
16 drawing these districts, you used the map, right?

17 A. I did.

18 Q. And did your computer have the
19 racial breakdown of the voting tabulation
20 districts in Louisiana at the time you drew them?

21 A. Yes. It had the 2020 census for the
22 voting tabulation districts.

23 Q. Okay. And did you ever consult that
24 data while you were drawing?

25 A. I was aware of the data, right.

1 Q. All right. So is the answer to that
2 question yes?

3 A. Yes. To the extent that I -- I knew
4 that parts of Baton Rouge, specifically north
5 Baton Rouge are significantly black, parts of
6 Alexandria are significantly black, that can be
7 obvious when working with Maptitude.

8 Q. Sure. Would you consider race an
9 important factor that you consider when drawing
10 your illustrative plan districts?

11 A. It is one of several redistricting
12 principles. I try to balance them all.

13 Q. But certainly race would have been
14 an important factor that you considered, right?

15 A. It was one of several.

16 Q. Okay. Now, you talked about, you
17 know, looking at certain communities of interest,
18 and I know you mentioned core-based statistics
19 where your report doesn't document any other
20 types of communities of interest that you
21 attempted to preserve, correct?

22 A. Well, I -- in the first part of my
23 declaration, I identified Acadiana and also
24 identified eight parishes that are considered the
25 Acadiana park land; and, as I testified to

1 earlier today, I felt like I should at least try
2 to keep that area relatively intact when I drew
3 Illustrative Plan 2 and I did so. It's -- it's
4 over 80 percent in line with the percentage of
5 Acadiana that is in District 3 under the enacted
6 plan.

7 Q. Sure.

8 MR. LEWIS:

9 All right. Well, let's pull up --
10 I'd like to go back to your first
11 illustrative plan. It's in your report at
12 page 25, Figure 12.

13 TRIAL TECH:

14 (Complied.)

15 MR. LEWIS:

16 Yeah. If you could zoom in on the
17 figure.

18 BY MR. LEWIS:

19 Q. So if -- you mentioned that you
20 looked at joining -- or Joint Rule 21 from the
21 legislature. It's a set of legislative goals
22 that you considered when drawing your plans,
23 right?

24 A. Right.

25 Q. Now, if the legislature identified a

1 particular goal in drawing its enacted plan, for
2 example, pairing a military installation in
3 Vernon Parish, which I believe is Fort Polk, with
4 another military installation near Shreveport,
5 Barksdale Air Force Base, would your illustrative
6 plans have taken those goals into account?

7 A. I did not see anything that
8 indicated those military installations should be
9 joined. Perhaps if I have another opportunity, I
10 will take that into consideration.

11 Q. Okay. And, in fact, in this plan
12 here, Vernon Parish and Shreveport are not drawn
13 under the same district, right?

14 A. Which plan?

15 Q. The one on the screen, Illustrative
16 Plan 1.

17 A. That is true. In this plan, Vernon
18 Parish is in District 3.

19 Q. And would you agree with me that
20 there's no universal definition of community of
21 interest?

22 A. Yes.

23 Q. Okay.

24 MR. LEWIS:

25 Your Honor, I have no further

1 questions.

2 THE COURT:

3 Any redirect?

4 MS. KHANNA:

5 Thank you, Your Honor. Very

6 briefly.

7 REDIRECT EXAMINATION BY MS. KHANNA:

8 Q. Mr. Cooper, you were asked about the
9 extent to which you tried to preserve other
10 communities of interest other than the core-based
11 statistical areas you discussed in your report?

12 A. Yes.

13 Q. Do you consider parishes to be
14 communities of interest in Louisiana?

15 A. They can be.

16 Q. And how about municipalities?

17 A. They can be.

18 Q. Did you make those preserve
19 political subdivision boundaries?

20 A. Yes, I did.

21 Q. Can you tell us again what you were
22 asked to do by counsel when it comes to the
23 Gingles 1 analysis in this case?

24 A. Well, I was asked to prepare plans
25 that adhered to traditional redistricting

1 principles and that would possibly demonstrate
2 the second majority black district could be drawn
3 in Louisiana. I was not told that I had to
4 produce such a plan, but in the process of
5 drawing districts, it was clear to me that it is,
6 in fact, relatively easy and relatively obvious
7 that one can do so and I don't see how anyone
8 could think otherwise.

9 Q. You were asked to determine whether
10 Gingles 1 could be satisfied--

11 A. Exactly. That's --

12 Q. -- is that right?

13 A. That's the point.

14 Q. And part of that question was
15 determine whether the black population in
16 Louisiana is sufficiently numerous to form an
17 additional black majority district; is that
18 correct?

19 A. Yes.

20 Q. The second part of that analysis is
21 to determine whether the black population is
22 sufficiently compact to comprise a
23 majority-minority district; is that right?

24 A. Yes.

25 Q. And in answering that question,

1 whether the black population is sufficiently
2 numerous and geographically compact to form a
3 second majority black district in the -- in the
4 congressional map, what was your answer to that
5 question?

6 A. Yes.

7 Q. Have you been asked that question by
8 other counsel in other Section 2 cases, other
9 plaintiffs' counsel in other Section 2 cases,
10 whether Gingles 1 is satisfied in a particular
11 location?

12 A. Yes. I don't think I can ever
13 recall a Gingles 1 Section 2 case where that
14 question was not answered affirmatively. I've
15 probably in some instances told people that you
16 just cannot draw a district because it doesn't
17 adhere to other redistricting principles, but
18 certainly have done that.

19 Q. Thank you. That anticipated my
20 question. Just to clarify, you've been asked by
21 other counsel in other cases whether it's
22 possible to draw a majority black district
23 consistent with Gingles 1 in other places?

24 A. Yes.

25 Q. And --

1 A. And I told some folks no, can't do.

2 Can't do it.

3 Q. So when you feel you can't do it or
4 whether you determined you can't do it consistent
5 with redistricting principles, you've told
6 counsel the answer to the question is no?

7 A. No. Well, that's -- that's exactly
8 the case and I would never have testified in
9 court in the 1990s supporting the plan that was
10 drawn that created the second majority black
11 district that we just reviewed in Exhibit F-1 or
12 whatever from -- from the early '90s. I mean,
13 that's really a crazy looking plan. There may
14 have been better ways to draw it. Those were
15 days when GIS software was not necessarily
16 available and it could have been developed by
17 people working off of paper maps at the block
18 level and that was the result, and perhaps a
19 better plan could have been drawn.

20 Q. But at the end of the day, whether
21 it was 30 years ago or in recent times, if
22 counsel were to ask you whether you could draw an
23 additional majority black district consistent
24 with traditional redistricting principles, your
25 answer would be yes or no, depending on the

1 demographics and the geographic makeup of the
2 map; is that correct?

3 A. Exactly.

4 MS. KHANNA:

5 Thank you. That's all I have.

6 THE COURT:

7 Thank you. Next witness?

8 MS. SADASIVAN:

9 Your Honor, Kathryn Sadasivan for
10 the NAACP Legal Defense Fund. The
11 Robinson plaintiffs will next call
12 Anthony Fairfax.

13 ANTHONY FAIRFAX,
14 after having first been duly sworn by the
15 above-mentioned court reporter, did testify as
16 follows:

17 MS. SADASIVAN:

18 Your Honor, would you like us to
19 stipulate to the proposed expertise that
20 we are proffering?

21 THE COURT:

22 What are -- what are you tendering
23 this witness in?

24 MS. SADASIVAN:

25 We are tendering Mr. Fairfax an

1 expert witness in demography,
2 redistricting and the census data.

3 THE COURT:

4 All right. Is there a stipulation
5 as to the tender?

6 MR. STRACH:

7 No objection, Your Honor.

8 THE COURT:

9 Do you want to offer his CV into
10 evidence?

11 MS. SADASIVAN:

12 Yes, Your Honor. It's PR-15, his --
13 his report, which includes his full CV.

14 THE COURT:

15 Okay. Well, the report is hearsay,
16 so unless you don't object to the report
17 coming in, sir? I asked if she wanted to
18 offer his CV. Since there's no objection
19 as to his expertise, she says his CV is
20 part of the report. My comment is report
21 is hearsay, unless you want to let it in.

22 MR. STRACH:

23 Your Honor, I believe we have a
24 stipulation of the witness testifying. We
25 won't object to the hearsay.

1 THE COURT:

2 Okay. That's fine then, so what is
3 your exhibit number?

4 MS. SADASIVAN:

5 PR-15.

6 THE COURT:

7 All right. Admitted.

8 MS. SADASIVAN:

9 Thank you, Your Honor.

10 DIRECT EXAMINATION BY MS. SADASIVAN:

11 Q. Good afternoon, Mr. Fairfax.

12 A. Good afternoon.

13 Q. Can you state your full name for the
14 record?

15 A. Yes. Anthony Fairfax,

16 A-N-T-H-O-N-Y, F-A-I-R-F-A-X.

17 Q. And are you here today, Mr. Fairfax,

18 to testify as an expert in Robinson versus

19 Galmon?

20 A. Yes.

21 MS. SADASIVAN:

22 And, Your Honor, can I approach and

23 hand the witness the exhibit?

24 THE COURT:

25 You may.

1 THE WITNESS:

2 Your Honor, can I remove my mic?

3 THE COURT:

4 Are you fully vaccinated, sir?

5 THE WITNESS:

6 I'm -- I'm triple vaccinated. I
7 just didn't have my card.

8 THE COURT:

9 Yes, you may.

10 THE WITNESS:

11 All right. Thank you.

12 BY MS. SADASIVAN:

13 Q. So I handed to you what has been
14 premarked as PR-15. Do you recognize this
15 document?

16 A. Yes, I do.

17 Q. And how do you recognize it? How do
18 you recognize the document?

19 A. Yes. It's the illustrative plan
20 that I wrote, the report for the Illustrative
21 Plan 1.

22 Q. And does this report fairly
23 summarize your qualifications as an expert in
24 this case?

25 A. Yes, it does.

1 Q. And does the report include your
2 most recent curriculum vitae or CV with the
3 exception of maybe a case or two?

4 A. Yes, except for a recent project I
5 started in March.

6 Q. And that's on page 35?

7 A. That's correct.

8 Q. How long have you been a
9 demographer, Mr. Fairfax?

10 A. Approximately 30 years.

11 Q. And could you give the court an
12 overview of your prior redistricting work?

13 A. Sure. I began my involvement in
14 redistricting in the 1990 rounds. I was a GIS
15 consultant, had an office at university. The
16 project goals were to assist nonprofit
17 organizations mostly throughout the south that
18 did not have the wherewithal to draw and develop
19 redistricting plans.

20 The second part was to actually go
21 out and train different universities HBCU on how
22 to actually draw and develop plans.

23 The next decade I was hired as the
24 consulting demographer for a nonprofit, a
25 newly-formed nonprofit called the Congressional

1 Black Caucus Institute, and its goals and
2 objective was to look at different congressional
3 districts throughout the country where
4 African-Americans could elect candidates of
5 choice, analyze, develop plans and alternatives.

6 That next following decade I was
7 rehired as a consultant demographer once again
8 for the congressional black caucus. Along the
9 way, I've done various training, redistricting
10 training sessions, different expert preparation
11 sessions; and ultimately, finally this decade I
12 moved to the level of providing expert witness
13 and testimony.

14 Q. And have you done demographic and
15 redistricting work on behalf of state or local
16 government entities?

17 A. Yes. Recently, I guess a couple
18 years ago, I was hired by the City of Everett,
19 Washington. They were moving from an at-large
20 system to their first districting system and they
21 hired me to I guess shepherd the commission that
22 they had to develop their first plan.

23 Q. So let's now turn to your role in
24 this case, what you describe on page 4 of your
25 initial report, which is PR-15. At a high level,

1 what were you asked to examine?

2 A. I was asked to determine whether I
3 could develop an illustrative congressional
4 district plan for the State of Louisiana that
5 hereto stayed in federal criteria and satisfied
6 the first precondition of Gingles.

7 Q. And how many reports did you submit
8 in this case?

9 A. Three.

10 MS. SADASIVAN:

11 Your Honor, may I approach again?

12 THE COURT:

13 You may.

14 MS. SADASIVAN:

15 (Tendered.)

16 BY MS. SADASIVAN:

17 Q. So, Mr. Fairfax, I just handed you
18 what has been premarked as PR-86. Do you
19 recognize this document?

20 A. Yes.

21 Q. And how do you recognize it?

22 A. It appears to be my second report,
23 my response supplemental report.

24 MS. SADASIVAN:

25 And, Your Honor, can I approach for

1 the last time because this is the last --

2 THE COURT:

3 You may.

4 MS. SADASIVAN:

5 (Tendered.)

6 BY MS. SADASIVAN:

7 Q. And I just handed you what's been
8 premarked as exhibit PR-90. Do you recognize
9 this document?

10 A. Yes, I do.

11 Q. And how do you recognize that?

12 A. It appears to be my third report, my
13 second supplemental report.

14 Q. And why did you submit the two
15 supplemental expert reports in this case?

16 A. The first supplemental report was in
17 response to the defendants' experts, primarily
18 with the issue that they had on using what they
19 considered DOJ formula forces of the majority
20 black districts versus the any part black that I
21 used. In addition, I actually improved the plan
22 and it ended up being a better plan than -- than
23 in many cases in the illustrative plan, the
24 original illustrative plan.

25 The second supplemental report

1 involved including all incumbents within the
2 districts and so there was some slight
3 modifications made on the second illustrative
4 plan to make sure that all incumbents were
5 included. There was one paired incumbent.

6 Q. And so we will come back to the
7 reason and the basis for your second supplemental
8 or your first supplemental report, but before I
9 get there, what were you compensated for your
10 expert opinions in this case?

11 A. My hourly rate is \$200 an hour.

12 Q. And was your compensation in any way
13 contingent upon your findings or the illustrative
14 plans you drew?

15 A. No.

16 Q. Can you please tell me what
17 Gingles 1 is?

18 A. Gingles 1 comes from the court case
19 Thornburg versus Gingles, et al, in 1986; and out
20 of that court case came a three-prong test and
21 what's called the conclusion of what's called the
22 totality of circumstances.

23 The first prong or the first
24 precondition is that you should show that you can
25 create one or more single member

1 majority-minority districts that are sufficiently
2 large -- now they say numerous -- and
3 geographically compact.

4 Q. And how do you determine whether a
5 minority population is sufficiently large for the
6 purposes of G1?

7 A. Usually, you use the voting age
8 population above 50 percent. On occasion, you'll
9 need to look also at the citizen voting
10 population.

11 Q. And the minority population that you
12 considered here is the black population?

13 A. Yes. That's correct.

14 Q. And how did you determine it was
15 black in your assessment of the minority black
16 population?

17 A. I used the any part black.

18 Q. Is that common in your practice?

19 A. Yes.

20 Q. How did you define the black
21 population, the various illustrative plans you
22 alluded to earlier, that you used another
23 definition in later plans?

24 A. How did I define them?

25 Q. Yes.

1 A. Any part black was used for each one
2 of those plans. The -- the second report, as I
3 mentioned before, looked at whether you could use
4 the same metric for non-Hispanic black alone plus
5 black and white combined.

6 Q. And, in general, how do you
7 determine whether a population is geographically
8 compact for the purposes of Gingles 1?

9 A. Compactness is really subjected to
10 the jurisdictional boundaries, the size and shape
11 of the voting tabulation districts, and so the
12 best way to do it is to compare your plan to
13 another plan, for example, the last enacted plan
14 or the just past enacted plan. And that's what I
15 did, I compared it to the 2011 plan as well as
16 the HB1 enacted plan.

17 Q. And when you say the HB1 plan, you
18 mean that's the bill number that established the
19 plan that was vetoed by the governor and
20 subsequently overridden by the legislature?

21 A. That's correct.

22 Q. Did you consider the redistricting
23 criteria in drawing your illustrative plans?

24 A. Yes, I did.

25 Q. What sources did you look at to

1 identify Louisiana redistricting principles?

2 A. What documentation?

3 Q. Any source did you look at?

4 A. Yeah. I looked at the state
5 constitution that had a brief mention, but it
6 mostly came from what's called Joint Rule 21 or
7 the state legislature actually provided a
8 guideline of those that were developing plans.

9 MS. SADASIVAN:

10 Okay. Matthew, could you please
11 pull up PR-79, page 1?

12 TRIAL TECH:

13 (Complied.)

14 MS. SADASIVAN:

15 Thank you.

16 BY MS. SADASIVAN:

17 Q. So let's walk through the
18 redistricting principles that you considered in
19 undertaking your Gingles 1 analysis in this
20 report. Which traditional or state redistricting
21 criteria did you use to evaluate your plans and
22 the HB1 plan on?

23 A. Sure. I looked at five criteria. I
24 looked at people population or what comes from
25 one person one vote; I looked at continuity; I

1 looked at compactness; I looked at political
2 subdivision of splits of parishes as well as
3 voting tabulation districts. I looked at
4 communities of interest, minimizing or preserving
5 communities of interest or census places and
6 landmarks, and something called fracking.

7 Q. And we will get to that in just a
8 second, but how does the census designate census
9 places?

10 A. The census designates a place as a
11 city, a town, a village and something that's
12 called census designated places.

13 Q. And what is a census designated
14 place?

15 A. The census rule has created the
16 statistical areas called census designated
17 places, or CEPs, and these are usually locally
18 recognized. They are named by the area, but they
19 don't have a governmental body. And so the
20 census utilized these areas for statistical
21 purposes.

22 Q. And you read the expert report
23 submitted by the defendants in this case that
24 addressed your illustrative plans?

25 A. Yes.

1 Q. And the Bryan report or one of your
2 reports evaluates some splits of census places,
3 correct?

4 A. That's correct.

5 Q. Does it evaluate all the census
6 places that you evaluated in your report?

7 A. No. It appears that what he did was
8 he removed the census designated places and he
9 evaluated only the city, towns and villages.

10 Q. And why do you consider census
11 places, including census designated places, in
12 your consideration in communities of interest in
13 evaluating the Louisiana congressional map?

14 A. Because census places are actually
15 in some ways more communities of interest than
16 actual cities. These are locally defined areas
17 that the community knows about, the community
18 really has named them, and so they really
19 represent just as much or even sometimes more
20 areas than a city or a town.

21 Q. And how does a census designate
22 landmark areas?

23 A. Landmark areas include dozens of
24 areas, including, say, airports and colleges and
25 universities, parks, cemetery, large industrial

1 areas.

2 Q. And why did you seek to preserve
3 census landmarks?

4 A. Because those are areas many times
5 you just don't want to split and separate.

6 Q. What other sources did you look at
7 to identify communities of interest?

8 A. I looked at reference information of
9 a website called Folk Life, a website that
10 provided me some context to tradition in cultural
11 areas throughout the -- the state as well, and I
12 used socioeconomic data and also some testimony.

13 Q. What kind of testimony?

14 A. Testimony from the road show
15 declarations, the videos that the state
16 legislature had.

17 Q. And what socioeconomic data did you
18 consider?

19 A. I looked at a variety of sort of
20 common standards, socioeconomic indicators like
21 income and education and poverty, renter
22 percentage; and those were the major ones.

23 Q. Going back to communities of
24 interest, can they overlap?

25 A. Yes. Yes.

1 Q. And conflict?

2 A. Yes.

3 Q. How did you prioritize the
4 traditional redistricting criteria that you
5 considered?

6 A. I tried to balance out all of the
7 criteria. So there really wasn't any priority,
8 except for communities of interest. Excuse me.
9 Compactness and fraction -- fracking weren't
10 included in the Joint Rule 21.

11 That said, compactness is part of
12 the component of Gingles, so I had to weigh that
13 a little higher than normally and so I would
14 actually equalize that with the other traditional
15 redistricting criteria. So fracking was really
16 the only one that I probably put at a lower
17 level.

18 Q. Is it possible that different
19 redistricting principles can conflict with one
20 another?

21 A. Oh, absolutely. Yeah. There are
22 trade-offs. There are always trade-offs in
23 redistricting and when you are drawing plans.

24 Just to give you an example, if you
25 are trying to make something more compact, if you

1 will, that means that you may have to split a
2 political subdivision, and if you split a
3 political subdivision, that works against or
4 works for compactness.

5 It also may mean that if you are
6 trying to make something more equally populated,
7 you may also have to split a political
8 subdivision, if you are trying to make something
9 more compact, maybe that you have to adjust the
10 equal population and tolerate a little more in
11 population deviation, so there are always
12 trade-offs that you have.

13 MS. SADASIVAN:

14 Thank you, Matthew. You can take
15 those down. Let's turn now to your map
16 drawing process.

17 TRIAL TECH:

18 (Complied.)

19 BY MS. SADASIVAN:

20 Q. Did you software-develop the
21 illustrative plans?

22 A. Yes, I did.

23 Q. What software did you use?

24 A. I used Maptitude for redistricting.

25 Q. And what kind of data did you

1 consider in drawing the illustrative plans?

2 A. A variety of sources. I used -- the
3 primary source was something called a
4 P.L. 94-171. It's known as redistricting data.
5 It's an extract from the census, the decennial
6 census, in this particular case the 2020 census.
7 It provides you the race and ethnicity down to
8 the block level.

9 Also looked at the American
10 Community Survey, both a one-year and the
11 five-year surveys. Part of that extract from the
12 ACS, they call it, was the CVAP data, which
13 provides you citizen voting age population. The
14 ACS also provided socioeconomic data as well.

15 I also looked at different
16 geographic boundaries, of course, from the 2011
17 boundaries for the previously enacted plan, as
18 well as the HB1 plan. I also accessed the -- the
19 American Community Survey has integrated and
20 created or rather the census bureau has
21 integrated and created from ACS and other sources
22 something called the community resilience
23 estimates, and these are designed really to show
24 where communities are at risk of for a disaster,
25 including COVID, throughout the country. I also

1 accessed plaintiffs' locations and ultimately
2 incumbents' addresses.

3 Q. And did you use any other
4 redistricting plan as the basis for your
5 illustrative plans?

6 A. Yes. Yes. The 2011.

7 Q. And why did you use that 2011 that
8 was the basis for your illustrative plans?

9 A. Oh, in redistricting, normally you
10 don't start from scratch. You don't just start
11 developing a plan anywhere you want. You start
12 with a baseline, and usually that's the
13 previously enacted plan, and then modify from
14 that plan.

15 Q. And there was a majority-minority
16 district in that plan?

17 A. Yes.

18 Q. In which district?

19 A. District 2.

20 Q. So let's now walk through each
21 principle that you considered in your map drawing
22 process and whether your opinion and your opinion
23 that you formed the illustrative plans that you
24 draw adhere to that principle and whether the HB1
25 plan adhere to that principle.

1 MS. SADASIVAN:

2 Matthew, can you please pull up
3 Table 5, PR-15 at page 20?

4 TRIAL TECH:

5 (Complied.)

6 BY MS. SADASIVAN:

7 Q. And what's the ideal district size
8 for a Louisiana congressional district?

9 A. 776,293.

10 Q. And how did you measure population
11 deviation?

12 A. You measure -- and, of course, the
13 software does this, but the population deviation
14 is measured from what's called the ideal
15 population size, and it's calculated by taking
16 the total population of the state residential
17 population and dividing the number of districts
18 into it, and that gives you the ideal population
19 size. And so that deviation from that is how
20 much the deviation district is from that
21 population size; and if you divided the ideal
22 population size by that number, you end up with
23 the deviation percentage.

24 Q. Thank you.

25 MS. SADASIVAN:

1 Matthew, you can take those down.

2 If you wouldn't mind pulling up PR-20 at
3 page 3 and PR-9 at page 5.

4 TRIAL TECH:

5 (Complied.)

6 BY MS. SADASIVAN:

7 Q. Mr. Fairfax, how did your
8 illustrative plans compare to the enacted plans
9 in terms of the equal population standard?

10 A. The Illustrative Plan 1 was only 51
11 or an overall deviation where you look at the
12 lowest populated district from the highest
13 populated district and get the difference, and so
14 there was 51 individuals in that difference. The
15 HB1 plan had 65.

16 Q. And you testified earlier that you
17 took into account mathematically compactness when
18 you developed your illustrative plans in addition
19 to other state and redistricting criteria, right?

20 A. That's correct.

21 Q. And what are the qualitative
22 measures of compactness that you considered?

23 A. I looked at three measures, three
24 popular measures; the REOCK, Polsby-Popper, and
25 Convex Hull.

1 Q. And is a single quantity of measure
2 of compactness dispositive as to whether or not a
3 plan is or is not compact?

4 A. No. No. They all usually measure a
5 particular aspect of the districting plan.

6 Q. So how do you compare plans to
7 determine which is more compact?

8 A. Probably the best way and the most
9 common way is to look at the mean, the mean of
10 all the districts, and so you would calculate or
11 the system calculates what that mean is for each
12 of the districts for the plan and then you
13 compare that number with one plan against another
14 plan.

15 Q. And so how did the mean compactness
16 of your illustrative plans compare to the HB1
17 plan?

18 A. The Illustrative Plan 1, 2 and --
19 and 2A were more compact in all three measures
20 than the HB1 enacted plan.

21 Q. In your opinion, how did your
22 illustrative plans compare to the HB1 plan in
23 terms of the principle of continuity?

24 A. Both plans were contiguous.

25 Q. And you talked earlier about VTD.

1 What is a VTD?

2 A. VTDs are voting tabulation
3 districts, and it's the census bureau's effort to
4 mimic, if you would, precincts. In some cases,
5 they are exactly like precincts; in other cases,
6 they are not. But the census bureau uses census
7 blocks for their basis. Precincts at the
8 locality may not. They may split census blocks.

9 Q. So why did you consider VTD splits
10 in comparing your illustrative plans with the HB1
11 plan?

12 A. They are considered political
13 subdivisions split or political subdivisions.

14 Q. And how did your illustrative plans
15 compare to the HB1 plan in terms of splitting or
16 not splitting VTDs?

17 A. Both of the plans would zero split
18 as far as I could tell.

19 Q. In your opinion, how do your
20 illustrative plans compare to the HB1 plan in
21 terms of adhering to the criteria of preserving
22 political subdivisions?

23 A. In addition to the VTDs, I looked at
24 error splits and so the illustrative plan split
25 14 and the HB1 plan 15.

1 Q. As you were drawing these
2 illustrative plans, you testified earlier that
3 you compared the illustrative plans to the HB1
4 plans in terms of preserving communities of
5 interest and looking at the census landmarks,
6 right?

7 A. Yes.

8 Q. And did your illustrative plan
9 compare to the HB1 plan or splitting census
10 places?

11 A. The illustrative plans were 31 and
12 the HB1 plan split 32.

13 Q. And how about the comparison of your
14 illustrative plans to the HB1 plan in terms of
15 census landmarks?

16 A. Both of them split the same at 58.

17 Q. At what point in your map drawing
18 process did you consider socioeconomic indices in
19 sharing interests?

20 A. In the beginning, many times when I
21 draw plans, I'll draw or develop overlay maps of
22 socioeconomic data and that will allow me to
23 actually see and visually see commonalities
24 amongst different geographic areas in the state
25 or even in a particular city, and so I did this

1 in this plan too.

2 MS. SADASIVAN:

3 Matthew, can you please pull up

4 PR-86 at 98?

5 TRIAL TECH:

6 (Complied.)

7 BY MS. SADASIVAN:

8 Q. And, Mr. Fairfax, can you please

9 describe what this map illustrates?

10 A. This is an example of one of the
11 overlays that I created to overlay during the
12 districting process; and it wouldn't be on all
13 the time, but I would be able to turn it on at
14 certain times, but this represents the census
15 tracts and that depicts the median household
16 income. And the colors represent or are
17 represented by five different, what's called,
18 Quinn tiles. So Quinn tile breaks up equally
19 parts of census tracts into five equally parted
20 areas.

21 When I'm looking at this, the color
22 areas represent the lowest two Quinn tiles. So
23 you may see that in District 5 you can kind of
24 map out, if you will, the shapes or the
25 commonalities amongst the median household

1 income.

2 Q. And when you say "overlay," you
3 meant you overlay the congressional districting
4 plans onto the socioeconomic data?

5 A. Yes. As I'm drawing, I can actually
6 see this same map on my screen, and so I can
7 actually draw and add or remove areas at will
8 using this particular map and the other maps
9 that -- that I created.

10 Q. So, for example, why didn't you add
11 Caldwell Parish into Congressional District 5?

12 A. Right. I looked at Caldwell Parish
13 to be included in District 5, very similar,
14 and -- and -- but I decided once I added it,
15 looked at it, it made the district less compact,
16 so I decided not to include that. But I also
17 realized that you could create an additional
18 majority black district with Caldwell included
19 that satisfied Gingles and adhered to traditional
20 redistricting principles.

21 Q. So this is just one of the maps that
22 you could have drawn?

23 A. That's correct.

24 MS. SADASIVAN:

25 Matthew, could you please pull up

1 PR-86 at page 99?

2 TRIAL TECH:

3 (Complied.)

4 BY MS. SADASIVAN:

5 Q. Mr. Fairfax, what does this figure
6 illustrate?

7 A. This is very similar to the previous
8 one. It's broken down into, again, the five
9 quintiles, if you will, but this shows you really
10 the top two quintiles for no high school
11 education. So the top two shows those census
12 tracking that have a great deal, if you will, of
13 persons that have no high school education and
14 you can see that reflected in the red and
15 brownish colors.

16 Q. Can you give me an example of how
17 you consider this information in drawing the
18 illustrative plans?

19 A. Yes. If you look at it, excluding
20 Caldwell, the census tracks of those highest
21 quintiles tend to draw the Congressional
22 District 3 itself. So it directs you really
23 where the boundary lines actually should be in
24 that particular district.

25 One of the other things is it also

1 lets you know of where the split parishes
2 potentially could be; and so you see in Ouachita
3 and Rapides and Evangeline and Lafayette, even
4 Baton Rouge area, they have that same, similar
5 commonalities, if you will.

6 MS. SADASIVAN:

7 And, Matthew, can you please pull up
8 PR-86 at page 100.

9 TRIAL TECH:

10 (Complied.)

11 BY MS. SADASIVAN:

12 Q. And what does this page of your
13 supplemental report illustrate, Mr. Fairfax?

14 A. This is that data set that I said
15 the census bureau created from ACS and others
16 called the community resilience estimates where
17 what they did was they came up with an index, if
18 you will, of the risk for a disaster for a
19 particular community. This is at the census
20 track level as well. And so this actually maps
21 out once again in those quintiles that I said,
22 the top two quintiles for those areas that had
23 greater than three risk factors. And so, once
24 again, you can actually see and visually see how
25 this somewhat actually creates and maps out the

1 boundaries really for District 5.

2 Q. Thank you.

3 MS. SADASIVAN:

4 And Mr. -- Matthew, sorry, would you

5 please pull up PR-86 at page 101.

6 TRIAL TECH:

7 (Complied.)

8 BY MS. SADASIVAN:

9 Q. What does this page of your

10 supplemental report illustrate, Mr. Fairfax?

11 A. Very similar to the other ones, it

12 shows you the top two quintiles for households

13 that receive food stamps and the SNAP program.

14 This one specifically is designed to show how

15 these areas in Ouachita and Rapides and

16 Evangeline and Lafayette and Baton Rouge all have

17 similar and common amounts amongst cities,

18 including the food stamp percentage.

19 Q. And these are the maps that you were

20 also looking at as you were drawing the

21 illustrative plans?

22 A. Yes. Absolutely.

23 MS. SADASIVAN:

24 And, Matthew, could you please pull

25 up PR-86 at page 102.

1 TRIAL TECH:

2 (Complied.)

3 BY MS. SADASIVAN:

4 Q. And can you describe what this map
5 illustrates, Mr. Fairfax?

6 A. Once again, this is a map of the top
7 or the five quintiles that we are looking at the
8 top percent of persons in poverty. And, once
9 again, you can see how the census tracks tend to
10 define that District 5 as well as the parishes
11 that were split.

12 Q. And how did you consider this data
13 in determining which cities to include within the
14 parishes for District 5?

15 A. When I went about developing the
16 plan, I would look at this and use it as a
17 reference, so where am I going to actually add
18 populations by splitting a parish. And so this
19 let me know that I -- it was okay, if you will,
20 to go into a different parish and split it, add a
21 particular area to that District 5, that CD5.

22 MS. SADASIVAN:

23 Matthew, can you please pull up
24 PR-86 at page 103 now?

25 TRIAL TECH:

1 (Complied.)

2 BY MS. SADASIVAN:

3 Q. And, Mr. Fairfax, what does this map
4 illustrate?

5 A. This is similar to the other one
6 where it's really designed to show how those
7 split parishes in Ouachita, Rapides, Evangeline,
8 Lafayette and East Baton Rouge actually have that
9 commonality, which makes me believe that they
10 belong within that same district.

11 Q. And are any of the socioeconomic
12 indices we just went through in these maps that
13 you considered broken down or aggregated by race?

14 A. No. No.

15 Q. And what is fracking, Mr. Fairfax?

16 MS. SADASIVAN:

17 Matthew, you can take that down.

18 Thank you.

19 THE WITNESS:

20 Fracking is a somewhat of a
21 relatively new criteria; and it's where a
22 district slices through, let's say, a
23 county in two different areas in the
24 county, and within the county those two
25 areas aren't touching each other, they are

1 not contiguous.

2 BY MS. SADASIVAN:

3 Q. And why did you evaluate fracking in
4 considering the illustrative plans in the HB1
5 plan?

6 A. As I mentioned before, fracking is
7 becoming more and more popular. They are
8 including it in or they included it in Maptitude
9 for redistricting's latest version. The special
10 masters included in the Bethune-Hill case and the
11 idea is that it gives an indication of
12 gerrymandering.

13 Q. Thank you.

14 MS. SADASIVAN:

15 And, Matthew, could you please pull
16 up PR-15 at 23 and PR-90 at 5?

17 TRIAL TECH:

18 (Complied.)

19 BY MS. SADASIVAN:

20 Q. And how many instances of fracking
21 occur in your illustrative plans?

22 A. Five.

23 Q. How many instances of fracking occur
24 in the HB1 plan?

25 A. Eight.

1 Q. And so how does your plan compare to
2 the HB1 plan in terms of fracking?

3 A. It performed better.

4 MS. SADASIVAN:

5 And, Matthew, could you please pull
6 up page -- PR-86 at page 23?

7 TRIAL TECH:

8 (Complied.)

9 BY MS. SADASIVAN:

10 Q. Mr. Fairfax, on pages 21 and 22 of
11 your supplemental report, you address testimony
12 you considered from the road show.

13 Can you describe how you use this
14 road show testimony in your illustrative map
15 drawing process?

16 A. Sure. The testimony was used either
17 to modify or at least validate the process that I
18 was going through. So, for example, there were
19 tests or there was testimony about keeping the
20 delta parishes intact, if you will. There was
21 testimony about keeping the Florida Parishes
22 whole, there was testimony, for example, about
23 the River Parishes where they were split before,
24 but could you make them whole. And so they all
25 fit into the design, if you will, of the

1 congressional districting plan.

2 Q. Overall, Mr. Fairfax, how did your
3 illustrative plans compare to the HB1 plan in
4 terms of adhering to those traditional
5 redistricting criteria that we just went through?

6 A. The illustrative plans performed
7 equally or better in eight of the eight
8 redistricting criteria. In five of the criteria,
9 they performed better and in none, in zero, did
10 the HB1 enacted plan perform better.

11 Q. Thank you, Mr. Fairfax.

12 MS. SADASIVAN:

13 You can take that down, Matthew, and
14 if you could, please pull up PR-15 at 5
15 and PR-86 at 27.

16 TRIAL TECH:

17 (Complied.)

18 BY MS. SADASIVAN:

19 Q. So going back to the question you
20 were asked, considering in this case, you
21 testified earlier that you were asked to draw
22 illustrative plans showing it's possible to
23 reorganize state and redistricting criteria while
24 creating two compact black congressional
25 districts in Louisiana.

1 Do you have an opinion as to whether
2 the black voting age population in Louisiana is
3 sufficiently numerous as to constitute a majority
4 in a second congressional district?

5 A. Yes.

6 Q. And why?

7 A. I performed the same analysis
8 looking at the voting age population both for any
9 part black and as well for the non-Hispanic black
10 alone plus the black and white combined. I've
11 looked at the compactness. I've looked at all of
12 the metrics of political subdivision splits and
13 communities of interest and led me to believe
14 that it is sufficiently large.

15 Q. And you drew these two illustrative
16 plans as an example of adhering to those
17 principles?

18 A. Yes.

19 MS. SADASIVAN:

20 Matthew, would you please pull up

21 PR-15 at 74?

22 TRIAL TECH:

23 (Complied.)

24 BY MS. SADASIVAN:

25 Q. What was any part black voting age

1 population of the majority-minority districts in
2 your Illustrative Plan 1?

3 A. For District 2, it was 50.96 and for
4 District 5, it's 52.05.

5 Q. And what was the any part black
6 citizen voting age population of the
7 majority-minority districts in your
8 Illustrative 1?

9 A. For District 2, it was 54.1 and for
10 District 5, it was 52.21.

11 Q. And why did you submit the second
12 illustrative congressional plan?

13 A. Once again, the -- some of the
14 defendants' experts had an issue with the any
15 part black, using any part black, so it -- what I
16 did was I determined you can create a plan that
17 doesn't have to use any part black. It could use
18 the non-Hispanic black alone plus the
19 non-Hispanic black and white combined.

20 Q. Let's talk about that a little bit
21 more.

22 MS. SADASIVAN:

23 Matthew, would you pull up PR-86 at
24 36?

25 TRIAL TECH:

1 (Complied.)

2 BY MS. SADASIVAN:

3 Q. So this was responding to the Bryan
4 expert report regarding the any part black
5 statistics that you used this other metric?

6 A. That's correct. I think it was two
7 experts that brought that up.

8 Q. And does Mr. Bryan's aggregation of
9 restat in his report comport with your
10 understanding of the justice department
11 aggregation of race data for the purpose of
12 allocating individuals' civil rights enforcement?

13 A. Right. I think they only look at
14 the first step involved in the DOJ process
15 guidelines.

16 Q. Can you explain why that is not
17 appropriate in Louisiana?

18 A. Right. The first part that the DOJ
19 guidelines recommend is to use a non-Hispanic
20 black, let's say, minority population, but in
21 this case black alone plus the non-Hispanic black
22 and white combined; but then the next sentence is
23 if there's a significant amount of combined race,
24 then you begin to add that into the iterative
25 process, and so that's the part that's left out.

1 And so when you do that and do so, you'll end up
2 using the any part black or close to any part
3 black.

4 Q. So what is the black voting
5 population percentage, as Mr. Bryan has defined
6 it, in the majority-minority districts in the
7 Illustrative Plan 2?

8 A. It is 50.02 for District 2, and
9 50.96 for District 5.

10 Q. And what's the any part black?

11 A. Any part black for District 2 is
12 51.55, and District 5 is 51.79.

13 MS. SADASIVAN:

14 Matthew, could you please pull up 37
15 of 86, PR-86?

16 TRIAL TECH:

17 (Complied.)

18 BY MS. SADASIVAN:

19 Q. What's the percentage of black
20 registered voters in the majority-minority
21 district of the illustrative plan for District 2?

22 A. For District 2, it is 53. You said
23 registered voters, didn't you?

24 Q. Yes.

25 A. Yes. It is 53.62 and District 5 is

1 53.2.

2 Q. And why did you consider the
3 percentage of black voters in your Illustrative
4 Plan 2?

5 A. It's just another way to determine
6 whether the black population is in the majority.

7 Q. Thank you.

8 MS. SADASIVAN:

9 And if you take that down, Matthew,
10 and pull up the PR-90 at page 8. I
11 promise this is the last time I ask for
12 that.

13 TRIAL TECH:

14 (Complied.)

15 BY MS. SADASIVAN:

16 Q. What is the black voting age
17 percentage population, as Mr. Bryan defined it,
18 of the majority-minority district in Illustrative
19 Plan 2A?

20 A. That's 50.02 for District 2 and
21 51.15 for District 5.

22 Q. And any part black voting age in the
23 majority-minority districts?

24 A. For District 2, it's 51.55 and
25 District 5, it's 51.98.

1 Q. Thank you.

2 MS. SADASIVAN:

3 And you can take that down, Matthew.

4 BY MS. SADASIVAN:

5 Q. So several of the defendants'
6 experts asserted that in drawing your
7 illustrative plans it raised a predominant factor
8 motivating your decision to move communities in
9 or out of particular districts. Do you agree
10 with those statements?

11 A. No. No, I don't.

12 Q. Why?

13 A. Because my primary use is specific
14 to a point that different areas to split was the
15 socioeconomic data, and that's what I used to go
16 into those areas of those parishes, the cities
17 that were inside those parishes as well.

18 Q. And several of the defendants'
19 expert reports asserted that the splits of
20 Lafayette, Alexandria, Monroe and Baton Rouge
21 were on the basis of race. Do you agree with
22 those statements?

23 A. No.

24 Q. And why not?

25 A. The same, same answer, the same

1 answer. I used socioeconomic data during the
2 planned development phase.

3 Q. Your rebuttal report addressed the
4 report submitted by Allan Murray as well, which
5 alleged the geographic distribution of white
6 voters or the white voting age population is
7 fundamentally different from the geographic
8 distribution of the black voting age population
9 and that the black voting age population is often
10 not as close.

11 Did that report have any effect on
12 your conclusion that the black voting age
13 population is sufficiently geographically compact
14 for the purposes of Gingles 1?

15 A. No. No. In fact, it didn't have
16 any impact on the conclusions, and I -- I was a
17 little lost at what the conclusions he was trying
18 to -- to make with that. And so my only
19 inference from that was that I believe he's
20 trying to say that since the clustering of black
21 populations are further apart than white
22 populations, then you cannot naturally create a
23 majority black district without creating
24 something irregularly shaped. And we have
25 something to test that with, and that's called

1 compactness; and I used the three compactness
2 measurements: The REOCK, Polsby-Popper, and
3 Convex Hull; and in three of those, the
4 illustrative plan performed better than the HB1
5 enacted plan.

6 Q. Your rebuttal report also addressed
7 the claim by M. D. Hood that your illustrative
8 plans don't preserve the cores of the prior
9 districts as well as the HB1 plan.

10 Did Dr. Hood's report change your
11 conclusion that your plan better adhered to
12 traditional and state redistricting criteria than
13 the HB1 plan?

14 A. No, not at all. First, district
15 cores were not included as a criteria in Joint
16 Rule 21. That's it. It is a redistricting
17 criteria, a traditional one; but it's --
18 specifically in new or additional
19 majority-minority districts, it's not expected
20 that you are going to stay with the same plan.
21 How can you create a new district, a new minority
22 district by staying with the exact same plan that
23 you did before?

24 Q. Did you have to compromise in the
25 traditional or state redistricting criteria or

1 subordinate that criteria to rank in order to
2 create two congressional districts with a
3 majority black voting age population?

4 A. No, not at all.

5 Q. And, in your opinion, is Louisiana's
6 black population sufficiently large and
7 geographically compact to constitute a majority
8 in two single member congressional districts?

9 A. Yes, it is.

10 Q. Thank you.

11 MS. SADASIVAN:

12 Your Honor, at this time, I'd like
13 to move PR-15, 86 and 90 into evidence.

14 THE COURT:

15 Okay. Any objection?

16 MR. LEWIS:

17 No.

18 THE COURT:

19 So noted. I should say admitted.

20 CROSS-EXAMINATION BY MR. STRACH:

21 Q. Good afternoon, Mr. Fairfax.

22 A. Good afternoon.

23 Q. Good to see you again. It's been a
24 long time.

25 A. Yes. Good afternoon.

1 Q. And it is Mr. Fairfax, right? You
2 do not currently have a PhD?

3 A. No, not yet at least.

4 Q. Okay. And you are not a lawyer,
5 correct?

6 A. That's correct.

7 Q. No legal training?

8 A. No.

9 Q. All right. So you reference some
10 case law in your report, but you are not
11 purporting to give any sort of legal opinions?

12 A. Absolutely not. It only comes from
13 the map/charts perspective.

14 Q. All right. So is it a fair
15 statement that your assignment in this case was
16 to draw a second 50 percent majority black
17 congressional district?

18 A. No. No. It was to analyze whether
19 I could draw an illustrative congressional plan
20 that adhered to traditional redistricting
21 criteria and satisfy that first precondition of
22 Gingles. It could have been three districts; I
23 could have drawn one, if that satisfied it. In
24 this case, it came up to two.

25 Q. All right. And then but you concede

1 in your report that you were only focused on
2 complying with the Gingles first precondition,
3 correct?

4 A. That's correct. And adhering, of
5 course, to traditional state and federal
6 guidelines for redistricting criteria.

7 Q. All right. So you weren't analyzing
8 whether or not the populations that you were
9 putting together in this majority black district
10 would actually, in fact, elect the black
11 candidate of choice, right?

12 A. That is correct.

13 Q. All right. And you were not
14 studying at all whether the black population that
15 you were putting into this new district were
16 subjected to or -- or engaged in racial polarized
17 voting, correct?

18 A. That is correct.

19 Q. And you certainly weren't looking at
20 whether any polarized voting in this new black
21 district was legally significant, right?

22 A. That is correct.

23 Q. So as you were going around pulling
24 in black population for these districts, you had
25 no idea in your mind how they were going to

1 actually vote in an actual election, correct?

2 A. Correct. I'm using that 50 percent
3 voting age population as whatever threshold
4 Gingles brings to it.

5 Q. All right. So you, as a demographer
6 or map drawer, you are just looking at the racial
7 data to make sure you get the number right,
8 correct?

9 A. Right. And, of course, adhering to
10 traditional redistricting criteria and making
11 sure that there's commonality inside the
12 district, yes.

13 Q. Okay. And let me just ask you a
14 practical question. You were using Maptitude,
15 right?

16 A. Yes, that's correct.

17 Q. And in Maptitude, I think you
18 testified you can display the BVAP for each VTD?

19 A. No, I didn't testify to that. Maybe
20 somebody else did that.

21 Q. Okay. All right. Sorry.

22 A. So that --

23 Q. I apologize. Oh, I'm -- I'm likely
24 to get many things wrong, so feel free to correct
25 me.

1 A. No. That's all right.

2 Q. Did you have the ability to display
3 the BVAP of each VTD as you were drawing?

4 A. Yes.

5 Q. Did you do that?

6 A. No. The only time I did that is you
7 have to get an idea where the black population is
8 inside the state in order to begin drawing, but
9 then after that, the socioeconomic data took
10 over.

11 Q. Okay. Thank you. And so -- so let
12 me make sure I understand because we haven't --
13 no one's taken any depositions in this case, so
14 just let me ask a few follow-ups about that so I
15 can kind of straighten my mind.

16 So you did an initial check using
17 the BVAP information in Maptitude to see where
18 the black population was in the state?

19 A. I analyzed where the black
20 population was in the state using a variety of --
21 of levels, if you were, just to see where you
22 need to start. You can't draw a plan in an area
23 where black population doesn't exist.

24 Q. All right. So you wanted to get a
25 sense on the front end of where that black

1 population was, correct?

2 A. Yeah.

3 Q. And you used the display of BVAP
4 information on Maptitude to get that sense early
5 on, correct?

6 A. Yes. Very early on just to get an
7 idea just to understand where the district could
8 exist and inside the state.

9 Q. All right. And then as you were
10 completing the map, did you pull the BVAP
11 percentages back up to check your work?

12 A. Oh, yeah. You have to, yeah.

13 Q. All right. That's how you knew what
14 the actual percentages were, correct?

15 A. That's right. That's right.

16 Q. All right. And so just to be clear,
17 during the map drawing process, after you did
18 this initial view, did you turn the BVAP function
19 off?

20 A. No. It's not a matter -- it's a
21 matter of not looking at it; and I assume you are
22 talking about the data view?

23 Q. Correct.

24 A. It's just a matter of not looking at
25 the data view on a constant basis. Of course,

1 you've got to look at it, but you are not looking
2 at it on a constant basis that you are developing
3 the plan using race. So race doesn't dominant
4 because you are not looking at each map that you
5 actually draw.

6 Q. All right. So, but to know exactly
7 how much you looked at, we would have had to be
8 right there next to your shoulder, right?

9 A. That's true. That's true.

10 Q. All right. Is it fair to say you
11 were looking at it enough to see the BVAP
12 percentage increasing so that you knew when you
13 got to 50 percent you're done?

14 A. No, no. It's not a matter of
15 getting 50 percent increasing. You may be
16 already at 50 percent. And so, you know, in --
17 in redistricting when you are adding areas, you
18 may be at 60 percent and add areas, and -- and so
19 it's not a question -- a question of you add an
20 area, you go from 30 to 40 to 50 percent. It's
21 not like that.

22 Q. All right. So -- so during the map
23 drawing process, you said you would occasionally
24 look at the BVAP information. What were you
25 looking at it for; what was the purpose?

1 A. Well, I mean, you have to. I mean,
2 that's the sufficient large component of Gingles.
3 If you -- if you don't look at it, you'll never
4 know if you reach that.

5 Q. Right. So you -- you need to look
6 at it occasionally to know when the BVAP was
7 approaching 50 percent, right?

8 A. Right. And I'm -- I'm only having
9 issue with -- it sounds as though it's an
10 increasing 30, 40, 50. It's not like that; do
11 you see what I mean? Because you can -- you can
12 start at 60 something percent and so it's not as
13 if you are adding population to get to that
14 50 percent.

15 Q. All right.

16 A. You could add a group and be at
17 70 percent starting and then start to add
18 different areas and then go down.

19 Q. All right. Well, and with regard to
20 the CD5 that you drew, which is the second
21 majority black district, where did you start
22 drawing that district; in the north, in the
23 south, in the middle, where?

24 A. I started with the existing plan.
25 And so then District 5 was the starting and so I

1 began trimming the area to the west to make that
2 northeast delta region a more substantial
3 presence in the northeast, and so I then began to
4 expand down further to add different areas.

5 Q. Okay. So is it fair to say then you
6 started in the north and worked your way down
7 south?

8 A. That's correct.

9 Q. All right. And -- and then --

10 A. And it wasn't exactly like that
11 because there's a back and forth when you are
12 actually drawing plans. It's an -- it's an
13 adding and subtracting here and subtracting
14 there. So it's not necessarily a let's go down
15 south and just complete the district.

16 Q. But it's generally a north to south
17 draw?

18 A. It's -- I don't know if I can accept
19 that, but it is a -- a north to south with
20 different variations on the district.

21 Q. Okay.

22 A. Here and there.

23 Q. Got you. And --

24 A. Right.

25 Q. And so if you were starting in the

1 northern delta parishes and trimming those,
2 obviously you were not at 50 percent at that
3 point in the district, correct?

4 A. That is correct.

5 Q. And so that means as you added
6 districts, you would have been increasing the
7 BVAP as you went along?

8 A. That is correct. But there is a
9 time where I'm above 50 percent, 60, say, because
10 I made some changes. And so at that time, we're
11 not -- we're not increasing now, we are
12 decreasing.

13 Q. Got it. So let me ask you. Yeah,
14 let me be specific about CD5 in your illustrative
15 plan.

16 A. Uh-huh (affirmatively).

17 Q. In -- in the process of drawing that
18 district, did there come a time when that
19 particular district was 60 percent?

20 A. Yes, when I was adding and removing
21 areas just to see. So during the process, I may
22 have removed several particular parishes and the
23 increase went up above 50 percent, let's say, to
24 60 percent, then it's a matter of adding the
25 territory that brings it down.

1 Q. Got it. So once you -- your
2 district obviously ended up around 50 percent,
3 right?

4 A. That's correct.

5 Q. So while you were drawing and you
6 were at or around 60 percent, you obviously made
7 decisions that got that down to closer to
8 50 percent, right?

9 A. That's correct. That's right. And
10 I'm using 60 as just a -- yeah, a split, yes, but
11 it's above 50 percent, more than just 1 or 2
12 percentage.

13 Q. Point being, when you got to
14 60 percent, you didn't stop drawing?

15 A. That's correct.

16 Q. All right. So in your first plan,
17 the numbers I have for CD2.

18 MR. STRACH:

19 And, Forest, let's pull up PR-15 at
20 paragraph 55 where they have a chart. So
21 scroll to the next page. Go back.

22 TRIAL TECH:

23 (Complied.)

24 BY MR. STRACH:

25 Q. Okay. The -- the AP is any part

1 black 52.05 in District 5 in your illustrative --
2 illustrated plan, correct?

3 A. Yes.

4 MR. STRACH:

5 All right. Now, let's go, Forest,
6 to PR-86 at paragraph 14. All right. If
7 you'll scroll to the next page.

8 TRIAL TECH:

9 (Complied.)

10 BY MR. STRACH:

11 Q. All right. Look at Table 2 on
12 page 6 of your supplemental report, Mr. Fairfax.

13 A. Yes.

14 Q. It looks to me like you're -- the
15 DOJ black, not the any part black, the DOJ black
16 in your CD2 is 50.02 percent, correct?

17 A. That's correct.

18 Q. And CD5 is 50.96 percent, correct?

19 A. That's correct.

20 Q. And -- and, as you testified,
21 isn't -- isn't it true that both of these
22 districts could have been well above 50 percent?

23 A. Can you elaborate what --

24 Q. Sure.

25 A. -- do you mean by both of them could

1 be?

2 Q. So when you were drawing, we were
3 talking about CD5 a minute ago, and you said at
4 one point the district got up to 60 percent?

5 A. Got you. During the process, sure,
6 sure. They could have been anywhere, yeah.

7 Q. Okay. All right.

8 A. Yeah.

9 Q. At least we know that the CD5 could
10 have ended up at 50 to 60 percent DOJ black?

11 A. I don't know if it would be that
12 high. Yeah, I don't know if it would be that
13 high.

14 Q. All right.

15 A. But certainly there's a possibility
16 it could be higher than what it is here if that's
17 what you are getting to.

18 Q. Okay. So you consciously drew the
19 district right around 50 percent because that's
20 what you needed for the first Gingles
21 precondition, right?

22 A. That's right. It satisfied -- it
23 satisfied that first precondition.

24 Q. All right. So, and in both of your
25 illustrative plans, you include the northern

1 delta parishes or at least some of them in CD5,

2 correct?

3 A. That's correct.

4 Q. And that's your second majority

5 black district, correct?

6 A. Yes.

7 Q. All right. And you made a point in

8 your report, you said that the Louisiana delta

9 region is characterized by unique communities of

10 interest of culture and tradition. It is

11 commonly represented by the parishes of

12 Morehouse --

13 MR. STRACH:

14 Your Honor, I'm going to have to

15 seek help on a pronunciation.

16 Patrick, Ouachita?

17 MR. LEWIS:

18 Ouachita.

19 MR. STRACH:

20 Ouachita. My apologies to all the

21 Louisianians.

22 BY MR. STRACH:

23 Q. Ouachita, West Carroll, East

24 Carroll, Caldwell, Tensas, Catahoula, Richland,

25 Madison, Franklin, Lasalle and Concordia. Do you

1 remember writing that in your report?

2 A. Yes.

3 Q. And you remember citing a website
4 called louisianafolklife.org for that?

5 A. Yes, yes.

6 Q. All right. And the East Baton Rouge
7 and West Baton Rouge Parishes are not listed in
8 the community of interests that you've cited in
9 that paragraph of the Louisiana delta region, are
10 they?

11 A. It wasn't included as that. And
12 there are other websites that actually mention
13 the delta parishes as well that matched that.

14 Q. All right. But you didn't cite
15 those, correct?

16 A. That's correct.

17 Q. All right. So -- so East
18 Baton Rouge, West Baton Rouge are not part of the
19 Louisiana delta region, correct?

20 A. As far as I know, correct. That's
21 correct.

22 Q. All right. But -- but -- but you
23 know because you've looked at the data
24 additionally that East and West Baton Rouge
25 parishes have a significant number of black

1 residents, correct?

2 A. I would say East Baton Rouge
3 probably would be classified as having a
4 significant black population.

5 Q. All right. And you included East
6 Baton Rouge in your version of CD5, which went up
7 to the delta region, correct?

8 A. That's correct.

9 Q. All right. And isn't it true that
10 you included East Baton Rouge in that CD5 because
11 you needed that -- the black population of East
12 Baton Rouge to have a chance at getting a
13 50 percent district?

14 A. I would say that if I removed East
15 Baton Rouge from that, it would be very difficult
16 to create a majority black district, but
17 that's -- that's just not uncommon in plans like
18 this. It's -- it's probably, what, the second
19 largest metropolitan area in the state, has a
20 significant amount of black population. It's
21 understandable that that's going to have to be
22 part of that second black district.

23 Q. All right. And did you try to draw
24 any second majority black districts that didn't
25 include East -- include East Baton Rouge?

1 A. I might have looked at that. I'm
2 trying to recall. And I believe that I did not
3 come up with any plans. Not to say that it's not
4 possible, but I believe I didn't recall coming up
5 with any plans or I don't recall coming up with
6 any plans that don't include East Baton Rouge.

7 MS. SADASIVAN:

8 Your Honor, I would like to object
9 to the extent that this calls for attorney
10 work product that was developed in ICOR's
11 litigation.

12 MR. STRACH:

13 I'm not asking for work product.
14 I'm just asking whether he tried -- it's a
15 simple question.

16 MS. SADASIVAN:

17 That's our work product that the
18 expert prepared in developing his
19 illustrative plans for this case.

20 MR. STRACH:

21 I don't know how to incorporate it.
22 I'm just asking if he tried or not.

23 THE COURT:

24 Overruled.

25 BY MR. STRACH:

1 Q. Mr. Fairfax, are you aware of any
2 majority black district that's ever been drawn in
3 a Louisiana congressional plan that connects the
4 black population of the northern delta parishes
5 with East Baton Rouge Parish?

6 A. Any black districts?

7 Q. Are you aware of any majority black
8 districts in the past that have been drawn
9 connecting those two populations?

10 A. I think we previously saw some
11 examples of that I believe in the past.

12 Q. Yeah. To your recollection, would
13 that be -- would the only time that occurred was
14 in that -- the plan at issue in the Hayes case
15 when it was struck down?

16 A. Yeah. I believe so, but those were
17 extremely non-compact plans. It's, as another
18 expert says, that I would never draw a plan that
19 looks like that.

20 Q. Understood. Other than that plan,
21 are you aware of any other Louisiana
22 congressional plan that had a majority black
23 district connecting those two populations?

24 A. Not that I know of, no.

25 Q. All right. And speaking of

1 compactness, you use mathematical tests for
2 compactness?

3 A. Correct. They are all mathematical.

4 Q. All right. Well, the -- the eyeball
5 test, that's not mathematical, right?

6 A. They have even got quantified on
7 shape redistricting, so there's some map to
8 calculate that.

9 Q. All right. So those -- those tests
10 compute compactness based on the mathematics of
11 the shape of the district line; isn't that
12 correct?

13 A. Yeah. That's correct. The area and
14 the boundaries.

15 Q. All right. Those mathematical tests
16 don't measure the dispersion of particular
17 populations within the district, do they?

18 A. That's correct.

19 Q. All right. All right. And you
20 have -- you testified at length about the
21 socioeconomic data that you used in drawing the
22 two plans, correct?

23 A. Right. Can I add something to your
24 last comment?

25 Q. Sure.

1 A. I need to say that there's a growing
2 argument over the last 20 or 30 years of whether
3 compactness is geography or is it population in
4 geography and it's still unresolved. I'm
5 resolved that people are more on the geographic
6 side versus the population and geographic side,
7 if you can follow what I'm saying. The
8 dispersion of that population, people looking at
9 it to define compactness was by a geographic area
10 versus a geographic and population area, so I
11 just wanted to say that.

12 Q. Got it. And that debate's among
13 demographers --

14 A. Yeah.

15 Q. -- and experts; is that right?

16 A. Yeah.

17 Q. That's not -- you -- do you know if
18 that's a legal debate or not?

19 A. No, no, no. I think insofar as what
20 my understanding is, that compactness legally
21 relates to the geography, not population and
22 geography.

23 Q. All right. Thank you for that.

24 Let's talk about the socioeconomic
25 data.

1 A. Uh-huh (affirmatively).

2 Q. In your first report, you concluded
3 that Louisiana's white population outpaces the
4 black population in several socioeconomic
5 indications according to 2019 ACS data. Black
6 people had significantly higher percentages of
7 the people with no high school education and
8 lower median household incomes than white people
9 and households. Furthermore, black people had
10 higher poverty rates than white people. Do you
11 recall those findings?

12 A. Yes.

13 Q. And do you still stand by those
14 findings?

15 A. Yes.

16 MR. STRACH:

17 Okay. Let's go to PR-86, and let's
18 go to page 13; and particularly, I'm
19 looking at Figure 5, so you can blow that
20 up for us.

21 TRIAL TECH:

22 (Complied.)

23 BY MR. STRACH:

24 Q. So you talked about this in your
25 direct. This is a map where your illustrative

1 congressional districts overlay on areas with
2 population that has no high school education,
3 correct?

4 A. That's correct.

5 Q. All right. So isn't it true that an
6 area with no high school education, based on your
7 conclusion, these are also areas with a high
8 black population?

9 A. No. No.

10 Q. Had you actually studied that?

11 A. I -- I am just familiar with the --
12 the black area and the white area. You know,
13 remember, I'm looking at areas that -- excuse me.
14 I'm looking at census tracks that don't have a
15 racial component. If I was looking at a census
16 track that were majority black census tracks that
17 had a certain no high school education
18 percentage, I would agree with you; but these are
19 all population, all races included in here and
20 not just the black population.

21 Q. I understand that. Let me -- let me
22 be clear. That was a bad question. And let's
23 break this down a little bit. The -- the darker
24 the shading, the -- the more concentrated the
25 number of people are with no high school

1 education; is that right?

2 A. That's correct.

3 Q. All right. And -- and you know,
4 based on the -- the look you took at the BVAP
5 data, you know that the -- the northern delta
6 parishes are significantly minority black,
7 correct?

8 A. Right. But there's a white
9 population also.

10 Q. I understand. But those are also
11 areas on this map that are heavily shaded,
12 correct?

13 A. That's correct.

14 Q. So -- so the area, at least in the
15 northern delta parishes where there's a lack of
16 high school education correlate with the black
17 population, correct?

18 A. I disagree, because I believe that
19 there are also white persons included in those
20 areas that don't have high school education in a
21 higher percentage, just like poverty. I'm sure
22 there are white persons that have -- are in
23 poverty at a higher percentage, just like income,
24 white persons that have a higher income in those
25 areas.

1 Q. All right. Let me -- let's take a
2 look at -- when you look at this, the areas with
3 no high school education, and you compare the
4 northern delta region, which is I'll just call it
5 heavily shaded, do you agree with that
6 characterization?

7 A. Yes. Yes.

8 Q. All right. And I compare that with
9 East Baton Rouge and West Baton Rouge, they are
10 not heavily shaded, are they?

11 A. They are shaded in areas.

12 Q. But there's a lot of white there
13 too, which indicated high school educations?

14 A. In this particular atrophy, that's
15 correct.

16 Q. All right. And yet you thought it
17 was appropriate, based on socioeconomic factors,
18 to include those two parishes with the heavily
19 shaded northern delta parishes?

20 A. Remember, I'm using a collection of
21 multiple socioeconomic aspects, not just this one
22 for high school education, so I'm overlaying all
23 of them together. Not only that, when it comes
24 down to the fine tuning of redistricting, I
25 recall this was one of the areas that I also

1 added to equalize that population basically.

2 Q. All right. And in your illustrative
3 plan, your CD5, you don't just include the areas
4 of, say, West Baton Rouge that are shaded. You
5 include all of East Baton Rouge I think. Well,
6 maybe all of West Baton Rouge and a lot of East
7 Baton Rouge, correct?

8 A. I included a portion of East
9 Baton Rouge and all of West Baton Rouge.

10 MR. STRACH:

11 All right. Well, then let's look at
12 Figure 6 on page 15.

13 TRIAL TECH:

14 (Complied.)

15 BY MR. STRACH:

16 Q. So, Mr. Fairfax, this is the chart
17 regarding median household income, correct?

18 A. Correct.

19 Q. And the more the shading there is,
20 the lower the income, correct?

21 A. That's correct.

22 Q. And similarly, the last chart we saw
23 the last map, the areas in the northern delta
24 parish are fairly heavily shaded, correct?

25 A. Yes.

1 Q. All right. And then would you agree
2 with me that if we look at East and West
3 Baton Rouge, there's very little shading in that
4 one?

5 A. You're talking about throughout
6 or --

7 Q. Yeah. I mean, I'm just looking at
8 East and West Baton Rouge and I'm just not seeing
9 very much shading, like I am up in the northern
10 delta?

11 A. Correct.

12 Q. Okay. And -- and there are a lot of
13 parishes to the west of your CD5 that are heavily
14 shaded, right?

15 A. Correct.

16 Q. All right. You show --

17 A. Not a lot, but yeah, I understand
18 there are some.

19 Q. Yeah. I mean --

20 A. Yeah.

21 Q. I look at this map and I guess, to
22 my eye, it would have made more sense to take
23 that west to capture those heavily shaded
24 parishes rather than going south.

25 A. You're talking about in the northern

1 end?

2 Q. In the northern end, yes.

3 A. No, not -- not when you look at all
4 the socioeconomic aspects. It's clear that the
5 western portion of those delta parishes, when you
6 look at totality of the socioeconomic indicators,
7 that there is a difference between the delta
8 parishes and those to the west. You can pick out
9 one or two areas that -- that are different; but
10 overall, that western area is different than --
11 than the eastern area.

12 Q. All right. Let's go back to
13 Figure 5 on page 13 for us. So you're saying,
14 based on the shading that I'm seeing in District
15 4, that it would not have made sense for this
16 district to go west instead of south?

17 A. The only -- excuse me. The only
18 parish that I could see was Caldwell, and I
19 explained that the reason why they used Caldwell,
20 all of these other ones had fractured little
21 pieces, if you will. And so you have to take
22 the -- the totality of the parishes; whereas, you
23 can see on -- on the east side, they have the
24 majority of the -- the parish included in the
25 color.

1 Q. All right. Well, let's go to
2 page 16 and I think, Mr. Fairfax, you have
3 another Figure 6. So I think you duplicated
4 Figure 6, just FYI, in this report. These are
5 the risk factors now, correct?

6 A. That's correct.

7 Q. And there's a lot of heavy shading
8 in the northern delta parishes, correct?

9 A. Yes. But to get to them, you would
10 almost have to form one of these redistricting
11 configurations you talked about in the '90s. You
12 would have almost a Z looking because you grab
13 those areas in the northern end, and if you
14 notice, there aren't a substantial amount in the
15 parishes that are directly west. You have to go
16 to the north or you would have to go right
17 through those parishes that are -- that don't
18 have the same CRE risk factors to get to some of
19 the ones that do.

20 Q. And you'll agree with me, at least
21 in West Baton Rouge, there was almost no shading,
22 correct?

23 A. In West Baton Rouge?

24 Q. Correct.

25 A. That is correct. In this particular

1 example.

2 Q. All right. And that was one -- that
3 was a parish that you have included wholly within
4 your CD5, correct?

5 A. That is correct. But, once again,
6 it's the totality that I'm looking at, not just
7 one of these maps.

8 Q. All right.

9 MR. STRACH:

10 Thank you, Your Honor. Nothing
11 further at this time.

12 THE COURT:

13 Redirect?

14 MS. SADASIVAN:

15 Kathryn Sadasivan for the --
16 representing the plaintiffs again.

17 REDIRECT EXAMINATION BY MS. SADASIVAN:

18 Q. Mr. Fairfax, when you started
19 drawing your illustrative plans, which district
20 did you start in?

21 A. CD2.

22 Q. And why?

23 A. First, it is a convention to start
24 with what's called the Voting Rights Act
25 district, the VRA district. So since CD2 was

1 that, usually you start and I started with that
2 as somewhat protecting that district. If you end
3 up having that last, the district may not end up
4 being configured or may end up with a Voting
5 Rights Act violation.

6 Q. And what did you seek to do in
7 congressional District 2?

8 A. The design or -- or goals that I had
9 from the beginning was to make that district more
10 compact, split less political subdivisions,
11 including -- or specifically parishes, and remove
12 a portion from the Baton Rouge region. And so
13 what I did was there were River Parishes that
14 were split, I made them whole. The district was
15 made more compact just by the shape added to it
16 and I moved a portion out of East Baton Rouge,
17 brought that district down and made it more
18 compact that way as well.

19 Q. And then what district did you go
20 to?

21 A. Then I began in the north and began
22 looking at that 4th and 5th somewhat combined
23 together. I wanted the 5th to be that delta,
24 more of a delta presence in the north area, and I
25 noticed that the socioeconomic makeup of the west

1 District 5 wasn't the same as the east portion.
2 So I began going back and forth removing portions
3 of District 5 and adding them to District 4 and
4 then began, I guess, coming down and recreating
5 sort of that District 5.

6 Q. And when you were talking about
7 congressional District 5 earlier, you were
8 talking about the number of the -- or the black
9 voting age population fluctuating. You weren't
10 trying to achieve any particular racial target --

11 A. No.

12 Q. -- in drawing District 5?

13 A. No, no, no. I'm just trying to
14 satisfy that first precondition, first component
15 precondition of Gingles sufficient in large.

16 MS. SADASIVAN:

17 Thank you, Mr. Fairfax. That's all

18 I have.

19 THE COURT:

20 That concludes your examination?

21 MS. SADASIVAN:

22 Yes, that concludes my examination.

23 Thank you so much, Mr. Fairfax.

24 THE COURT:

25 Okay.

1 MR. SHELLY:

2 Good afternoon, Your Honor. I'll be
3 taking the next witness. Will it be okay
4 to take a quick break first?

5 THE COURT:

6 I was just going to say, we can take
7 a quick break; and I do have something off
8 the record. Okay. We will be in recess
9 for 15 minutes.

10 (A short recess was taken at 3:06 p.m.)

11 THE COURT:

12 Okay. Ladies and gentlemen, we are
13 working on the temperature and I only have
14 one word to say, a word is an acronym,
15 GSA. If you want to go to your car and
16 get a blanket, we will relax our protocols
17 accordingly. We are working on it, so we
18 are going to try to get a little bit more
19 habitable in here. Next witness.

20 MR. SHELLY:

21 Good afternoon, Your Honor. I'm
22 Jacob Shelly, S-H-E-L-L-Y. I represent
23 again the plaintiffs, and we call
24 Mr. Charles Cravins.

25 CHARLES CRAVINS,

1 after having first been duly sworn by the
2 above-mentioned court reporter, did testify as
3 follows:

4 THE COURT:

5 Go ahead, sir.

6 DIRECT EXAMINATION BY MR. SHELLY:

7 Q. Good afternoon, Mr. Cravins. Could
8 you please state your full name for the record?

9 A. Charles Cravins.

10 Q. Where do you live?

11 A. I live in St. Landry Parish outside
12 the Town of Washington, Louisiana.

13 Q. How long have you lived in
14 St. Landry Parish?

15 A. Sixty-six minus three years that I
16 spent in the military.

17 Q. That's, in fact, your entire life?

18 A. Yes.

19 Q. How long has your family lived in
20 the St. Landry Parish area?

21 A. My forebearers came to St. Landry
22 Parish in 1764.

23 Q. Can you briefly describe how that
24 came about?

25 A. They was a Frenchman by the name of

1 Gregoire Guillory and an enslaved woman by the
2 name of Marguerite Guillory. Marguerite
3 subsequently went to court in 1782 under Spanish,
4 while Louisiana was under Spanish authority, and
5 maintained her freedom and the family's been
6 there ever since.

7 Q. Can you briefly describe your
8 professional background for the court?

9 A. Currently, I'm a partner in Cravins
10 Trosclair, A Professional Law Corporation in
11 Opelousas since January of 2021. From January of
12 2020 until January of 2021, I was district
13 attorney of St. Landry Parish. Prior to that, I
14 was first assistant district attorney. Prior to
15 that from -- from 2007, I was an assistant
16 district attorney and chief administrative
17 officer. Prior to that from 1997 to '07, I was
18 only chief administrative officer of the district
19 attorney's office. Before that, I worked for the
20 4th Congressional District in constituent
21 services and government relations. And prior to
22 that, I was in the radio and insurance industries
23 and still have an advocation in radio and doing a
24 radio show since 1986. And that's really the --
25 the bulk of what I've done.

1 Q. What is the subject of that radio
2 program?

3 A. Our radio show is a public affairs
4 and Zydeco music radio program. It's our unique
5 format.

6 Q. Do you consider yourself familiar
7 with St. Landry Parish and surrounding areas and
8 how it fits into the State of Louisiana?

9 A. I do.

10 Q. You mentioned you are a lawyer.
11 Where did you attend law school?

12 A. Southern University Law Center in
13 Baton Rouge.

14 Q. In your experience, is it common for
15 St. Landry residents to attend college or
16 university in Baton Rouge?

17 A. Yes.

18 Q. Do you have any other personal
19 experience with that?

20 A. Yes. We're -- we're nine siblings
21 in my family. Of the nine, five have college
22 degrees or postgraduate degrees. All five of
23 those attended college in Baton Rouge. Also,
24 just a lot -- there are a lot of people I know, a
25 lot of people from St. Landry Parish who attend

1 college in Baton Rouge.

2 Q. What do you attribute that
3 educational connection to?

4 A. Well, I think as far as the
5 African-American community is concerned, that
6 started as the only option because there were no
7 integrated colleges that people could attend.
8 There was Grambling, but Grambling is in
9 northwest Louisiana and virtually inaccessible at
10 that time from St. Landry Parish.

11 And the other college in Lafayette
12 was at the time known as Southern Louisiana
13 Institute, so it was a regional college and just
14 didn't have the prestige that LSU had and
15 continues to have in Louisiana. And so from that
16 necessity, I guess from the segregation and the
17 educational opportunities, it's become sort of a
18 tradition for people to attend in Baton Rouge.

19 Q. In addition to the educational ties,
20 are there other economic ties that link
21 St. Landry Parish with Baton Rouge?

22 A. Definitely.

23 Q. Can you tell us about them?

24 A. All of south Louisiana is very
25 involved and is dependent upon the petrochemical

1 industry, and particularly as it relates to
2 offshore drilling and refining, and so there are
3 a lot of jobs in that industry.

4 My father, for instance, belonged to
5 Baton Rouge Local 1177, which is the laborer's
6 local; and he and a lot of men from St. Landry
7 Parish of his generation rode a bus or hitchhiked
8 every day to Baton Rouge to work. As a matter of
9 fact, those buses weren't commercial buses. They
10 were buses that were set up specifically for that
11 purpose to -- to bring people to work in
12 Baton Rouge. So that and, of course, we have a
13 refinery in St. Landry Parish that's a very
14 strong tie, very strong economic tie.

15 Also, there's agricultural ties.
16 You know, immediately to the west of -- of the
17 City of Baton Rouge. If you are traveling up 190
18 toward Opelousas, you'll see sugar cane fields
19 all throughout that area; and that is a very
20 important row crop in St. Landry Parish and a lot
21 of south Louisiana up in -- as I said, to the
22 border of Baton Rouge proper.

23 Q. Are there social and cultural
24 connections that St. Landry Parish shares with
25 Baton Rouge?

1 A. Well, we do a Zydeco public affairs
2 program so that people listen to in Baton Rouge
3 and, yes, there are. The media, I know media
4 market is a term of art used in that industry,
5 but media -- so St. Landry Parish is not part of
6 the Baton Rouge media market, but there's a great
7 deal of Baton Rouge media consumption in
8 St. Landry Parish. You -- when you subscribe for
9 cable, for instance, you can get the Baton Rouge
10 stations. Baton Rouge newspaper is very widely
11 read in St. Landry Parish. Baton Rouge
12 television stations, radio stations very popular
13 in St. Landry Parish, so there's that connection.

14 There's also family connections that
15 are derived from those economic connections we
16 talked about earlier. People get jobs at the
17 plants, they move there, their families grow up
18 there. I have two daughters who live in
19 Baton Rouge. You also have the historic
20 connection I talked about, Spanish governance of
21 Louisiana. Baton Rouge and St. Landry Parish
22 also both share vestiges of that strong French
23 and Spanish influence in those, both areas in
24 food, just, you know, it's pervasive. Those
25 connections are pervasive.

1 Q. Any connections in religions,
2 sports, anything like that?

3 A. Yeah. The Catholic church is
4 very -- there are a lot of Catholics in south
5 Louisiana, and the church has a lot of influence
6 in the southern part of the state, both -- well,
7 particularly from cultural and that particular
8 standpoint. And as far as sports are concerned,
9 this is Saints country and so, you know, this is
10 where the Saints fans are.

11 Q. Would communities of interest best
12 be maintained by grouping St. Landry Parish with
13 Shreveport or Baton Rouge?

14 A. Definitely Baton Rouge.

15 Q. And when we are thinking
16 specifically about congressional representation,
17 why is it important to keep St. Landry Parish
18 with Baton Rouge?

19 A. St. Landry Parish is not a small
20 parish, you know, in Louisiana, as far as
21 Louisiana parishes go. But it is not a large,
22 heavily populated area, generally mostly rural,
23 13 municipalities, but not dense -- densely
24 populated. In order for St. Landry to have its
25 full political potential, it needs to be paired

1 with what I call some center of influence or
2 centers of influence.

3 And there is traditionally been more
4 densely, three -- three more densely populated
5 areas that St. Landry has been associated with
6 and has aligned with, and those would be
7 Lake Charles, Lafayette and Baton Rouge. And
8 there are no other densely populated areas that
9 where St. Landry can extend and magnify its
10 influence by associating with those areas. If
11 St. Landry is cut off from one of those, you can
12 make it. You still have some voice because you
13 have two remaining. If you cut off from two, you
14 have less of a voice, but you still -- there's
15 still some reason for people to pay attention to
16 you. When you are cut off from all three, you
17 are effectively disenfranchised as far as
18 congressional politics go because nobody cares
19 about you.

20 For instance, right now under the
21 2011 map, St. Landry is divided between the
22 northwestern part of the state and the
23 northeastern part of the state. As far as I
24 know, the congressman from Shreveport has never
25 visited. He has roughly half the geographic area

1 of St. Landry Parish. I don't know that he's
2 visited since he's been elected. Now, I do know
3 that several different Congress people from
4 northwest Louisiana have visited, so I don't know
5 what's the reason for that disparity. Well, I do
6 have some ideas what reasons are for that
7 disparity, but the disparity exists.

8 Q. Just for the record, I think you
9 said people from the northwest have --

10 A. No. Northeast. I'm sorry. I meant
11 to say from the northeast have visited. From the
12 Monroe area, the current congressman is from
13 Stark I believe. I know she's been there, which
14 is in -- in the northeast portion of the state,
15 but the congressman from the northwest who's from
16 Shreveport, as far as I know, has never visited
17 St. Landry.

18 Q. Are there policy interests that
19 residents of St. Landry share with Baton Rouge
20 that they do not necessarily share with
21 Shreveport?

22 A. Absolutely. And let me just -- I'll
23 give you just a couple -- one is the
24 petrochemical industry that I mentioned earlier,
25 particularly as it deals with refining and

1 offshore oil drilling. And, you know, that -- in
2 the northern part of the state, you have natural
3 gas, but that's a different animal from the
4 refinery and oil drilling petrochemical business.

5 In the southern part of the state,
6 you also have the environmental concerns that
7 come with those refineries, and I'm sure you've
8 heard of cancer alley and those types of
9 environmental concerns involved with, you know,
10 air quality, water quality and that type of
11 thing. That would -- that would be common to
12 St. Landry Parish and to Baton Rouge.

13 Also, you have the issue of climate
14 as it relates to the petrochemical industry, but
15 you also have the issue of weather and disaster
16 relief. In south Louisiana, disaster relief,
17 congressional policy on disaster relief is
18 critical, and Baton Rouge and St. Landry Parish
19 would share that; whereas, the northern part of
20 the state, particularly the northwestern part of
21 the state, the northeastern part of the state has
22 the river, Mississippi River. There are some
23 flooding problems. There are some disaster
24 relief issues that would effect that part, but
25 the southern part, hurricanes are the thing and

1 it seems that every year we get hit with one,
2 sometimes multiple hurricanes.

3 You may have seen in the news in the
4 last couple of years there are some Congress
5 people who are opposed to the federal
6 government's aggressive response to disaster,
7 FEMA's response, appropriations dealing with
8 disaster relief.

9 In north Louisiana, you might be
10 able to get away with being opposed to that --
11 those relief efforts. In south Louisiana, you
12 are not going to make it through the next
13 election if you are not supporting your people in
14 that disaster relief.

15 Q. Are the crops the same for --

16 A. I was going to tell you one more.
17 And this one's not as widely known, but I
18 mentioned the sugar cane fields west of
19 Baton Rouge. Sugar cane is an important row crop
20 in south Louisiana and the issue of sugar
21 supports. That's something a lot of people never
22 pay any attention to. It's not as -- as widely
23 known as maybe some of the other issues that
24 I've -- I've mentioned, but the issue of sugar
25 supports, price supports is critical in south

1 Louisiana and unimportant in -- in the
2 northwestern part of the state.

3 Q. Bridging gears slightly, has your
4 voting rights changed recently?

5 A. Yes, it did.

6 Q. How long was that change in place?

7 A. The change was in place from the
8 beginning of 2021. So it was not in effect for
9 the 2020 presidential election and it was in
10 place for the most recent runoff election that
11 occurred in April, but will not be in place for
12 the November elections.

13 Q. Can you describe geographically what
14 that change was?

15 A. The change was that it increased --
16 it decreased the number of precincts in
17 St. Landry Parish.

18 So in my case, my prior polling
19 place was roughly 1.2, 1.3 miles from my home in
20 the town. The -- the polling place was in the
21 Town of Washington. I live right outside the
22 Town of Washington. My polling under the plan
23 that's currently in place until November
24 elections is 17 miles from my home. So
25 fortunately, we have a car so we can do it, but

1 it's really extremely inconvenient.

2 Q. What was the response in the
3 community for this change?

4 A. There was an uproar. That was a lot
5 of -- a lot of people thought that it was -- and
6 I believe it was done for -- to dilute minority
7 votes. So what happened is that small, not
8 small, but precincts that were predominantly
9 African-American were combined with precincts
10 that were majority white into much larger
11 precincts. So it may have taken three precincts
12 that were predominantly African-American,
13 combined them with five that were majority white
14 and those are the precincts.

15 So -- so in my case, for instance,
16 those precincts were used during the
17 redistricting process, and just coincidentally or
18 not, they were in place basically only for during
19 the redistricting process. So now my state
20 representative, current state representative is
21 the person who owns a business. He's a
22 pharmacist -- a nurse practitioner. I'm sorry.
23 He owns a business just a few miles from my home,
24 much closer than my current precinct is, and I
25 went to high school with his parents. And now

1 the center of the -- the state representative
2 district that I'm going to be in, the -- the
3 center of population for that is in Avoyelles
4 Parish and I live a pretty long way from
5 Avoyelles Parish. But that is the effect of --
6 of that precinct change, because in the
7 redistricting process, one of the principles was
8 he don't split precincts. If those precincts
9 hadn't been enlarged, you would have a much
10 different process than -- than what occurred.

11 Q. What do you understand to be the
12 official reason for these precinct changes?

13 A. The asserted reason was that
14 Mike Hefner went to the parish president and the
15 council and told him there was a mandate from the
16 secretary of state to reduce costs. That was the
17 asserted reason. I can't vouch for the -- the
18 truth of that assertion.

19 MR. WALE:

20 Your Honor, I'm sorry. I have to
21 interrupt to Mr. Cravin's actual hearsay.
22 He's responding for others.

23 MR. SHELLY:

24 I am most generously not offering
25 these reasons for the truth of the matter

1 of why these precincts were changing. I
2 wanted Mr. Cravins to testify on what he
3 understood the reason. My next question
4 is whether he found that reason to be
5 credible.

6 THE COURT:

7 Well, your question was what -- I'll
8 paraphrase -- was what was the stated
9 reason for the precinct changes. I'm
10 going to allow the question. It's a bench
11 trial. It did call for previous, but your
12 objection is overruled. Go ahead and ask
13 the question.

14 BY MR. SHELLY:

15 Q. Mr. Cravins, did you find the -- the
16 stated reason to be credible?

17 A. No. I don't find the stated reason
18 to be credible because I was recently at a parish
19 council meeting where that issue was on the
20 agenda and there was no mention of cost and the
21 parish is going back. I think the parish is
22 actually going to wind up with one more precinct
23 than there was before all these changes were
24 made, so there are going to be 99 precincts in
25 the parish I believe, up from 33 and up from the

1 98 before the 30 something precincts.

2 Q. I believe you alluded to this. Do
3 you know who was responsible for the change?

4 A. Mike Hefner was the demographer for
5 that.

6 Q. Are you familiar with Mr. Hefner's
7 role in this case?

8 A. I had read part of a report that was
9 prepared by Mr. Hefner.

10 Q. Submitted on behalf of the state?

11 A. Yes. Submitted on behalf of the
12 attorney general.

13 Q. What is the reaction in the way that
14 he describes the communities of interest?

15 MR. WALE:

16 Excuse me. I'm going to object,
17 Your Honor. He's clearly calling for the
18 opinion of a lay witness. Mr. Hefner has
19 been offered as an expert in this case,
20 not in this case as a fact witness, not --

21 THE COURT:

22 You're calling for opinion. What is
23 your response?

24 MR. SHELLY:

25 Mr. Cravins is testifying about his

1 knowledge of the communities of interest
2 which is the subject of the report. I'm
3 asking if that is consistent with his lay
4 understanding of communities of interest
5 where he lives.

6 THE COURT:

7 Sustained.

8 BY MR. SHELLY:

9 Q. Mr. Cravins, are you familiar with
10 the illustrative maps that the Galmon plaintiffs
11 submitted in this case?

12 A. Yes, I am.

13 Q. Do you believe they have communities
14 of interest?

15 MR. WALE:

16 Again, Your Honor, I'm going to
17 repeat the objection that this witness is
18 a fact witness. He is not an expert and
19 was not tendered in the subject.

20 MR. SHELLY:

21 He -- he testified of his
22 understanding that where St. Landry fits
23 as a community, which -- which communities
24 it shares interest with. His -- I mean,
25 I'm merely asking him to explain what is

1 his understanding as of --

2 THE COURT:

3 Well, but community interest is a
4 legal test for which opinion testimony has
5 been -- has been offered and accepted.
6 You are calling for a legal -- you are not
7 calling for a legal conclusion. You are
8 calling for opinion testimony. It's far
9 beyond lay testimony. Sustained.

10 MR. SHELLY:

11 Okay. I'll try one more time.

12 BY MR. SHELLY:

13 Q. Mr. Cravins, you testified to the
14 educational, cultural and industrial connections
15 that St. Landry shares with Baton Rouge.

16 Do you believe that the illustrative
17 maps that you reviewed, do you believe that --
18 that those would allow residents of St. Landry
19 Parish to have their policy interests heard?

20 MR. WALE:

21 Your Honor, again, I'm going to
22 repeat my earlier objection that's again
23 calling for opinion testimony that an
24 expert should be giving.

25 THE COURT:

1 Well, this is a little different.
2 He's a resident of St. Landry Parish. The
3 question is do the residents of St. Landry
4 Parish look at these maps, do you think
5 the folks in your -- in your parish have a
6 chance at electing representatives. I'm
7 going to overrule. You may answer the
8 question.

9 THE WITNESS:

10 The map, are you asking about the
11 2022 map or the Galmon plan?

12 MR. SHELLY:

13 The Galmon maps.

14 THE WITNESS:

15 The Galmon maps would at least allow
16 us to maintain the connection with
17 Lafayette and Baton Rouge that I spoke of
18 earlier as two of the three centers of
19 influence that are important to St. Landry
20 Parish.

21 MR. SHELLY:

22 I have no more questions at this
23 time.

24 THE COURT:

25 Cross?

1 MR. WALE:

2 All right.

3 THE COURT:

4 Your name, sir?

5 MR. WALE:

6 Jeffrey Wale on behalf of the state,

7 Your Honor.

8 CROSS-EXAMINATION BY MR. WALE:

9 Q. Hi, Mr. Cravins, I'm Jeffrey Wale.

10 I'm going to be asking you a few questions this

11 afternoon.

12 A. Yes, sir.

13 Q. First of all, I have to ask. We

14 prepared a lot for the trial. I did not prepare

15 anything on Zydeco, so you are -- you have a

16 radio show that features Zydeco music?

17 A. Yes, sir.

18 Q. Okay. That's fantastic. What

19 station did that come on? Is it on the radio?

20 A. 105.9 FM.

21 Q. 105.9 FM and --

22 A. Also available online.

23 Q. Also available online. Perfect.

24 Does 105.9 FM, does that carryover into the

25 Baton Rouge media market?

1 A. You -- it can be picked up in
2 Baton Rouge, but we have a lot of online centers.

3 Q. Okay. So it's more online than --
4 than on the radio?

5 A. I wouldn't -- I -- I couldn't say
6 that it's more online than radio. It's both. I
7 just didn't want you to leave with the impression
8 that it was strictly on air as a show.

9 Q. Sure. Sure. Because I -- I had
10 heard some earlier statements about Baton Rouge
11 is in the media market or Baton Rouge and
12 St. Landry Parish share a media market or that it
13 doesn't. Can you clarify whether you think they
14 share a media market?

15 A. Are you referring to testimony
16 before I took the stand?

17 Q. No. Your testimony earlier.

18 A. No. What I said was a media market
19 is a term of art, so these organizations define
20 media markets. St. Landry Parish is not part of
21 the defined Baton Rouge media market, but there
22 is a lot of consumption of Baton Rouge media in
23 St. Landry Parish.

24 Q. I understand. And so just to
25 confirm. Today, Mr. Cravins, you are not being

1 offered as an expert today, correct?

2 A. I'm being offered as a fact witness.

3 Q. Okay. Thank you.

4 And so everything that you are
5 testifying today is based solely on your personal
6 experience as a resident of St. Landry Parish?

7 A. Yes.

8 Q. You were a lawyer in St. Landry
9 Parish and you ran for district attorney?

10 A. Yes, sir.

11 Q. And you ran as a Democrat; is that
12 correct?

13 A. That is correct.

14 Q. So when you ran, you were the acting
15 district attorney, correct?

16 A. No, sir.

17 Q. What was your position?

18 A. I was the district attorney by
19 operation of law.

20 Q. But can you explain --

21 A. Not acting.

22 Q. Can you explain that to me?

23 A. In Louisiana, if you are a sheriff
24 and the sheriff's office is vacated, then by
25 operation of law, the chief deputy sheriff

1 becomes the sheriff. Doesn't become the acting
2 sheriff, they become sheriff.

3 If a district attorney, in the case
4 of a district attorney, the first assistant
5 district attorney in the event of a vacancy in
6 the office of district attorney becomes the
7 district attorney by operation of law.

8 Q. Okay. So you were the assistant
9 district attorney who took over as district
10 attorney on the resignation of the previous?

11 A. The retirement.

12 Q. The retirement -- excuse me -- of
13 the previous district attorney. All right. So
14 you had never been elected to that office
15 previously?

16 A. No.

17 Q. But you did run for the election in
18 2020?

19 A. Yes, sir.

20 Q. And you appeared on the ballot at
21 the same time as the presidential election?

22 A. That is correct.

23 Q. And -- and, at that time,
24 President Trump carried St. Landry Parish by a
25 margin of about 56 percent; is that correct?

1 A. I didn't really pay attention. I
2 know he carried the parish. I couldn't -- I
3 couldn't testify as to the percentage.

4 Q. But would you believe me if I told
5 you that -- that he carried about 56 percent of
6 the parish?

7 A. Yes.

8 Q. And in your result, your opponent, a
9 Republican, received 52 percent of the votes and
10 you received about 48 percent of the votes; is
11 that correct?

12 A. Roughly, 51 point something, 48
13 point something.

14 Q. So as a Democrat, do you believe
15 that you would have received -- based on what I
16 just told you, that you would have received at
17 least some crossover voters from Trump voters
18 representing the plaintiffs again, some crossover
19 voters for the -- representing the plaintiffs
20 again, that people voted for both Trump and
21 yourself?

22 A. Yes.

23 Q. All right.

24 A. Let me -- let me --

25 Q. So let's talk about St. Landry

1 Parish.

2 A. Let me -- let me amend that answer,
3 and the reason I can't tell you, the reason is
4 there was a large disparity between the number of
5 votes cast in those two elections, so I couldn't
6 tell you who voted for who.

7 Q. Okay. But let's discuss St. Landry
8 Parish. There are about 90,000 residents in
9 St. Landry Parish, correct?

10 A. 80 something thousand.

11 Q. 80 something thousand. I apologize.
12 I'm rounding. I'm using rough -- rough numbers
13 here. And is the minority population about
14 45 percent?

15 A. 43 percent.

16 Q. 43 percent. Again, I apologize
17 for -- for rounding.

18 A. Well, when you say "minority," what
19 are you -- what are you -- who are you
20 classifying as minorities?

21 Q. By bare standard using voter
22 registration statistics, black voters and any
23 part black voters.

24 A. Okay. Black voters and any -- and
25 any part black voters you said?

1 Q. Yes.

2 A. Is that on some kind of official
3 registry?

4 Q. I'm sorry. I was using -- I believe
5 I was using percentage of black voters from voter
6 registration statistics.

7 A. Okay. It's not 45 percent.

8 Q. Okay. I apologize. So the
9 majority, but you would say the majority of the
10 parish is white, correct?

11 A. Yes.

12 Q. The majority of the population is
13 white?

14 A. Yes.

15 Q. And what are the major cities of
16 St. Landry Parish; would that be Eunice,
17 Opelousas, Arnaudville, Krotz Springs, etc.; is
18 that correct?

19 A. There are 13 municipalities in
20 St. Landry Parish.

21 Q. Thirteen municipalities, right. And
22 so would you say that Republicans specifically
23 went there to visit the office in St. Landry
24 Parish?

25 A. No.

1 Q. You would not say that?

2 A. No.

3 Q. All right. So --

4 A. Absolutely not.

5 Q. And so -- so as we discussed
6 earlier, had President Trump won in 2020, as we
7 said, it would be carried by a large margin?

8 A. Right.

9 Q. I believe Senator Cassidy, a
10 Republican, carried that by a large margin at
11 that same election, correct?

12 A. If you would allow me to finish
13 answering your last question, the only Republican
14 parish-wide elected official in St. Landry Parish
15 currently is the Republican district attorney who
16 won the race that I was involved in. There is
17 no -- no other Republican was elected prior to
18 him.

19 Q. And so to rephrase my question in
20 another way, Republicans typically win elections
21 held parish wide such as president, such as
22 senator, such as congressman?

23 A. John Bel Edwards carried Louisiana,
24 and to say that Republicans typically carry
25 St. Landry Parish is not correct.

1 Q. Okay. And there are --

2 All right. Let's move on to talk
3 about the congressional districts. What
4 congressional districts are currently included in
5 St. Landry Parish?

6 A. Right now, we have the district that
7 comes up, the -- half of the parish is in the
8 district that comes up the eastern up the delta
9 region represented by Julie Letlow, and we have
10 the -- let's see. That would be the eastern half
11 of the parish. The western half of the parish is
12 the district that is where Mike Johnson from
13 Shreveport is currently congressman.

14 Q. So that's the 4th and the 5th
15 Districts?

16 A. That's correct.

17 Q. All right. And so -- and can you
18 clarify for me, is the 3rd -- the congressional
19 3rd District, is that a region of St. Landry
20 Parish?

21 A. The 3rd --

22 Q. I'm sorry. District?

23 A. The 3rd District -- glad you asked
24 me that question. The 3rd District contains one
25 or two precincts in Cankton area, which is in the

1 southwestern part of the parish, south central to
2 southwestern part of the parish that are in the
3 3rd Congressional District. At least that allows
4 St. Landry Parish and its parish-wide elected
5 officials to still have some voice with those
6 representatives, that representative who
7 represents the 3rd Congressional District. The
8 2022 map takes away that -- that small connection
9 that the parish-wide officials would have to
10 speak for their constituents.

11 Q. So you are familiar with the new
12 parish map that the legislature enacted, correct?

13 A. That 2022 enacted map?

14 Q. The 2022 enacted map, yes sir.

15 A. Yes, sir.

16 THE COURT:

17 The parish map? I'm sorry. You
18 said the new parish map?

19 MR. WALE:

20 Oh, the Congress map. I apologize
21 if I misspoke.

22 BY MR. WALE:

23 Q. But to confirm your earlier
24 testimony, what we just said, currently
25 St. Landry Parish is part of the 3rd, 4th and 5th

1 Congressional Districts. What part are you
2 familiar with, what districts is Baton Rouge
3 currently made up of?

4 A. Baton Rouge is -- at least part of
5 Baton Rouge is represented by the new congressman
6 from New Orleans and I -- I know a Troy Carter.

7 Q. Sure.

8 A. And Garret Graves I think
9 represents -- does he represent part of
10 Baton Rouge?

11 Q. Well, normally we ask the questions,
12 as I'm sure you're aware, but I will represent to
13 you that Congressman Graves represents the 6th
14 District, Congressman Carter represents the 2nd
15 District --

16 A. Uh-huh (affirmatively).

17 Q. -- and both of those congressmen
18 represent Baton Rouge. And my question to you is
19 what part of St. Landry Parish, based on the
20 current map, not the 2022 enacted map, but
21 currently or previous map of this law, based on
22 the map we used after 2011, what part of
23 St. Landry Parish was a shared congressional
24 district with Baton Rouge?

25 A. Although Baton Rouge currently from

1 2011 is not connected to St. Landry, it's not in
2 the same congressional district as St. Landry.
3 What I testified to earlier is that it is
4 critically important for St. Landry Parish to
5 maintain a connection with at least one of those
6 centers of influence that allows St. Landry
7 Parish to have some political voice. Those three
8 centers of influence are Baton Rouge, Lafayette
9 and Lake Charles, not necessarily in that order.

10 Right now, because of that small
11 connection in the 2011 map that we have with the
12 3rd Congressional District, we are connected to
13 Lafayette and Lake Charles. The 2022 enacted map
14 takes away all those connections and goes out of
15 its way because St. Landry Parish has a large
16 African-American population to take St. Landry
17 Parish away from those centers of influence.

18 Q. I'm sorry. I need you to clarify or
19 repeat for me. What did you say the three
20 centers of influence are?

21 A. Lafayette, Lake Charles and
22 Baton Rouge.

23 Q. What are those, the three centers of
24 influence of?

25 A. Of political influence. They also

1 have economic influence, social influence. We
2 have a connection, we have some commonalities
3 with those three areas that residents of the
4 parish use to strengthen their voice as far as --
5 we are in here on a hearing, on an injunction
6 matter, so my focus is about politics; and so
7 from a political standpoint, St. Landry's
8 connection with those areas magnifies
9 St. Landry's influence.

10 Q. Now, are you saying those are the
11 only three centers of influence in the state?

12 A. Excuse me?

13 Q. Are you saying those three cities
14 that you named are the only three centers of
15 influence in the State of Louisiana?

16 A. I don't think I said that.

17 Q. You said those are the three centers
18 of influence.

19 A. That St. Landry Parish has common
20 amounts of interest in.

21 Q. All right. So speaking of -- of
22 commonality --

23 A. St. Landry Parish has no commonality
24 of interest with Shreveport. Shreveport is an
25 influence with the interests of the state.

1 St. Landry Parish has less commonality of
2 interest with New Orleans than it does with
3 Lake Charles and Lafayette.

4 Q. All right. Mr. Cravins, are you
5 familiar with Interstate 49?

6 A. I am.

7 Q. Where does Interstate 49 take you,
8 from where to where?

9 A. It takes you from Shreveport to
10 Thibodaux and on to New Orleans.

11 Q. All right. Does it run through the
12 center of St. Landry Parish?

13 A. It does.

14 Q. And so if I was going -- if I was
15 driving from north Louisiana to the Baton Rouge
16 area, what would be the quickest way for me to
17 get to Shreveport?

18 A. What you would first do, if you knew
19 where you were going and how to get there most
20 expeditiously, is that you go down Highway 190
21 through all those sugar cane farms until you got
22 to -- to Opelousas and then you would take a
23 right and get on the I-49 and you would travel
24 north and you would see those same sugar cane
25 farms that I was talking about earlier on your

1 right and left as you were headed towards

2 Shreveport.

3 Now, if you headed south, if you
4 made a wrong turn to I-49 and you headed south,
5 you would also see those same sugar cane farms
6 and you would see some aspects of the offshore
7 drilling industry. If you continued north on
8 I-49, having made the correct turn, you would no
9 longer see those.

10 Q. All right. So you mentioned in your
11 declaration that St. Landry Parish, to use your
12 exact words, contains a petrochemical plant along
13 the Atchafalaya River in the eastern part of the
14 parish, correct?

15 A. Correct.

16 Q. That's how many -- that's how many
17 it has?

18 A. There's only one in St. Landry
19 Parish.

20 Q. There's only one. And so do you
21 know whether Caddo Parish has any petrochemical
22 plants?

23 A. People in St. Landry Parish, me
24 being one of them, are very unfamiliar with Caddo
25 Parish, so no, I don't.

1 Q. Would you believe me if I told you
2 they did?

3 A. I doubt you would tell me that if it
4 wasn't true.

5 Q. What about Calcasieu Parish?

6 A. Calcasieu Parish has several.

7 Q. And what about St. Charles Parish?

8 A. Yes. St. Charles has some plants.

9 That's part of cancer alley, isn't it?

10 Q. So you would say that several
11 parishes in Louisiana have petrochemical plants
12 more so than St. Landry?

13 A. The petrochemical industry, as I
14 discussed earlier, is not a monolithic industry.
15 In St. Landry Parish, there is a refinery. In
16 Lafayette and Lake Charles, there are refineries.

17 In north Louisiana, the
18 petrochemical industry is more closely related to
19 natural gas. It is not as related to offshore
20 oil production, oil and natural gas production.
21 It's based on land-based natural gas.

22 So those petrochemical plants are
23 normally found on waterways and on the gulf, and
24 you're not talking about the same type of
25 industry or necessarily -- necessarily the same

1 interest either, pro jobs type interests or the
2 same environmental concerns that you have in
3 south Louisiana.

4 Q. Are you familiar with Evangeline
5 Parish at all?

6 A. Yes, I am.

7 Q. How close is Evangeline Parish to
8 St. Landry Parish?

9 A. It's a neighboring parish. It used
10 to be part of St. Landry Parish.

11 Q. Yeah. It used to part of the parish
12 and then it split at some point. Do you remember
13 when that was?

14 A. Neither you or I was alive at that
15 time.

16 Q. Fair enough. And so would you say
17 that those communities have a lot in common
18 between the residents of St. Landry Parish and
19 Evangeline Parish?

20 A. The southern part of Evangeline
21 Parish, you talking about two large geographic
22 parishes. The southern part of Evangeline Parish
23 in Ville Platte, Mamou have a lot of those -- a
24 lot of similarities. For instance, there's a
25 large Mardi Gras celebration in Mamou. When you

1 go up to the northern part of Evangeline Parish;
2 Pine Prairie, Turkey Creek; that is very
3 different country. That's -- you are starting to
4 get -- Pine Prairie, for instance, is because of
5 the pine trees. So then you are starting to get
6 into the area where forestry is an important
7 agricultural item, not so much row crops as they
8 are in southern Louisiana and the southern part
9 of Evangeline Parish, St. Landry Parish and on
10 east to -- to the border of -- to the Mississippi
11 River to Baton Rouge.

12 Q. All right. I understand.

13 MR. WALE:

14 Well, that's all the questions I
15 have. Thank you, Mr. Cravins.

16 THE WITNESS:

17 Thank you.

18 THE COURT:

19 Any redirect?

20 MR. SHELLY:

21 No, Your Honor.

22 THE COURT:

23 All right. Mr. Cravins, thank you
24 for your time. You may step down.

25 THE WITNESS:

1 Thank you.

2 THE COURT:

3 I have more time for another
4 witness.

5 MS. KHANNA:

6 Your Honor, may I make one jury
7 clarification before we call the next
8 witness?

9 THE COURT:

10 If that's going to provoke all kinds
11 of consternation, then please don't wait.

12 MS. KHANNA:

13 I hope it doesn't. I just want to
14 make sure that I understand correctly that
15 the fact that the defendants had purported
16 to offer an expert report on the issue of
17 communities of interest does not prohibit
18 fact witnesses from speaking of their own
19 personal observation of experience with
20 their own community's interest. Is
21 that -- is that a fair clarification?

22 THE COURT:

23 No. The court does not stand
24 admonished. Thank you.

25 MS. KHANNA:

1 I -- I just wanted to make sure we
2 understood going forward. Thank you, Your
3 Honor.

4 THE COURT:

5 Next witness?

6 MS. SEDWICK:

7 Chris Tyson.

8 THE COURT:

9 Would you introduce yourself?

10 MS. SEDWICK:

11 Good afternoon, ladies and gentlemen
12 of the court. My name is Olivia Sedwick,
13 counsel for the Galmon plaintiffs, and my
14 last name is spelled S-E-D-W-I-C-K.

15 THE COURT:

16 And spell your first name for the
17 court reporter, please.

18 MS. SEDWICK:

19 Olivia, O-L-I-V-I-A.

20 THE COURT:

21 Olivia.

22 CHRISTOPHER JORDAN TYSON,

23 after having first been duly sworn by the
24 above-mentioned court reporter, did testify as
25 follows:

1 DIRECT EXAMINATION BY MS. SEDWICK:

2 Q. Good afternoon, Mr. Tyson. Thank
3 you for taking the time to testify for the court
4 today. Can you please state your full name for
5 the record?

6 A. Christopher Jordan Tyson.

7 Q. And where do you live, here in
8 Baton Rouge?

9 A. Here in Baton Rouge.

10 Q. And where did you grow up?

11 A. Baton Rouge.

12 THE COURT:

13 Let me take a second.

14 BY MS. SEDWICK:

15 Q. Mr. Tyson, how do you register and
16 identify?

17 A. Black.

18 Q. And, if you could, please tell me a
19 little bit about your educational background?

20 A. Yes. Born and raised here in
21 Baton Rouge, graduated from University Laboratory
22 School, attended, graduated from Howard
23 University with a bachelor's in architecture,
24 graduated from the Harvard Kennedy School with a
25 master's of public policy and the Georgetown

1 University law center with a JD.

2 Q. And did you have any internships
3 while you were in school?

4 A. Yes. Interned in a number of
5 places. Most notably interned for former Senator
6 Mary Landrieu in her Washington, D.C. office, a
7 position I started the day after Katrina struck,
8 so I was very proud to serve the Senator in the
9 State of Louisiana in those months and years
10 after Hurricane Katrina.

11 Q. What do you currently do for a
12 living?

13 A. I'm currently a law professor at the
14 LSU Law Center.

15 Q. And you've run for an elected
16 office, correct?

17 A. Yes. I was on the ballot in 2015 as
18 secretary of state and spent two years running
19 statewide all around the state in support of that
20 campaign.

21 Q. And during your campaign, what were
22 some of the things that you saw?

23 A. Well, just got to experience the
24 diversity of the State of Louisiana, got to
25 travel around and meet people engaged in -- in

1 politics and just regular issues in their
2 communities. It was truly an eye opening
3 experience and -- and one that I treasure.

4 Q. And, if you could, please tell me
5 about some of your other professional experience
6 in the last ten years?

7 A. Sure. In the last four years, I
8 served as CEO of the -- of the organization
9 called Build Baton Rouge, which is the
10 redevelopment authority in land bank for the
11 city. Prior to that, I was an attorney with the
12 law firm of Jones Walker.

13 Q. And can you tell me a little bit
14 about what is Build Baton Rouge?

15 A. Build Baton Rouge is the
16 redevelopment authority in the land bank for East
17 Baton Rouge Parish. It is a political
18 subdivision of the State of Louisiana that has as
19 its jurisdiction all of East Baton Rouge Parish.
20 It's focused on white remediation core land
21 development, neighborhood urban development.

22 Q. And what's the general demographic
23 of the community that Build Baton Rouge serves?

24 A. All of East Baton Rouge Parish is a
25 jurisdiction, and so that is roughly I think 48,

1 49 black and white with a number of other
2 ethnicities making up the balance.

3 Q. So, Mr. Tyson, how long has your
4 family been in Louisiana and under what
5 circumstances did they arrive here?

6 A. I traced my oldest ancestor to the
7 1860s census here in Baton Rouge. Like many
8 families and many black families in particular in
9 Baton Rouge, my family in -- on most sides
10 migrated here from Wilkinson County, Mississippi
11 in the early part of the 20th century kind of
12 moving down the delta to Baton Rouge as the
13 nearest big city.

14 Q. And, if you could, please tell the
15 court the role that race has played in your
16 family's experience since coming to Baton Rouge?

17 A. Certainly. Well, I think like many
18 black families in Baton Rouge, my family
19 experienced the days of segregation and Jim Crow
20 in this community. We had residents in old south
21 Baton Rouge and the Eden part easy town areas,
22 which were two, I would say, out of the three or
23 four areas prior to integration that -- that you
24 had black residents in -- in the metropolitan
25 area, others being Scotlandville and Valley Park.

1 And so my great-grandparents had a grocery store
2 in old south Baton Rouge that was in the path of
3 the interstate. Like many communities, our
4 interstate system dissected black communities as
5 it moved through Baton Rouge. My mother was in
6 the third class to integrate to Baton Rouge high
7 school. My father was one of the first black
8 graduates of the LSU Law Center, and so just a
9 number of -- of incidents that, you know, kind of
10 track black life in the city.

11 Q. And how has race shaped your life
12 experiences?

13 A. Certainly. I -- I grew up here in
14 the '80s and '90s. The year I started first
15 grade was the year, first year of forced busing
16 in Baton Rouge, 1981 in the kind of long, drawn
17 out school city segregation lawsuit that we had
18 here in Baton Rouge. And -- and when I look back
19 over my life, I don't think I realized it growing
20 up, many of the changes that were happening in
21 the city because of integration in Baton Rouge's
22 kind of long resistance to implementing the
23 mandates of Brown were reflected in my life, and
24 the changes that I would see in the city before
25 leaving for school and then coming back to find

1 really a tale of two cities narrative as we have
2 talked about often at Build Baton Rouge, and I
3 think residents that maybe grapple with the
4 issues of race and class issues are here in
5 Baton Rouge.

6 Q. So I want to shift gears a little
7 bit. Have you had an opportunity to review the
8 Galmon illustrative maps?

9 A. Yes.

10 Q. And, in your view, would it make
11 sense to create a congressional district that
12 connects Baton Rouge and the Delta Parishes?

13 A. Absolutely.

14 Q. At a high level, could you share
15 with us the connections that you see between
16 Baton Rouge and the Delta Parishes?

17 A. Well, Baton Rouge is here on the
18 Mississippi River and Louisiana's history flows
19 through the delta and Louisiana's black history
20 flows through the delta in many ways. Black
21 population is still centered around the river,
22 which we know is the source of the plantation
23 industry. And so we know that those connections
24 exist through family, through faith networks,
25 through cultural experiences, that the connection

1 to Baton Rouge throughout the delta and parts of
2 central Louisiana included I think are felt in
3 family bonds. I've seen it in my family through
4 faith bonds and people travel for revivals and --
5 and other experiences throughout this region.
6 There are strong connections, and I know many
7 others whose families are connected to areas of
8 the delta and spend weekends going home for
9 dinner and can be back to Baton Rouge in the
10 morning, so I think those connections are strong.

11 Q. Let's take a few of those in turn.
12 So first, if you can kind of give us -- you've
13 given us a little bit already, but the -- the
14 familial ties, the educational ties between the
15 Baton Rouge and the -- the delta parishes.

16 A. Yeah. Take those, first of all, the
17 educational ties are strong. My family, as many
18 others' grandparents and great-grandparents
19 received education from McKinley Senior High
20 School when that was the -- the only option for
21 pursuing high school for black students in this
22 region before Capital High School would come
23 online I believe in the 1950s, and then we had
24 slow school integration and other options. So
25 the McKinley Senior High School people may not

1 realize was one of the only places to pursue
2 education after 8th grade for black students, not
3 just in Baton Rouge, but throughout the region;
4 and I've met people who -- elderly who talk about
5 coming to Baton Rouge to go to 9th grade and from
6 the rural areas of the delta, and so that is
7 strong.

8 We also know that Southern
9 University is here and also Leland College used
10 to be here as well, so you had two historically
11 black colleges in the region. Both of my
12 grandmothers attended both institutions, and
13 so -- and they were connected to others who
14 connected to those institutions and rose to
15 higher education and on to the middle class as
16 those institutions were very poor for black
17 access to the middle class in this region.

18 Familial, again, I know so many
19 people, including my own family, and look at
20 funeral programs and you see the connection
21 throughout the delta and many others who still
22 have parents and grandparents throughout the
23 delta that they visit and connect with on a
24 regular basis, even though they reside here in
25 the City of Baton Rouge or in the broader

1 metropolitan area.

2 Q. Now, what about from an economic
3 perspective the connections between Baton Rouge
4 and the Delta Parishes?

5 A. Well, Baton Rouge obviously is the
6 most urbanized area in the delta before you get
7 further down to New Orleans. The petrochemical
8 industry has a strong foothold here and that has
9 grown throughout the 20th century.

10 My great-grandfather was one of the
11 first black employees at Exxon, and so, you know,
12 those jobs provided some opportunities for black
13 people early on in the 20th century and continue
14 to do so today. And those are jobs that not only
15 exist in Baton Rouge but stretch up the river and
16 people who work in those industries live all
17 around and -- and commute from all around the
18 delta. So there's strong economic ties there, to
19 say nothing of the governmental base here in
20 Baton Rouge and the amount of travel that people
21 enjoy when they commute to work from rural areas
22 as -- as we like to do in Louisiana.

23 Q. Now, what about from a historical
24 perspective, you talked about the connection
25 earlier, the connection between Baton Rouge and

1 the Mississippi River. So from a historical
2 perspective, what would you say?

3 A. The history of that again is the
4 delta region, the plantation economy transforming
5 into the petrochemical economy, black communities
6 really never leaving the plantation geography of
7 Louisiana, staying close to the river; and that's
8 where we find population to this day literally
9 throughout Louisiana.

10 Q. Now, shifting gears just a little
11 bit, you've also seen the enacted map, correct?

12 A. Yes.

13 Q. And when viewing the enacted map, it
14 is your understanding that District 2 links
15 Baton Rouge and New Orleans together, correct?

16 A. Yes.

17 Q. And, in your experience, would you
18 say that Baton Rouge and New Orleans are -- make
19 sense as communities joined together?

20 A. No. In the way that it is -- it is
21 constructed in CD -- in the existing CD2, you
22 have in Baton Rouge and New Orleans the two
23 population centers of the state. And while they
24 are an hour and some change apart from each
25 other, they are very different economies. They

1 have very different histories, and the scale and
2 scope of New Orleans's economy and the issues it
3 faces as it receives over 30 million visitors a
4 year is simple for global tourism, very different
5 from the state capital university town that
6 Baton Rouge is.

7 I know from my experience in Senator
8 Landrieu's office and Capital Hill, the
9 importance of congressional representation to
10 bring federal resources home to the district and
11 home to Louisiana and the issues that New Orleans
12 faces and the issues that Baton Rouge face are
13 very different and require their own levels of or
14 their own advocates in Congress to advance those
15 issues.

16 And so linking people on Harding
17 Boulevard and people on Bullard does not
18 necessarily make sense to me because those are
19 distinct communities linked by race, but there
20 are other factors that I think need to be taken
21 into consideration that justify having different
22 representation in the Baton Rouge and delta
23 region than you have in the Orleans region.

24 Q. Now, based on your experiences, how
25 does grouping Baton Rouge and New Orleans

1 together in a congressional district effect the
2 voting power of black voters in Baton Rouge?

3 A. Well, I think it runs the risk of --
4 of subordinating the issues of black voters in
5 Baton Rouge, which again are black voters who
6 live in the state capital, so who live in the
7 shadow of Southern University and -- and gain the
8 tremendous impact Southern University has on --
9 on this community, who live in a decidedly
10 different urban context than those in -- in
11 New Orleans; and therefore, have different issues
12 that require advocacy and attention and priority
13 that I'm not sure always happens in -- in the
14 current construction.

15 Q. Could you give any examples of
16 suburban areas or areas outside of the larger
17 metropolitan area of New Orleans that have a
18 connection to New Orleans that also have a
19 connection to Baton Rouge?

20 A. You know, again, I think you can
21 look at the -- the River Parishes as -- as
22 having, you know, some connection, perhaps the
23 Northshore as well. But by and large, I think
24 that those -- you know, New Orleans is such a
25 specific urban context and the areas around it

1 that drain into New Orleans and support it feed
2 off of its tourism industry. The Port of
3 New Orleans differentiates it from -- from the
4 Baton Rouge region.

5 Q. Again, based on your lengthy
6 experience as a native Louisianian, does focusing
7 on cultural similarities or cultural identifiers,
8 such as food or music or any differences in those
9 cultural identities, perhaps by focusing on those
10 things, does it diminish the role that race
11 should play in these conversations?

12 A. Yes. Look, I think you know we are
13 Louisianians and we love our food, we love our
14 culture, we love our music. It's so rich and a
15 unique culture and we should take pride in it;
16 and in some areas of the state, we use black
17 pepper, some areas we say we use red pepper, and
18 in all the state we had Jim Crow, right. In all
19 the state we had a very rigid social hierarchy
20 that was the dominant force impact in black life
21 and particularly all lives in the State of
22 Louisiana. And so it's great to revel in those
23 cultural narratives.

24 We are all very familiar with the
25 gumbo narrative, right? It's a collection of

1 cultures and it's mixing, but it's important not
2 to confuse that I think with what people's life
3 experiences have been and continue to be,
4 particularly around race. The role that that has
5 played in educational opportunity, economic
6 opportunity, social opportunity, your ability to
7 move, you know, your ability to live in certain
8 places, you know, where you went to school. And
9 so I don't think we should use that to kind of
10 minimize or kind of whitewash, if you will, that
11 very specific history that we all know and which
12 has cumulative impacts on the present.

13 Q. And in your living experience, do
14 you believe that it makes more sense to link
15 Baton Rouge with New Orleans in the River
16 Parishes than to link Baton Rouge with the Delta
17 Parishes?

18 A. No. I think, again, race is a
19 factor that we take into account. When we take
20 race into account with other urban dynamics, I do
21 not think it makes sense to link Baton Rouge and
22 New Orleans, two of the largest population
23 centers of the state, the two largest black
24 communities of the state and very different
25 economies and very different settings that

1 require representation. I think Baton Rouge is
2 naturally connected to the delta region and --
3 and I think the -- the history of black
4 settlement in Baton Rouge also reflects very real
5 and enduring connections to the delta region.

6 MS. SEDWICK:

7 No further questions, Your Honor.

8 MR. WALSH:

9 Good afternoon, Your Honor, John --
10 John Walsh on behalf of the secretary of
11 state.

12 THE COURT:

13 Go ahead, Mr. Walsh.

14 CROSS-EXAMINATION BY MR. WALSH:

15 Q. Good afternoon, Mr. Tyson.

16 A. Good afternoon.

17 Q. Mr. Tyson or Professor Tyson?

18 A. Either one. Chris is good too.

19 Q. As a fellow Cub, I'm going to keep
20 this short.

21 A. All right.

22 Q. Professor, when did you start at U
23 High?

24 A. Well, I enrolled in 1981, 1st grade.

25 Q. First grade?

1 A. So I was a 12-year senior.

2 Q. Well, we were there about the same
3 time. I'm just within a decade ahead of you.

4 A. Yeah.

5 Q. You mentioned that when you started
6 in 1981, that was the first year of the forced
7 busing in East Baton Rouge Parish?

8 A. Yes.

9 Q. And are you aware now that the
10 parish has achieved unity and has been released
11 from its desegregation plan?

12 A. Yes.

13 Q. You also mentioned that, and you
14 have very strong feelings you've expressed today,
15 that the delta region, the Delta Parishes have a
16 unique connection to East Baton Rouge Parish?

17 A. Yes.

18 Q. If that's true, then why would such
19 a story, history and background, why haven't we
20 had a congressional district from Baton Rouge
21 running up into the delta with the exception of
22 the 1992 that was ultimately struck down?

23 A. Yeah. I think we have had that in
24 '92. You know, I cannot speak to the two cycles
25 redistricting in between the '92 map, the '90 map

1 and the current map. Politics I think plays a
2 role in that. But, you know, that -- that's all
3 I could say on that.

4 Q. But prior to 1992, you're not aware
5 of any other congressional maps that have ran
6 Baton Rouge up into the Louisiana delta?

7 A. I'm not aware of it, no.

8 Q. And you mentioned you were a
9 candidate for secretary of state --

10 A. Yes.

11 Q. -- in 2015?

12 A. Yes.

13 Q. Was that your first time running for
14 an elective office?

15 A. It was.

16 Q. And you took the time, you filed all
17 the ethics requirements, campaign finance, the
18 whole nine yards?

19 A. Yes.

20 Q. And you mentioned you campaigned
21 approximately for two years prior to the
22 election?

23 A. Yes. I declared my candidacy in
24 2013.

25 Q. And you traveled throughout the

1 state?

2 A. Yes.

3 Q. When you were traveling throughout
4 the state, how would you go from Baton Rouge to,
5 let's say, Lake Providence, Louisiana?

6 A. I mean, I traveled -- you know, if I
7 was going to north Louisiana, sometimes I went up
8 61 and came back over Natchez. If I was on I-20
9 and I was going to come back, you know, east
10 after visiting Shreveport or getting to the
11 Monroe area, it just depends on the trip because
12 we took many trips --

13 Q. Sure.

14 A. -- all up and around the state.

15 Q. So you would go from Baton Rouge up
16 through St. Francisville up through Woodville,
17 Mississippi, have to go into Mississippi?

18 A. Sometimes, yes.

19 Q. Go to Natchez, cross over back into
20 Vidalia?

21 A. Uh-huh (affirmatively).

22 Q. Up through Ferriday?

23 A. Uh-huh (affirmatively).

24 Q. Slow down in Clayton so you won't
25 get a ticket and then right up --

1 A. That's right.

2 Q. -- right up through Tensas and --
3 and so forth?

4 A. Uh-huh (affirmatively).

5 Q. And about how long would a trip like
6 that take from Baton Rouge to, let's say,
7 Lake Providence, Louisiana?

8 A. Well, in many of those trips, we
9 were stopping and -- and meeting with, you know,
10 supporters along the way, so it's kind of hard
11 for me to say kind of driving, you know,
12 steadily.

13 Q. If I represent to you today it takes
14 about 4 hours and 20 minutes without getting a
15 ticket in Clayton, would you -- would you agree
16 with that?

17 A. I guess you certainly could spend
18 that amount of time being there.

19 Q. Were you running against an
20 incumbent or it was a vacancy?

21 A. I was running against an
22 incumbent --

23 Q. And he --

24 A. -- an incumbent, Mr. Schedler.

25 Q. Mr. Schedler. And he had -- he was

1 filling the unexpired term, at that point, he had
2 been elected to fill the unexpired term of then
3 Lieutenant Governor Gardner?

4 A. This was subsequent to that
5 unexpired term, so he had actually been elected
6 after filling Secretary Gardner's unexpired term.

7 Q. So would you agree that as the
8 incumbent it's a little easier to run for office
9 than as the challenger?

10 A. It can be. It depends on the
11 office. Secretary of state, and I enjoy talking
12 to past candidates and secretaries of state,
13 Republican and Democrat, and it is a particularly
14 hard race to -- to run for. So I know
15 Mr. Schedler ran a campaign as -- as I did and so
16 I have yet to meet anyone who has been secretary
17 of state or is running for secretary to state
18 that describes that as an easy position to run
19 for.

20 Q. When you say "it's a tough position
21 to run for," is it -- is it in terms of
22 raising -- raising funds?

23 A. Yes.

24 Q. And did you -- did you loan your
25 campaign funds from time to time?

1 A. Yes.

2 Q. But you were able to -- once you
3 raised money, you were able to pay those loans
4 back, right?

5 A. Yes.

6 Q. And in your campaign, would you
7 consider your campaign more of a grass roots
8 style campaign or was it heavy on the media?

9 A. More grass roots. You know, we
10 didn't have tremendous resources to do a great
11 media campaign, so more grass roots.

12 Q. Were you able to go on any broadcast
13 TV in any of the -- the seven media markets but
14 in the Louisiana major media markets?

15 A. We did not. I don't think we bought
16 any media time in any of the projects we did.

17 Q. You probably -- but you did -- you
18 did cut some spots and run them on Facebook --

19 A. Yes.

20 Q. -- and places like that?

21 A. Yes.

22 Q. You mentioned earlier that the I-20
23 crosses north Louisiana?

24 A. Uh-huh (affirmatively).

25 Q. Let's just say Madison Parish where

1 I-20 goes through right there, Tallulah, right
2 there pretty close to the Mississippi River I
3 believe?

4 A. Uh-huh (affirmatively).

5 Q. Is Madison Parish, is Tallulah right
6 there? Is it closer to Jackson, Mississippi or
7 to Baton Rouge at that point?

8 A. I don't know the mileage, so I
9 wouldn't --

10 Q. If I represent to you it's less than
11 70 miles to -- to Jackson, does that seem right
12 to you?

13 A. I'd certainly -- I'd have to see a
14 map.

15 Q. How about Monroe, about how far from
16 Monroe, Louisiana to -- to Madison Parish right
17 there at I-20 would you say that is?

18 A. Not far.

19 Q. That's definitely closer than
20 Baton Rouge?

21 A. It certainly is closer than
22 Baton Rouge, yes.

23 Q. All right. And in your -- in your
24 declaration, you mentioned that you know
25 Baton Rouge would be a good anchor for a

1 congressional district that runs up the river?

2 A. Uh-huh (affirmatively).

3 Q. It seems that while Baton Rouge is
4 the state capital, wouldn't Alexandria, which is
5 located right in the middle of the state and is
6 closer to the Louisiana delta, be more of an
7 anchor?

8 A. No, I don't think so. I think that,
9 as I understand districting and the process of
10 drawing a map, there are a number of factors that
11 are being weighed, including; population density,
12 and so I don't think that that part of Louisiana
13 would have the density to be an anchor.

14 I would imagine Baton Rouge, given
15 its relative relationship in thinking about
16 communities of interest, the historical ties that
17 I've discussed would make it logical more of an
18 anchor.

19 Q. In your campaign of state secretary
20 of state, it was an open seat?

21 A. Yes.

22 Q. Governor was on the ballot?

23 A. Yes.

24 Q. Senator Vitter was on the ballot?

25 A. Yes.

1 Q. It was also an open seat for
2 lieutenant governor I believe?

3 A. Yes.

4 Q. Former Mayor Holden, he was on the
5 ballot?

6 A. Yes.

7 Q. Along with Mr. Nungesser, who
8 ultimately ran and won the election?

9 A. Yes.

10 Q. So it was just you and Mr. Schedler?

11 A. Yes, it was.

12 Q. And you remember how you ran in East
13 Baton Rouge; how did you do?

14 A. In East Baton Rouge, I think I got
15 about 48 or 49 percent of the vote.

16 Q. If I told you -- you are right on
17 it. It was 48 to 52.

18 A. Uh-huh (affirmatively).

19 Q. Do you remember how Mr. Holden did
20 here in East Baton Rouge Parish?

21 A. In the primary?

22 Q. Yes, sir, the primary.

23 A. I don't exactly --

24 Q. If I represented to you that former
25 Mayor Holden received approximately 58 percent of

1 the vote in East Baton Rouge Parish, would that
2 sound right?

3 A. I trust you. I don't think you
4 would tell me the wrong number.

5 Q. Governor Edwards, he won East
6 Baton Rouge Parish as well?

7 A. Yes, sir.

8 Q. And they were both running as
9 Democrats, correct?

10 A. Yes.

11 Q. And you ran as a democrat also?

12 A. Yes.

13 Q. And Mr. Schedler was a Republican?

14 A. Yes.

15 Q. If a new congressional district is
16 formed with Baton Rouge as an anchor, are you a
17 candidate?

18 A. No.

19 Q. Have you heard of anybody who's
20 thinking about this race?

21 A. No.

22 MR. WALE:

23 Thank you very much.

24 THE COURT:

25 Any redirect?

1 MS. SEDWICK:

2 No redirect.

3 THE COURT:

4 Thank you. You can step down.

5 MS. MADDURI:

6 Afternoon, Your Honor. The
7 plaintiffs call Dr. Maxwell Palmer.

8 THE COURT:

9 And your name, ma'am?

10 MS. MADDURI:

11 Lali, that's spelled L-A-L-I, last
12 name, M-A-D-D-U-R-I, and I represent the
13 Galmon plaintiffs.

14 DR. MAXWELL PALMER,

15 after having first been duly sworn by the
16 above-mentioned court reporter, did testify as
17 follows:

18 Q. Good afternoon, Dr. Palmer. Can you
19 please state your name for the record?

20 A. Maxwell Palmer.

21 Q. And you've been retained as an
22 expert for the Galmon plaintiffs; is that
23 correct?

24 A. Yes.

25 MS. MADDURI:

1 Plaintiffs would like to proffer
2 Dr. Palmer as an expert in redistricting
3 and data analysis.

4 THE COURT:

5 Is there any objection to tendering
6 to redistricting and data analysis?

7 MS. MCKNIGHT:

8 I just want to understand the
9 redistricting tender.

10 THE REPORTER:

11 Can you state your name, please?

12 MS. MCKNIGHT:

13 Kate McKnight.

14 THE COURT:

15 We're having a little problem with
16 the mic.

17 MS. MCKNIGHT:

18 Pardon me. Can you hear me now?

19 THE COURT:

20 Yes.

21 MS. MCKNIGHT:

22 Would you like me to repeat myself?

23 THE COURT:

24 You said that you questioned the
25 tender in redistricting?

1 MS. MCKNIGHT:

2 Correct. It's a fairly large
3 category. I just ask her to be more
4 specific.

5 THE COURT:

6 Do you care to be more specific? If
7 that's your tender, that's your tender,
8 but she's either going to stipulate or not
9 and she can cross on the tender. You know
10 how it goes, whatever you want to do.
11 What say you?

12 MS. MADDURI:

13 Thank you, Your Honor. I think
14 that's what we will tender him in.

15 MS. MCKNIGHT:

16 I'd offer that he's prepared a
17 report on racially polarizing. He has not
18 prepared a report on general
19 redistricting.

20 THE REPORTER:

21 You've got to slow down.

22 THE COURT:

23 Yeah. And can you maybe pull the
24 mic closer to you, Ms. McKnight?

25 MS. MCKNIGHT:

1 Thank you, Your Honor. He has
2 prepared a report on racially polarized
3 voting, not on redistricting in general,
4 so I stipulate to him being an expert in
5 racially polarized voting.

6 THE COURT:

7 However, the field's on racially
8 polarized voting, but, then again, this is
9 my first rodeo on this, so she's willing
10 to stipulate to a tender in racially
11 polarized voting.

12 MS. MADDURI:

13 Dr. Palmer is going to testify about
14 more than just racially polarizing.
15 That's why he wrote his report.

16 MS. MCKNIGHT:

17 As long as he's just testifying
18 about his report, we will stipulate to
19 that.

20 MS. MADDURI:

21 Certainly we will stipulate that
22 he's an expert as to the content of his
23 report.

24 THE COURT:

25 How about if we say redistricting

1 with an emphasis on racially polarized
2 voting; does that satisfy everybody?

3 MS. MCKNIGHT:

4 That's fine, Your Honor.

5 THE COURT:

6 And data analysis, does that satisfy
7 everyone?

8 MS. MCKNIGHT:

9 Yes, Your Honor.

10 THE COURT:

11 Okay. Dr. Palmer will be admitted
12 by the court and may give opinion
13 testimony in redistricting with an
14 emphasis in racially polarized voting and
15 data analysis. You may proceed.

16 MS. MADDURI:

17 Thank you, Your Honor.

18 DIRECT EXAMINATION BY MS. MADDURI:

19 Q. Dr. Palmer, you prepared two reports
20 in this case; is that correct?

21 A. Yes.

22 Q. And those reports are GX-2 Record
23 Document 47 and GX-37, which is Record Document
24 120-3, and I'm going to hand you a copy of your
25 reports.

1 MS. MADDURI:

2 If that's okay, Your Honor, and
3 defendant's counsel?

4 THE COURT:

5 You may.

6 BY MS. MADDURI:

7 Q. Dr. Palmer, is your CV included in
8 your initial report, which is GX-2?

9 A. Yes.

10 Q. Is your CV a complete and accurate
11 summary of your background and professional
12 experience?

13 A. Yes.

14 Q. I'll briefly ask you a couple of
15 questions about your professional background
16 before we move to your opinions in this case.

17 First, can you briefly summarize
18 your educational background?

19 A. I received my undergraduate degree
20 in mathematics and government and legal studies
21 from Bowdoin College in Maine and my PhD in
22 political science from Harvard University.

23 Q. And where are you currently
24 employed?

25 A. I'm currently an associate professor

1 of political science at Boston University.

2 Q. And are you tenured?

3 A. Yes.

4 Q. And what classes do you teach?

5 A. I teach courses on American
6 politics, especially American institutions,
7 including Congress, as well as classes on data
8 analysis, data science and theory.

9 Q. And what are your principle areas of
10 research?

11 A. My areas of research are on Congress
12 redistricting and voting rates and local
13 politics.

14 Q. And have you been accepted as an
15 expert witness in cases involving redistricting
16 before?

17 A. Yes.

18 Q. Have you ever been rejected as an
19 expert by any court?

20 A. No.

21 Q. Is the list of cases in which you've
22 served as an expert included in your expert
23 report on page 2?

24 A. Yes.

25 Q. In how many of those cases have you

1 provided a racially polarized voting analysis?

2 A. In all eight.

3 Q. And have courts previously credited
4 and relied on your analysis?

5 A. They have.

6 Q. Let's now talk specifically about
7 the work you performed in this case. What were
8 you asked to do?

9 A. I was asked to offer an expert
10 opinion on the extent to which voting is racially
11 polarized in Louisiana as a whole in each of the
12 congressional districts under the newly enacted
13 map. I was also asked to evaluate the
14 performance of black voting candidates in their
15 ability to win in the state in these districts.

16 Q. Were you also asked to evaluate the
17 performance of the Galmon plaintiffs'
18 illustrative majority black districts?

19 A. Yes.

20 Q. At a high level, what did you
21 conclude about whether there is racially
22 polarized voting in Louisiana?

23 A. I find strong evidence of racially
24 polarized voting in Louisiana, and in each of the
25 congressional districts I find that black and

1 white voters generally support different
2 candidates and the black supported candidates are
3 generally unable to win elections.

4 Q. And is that true statewide and
5 within each congressional district?

6 A. Statewide, black preferred
7 candidates were defeated in all of the contests I
8 looked at except for two. The two were the
9 governor. At the congressional district level,
10 black preferred candidates were generally
11 unsuccessful in every district except for the 2nd
12 Congressional District, which is the only
13 majority black district.

14 Q. And what did you conclude about the
15 performance of the illustrative majority-minority
16 districts in the Galmon plaintiffs' plans?

17 A. I found that the black preferred
18 candidates are generally the people that win
19 elections in the 2nd and 5th districts.

20 Q. Okay. Now, let's discuss the
21 racially polarized analyses. First, what is
22 racially polarized voting?

23 A. Racially polarized voting is when
24 voters of different racial or ethnic groups
25 prefer different candidates such that a majority

1 of black voters vote one candidate and a majority
2 of white voters vote the opponent.

3 Q. Is it always the case that there's
4 racially polarized voting in a particular
5 jurisdiction?

6 A. No.

7 Q. And past cases, have you conducted a
8 racially polarized voting analysis and found that
9 there was no racially polarized voting?

10 A. Yes. For example, in Bethune-Hill
11 in Virginia, which is a case about the Hudson
12 Valley districts in Virginia, I analyzed racially
13 polarized voting in a number of districts and
14 found that in some districts there was racially
15 polarized voting, but in other districts there
16 was not.

17 Q. At a high level, how do you go about
18 examining whether there's been racially polarized
19 voting?

20 A. I use a statistical technique called
21 ecological inference, which is often referred to
22 as EI; and what EI does is it estimates the
23 percentage of the voters of each racial or ethnic
24 group supporting each candidate on a particular
25 election; and then I can look at those numbers

1 with all the support to determine, first, if the
2 group has a candidate of choice and that, if so,
3 are those the same candidate of choice or are
4 they in opposition to each other.

5 Q. Okay. At any point in -- as part of
6 your rational /HAOE polarized voting analysis, do
7 you attempt to identify the reason a particular
8 group either votes for or against a particular
9 candidate?

10 A. No. That's not a question that
11 racially polarized voting analysis can answer.
12 What this analysis does, it determines how voters
13 are voting, what choices are they making but not
14 why. It doesn't get any of the reasons behind
15 the choices of which candidates are chosen.

16 Q. What geographic region did you
17 examine?

18 A. I examined the state as a whole as
19 well as each of the six congressional districts
20 under the newly enacted map.

21 Q. And which elections did you look at?

22 A. I looked at two statewide elections
23 from 2012 through 2020, and I heard today
24 Louisiana has a different electoral system than
25 most of the country. And so for each of the

1 elections, I look at the final round of voting in
2 that particular context. So for that election
3 that was decided in the primary, I looked at all
4 the candidates that ran in the primary. For the
5 election that went to a runoff, I just looked at
6 the middle for the runoff election.

7 Q. And at a high level, what data did
8 you use for the RPV analysis?

9 A. I combined a few different kinds of
10 data. First, I have precinct level electoral
11 votes for every election, so the total number of
12 votes cast for each candidate, and then I
13 combined that with precinct level data on voter
14 turnout by race, which is provided by the
15 secretary of state based on the state voter
16 registration file. So I know for each precinct
17 each election how many votes were cast for each
18 candidate and then the number of voters of each
19 race casting those votes. I also matched that up
20 with the shape file map of the congressional
21 districts to figure out which precincts fall into
22 which districts, and those precincts vary a
23 little bit from year to year, so I did that
24 separately for each of the illustrative plans I
25 examined.

1 Q. Now, getting into the EI. What does
2 EI methodology do?

3 A. EI is a statistical technique to
4 estimate group bubble behaviors from aggregate
5 data, and so the challenge that we have is that
6 we don't get to observe how individual people
7 vote. What we do see is how for specific areas,
8 precincts, the total votes for each candidate
9 there and then the number of voters by race.

10 And so what EI does is it looks at
11 that data across the geography, whether a state
12 or a congressional district, and estimates the
13 vote for each candidate.

14 Q. Is EI regularly used by scholars and
15 experts to examine racially polarized voting?

16 A. It is.

17 Q. Would you say that EI is the best
18 available method for assessing racially polarized
19 voting?

20 A. Yes.

21 Q. And is it your understanding that
22 courts regularly rely on EI to evaluate racially
23 polarized voting?

24 A. Yes.

25 Q. So what kind of results does an EI

1 analysis produce?

2 A. So when I run an EI, I run it
3 separately. It's a model that's run separately
4 for each election on a candidate. So I run it 22
5 times statewide and then 22 times separately for
6 each of the districts as well. And for each
7 separate run of the model, I get an estimate of
8 the percentage of the group voting for each
9 candidate as well as a 95 percent confidence
10 interval, which is a measure of the uncertainty
11 in the inference.

12 Q. Let's now assess your racially
13 polarized voting. Overall, what did you find?

14 A. Statewide, I found clear evidence of
15 racially polarized voting. In 18 of the 22
16 elections I examined, there was a clear black
17 candidate of choice; and in 21 of the 22, there
18 was a clear white candidate of choice. Overall
19 across those 18 black candidates of choice, they
20 received an estimated 91.4 percent of the vote
21 from black voters and those same candidates
22 received only about 20.8 percent of the votes
23 from white voters.

24 Similarly, among the 21 white
25 preferred -- white preferred candidates, I found

1 the average candidate received about 10.3 percent
2 from the black voters and 81.2 percent of the
3 vote from white voters.

4 Q. Of the 18 elections where black
5 voters had a preferred candidate, in how many of
6 those elections did white voters and black voters
7 support different candidates?

8 A. In 17 of those 18 elections, black
9 voters had candidates of choice, meaning there's
10 strong evidence of racially polarized voting in
11 those 17 contests. Among the candidates in those
12 contests, black voter -- black voter candidates
13 received about 92 percent of the vote from black
14 voters and about 17 percent of the vote from
15 white voters.

16 Q. Let's now look at GX-2, page 6,
17 Figure 1, which is entitled Top Candidates For
18 Black and White Voters. What does this figure
19 show?

20 A. This figure is a graphical
21 representation of the results of my statewide EI
22 analysis. And so each row of the figure lists
23 the elections I'm looking at with the name on the
24 left side of the candidate receiving the most
25 votes from black voters and on the right side the

1 candidates receiving the most votes from white
2 voters.

3 And as you see here, if you can zoom
4 in on the bottom of the figure, the last two
5 rows, this shows us the EI results for the 2020
6 presidential election and the 2020 Senate
7 election.

8 And so looking at the presidential
9 election, we see that Biden was the candidate of
10 choice for black voters, received almost
11 90 percent of the vote from black voters and
12 that's that black circle on the right in that
13 row. And in the white circle on that same row is
14 the extra percentage of the vote that I give to
15 white voters, somewhere in the teens.

16 So we can see there that a large
17 majority of black voters were supporting Biden
18 and only a small percentage of the white voters
19 are doing so. And then on the right-hand side,
20 we see essentially that exact same figure
21 flipped, and the reason is because there's only
22 two candidates; and so the voters are 100 percent
23 with that minus whatever I estimated for Biden
24 there. So we see that President Trump was the
25 clear candidate choice for white voters;

1 President Biden the clear -- President Trump
2 getting a low share of the vote from black
3 voters.

4 In the bottom row, we see a
5 different case where on the right-hand side we
6 see that Senator Cassidy was the clear candidate
7 choice for the white voters. On the right, we
8 see a clearly large share of the vote from white
9 voters, a very small share of the vote from black
10 voters; but on the left-hand side, we see that
11 black dot for one of the Senate candidates,
12 Perkins, right below 50 percent. And that's
13 because there wasn't one clear black candidate
14 choice in this election who was decided in the
15 primary and there were two black candidates who
16 received an ultimately large share of the black
17 votes because there was no one single black
18 candidate of choice; so I wouldn't say that in
19 this particular contest then we have evidence of
20 racially polarized voting.

21 And if we can zoom up to the figure,
22 as a whole again, I think it's useful to look at
23 individual elections, but it's more useful to
24 look at the pattern overall.

25 And so if we look at the left-hand

1 side, the Top Candidate For Black Voters column,
2 we see a general pattern in which the black dots
3 are usually well to the right of the dotted line
4 at 50 percent showing that, in most of the
5 elections that I'm looking at, there is a clear
6 candidate choice for black voters -- for black
7 voters; and in most of the elections, the white
8 support for that candidate is very low, way below
9 50 percent, and so we see a very clear general
10 trend across the whole set of elections across
11 the racially polarized vote.

12 Q. And to kind of sum up, what's the
13 takeaway from Figure 1?

14 A. There's clear evidence for racially
15 polarized voting at the statewide level.

16 Q. And does your report contain the
17 precise numbers for the percentages that we were
18 just looking at?

19 A. Yes. Table 2 has all the numbers
20 listed in this figure.

21 Q. Did you run the same RPV analysis on
22 a district-by-districts basis?

23 A. I did.

24 Q. What were the results of those
25 analyses?

1 A. Generally, the same pattern. I find
2 that black and white voters across all six
3 districts have clear candidates of choice in
4 those elections and aren't supporting the
5 opposing candidates.

6 Q. And does your report contain the
7 full support of those analyses?

8 A. Yes, in Table 3-3.

9 Q. Okay. So we are now wrapping up the
10 section about the racially polarized voting
11 analysis. Can you just sum up what your
12 conclusions are from that analysis?

13 A. I find strong evidence of racially
14 polarized voting both statewide and in each of
15 the congressional districts.

16 Q. So after you determined the levels
17 of racially polarized voting, what did you do
18 next?

19 A. I then turned to the performance of
20 the black four candidates identified in the
21 previous analysis statewide and in each of the
22 six districts.

23 Q. Is this part of the analysis
24 commonly referred to as Gingles 3?

25 A. Yes.

1 Q. And how do you conduct this piece of
2 the analysis?

3 A. This is just about aggregating
4 election results. And so for the statewide
5 analysis, I just add up the election results for
6 the candidates in the elections I just analyzed
7 to see if the black vote preferred candidate one
8 the majority of the vote or not.

9 And for the congressional districts,
10 I first identified which precinct is involved in
11 which district and then aggregated the results up
12 at the district level.

13 Q. So on the elections where you found
14 racially polarized voting, were black voters able
15 to elect their preferred candidates statewide?

16 A. No. Among the racially polarized
17 elections, black preferred -- the black preferred
18 candidate one only twice. Both times, that was
19 Governor Edwards.

20 Q. And what about on a
21 district-by-district basis of the racially
22 polarized voting elections -- racially polarized
23 elections, if we are looking at the individual
24 districts, in how many of those elections did
25 black preferred candidates get a majority of the

1 vote?

2 A. In the 1st District, the black
3 preferred candidate lost every contest. In the
4 3rd, 4th, 5th and 6th Districts, they lost every
5 contest except for one. In the 2nd Congressional
6 District, the only majority black district, the
7 black preferred candidate won every election in
8 which there was a black preferred candidate.

9 Q. Okay. And, again, are the results
10 of these analyses in your report?

11 A. Yes, in Table 9.

12 Q. Okay. Let's now turn to your
13 analysis of the performance of the Galmon
14 plaintiffs' illustrative majority-minority
15 districts. What did your performance analysis
16 examine?

17 A. I looked at the ability of the same
18 black preferred candidates that we identified to
19 win in the 2nd and 5th Congressional Districts
20 under the four Galmon plaintiff illustrative
21 maps.

22 Q. And how did you conduct this
23 analysis?

24 A. The exact same way I did the other
25 former analysis except I used the shade files

1 from the illustrative maps to find out which
2 precincts fell into which districts.

3 Q. And what did you find about whether
4 black preferred candidates would be able to win
5 an election under the Galmon plaintiffs'
6 illustrative majority black district?

7 A. I find that under all four maps,
8 black candidates of choice are generally able to
9 win elections in the majority black district.

10 In the 2nd Congressional District,
11 under all four maps, black preferred candidates
12 won 17 of the 18 elections and averaged about
13 69 percent of the votes.

14 In CD5, black preferred candidates
15 won 15 of the 18 under maps 1 through 4 and 14 of
16 the elections under Map 2 averaging in the mid to
17 high 50 percent range.

18 MS. MADDURI:

19 Let's turn briefly now to GX-2,
20 page 9, Figure 3, which is entitled Vote
21 Shares of Black Preferred Candidates Under
22 the Illustrative Maps.

23 TRIAL TECH:

24 (Complied.)

25 BY MS. MADDURI:

1 Q. What does Figure 3 show?

2 A. Figure 3 shows the estimated vote
3 share of the black preferred candidates for each
4 of the elections in which there was a black
5 preferred candidate under the three initial
6 illustrative maps for the 2nd and 5th
7 Congressional Districts.

8 The black circles correspond to
9 cases where the black candidate has won and the
10 white circles show where the black candidate of
11 choice lost.

12 Q. Okay.

13 MS. MADDURI:

14 Okay. We can go ahead and take this
15 down.

16 BY MS. MADDURI:

17 Q. And shifting gears a little bit now,
18 you also submitted a rebuttal report in this case
19 in response to some of defendants' expert
20 witnesses, and I'd like to ask you about some of
21 those topics now.

22 First, did you review Dr. Alford's
23 report?

24 A. I did.

25 Q. Are there any aspects of your

1 reports that Dr. Alford agrees with?

2 A. Yes. Dr. Alford reviewed the data
3 and methodology I used and agreed with it and
4 relied on my numbers and my estimates in his own
5 -- in his report, and he also agreed that there
6 is racially polarized voting; that is, black and
7 white voters prefer different candidates.

8 Q. What -- what is Dr. Alford's primary
9 point of issue with your reports?

10 A. Dr. Alford argues that the racially
11 polarized voting that we observe is based upon
12 partisan polarization rather than racial
13 polarization, so he is trying to explain why
14 voters are voting the way they do, but we are in
15 agreement on how they are voting.

16 Q. Are you familiar with Table 1 in
17 Dr. Alford's report which highlights, first of
18 all, the RPV analysis for just the last three
19 presidential elections?

20 A. Yes.

21 Q. What is your response to that table
22 and the conclusions that Dr. Alford draws from
23 it?

24 A. So in that analysis, Dr. Alford is
25 comparing the performance of the presidential

1 candidates from 2012, 2016 and 2020; and he
2 argues that because Barack Obama, a black
3 Democrat, received a smaller share of the vote
4 than Hillary Clinton, a white Democrat, in the
5 elections that might be evidence of partisan
6 polarization rather than race because black
7 voters didn't support the black preferred
8 candidate at the same high rate.

9 And while he's correct in looking at
10 these three elections alone, I think his targets
11 are useable in looking at the full set of
12 elections that I analyzed.

13 Across the 18 elections where
14 there's a black preferred candidate, in 9 of
15 those elections the black preferred candidate is
16 black and in 9 of those elections the black
17 preferred candidate is white. And if you average
18 across that full sample, I find that white voters
19 support white -- black preferred candidates by
20 about 10 percent more of the vote than they
21 support the black preferred candidate when that
22 candidate is black.

23 Similarly, black voters also support
24 the black preferred candidate with a slightly
25 higher voter share, about 4 or 5 percentage

1 points when the candidate is black than when the
2 black preferred candidate is white.

3 Q. Did you also review Dr. Lewis's
4 report?

5 A. I did.

6 Q. Dr. Lewis conducted an RVP analysis
7 of the 2020 presidential election; is that right?

8 A. Yes.

9 Q. How did the results of Dr. Lewis's
10 RVP analysis compare to the results of your
11 analyses?

12 A. Dr. Lewis is using a similar
13 methodology and the exact same data, but he's
14 looking at a different geography. He's looking
15 at the boundaries of the illustrative maps rather
16 than the enacted ones, but he uses the same
17 psychological approach as I am, and we had very
18 similar results. He also finds evidence of
19 racially polarized voting, though he's only
20 looking at one election.

21 Q. Dr. Lewis also offers some
22 hypothetical scenarios in his report. Are you
23 familiar with those?

24 A. Yes.

25 Q. What is your response to those

1 hypotheticals?

2 A. Dr. Lewis looks at a very extreme
3 hypothetical case in which there is no white
4 crossover voting in support of a black preferred
5 candidate; and I'm not quite sure what the
6 relevance of this means for understanding the
7 performance of the illustrative maps because, in
8 fact, there is some white crossover voting, but I
9 also think the way he goes about the analysis
10 relies on a very strong assumption that I don't
11 think is necessarily justified.

12 So what Dr. Lewis does is he first
13 estimates the percentage of the black and white
14 voters according to Biden and Trump in the 2020
15 president election, and then he says suppose all
16 the white voters who were supporting Biden
17 switched their vote and all of the said voters
18 voted for Trump instead, so there is no crossover
19 voting because all the voters are changing their
20 votes. In that case, he says it is not generally
21 performed.

22 But that's just one way of thinking
23 of black -- of crossover voting. We can also
24 imagine another alternative, which is suppose
25 those white voters who voted for Biden just said

1 I'm going to stay home and not vote at all in
2 this election. There would be no white crossover
3 voting then too, but in that case, he says the
4 voters are performing if either all but one of
5 them were supporting Biden overall.

6 So I'm not sure why -- whether this
7 is a useful hypothetical, but to the degree it
8 is, I don't think that Dr. Lewis's approach is
9 necessarily justified.

10 Q. So, in your opinion, what is the
11 relevance of these hypotheticals to evaluating
12 whether or not plaintiffs' illustrative districts
13 would perform for black preferred candidates?

14 A. Well, we know they perform for black
15 preferred candidates when using the actual
16 election results, and Dr. Lewis's own
17 calculations match up with mine when he doesn't
18 do his hypotheticals.

19 Q. Did you review Dr. Solanky's report?

20 A. I did.

21 Q. Do you recall Dr. Solanky's analysis
22 of East Baton Rouge -- East Baton Rouge Parish
23 and his conclusion that, quote, Based on the
24 voting pattern in East Baton Rouge for the 2020
25 presidential election, it does not appear that

1 white voters are voting as a block to beat the
2 black preferred candidate."

3 A. Yes.

4 Q. So does Dr. Solanky mean there is a
5 no racially polarized voting in East Baton Rouge
6 Parish?

7 A. No. There is strongly racially
8 polarized voting in East Baton Rouge Parish. I
9 estimated -- in my prior report, I estimated RVP
10 in East Baton Rouge Parish alone for the 2020
11 presidential election, which is the only one that
12 Dr. Solanky looked at, I estimated that 92.5 of
13 the black voters were for Biden; whereas only
14 23.7 percent of white voters voted that, so
15 that's strong evidence of racially polarized
16 voting there.

17 Q. And then, finally, did you review
18 Dr. Blunt's reports?

19 A. I did.

20 Q. Dr. Blunt conducted some simulations
21 analyses; is that right?

22 A. Yes.

23 Q. Do you have any concerns with the
24 way that he conducted those simulations?

25 A. Dr. Blunt uses a standard

1 redistricting package that's widely available and
2 one that I've used a lot in my own academic work;
3 and when you simulate districts in the software,
4 the person running it can set different
5 constraints and different goals.

6 And Dr. Blunt uses some very, very
7 strict constraints, which he uses some very
8 strict population constraints and very strict
9 compactness constraints; and then in his initial
10 report, there are very strict constraints that
11 only six parishes total with a massive reduction
12 could possibly fit into any of those maps. And
13 so when you run the models under these really
14 strong constraints, you don't get maps that look
15 like maps that are every actually in effect or
16 are drawn for Louisiana.

17 Q. Do Dr. Blunt's simulations account
18 for all of the traditional redistricting
19 principles?

20 A. No. They don't take into account
21 areas of interest or --

22 MS. MCKNIGHT:

23 Your Honor, insert an objection, an
24 objection here. Pardon me, Dr. Palmer.

25 This is not anything related to

1 Dr. Palmer's work. We've gone beyond the
2 scope of it.

3 THE COURT:

4 Okay. You may redirect it.

5 MS. MADDURI:

6 Your Honor, it is in the rebuttal
7 report and, on direct, I thought it would
8 be helpful.

9 THE COURT:

10 Can you point it out to me?

11 MS. MADDURI:

12 Sure. In GX-27, which is in Dr.
13 Palmer's rebuttal report, paragraph 11, he
14 discusses the various limitations of the
15 constraints.

16 MS. MCKNIGHT:

17 So in paragraph 11, he identifies
18 one constraint at issue, which is the
19 number of parishes split. He did not
20 address traditional redistricting criteria
21 she was just asking him about. He did not
22 address population or compactness.

23 MS. MADDURI:

24 I would also submit legislative
25 defendants submitted a reply report for

1 Dr. Blunt after an untimely filing for
2 reply reports, and so I believe Dr. Palmer
3 should be able to respond to that as well,
4 to that report.

5 THE COURT:

6 Objection is overruled.

7 BY MS. MADDURI:

8 Q. Dr. Palmer --

9 THE COURT:

10 Ask the question again, please.

11 BY MS> MADDURI:

12 Q. As you described some of the
13 constraints that were overly strict in
14 Dr. Blunt's report, are there also constraints or
15 criteria that are missing from the analysis?

16 A. Yes. So these models don't take
17 into account things like communities of interest,
18 things like the MSAs that we heard some of the
19 mapers talk about earlier, core retention
20 incumbents, things like that.

21 MS. MCKNIGHT:

22 Pardon me. Just for the record, I
23 need to re-assert the objection that this
24 goes beyond the scope of what he
25 identifies in his rebuttal report. He had

1 Dr. Blunt's report at the time he prepared
2 his rebuttal report and he's gone beyond
3 the scope of that.

4 THE COURT:

5 Your objection is noted. You may
6 continue.

7 BY MS. MADDURI:

8 Q. Dr. Palmer, what are the criteria
9 Dr. Blunt found valid?

10 A. The maps that he generates and
11 simulates don't look like maps that are actually
12 used in practice in Louisiana, in particular, you
13 know, his initial set was only a six parish split
14 at the most. That doesn't look like any of the
15 maps that we've discussed are the ones that were
16 actually implemented or passed by the
17 legislature.

18 And the patterns he has, all of
19 those are maps that don't actually look like
20 anything realistically being employed here, so I
21 think by example they don't tell us anything
22 about what the maps should actually look like or
23 what the statistics should actually be.

24 MS. MADDURI:

25 Your Honor, I don't have any more

1 questions for Dr. Palmer at this time, but
2 I would like to confirm that we move into
3 evidence his two reports, which are GX-2
4 and GX-30.

5 THE COURT:

6 Subject to objection?

7 MS. MCKNIGHT:

8 No objection, Your Honor.

9 THE COURT:

10 Okay. Cross-examination?

11 MS. MCKNIGHT:

12 Thank you, Your Honor. My name is
13 Kate McKnight.

14 THE COURT:

15 It's the court's intention to finish
16 this witness tonight, so just so you-all
17 know.

18 MS. MCKNIGHT:

19 Thank you, Your Honor. My name is
20 Kate McKnight for legislative intervenors.

21 CROSS-EXAMINATION BY MS. MCKNIGHT:

22 Q. Good afternoon, Dr. Palmer. I
23 believe I took your very first deposition in
24 Bethune-Hill, but it's so nice to see you at this
25 time again.

1 A. Nice to see you.

2 Q. Could I start with when you were
3 first contacted about doing work in Louisiana for
4 this redistricting cycle?

5 A. Mid to late March.

6 Q. And who called you?

7 A. Lali.

8 Q. And when were you engaged for this
9 work?

10 A. Mid to late March.

11 Q. Did you do any work related to
12 Louisiana prior to March?

13 A. No.

14 Q. Let's go to your report, your first
15 report at GX-2.

16 MS. MCKNIGHT:

17 And we will start at page 2,

18 Mr. Lansing.

19 TRIAL TECH:

20 (Complied.)

21 BY MS. MCKNIGHT:

22 Q. So in your report, Dr. Palmer,
23 paragraph 6, you state that you found strong
24 evidence of racially polarized voting across
25 Louisiana. Now, you did this in a statewide

1 analysis, correct?

2 A. State and congressional districts.

3 Q. Okay. And you did not do any
4 regional-specific analyses, did you?

5 A. Not within the congressional
6 districts.

7 Q. And when you are referring to the
8 analysis you did for the congressional districts,
9 that was limited to recompiled election analysis
10 where you took those congressional districts, the
11 plan, the as-drawn, and filled them in with
12 election data from past elections; is that
13 correct?

14 A. I'm sorry. Could you repeat the
15 question?

16 Q. Sure. Let me break it down. Let me
17 go a little more slowly. Did you study racially
18 polarized voting within specific regions of the
19 State of Louisiana?

20 A. As I said, only the congressional
21 districts.

22 Q. Now, can you give any testimony
23 about whether or not polarization levels in
24 Louisiana varied across regions in the state?

25 A. Just at the district level.

1 Q. At the congressional district level?

2 A. Yes.

3 Q. Okay. Now, I want to say something,
4 and tell me if you agree with it. You can have
5 strong evidence of racially polarized voting but
6 still have meaningful white crossover voting;
7 would you agree?

8 A. Yes.

9 Q. Let's go to paragraph 7. The third
10 sentence here, you say "When taken on a
11 district-by-district basis." You're referring
12 only to the congressional plan here, correct?

13 A. Yes.

14 Q. Okay. This does not take into
15 account the Louisiana legislative black caucus
16 with dozens of representatives and state Senators
17 in the Louisiana legislature, correct?

18 A. That's right. I only looked at RPV
19 at the congressional district level.

20 Q. Now, let's go to paragraph 9. Here
21 you note that you examined statewide and
22 congressional elections in Louisiana from 2012 to
23 2020, but that's not quite accurate, is it? You
24 did not examine congressional elections, correct?

25 A. You're right. That's an error.

1 That should say just statewide elections.

2 Q. Okay. And in examining the
3 congressional plans, you recompiled statewide
4 elections within those districts in the
5 congressional plan, correct?

6 A. I'm not sure recompiled is the right
7 term, but I took statewide elections and then
8 determined which precincts for those elections
9 fell into which districts.

10 Q. Okay. So you did not analyze any
11 actual congressional elections to tell this court
12 how a congressional election would behave,
13 correct?

14 A. No, because there -- I have not seen
15 any congressional elections under this plan, and
16 I don't think you can combine election results
17 from different districts into the new boundaries
18 in the same way that you can in a statewide
19 election or a same candidate in the precincts.

20 Q. Thank you.

21 MS. MCKNIGHT:

22 Let's go to page 10. This is still
23 on page 2.

24 TRIAL TECH:

25 (Complied.)

1 BY MS. MCKNIGHT:

2 Q. You write that you relied on and
3 downloaded turnout information by race. Do you
4 see that?

5 A. Yes.

6 Q. But you did not report turnout
7 information in your expert report in this case,
8 did you?

9 A. I'm relying entirely on the turnout
10 information, but I don't report the turnout
11 statistics, no.

12 MS. MCKNIGHT:

13 Okay. Let's go to paragraph 18, and
14 I believe this is on page 4.

15 TRIAL TECH:

16 (Complied.)

17 BY MS. MCKNIGHT:

18 Q. Here I see you note that the average
19 candidate of choice for black voters garnered
20 20.8 percent of the vote from white voters; is
21 that right?

22 A. Yes.

23 Q. And this is an average, so we could
24 expect that there was a higher or lower
25 percentage in some other -- in some parts of the

1 state, right?

2 A. So this is a statewide estimate.

3 It's an average of statewide estimates, so we
4 expect some of those statewide estimates to be
5 higher and some to be lower.

6 Q. Okay. Did you come to any
7 understanding about where that figure would be
8 higher in the state?

9 A. Only from looking at the
10 congressional districts, so the analysis was to
11 look at the statewide levels.

12 Q. Okay. So you just said that you
13 came to an understanding of where that rate of
14 votes from white voters might be higher on
15 average. Could you explain to us what that
16 understanding was?

17 A. If we look at the congressional
18 district results, it seems like in some
19 districts, such as District 1, the radio support
20 for black preferred candidates tends to be lower;
21 and in District 2, for example, it's a little bit
22 higher.

23 Q. Okay. And now on average, one fifth
24 of white voters in Louisiana vote for the black
25 preferred candidate, correct?

1 A. Yes.

2 Q. Let's go to Figure 1 on page 5.

3 A. (Complied.) I'm sorry. District 5,
4 they vote for black preferred candidates. I just
5 want to make sure I have that right.

6 Q. I think we got that right. Yeah.
7 Thank you, Dr. Palmer.

8 A. Okay.

9 Q. So what I'm looking at in this
10 image, I just want to make sure it's clear that
11 I'm looking at the column on the left, Top
12 Candidate For Black Voters.

13 When I see the white circles on the
14 left, they indicate white vote share for a
15 candidate of choice for black voters, correct?

16 A. Yes.

17 Q. Okay. So the horizontal axis below
18 indicates the percentage vote share, correct?

19 A. Yes.

20 Q. And the vertical dotted line
21 represents 50 percent, right?

22 A. Yes.

23 Q. So looking at the column Top
24 Candidate For Black Voters, whenever we see the
25 white circle to the right of the vertical zero

1 line, that means that there is crossover voting,
2 correct?

3 A. That means the majority of white
4 voters are voting the black preferred candidate.
5 I think we were just talking about crossover
6 voting as any white voters voting for the black
7 preferred candidate. When you say 20 percent
8 crossover voting, that's not the preferred
9 candidate, right?

10 Q. Okay. Well, I'm -- I'm just asking
11 you about this column here and the percentage
12 vote. You indicated that the white circle shows
13 the vote share for white voters for the black
14 candidate of choice, right?

15 A. Yes.

16 Q. Okay. So in looking at that,
17 whenever I see that white circle to the right of
18 zero, that means there are white voters voting
19 for the black candidate of choice, correct?

20 A. To the right of zero?

21 Q. Yes.

22 A. Yes.

23 Q. Okay. And when white voters vote
24 for black candidates of choice, that is defined
25 as crossover voting, isn't it?

1 A. I think that's a fair definition.

2 Q. Thank you. Now, white crossover
3 voting in Louisiana elections is so common that
4 you called it an extreme hypothetical, and just
5 earlier on the stand you called it very extreme
6 to have no white crossover voting; isn't that
7 right?

8 A. Yes. I've -- I've never run an RPV
9 anywhere where there isn't at least some white
10 crossover voting.

11 Q. Okay. Now, understanding your
12 findings on white crossover voting, let's turn to
13 page 23, Table 16.

14 A. (Complied.)

15 Q. A so, again, to orient the court and
16 everyone, this is your table showing vote shares
17 of black preferred candidates under the
18 illustrative maps. So Map 1 refers to Galmon
19 plaintiffs' Illustrative Plan 1, Map 2 and 3, so
20 forth.

21 A. Yes.

22 Q. And what you've done here, you've
23 just focused in on the two majority-minority
24 districts that -- that Galmon plaintiffs have
25 argued are in these illustrative plans being CD2

1 and CD5; is that right?

2 A. Yes.

3 Q. Okay. And when I'm looking at this
4 chart -- I'll just look at Map No. 1 at CD2 and
5 CD5 -- I see a range of winning vote percentages
6 where the black preferred candidate garnered
7 between 50.09 percent up to 79.1 percent. Do you
8 see that?

9 A. Yes.

10 Q. Okay. Now, do you recall off the
11 top of your head the any part black voting age
12 population number for CD5 in Map 1?

13 A. No.

14 Q. Okay. Let's refresh your
15 recollection, so I can instruct this discussion.

16 MS. MCKNIGHT:

17 If we can pull up GX-1B at page 10.

18 TRIAL TECH:

19 (Complied.)

20 MS. MCKNIGHT:

21 Pardon me, Your Honor. I do have a
22 cold. It is not COVID, I promise, but I
23 will be very careful. I've tested
24 multiple times, so that's why I've been
25 wearing a mask in here. I can wipe down

1 the microphone when I'm done.

2 BY MS. MCKNIGHT:

3 Q. Okay. So here we have -- this is
4 from Dr. Cooper's report prepared by Galmon
5 plaintiffs, and it identifies the 18 plus votes
6 for the voting age population for all any part
7 black. And do you see that for District 5 it's
8 indicated at 50.04 percent?

9 A. I'm sorry. Which column? Oh, yes,
10 I do see that.

11 Q. Okay. So now that we understand
12 that Illustrative Plan 1 for District 5 is
13 50.04 percent any part black, let's return back
14 to your report.

15 MS. MCKNIGHT:

16 And here we will go to page 5 of
17 GX-2. Pardon me page 23. Pardon me, Mr.
18 Lansing.

19 TRIAL TECH:

20 (Complied.)

21 BY MS. MCKNIGHT:

22 Q. So now understanding that under
23 Map 1, CD5 has been drawn at a level of
24 50.04 percent any part black population, do you
25 have an understanding of how much of this vote

1 percentage, of these winning vote percentages for
2 CD5 are made up of white voters?

3 A. It ranges, but usually a few
4 percentage points would be my guess.

5 Q. And what do you base that guess on?

6 A. Well, in some of them, the
7 percentage is below that number and so I don't
8 know to the degree that that's white crossover
9 voting versus a different level of support from
10 black voters. There could be variation in both
11 dimensions and some is higher and so the same
12 problem, so we don't know exactly from this table
13 what the percentages are.

14 Q. Okay. So you can't tell this court
15 what the percentage of white vote share is for
16 the CD5 victories, correct?

17 A. Not necessarily.

18 Q. Okay. Is it true that CD2 and CD5
19 could likely be drawn at below 50 percent BVAP
20 and still elect black preferred candidates?

21 A. Based on this table, yes.

22 Q. Thank you. Now, finally as an
23 expert in this case, Dr. Blunt used a methodology
24 for simulating redistricting plans. You were
25 just discussing it on the stand. He used the

1 Redist package in R to simulate 10,000
2 redistricting plans. This is a standard approach
3 to simulate redistricting plans, correct?

4 A. The package is commonly used, but
5 there's not just one approach in how to use the
6 methods. There's many different ways to use it.

7 Q. And it's been used by those scholars
8 and testifying experts?

9 A. That's my understanding.

10 Q. And this package is reliable enough
11 that you've used it in your own academic
12 research, correct?

13 A. Yes, but it's not a simple thing to
14 run. There is a lot of different ways it can be
15 run, a lot of different settings to -- to sort of
16 tune and adjust when trying to make the
17 simulations.

18 MS. MCKNIGHT:

19 Thank you very much, Dr. Palmer. I
20 have no further questions. And pardon,
21 Your Honor. I do want to wipe this down.

22 THE COURT:

23 Thank you for your cross. Any
24 redirect?

25 MS. MADDURI:

1 Just a couple of brief questions,

2 Your Honor.

3 THE COURT:

4 Okay. Give her a chance to try to

5 keep everybody healthy. Thank you,

6 Ms. McKnight.

7 REDIRECT BY MS. MADDURI:

8 Q. Dr. Palmer, you've testified as an
9 expert in RPV in a number of cases; is that
10 right?

11 A. Yes.

12 Q. And in all of those cases, the court
13 has credited your RPV analysis?

14 A. Yes.

15 Q. Have you ever encountered a case
16 where -- in which 100 percent of white voters
17 voted against the black preferred candidate?

18 A. I don't believe so.

19 Q. Is it your understanding that the
20 existence of any level of white crossover voting
21 negates the existence of racially polarized
22 voting?

23 A. Not at all.

24 MS. MADDURI:

25 No further questions.

1 THE COURT:

2 Okay. You may step down. Thank
3 you, sir.

4 Okay. That concludes our testimony
5 for day one. I want to thank the parties.
6 It went really smoothly and you-all were
7 extremely prepared. Well done, one and
8 all.

9 There was nobody in Courtroom 5,
10 which the court had designated as an
11 overflow courtroom. I don't anticipate
12 that we are going to have more people on
13 day two, so the court's going to let the
14 IT people take down the video in
15 Courtroom 5 unless you-all think there is
16 no reason to do that. No raised hands.

17 All right. We will commence
18 tomorrow morning at 9:30 a.m.

19 (The proceedings concluded at 5:23 p.m.)

20

21

22

23

24

25

1 REPORTER'S PAGE

2 I, CHERIE' E. WHITE, Certified Court
3 Reporter, in and for the State of Louisiana, the
4 officer, as defined in Rule 28 of the Federal
5 Rules of Civil Procedure and/or Article 1434(B)
6 of the Louisiana Code of Civil Procedure, before
7 whom this sworn testimony was taken, do hereby
8 state on the record;

9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
12 in thought, and/or talkovers; that same is the
13 proper method for the court reporter's
14 transcription of a proceeding, and that dashes
15 (--) do not indicate that words or phrases have
16 been left out of this transcript; also, that any
17 words and/or names which could not be verified
18 through reference material have been denoted with
19 the phrase "(spelled phonetically)."

20

21

22 CHERIE' E. WHITE, CCR (LA NO. 96002)

23 CSR (TX NO 10720)

24 CSR (MS NO. 1514)

25 RPR (NATIONAL NO. 839452)

1 REPORTER'S CERTIFICATE

2

3 This certification is valid only for a
4 transcript accompanied by my original signature
5 and original seal on this page.

6

7 I, CHERIE' E. WHITE, Certified Court
8 Reporter, in and for the State of Louisiana, do
9 hereby certify that the transcript set forth in
10 the foregoing 350 pages; that this testimony was
11 reported by me in the stenotype reporting method,
12 was prepared and transcribed by me or under my
13 personal direction and supervision, and is a true
14 and correct transcript to the best of my ability
15 and understanding; that I am not related to
16 counsel or the parties herein, nor am I otherwise
17 interested in the outcome of this matter.

18

19

20

21 CHERIE' E. WHITE, CCR (LA NO. 96002)

22 CSR (TX NO. 10720)

23 CSR (MS NO. 1514)

24 RPR (NATIONAL NO. 839452)

25