

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF LOUISIANA
3

4 PRESS ROBINSON, ET AL : CIVIL ACTION
5 VERSUS : NO. 22-211-SDD
6 KYLE ARDOIN, ET AL : CONSOLIDATED WITH
7 EDWARD GALMON SR., ET AL : NO. 22-214-SDD
8 VERSUS :
9 KYLE ARDOIN, ET AL, : JUNE 16, 2022
10

11 =====
12 CONTINUED MOTION FOR PRELIMINARY INJUNCTION
13 BEFORE THE HONORABLE SHELLY D. DICK
14 UNITED STATES CHIEF DISTRICT JUDGE
15

16 A P P E A R A N C E S
17

18 FOR THE ROBINSON PLAINTIFFS:

19 ADCOCK LAW, LLC
20 BY: JOHN ADCOCK, ESQUIRE
21 3110 CANAL STREET
22 NEW ORLEANS, LOUISIANA 70119

23 BY: TRACIE L. WASHINGTON, ESQUIRE
24 1631 ELYSIAN FIELDS AVENUE
25 NEW ORLEANS, LOUISIANA 70117

FOR THE GALMON PLAINTIFFS:

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

1 FOR KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS SECRETARY OF
2 STATE:

3 SHOWS, CALI & WALSH, LLP
4 BY: JOHN C. WALSH, ESQUIRE
628 ST. LOUIS STREET
BATON ROUGE, LOUISIANA 70821

5 NELSON MULLINS RILEY AND SCARBOROUGH, LLC
6 BY: PHILLIP STRACH, ESQUIRE
4140 PARKLANE AVENUE, SUITE 200
7 RALEIGH, NORTH CAROLINA 27612

8 FOR THE LOUISIANA LEGISLATIVE BLACK CAUCUS:

9 STEPHEN M. IRVING, LLC
10 BY: STEPHEN IRVING, ESQUIRE
111 FLOUNDERS DRIVE, SUITE 700
BATON ROUGE, LOUISIANA 70810

12 JOHNSON LAW FIRM
13 BY: ERNEST L. JOHNSON, ESQUIRE
3313 GOVERNMENT STREET
BATON ROUGE, LOUISIANA 70806

14 FOR THE LEGISLATIVE INTERVENORS CLAY SCHEXNAYDER AND
15 PATRICK CORTEZ:

16 BAKERHOSTETLER, LLP
17 BY: E. MARK BRADEN, ESQUIRE
BY: KATHERINE L. MCKNIGHT, ESQUIRE
1050 CONNECTICUT AVENUE, N.W.
18 SUITE 1100
WASHINGTON, D.C. 20036

19 BAKERHOSTETLER, LLP
20 BY: MICHAEL W. MENGIS, ESQUIRE
811 MAIN STREET, SUITE 1100
21 HOUSTON, TEXAS 77002

22 FOR INTERVENOR DEFENDANT STATE OF LOUISIANA:

23 LOUISIANA'S OFFICE OF THE ATTORNEY GENERAL
24 BY: ANGELIQUE D. FREEL, ESQUIRE
BY: CAREY TOM JONES, ESQUIRE
25 1885 NORTH THIRD STREET
BATON ROUGE, LOUISIANA 70802

1 REPORTED BY: NATALIE W. BREAUX, RPR, CRR
2 UNITED STATES COURTHOUSE
3 777 FLORIDA STREET
4 BATON ROUGE, LOUISIANA 70801
5 NATALIE_BREAUX@LAMD.USCOURTS.GOV
6 (225) 389-3565

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12 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY USING
13 COMPUTER-AIDED TRANSCRIPTION SOFTWARE
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I N D E X**DEFENSE WITNESS:****PRESIDENT PATRICK PAGE CORTEZ****PAGE****DIRECT EXAMINATION BY MS. MCKNIGHT16****CROSS-EXAMINATION BY MR. ADCOCK20****CROSS-EXAMINATION BY MR. PAPILLION48****REDIRECT EXAMINATION BY MS. MCKNIGHT55****DEFENSE WITNESS:****CLAY SCHEXNAYDER****DIRECT EXAMINATION BY MS. MCKNIGHT64****CROSS-EXAMINATION BY MR. ADCOCK65****REDIRECT EXAMINATION BY MS. MCKNIGHT78****RECROSS-EXAMINATION BY MR. ADCOCK80**

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PROCEEDINGS

(CALL TO THE ORDER OF COURT.)

THE COURT: GOOD MORNING. BE SEATED.

CALL THE CASE, PLEASE.

THE COURTROOM DEPUTY: THIS IS CIVIL ACTION
NO. 22-11 PRESS ROBINSON AND OTHERS VERSUS KYLE
ARDOIN AND OTHERS; AND 22-214, EDWARD GALMON, SR.,
AND OTHERS VERSUS KYLE ARDOIN, ET AL.

THE COURT: OKAY. GOOD MORNING, EVERYONE.
BEFORE I ASK FOR APPEARANCES, LET ME JUST ASSURE YOU
THAT WE WILL NOT BE LONG THIS MORNING. THE COURT IS
MINDFUL OF THE IMPORTANT WORK OF THE LEGISLATURE, SO
THE COURT INTENDS TO KEEP THIS AS SHORT AND AS DIRECT
AS POSSIBLE. BUT THE COURT IS INTERESTED IN HEARING
FROM HOUSE SPEAKER SCHEXNAYDER AND SENATE PRESIDENT
CORTEZ REGARDING THE MOTION FOR EXTENSION AND ANY
ARGUMENT OF THE PARTIES.

SO WITH THAT, THE PARTIES CAN MAKE
THEIR APPEARANCES, PLEASE.

MR. PAPILLION: GOOD MORNING, YOUR HONOR.
DARREL PAPILLION ON BEHALF OF THE GALMON PLAINTIFFS,
ALONG WITH JENNIFER MOROUX.

THE COURT: GOOD MORNING.

MR. ADCOCK: GOOD MORNING, YOUR HONOR. JOHN
ADCOCK ON BEHALF OF THE ROBINSON PLAINTIFFS.

1 **THE COURT:** GOOD MORNING.

2 **MS. WASHINGTON:** GOOD MORNING, YOUR HONOR.

3 TRACIE WASHINGTON ON BEHALF OF THE ROBINSON

4 PLAINTIFFS.

5 **THE COURT:** GOOD MORNING.

6 **MR. IRVING:** GOOD MORNING, YOUR HONOR.

7 STEVE IRVING ON BEHALF OF THE LEGISLATIVE BLACK

8 CAUCUS INTERVENOR.

9 **THE COURT:** GOOD MORNING.

10 **MR. JOHNSON:** GOOD MORNING, YOUR HONOR.

11 ERNEST JOHNSON ALONG WITH STEVE IRVING REPRESENTING

12 THE LOUISIANA LEGISLATIVE BLACK CAUCUS.

13 **THE COURT:** GOOD MORNING, SIR.

14 COUNSEL?

15 **MS. MCKNIGHT:** GOOD MORNING, YOUR HONOR.

16 KATE MCKNIGHT FOR LEGISLATIVE INTERVENORS. ALONG

17 WITH ME ARE MARK BRADEN AND MICHAEL MENGIS.

18 **THE COURT:** GOOD MORNING.

19 **MR. FREEL:** GOOD MORNING, YOUR HONOR.

20 ANGELIQUE FREEL AND CAREY TOM JONES HERE FOR

21 INTERVENOR STATE OF LOUISIANA THROUGH ATTORNEY

22 GENERAL JEFF LANDRY.

23 **THE COURT:** THERE IS NO MOTION FROM THE

24 INTERVENORS. I APPRECIATE YOU BEING HERE, BUT THE

25 COURT WILL NOT REQUIRE ANYTHING FROM YOU SINCE WE

1 DON'T -- YOU DON'T REALLY NECESSARILY HAVE A -- WELL,
2 YOU DON'T HAVE A MOTION BEFORE THE COURT. BUT I
3 APPRECIATE YOU BEING HERE ON BEHALF OF THE ATTORNEY
4 GENERAL.

5 OKAY. THE PLAINTIFF MAY CALL THEIR
6 FIRST WITNESS. I'M SORRY. THE MOVANT. MY
7 APOLOGIES, MS. MCKNIGHT.

8 **MS. MCKNIGHT:** YOUR HONOR, THANK YOU.

9 WE INTEND TO REST PRIMARILY ON THE
10 ARGUMENTS IN OUR MOTION. WE MAY HAVE A FEW RESPONSES
11 TO WHAT PLAINTIFFS HAVE FILED LAST NIGHT WITH THE
12 COURT.

13 I NEED TO RAISE A PROCEDURAL ISSUE THAT
14 HAS COME TO OUR ATTENTION SINCE MONDAY WHEN WE FILED
15 OUR MOTION FOR EXTENSION. THAT PROCEDURAL ISSUE IS
16 THAT IF THIS COURT ALLOWS EXTRA TIME, A NEW
17 EXTRAORDINARY SESSION WILL NEED TO BE CALLED. THAT
18 NEW SESSION REQUIRES SEVEN-DAY NOTICE. AND PARDON
19 ME, YOUR HONOR, YOU MAY ALREADY BE AWARE OF THIS.
20 BUT I WANTED TO MAKE SURE IT WAS CLEAR --

21 **THE COURT:** I READ THE BRIEFS, BUT GO AHEAD.
22 I'D LIKE TO HEAR ABOUT IT. BUT I READ THE BRIEFS.
23 I'M AWARE OF IT.

24 **MS. MCKNIGHT:** OKAY. SO JUST WHAT WOULD
25 HAPPEN IF THIS COURT, LET'S SAY, ALLOWS MORE TIME,

1 THE LEGISLATURE WOULD NEED TO HAVE EITHER THE
2 GOVERNOR ISSUE A NEW EXTRAORDINARY SESSION NOTICE --

3 THE COURT: OR THEY CAN DO IT THEMSELVES
4 WITH MAJORITY RULE. CORRECT?

5 MS. MCKNIGHT: THAT IS CORRECT, YOUR HONOR.
6 THE ONLY REASON I DIDN'T RAISE THAT FIRST, YOUR
7 HONOR, IS THAT TAKES MORE TIME, AND WE UNDERSTAND
8 THIS COURT IS INTERESTED IN AN EXPEDITED PROCESS.

9 THE COURT: WHY DOES IT TAKE MORE TIME?

10 MS. MCKNIGHT: TO GATHER SIGNATURES. IT
11 TAKES MORE TIME TO GATHER SIGNATURES THAN IT DOES FOR
12 THE GOVERNOR.

13 THE COURT: IT'S SIGNATURES, OR YOU CAN'T
14 JUST DO IT ON THE FLOOR?

15 MS. MCKNIGHT: WELL, YOUR HONOR, THAT'S
16 BEYOND MY KEN AT THIS POINT. I UNDERSTOOD --

17 THE COURT: I'D LIKE TO HEAR FROM YOUR
18 CLIENTS REGARDING THAT.

19 MS. MCKNIGHT: OKAY. I'LL MAKE SURE --

20 THE COURT: GO AHEAD.

21 MS. MCKNIGHT: SO I JUST WANTED TO MAKE SURE
22 IT WAS CLEAR FOR THE COURT HOW THIS WOULD -- HOW IT
23 WOULD PLAY OUT SO THE COURT ISN'T SURPRISED BY THE
24 FACT THAT IF ADDITIONAL TIME IS ALLOWED, THERE IS NO
25 WAY TO AMEND THE EXISTING NOTICE FROM THE GOVERNOR

1 FOR THE CURRENT EXTRAORDINARY SESSION. THAT MEANS
2 THAT EVEN IF THIS COURT ALLOWS MORE TIME, THE
3 GOVERNOR COULD NOT SAY *I'M GOING TO AMEND MY NOTICE*
4 *TO EXTEND THE DATE TO CONFORM WITH WHAT THE JUDGE HAS*
5 *ALLOWED.*

6 INSTEAD WE UNDERSTAND WHAT MUST HAPPEN
7 IS THE CURRENT EXTRAORDINARY SESSION WILL END ON JUNE
8 20TH, THEN ANY ADDITIONAL TIME WOULD NEED TO BE IN
9 ANOTHER EXTRAORDINARY SESSION, AND IT WOULD NEED
10 SEVEN DAYS' ADVANCE NOTICE. SO I JUST WANT TO GIVE
11 YOU A GAME ABOUT -- IF, LET'S SAY, THE GOVERNOR
12 TOMORROW ISSUES A NOTICE FOR AN EXTRAORDINARY
13 SESSION, THE EARLIEST THAT EXTRAORDINARY SESSION
14 COULD BEGIN WOULD BE NEXT FRIDAY, JUNE 24.

15 **THE COURT:** WHY CAN THIS COURT NOT UNDER ITS
16 INHERENT POWER WAIVE THAT SEVEN-DAY NOTICE OR ORDER
17 THAT SEVEN-DAY NOTICE BE SUSPENDED?

18 **MS. MCKNIGHT:** YOUR HONOR, I HAVE NOT LOOKED
19 AT THAT QUESTION. AND THERE ARE LAWYERS WHO ARE MORE
20 KNOWLEDGEABLE ABOUT THAT THAN I AM.

21 **THE COURT:** WHAT IS THE PURPOSE OF THE
22 SEVEN-DAY NOTICE?

23 **MS. MCKNIGHT:** I BELIEVE IT'S TO ENSURE THAT
24 THERE IS SUFFICIENT TIME FOR MEMBERS FROM ALL OVER --

25 **THE COURT:** TO GET HERE.

1 MS. MCKNIGHT: -- THE STATE TO TRAVEL.

2 THE COURT: AND THEY'RE HERE.

3 MS. MCKNIGHT: THERE MAY BE OTHER ISSUES,
4 BUT THAT'S THE ONE IN MY MIND.

5 THE COURT: I'VE THOUGHT ABOUT THIS AND I'VE
6 WONDERED ABOUT WHAT THE WORK-AROUND, IF THERE IS ANY,
7 AND WHAT IS THE PURPOSE OF THE SEVEN-DAY NOTICE. AND
8 IT WOULD SEEM TO THE COURT THAT THE PURPOSE OF THE
9 SEVEN-DAY NOTICE IS TO ALLOW MEMBERS OF THE
10 LEGISLATURE TO TRAVEL FROM THEIR RESPECTIVE
11 DISTRICTS, THEIR RESPECTIVE HOME SITES TO ATTEND A
12 SPECIAL SESSION OR A REGULAR SESSION. THAT MAKES
13 SENSE TO ME. AND I DON'T KNOW HOW LONG AGO THOSE
14 RULES WERE PASSED. THEY MAY HAVE BEEN PASSED BACK IN
15 THE DAY WHEN THERE WAS HORSE AND BUGGY, FOR ALL I
16 KNOW. BUT BE THAT AS IT MAY, IT IS THE RULES THAT WE
17 OPERATE UNDER, BUT THEY ARE HERE.

18 AND SO THE QUESTION IN TERMS OF IS
19 THERE SOME IMPAIRMENT OF FAIRNESS OR SOME -- YEAH,
20 THAT'S THE BEST I CAN COME UP WITH. THAT IF THE
21 COURT ORDERS THAT THE SEVEN-DAY NOTICE PERIOD BE
22 SUSPENDED AND THAT THERE BE A CONTINUATION OF THE
23 LEGISLATIVE PROCESS IMMEDIATELY FOLLOWING THIS
24 DETERMINATION OF THIS PARTICULAR EXTRAORDINARY
25 SESSION.

1 **MS. MCKNIGHT:** I BELIEVE I HEAR -- I HEAR
2 WHAT YOUR HONOR IS SAYING. I THINK IN ADDITION TO
3 TRAVEL IT WOULD JUST SIMPLY BE SCHEDULES, YOU KNOW,
4 ALLOWING MEMBERS TIME TO -- THIS IS A PART-TIME
5 LEGISLATURE WHERE MANY OF THESE MEMBERS HAVE
6 PROFESSIONS OUTSIDE OF THE LEGISLATURE AND MAKE PLANS
7 BASED ON EXTRAORDINARY SESSION NOTICES. THERE MAY BE
8 OTHER ISSUES. BUT I WANTED TO MAKE SURE YOU KNEW
9 THAT I DON'T THINK IT'S LIMITED TO TRAVEL. WE CAN --

10 **THE COURT:** LET'S HEAR FROM -- I'M ASSUMING
11 YOUR CLIENTS ARE INTIMATELY FAMILIAR WITH THE RULES
12 MORE SO THAN AM I, AND I'M SURE YOU'RE PROBABLY A
13 LITTLE MORE APPRISED OF THE NUANCES OF THE PROCEDURAL
14 RULES.

15 WHILE YOU'RE HERE, THOUGH, CAN YOU
16 ADDRESS THE INVITATION THAT THE PLAINTIFFS HAVE
17 PROVIDED, FRANKLY, TO ADDRESS THE DELAY AND YOUR
18 *PURCELL* ARGUMENTS?

19 **MS. MCKNIGHT:** I SEE. IS THAT -- ARE YOU
20 ASKING ABOUT WHETHER LEGISLATIVE INTERVENORS ARE
21 WILLING TO WAIVE THEIR *PURCELL* ARGUMENT?

22 **THE COURT:** I'M ASKING IF YOU'RE GOING TO
23 ADVANCE THESE DELAYS AS ADDITIONAL *PURCELL* ARGUMENTS.
24 I'M NOT ASKING YOU TO WAIVE ANYTHING. I'M ASKING YOU
25 IF YOU'RE GOING TO USE THIS IN CONTRAVENTION OF

1 FEDERAL RULE OF CIVIL PROCEDURE 16 TO ADVANCE *PURCELL*
2 ARGUMENTS THAT THERE ARE -- THAT THESE DELAYS HAVE
3 NOW BROUGHT US TOO CLOSE TO THE ELECTION.

4 MS. MCKNIGHT: YOUR HONOR, TO BE CLEAR, OUR
5 POSITION HAS BEEN CONSISTENT THAT *PURCELL* ALREADY
6 APPLIES, IT'S ALREADY TOO LATE. ONE OF THE REASONS
7 WHY IT IS ALREADY --

8 THE COURT: THEN WHY ARE YOU ASKING FOR MORE
9 TIME?

10 MS. MCKNIGHT: TO COMPLY WITH YOUR ORDER.
11 YOUR ORDER ALLOWS AND RECOGNIZES THE LEGISLATURE'S
12 RIGHT TO HAVE A FIRST BITE AT THE REMEDIAL APPLE.

13 THE COURT: AND I'M TRYING TO GIVE THEM
14 THAT. AND YESTERDAY THEY MET FOR 90 MINUTES.

15 MS. MCKNIGHT: PARDON ME?

16 THE COURT: YESTERDAY THEY MET FOR 90
17 MINUTES.

18 MS. MCKNIGHT: YOU'RE RIGHT, YOUR HONOR.
19 THEY BEGAN THE LEGISLATIVE PROCESS. AND I BELIEVE
20 YOU'LL HEAR TESTIMONY THAT THEY HAVE SUSPENDED RULES,
21 WHERE IT WAS POSSIBLE TO SUSPEND RULES, TO ADVANCE
22 BILLS.

23 THE COURT: I'M AWARE, AND THAT SHOWS GOOD
24 FAITH.

25 MS. MCKNIGHT: THANK YOU, YOUR HONOR.

1 THE *PURCELL* ARGUMENT IS THAT IT'S --
2 AND BEAR WITH ME, YOUR HONOR. WE APPRECIATE,
3 RESPECTFULLY, THAT THIS DOES NOT -- THIS IS NOT
4 CONSISTENT WITH WHAT YOUR COURT HAS ORDERED.

5 THE *PURCELL* ARGUMENT APPLIES PRIMARILY
6 BECAUSE THERE IS NOT ENOUGH TIME TO ALLOW THIS PIECE
7 OF LITIGATION TO MAKE ITS WAY THROUGH THE ENTIRE
8 PROCESS OF LITIGATION. THAT INCLUDES REMEDIAL PLAN;
9 IT INCLUDES ALLOWING THE LEGISLATURE TIME TO HAVE A
10 MEANINGFUL LEGISLATIVE DELIBERATIVE PROCESS TO
11 PROVIDE A REMEDY. AND ALSO, *PURCELL* ALLOWS TIME FOR
12 AN APPEAL.

13 WE DO NOT BELIEVE THIS COURT HAS TIME
14 TO DO THAT. THAT'S WHAT -- THAT IS OUR CONSISTENT
15 POSITION. IF THIS COURT ALLOWS ADDITIONAL TIME NOW,
16 THE REASON WE'RE ASKING FOR IT IS WE'VE MADE IT CLEAR
17 THAT IT'S NOT ENOUGH TIME TO HAVE A MEANINGFUL
18 DELIBERATIVE PROCESS TO PREPARE A REMEDIAL PLAN,
19 PERIOD. SIX DAYS IS NOT, AND I THINK YOU'LL HEAR
20 TESTIMONY FROM THE LEGISLATORS ON THAT POINT. YOU'VE
21 ALREADY SEEN IT IN THEIR DECLARATION.

22 THESE REDISTRICTING BILLS, AS YOU KNOW,
23 ARE VERY COMPLEX. THEY INVOLVE A NUMBER OF
24 PRECINCTS. THE DETAIL IN THESE LAWS ARE
25 EXTRAORDINARY COMPARED TO OTHER BILLS. IT TAKES TIME

1 TO MOVE THEM THROUGH THE PROCESS. THAT'S WHY WE'RE
2 MOVING FOR ADDITIONAL TIME. WE'VE MADE NOTE THAT
3 IT'S NOT ENOUGH TIME TO DO IT, AND THAT'S WHY WE MADE
4 THE MOTION BASED ON YOUR COURT -- YOUR INVITATION AND
5 A REFERENCE BY THE FIFTH CIRCUIT AS WELL: THAT IF
6 THERE WAS NOT ENOUGH TIME, WE SHOULD ASK FOR MORE.

7 **THE COURT:** OKAY. THANK YOU. I DON'T WANT
8 TO CUT YOU OFF. IS THERE ANYTHING ELSE THAT YOU WANT
9 TO ADD BEFORE YOU CALL YOUR WITNESSES?

10 **MS. MCKNIGHT:** THE ONLY OTHER THING I'D LIKE
11 TO ADD, YOUR HONOR, THERE WAS SOME -- THERE WAS A
12 POINT RAISED BY PLAINTIFFS ABOUT THE REMEDIAL PROCESS
13 AND THE TIMING OF IT. AND I DON'T KNOW IF YOUR HONOR
14 WOULD LIKE ME TO TALK ABOUT THAT NOW OR LATER. WE
15 BELIEVE THE COURT NEEDS MORE INFORMATION ABOUT WHAT
16 OTHER COURTS HAVE SAID THAT REMEDIAL PROCESS SHOULD
17 LOOK LIKE, INCLUDING GOVERNING LAW THAT REQUIRES THIS
18 COURT ALLOW TIME FOR THINGS LIKE DISCOVERY.

19 **THE COURT:** WELL, IN THE INTEREST OF GETTING
20 THESE NICE PEOPLE BACK TO THEIR JOBS -- AND FRANKLY,
21 I'M IN THE MIDDLE OF A TWO-WEEK TRIAL MYSELF. SO IN
22 ORDER TO GET THE COURT BACK ON TO ITS SCHEDULE, LET'S
23 STICK WITH THE MOTION AT HAND, WHICH IS THE MOTION
24 FOR EXTENSION OF TIME.

25 THE COURT IS PREPARED TO ADDRESS THE

1 REMEDIAL PHASE. AND PERHAPS WE CAN DO THAT AT THE
2 CLOSE OF THE TESTIMONY IN A FACTUAL MATTER THAT'S AT
3 HAND AND DEAL WITH THAT. THAT'S MORE OF A LEGAL
4 ISSUE THAT WE CAN CERTAINLY HAMMER OUT AS LAWYERS.
5 SO LET'S DO IT THAT WAY.

6 MS. MCKNIGHT: THANK YOU, YOUR HONOR.

7 THE COURT: YOU'RE WELCOME.

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1 **MS. MCKNIGHT:** WE WOULD LIKE TO CALL
2 PRESIDENT PATRICK PAGE CORTEZ TO THE STAND.

3 **(WHEREUPON, PRESIDENT PATRICK PAGE CORTEZ,**
4 **BEING DULY SWORN, TESTIFIED AS FOLLOWS.)**

5 **THE COURT:** GOOD MORNING, SIR.

6 **THE COURTROOM DEPUTY:** IF YOU WOULD, PLEASE
7 STATE YOUR NAME AND SPELL IT FOR THE RECORD.

8 **THE WITNESS:** MY FULL NAME IS PATRICK PAGE
9 CORTEZ. P-A-T-R-I-C-K P-A-G-E C-O-R-T-E-Z.

10 **THE COURT:** GO AHEAD, MS. MCKNIGHT.

11 **MS. MCKNIGHT:** THANK YOU.

12 **DIRECT EXAMINATION**

13 **BY MS. MCKNIGHT:**

14 **Q** MR. PRESIDENT, COULD YOU EXPLAIN YOUR ROLE
15 IN THE LEGISLATURE.

16 **A** I SERVE SENATE DISTRICT 23 AS THE STATE
17 SENATOR. I WAS ELECTED BY THE BODY OF THE SENATE TO
18 BE THE PRESIDING OFFICER. I SERVE AS THE PRESIDENT.

19 **Q** AND NOW WE ARE HERE TODAY TO DISCUSS A
20 MOTION FOR EXTENSION OF TIME TO ENACT A PLAN.

21 YOU SUBMITTED A DECLARATION RELATED TO THAT
22 MOTION. IS THAT RIGHT?

23 **A** THAT'S CORRECT.

24 **Q** I DON'T WANT TO GO THROUGH AND REPEAT WHAT'S
25 IN THAT DECLARATION. YOUR HONOR ALREADY HAS THAT IN

1 THE RECORD. I WOULD LIKE TO ASK YOU TO EXPLAIN IN
2 GENERAL WHAT THAT DECLARATION PROVIDES THE COURT.

3 A SO THE DECLARATION BASICALLY LAYS OUT THE
4 PROCESS -- THE LEGISLATIVE PROCESS THAT IS REQUIRED
5 BY THE CONSTITUTION; AND THAT IS THAT ALL BILLS
6 SUBMITTED FOR DISCUSSION SHALL GET THREE READINGS IN
7 EACH CHAMBER AND BE -- REQUIRE A HEARING IN A
8 COMMITTEE ROOM IN EACH CHAMBER. THOSE -- SOME OF
9 THAT PROCESS CAN BE SUSPENDED BY RULE.

10 BUT THE PROCESS IN GENERAL IS ABOUT A
11 TEN-DAY PROCESS WITHOUT SUSPENSIONS OF RULES.

12 Q AND I KNOW --

13 A MINIMUM.

14 Q PARDON ME?

15 A MINIMUM, WITHOUT A CONFERENCE. IT COULD BE
16 LONGER.

17 Q NOW, I UNDERSTOOD YOU TO JUST DESCRIBE THE
18 MINIMUM OF THE PROCESS IN GENERAL. COULD I ASK YOU
19 SPECIFICALLY ABOUT PASSING A REDISTRICTING PLAN IN
20 THE LEGISLATURE.

21 WHAT WOULD BE A REASONABLE AMOUNT OF TIME TO
22 PASS A REDISTRICTING PLAN IN THE LEGISLATURE?

23 A THERE ARE SOME -- ALMOST 4,000 PRECINCTS.
24 AND EACH REDISTRICTING BILL IS WRITTEN WITH EACH OF
25 THOSE PRECINCTS BEING REQUIRED TO BE PLACED INTO A

1 CONGRESSIONAL DISTRICT. THE LAW REQUIRES THAT EACH
2 CONGRESSIONAL DISTRICT BE AS CLOSE TO EQUAL IN
3 POPULATION WITH THE OTHERS.

4 ANY BILL THAT IS FILED AND ANY BILL THAT IS
5 AMENDED IS SUBJECT TO MUCH LOCAL INPUT AS WELL AS
6 MEMBER INPUT OF THE LEGISLATURE. AMENDMENTS CAN BE
7 OFFERED IN COMMITTEE -- AND OFTEN ARE -- TO CHANGE
8 THE MAKEUP OF DISTRICTS. BECAUSE OF CONCERNS FROM
9 THEIR DISTRICT BACK HOME, THEIR LOCALS, THEIR
10 CONSTITUENTS, WE HAVE MADE IT OUR PROCESS TO BE
11 TRANSPARENT. AND WHEN A CHANGE OCCURS, THERE IS A
12 RIPPLE EFFECT AMONGST ALL PRECINCTS, AND SO WE ALLOW
13 THE BILLS IN COMMITTEE TO LIE OVER IF AN AMENDMENT
14 HAS BEEN ADDED SUCH THAT THE PUBLIC COULD UNDERSTAND
15 AND THE MEMBERS COULD UNDERSTAND WHAT THE CHANGE
16 EFFECTIVELY DID TO THE BILL.

17 Q IN YOUR VIEW, ARE REDISTRICTING BILLS SIMPLE
18 BILLS TO GET THROUGH THE LEGISLATURE?

19 A PROBABLY THE MOST DIFFICULT BILL OF THE
20 TENURE -- AS A TENURED LEGISLATOR I'VE BEEN -- 15
21 YEARS IN THE LEGISLATURE, I'VE BEEN THROUGH TWO
22 REDISTRICTING SESSIONS. AND THEY ARE THE MOST
23 DIFFICULT BILLS, INCLUDING THE BUDGET BILLS. THEY'RE
24 MORE DIFFICULT BECAUSE THEY'RE MORE EMOTIONAL,
25 THEY'RE VERY PERSONAL, AND YOUR DISTRICTS WILL FIGHT

1 VERY HARD -- YOUR CONSTITUENTS WILL FIGHT VERY HARD
2 TO HAVE YOU COMPLY WITH WHAT THEY WANT. AND SO IT'S
3 VERY PAROCHIAL.

4 Q NOW, YOU SUBMITTED THIS DECLARATION ON
5 MONDAY. SINCE THAT DATE, HAS THE LEGISLATURE GONE
6 INTO EXTRAORDINARY SESSION?

7 A YES.

8 Q AND HAS THE LEGISLATURE MADE ANY EFFORT --
9 AND LET ME FOCUS SPECIFICALLY ON THE SENATE -- MADE
10 ANY EFFORT TO EXPEDITE ITS PROCEEDINGS?

11 A YES.

12 Q IN WHAT WAY?

13 A THE FIRST READING REQUIRED BY THE
14 CONSTITUTION IS AN INTRODUCTORY READING. THE BILL
15 THEN LIES OVER FOR THE SECOND DAY TO GET A SECOND
16 READING AND A REFERRAL TO COMMITTEE.

17 QUITE OFTEN WHAT WE DO IS WE SUSPEND THE
18 RULE TO ALLOW THE FIRST AND SECOND READINGS TO BE
19 HELD ON THE FIRST DAY AND THE REFERRAL TO COMMITTEE
20 TO OCCUR ON THE FIRST DAY. YESTERDAY WE DID DO THAT.

21 Q NOW, AS YOU SIT HERE TODAY, CAN YOU SPEAK
22 FOR ANY OTHER MEMBERS OF THE LEGISLATURE?

23 A NO.

24 Q AS YOU SIT HERE TODAY, CAN YOU PROMISE THE
25 COURT A CERTAIN OUTCOME OF THIS DELIBERATIVE PROCESS?

1 A NO. NO, NOT ON ANY BILL, EVER.

2 Q AND DO YOU SIT HERE TODAY TO SPEAK FOR THE
3 SECRETARY OF STATE?

4 A NO.

5 MS. MCKNIGHT: THANK YOU, YOUR HONOR. THOSE
6 ARE THE ONLY QUESTIONS I HAVE.

7 THE COURT: DO THE PLAINTIFFS HAVE ANY
8 CROSS?

9 MR. ADCOCK: THANK YOU, JUDGE.

10 **CROSS-EXAMINATION**

11 BY MR. ADCOCK:

12 Q HOW WOULD YOU LIKE ME TO REFER TO YOU? AS
13 MR. PRESIDENT?

14 A YOU CAN CALL ME PAGE.

15 Q PAGE. OKAY, PAGE.

16 THE COURT: MR. ADCOCK, WHY DON'T YOU
17 INTRODUCE YOURSELF.

18 MR. ADCOCK: JOHN ADCOCK ON BEHALF OF THE
19 ROBINSON PLAINTIFFS. THANK YOU, JUDGE.

20 THE COURT: THANK YOU, SIR.

21 BY MR. ADCOCK:

22 Q NOW, YOU MENTIONED SUSPENDING THE RULES TO
23 SEND A BILL TO COMMITTEE. CORRECT?

24 A YES.

25 Q AND THAT'S FOR THE COMMITTEE TO CONSIDER A

1 REDISTRICTING BILL IN THIS CASE. CORRECT?

2 A TO CONSIDER ANY BILLS REFERRED TO THAT
3 COMMITTEE.

4 Q RIGHT. BUT IN THIS CASE THESE ARE
5 REDISTRICTING BILLS?

6 A THIS IS -- THE CALL IS LIMITED TO THE
7 REDISTRICTING.

8 Q RIGHT. SO THEY'RE ONLY GOING TO BE
9 CONSIDERING REDISTRICTING BILLS, THIS SPECIAL
10 SESSION?

11 A CORRECT.

12 Q NOW, YOU -- NOW, COMMITTEES CAN HOLD
13 HEARINGS BEFORE THE SESSION. CORRECT?

14 A THEY CAN HOLD INTERIM MEETINGS. BUT NONE OF
15 THE INTERIM MEETINGS HAVE THE ABILITY TO DO ANYTHING
16 WITH REGARDS TO TAKING ACTION.

17 Q BUT COMMITTEES CAN HOLD HEARINGS OUTSIDE THE
18 SESSION. CORRECT?

19 A TRADITIONALLY COMMITTEE HEARINGS HAVE BEEN
20 HELD IN THE INTERIM, WHICH WOULD BE OUTSIDE OF
21 SESSION, YES.

22 Q RIGHT. AND THEY CAN DO THAT ANY TIME THEY
23 WANT. CORRECT?

24 A WITH THE REQUEST OF THE PRESIDING OFFICER
25 AND APPROVAL OF THE PRESIDING OFFICER. THE CHAIRMAN

1 OF THE COMMITTEE CAN REQUEST TO HAVE AN INTERIM
2 MEETING, BECAUSE THAT DOES REQUIRE PER DIEMS AND
3 TRAVEL EXPENSES FOR THE -- I'M GOING TO SPEAK ON
4 BEHALF OF THE SENATE -- FOR THE SENATE TO AFFORD.

5 AND SO THE TOPIC OF THE INTERIM MEETING
6 WOULD BE SUBMITTED TO THE PRESIDING OFFICER FOR
7 APPROVAL.

8 Q AND THEY CAN TAKE EVIDENCE, HEAR WITNESSES
9 AT THOSE HEARINGS OUTSIDE OF SESSION. CORRECT?

10 A THEY CAN DO WHATEVER THE PRESIDING OFFICER
11 ALLOWS THEM TO DO UNDER THE REQUEST.

12 Q AND THIS MOTION WAS FILED ON JUNE 14.
13 CORRECT?

14 A THIS COURT ORDER? THIS --

15 Q NO. NO. THE MOTION YOU FILED THAT WE'RE
16 HERE ON WAS ON -- TWO DAYS AGO FILED. CORRECT?

17 A THANK YOU FOR CLARIFYING. YES.

18 Q AND THE LAST SESSION ENDED ON JUNE 6.
19 CORRECT?

20 A YES.

21 Q OKAY. BETWEEN JUNE 6 AND JUNE 14, NO
22 COMMITTEES HELD A HEARING ON THESE CONGRESSIONAL
23 MAPS. CORRECT?

24 A NOT THAT I'M AWARE OF, NO.

25 Q BETWEEN JUNE 6 AND JUNE 14, NO COMMITTEES

1 SCHEDULED A HEARING ON THESE CONGRESSIONAL MAPS.

2 CORRECT?

3 A THAT'S CORRECT.

4 Q NOW, WHETHER IT'S A REGULAR SESSION OR A
5 SPECIAL SESSION, YOU NORMALLY ALLOW MEMBERS TO
6 PREFILE BILLS. CORRECT?

7 A CORRECT.

8 Q AND THAT CAN BE DONE FOR A SPECIAL SESSION
9 SEVERAL DAYS OR A WEEK IN ADVANCE. CORRECT?

10 A WELL, THE SPECIAL SESSION, THE CONSTITUTION
11 REQUIRES THAT A SEVEN-DAY PRIOR NOTICE BE GIVEN TO
12 THE CALL OF THE LEGISLATURE. THAT'S -- SO NO ONE CAN
13 FILE A BILL UNTIL SUCH TIME THAT THE CALL HAS BEEN
14 GIVEN. OTHERWISE THEY WOULDN'T KNOW WHAT'S WITHIN
15 THE CALL AND WHAT CAN BE LEGISLATED TO.

16 SO UPON THE CALL OF THE SESSION, THE ANSWER
17 WOULD BE YES. AT THAT POINT THE PRESIDING OFFICERS
18 GENERALLY DETERMINE WHETHER PREFILING WILL BE ALLOWED
19 OR NOT.

20 Q RIGHT. AND SO IT CAN BE ALLOWED RIGHT AFTER
21 THE CALL IS MADE. CORRECT?

22 A CORRECT.

23 Q AND THE CALL FOR THIS SPECIAL SESSION WAS
24 DONE SEVEN DAYS PRIOR TO THE SESSION BEGINNING.
25 CORRECT?

1 A CORRECT.

2 Q AND SO THE BILLS WEREN'T ALLOWED TO BE
3 PREFILED UNTIL THE DAY BEFORE THIS SESSION BEGAN.
4 CORRECT?

5 A I BELIEVE THAT'S CORRECT.

6 Q SO THAT COULD HAVE BEEN --

7 A IN THE SENATE. I CAN'T SPEAK FOR THE HOUSE.

8 Q SURE. BUT THAT COULD HAVE BEEN DONE A WEEK
9 PRIOR. CORRECT?

10 A THERE WAS NO REQUEST MADE OF ME PRIOR TO
11 THAT. THE FIRST REQUEST WAS MADE THE DAY BEFORE BY
12 THE SECRETARY OF THE SENATE: *WOULD YOU ALLOW FOR*
13 *PREFILING?* AND I SAID, *YES.*

14 Q SO NO ONE ASKED YOU TO DO -- TO PREFILE ANY
15 BILLS BEFORE --

16 A NO, SIR.

17 Q -- THE DAY BEFORE THE SESSION STARTED --

18 A NO, SIR.

19 Q -- JUNE 14?

20 NO ONE WAS CALLING SENATE STAFF OR YOUR
21 OFFICE ASKING TO PREFILE BILLS. IS THAT CORRECT?

22 A I CAN'T SPEAK TO WHAT OTHER MEMBERS WERE
23 DOING. EACH MEMBER IS AN INDEPENDENT ELECTED
24 OFFICIAL, AND THE STAFF IS -- THEY HAVE ACCESS TO THE
25 STAFF. EVERY MEMBER HAS ACCESS TO THE STAFF. AND

1 THAT'S LEGISLATIVE PRIVILEGE WHAT THEY DISCUSS WITH
2 THE STAFF, SO I WOULDN'T KNOW WHO WAS CALLING OR NOT
3 CALLING, OTHER THAN ME.

4 Q SO YOU DON'T KNOW IF LEGISLATORS WERE
5 CONTACTING YOUR STAFF TO -- LET ME FINISH --
6 CONTACTING YOUR STAFF INQUIRING ABOUT THE ABILITY TO
7 PREFILE BILLS BEFORE JUNE 14? THAT'S YOUR TESTIMONY?

8 A I WOULD NOT BE AWARE OF THAT, NO.

9 Q EVEN IF THEY WERE CALLING YOUR STAFF?

10 A WHEN YOU SAY *YOUR STAFF*, YOU'RE ASSUMING
11 THAT THE STAFF ALL WORKS FOR ME. THEY WORK FOR THE
12 MEMBERS. THEY DON'T WORK JUST FOR ME. SO THE SENATE
13 STAFF WOULD BE PROBABLY A BETTER TERM.

14 BUT QUITE FRANKLY, IT HAS BEEN SOMEWHAT THE
15 PRACTICE THAT SOMETIMES HOUSE MEMBERS CALL SENATE
16 STAFF AND SOMETIMES SENATE MEMBERS CALL HOUSE STAFF.
17 BUT IN THIS CONTEXT -- I BELIEVE WHAT YOU'RE ASKING
18 IS WOULD I BE AWARE OF A SENATOR FROM A DIFFERENT
19 DISTRICT CONTACTING A STAFF ATTORNEY ABOUT A
20 REDISTRICTING BILL PRIOR TO THIS SESSION. I WOULD
21 NEVER BE AWARE OF THAT. NOR WOULD THEY BE AWARE IF I
22 HAD CONTACTED THE STAFF IN A REQUEST -- WHAT THEY
23 CALL A BILL REQUEST -- TO GET A BILL REQUEST PUT IN
24 PLACE.

25 Q YOU AGREE THAT ASKING TO PREFILE BILLS FROM

1 ANOTHER MEMBER IS AN IMPORTANT REQUEST. CORRECT?

2 A DO I THINK THAT'S IMPORTANT?

3 Q YES.

4 A SURE.

5 Q OKAY. AND WHEN PEOPLE CAN PREFILE BILLS
6 BEFORE THE LEGISLATIVE SESSION STARTS, THAT ALLOWS
7 FOR MEMBERS AND CONSTITUENTS TO COME AND TALK TO THAT
8 MEMBER ABOUT THE BILL THEY PREFILE. CORRECT?

9 A I GUESS IT WOULD BE, YEAH.

10 Q TO RAISE CONCERNS ABOUT THAT BILL AND ALLOW
11 THEM TO OFFER AMENDMENTS ABOUT THAT BILL BEFORE THE
12 SESSION STARTS. CORRECT?

13 MS. MCKNIGHT: OBJECTION, YOUR HONOR. HE'S
14 PUTTING WORDS IN HIS MOUTH. THE PRESIDENT IS ABLE TO
15 EXPLAIN THE VALUE OF THESE BILLS. WE'D LIKE TO GIVE
16 HIM A CHANCE TO RESPOND, BUT I THINK IT'S
17 OBJECTIONABLE TO PUT WORDS IN HIS MOUTH.

18 THE COURT: OKAY. MAKE AN OBJECTION UNDER
19 THE RULES OF EVIDENCE AND STAND WHEN YOU ADDRESS THE
20 COURT AND DON'T GIVE SPEAKING OBJECTIONS.

21 YOUR OBJECTION SHOULD SAY WHATEVER IT
22 SAYS, BUT IT SHOULD BE A RULE-OF-EVIDENCE OBJECTION.

23 MR. ADCOCK, DO YOU WISH TO RESPOND TO
24 THE OBJECTION?

25 MR. ADCOCK: I'LL MOVE ON, JUDGE. THANK

1 YOU.

2 **BY MR. ADCOCK:**

3 Q NOW, YESTERDAY THERE WERE NO BILLS ENTERED
4 ON THE SENATE SIDE OF THE LEGISLATURE. CORRECT?

5 A THERE WERE TWO BILLS.

6 Q THERE WERE TWO BILLS ENTERED ON THE SENATE
7 SIDE. AND WHEN WILL THEY BE CONSIDERED IN COMMITTEE?

8 A MY UNDERSTANDING IS THEY'RE BEING CONSIDERED
9 THIS MORNING.

10 Q AND THEY PROPOSE CERTAIN MAPS FOR
11 CONGRESSIONAL DISTRICTS. CORRECT?

12 A CORRECT.

13 Q OKAY. AND IT'S POSSIBLE FOR BILLS TO BE
14 SUBMITTED IN EACH HOUSE SIMULTANEOUSLY. CORRECT?

15 A CORRECT.

16 Q OKAY. AND FOR EACH HOUSE TO CONSIDER THEM
17 SIMULTANEOUSLY. CORRECT?

18 A EACH CHAMBER IS A SEPARATE ENTITY. I LIKE
19 TO SAY A DIFFERENT CORPORATION. AND SO THE SENATE
20 BUSINESS IS TAKEN UP IN THE SENATE. AND ONLY WHEN
21 THEY CONCLUDE THE BUSINESS DO THEY SEND IT OVER TO
22 THE HOUSE FOR THE HOUSE TO TAKE UP THE SENATE BILLS;
23 AND CONVERSELY, ONLY WHEN THE HOUSE FORWARDS A BILL
24 TO THE SENATE DOES THE SENATE TAKE UP A HOUSE BILL.

25 Q BUT BOTH HOUSES CAN CONSIDER ESSENTIALLY THE

1 SAME IDENTICAL BILL AT THE SAME TIME?

2 A OH, SURE. YEAH.

3 Q AND THAT'S NOT BEING DONE IN THIS CASE?

4 A WELL, I CAN'T SPEAK TO THAT.

5 Q YOU'RE THE PRESIDENT OF THE SENATE, SIR.

6 A I APPRECIATE THAT. I'M AWARE OF THAT.

7 Q YOU CAN'T SPEAK TO WHAT'S BEEN PENDING IN
8 EACH HOUSE?

9 A SO --

10 MS. MCKNIGHT: OBJECTION, YOUR HONOR.

11 PARDON ME, MR. PRESIDENT.

12 HE'S TALKING -- MR. ADCOCK IS SPEAKING
13 OVER THE PRESIDENT. I'D ASK THAT HE'S ALLOWED TO
14 FINISH HIS ANSWER.

15 THE COURT: I'M GOING TO GIVE HIM SOME
16 LATITUDE. HE HAS HIM ON CROSS. JUST PAUSE AND LET
17 HIM ANSWER.

18 AND, SIR, YOU DO THE SAME, AND WE'LL --
19 THAT WAY WE'LL ALL BE ABLE TO HEAR EACH OTHER.

20 MR. ADCOCK: I'M SORRY, JUDGE.

21 BY THE WITNESS:

22 A YES, SIR. THANK YOU FOR THE QUESTION. I
23 WOULD LIKE TO ANSWER IT.

24 EACH OF THESE BILLS THAT HAVE BEEN FILED --
25 I DON'T KNOW THE NUMBER OF PAGES, BUT I'M GOING TO

1 SUGGEST THEY'RE 50 OR SO PAGES -- PRIMARILY ARE
2 FILLED WITH A BUNCH OF PRECINCTS. AND THE PRECINCTS
3 ARE DEDICATED TO PARTICULAR CONGRESSIONAL DISTRICTS.
4 THEY DO HAVE MAPS IN THEM AS ILLUSTRATION OF WHAT THE
5 INTENDED PRECINCTS WOULD APPLY TO ON A MAP. THEY
6 ALSO HAVE REGIONAL MAPS, BECAUSE IN A REGULAR LEGAL
7 PAPER YOU CAN'T DRILL DOWN TO THE CITY PRECINCT LEVEL
8 ON A MAP. GENERALLY IT'S MUCH BETTER TO DO IT ON A
9 BIG SCREEN WHERE YOU CAN ACTUALLY BACK OUT OF IT OR,
10 I SHOULD SAY, MAGNIFY IT SUCH THAT YOU CAN SEE IF A
11 PRECINCT ON THE NORTH SIDE OF THE STREET IS INCLUDED
12 IN THE DISTRICT VERSUS THE ONE ON THE SOUTH SIDE.
13 YOU WOULD NOT KNOW THAT FROM JUST THE REGULAR LEGAL
14 SHEET OF PAPER THAT IT'S ON.

15 SO TO ANSWER YOUR QUESTION, I HAVE NOT READ
16 THE BILLS IN THE HOUSE BECAUSE THEY'RE OF NO
17 IMPORTANCE TO ME AT THIS POINT BECAUSE I SERVE IN THE
18 SENATE. I WOULD PROBABLY THINK THAT IF I'M ON --
19 THIS IS A PERSONAL NOTE, YOUR HONOR, IF I COULD. AS
20 A LEGISLATOR, I GENERALLY BRIEFED MOST OF THE BILLS,
21 BUT I READ THE BILLS THAT WERE COMING BEFORE THE
22 COMMITTEES I SERVED ON BECAUSE THOSE ARE THE ONES I
23 NEEDED TO HAVE THE MOST INTIMATE KNOWLEDGE OF BECAUSE
24 THOSE ARE THE ONES I WAS GOING TO BE ASKED TO TAKE
25 ACTION ON FIRST.

1 IF I WASN'T ON THE PARTICULAR COMMITTEE, I
2 WOULD WAIT TILL THE COMMITTEE DID ITS JOB TO SEE WHAT
3 THE FINAL PRODUCT WOULD BE OUT OF COMMITTEE AFTER
4 AMENDMENTS WERE ADOPTED, AND IT WOULD -- COULD HAVE
5 CHANGED DRAMATICALLY BEFORE IT GETS TO THE FULL
6 CHAMBER FOR A VOTE.

7 SO I WANT TO ANSWER YOUR QUESTION, AND
8 I'M -- I DON'T THINK I SHOULD -- I COULD KNOW EXACTLY
9 WHAT'S GOING ON IN THE HOUSE WHEN I WAS PRESIDING
10 OVER THE SENATE YESTERDAY AND TRYING TO GET TWO BILLS
11 IN THE SENATE REFERRED TO THE SENATE & GOVERNMENTAL
12 AFFAIRS COMMITTEE. AND I HOPE THAT ANSWERS YOUR
13 QUESTION.

14 Q NOW, YOU SAID YOU NEED TO HEAR FROM -- THESE
15 TWO BILLS YOU SAID IN THE SENATE, HAVE THEY BEEN
16 READ?

17 A WELL, THE READING IS THE READING OF THE
18 TITLE.

19 Q HAS IT BEEN READ?

20 A IT WAS READ ON ITS FIRST AND SECOND READING
21 YESTERDAY AND REFERRED TO THE SENATE & GOVERNMENTAL
22 AFFAIRS COMMITTEE FOR SCHEDULING.

23 Q NOW, YOU WENT THROUGH IN YOUR AFFIDAVIT,
24 YOUR DECLARATION TO THIS COURT, THAT IT'S IMPORTANT
25 FOR LEGISLATORS TO HEAR FROM CONSTITUENTS ABOUT

1 WHAT'S IN THESE REDISTRICTING BILLS AND GET INPUT
2 FROM CONSTITUENTS. CORRECT?

3 A THAT'S CORRECT.

4 Q BUT YOU HAD THREE MONTHS OF ROADSHOWS TO
5 HEAR FROM LOUISIANA CITIZENS ABOUT WHAT KIND OF
6 CONGRESSIONAL MAP THEY WOULD LIKE TO HAVE. CORRECT?

7 A THAT'S CORRECT.

8 Q AND THAT WAS ALL OVER THE STATE?

9 A THAT'S CORRECT. BUT JUST TO BE CLEAR, THAT
10 WAS THE ROADSHOW THAT WAS PUT ON BY BOTH THE HOUSE &
11 GOVERNMENTAL AFFAIRS AND THE SENATE & GOVERNMENTAL
12 AFFAIRS COMMITTEES JOINTLY. MEMBERS OF EACH REGIONAL
13 DELEGATION DID SHOW UP WHILE THEY WERE IN THAT AREA
14 OF THE STATE.

15 SO I WOULD NOT CATEGORIZE IT AS EVERY MEMBER
16 OF THE LEGISLATURE WAS AT EVERY ROADSHOW MEETING.
17 AND THERE WERE DIFFERENT COMMENTS MADE RELATIVE TO
18 THE DIFFERENT REGIONS AT THE DIFFERENT SHOWS.

19 Q RIGHT. BUT THEY WERE OPEN TO THE PUBLIC?

20 A OH, ABSOLUTELY.

21 Q AND YOU COULD ACCESS WHAT WAS SAID AND --

22 A ABSOLUTELY.

23 Q -- TESTIFIED TO AT THOSE HEARINGS?

24 A YEAH. THERE WAS PUBLIC TESTIMONY, YES.

25 Q IF A MEMBER WANTED TO, ABOUT THE MAPS THAT

1 ARE UNDER CONSIDERATION?

2 A COULD YOU RESTATE YOUR QUESTION?

3 Q YOU COULD REFERENCE THE TESTIMONY GIVEN AT
4 THESE HEARINGS ABOUT THE MAPS UNDER CONSIDERATION IF
5 ONE WANTED TO. CORRECT?

6 A I DON'T THINK SO, BECAUSE THE MAPS -- AT
7 LEAST IN THE SENATE, ONE OF THE MAPS WAS A PREVIOUSLY
8 FILED MAP, ONE OF THEM IS NOT. SO THERE WOULD BE NO
9 WAY TO KNOW IF THE -- WITHIN THE CONTEXT OF THE
10 STATEMENT MADE AT A REGIONAL MEETING WHERE NO MAPS
11 WERE BEING PRESENTED, IF THAT STATEMENT WOULD HOLD
12 TRUE AFTER THIS MAP HAS BEEN PRESENTED.

13 Q AT THESE MEETINGS PEOPLE WERE TALKING ABOUT
14 WHAT KIND OF CONGRESSIONAL MAP THEY WANT. CORRECT?

15 A GENERALITIES.

16 Q YES. AND SPECIFICALLY PEOPLE WERE SAYING
17 THAT THEY WANT A CONGRESSIONAL MAP WITH TWO DISTRICTS
18 THAT COULD ELECT AN AFRICAN-AMERICAN REPRESENTATIVE
19 TO CONGRESS. CORRECT?

20 MS. MCKNIGHT: YOUR HONOR, OBJECTION TO THE
21 EXTENT IT MISSTATES THE RECORD.

22 MR. ADCOCK: WELL, HE CAN TELL ME WHETHER
23 THAT'S HIS UNDERSTANDING.

24 THE COURT: OVERRULED.

25 BY THE WITNESS:

1 A YEAH, I THINK THERE WERE MANY STATEMENTS
2 MADE ABOUT ALL KINDS OF DIFFERENT DISTRICTS. I WOULD
3 SAY THAT YOU'RE ASKING ABOUT ONE PARTICULAR STATEMENT
4 THAT WAS MADE. I'M SURE IT WAS MADE, BUT THERE WERE
5 OTHER STATEMENTS MADE RELATIVE TO OTHER DISTRICTS.
6 SO I DON'T THINK THAT IT'S A "ONE SIZE FITS ALL" THAT
7 THAT'S THE ONLY STATEMENT THAT WAS EVER MADE AT A
8 REGIONAL MEETING.

9 Q AND DURING THE FIRST EXTRAORDINARY SESSION
10 THIS YEAR WHERE YOU DEALT WITH REDISTRICTING, THERE
11 WERE COMMITTEE HEARINGS DURING THAT SESSION, TOO?

12 A PLENTY, YES. WE REDISTRICTED A MULTITUDE OF
13 MAPS, EVERYTHING FROM THE LOUISIANA STATE SENATE, THE
14 HOUSE OF REPRESENTATIVES, THE BOARD OF ELEMENTARY AND
15 SECONDARY EDUCATION, THE PUBLIC SERVICE COMMISSION.
16 SO WE DEALT WITH MULTIPLE MAPS, WITH MULTIPLE
17 PRECINCTS BEING MOVED AROUND, AND MULTIPLE AMENDMENTS
18 ON BOTH THE HOUSE AND THE SENATE SIDE.

19 Q AND THERE WAS TESTIMONY ABOUT THE BILL THAT
20 WAS PASSED INTO LAW AT THAT SESSION, TOO. CORRECT?

21 A YOU'RE TALKING ABOUT THE CONGRESSIONAL MAP?

22 Q YES, SIR.

23 A THERE WAS PLENTY OF TESTIMONY ON ALL THE
24 MAPS IN COMMITTEE.

25 Q INCLUDING THAT MAP THAT WAS PASSED?

1 A THAT'S CORRECT.

2 Q AND SO THIS LEGISLATURE DURING THIS SPECIAL
3 SESSION COULD REFERENCE THE ROADSHOWS AND THE
4 COMMITTEE HEARINGS FROM THAT PREVIOUS SESSION.
5 CORRECT?

6 A I GUESS SOME COULD CHOOSE TO. I CAN'T SPEAK
7 TO WHAT LEGISLATORS WOULD DO.

8 Q I'M SAYING THEY COULD DO THAT IF THEY WANTED
9 TO.

10 A IS IT POSSIBLE? YES, IT'S POSSIBLE. IS IT
11 LIKELY? I WOULD SAY, IN MY OPINION, YOUR HONOR, IT'S
12 NOT LIKELY BECAUSE EVERY MAP IS A NEW BILL AND YOU
13 WOULDN'T REFERENCE AN OLD BILL WHEN YOU'RE SPEAKING
14 ABOUT A NEW BILL.

15 Q IN FACT, THE LEGISLATURE OFTEN REFERS TO
16 TESTIMONY OR EVIDENCE PRESENTED AT COMMITTEES FROM
17 PREVIOUS SESSIONS. CORRECT?

18 A I'M SORRY?

19 MS. MCKNIGHT: OBJECT. PARDON ME. GO
20 AHEAD.

21 A I WANTED TO SEE IF YOU COULD RESTATE IT. I
22 DIDN'T QUITE HEAR WHAT --

23 Q SURE. IN FACT, THE LEGISLATURE OFTEN REFERS
24 TO TESTIMONY OR EVIDENCE PRESENTED AT COMMITTEES FROM
25 PREVIOUS SESSIONS?

1 A I DON'T KNOW THAT *OFTEN* WOULD BE A GOOD
2 CHARACTERIZATION. BUT I WOULD SAY THAT CERTAINLY IN
3 COMMITTEES YOU REFER TO BILLS THAT WERE PASSED
4 DECADES AGO; YOU REFER TO DEBATES THAT WERE HEARD.
5 SOMETIMES MEMBERS WILL SAY *I WASN'T HERE WHEN THAT*
6 *DEBATE WAS HAD. I'M NEW NEWLY ELECTED.* I'M SURE YOU
7 CAN REFERENCE THINGS IN COMMITTEE. WE PROBABLY HAVE
8 DONE THAT.

9 Q NOW, BEAR WITH ME ON THIS. SO THE CURRENT
10 SESSION RUNS TO JUNE 20. YOU'RE AWARE YOUR MOTION
11 REQUESTS THAT THIS COURT EXTEND THE TIMELINE FOR YOU
12 TO PASS A BILL FROM JUNE 20 TO JUNE 30. CORRECT?

13 A THAT'S CORRECT.

14 Q OKAY. NOW, THAT WOULD MEAN HAVING A SPECIAL
15 SESSION FROM JUNE 21 TO JUNE 30. CORRECT?

16 A I'M NOT SURE THAT THAT WOULD BE POSSIBLE.

17 Q I'M NOT ASKING IF IT'S POSSIBLE. I'M JUST
18 SAYING THAT WOULD MEAN YOU WOULD HAVE TO EXTEND THE
19 SESSION TO JUNE 30 OR CALL AN ADDITIONAL SESSION.
20 THAT'S ALL I'M ASKING.

21 **MS. MCKNIGHT:** OBJECTION; IT'S A COMPLEX
22 QUESTION. I'D ASK HIM TO BREAK IT UP.

23 **MR. ADCOCK:** I THINK HE CAN HANDLE HIMSELF,
24 JUDGE. IT'S A PRETTY SIMPLE QUESTION.

25 **THE COURT:** OVERRULED.

1 BY THE WITNESS:

2 A I'M GOING TO START WITH A LITTLE BIT OF
3 BACKGROUND. THE CONSTITUTION REQUIRES A SEVEN-DAY
4 PRIOR NOTICE TO THE CALL OF A SESSION. THE
5 CONSTITUTION ALSO SAYS THAT YOU CANNOT AMEND THE
6 TERMINUS DATE, THE ENDING DATE OF A SESSION. THE
7 CONSTITUTION ALSO SAYS THAT YOU CANNOT CALL AN
8 EXTRAORDINARY SESSION ON TOP OF AN EXTRAORDINARY
9 SESSION.

10 SO THE ONLY SOLUTION POSSIBLE IS THE
11 GOVERNOR CANNOT CALL ANOTHER SPECIAL SESSION BECAUSE
12 HIS CALL IS IN PLACE. THE LEGISLATURE COULD CALL
13 THEMSELVES INTO A SPECIAL SESSION AT A FUTURE DATE
14 WITH A SEVEN-DAY PRIOR NOTICE. SO TODAY IS THE 16TH.
15 AND I DON'T KNOW -- I DON'T WANT TO BE MISQUOTED, BUT
16 IF I COUNTED SEVEN DAYS FROM TODAY, IT WOULD BE THE
17 23RD.

18 SO TO SUGGEST THAT WE COULD GO INTO SESSION
19 ON THE 21ST, WHICH WAS YOUR QUESTION, WOULD BE AN
20 ERRONEOUS QUESTION. IT WOULD -- WE CANNOT UNDER THE
21 CONSTITUTION, SO LONG AS WE FOLLOW THE CONSTITUTION.
22 I DON'T KNOW ANYBODY IN THE LEGISLATURE WHO SWORE TO
23 UPHOLD THE CONSTITUTION THAT WOULD BE WILLING TO
24 VIOLATE IT.

25 SO WITH THAT, I'M GOING TO TELL YOU THAT IN

1 MY -- AND I DON'T WANT TO BE QUOTED AS THE PARTICULAR
2 DATE. BUT IT WOULD BE A SEVEN-DAY -- FROM THE
3 TIMELINE OF GETTING 20 SENATORS AND 53 HOUSE MEMBERS
4 TO AGREE TO A CALL, IT WOULD BE SEVEN DAYS PRIOR,
5 WHICH I THINK IS THE 23RD OF JUNE. AND THEN YOU
6 COULD CALL IT FOR -- YOU COULD PUT AN END DATE
7 WHENEVER YOU WANT. THAT'S PART OF -- AND THEN YOU
8 WOULD LIST WHAT IS INCLUDED IN THE CALL.

9 Q NOW, WHEN THE SESSION ENDED ON JUNE 6, YOU
10 WERE AWARE THAT THIS JUDGE WAS CONSIDERING WHETHER
11 THE MAP PASSED BY THE LEGISLATURE VIOLATED THE VOTING
12 RIGHTS ACT. CORRECT?

13 A I KNEW THAT THERE WAS A COURT CASE THAT WAS
14 BEING DELIBERATED. AND I WAS NOTIFIED ACTUALLY BY
15 THE GOVERNOR. HE ASKED ME TO COME UP TO HIS OFFICE
16 WHEN WE CONCLUDED THE SESSION.

17 MR. ADCOCK: YOUR HONOR, CAN I OBJECT? THIS
18 IS NON-RESPONSIVE. I'M TRYING TO GET THROUGH HERE.
19 I THINK YOU WANTED TO FINISH BY 10:30.

20 THE COURT: LET HIM FINISH HIS RESPONSE, AND
21 THEN LET'S TRY TO MOVE ON AFTER THAT.

22 BY THE WITNESS:

23 A SO THE ANSWER IS I FOUND OUT FROM THE
24 GOVERNOR HIMSELF WHEN I WENT UP TO HIS OFFICE THAT
25 THE ORDER HAD BEEN -- AND HE WAS --

1 **THE COURT:** ON JUNE 6TH.

2 **MR. ADCOCK:** YEAH.

3 **BY THE WITNESS:**

4 **A** AT THE VERY END OF SESSION IT GETS VERY
5 BUSY. WE HAVE A LOT OF CONFERENCE COMMITTEE REPORTS.
6 I WAS BEHIND THE DAIS AND I DID NOT GET NOTIFICATION
7 UNTIL THE GOVERNOR CALLED ME AND SAID, *CAN YOU COME*
8 *UP AS SOON AS IT'S OVER WITH? I'D LIKE TO TALK TO*
9 *YOU.*

10 **Q** THAT'S NOT MY QUESTION.

11 SO YOU WERE AWARE ON JUNE 6 THAT THE COURT
12 WAS CONSIDERING --

13 **A** THE COURT WAS -- YES. YES, I WAS AWARE THAT
14 THE COURT WAS DELIBERATING THIS, YES.

15 **Q** YOU'RE A PARTY TO THIS CASE. CORRECT?

16 **A** YES.

17 **Q** SO YOU COULD HAVE -- THE LEGISLATURE COULD
18 HAVE CALLED A SPECIAL SESSION ON JUNE 6. CORRECT?

19 **A** NO. YOU MEAN ENTERED A CALL?

20 **Q** YOU COULD HAVE CALLED --

21 **A** SUBMITTED A CALL?

22 **Q** -- SPECIAL SESSION ON JUNE 6. YOU COULD
23 HAVE CALLED IT FOR JUNE 14 TO JULY 12 OR JULY 13, 30
24 DAYS. THE CONSTITUTION ALLOWS YOU TO DO THAT.
25 CORRECT?

1 A WE -- YES, THE CONSTITUTION DID ALLOW --
2 WOULD HAVE ALLOWED US TO DO THAT.

3 Q SO YOU COULD HAVE DONE THAT ON JUNE 6.
4 RIGHT? AND WE COULD HAVE STARTED, YOU KNOW, JUNE 14
5 OR SOMETHING.

6 A ROUGHLY, YES.

7 Q INSTEAD OF JUNE 23RD?

8 A YES. BUT --

9 Q NOW, IF ANYONE --

10 A BUT IF YOU'LL ALLOW ME TO ANSWER THAT
11 COMPLETELY. YES, I COULD HAVE, BUT WHEN I LEFT THE
12 DAIS AND WENT UP TO THE GOVERNOR'S OFFICE, HE
13 NOTIFIED ME THAT HE WAS CALLING A SPECIAL SESSION AND
14 SAID *YOU'LL BE RECEIVING IT SHORTLY.*

15 SO FROM A PURE TIMING PERSPECTIVE, FOR ME TO
16 HAVE SAID *GOVERNOR, DON'T DO THAT. I'M GOING TO GO*
17 *DOWN AND GET 20 SIGNATURES,* I WOULD HAVE HAD TO THEN
18 WALK ACROSS TO THE SPEAKER AND SAY *YOU HAVE TO GO GET*
19 *53 SIGNATURES.* AND EVERYBODY WAS PACKING UP TO GO
20 HOME.

21 I THINK FROM A PRACTICAL PERSPECTIVE IT WAS
22 MUCH EASIER FOR THE GOVERNOR TO CALL IT, BECAUSE IT
23 TAKES ONE SIGNATURE VERSUS THE 73 SIGNATURES THAT WE
24 WOULD HAVE HAD TO ACQUIRE WHILE EVERYBODY WAS LEAVING
25 UPON WHAT WE CALL FINAL ADJOURNMENT OR *SINE DIE.*

1 Q YOU'RE TELLING THE COURT HERE TODAY THAT
2 FIVE DAYS IS NOT ENOUGH TIME TO PASS A CONGRESSIONAL
3 BILL. CORRECT?

4 A I'M NOT SAYING IT'S NOT ENOUGH TIME. I'M
5 SAYING IT'S UNLIKELY. IT'S VERY, VERY, VERY
6 UNLIKELY.

7 Q DID YOU TELL THE GOVERNOR THAT WHEN HE TOLD
8 YOU HE WAS GOING TO CALL A SPECIAL SESSION FROM JUNE
9 15 TO JUNE 20?

10 A WE HAD A SHORT CONVERSATION. I WILL TELL
11 YOU PART OF THE CONVERSATION WAS THAT --

12 MR. ADCOCK: YOUR HONOR, I'M TRYING TO GET
13 THE COURT OUT OF HERE. THIS IS NON-RESPONSIVE
14 ANSWERS.

15 THE COURT: RESTATE YOUR QUESTION AGAIN,
16 SIR. TRY TO ANSWER HIS QUESTIONS, PLEASE.

17 MR. ADCOCK: YES. THANK YOU, JUDGE.

18 BY MR. ADCOCK:

19 Q DID YOU TELL THE -- DID YOU TELL THE
20 GOVERNOR THAT FIVE DAYS WAS NOT ENOUGH TO PASS A
21 REDISTRICTING BILL?

22 A I CAN'T RECALL EXACTLY. BUT I WOULD SAY I
23 SUGGESTED THAT THAT WAS A VERY SHORT PERIOD OF TIME
24 TO DO SOMETHING AS BIG AS PASS IT. SO DID I TELL HIM
25 EXACTLY THOSE WORDS? I CAN'T RECALL. BUT IN THE

1 CONTEXT OF OUR MEETING, WHICH WAS VERY SHORT, I SAID,
2 *I DON'T KNOW HOW WE'RE GOING TO GET THAT DONE.*

3 Q IN THE LEGISLATIVE SESSION YOU KNEW THE
4 JUDGE WAS CONSIDERING THESE MAPS AND MAY -- MAY
5 REQUEST THE LEGISLATURE TO DRAW ANOTHER MAP.
6 CORRECT? AS A POSSIBILITY?

7 A YES. YES.

8 Q FROM MAY 15 TO MAY -- OR JUNE 1ST TO JUNE
9 6TH, YOU COULD HAVE CORRALLED VOTES AND SIGNATURES TO
10 CALL A SPECIAL SESSION IN THE EVENT THE COURT WANTED
11 TO DO THAT. CORRECT? IF YOU WANTED TO?

12 A I THINK THAT THERE IS PROBABLY A LACK OF
13 UNDERSTANDING OF WHAT GOES ON IN THE LEGISLATURE AT
14 THE LAST WEEK OF THE LEGISLATURE. AND SO TO SUGGEST
15 THAT I WOULD HAVE BEEN SPENDING TIME TRYING TO GET
16 VOTES ON A PROCLAMATION WHEN I WAS TRYING TO GET
17 CONFERENCE COMMITTEE REPORTS FINALIZED SO WE COULD
18 TAKE THEM UP ON FINAL ADOPTION AND TRYING TO GET
19 BILLS PASSED IN THE OTHER HOUSE -- AND I WILL SAY
20 THIS JUST AS A BACKDROP: THERE WERE A LARGE NUMBER
21 OF BILLS THAT WERE HUNG UP ON THE HOUSE CALENDAR THAT
22 WERE SENATE BILLS AND HOUSE BILLS THAT WERE TRYING TO
23 GET FINAL PASSAGE IN THE LAST HOUR THAT DIDN'T EVEN
24 GET A VOTE BECAUSE OF THE AMOUNT OF RUSH OVER THE
25 LAST THREE TO FOUR DAYS OF THE SESSION.

1 **THE COURT:** PRESIDENT CORTEZ, I'M GOING TO
2 ASK THAT YOU PLEASE ANSWER THE QUESTIONS. I
3 UNDERSTAND THAT IT'S -- THAT THERE ARE SOME NUANCES
4 TO THE LEGISLATIVE PROCESS AND IT'S IMPORTANT THAT WE
5 UNDERSTAND IT. HOWEVER, I'D LIKE TO GET YOU BACK TO
6 YOUR JOBS, AND SO I'M GOING TO ASK THAT YOU ANSWER
7 THE QUESTIONS THAT ARE POSED TO YOU. AND I'M CERTAIN
8 THAT, QUITE FRANKLY, YOU PROBABLY DON'T WANT TO LOOK
9 DEFENSIVE, SO MAYBE JUST ANSWER THE QUESTIONS.

10 **THE WITNESS:** THANK YOU, YOUR HONOR.

11 **MR. ADCOCK:** THANK YOU, JUDGE.

12 **BY MR. ADCOCK:**

13 **Q** BUT YOU CHOSE NOT TO TRY TO DO THAT.
14 CORRECT?

15 **A** I DIDN'T MAKE A CHOICE ONE WAY OR THE OTHER.
16 IT JUST WASN'T ON MY RADAR.

17 **Q** YOU DIDN'T TRY TO DO THAT?

18 **A** I DIDN'T DO IT. BUT I DIDN'T TRY NOT TO DO
19 IT. I JUST DIDN'T DO IT.

20 **Q** NOW, THE LEGISLATURE PASSED A BILL OUT OF
21 THE FIRST SESSION EARLIER THIS YEAR; A REDISTRICTING
22 BILL. CORRECT?

23 **A** CORRECT.

24 **Q** AND THAT WAS THE BILL THAT WAS STRUCK DOWN
25 BY THIS COURT?

1 A CORRECT.

2 Q AND TWO-THIRDS OF THE LEGISLATURE VOTED IN
3 FAVOR OF THAT BILL. CORRECT?

4 A CORRECT.

5 Q NOW -- AND THEN WHEN THE LEGISLATURE
6 OVERRODE THE VETO, THE LEGISLATIVE VETO OF THAT MAP,
7 THERE WAS ALSO REQUIRED TWO-THIRDS OF THE VOTES.
8 CORRECT?

9 A THAT'S CORRECT.

10 Q NOW, DO YOU AGREE THAT MEMBERS WILL NOT VOTE
11 IN FAVOR OF ANOTHER MAP THAT COMPLIES WITH SECTION 2
12 OF THE VOTING RIGHTS ACT?

13 A I CAN'T CONTROL WHAT OTHER MEMBERS ARE GOING
14 TO DO. NOR CAN I SPEAK TO WHAT THEY MIGHT DO.

15 Q WELL, YOU'RE AWARE OF --

16 **MS. MCKNIGHT:** PARDON ME, YOUR HONOR. AND,
17 MR. ADCOCK, EXCUSE ME. THIS NEEDS TO BE ON THE
18 RECORD.

19 WE NEED TO LODGE A CLEAR OBJECTION THAT
20 ANY INQUIRIES INTO THE MINDSET OF OTHER LEGISLATORS
21 WOULD VIOLATE LEGISLATIVE PRIVILEGE. WE'D LIKE TO
22 MAKE THAT CLEAR.

23 **MR. ADCOCK:** THAT'S FINE, JUDGE.

24 **BY MR. ADCOCK:**

25 Q SO LET ME JUST ASK YOU ABOUT THIS. SO --

1 NOW, ARE YOU AWARE THAT ON TUESDAY REPRESENTATIVE
2 MCFARLAND TOLD THE LAFAYETTE NEWSPAPER *MY MEMBERS ARE*
3 *TELLING ME THEY AREN'T GOING TO VOTE ON ANOTHER MAP?*
4 ARE YOU AWARE HE MADE THAT STATEMENT?

5 A I'M NOT.

6 Q NOW, HE'S THE CHAIR OF THE HOUSE
7 CONSERVATIVE CAUCUS. CORRECT?

8 A I DON'T SERVE IN THE HOUSE. I'M NOT SURE
9 THAT -- WHEN I DID SERVE IN THE HOUSE, THERE WAS NO
10 SUCH THING AS A HOUSE CONSERVATIVE CAUCUS, SO I DON'T
11 KNOW.

12 Q AND THEN THE HOUSE G.O.P. CAUCUS WHO RUNS
13 THE REPUBLICAN CAUCUS IN THE HOUSE, BLAKE MIGUEZ,
14 SAID IN THE SAME ARTICLE *I DON'T SEE REPUBLICANS*
15 *SURRENDERING THIS EARLY IN THE PROCESS BEFORE THE*
16 *LITIGATION IS FULLY ADJUDICATED.* DO YOU KNOW ABOUT
17 THAT STATEMENT?

18 A I DON'T KNOW WHAT HE --

19 Q ARE YOU AWARE OF THAT STATEMENT?

20 A I THINK SOMEONE MAY HAVE SAID THAT HE SAID
21 THAT. BUT I DIDN'T SEE THAT STATEMENT ANYWHERE. I
22 DON'T -- I RARELY READ MUCH AND TRY TO FOCUS ON DOING
23 WHAT I'M DOING.

24 Q YOU DON'T READ THE NEWSPAPERS?

25 A I READ THE ACADIAN ADVOCATE OCCASIONALLY.

1 Q AND BLAKE MIGUEZ IS THE HOUSE MAJORITY
2 LEADER. RIGHT?

3 A HE'S THE HEAD OF THE -- I THINK IT'S CALLED
4 THE HEAD OF THE REPUBLICAN DELEGATION.

5 Q AND HE ALSO SAID --

6 A OR THE CHAIRMAN. I SHOULD SAY CHAIRMAN.

7 Q -- IN THE NEWSPAPER *IT'S PREMATURE TO JUST*
8 *GIVE UP AND START DRAWING NEW MAPS.* CORRECT?

9 A I'M NOT AWARE OF THAT.

10 Q YOU'RE NOT AWARE OF THAT. DO YOU THINK
11 THAT'S AN IMPORTANT STATEMENT THAT THE HOUSE MAJORITY
12 LEADER SAID THAT IN REGARDS TO THE BILLS UNDER
13 CONSIDERATION IN THIS SPECIAL SESSION?

14 A I CAN'T SPEAK TO THAT. I'M DOING EVERYTHING
15 I CAN TO ATTEMPT TO GET MAPS, BILLS INTO COMMITTEE SO
16 THAT WE CAN DELIBERATE AS A DELIBERATIVE BODY.

17 Q AND YOU -- YOUR TESTIMONY TO THIS COURT IS
18 THAT YOU WERE TRYING TO PASS A CONGRESSIONAL MAP THAT
19 COMPLIES WITH THE VOTING RIGHTS ACT?

20 A THAT'S CORRECT.

21 Q OKAY. NOW, YOU AND SPEAKER SCHEXNAYDER
22 ISSUED A STATEMENT ON JUNE 10. CORRECT?

23 A CAN YOU --

24 Q YOU ISSUED A STATEMENT ON JUNE 10. CORRECT?

25 A I DON'T KNOW. TELL ME WHAT STATEMENT IT

1 WAS.

2 Q YOU DON'T REMEMBER IF YOU ISSUED A
3 STATEMENT?

4 A I DO NOT AT THIS POINT. IF YOU CAN SHARE IT
5 WITH ME, I CAN --

6 Q TELL ME IF THIS IS YOUR RECOLLECTION OF WHAT
7 THE STATEMENT SAID. QUOTE, UNTIL THE COURTS HAVE
8 MADE A FINAL DETERMINATION ON THE CONGRESSIONAL MAPS
9 AS THEY WERE PASSED BY A SUPER MAJORITY OF THE
10 LEGISLATURE, WE ARE ASKING THE GOVERNOR TO RESCIND
11 THIS SPECIAL SESSION CALL. DO YOU REMEMBER SAYING
12 THAT?

13 A YES.

14 MS. MCKNIGHT: YOUR HONOR, I'D LIKE TO LODGE
15 AN OBJECTION. THIS IS NOT THE PROPER WAY TO REFRESH
16 A WITNESS'S RECOLLECTION. THE WITNESS IS ENTITLED TO
17 SEE THE STATEMENT IN FRONT OF HIM AND REVIEW IT.

18 MR. ADCOCK: I'LL MOVE ON, JUDGE.

19 THE COURT: LET ME JUST RULE ON THE
20 OBJECTION. IT'S OVERRULED. PLEASE MOVE ON.

21 BY MR. ADCOCK:

22 Q DO YOU REMEMBER ALSO SAYING THIS IN YOUR
23 STATEMENT: *BEFORE THE JUDICIAL REDISTRICTING PROCESS*
24 *IS COMPLETE, ANY SPECIAL SESSION WOULD BE PREMATURE*
25 *AND A WASTE OF TAXPAYER MONEY?*

1 A I THINK IT WAS PART OF THAT SAME STATEMENT,
2 YES.

3 Q AND YOU -- AND YOU STAND BY THOSE STATEMENTS
4 IN FRONT OF THIS COURT?

5 A YES. I DO THINK THAT IT'S GOING TO BE VERY
6 DIFFICULT TO PASS A REDISTRICTING PLAN CALL VERY
7 QUICKLY WITH NOT A LOT OF OPPORTUNITY TO GET BILLS IN
8 FRONT OF OUR COMMITTEE MEMBERS.

9 Q UNTIL THE COURTS --

10 A AND A SHORT ENDING TO IT.

11 Q BUT UNTIL THE COURT -- YOU WANT THE COURTS
12 TO MAKE A FINAL DETERMINATION BEFORE YOU TRY. IS
13 THAT WHAT YOU'RE SAYING?

14 A NO.

15 Q YOU DIDN'T SAY THAT?

16 A NO.

17 **MR. ADCOCK:** NO MORE QUESTIONS AT THIS TIME,
18 JUDGE.

19 **THE COURT:** IT WAS THE COURT'S INTENT TO
20 HAVE THE PLAINTIFFS KIND OF NOT TAG-TEAM, BUT I DID
21 NOT SAY THAT. SO DO THE GALMON PLAINTIFFS HAVE ANY
22 CROSS?

23 **MR. PAPIILLION:** YOUR HONOR, THANK YOU. I
24 WOULD VERY BRIEFLY. VERY BRIEFLY.

25 **THE COURT:** GO AHEAD.

1 **MR. PAPILLION:** THANK YOU FOR THAT. DARREL
2 PAPILLION ON BEHALF OF THE GALMON PLAINTIFFS, YOUR
3 HONOR.

4 WHAT I WAS HOPING TO DO WAS AT LEAST TO
5 RESERVE THE OPPORTUNITY TO ARGUE ON THE TESTIMONY.
6 BUT I DO HAVE A FEW QUESTIONS.

7 **CROSS-EXAMINATION**

8 **BY MR. PAPILLION:**

9 **Q** MR. CORTEZ, YOU WERE IN THE LEGISLATURE IN
10 2017?

11 **A** YES. OH, YES.

12 **Q** WHAT WAS YOUR CAPACITY AT THAT POINT?

13 **A** I WAS -- I WAS IN THE SENATE. I WAS THE
14 CHAIRMAN OF THE SENATE COMMITTEE ON TRANSPORTATION, I
15 WAS ON THE SENATE COMMERCE COMMITTEE, AND I WAS ON
16 THE SENATE RETIREMENT COMMITTEE.

17 **Q** DO YOU RECALL THAT WE HAD AN EXTRAORDINARY
18 SESSION IN 2017 IN THE STATE OF LOUISIANA?

19 **A** I CAN'T RECALL, BUT I'M SURE WE DID. THERE
20 WERE MULTIPLE -- WE'VE HAD MULTIPLE SPECIAL SESSIONS
21 IN MY TENURE.

22 **Q** WOULD IT SURPRISE YOU THAT IN 2017 WE HAD AN
23 EXTRAORDINARY SESSION RELATIVE TO THE STATE BUDGET,
24 OR THAT THAT WAS ONE OF THE ISSUES UNDER
25 CONSIDERATION?

1 A THAT WOULD NOT -- THAT WOULD NOT SHOCK ME TO
2 KNOW THAT. BUT YOU CAN -- BUT MY MEMORY IS -- IF I
3 SAW IT, MAYBE I WOULD BE RECALLED. BUT RIGHT NOW I
4 CAN'T RECALL EXACTLY, BUT I'M ASSUMING WHAT YOU'RE
5 TELLING ME IS TRUTHFUL.

6 Q WOULD IT SURPRISE YOU THAT IN 2017 IN AN
7 EXTRAORDINARY SESSION IN A MATTER OF FOUR DAYS WE
8 PASSED A STATE BUDGET AT THE STATE; THE LEGISLATURE
9 DID?

10 A IN FOUR DAYS FROM THE TIME IT WAS
11 INTRODUCED?

12 Q YES.

13 A UNTIL -- I CAN'T RECALL THAT, BUT -- THAT
14 WASN'T DURING THE PANDEMIC, SO IT WAS PRE-PANDEMIC.
15 I'M TRYING TO RECALL, BUT I CAN'T REALLY RECALL THAT.
16 BUT --

17 Q THERE IS A RECORD OF IT. AND THE COURT CAN
18 TAKE JUDICIAL NOTICE OF IT.

19 I'M ASKING YOU AS THE PRESIDENT OF THE
20 SENATE: WOULD IT SURPRISE YOU THAT THE SENATE AND
21 THE HOUSE, OUR LEGISLATURE, COULD PASS AN IMPORTANT
22 LEGISLATIVE MEASURE IN FOUR DAYS? YOU CAN'T, CAN
23 YOU?

24 A IT SEEMS UNREASONABLE IN FOUR DAYS THAT YOU
25 WOULD PASS ANY BILL.

1 Q *IT SEEMS UNREASONABLE.* YOU'RE HERE TODAY IN
2 COURT. YOU UNDERSTAND YOU'RE A PARTY TO THIS
3 LITIGATION?

4 A I DO.

5 Q IS IT -- AND YOU UNDERSTAND YOU'RE UNDER
6 OATH?

7 A I'M SORRY?

8 Q YOU UNDERSTAND YOU'RE UNDER OATH?

9 A YES, SIR.

10 Q ARE YOU A LAWYER?

11 A NO, SIR.

12 Q YOU'VE REFERENCED THE STATE CONSTITUTION A
13 NUMBER OF TIMES. LET ME ASK YOU THIS, SENATOR
14 CORTEZ. DO YOU INTEND TO FOLLOW THE CONSTITUTION?

15 A YES, SIR.

16 Q IS IT YOUR UNDERSTANDING THAT THIS COURT
17 ISSUED AN ORDER DIRECTING THE LEGISLATURE TO COMPLY
18 WITH SECTION 2 OF THE VOTING RIGHTS ACT OF THE UNITED
19 STATES CONSTITUTION?

20 **MS. MCKNIGHT:** OBJECTION, YOUR HONOR, TO THE
21 EXTENT IT ASKS FOR A LEGAL CONCLUSION.

22 **MR. PAPILLION:** I'M NOT ASKING FOR A LEGAL
23 CONCLUSION.

24 **THE COURT:** OVERRULED.

25 **BY THE WITNESS:**

1 A MY UNDERSTANDING WAS THE ORDER, AS I READ IT
2 AS A NON-LAWYER, WAS TO ATTEMPT TO REMEDIATE. AND IT
3 GOES ON TO SAY IN THE ORDER THAT IF YOU FAIL TO
4 REMEDIATE, THEN THE COURT WOULD REMEDIATE, I THINK
5 IS -- I'M PARAPHRASING BECAUSE I DON'T HAVE IT IN
6 FRONT OF ME. BUT IT WAS TO GIVE THE OPPORTUNITY FOR
7 THE LEGISLATURE TO PRODUCE A REMEDIAL PLAN, I THINK
8 IS THE VERBIAGE, BUT -- I READ IT OVER AND OVER.

9 BUT AGAIN, I WANT TO SAY ON THE RECORD I'M
10 NOT A LAWYER AND I DON'T KNOW ALL OF WHAT THAT MEANS,
11 EXCEPT THAT IN MY WORLD IT SAYS *YOU OUGHT TO GO BACK*
12 *INTO SESSION AND TRY TO FIX THIS AND DO SOMETHING*
13 *DIFFERENT.*

14 Q YOU WOULD AGREE WITH ME THAT IF THE
15 LEGISLATURE, THE SENATE AND THE HOUSE WERE HIGHLY
16 MOTIVATED TO FOLLOW THIS COURT'S ORDER -- TEN DAYS
17 HAVE GONE BY SINCE THAT ORDER WAS ISSUED -- THAT IT
18 WOULD BE ABLE TO ACT, WHETHER IT IS THROUGH GOING
19 OVER THE PUBLIC COMMENTS, BY PREFILING BILLS AFTER
20 THE GOVERNOR'S CALL, THAT THAT WORK COULD BE IN
21 PROGRESS. RIGHT?

22 A IT COULD, EXCEPT FOR ONE THING. THAT DURING
23 THAT -- THOSE DAYS THAT YOU'RE REFERENCING, THERE WAS
24 A STAY THAT WAS ISSUED AT THE FIFTH CIRCUIT, AT WHICH
25 TIME MANY OF THE MEMBERS IN THE SENATE -- I WON'T

1 SPEAK FOR THE HOUSE -- SAID *I'M GOING ON VACATION.*
2 *THIS IS NOT GOING TO HAPPEN.*

3 AND THEN A FEW DAYS LATER, WHICH I THINK WAS
4 A SUNDAY, THAT STAY WAS REVERSED. AND THAT WAS
5 EFFECTIVELY TWO DAYS BEFORE WE STARTED THE SESSION,
6 AT WHICH TIME -- AND I DON'T WANT TO GO OVER. IF YOU
7 WANT ME TO STOP ANSWERING --

8 Q NO, GO AHEAD. I'M LISTENING.

9 A -- I'M JUST TRYING TO GIVE YOU CONTEXT. I
10 HAD A NUMBER OF SENATORS CALL ME AND SAY THEY WERE IN
11 THE BRITISH VIRGIN ISLANDS; DESTIN, FLORIDA, THE
12 MOUNTAINS AND WHEN DO THEY NEED TO BE BACK. AND MY
13 ANSWER WAS TO THEM: *AS QUICKLY AS POSSIBLE. WE'RE*
14 *CONVENING AT NOON ON WEDNESDAY.* AND SOME OF THEM
15 HAVE NOT RETURNED YET, BUT THEY ARE ON THEIR WAY
16 BACK.

17 Q LET ME MAKE SURE. THE NEXT COUPLE OF
18 QUESTIONS I ASK YOU, OR ANY QUESTIONS, I DON'T WANT
19 TO ASK YOU FOR A LEGAL CONCLUSION, I DON'T WANT TO
20 ASK YOU FOR ANY ADVICE THAT YOU GOT FROM A LAWYER.

21 BUT WHAT YOU'RE TELLING ME -- OR WHAT IT
22 SOUNDS LIKE TO ME IS YOU HEARD OR LEARNED SOMEHOW
23 THAT THE U.S. FIFTH CIRCUIT HAD ISSUED AN
24 ADMINISTRATIVE STAY AND THAT YOU SORT OF THOUGHT,
25 WELL, THAT MEANT THAT YOU COULD GO ON, AND THIS

1 COURT'S ORDER OF JUST A COUPLE OF DAYS EARLIER, IT
2 HAD NO EFFECT ANYMORE. RIGHT? IS THAT WHAT YOU'RE
3 SAYING?

4 A THAT WAS MY UNDERSTANDING, IS THAT -- THAT
5 IT WAS STOPPED, YES.

6 Q AND AS THE -- AS THE PRESIDENT OF THE
7 SENATE -- AGAIN, I DON'T -- I'M NOT ASKING YOU FOR A
8 LEGAL OPINION, I'M NOT ASKING YOU FOR ANY ADVICE OF
9 COUNSEL, ANYTHING OF THAT NATURE. DID YOU TRY TO
10 MAKE A DETERMINATION AS TO WHETHER AN ADMINISTRATIVE
11 STAY MIGHT BE QUICKLY LIFTED? YOU DIDN'T?

12 A I DID NOT. I WAS ASKED BY MEMBERS *WHAT DO*
13 *YOU THINK?* AND I SAID, *I HAVE NO IDEA.* AND THEN IF
14 THEY'D SAY, *WELL, CAN I GO ON MY VACATION?* I'D SAY,
15 *THAT'S YOUR DECISION.* BUT I DID TELL MANY OF THEM, *I*
16 *WOULD GET INSURANCE IF YOU'RE TAKING A FLIGHT SO THAT*
17 *YOU DON'T LOSE YOUR MONEY.*

18 Q DIDN'T YOU TELL THE LEGISLATURE YESTERDAY
19 NOT TO GO ON VACATION?

20 A YESTERDAY?

21 Q YEAH. DID YOU MAKE A STATEMENT SAYING THAT
22 NO ONE SHOULD GO ON VACATION?

23 A I'M SORRY?

24 Q DID YOU MAKE A STATEMENT YESTERDAY THAT NO
25 ONE SHOULD GO ON VACATION?

1 A I DON'T RECALL I DID.

2 Q LET ME ASK YOU THIS.

3 A I DON'T RECALL IT. I DON'T KNOW WHAT
4 CONTEXT IT MAY HAVE BEEN IN.

5 Q I DON'T WANT TO -- YOU HAVE TO GO AND DO
6 SOME WORK, AND SO I DON'T WANT TO HAGGLE WITH YOU
7 ABOUT TOO MANY THINGS. I WANT TO LET THE COURT DEAL
8 WITH THE ISSUES THAT WE HAVE TO DEAL WITH.

9 BUT IT IS A FAIR POINT, IS IT NOT, THAT IF A
10 MAJORITY OR A TWO-THIRDS MAJORITY OF OUR LEGISLATURE
11 IS OF MIND TO FOLLOW THIS COURT'S ORDER, THAT THAT
12 CAN ABSOLUTELY BE DONE IN THE TIME THAT'S ALLOTTED IN
13 THE PRESENT SESSION. CORRECT?

14 A ONLY IF YOU SUSPEND THE RULES AT EVERY STEP,
15 NO. 1; AND, NO. 2, REDUCE THE TRANSPARENCY OF
16 AMENDMENTS BEING PRESENTED TO THE PUBLIC. IF YOU'RE
17 WILLING TO REDUCE THE TRANSPARENCY IN THE PROCESS AND
18 YOU'RE WILLING TO SUSPEND EVERY RULE, IT CAN BE DONE.
19 I WOULD NOT SIT HERE AND TELL YOU IT CANNOT BE DONE.

20 WHAT I WOULD TELL YOU IS THAT I PERSONALLY
21 WOULD NEVER ASK ANY LEGISLATOR TO SUSPEND A RULE IF
22 THEY THOUGHT IT WOULD BRING LESS -- SHINE LESS LIGHT
23 ON A SUBJECT MATTER BUT, MORE SPECIFICALLY, ON A
24 SUBJECT MATTER OF SUCH IMPORTANCE AS CONGRESSIONAL
25 REDISTRICTING.

1 Q SO IN FAIRNESS, YOUR ANSWER TO MY LAST
2 QUESTION IS: *YES, BUT* AND EVERYTHING YOU JUST SAID.
3 CORRECT?

4 A THANK YOU. YES. I BELIEVE THAT'S CORRECT.

5 Q ALL RIGHT. AND, SENATOR, I THINK THOSE ARE
6 ALL THE QUESTIONS I HAVE.

7 A THANK YOU.

8 THE COURT: DO YOU HAVE ANY REDIRECT?

9 MS. MCKNIGHT: BRIEFLY, YOUR HONOR.

10 REDIRECT EXAMINATION

11 BY MS. MCKNIGHT:

12 Q MR. PRESIDENT, I HEARD PLAINTIFFS' COUNSEL
13 ASK YOU A NUMBER OF QUESTIONS RELATED TO THE TIMING
14 OF WORK AND WHAT YOU COULD HAVE DONE AND WHEN, SO I'D
15 LIKE TO ASK YOU A FEW QUESTIONS RELATED TO THAT.

16 WHAT IS YOUR -- WHEN DID YOU FIRST LEARN
17 THAT THIS COURT HAD ISSUED ITS PRELIMINARY INJUNCTION
18 AS RELATES TO THE SESSION THAT YOU WERE IN ON JUNE 6?

19 A IT WAS, THE BEST I CAN RECALL, AT THE END OF
20 THE SESSION SOMEONE -- THE GOVERNOR CALLED ME AND
21 SAID, *I'D LIKE TO TALK TO YOU. I DON'T KNOW IF*
22 *YOU'RE AWARE THAT THE DISTRICT COURT HAS MADE A*
23 *RULING. CAN YOU COME UP TO MY OFFICE?* AND I SAID,
24 *YES, AS SOON AS WE ADJOURN, I WILL COME ON UP.*

25 Q AND WE ON YOUR BEHALF IN THIS CASE FILED A

1 MOTION TO STAY THAT ORDER THAT NIGHT. IS THAT RIGHT?

2 A THAT'S CORRECT.

3 Q AND IS IT MY UNDERSTANDING THAT YOU
4 UNDERSTOOD THIS COURT'S ORDER WAS STAYED UNTIL SUNDAY
5 EVENING, FOUR DAYS AGO?

6 A THAT'S CORRECT.

7 MS. MCKNIGHT: THANK YOU, YOUR HONOR. THOSE
8 ARE ALL THE QUESTIONS I HAVE.

9 THE COURT: THE COURT HAS JUST A COUPLE,
10 SIR, JUST SO THAT THE COURT CAN BETTER UNDERSTAND THE
11 PROCESS THAT YOU'RE FACING.

12 COUNSEL ASKED YOU IS THERE ENOUGH TIME
13 TO PASS THE MAPS UNDER THE CURRENT SESSION AND THE
14 EXPIRATION OF THE CURRENT SESSION, WHICH IS MONDAY,
15 JUNE 20TH. AND YOU SAID, YES, IF -- SUSPEND THE
16 RULES AND YES, IF REDUCED TRANSPARENCY CAN BE DONE.

17 SO WITH RESPECT TO SUSPENDING THE
18 RULES, THAT'S SOMETHING THAT THE HOUSE AND THE SENATE
19 LEADERSHIP UNDERTAKE. IS THAT CORRECT?

20 THE WITNESS: ANY MEMBER CAN MOVE -- MAKE A
21 MOTION TO SUSPEND. THE HOUSE IS DIFFERENT FROM THE
22 SENATE ONLY BECAUSE I SERVE THERE. THE SENATE, WE
23 SUSPEND RULES WITH A MAJORITY VOTE. THE HOUSE
24 SUSPENDS RULES WITH A TWO-THIRDS MAJORITY VOTE, SO
25 THERE IS A LITTLE NUANCE THERE.

1 **THE COURT:** SO EITHER YOU AS THE PRESIDING
2 OFFICER OF THE SENATE OR ANY SENATOR CAN MOVE TO
3 SUSPEND THE RULES?

4 **THE WITNESS:** ANY SENATOR, YES.

5 **THE COURT:** YOU'VE ALREADY SUSPENDED THE
6 READING REQUIREMENT AND REFERRED AT LEAST -- AND I
7 JUST WANT TO -- I'M NOT -- I'M ASKING JUST ABOUT THE
8 SENATE SIDE. YOU'VE ALREADY DONE THAT WITH RESPECT
9 TO THE READING OF THE BILLS THAT ARE IN THE SENATE
10 AND REFERRED BACK TO COMMITTEE. SO SOME OF THOSE
11 RULES HAVE BEEN SUSPENDED?

12 **THE WITNESS:** THAT'S CORRECT.

13 **THE COURT:** DO I HAVE YOUR COMMITMENT THAT
14 YOU WILL MOVE TO SUSPEND THE RULES NECESSARY TO
15 ACCOMPLISH THE TASK BEFORE YOU?

16 **THE WITNESS:** I AM COMMITTED TO ATTEMPTING
17 TO DO THIS. WHAT I HAVE TO TELL YOU IS I AM ONE OF
18 38 MEMBERS OF THE SENATE.

19 **THE COURT:** I UNDERSTAND YOU HAVE TO HAVE --

20 **THE WITNESS:** AND THE MAJORITY -- IT'S A
21 DELIBERATIVE BODY. AND THE MAJORITY WILL DETERMINE
22 HOW QUICKLY WE MOVE. UNLIKE THE HOUSE, THE MAJORITY
23 OF THE SENATE WILL DETERMINE HOW QUICKLY WE MOVE.

24 AND IN FAIRNESS TO YOU -- AND I WANT TO
25 BE HONEST -- I DON'T THINK THERE IS A WILL BY MANY OF

1 THE MEMBERS TO REDUCE THE TRANSPARENCY. AND
2 SUSPENDING THE RULES WOULD REDUCE THE TRANSPARENCY TO
3 THE PUBLIC.

4 **THE COURT:** OKAY. SO MY QUESTION, THOUGH --
5 AND I DON'T WANT YOU TO TELL ME WHAT YOU -- I MEAN,
6 YOU DON'T KNOW WHAT YOUR COLLEAGUES ARE GOING TO DO
7 OR NOT DO; YOUR COLLEAGUES IN THE SENATE. I
8 UNDERSTAND THAT AND I APPRECIATE THAT. AND I'M NOT
9 ASKING YOU TO MAKE A COMMITMENT ON THEIR BEHALF.

10 I'M ASKING YOU IF I HAVE YOUR
11 COMMITMENT AS THE PRESIDENT OF THE SENATE TO DO WHAT
12 YOU CAN TO MOVE TO SUSPEND THE RULE SO THAT THIS CAN
13 BE ACCOMPLISHED.

14 **THE WITNESS:** I'M DOING EVERYTHING I CAN.

15 **THE COURT:** NOW, WITH RESPECT TO REDUCING
16 TRANSPARENCY, MY UNDERSTANDING IS, IS THAT WHAT THE
17 PROCESS IS LOOKING TO ACCOMPLISH IS TO ALLOW MEMBERS
18 OF THE PUBLIC AND CONSTITUENTS OF YOURS AND YOUR
19 COLLEAGUES TO COMMENT AND GIVE YOU FEEDBACK ON
20 PENDING LEGISLATION. THAT'S THE TRANSPARENCY WE'RE
21 TALKING ABOUT?

22 **THE WITNESS:** THAT'S CORRECT.

23 **THE COURT:** SO THAT'S THAT PUBLIC COMMENT
24 TRANSPARENCY. RIGHT?

25 **THE WITNESS:** THAT'S CORRECT, YES.

1 **THE COURT:** SO WHAT ARE YOU DOING RIGHT NOW?
2 MY UNDERSTANDING IS YOU MET YESTERDAY. YOU'RE NOT IN
3 SESSION, OBVIOUSLY, NOW. YOU'VE REFERRED TWO SENATE
4 BILLS TO COMMITTEE.

5 SO WHAT IS HAPPENING RIGHT NOW THAT IS
6 ENABLING THIS PUBLIC PROCESS?

7 **THE WITNESS:** THE SENATE & GOVERNMENTAL
8 AFFAIRS CONVENED A MEETING AT NINE A.M. THIS MORNING.
9 THEY ARE DELIBERATING ON THE TWO BILLS AS WE SPEAK.

10 **THE COURT:** SO THE PUBLIC CAN COMMENT?

11 **THE WITNESS:** THE PUBLIC IS THERE. I'VE HAD
12 A NUMBER OF MAYORS CONTACT ME SAYING THEY WERE
13 PLANNING ON ATTENDING TO GIVE THEIR PUBLIC TESTIMONY.
14 SO WE HAVE NINE MEMBERS OF THE SENATE & GOVERNMENTAL
15 AFFAIRS COMMITTEE OF THE SENATE. SO WHILE I'M EX
16 OFFICIO, I'M NOT THERE SITTING AT THE DAIS. I WOULD
17 BE IF I WEREN'T HERE. BUT I CAN ASK QUESTIONS, I
18 CAN'T VOTE OR MAKE MOTIONS.

19 **THE COURT:** SO THAT PROCESS IS CONTINUING
20 AND THE PUBLIC IS ENGAGED AND THERE IS
21 SOME TRANSPAREN- -- OR THERE IS TRANSPARENCY IN THAT
22 PROCESS?

23 **THE WITNESS:** THAT'S CORRECT. HERE'S THE --
24 WHAT I'M -- IF I COULD ELABORATE ON WHAT I MEAN BY
25 *TRANSPARENCY*. I SAID THIS EARLIER. THERE IS I THINK

1 3700 -- ROUGHLY 3700 PRECINCTS. THE BILLS THAT ARE
2 FILED HAVE GONE TO COMMITTEE. THEY CAN OFFER
3 AMENDMENTS IN COMMITTEE TO CHANGE THAT BILL TO FIX --
4 I'M JUST GOING TO USE MY LITTLE CITY, LAFAYETTE. AND
5 ONE OF THE BILLS IS COMPLETELY SPLIT IN TWO: THE
6 CITY OF LAFAYETTE AND THE PARISH OF LAFAYETTE.

7 THERE IS A CONCERN THAT THE PARISH OF
8 LAFAYETTE SHOULD BE IN THE SAME CONGRESSIONAL
9 DISTRICT. SO I'VE GOT A LOT OF PHONE CALLS ABOUT NOT
10 WANTING THAT TO BE SPLIT UP. IF SOMEONE ON THE
11 COMMITTEE WERE TO OFFER AN AMENDMENT TO FIX THAT,
12 THAT WOULD HAVE A RIPPLE EFFECT THROUGHOUT, BECAUSE
13 THE CONGRESSIONAL DISTRICTS HAVE TO BE ALL EQUAL IN
14 POPULATION. IT WOULD CHANGE PRECINCTS IN EVERY OTHER
15 CORNER OF THE STATE.

16 WHEN THAT HAPPENS, IT'S INCUMBENT UPON
17 US TO THEN ALLOW THE REST OF THE STATE TO COME LOOK
18 AND SEE WHAT IT AFFECTED IN THEIR DISTRICTS. IT'S A
19 COMPLICATED PROCESS. AND IT'S NOT AS SIMPLE AS
20 PASSING -- MEMORIALIZING MOTHER'S DAY OR SOMETHING
21 LIKE THAT WHERE IT DOESN'T CHANGE WITH A LOT OF
22 AMENDMENTS. THIS ONE LITTLE AMENDMENT LITERALLY
23 RIPPLES THE WHOLE STATE.

24 **THE COURT:** WITH RESPECT TO -- YOU SAID --
25 IN ONE OF YOUR EARLIER STATEMENTS YOU TALKED ABOUT

1 WASTE OF TAXPAYER DOLLARS ON A SPECIAL SESSION, AND
2 THEN YOU ALSO MENTIONED -- I WANT TO GET AT SOME --
3 WELL, YOU ALSO MENTIONED THAT YOU CAN HAVE INTERIM
4 MEETINGS OF COMMITTEES WITH THE PRESIDING OFFICERS'
5 AUTHORITY AND THAT ONE OF THE THINGS THAT YOU LOOK AT
6 WHEN YOU'RE DECIDING WHETHER OR NOT TO GIVE
7 PERMISSION TO HAVE THESE INTERIM MEETINGS, THESE KIND
8 OF PREFILING MEETINGS OF COMMITTEES, THAT YOU LOOK AT
9 WHAT IS THE COST TO TAXPAYERS OF THAT.

10 HAVE YOU LOOKED AT -- WELL, LET ME JUST
11 PAUSE THERE. OBVIOUSLY AS ONE OF THE LEADERS OF THE
12 TWO BODIES OF GOVERNMENT, YOU'RE KEENLY AWARE OF THE
13 PUBLIC FISK AND THE COST TO TAXPAYERS. WOULD YOU
14 AGREE WITH THAT?

15 **THE WITNESS:** ABSOLUTELY.

16 **THE COURT:** SO HAVE YOU CONSIDERED AND CAN
17 YOU OFFER WHAT IS IT GOING TO COST THE TAXPAYERS OF
18 THIS STATE IF YOUR EXTENSION IS GRANTED? WHAT DOES
19 IT COST FOR ANOTHER FIVE DAYS? HAVE YOU CONSIDERED
20 THAT?

21 **THE WITNESS:** I HAVE NOT. I USED TO KNOW
22 THIS, YOUR HONOR. I APOLOGIZE. BUT THERE IS A
23 CERTAIN AMOUNT THAT IT COST FOR EACH DAY THAT WE'RE
24 IN SESSION. BUT I JUST DON'T HAPPEN TO HAVE THAT IN
25 ONE OF MY HARD DRIVES.

1 **THE COURT:** IT'S NOT ONE OF YOUR
2 CONSIDERATIONS IN ASKING FOR THE EXTENSION?

3 **THE WITNESS:** MY CONSIDERATION WAS NOT SO
4 MUCH ABOUT THE ADDITIONAL DOLLARS THAT IT WOULD COST.
5 IT WAS THE FACT THAT WE ARE SPENDING MONEY RIGHT NOW,
6 AND I DON'T BELIEVE WE'RE GOING TO ACHIEVE THE GOAL
7 BECAUSE OF THE TIME IT REQUIRES TO ACHIEVE THE GOAL.

8 **THE COURT:** ALL RIGHT. AND THEN LASTLY, I
9 READ -- AND THANK YOU FOR YOUR DECLARATION THAT YOU
10 FILED. I READ -- IN YOUR DECLARATION YOU STATE: *I*
11 *UNDERSTAND THAT THE COURT HAS ORDERED THE LEGISLATURE*
12 *TO DRAW A NEW CONGRESSIONAL PLAN WITH TWO MAJORITY*
13 *BLACK DISTRICTS.* IS THAT YOUR UNDERSTANDING OF THIS
14 COURT'S RULING?

15 **THE WITNESS:** ABSOLUTELY.

16 **THE COURT:** AND HAVE YOU COMMUNICATED YOUR
17 UNDERSTANDING OF THE COURT'S RULING WITH YOUR
18 COLLEAGUES?

19 **THE WITNESS:** I HAVE.

20 **THE COURT:** AND HAVE YOU DISCUSSED YOUR
21 UNDERSTANDING OF THE COURT'S RULING WITH HOUSE
22 SPEAKER SCHEXNAYDER?

23 **THE WITNESS:** WE HAVE DISCUSSED THE CALL,
24 WHICH IS EFFECTIVELY YOUR ORDER. THE CALL IS THE
25 ORDER.

1 **THE COURT:** OKAY. THAT S ALL THAT I HAVE.
2 THANK YOU VERY MUCH.

3 **THE WITNESS:** THANK YOU.

4 **THE COURT:** YOU MAY STEP DOWN.

5 AND MISTER -- PRESIDENT CORTEZ IS
6 RELEASED. IF HE WANTS TO RETURN -- YOU MAY CERTAINLY
7 REMAIN. I DON'T THINK WE'LL BE HERE A LOT LONGER,
8 SIR. BUT IF YOU NEED TO GET BACK TO WORK, THE COURT
9 UNDERSTANDS.

10 NEXT WITNESS, PLEASE.

11 **MS. MCKNIGHT:** YOUR HONOR ASKED SPEAKER
12 SCHEXNAYDER TO BE AVAILABLE, AND WE CAN CALL HIM IF
13 THE COURT WOULD LIKE TO HEAR FROM HIM. BUT WE
14 BELIEVE THE COURT HAS SUFFICIENT INFORMATION ON THE
15 MOTION AND IN THE DECLARATION AND FROM MR. CORTEZ'S
16 TESTIMONY THIS MORNING.

17 **THE COURT:** I THINK IT'S IMPORTANT FOR THE
18 COURT TO UNDERSTAND WHAT'S HAPPENING ON THE HOUSE
19 SIDE, GIVEN THAT THERE HAS BEEN A REQUEST FOR
20 EXTENSION OF TIME. SO THE COURT WOULD LIKE TO HEAR
21 TESTIMONY.

22 **MS. MCKNIGHT:** THANK YOU, YOUR HONOR. WE
23 WOULD LIKE TO CALL THE SPEAKER, MR. CLAY SCHEXNAYDER.

24 (WHEREUPON, SPEAKER CLAY SCHEXNAYDER, BEING
25 DULY SWORN, TESTIFIED AS FOLLOWS.)

1 **THE COURT:** GOOD MORNING, MR. SPEAKER.

2 **THE WITNESS:** GOOD MORNING.

3 **THE COURT:** YOU MAY PROCEED, MS. MCKNIGHT.

4 **MS. MCKNIGHT:** THANK YOU.

5 **DIRECT EXAMINATION**

6 **BY MS. MCKNIGHT:**

7 **Q** GOOD MORNING, MR. SPEAKER. COULD YOU
8 DESCRIBE YOUR ROLE IN THE LEGISLATURE.

9 **A** I AM THE STATE REPRESENTATIVE FOR HOUSE
10 DISTRICT 81, AND I WAS ELECTED BY MY COLLEAGUES TO BE
11 SPEAKER OF THE HOUSE.

12 **Q** AND HAVE YOU -- HAVE YOU READ A DECLARATION
13 SUBMITTED IN THIS MATTER BY MISTER -- BY THE
14 PRESIDENT CORTEZ?

15 **A** I HAVE.

16 **Q** AND DO YOU AGREE WITH HOW HE DESCRIBED THE
17 LEGISLATIVE PROCESS IN THAT DECLARATION?

18 **A** YES, MA'AM.

19 **Q** DID YOU DISAGREE WITH ANYTHING IN THAT
20 DECLARATION?

21 **A** NO, MA'AM.

22 **Q** NOW, SINCE MONDAY, THE DATE THAT DECLARATION
23 WAS FILED, HAS THE HOUSE GONE INTO EXTRAORDINARY
24 SESSION?

25 **A** WE HAVE.

1 Q NOW, AS YOU'RE SITTING HERE TODAY, CAN YOU
2 SPEAK FOR ANY OTHER LEGISLATORS?

3 A I CANNOT.

4 Q AND AS YOU SIT HERE TODAY, CAN YOU PROMISE
5 THE COURT ANY CERTAIN OUTCOME FROM THE HOUSE'S
6 DELIBERATIVE PROCESS?

7 A I CANNOT.

8 Q FINALLY, CAN YOU SPEAK FOR THE SECRETARY OF
9 STATE OR ANY OF THE ELECTION ADMINISTRATIVE ISSUES HE
10 HANDLES HERE TODAY?

11 A NO, MA'AM.

12 MS. MCKNIGHT: THANK YOU. NO FURTHER
13 QUESTIONS.

14 THE COURT: CROSS.

15 CROSS-EXAMINATION

16 BY MR. ADCOCK:

17 Q MR. SPEAKER, JOHN ADCOCK ON BEHALF OF THE
18 ROBINSON PLAINTIFFS AGAIN.

19 MR. SPEAKER, WE TALKED A LOT ABOUT TIMING
20 THIS MORNING, HOW MUCH TIME TO PASS THE BILL. DO YOU
21 RECALL OR DO YOU KNOW THAT IN 1994 THE LOUISIANA
22 LEGISLATURE PASSED A REDISTRICTING BILL IN SIX DAYS?

23 A I DO NOT. THAT WAS BEFORE MY TIME.

24 Q OKAY. NOW, IS THE HOUSE HOLDING ANY -- THE
25 HOUSE OF REPRESENTATIVES HOLDING ANY COMMITTEE

1 HEARINGS TODAY?

2 A THEY ARE NOT.

3 Q THEY ARE HOLDING COMMITTEE HEARINGS
4 TOMORROW?

5 A YES, SIR.

6 Q WHICH COMMITTEE IS THAT?

7 A HOUSE & GOVERNMENTAL.

8 Q AND IT WENT INTO SESSION YESTERDAY?

9 A YES, SIR.

10 Q YOU'RE NOT HOLDING HEARINGS TODAY?

11 A WE ARE NOT.

12 Q NOW, YOU INTRODUCED A BILL FOR THIS SESSION.
13 CORRECT?

14 A YES, SIR.

15 Q NOW, FORGIVE ME FOR THE QUALITY OF THESE
16 COPIES, BUT I'M NOT TRYING TO TRICK YOU HERE. THIS
17 IS --

18 MR. ADCOCK: MAY I HAND THIS TO THE WITNESS,
19 JUDGE?

20 THE COURT: YOU MAY APPROACH.

21 MR. ADCOCK: THANK YOU, JUDGE.

22 THE COURT: GIVE ONE TO YOUR OPPOSING
23 COUNSEL. HAVE YOU GOT ONE?

24 MR. ADCOCK: I'VE GIVEN A COPY TO OPPOSING
25 COUNSEL BEFORE THIS HEARING THIS MORNING, SO...

1 **THE COURT:** OKAY. YOU CAN USE THE ELMO IF
2 YOU NEED TO.

3 **MR. ADCOCK:** THANK YOU, JUDGE.

4 **BY MR. ADCOCK:**

5 **Q** NOW, MR. SPEAKER, DO YOU RECOGNIZE THAT
6 DOCUMENT?

7 **A** I DO.

8 **Q** NOW, I'M SHOWING YOU WHAT I'M GOING TO MARK
9 AS EXHIBIT 1; ROBINSON EXHIBIT 1. CAN YOU DESCRIBE
10 WHAT THAT DOCUMENT IS?

11 **A** IT IS HOUSE BILL 2. IT IS A CONGRESSIONAL
12 REDISTRICTING MAP OF BILL.

13 **Q** AND WHICH SESSION WAS THAT BILL INTRODUCED
14 FOR?

15 **A** THIS WAS A BILL THAT WAS FILED IN OUR FIRST
16 REDISTRICTING SESSION AND IN THIS ONE.

17 **Q** SO IT'S THE BILL FILED ON TUESDAY OF THIS
18 WEEK?

19 **A** YES.

20 **Q** AND IT WAS THE BILL FILED IN THE FIRST
21 EXTRAORDINARY SESSION. CORRECT?

22 **A** IT IS.

23 **Q** SO THEY'RE BASICALLY THE SAME BILL?

24 **A** YES, SIR.

25 **Q** OKAY. BASICALLY THE SAME MAP?

1 A YES, SIR.

2 Q OKAY. NOW, I'M GOING TO --

3 MR. ADCOCK: MAY I APPROACH THE WITNESS,
4 JUDGE?

5 THE COURT: YOU MAY.

6 MR. ADCOCK: I'M GOING TO SHOW THE WITNESS
7 WHAT I'M MARKING AS ROBINSON EXHIBIT 2 THAT I'VE
8 PREVIOUSLY GIVEN TO COUNSEL.

9 MS. MCKNIGHT: MR. ADCOCK, PARDON ME. COULD
10 YOU JUST BE CLEAR WHICH ONE, WHETHER IT'S HOUSE BILL
11 NO. 2 OR HOUSE BILL NO. 1?

12 MR. ADCOCK: SURE.

13 BY MR. ADCOCK:

14 Q CAN YOU IDENTIFY THAT DOCUMENT?

15 A IT'S THE -- LOOKS LIKE THE BILL FROM THE
16 FIRST REDISTRICTING SESSION.

17 Q SO ROBINSON 1 IS THE BILL THAT WAS
18 INTRODUCED FOR THIS SESSION?

19 A ROBINSON 2 WAS THE ONE.

20 Q NO, NO. I'M SORRY. I'M CONFUSING. I
21 APOLOGIZE.

22 THE FIRST THING I SHOWED YOU IS ROBINSON 1.
23 THAT WAS THE BILL THAT WAS INTRODUCED ON TUESDAY.

24 A YOU HANDED ME 2 FIRST. AND THAT'S THE ONE
25 THAT IS FILED FOR THIS SESSION.

1 Q CORRECT.

2 A YES.

3 Q AND THE ONE I JUST HANDED YOU, WHICH IS
4 EXHIBIT -- ROBINSON EXHIBIT 2, WAS THE BILL THAT WAS
5 FILED AND PASSED IN THE FIRST EXTRAORDINARY SESSION?

6 A YES, SIR.

7 MR. ADCOCK: IS THAT GOOD, COUNSEL?

8 MS. MCKNIGHT: MR. ADCOCK, BRIEFLY COULD YOU
9 JUST -- IS THIS ROBINSON 1 AND THIS IS ROBINSON 2?

10 MR. ADCOCK: THIS IS ROBINSON 1.

11 MS. MCKNIGHT: OKAY. THAT'S 2. THANK YOU.

12 MR. ADCOCK: I APOLOGIZE, JUDGE. DOING THIS
13 ON THE FLY. YOU CAN TELL I HAVE YOUNG KIDS. I'M
14 JOKING.

15 BY MR. ADCOCK:

16 Q SO BASED ON YOUR TESTIMONY, THESE ARE
17 ESSENTIALLY THE SAME MAP, SO -- AND THEY'RE THE SAME
18 DEMOGRAPHIC TOTALS, BASICALLY THE SAME BILL.
19 CORRECT?

20 A YES.

21 Q NOW, MY QUESTION IS: WHAT ANALYSIS, IF ANY,
22 DID YOU DO PRIOR TO INTRODUCING THESE BILLS, WRITING
23 THESE BILLS -- DID YOU DO WITH THESE BILLS TO SEE HOW
24 THEY WOULD PERFORM?

25 A SO THE ONE WE DID IN THE FIRST EXTRAORDINARY

1 SESSION WE HAD PUBLIC TESTIMONY, WE HAD PUBLIC INPUT,
2 WE HAD EVERYTHING THAT TRAVELING THE STATE THAT THE
3 COMMITTEES HAD DONE. SO WE HAD INPUT FROM MULTIPLE
4 SOURCES.

5 Q OKAY. DID YOU DO ANY -- DID YOU HAVE ANYONE
6 ANALYZE ROBINSON 1 OR ROBINSON 2 FOR COMPLIANCE WITH
7 THE VOTING RIGHTS ACT?

8 A I THINK THE FIRST ONE THAT WE PASSED IN THE
9 FIRST SESSION, REDISTRICTING SESSION, OUR STAFF AND
10 OUR LEGAL STAFF IS THE ONES WHO PUT IT IN THE POSTURE
11 THAT IT NEEDS TO BE IN TO BE LEGAL.

12 Q OKAY. I UNDERSTAND. WHEN YOU MEAN YOUR
13 LEGAL STAFF, WHO ARE YOU TALKING ABOUT?

14 A OUR STAFF.

15 Q YOUR STAFF?

16 A WE HAVE STAFF AT THE CAPITOL THAT WORK ON
17 OUR BILLS AND SO FORTH.

18 Q OKAY. AND WHO ARE WE TALKING ABOUT? ARE WE
19 TALKING ABOUT LAWYERS? WE'RE TALKING ABOUT YOUR
20 OFFICE STAFF? WE'RE TALKING ABOUT --

21 A SOME ARE LAWYERS, SOME ARE OFFICE STAFF,
22 DEMOGRAPHERS, SO FORTH.

23 Q OKAY. WHAT WERE THE NAMES OF THE
24 DEMOGRAPHERS THAT YOU HAD ANALYZE THIS BILL?

25 A THE HOUSE STAFF WAS TRISH LOWREY. SHE'S

1 DONE BILLS IN THE HOUSE FOR FOUR REDISTRICTING
2 SESSIONS. SHE'S BEEN THERE 30-SOMETHING YEARS, I
3 WOULD THINK.

4 Q IS SHE A DEMOGRAPHER?

5 A I'M NOT SURE.

6 Q OKAY. FORGIVE ME. I THOUGHT I HEARD IN
7 YOUR TESTIMONY YOU SAID YOU HAD A DEMOGRAPHER LOOK AT
8 THIS BILL.

9 A WELL -- AND HER -- I WOULD THINK SHE WOULD
10 BE. BUT TO SAY THAT SHE IS A CERTIFIED DEMOGRAPHER,
11 I COULD NOT TESTIFY TO THAT.

12 Q BUT WHAT YOU'RE SAYING IS SHE HAS EXPERIENCE
13 IN LOOKING AT --

14 A ABSOLUTELY.

15 Q -- AND ANALYZING REDISTRICTING BILLS?

16 A ABSOLUTELY.

17 Q FOR HOW LONG HAS SHE DONE THAT,
18 APPROXIMATELY?

19 A ROUGH 30 YEARS.

20 Q ROUGHLY 30 YEARS, OKAY.

21 DID YOU HAVE AN OFFICIAL DEMOGRAPHER OR AN
22 ACADEMIC OR ANYONE LOOK AT THE BILL YOU SUBMITTED IN
23 THE FIRST SESSION OR THE ONE YOU SUBMITTED ON TUESDAY
24 TO SEE IF IT COMPLIES WITH THE VOTING RIGHTS ACT?

25 A I HAVE NOT.

1 Q OTHER THAN THIS PERSON YOU JUST MENTIONED?

2 A THAT'S RIGHT.

3 Q AND YOUR OFFICE STAFF. CORRECT?

4 A THE OFFICE STAFF REALLY DOESN'T -- MY OFFICE
5 STAFF DOESN'T REALLY LOOK AT BILLS IN LEGISLATION.

6 Q I'M JUST TRYING TO GET AT WHAT STAFF WE'RE
7 TALKING ABOUT. ARE WE TALKING ABOUT COMMITTEE STAFF,
8 OR --

9 A WE'RE TALKING ABOUT HOUSE STAFF.

10 Q HOUSE STAFF.

11 A HOUSE AND COMMITTEE STAFF ARE THE SAME.

12 Q OKAY. NOW, DID YOU GET ANY INPUT FROM
13 ANYONE THAT ANALYZED YOUR BILL IN THE FIRST SESSION,
14 OR YOUR BILL THAT WAS INTRODUCED ON TUESDAY, ABOUT
15 WHETHER THE MAPS THAT WOULD BE GENERATED FROM THOSE
16 BILLS WOULD ELECT OR COULD ELECT TWO AFRICAN
17 AMERICAN -- HAVE TWO DISTRICTS TO ELECT TWO AFRICAN-
18 AMERICAN CONGRESSPERSONS?

19 A ON THE BILL I FILED YESTERDAY?

20 Q YES.

21 A YES. NO, I DID NOT.

22 Q WHAT ABOUT ON THE BILL YOU FILED AND PASSED
23 IN THE FIRST SESSION?

24 A I DID NOT.

25 Q YOU DID NOT HAVE ANYONE GIVE YOU INPUT THAT

1 IT WOULD RESULT IN THE ELECTION OF TWO AFRICAN-
2 AMERICAN CONGRESSPEOPLE?

3 A I DID NOT.

4 Q OKAY. NOW, DO YOU KNOW IF THE -- I'LL MOVE
5 ON.

6 SO -- BUT YOUR TESTIMONY TO THIS JUDGE IS
7 THAT IN -- THE MAP THAT YOU PASSED IN THE FIRST
8 SESSION IS THE ONE THAT WAS STRUCK DOWN BY THIS
9 COURT. CORRECT?

10 A YES, SIR.

11 Q AND THAT YOU SUBMITTED SUBSTANTIALLY THE
12 SAME ONE FOR THIS SESSION. CORRECT?

13 A YES, SIR.

14 MR. ADCOCK: ALL RIGHT. NO MORE QUESTIONS,
15 JUDGE.

16 THE COURT: MR. PAPILLION, DO YOU HAVE
17 ANYTHING?

18 MR. PAPILLION: NO, YOUR HONOR. THANK YOU.

19 THE COURT: MR. SCHEXNAYDER, I HAVE A FEW --
20 OR -- I'M SORRY -- SPEAKER SCHEXNAYDER. MY
21 APOLOGIES.

22 PUBLIC OPINION, YOU INDICATED -- OR
23 PUBLIC DEBATE AND COMMENT ON THE BILLS IS SOMETHING
24 THAT YOU AND YOUR COLLEAGUE, PRESIDENT CORTEZ, FIND
25 MEANINGFUL AND, IN FACT, IT'S REQUIRED AS PART OF THE

1 PROCESS?

2 THE WITNESS: YES, MA'AM.

3 THE COURT: WHAT HAVE YOU DONE TO ENSURE OR
4 TO ENABLE THE PUBLIC TO MAKE COMMENTS SINCE CONVENING
5 THE HOUSE OF REPRESENTATIVES YESTERDAY?

6 THE WITNESS: SO WHAT WE HAVE DONE NOW, ALL
7 OF THE LEGISLATION IS UPLOADED ON TO OUR WEBSITE.
8 THE PUBLIC CAN OBTAIN THOSE COPIES AND THOSE MAPS AND
9 GO THROUGH THEM AND THEN BE PREPARED TO COME TO
10 COMMITTEE TOMORROW TO BE ABLE TO DISCUSS THEM.

11 THE COURT: YOU -- AM I CORRECT THAT YOU ALL
12 WERE IN SESSION YESTERDAY -- THE HOUSE SIDE WAS IN
13 SESSION YESTERDAY ABOUT 90 MINUTES?

14 THE WITNESS: ROUGHLY, I WOULD GUESS, YES,
15 MA'AM.

16 THE COURT: AND SO YOU ADJOURNED AT
17 AROUND -- I DON'T KNOW -- ONE OR TWO O'CLOCK --

18 THE WITNESS: YES, MA'AM.

19 THE COURT: -- EARLY AFTERNOON YESTERDAY?

20 WAS THERE ANY MEANS MADE AVAILABLE TO
21 THE PUBLIC AFTER ONE O'CLOCK YESTERDAY TO MAKE PUBLIC
22 COMMENT ON THE BILLS THAT YOU ADVANCED TO COMMITTEE?

23 THE WITNESS: ANY MEETINGS?

24 THE COURT: WAS THERE ANY MEETINGS ADVANCED?

25 THE WITNESS: NO, MA'AM.

1 **THE COURT:** WAS THERE ANY PROCESS PUT IN
2 PLACE TO ALLOW THE PUBLIC TO ENGAGE, AS YOU'VE
3 INDICATED THAT YOU WISHED FOR THEM TO ENGAGE?

4 **THE WITNESS:** SO PUTTING THEM UP ON THE
5 WEBSITE AND HAVING THEM THERE WOULD BE OUR NORMAL
6 PROCEDURE AT THAT TIME FOR PUBLIC TO LOOK AT THEM AND
7 BE PREPARED TO COME TO COMMITTEE, SO...

8 **THE COURT:** YOU COULD HAVE REFERRED THOSE
9 OUT TO COMMITTEE AND COMMITTEE COULD HAVE MET
10 YESTERDAY. CORRECT?

11 **THE WITNESS:** YES, MA'AM.

12 **THE COURT:** AND THE COMMITTEE COULD HAVE MET
13 ANY TIME TODAY AND, IN FACT, ALL DAY TODAY?

14 **THE WITNESS:** YES, MA'AM.

15 **THE COURT:** AND WHAT YOU'VE CALLED FOR IS
16 FOR THE COMMITTEE TO CONVENE TOMORROW, I THINK AT
17 ELEVEN?

18 **THE WITNESS:** YES, MA'AM.

19 **THE COURT:** AND SO WHAT ARE YOU DOING TO
20 ENABLE THE PUBLIC TO BECOME ENGAGED FROM TWO O'CLOCK
21 YESTERDAY UNTIL ELEVEN TOMORROW?

22 **THE WITNESS:** SO ALLOWING THEM TO ACCESS THE
23 COMPUTER WEBSITE -- THE WEBSITE THAT WE HAVE, TO
24 ACCESS THE MAPS AND TO DISSECT THEM, I GUESS YOU
25 WOULD SAY. THAT WOULD GET THEM PREPARED TO BE ABLE

1 TO COME AND GIVE TESTIMONY ON -- BASICALLY I THINK
2 THERE WAS FOUR MAPS FILED ON THE HOUSE SIDE. THREE
3 OF THEM ARE TOTALLY DIFFERENT MAPS THAN ANY THAT WE
4 HAD DURING REGULAR SESSION. THE ONLY ONE THAT'S THE
5 SAME WOULD BE MINE. SO THEY WOULD NEED TO HAVE TIME
6 TO LOOK AT THESE MAPS AND ANALYZE THEM.

7 THE COURT: AND THAT BRINGS ME TO YOUR MAP;
8 AND THAT'S HOUSE BILL 2 THAT YOU ADVANCED. IS THAT
9 CORRECT?

10 THE WITNESS: YES, MA'AM.

11 THE COURT: AND THAT'S NOW IN EVIDENCE AS
12 ROBINSON EXHIBIT 1.

13 MS. MCKNIGHT ASKED YOU IF YOU DISAGREE
14 WITH ANYTHING IN PRESIDENT CORTEZ'S DECLARATION THAT
15 WAS FILED IN SUPPORT OF THE MOTION FOR EXTENSION, AND
16 YOU SAID YOU DID NOT.

17 THE WITNESS: I DO NOT.

18 THE COURT: ONE OF THE THINGS THAT PRESIDENT
19 CORTEZ -- AND I ASKED HIM ABOUT AND YOU WERE HERE.
20 HE STATED IN HIS DECLARATION HIS UNDERSTANDING OF
21 THIS COURT'S RULING; AND HIS UNDERSTANDING WAS -- AND
22 I QUOTE -- I UNDERSTAND THE COURT HAS ORDERED THE
23 LEGISLATURE TO DRAW A NEW CONGRESSIONAL PLAN WITH TWO
24 MAJORITY-BLACK DISTRICTS, CLOSE QUOTES.

25 IS THAT YOUR UNDERSTANDING AS WELL OF

1 THE COURT'S ORDER?

2 THE WITNESS: YES, MA'AM.

3 THE COURT: AND YOU'VE HAD THAT
4 UNDERSTANDING OF THE COURT'S ORDER ALL ALONG; THAT
5 THAT'S WHAT THE COURT ORDERED THE LEGISLATURE TO DO?

6 THE WITNESS: YES, MA'AM.

7 THE COURT: HOUSE BILL 2, THE MAP THAT YOU
8 OFFERED YESTERDAY, DOES IT CONTAIN TWO MAJORITY-BLACK
9 DISTRICTS?

10 THE WITNESS: IT DOES NOT. BUT I WOULD LIKE
11 TO RESPOND TO --

12 THE COURT: WELL, HOW MANY MAJORITY-BLACK
13 DISTRICTS DOES THE MAP THAT YOU OFFERED HAVE?

14 THE WITNESS: IT HAS ONE.

15 THE COURT: I'M GOING TO -- I WANT TO GIVE
16 YOU -- WELL, LET ME SAY THIS. SECTION 401 OF THE
17 UNITED STATES CODE -- TITLE 18 OF THE UNITED STATES
18 CODE PROVIDES THAT A COURT OF THE UNITED STATES SHALL
19 HAVE THE POWER TO PUNISH, BY FINE OR IMPRISONMENT OR
20 BOTH, ANY PERSON WHO IS IN CONTEMPT OF COURT BY
21 DISOBEDIENCE OR LAWFUL RESISTANCE -- OR UNLAWFUL
22 RESISTANCE TO A LAWFUL COURT ORDER.

23 WHY, SIR, ARE YOU NOT IN DISOBEDIENCE
24 OR IN RESISTANCE TO A LAWFUL ORDER OF THIS COURT?

25 THE WITNESS: WHY AM I NOT?

1 **THE COURT:** YES, SIR.

2 **THE WITNESS:** SO HAVING DISCUSSIONS
3 YESTERDAY WITH LEADERSHIP AND THE LEADERSHIP OF THE
4 DEMOCRATIC CAUCUS, I EXPLAINED TO THEM THAT IN THE
5 PROCESS THAT WE NORMALLY HAVE, WE ALSO FILE BILLS
6 THAT ARE PLACEHOLDER BILLS. THIS BILL WAS FILED AS A
7 PLACEHOLDER BILL; IN CASE SOMETHING WERE TO HAPPEN
8 WITH ANY OF THE OTHER BILLS THAT WE HAVE OUT THERE,
9 WE COULD GO IN AND WE COULD AMEND THIS TO HAVE TWO
10 BLACK-MAJORITY DISTRICTS, ONLY TO HAVE IT SITTING
11 THERE AS A PLACEHOLDER. THAT WAY IT'S ALREADY MOVING
12 THROUGH THE PROCESS, IT'S SITTING THERE IN COMMITTEE,
13 AND WE CAN GO IN AND ADD AN AMENDMENT TO IT AND WORK
14 ON IT. THEY DID AGREE TO THAT.

15 **THE COURT:** DOES ANYBODY HAVE ANY FURTHER
16 QUESTIONS FOR HOUSE SPEAKER SCHEXNAYDER?

17 **MS. MCKNIGHT:** THANK YOU, YOUR HONOR. I
18 HAVE A BRIEF REDIRECT.

19 **THE COURT:** YOU MAY.

20 **REDIRECT EXAMINATION**

21 **BY MS. MCKNIGHT:**

22 **Q** MR. SPEAKER, I HEARD PLAINTIFFS' COUNSEL ASK
23 YOU A SERIES OF QUESTIONS ABOUT WHAT AND WHETHER YOU
24 HAVE CONSIDERED COMPLIANCE WITH THE LAW WHEN
25 PREPARING THE TWO BILLS BEFORE YOU. DO YOU RECALL

1 THAT LINE OF QUESTIONING?

2 A I DO.

3 Q OKAY. MR. SPEAKER, ARE YOU A LAWYER?

4 A NO, MA'AM.

5 Q HAVE YOU RELIED ON LEGAL COUNSEL TO ANALYZE
6 COMPLIANCE WITH THE VOTING RIGHTS ACT AND THE
7 CONSTITUTION AS FAR AS THOSE TWO BILLS ARE
8 CONSIDERED?

9 A I HAVE.

10 Q IS IT YOUR POSITION THAT YOU HAVE NOT
11 CONSIDERED COMPLIANCE WITH THE VOTING RIGHTS ACT OR
12 THE CONSTITUTION AT ALL WITH REGARDS TO THOSE TWO
13 BILLS?

14 A NO, MA'AM.

15 Q I HEARD SOME QUESTIONS ABOUT PUBLIC
16 PARTICIPATION FROM YOUR HONOR. WHAT IS THE PURPOSE
17 OF POSTING A BILL ONLINE AND ALLOWING IT TO LIE OVER?

18 A THE REASON WE POST BILLS ONLINE AND GIVE
19 COMMITTEE NOTICES OF COMMITTEE MEETINGS IS TO ALLOW
20 THE PUBLIC TO BE ABLE TO OBTAIN THAT INFORMATION AND
21 TO BE ABLE TO BE PREPARED TO BE ABLE TO COME TO
22 COMMITTEE AND TESTIFY ON THE SUBSTANCE OF THE BILL.

23 Q AND HAVE YOU HAD EXPERIENCE WITH PUBLIC
24 COMING AND TESTIFYING IN COMMITTEE AFTER A BILL IS
25 POSTED ONLINE?

1 A YES.

2 Q AND DO YOU EXPECT THAT TO HAPPEN HERE IN
3 THIS SESSION?

4 A YES, MA'AM.

5 Q AND ASIDE FROM JUST COMING -- YOU KNOW, THE
6 MEMBERS OF THE PUBLIC COMING TO THE CAPITOL, CAN
7 MEMBERS OF THE PUBLIC ALSO EMAIL THEIR
8 REPRESENTATIVES?

9 A ABSOLUTELY. YES, MA'AM.

10 Q CAN THEY ALSO CALL THEIR REPRESENTATIVES?

11 A YES, MA'AM.

12 MS. MCKNIGHT: THANK YOU, YOUR HONOR. I
13 HAVE NO FURTHER QUESTIONS.

14 MR. ADCOCK: YOUR HONOR, MAY I?

15 THE COURT: YOU MAY.

16 MR. ADCOCK, AS A MATTER OF
17 HOUSEKEEPING, EXHIBITS 1 AND 2 ARE NOT IN EVIDENCE.

18 MR. ADCOCK: OKAY. MAY I OFFER AND FILE
19 THEM INTO EVIDENCE?

20 THE COURT: IS THERE ANY OBJECTION?

21 MS. MCKNIGHT: NO, YOUR HONOR.

22 THE COURT: ADMITTED.

23 MR. ADCOCK: THANK YOU, JUDGE.

24 **RECROSS-EXAMINATION**

25 BY MR. ADCOCK:

1 Q MR. SPEAKER, YOU REFERENCED THE BILLS THAT
2 YOU ENTERED INTO THIS LEGISLATIVE SESSION AS A
3 PLACEHOLDER BILL. CORRECT?

4 A YES.

5 Q THEY COULD BE AMENDED TO CHANGE THE MAP TO
6 ELECT HAVE TWO MAJORITY-MINORITY DISTRICTS. CORRECT?

7 A YES, SIR.

8 Q THAT COULD BE DONE IN COMMITTEE. CORRECT?

9 A YES, SIR.

10 Q THAT'S NOT HAPPENING TODAY. CORRECT?

11 A YES, SIR.

12 Q SO YOU SAY THAT YOU'RE IN COMPLIANCE WITH
13 THIS COURT'S ORDER BECAUSE THAT COULD BE AMENDED.
14 CORRECT?

15 A YES, SIR.

16 Q OKAY. AND SO THAT'S YOUR POSITION IN FRONT
17 OF THIS COURT?

18 A IT IS.

19 Q THAT'S WHAT YOU'RE TELLING THIS COURT? YOUR
20 INTENTION IS TO PASS A BILL WITH TWO MAJORITY-
21 MINORITY DISTRICTS?

22 A MY INTENTION IS TO HAVE A BILL THERE; THAT
23 IF WE NEED IT TO BE ABLE TO HAVE TWO MAJOR DISTRICTS
24 IN IT, THAT I HAVE A MECHANISM, A VESSEL TO BE ABLE
25 TO MOVE FORWARD WITH THAT.

1 Q WE JUST HAD A DISCUSSION ABOUT THE RIPPLE
2 EFFECTS OF AMENDING BILLS AND MESSING UP MAPS.
3 RIGHT? AND SO ISN'T IT TRUE THAT THERE IS ALREADY A
4 MAP WITH TWO MAJORITY-MINORITY DISTRICTS FROM SENATOR
5 FIELDS IN THE LEGISLATURE?

6 A THERE ARE.

7 Q SENATOR DUPLESSIS -- EXCUSE ME.
8 REPRESENTATIVE DUPLESSIS?

9 A THERE ARE.

10 Q AND MR. IVEY. CORRECT?

11 A THERE ARE.

12 Q SO YOU WOULDN'T NEED TO AMEND YOUR BILL.
13 YOU COULD JUST PASS THOSE. CORRECT?

14 A OR THOSE BILLS COULD -- DEPENDING ON THE
15 COMMITTEE AND WHAT HAPPENS IN COMMITTEE, THOSE BILLS
16 COULD DIE IN COMMITTEE, THEY COULD BE VOTED DOWN; AND
17 WE WOULD NEED ANOTHER BILL TO AMEND TO BE ABLE TO
18 MOVE. THAT'S WHY THIS BILL IS THERE.

19 Q OR YOU COULD TRY TO PASS A BILL THAT WAS
20 PREVIOUSLY STRUCK DOWN BY THIS COURT, COULDN'T YOU?

21 **MS. MCKNIGHT:** OBJECTION, YOUR HONOR, TO THE
22 EXTENT HE'S EXTRACTING TESTIMONY ABOUT OTHER
23 LEGISLATORS. WE'VE ALREADY NOTED THE LEGISLATIVE
24 PRIVILEGE. OBJECTION.

25 **MR. ADCOCK:** I'VE MOVED ON FROM THAT.

1 **THE COURT:** OVERRULED.

2 **BY MR. ADCOCK:**

3 **Q** OR YOU COULD DO THAT. RIGHT?

4 **A** COULD YOU REPEAT THAT?

5 **Q** YOU COULD ALSO TRY TO PASS A BILL THAT'S
6 BEEN PREVIOUSLY STRUCK DOWN BY THIS COURT. RIGHT?

7 **A** COULD WE MOVE A BILL, THIS BILL?

8 **Q** YES.

9 **A** YOU'RE TALKING ABOUT THIS ONE?

10 **Q** YES. YOU COULD TRY TO DO THAT?

11 **A** COULD WE MOVE IT? ABSOLUTELY WE COULD MOVE
12 IT. BUT -- BUT THAT BILL WAS NOT PUT THERE TO BE
13 MOVED. IT WAS PUT THERE TO BE A PLACEHOLDER TO BE
14 ABLE TO HAVE IT AS A VESSEL IN CASE WE NEEDED IT.
15 THAT'S WHAT THAT BILL WAS FOR. WE DO THAT IN REGULAR
16 SESSION AND IN OTHER SESSION TO BE ABLE TO HAVE A
17 VESSEL THAT IS ALREADY MOVING THROUGH THE PROCESS
18 SITTING THERE. THIS BILL WAS SITTING IN COMMITTEE.
19 AND IF WE DON'T NEED IT, IT DOESN'T MOVE.

20 **Q** AND SO LET ME ASK YOU THIS. ON THE HOUSE
21 FLOOR YESTERDAY, DID YOU SAY -- AND I QUOTE -- AS
22 *I'VE SAID, THIS SPECIAL SESSION IS UNNECESSARY AND*
23 *PREMATURE UNTIL THE LEGAL PROCESS IS PLAYED OUT IN*
24 *THE COURT SYSTEMS?*

25 **A** YES.

1 Q YOU DID SAY THAT?

2 A I DID.

3 Q YOU'RE FINE SAYING THAT TO THIS COURT?

4 A I THINK -- I THINK WE HAVE THREE BRANCHES OF
5 GOVERNMENT FOR A REASON, AND I THINK THE COURT HAS
6 ITS PLACE TO BE ABLE TO DO WHAT IT NEEDS TO DO.

7 Q AND YOU'RE ASKING THIS COURT FOR MORE TIME
8 TO PASS A VOTING RIGHTS ACT COMPLIANT MAP. CORRECT?

9 A I AM.

10 Q AND YOU ALSO SAID MEMBERS -- ON THE HOUSE
11 FLOOR MEMBERS, *THE MAPS WE PASSED AFTER ALL THE HARD*
12 *WORK ARE FAIR AND CONSTITUTIONAL. IT CONCERNS ME*
13 *THAT WE ARE NOW BEING ASKED TO REDO THESE MAPS IN*
14 *FIVE DAYS.* IS THAT WHAT YOU SAID?

15 A I DID.

16 Q *SOMETHING THAT WAS PASSED OVERWHELMINGLY BY*
17 *2/3 OF BOTH BODIES AFTER A LONG YEAR'S WORK.* DID YOU
18 SAY THAT?

19 A I DID.

20 MR. ADCOCK: NO MORE QUESTIONS, JUDGE.

21 THE COURT: OKAY. IF THERE IS NOTHING
22 FURTHER --

23 MS. MCKNIGHT: NOTHING FURTHER, YOUR HONOR.

24 THE COURT: -- YOU MAY STEP DOWN.

25

1 OKAY. THE COURT IS GOING TO RULE FROM
2 THE BENCH. I'LL ENTERTAIN BRIEF ORAL ARGUMENTS IF
3 YOU ALL WISH TO DO THAT, BUT THEY CAN BE BRIEF. I'VE
4 HEARD A LOT, AND SO -- MS. MCKNIGHT, DO YOU WANT TO
5 PRESENT ARGUMENT IN SUPPORT OF YOUR MOTION? YOU
6 DON'T HAVE TO, BUT YOU MAY.

7 **MS. MCKNIGHT:** YOUR HONOR, I -- I DON'T VIEW
8 IT AS NECESSARY AT THIS TIME. WE'VE SUBMITTED A
9 BRIEF, A DECLARATION, AND THE LEADERS SUBMITTED THEIR
10 TESTIMONY TODAY.

11 THE ONLY POINT I WOULD MAKE IS THAT WE
12 UNDERSTAND -- SHOULD I COME TO THE --

13 THE ONLY POINT I WOULD MAKE, BECAUSE
14 IT'S SOMETHING THAT PLAINTIFFS ASKED A NUMBER OF
15 QUESTIONS ABOUT, WAS SOME SUGGESTION ABOUT THE GOOD
16 FAITH OF THE LEGISLATURE. WE BELIEVE IN WORKING
17 THROUGH THIS PROCESS.

18 THE LEGISLATURE, AS YOU KNOW, YOUR
19 HONOR, IS ENTITLED BY RIGHT TO TRY TO PASS A REMEDIAL
20 PLAN. THEY WERE HERE TODAY TESTIFYING ABOUT THAT
21 THEY ARE TRYING TO DO JUST THAT. THAT IS NOT
22 INCONSISTENT WITH THE LEGAL POSITION THAT THEY ARE
23 TAKING IN THIS CASE AS WELL THAT THEY'VE TAKEN SINCE
24 THE DAY THAT YOUR HONOR ISSUED YOUR ORDER ON JUNE 6;
25 THAT THAT ORDER SHOULD BE STAYED UNDER THE *PURCELL*

1 PRINCIPLE. AND WE STAND BY THAT AND WE DON'T BELIEVE
2 ANYTHING THEY'VE TESTIFIED HERE TODAY WOULD WAIVE
3 THAT RIGHT TO MAINTAIN THAT LEGAL ARGUMENT.

4 THANK YOU, YOUR HONOR.

5 **THE COURT:** THANK YOU.

6 COUNSEL FOR THE PLAINTIFF?

7 **MR. PAPIILLION:** YOUR HONOR, THANK YOU.

8 DARREL PAPIILLION ON BEHALF OF THE GALMON PLAINTIFFS.
9 AND I'LL TRY TO BE VERY BRIEF.

10 THIS COURT, OF COURSE, CONDUCTED A
11 MULTI-DAY HEARING, IT HEARD A LOT OF EVIDENCE AND
12 TESTIMONY AND IT ISSUED A RULING. THE COURT HAS BEEN
13 VERY GENEROUS IN ENTERTAINING TESTIMONY FROM THE
14 LEGISLATIVE LEADERSHIP OF OUR STATE.

15 OF PARAMOUNT CONCERN TO MY CLIENTS IS
16 SIMPLY THAT THERE ARE CONSTITUTIONALLY VALID
17 DISTRICTS IN TIME FOR THIS FALL'S ELECTION. WE DID
18 NOT OPPOSE THE MOTION. WE RESPONDED TO IT. IN
19 FACT, WE WENT INTO THE ECMF AND CORRECTED A NOTICE
20 THAT IT WAS IN OPPOSITION AND MADE ABSOLUTELY CLEAR
21 THAT IT WAS A RESPONSE.

22 SO I TRUST THAT THE COURT IS GOING TO
23 DO WHAT THE COURT BELIEVES IS THE BEST THING TO DO.
24 BUT THE GALMON PLAINTIFFS -- AND I SUSPECT I SPEAK
25 FOR THE ROBINSON PLAINTIFFS AS WELL. WE WOULD KINDLY

1 ASK THAT THE LEGISLATIVE PROCESS, WHICH IS TO BE
2 GIVEN RESPECT, THAT THE COURT NOT STOP ITS OWN
3 PROCESS IN THE EVENT THIS LEGISLATURE FAILS TO COME
4 UP WITH AND PASS CONSTITUTIONALLY VALID DISTRICTS.

5 AND SO, YOUR HONOR, WE WOULD ASK THAT
6 ANY REQUEST FOR AN EXTENSION OF TIME, WHETHER THE
7 COURT GRANTS IT OR NOT, IT SHOULD NOT BE USED AS A
8 BASIS FOR A *PURCELL* ARGUMENT IN THE FUTURE AND THAT
9 YOUR PROCESS SHOULD PROCEED CONCURRENTLY WITH ANY
10 EXTENSION OF TIME. BECAUSE WHILE WE CAN ONLY ASSUME
11 THEY ARE IN GOOD FAITH AND THAT EVERYTHING THEY HAVE
12 SAID IS TRUE, A LOT OF IT APPEARS SUSPICIOUS AND
13 QUESTIONABLE. AND THEY HAVE HAD A LOT OF TIME TO
14 PASS CONSTITUTIONALLY VALID DISTRICTS. THEY HAVE
15 BEEN PUT ON NOTICE BY GUBERNATORIAL VETO AND
16 OTHERWISE, AND THEY HAVE NOT DONE SO. AND SO, YOUR
17 HONOR, WE LOOK TO YOU, SO THANK YOU.

18 THE COURT: THANK YOU.

19 MR. ADCOCK, DO YOU WISH TO ADD
20 ANYTHING?

21 MR. ADCOCK: NONE, JUDGE.

22 THE COURT: THE COURT IS PREPARED TO RULE.

23 THE COURT HAS HEARD TESTIMONY THIS
24 MORNING BOTH FROM PRESIDENT PAGE CORTEZ -- OR SENATE
25 PRESIDENT PAGE CORTEZ AND HOUSE LEADER

1 MR. SCHEXNAYDER AND HAS LIKEWISE CONSIDERED BOTH THE
2 BRIEFS, THE DECLARATION AND THE RESPONSE BRIEFS BY
3 BOTH THE GALMON AND THE ROBINSON PLAINTIFFS AS WELL
4 AS THE ARGUMENTS OF COUNSEL HERE TODAY.

5 THE COURT CONSIDERS THE TESTIMONY OF
6 PRESIDENT -- SENATE PRESIDENT CORTEZ. IMPORTANTLY,
7 HE WAS VERY CANDID IN HIS TESTIMONY THAT THERE IS
8 TIME TO ENACT REMEDIAL MAPS THAT ARE COMPLIANT WITH
9 THE VOTING RIGHTS ACT, PROVIDED THAT THERE IS A
10 SUSPENSION OF RULES, WHICH HAS THUS FAR TAKEN PLACE.
11 AND THE COURT HAS AT LEAST SENATOR -- SENATE
12 PRESIDENT CORTEZ'S COMMITMENT THAT HE WILL DO WHAT HE
13 CAN TO FURTHER SUSPEND RULES TO ALLOW THIS PROCESS TO
14 MOVE EXPEDITIOUSLY.

15 THE OTHER CAVEAT TO HAVING SIGNIFICANT
16 TIME, AS PRESIDENT CORTEZ CANDIDLY TESTIFIED, WAS TO
17 ENSURE TRANSPARENCY. THE COURT IS -- THE COURT TAKES
18 NOTICE OF PRESIDENT CORTEZ'S, AGAIN, CANDID STATEMENT
19 TO THE COURT IN HIS TESTIMONY THAT IT -- WHILE HE
20 DIDN'T SAY IT HAPPENS OFTEN, HE SAID IT DOES HAPPEN
21 WHERE COMMITTEES REFER TO PRIOR TESTIMONY AND
22 EVIDENCE FROM PRIOR SESSIONS, EVEN IN HIS WORDS,
23 DECADES BEFORE.

24 WE HAVE THE PRIVILEGE OF HAVING A VERY
25 AMPLE RECORD -- LEGISLATIVE RECORD THAT THIS COURT

1 CONSIDERED IN ITS PRELIMINARY INJUNCTION DECISION AND
2 THAT IS CERTAINLY AVAILABLE TO BOTH HOUSES, THE
3 SENATE AND THE HOUSE OF REPRESENTATIVES, THAT
4 INCLUDES A GREAT DEAL OF PUBLIC COMMENT ON THESE
5 MAPS.

6 THE MAPS THAT HAVE BEEN ADVANCED ARE
7 NOT DIFFERENT FROM MAPS THAT HAVE BEEN PREVIOUSLY
8 CONSIDERED. THE IVEY MAPS WERE PUT FORWARD IN THE
9 EARLIER REDISTRICTING SESSION AS WELL AS THE BLACK
10 LEGISLATIVE CAUCUS MAP AND SENATOR FIELDS' MAPS. ALL
11 OF THOSE MAPS HAVE BEEN DEBATED.

12 SO THE COURT -- WHILE THE COURT
13 APPRECIATES THE NEED FOR TIME FOR PUBLIC COMMENT AND
14 OPINION, GIVEN THE TESTIMONY THAT IT IS NOT UNUSUAL
15 TO REVIEW PRIOR DEBATE, THE COURT FINDS THAT THAT
16 PARTICULAR CONSIDERATION IS NOT AN OVERRIDING
17 CONSIDERATION IN THIS MOTION-FOR-EXTENSION CONTEXT.

18 ADDITIONALLY, THE COURT IS NOT
19 PERSUADED AND FINDS DISINGENUOUS THE ACTIVITY THAT'S
20 HAPPENED ON THE HOUSE SIDE UNDER THE LEADERSHIP OF
21 HOUSE SPEAKER SCHEXNAYDER. WITH FIVE DAYS TO WORK
22 WITH, THEY MET FOR 90 MINUTES, HAVING SUSPENDED THE
23 RULES AND -- WHICH WOULD HAVE PERMITTED AN IMMEDIATE
24 REFERRAL TO COMMITTEE, WHICH WOULD HAVE ENABLED THE
25 PUBLIC TO MAKE COMMENT AND TO TESTIFY IN COMMITTEE IF

1 THEY WERE SO RECOGNIZED, INSTEAD WAITED 48 HOURS --
2 OR NOT QUITE 48 HOURS -- BUT ALMOST 48 HOURS TO REFER
3 IT TO THE COMMITTEE.

4 AND THE ONLY PROCESS THAT HAS BEEN MADE
5 AVAILABLE TO THE PUBLIC TO COMMENT SINCE DIALING IN
6 THE LEGISLATURE YESTERDAY MORNING AND FRIDAY, 48
7 HOURS LATER WHEN THE SENATE COMMITTEE IS GOING TO --
8 OR I'M SORRY -- WHEN THE HOUSE COMMITTEE IS GOING TO
9 CONVENE IS THAT THE PUBLIC CAN PULL IT UP ON THE
10 INTERNET. THERE HAS BEEN UTTERLY NO PROCESS PROVIDED
11 FOR THE PUBLIC TO MAKE COMMENTS.

12 THE COURT FINDS THAT AT LEAST ON THE
13 HOUSE SIDE IT'S DISINGENUOUS AND INSINCERE AND
14 UNPERSUASIVE TO SUGGEST TO THIS COURT THAT ADDITIONAL
15 TIME IS NEEDED TO ENABLE THIS TRANSPARENCY OF THE
16 PROCESS.

17 THE COURT TAKES JUDICIAL NOTICE THAT IN
18 1994 THERE WAS REDISTRICTING IN SIX DAYS. THE COURT
19 TAKES JUDICIAL NOTICE THAT IN 2017 AT A SPECIAL
20 SESSION THE LOUISIANA LEGISLATURE PASSED A BUDGET IN
21 FOUR DAYS. THERE ARE NO COMMITTEE MEETINGS SCHEDULED
22 FOR TODAY ON THE HOUSE SIDE.

23 THE COURT FINDS THAT THE MOTION FOR
24 EXTENSION IS DENIED FOR THOSE REASONS.

25 IS THERE ANYTHING FURTHER?

1 THE COURT WILL HEAR ARGUMENT OF COUNSEL
2 WITH RESPECT TO THE REMEDIAL PROCESS, IF YOU'D LIKE
3 TO REMAIN, AND WE CAN ADDRESS AND MAYBE HAMMER OUT A
4 REMEDIAL PROCESS -- JUDICIAL PROCESS FOR REMEDIAL
5 MAPS IN THE EVENT THAT THE LEGISLATURE IS UNABLE TO
6 TAKE ADVANTAGE OF THE OPPORTUNITY THAT HAS BEEN
7 PROVIDED TO IT.

8 LET'S HEAR FROM YOU ALL. THE COURT
9 IS -- WANTS TO HAVE -- WILL HAVE A HEARING ON THE
10 REMEDIAL MAPS IN THE EVENT THAT THERE IS A NEED TO
11 HAVE A HEARING ON REMEDIAL MAPS.

12 WHAT THE COURT PROPOSES IS THAT EACH
13 SIDE -- PLAINTIFFS COMBINED, CONSOLIDATED, AND THE
14 RESPONDENT, LEGISLATORS AND ALL THE INTERVENORS --
15 PRESENT A SINGLE MAP TO THE COURT FOR CONSIDERATION
16 SIMULTANEOUSLY, A MAP THAT IS A REMEDIAL MAP IN
17 CONFORMANCE WITH THIS COURT'S PRELIMINARY INJUNCTION
18 ORDER. THEN THE PARTIES WILL BE GIVEN SOME REQUISITE
19 NUMBER OF DAYS -- I'M OPEN TO SUGGESTIONS FROM
20 COUNSEL -- TO RESPOND OR OPPOSE THE OTHER PARTY'S
21 MAP, AND THEN WE'LL HAVE A HEARING.

22 IS THERE ANY REASON WHY THAT PROCESS
23 CANNOT -- WILL NOT PRODUCE A MEANINGFUL DEBATE IN THE
24 COURT WITH RESPECT TO A REMEDIAL MAP?

25 MS. MCKNIGHT?

1 MS. MCKNIGHT: THANK YOU, YOUR HONOR.

2 THE COURTROOM DEPUTY: WOULD YOU COME
3 FORWARD. PLEASE?

4 MS. MCKNIGHT: OF COURSE.

5 THE COURT: FOR PURPOSES OF THE RECORD, THIS
6 AMPLIFIES, AND IT'S ALSO RECORDED SO THAT THE COURT
7 REPORTER CAN MAKE SURE SHE'S GOT IT.

8 MS. MCKNIGHT: I UNDERSTAND. THANK YOU,
9 YOUR HONOR.

10 THERE IS AT LEAST ONE ISSUE WITH THAT
11 SUGGESTION; AND THAT IS THERE IS CASE LAW ON POINT
12 THAT NOTES THAT DURING THIS REMEDIAL PHASE A DISTRICT
13 COURT MUST ALLOW SUFFICIENT TIME FOR THE PARTIES TO
14 ENGAGE IN SOME LEVEL OF DISCOVERY.

15 AND, YOUR HONOR, SO I CAN GIVE YOU A
16 SENSE OF WHAT THOSE CASES SAY, SOME OF THAT GOES TO:
17 *WELL, WHAT WAS IN THE MIND OF THE MAP DRAWER? WHY*
18 *DID THEY DRAW IT THIS WAY? WHY WERE THINGS DRAWN IN*
19 *THESE CERTAIN WAYS?*

20 THERE ARE OTHER ASPECTS TO IT. BUT I
21 WANTED TO MAKE SURE THAT YOU WERE -- WE SAW
22 PLAINTIFFS' REQUEST IN THEIR RESPONSE LAST NIGHT, AND
23 WE WANTED TO MAKE SURE THAT THIS COURT WAS AWARE THAT
24 THERE IS GOVERNING CASE LAW ABOUT WHAT THIS REMEDIAL
25 PROCESS NEEDS TO LOOK LIKE.

1 **THE COURT:** HOW MUCH DISCOVERY?

2 **MS. MCKNIGHT:** WELL, I THINK WE'D NEED --
3 AND I DEFER TO THEM. BUT IN PAST CASES FOR ME IT HAS
4 INVOLVED DISCOVERY AS TO A MAP DRAWER, AND THERE IS A
5 POTENTIAL FOR AN EXPERT WITNESS TO COME IN AND SAY,
6 *THIS IS WHAT THE MAP DOES.*

7 **THE COURT:** SO YOU NEED TO TAKE -- IF YOU
8 SIMULTANEOUSLY EXCHANGE MAPS, THEN YOU EACH GET TO
9 TAKE THE MAP DRAWER'S DEPOSITION?

10 **MS. MCKNIGHT:** A MAP DRAWER'S DEPOSITION.
11 AND IF THERE IS ANY EXPERT REPORT THAT'S PROVIDED
12 WITH THE MAP THAT SAYS, *THIS IS WHY THE MAP COMPLIES;*
13 *THIS IS WHAT IT DOES; THESE ARE HOW THE NUMBERS WORK,*
14 IT WOULD BE A DEPOSITION OF THAT EXPERT AS WELL.

15 **THE COURT:** OKAY, TWO DEPOSITIONS. ALL
16 RIGHT. THANK YOU.

17 COUNSEL FOR THE PLAINTIFFS?

18 **MR. PAPILLION:** YOUR HONOR --

19 **MR. ADCOCK:** MR. PAPILLION, BEFORE -- SO
20 JUST SO I UNDERSTAND, JUDGE, I THINK YOU'RE SAYING
21 BASICALLY ONE MAP FROM EACH SIDE. RIGHT?

22 **THE COURT:** THAT'S WHAT I'M SAYING.

23 **MR. ADCOCK:** THAT'S WHAT I THOUGHT YOU WERE
24 SAYING.

25 **MR. PAPILLION:** YOUR HONOR, WE'VE OUTLINED

1 SOME DATES IN THE MEMORANDA THAT WE FILED LAST NIGHT.
2 I BELIEVE THAT THOSE DATES COULD BE ADJUSTED TO ALLOW
3 FOR THE DISCOVERY THAT THE INTERVENOR'S ASKING FOR,
4 AND THIS CAN ALL BE ACCOMPLISHED VERY QUICKLY. I
5 DON'T THINK THERE WILL BE ANY SURPRISES AS TO WHO HAS
6 DRAWN THE MAPS, IN LIGHT OF THE HEARING THAT WE HAD
7 VERY RECENTLY. THIS CAN BE DONE VERY QUICKLY.

8 THE COURT: MS. MCKNIGHT, HOW QUICK CAN YOU
9 HAVE A MAP?

10 MS. MCKNIGHT: YOUR HONOR, I BEG YOU PARDON,
11 BUT I WILL NEED TO DISCUSS THAT WITH CO-COUNSEL. WE
12 UNDERSTAND YOU WANT ONE --

13 THE COURT: ONE MAP.

14 MS. MCKNIGHT: WE UNDERSTAND THAT YOU WOULD
15 LIKE ONE MAP. AND I NEED TO DISCUSS WITH THEM HOW
16 QUICKLY WE THINK WE CAN GET IT DONE.

17 THE COURT: JUST SO THAT I MAKE -- JUST SO
18 THAT I UNDERSTAND, YOU'VE BEEN -- I DON'T WANT YOUR
19 LEGAL -- I DON'T WANT TO KNOW WHAT YOU TOLD YOUR
20 CLIENTS OR I'M NOT CALLING FOR ATTORNEY-CLIENT
21 PRIVILEGE.

22 YOU HAVE BEEN ENGAGED AS GIVING COUNSEL
23 IN THIS REDISTRICTING PROCESS DURING THE ENTIRE --
24 ENTIRETY OF THIS PROCESS. IS THAT CORRECT?

25 MS. MCKNIGHT: WE HAVE BEEN ENGAGED.

1 **THE COURT:** OKAY. ALL RIGHT. I JUST WANT
2 TO MAKE SURE THAT I'M NOT ASKING YOU TO MOVE A
3 MOUNTAIN THAT YOU CAN'T MOVE. THAT'S THE PURPOSE OF
4 THE QUESTION. THESE MAPS ARE CLEARLY NOT NEW. OKAY.
5 THAT'S WHAT I WANTED TO KNOW.

6 WELL, CONFER AND TELL ME HOW QUICK YOU
7 CAN GET ME A MAP. I DON'T WANT TO GIVE YOU A
8 DEADLINE THAT YOU CAN'T COMPLY WITH.

9 **MS. MCKNIGHT:** DO YOU WANT ME TO DO IT RIGHT
10 NOW, YOUR HONOR, OR DOES IT MAKE SENSE FOR US TO FILE
11 SOMETHING THIS AFTERNOON AFTER YOUR HEARING?

12 **THE COURT:** NO. I WANT TO BE ABLE TO GIVE
13 YOU A MINUTE ENTRY TODAY ABOUT WHAT THE PLAN IS GOING
14 TO BE. HOW FAST CAN YOU ALL HAVE A MAP? YOU GO
15 CONFER. HOW FAST CAN YOU HAVE A MAP?

16 **MR. ADCOCK:** JUDGE, THIS IS MY PROBLEM, NOT
17 YOURS. I'M CONFERRING WITH CO-COUNSEL OVER TEXT
18 MESSAGE. BUT I'M NOT AWARE OF THESE CASES THAT SAYS
19 THEY REQUIRE DISCOVERY. I'D LIKE TO SEE THEM.

20 HOWEVER, IN THE EVENT OF TIME, IF THEY
21 CAN AGREE TO A LIMITED DEPOSITION JUST LIMITED TO
22 THIS MAP, NOT SOME SEVEN-HOUR THING BUT MAYBE LIKE A
23 FOUR-HOUR THING OR A THREE-HOUR THING, WE'D PROPOSE
24 THAT TO THE COURT IN THE INTEREST OF MOVING THIS
25 FORWARD.

1 AND THEY HAD A CHANCE TO DEPOSE OUR
2 EXPERTS AND THEY CHOSE NOT TO. BECAUSE, REMEMBER, WE
3 PUT OFF THE PRELIMINARY INJUNCTION HEARING BY A FEW
4 WEEKS AND THERE WAS TIME TO DEPOSE PEOPLE. THERE WAS
5 DISCUSSION ABOUT DEPOSING EXPERTS AND THEY CHOSE NOT
6 TO DO IT. I JUST WANT TO ADD THAT IN FOR THE RECORD.

7 AND --

8 **THE COURTROOM DEPUTY:** MR. ADCOCK, IF YOU
9 WOULD, PLEASE COME TO THE PODIUM.

10 **MS. MCKNIGHT:** YOUR HONOR, I WOULD JUST
11 BRIEFLY NOTE, MR. ADCOCK IS MAKING REPRESENTATIONS TO
12 THE COURT WHILE WE ARE TRYING TO CONFER AND PROVIDE
13 THE COURT DATES AS SOON AS POSSIBLE. WE CANNOT DO
14 BOTH, BOTH DEFEND AGAINST REPRESENTATIONS THAT WE
15 FIND INACCURATE AND ALSO CONFER TO GET YOU A DATE AS
16 EARLY AS POSSIBLE.

17 **THE COURT:** WELL, STAND DOWN AND LISTEN TO
18 MR. ADCOCK. I'M GOING TO GIVE YOU A MINUTE. JUST --
19 ALL RIGHT. GO AHEAD.

20 **MR. ADCOCK:** THAT WAS NOT MY INTENTION,
21 JUDGE. I THOUGHT THE COURT RECOGNIZED ME AND I WAS
22 DOING IT, BUT I APOLOGIZE. I'LL SAY THIS AGAIN.

23 SO BASICALLY WE THINK THAT THE
24 DEFENDANTS HAVE HAD AN OPPORTUNITY TO DEPOSE ANY OF
25 OUR WITNESSES OR EXPERTS THEY WANTED TO BEFORE THE

1 PRELIMINARY INJUNCTION HEARING. I'LL NOTE THAT THE
2 COURT SCHEDULED A PRELIMINARY INJUNCTION HEARING
3 POST-HASTE AND THEN WE PUT IT OFF FOR ANOTHER TWO OR
4 THREE WEEKS TO GIVE THEM MORE TIME TO PREPARE. THERE
5 WAS DISCUSSION ABOUT DOING DEPOSITIONS THEN. WE
6 CHOSE NOT TO, AND WE'RE NOT COMPLAINING ABOUT IT NOW.
7 NOW THEY WANT TO DO DEPOSITIONS AFTER THE FACT.

8 SO IF THE -- BUT IF THE COURT IS
9 INCLINED TO DO THAT, WE WOULD JUST PROPOSE THAT IT BE
10 A LIMITED DEPOSITION OF NO MORE THAN THREE HOURS JUST
11 DEVOTED TO THE MAPS IN QUESTION AND NOT ANYTHING
12 ELSE. OF COURSE, BEFORE FINAL JUDGMENT WE'LL HAVE A
13 FULL DISCOVERY PERIOD AND WE CAN DO THAT. THEY CAN
14 DEPOSE WHOEVER THEY WANT.

15 **THE COURT:** THERE IS STILL A WHOLE MERITS --
16 WHOLE MERITS HEARING THAT WE HAVEN'T EVEN GOTTEN TO
17 YET. THANK YOU.

18 **MR. ADCOCK:** IF THEY COULD PUT THEIR
19 PROPOSAL FOR WHAT THEY WANT TO DO DISCOVERY ON IN
20 WRITING WITH THESE CASES THEY'RE TALKING ABOUT, WE'D
21 APPRECIATE THAT. WE'RE FINE WITH THE DATES WE
22 PROPOSE IN OUR BRIEFING AND REPRESENTATIONS THAT
23 MR. PAPIILLION MADE IN FRONT OF THE COURT JUST NOW.

24 **THE COURT:** WELL, THEN, LET'S JUST DO THIS.
25 THERE HAS NOT BEEN -- THERE IS NO CONSENSUS ON THE

1 DISCOVERY, AND THE COURT HAS NOT LOOKED AT THE CASES
2 THAT MS. MCKNIGHT CONTENDS WOULD REQUIRE DISCOVERY
3 FOR THE REMEDIAL PHASE.

4 SO BY CLOSE OF BUSINESS TODAY, LET ME
5 HAVE YOUR PROPOSALS WITH RESPECT TO HOW YOU WANT TO
6 MOVE FORWARD ON REMEDIAL -- IN THE ENACTMENT OF
7 REMEDIAL MAPS IN THE EVENT THAT THE LEGISLATURE IS
8 UNABLE TO DRAW A MAP THAT'S COMPLIANT WITH THE VOTING
9 RIGHTS ACT AND THAT IS COMPLIANT WITH THIS COURT'S
10 ORDER.

11 SO BY FIVE O'CLOCK TODAY, LET ME HAVE
12 YOUR BRIEFS AND -- OR YOUR POSITIONS ON THAT AND YOUR
13 CITATIONS TO WHATEVER LAW THAT YOU'VE GOT THAT
14 REQUIRE -- THAT WOULD REQUIRE DISCOVERY, AND THE
15 COURT WILL GET A MINUTE ENTRY IN THE RECORD TOMORROW.

16 IS THERE ANYTHING FURTHER?

17 COURT'S IN RECESS.

18 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

19

20

21

22

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C E R T I F I C A T E

**I CERTIFY THAT THE FOREGOING IS A CORRECT
TRANSCRIPT FROM THE RECORD OF THE PROCEEDINGS IN THE
ABOVE-ENTITLED NUMBERED MATTER.**

S:/NATALIE W. BREAU

NATALIE W. BREAU, RPR, CRR

OFFICIAL COURT REPORTER