

# **Exhibit 2**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, et al.,  
*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana.

*Defendant.*

Civil Action No. 3:22-cv-00211-SDD-RLB

EDWARD GALMON, SR., et al.,  
*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana.

Civil Action No. 3:22-cv-00214-SDD-RLB

**Preliminary Expert Report of Dr. Lisa Handley**

**I. Introduction**

***Summary Conclusion*** Voting in the State of Louisiana is racially polarized. This racial polarization impedes the ability of Black voters to elect candidates of their choice unless congressional districts are drawn that provide Black voters with an opportunity to elect their preferred candidates to the U.S. House of Representatives. The 2011 congressional districting plan<sup>1</sup> (2011 Plan) and the recently enacted congressional districting plan<sup>2</sup> (Enacted Plan) provide only one such district. As an illustrative plan (Illustrative Plan) drawn by Plaintiffs' expert demographer, Anthony Fairfax, demonstrates, it is possible to create an additional congressional district that would provide Black voters with an opportunity to elect their candidates of choice. By failing to provide an additional Black opportunity district, the Enacted Plan dilutes the opportunity

<sup>1</sup> La. Rev. Stat. § 18:1276.1.

<sup>2</sup> H.B.1, Veto Session ((La. 2022).

of Black voters to participate in the electoral process and elect candidates of their choice to the U.S. House of Representatives.

***Scope of Project*** I was retained by Plaintiffs in this case as an expert to conduct an analysis of voting patterns by race in the State of Louisiana to determine whether voting is racially polarized. In addition, I was asked to assess the opportunities provided to Black voters to elect their candidates of choice to Congress in the Enacted and Illustrative Plans.<sup>3</sup>

## II. Professional Background and Experience

I have over thirty-five years of experience as a voting rights and redistricting expert. I have advised scores of jurisdictions and other clients on minority voting rights and redistricting-related issues. I have served as an expert in dozens of voting rights cases. My clients have included state and local jurisdictions, independent redistricting commissions (Arizona, Colorado, Michigan), the U.S. Department of Justice, national civil rights organizations, and such international organizations as the United Nations.

I have been actively involved in researching, writing, and teaching on subjects relating to voting rights, including minority representation, electoral system design, and redistricting. I co-authored a book, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992), and co-edited a volume, *Redistricting in Comparative Perspective* (Oxford University Press, 2008), on these subjects. In addition, my research on these topics has appeared in peer-reviewed journals such as *Journal of Politics*, *Legislative Studies Quarterly*, *American Politics Quarterly*, *Journal of Law and Politics*, and *Law and Policy*, as well as law reviews (e.g., *North Carolina Law Review*) and a number of edited books. I hold a Ph.D. in political science from The George Washington University.

I have been a principal of Frontier International Electoral Consulting since co-founding the company in 1998. Frontier IEC specializes in providing electoral assistance in transitional democracies and post-conflict countries. In addition, I am a Visiting Research Academic at Oxford Brookes University in Oxford, United Kingdom. Attached to the end of this report is a copy of my curriculum vitae.

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<sup>3</sup> I am being compensated at a rate of \$300 an hour for work on this project.

### III. Analyzing Voting Patterns by Race

An analysis of voting patterns by race serves as the foundation of two of the three elements of the “results test” as outlined in *Thornburg v. Gingles*: a racial bloc voting analysis is needed to determine whether the minority group is politically cohesive; and the analysis is required to determine if whites are voting sufficiently as a bloc to usually defeat the candidates preferred by minority voters. The voting patterns of white and minority voters must be estimated using statistical techniques because direct information about the race of the voters is not, of course, available on the ballots cast.

To carry out an analysis of voting patterns by race, an aggregate level database must be constructed since individual level data is not available. The aggregate data relied on is usually election precincts. Information relating to the demographic composition and election results in the precincts is collected, merged, and statistically analyzed to determine if there is a relationship between the racial composition of the precincts and support for specific candidates across the precincts.

***Standard Statistical Techniques*** Three standard statistical techniques have been developed over time to estimate vote choices by race: homogeneous precinct analysis, ecological regression, and ecological inference.<sup>4</sup> Two of these analytic procedures – homogeneous precinct analysis and ecological regression – were employed by the plaintiffs’ expert in *Thornburg v. Gingles*, have the benefit of the Supreme Court’s approval in that case, and have been used in most subsequent voting rights cases. The third technique, ecological inference, was developed after the *Gingles* decision and was designed, in part, to address some of the disadvantages associated with ecological regression analysis. Ecological inference analysis has been introduced and accepted in numerous district court proceedings.

*Homogeneous precinct* (HP) analysis is the simplest technique. It involves comparing the percentage of votes received by each of the candidates in precincts that are racially or ethnically homogeneous. The general practice is to label a precinct as homogeneous if at least 90 percent of the voters or voting age population is composed of a single race. In fact, the homogeneous results

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<sup>4</sup> For a detailed explanation of homogeneous precinct analysis and ecological regression, see Bernard Grofman, Lisa Handley, and Richard Niemi, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992). See Gary King, *A Solution to the Ecological Inference Problem* (Princeton University Press, 1997) for a more detailed explanation of ecological inference.

reported are not estimates – they are the actual precinct results. However, most voters in Louisiana do not reside in homogeneous precincts and voters who reside in homogeneous precincts may not be representative of voters who live in more racially diverse precincts. For this reason, I refer to these percentages as estimates.

The second statistical technique employed, *ecological regression* (ER), uses information from all precincts, not simply the homogeneous ones, to derive estimates of the voting behavior of minorities and whites. If there is a strong linear relationship across precincts between the percentage of minorities and the percentage of votes cast for a given candidate, this relationship can be used to estimate the percentage of minority and white voters supporting the candidate.

The third technique, *ecological inference* (EI), was developed by Professor Gary King. This approach also uses information from all precincts but, unlike ecological regression, it does not rely on an assumption of linearity. Instead, it incorporates maximum likelihood statistics to produce estimates of voting patterns by race. In addition, it utilizes the method of bounds, which uses more of the available information from the precinct returns than ecological regression.<sup>5</sup> Unlike ecological regression, which can produce percentage estimates of less than 0 or more than 100 percent, ecological inference was designed to produce only estimates that fall within the possible limits. However, EI does not guarantee that the estimates for all of the candidates add to 100 percent for each of the racial groups examined. In conducting my analysis of voting patterns by race in recent elections in Louisiana, I also used a more recently developed version of ecological inference, which I have labeled “EI RxC” in the summary tables. The advantage of EI RxC is that it produces generally accepted confidence intervals for the estimates of minority and white voters supporting each of the candidates. I have included these confidence intervals in the summary tables in the *Appendices*.

**Database** To analyze voting patterns by race using aggregate level information, a database that combines election results with demographic information is required. This database is almost always constructed using election precincts as the unit of analysis. The demographic composition of the precincts is based on voter registration or turnout by race if this information is available.

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<sup>5</sup> The following is an example of how the method of bounds works: if a given precinct has 100 voters, of whom 75 are Black and 25 are white, and the Black candidate received 80 votes, then at least 55 of the Black voters voted for the Black candidate and at most all 75 did. (The method of bounds is less useful for calculating estimates for white voters, as anywhere between none of the whites and all of the whites could have voted for the candidate.)

Where this is not available, voting age population or citizen voting age population is used.

Louisiana collects voter registration data by race (registering voters self-identify their race). The 2015, 2016, 2017, 2018, 2019, and 2020 election turnout results by race, for all precincts and election cycles, are publicly available on the Louisiana Secretary of State's website.

To build the Louisiana dataset for the purpose of the racial bloc voting analysis, 2016, 2017, 2018, 2019, and 2020 precinct-level shapefiles were acquired from the Voting and Election Science Team.<sup>6</sup> These shapefiles were joined to precinct-level election returns and turnout counts by race from the Louisiana Secretary of State's office, both of which were processed and cleaned by OpenElections. Early and absentee votes cast for each of the candidates, reported only at the parish level in Louisiana, were allocated to the parish precincts on the basis of the candidate vote totals on Election Day.<sup>7</sup> The 2020 census block shapefiles, and total and voting age populations by race and ethnicity, were obtained from the Census FTP portal.

The election returns for the 2015–2020 election cycles were disaggregated down to the level of the 2020 census block. This block-level dataset was then reaggregated up to the level of the within-cycle voting precinct for each election year cycle separately, taking into account splits in precincts across district boundaries by the various enacted and proposed plans.

***Elections analyzed*** All recent statewide election contests that included Black candidates were analyzed.<sup>8</sup> These elections are listed in Table 1, below.<sup>9</sup>

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<sup>6</sup> The 2015 precinct-level shapefiles are publicly available on the Louisiana Secretary of State's office website.

<sup>7</sup> Early and absentee votes are reported only at the parish level in Louisiana – they are not allocated back to the precincts where the voters reside. Rather than simply ignore these votes, they have been allocated to the parish precincts proportionally based on the votes received by each of the candidates on Election Day. For example, if Candidate X received 80% of her Election Day parish-wide vote in two-precinct Parish Z from Precinct A and 20% from Precinct B, then 80% of her early and absentee votes would be allocated to Precinct A and 20% to Precinct B.

<sup>8</sup> Courts consider election contests that include minority candidates more probative than contests that include only white candidates for determining if voting is racially polarized. This is because it is not sufficient for minority voters to be able to elect their candidates of choice only if these candidates are white. On the other hand, it is important to recognize that not all minority candidates are the preferred candidates of minority voters.

<sup>9</sup> In one of the elections analyzed – the November 2020 election for U.S. President – it was the running mate, Kamala Harris, who is Black.

**Table 1: Louisiana Statewide Elections Analyzed**

<b>Election Cycle</b>	<b>Office</b>	<b>Black Candidate(s)</b>
November 2020	U.S. President/Vice President	Kamala Harris
	U.S. Senator	Adrian Perkins
		Derrick Edwards
November 2019	Secretary of State	Gwen Collins-Greenup
October 2019	Lieutenant Governor	Willie Jones
	Attorney General	Ike Jackson
	Treasurer	Derrick Edwards
	Secretary of State	Gwen Collins-Greenup
December 2018	Secretary of State	Gwen Collins-Greenup
November 2018	Secretary of State	Gwen Collins-Greenup
November 2017	Treasurer	Derrick Edwards
October 2017	Treasurer	Derrick Edwards
November 2015	Lieutenant Governor	Kip Holden
October 2015	Lieutenant Governor	Kip Holden
	Attorney General	Ike Jackson
		Geri Broussard Baloney
	Secretary of State	Chris Tyson

Because endogenous elections (elections for the office at issue) are particularly probative in a vote dilution claim, I also conducted a racial bloc voting analysis of all recent congressional elections (2016–2020) that included Black candidates. Table 2, below, lists these contests.

**Table 2: Louisiana Congressional Elections Analyzed**

<b>Congressional District</b>	<b>Election Cycle</b>	<b>Black Candidate(s)</b>
District 2	October 2020	Cedrick Richmond
		Glenn Harris
	October 2018	Cedric Richmond
		Belden Batiste
		Shawndra Rodriguez
	October 2016	Cedric Richmond
District 3	October 2020	Kip Holden
		Kenneth Cutno
District 4	October 2020	Braylon Harris
	October 2016	Larry Rader
District 5	October 2020	Kenny Houston
District 6	October 2020	Sandra Christophe
District 6	October 2020	Dartanyon Williams
	October 2016	Jermaine Sampson

***Geographic areas analyzed*** I analyzed voting patterns in all recent statewide elections that included Black candidates (exogenous elections). I also conducted a district-specific racial bloc voting analysis of all recent congressional elections that included Black candidates (endogenous elections). In addition, I examined voting patterns in all of the congressional districts in the Enacted Plan that are likely to contribute voters to an additional majority Black district and are at issue in this litigation.

#### **IV. Voting in Recent Louisiana Elections is Racially Polarized**

***Statewide elections*** Voting in recent elections in Louisiana is starkly racially polarized. In every one of the recent 15 statewide contests that included Black candidates, Black voters were very cohesive in support of their preferred candidates and white voters consistently bloc voted

against these candidates. Estimates of the percentage of Black and white voters who supported each of the candidates in these 15 statewide contests can be found in *Appendix A*.

The average percentage of Black voter support for their preferred candidates (“Black-preferred candidates”) was 83.8% across all 15 contests.<sup>10</sup> When contests with only two candidates are considered, the level of cohesion was even higher, with Black voters’ support averaging 93.5% for the Black-preferred candidates across these nine contests. The average percentage of white voter support for the Black-preferred candidate, on the other hand, was 11.7% across the 15 contests and rose only slightly to 14.1% when contests with only two candidates are considered. While the candidate preferred by Black voters made it to a runoff election on four occasions, the Black-preferred candidates ultimately lost all 15 of these elections. No Black candidate preferred by Black voters was elected to statewide office in the period studied for this report.<sup>11</sup>

***Congressional elections*** Nine recent congressional election contests in Louisiana included Black candidates. The results of my analysis of these contests can be found in *Appendix B*. Three of these contests were conducted in Congressional District 2, which is majority Black in population and represented by Cedric Richmond, a Black Democrat. These election contests were probably not racially polarized, although the estimates for the 2020 contest are not conclusive.<sup>12</sup>

The six elections that occurred in districts other than District 2 were all racially polarized. The Black-preferred candidate did not win any of these six contests. The results of the election contests in these other districts are as follows:<sup>13</sup>

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<sup>10</sup> In all 15 of the contests analyzed, the Black candidate or, if there was more than one Black candidate, one of the Black candidates, was the candidate of choice of Black voters. This means that in the two-candidate contests the candidate of choice of Black voters received more than 50% of the vote. However, in the six out of the 15 elections where more than two candidates competed, the candidate of choice of Black voters may have received only a plurality of the Black vote. I averaged the percentage of the vote received by the candidate of choice of Black voters in all 15 contests and in the nine contests with only two candidates. The Black-preferred candidate was always a Black candidate in the statewide elections but not all Black candidates who ran statewide were the candidates of choice and hence are not included in the averages.

<sup>11</sup> While Joe Biden and Kamala Harris actually won the 2020 race for U.S. President/Vice President, they did not carry the State of Louisiana.

<sup>12</sup> In the 2020 election in District 2, the HP, ER and EI 2x2 estimates indicate that voting was polarized, with the plurality of white voters supporting Richmond’s white Republican opponent, David Schilling. However, the EI RxC estimate points to Richmond as the plurality choice of white voters.

<sup>13</sup> No Black candidates competed in District 1 in congressional elections in 2016, 2018, or 2020.

- *District 3:* In the 2020 election, a majority of Black voters supported Black Democrat Braylon Harris, who lost to the white-preferred candidate, white Republican Clay Higgins. In 2016, the plurality of Black voters supported Black Democrat Larry Rader, who did not even make it to the runoff – nor did the second choice of Black voters, white Democrat Jacob Hebert. (No Black candidates ran in District 3 in 2018.)
- *District 4:* In 2020, Black Democrat Kenny Houston was supported by a strong majority of Black voters. He was easily defeated by the white-preferred candidate, white Republican Mike Johnson. No Black candidates competed in 2016 or 2018 for this seat.
- *District 5:* In the October 2020 election in District 5, nine candidates ran to replace retiring congressman Ralph Abraham, a white Republican. Black Democrat Sandra Christophe was the plurality choice of Black voters. She received less than 5% of white vote and did not even advance to the runoff.
- *District 6:* In 2020, a strong majority of Black voters supported Black Democrat Dartanyon Williams, who lost to the white-preferred candidate, white Republican Garret Graves. In 2016, the plurality of Black voters supported the white Democrat, Richard Lieberman, with the Black Democrat, Jermaine Sampson, the second choice of Black voters. Neither of these two top choices won or advanced to a runoff. Instead, the candidate preferred by white voters, white Republican Garret Graves, easily won the election. (No Black candidates ran in District 6 in 2018.)

## **V. The Enacted Congressional Plan Dilutes Black Voting Strength**

The 2011 Plan limited Black voters’ opportunity to elect their candidates of choice to one congressional district, Congressional District 2. This assessment is based on more than simply the demographic composition of the districts; it takes into account whether a district was “effective” in electing Black-preferred candidates. As the racial bloc voting analysis of recent congressional elections indicates (see the discussion of congressional elections in Section IV), the Black-preferred candidates that ran in districts other than Congressional District 2 consistently failed to win, or even to advance to a runoff, in any of the districts in which Black candidates competed.

The Enacted Plan, like the 2011 Plan, creates only one majority Black district, limiting Black voters’ opportunity to elect their candidates of choice to only that district. The Black

voting age populations (BVAP) of all of the districts in the 2011 Plan and the Enacted Plan are listed in Table 3.<sup>14</sup>

**Table 3: Percent Black Voting Age Population in 2011 and Enacted Congressional Districts**

District	2011 Plan	Enacted Plan
	BVAP%	BVAP%
1	14.6%	13.4%
2	58.6%	58.7%
3	24.5%	24.6%
4	33.4%	33.8%
5	33.0%	32.9%
6	24.7%	24.0%

To assess whether a proposed district is likely to provide Black voters with an opportunity to elect their candidates of choice, a district-specific, functional analysis should be conducted. This assessment depends not only upon the demographic composition of the district but the voting patterns in that district and whether the candidates preferred by minority voters are likely to usually win in the district – this is what is meant by “functional.” To assess the Enacted Plan, election results recompiled to conform to the boundaries of the proposed districts must be used because no elections have occurred since the new districts were adopted. The best election contests to use for a functional analysis are recent elections that included a Black candidate supported by Black voters, but not by white voters. All 15 of the election contests I analyzed meet these two criteria.

The election results for all 15 recent statewide elections that included Black candidates were recompiled to conform to the congressional district boundaries in the Enacted Plan. These recompiled results were then used to construct two indices, or “effectiveness scores.” The first

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<sup>14</sup> Black voting age population has been calculated by counting all persons who checked “Black or African American” on their census form.

score (Effectiveness Score #1) indicates the percent of election contests (out of the total 15 statewide contests) that the Black-preferred candidate would have won or advanced to a runoff. The second score (Effectiveness Score #2) reports the percent of two-candidate elections (out of the nine two-candidate contests) that the Black-preferred candidate would have won. It makes it clear that while the Black-preferred candidate may advance to the runoff in some instances, winning the runoff is far more challenging. The two scores for each of the districts in the Enacted Plan can be found in Table 4.

**Table 4: Effectiveness Scores for Congressional Districts in Enacted Plan**

<b>Enacted Plan District</b>	<b>Effectiveness Score #1:</b>	<b>Effectiveness Score #2:</b>
	<b>Percent of Contests Black-Preferred Candidate Wins or Advances to Runoff From All 15 Elections</b>	<b>Percent of Two-Candidate Contests Black-Preferred Candidate Wins</b>
1	0.0%	0.0%
2	100.0%	100.0%
3	6.7%	0.0%
4	26.7%	0.0%
5	26.7%	0.0%
6	6.7%	0.0%

As this table makes clear, the Enacted Plan, like the 2011 Plan, offers only one district – District 2 – that will provide Black voters with an opportunity to elect their preferred candidates to Congress. The effectiveness scores of the other five districts in the Enacted Plan indicate that while the Black-preferred candidates may occasionally make it to a runoff, they are very unlikely to ultimately win the congressional seat in Enacted Districts 1, 3, 4, 5, or 6.

## **VI. An Additional Majority Black Congressional District Can Be Created**

I reviewed an Illustrative Plan created by Plaintiffs' expert Tony Fairfax. This Plan demonstrates that it is possible to create a second majority Black congressional district in Louisiana. Table 5 provides the BVAP percentages of the six districts in the Illustrative Plan.

**Table 5: Percent Black Voting Age Population in Illustrative Plan Congressional Districts**

<b>District</b>	<b>Illustrative Plan BVAP%</b>
1	18.3%
2	51.0%
3	17.9%
4	31.9%
5	52.1%
6	16.2%

A district-specific, functional analysis of this plan reveals that it offers two districts that are likely to provide Black voters with an opportunity to elect their candidates of choice to Congress: Districts 2 and 5. Table 6 mirrors Table 4 but provides the effectiveness scores for the six districts in the Illustrative Plan. The methodology for this functional analysis was the same as used for the analysis for Enacted Plan shown in Table 4.

**Table 6: Effectiveness Scores for Congressional Districts in Illustrative Plan**

<b>Illustrative Plan District</b>	<b>Effectiveness Score #1:</b>	<b>Effectiveness Score #2:</b>
	<b>Percent of Contests Black-Preferred Candidate Wins or Advances to Runoff From all 15 Elections</b>	<b>Percent of Two-Candidate Contests Black-Preferred Candidate Wins</b>
1	13.3%	0.0%
2	100.0%	100.0%
3	0.0%	0.0%
4	26.7%	0.0%
5	80.0%	77.8%
6	0.0%	0.0%

The effectiveness scores for District 5 indicate that the Black-preferred candidate is likely to win or to advance to a runoff in 80% of the contests held. And in 77.8% of the two-candidate contests (either because only two candidates competed or there was a runoff featuring two candidates), the candidate of choice of Black voters is likely to win.

## **VII. Voting Patterns in the Enacted Map Districts at Issue**

I conducted an analysis of voting patterns for recompiled statewide elections in Enacted Districts 2, 3, 4, 5, and 6 because these are the districts that are likely to contribute voters to an additional majority Black district and are at issue in this litigation. The estimates for Black and white voters for each of the candidates in the 15 contests can be found in *Appendices C–F*, with Enacted District 2 estimates in *Appendix C*, Enacted District 3 in *Appendix D*, Enacted District 4 in *Appendix E*, Enacted District 5 in *Appendix F*, and Enacted District 6 in *Appendix G*.

Voting in all of the districts examined was racially polarized. This polarization was particularly stark in Enacted Districts 3, 4, 5, and 6. Black voters were consistently cohesive in all districts, with the average support for Black-preferred candidates ranging from 82.8% (Enacted District 3) to 84.5% (Enacted District 4) in the 15 contests analyzed. When contests

with only two candidates are considered, Black support averages ranges from 91.5% (Enacted District 6) to 94.3% (Enacted District 2).

The percentage of white support for the Black-preferred candidates is remarkably low in all of the Enacted districts except District 2. The average white support for Black voters' candidates of choice, for all contests and for the nine contests with only two candidates, are reported in Table 7.

**Table 7: Average White Support for Black-Preferred Candidates**

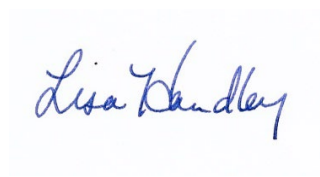
<b>Enacted District</b>	<b>Average White Support for Black-Preferred Candidates</b>	<b>Average White Support for Black-Preferred Candidates, Contests with Two Candidates</b>
2	31.3%	36.1%
3	9.8%	12.3%
4	8.6%	10.8%
5	7.7%	9.8%
6	12.9%	15.0%

Congressional District 2 in the Enacted Plan, like District 2 in the 2011 Plan, is majority Black in population. District 2 in the 2011 Plan consistently elected a Black-preferred Black candidate, Cedric Richmond, to Congress. However, in the elections that he won in 2016 and 2018, when a majority or plurality of white voters supported him, he did not face a white Republican. In 2020, Richmond may not have been the preferred candidate of white voters – a plurality of white voters may have preferred his white Republican opponent. The racial bloc voting analysis in Enacted District 2 indicates that white Republicans are consistently the candidate of choice of white voters in statewide elections – but none of these elections included Black incumbents. Clearly, while a higher percentage of white voters support Black-preferred candidates in this district than in Enacted Districts 3, 4, 5, and 6, it cannot be said that voting is not racially polarized in Enacted District 2.

### **VIII. Conclusion**

On the basis of my analysis of voting patterns by race I have concluded that voting in Louisiana is racially polarized. The Black community is cohesive in support of their preferred candidates and white voters consistently bloc vote to defeat the candidates of choice of Black voters. This is true statewide, in previous congressional elections in all but Congressional District 2, and in the Enacted Plan districts that would contribute voters to an additional Black opportunity congressional district should one be created. The Enacted Plan dilutes the voting strength of Black voters in Louisiana by failing to create a second district that would offer Black voters an opportunity to elect their candidates of choice to the U.S. House of Representatives.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed April 13, 2022.

A handwritten signature in blue ink that reads "Lisa Handley". The signature is written in a cursive, flowing style.

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Lisa Handley, Ph. D.

**Lisa R. Handley**  
CURRICULUM VITAE

## **Professional Experience**

Dr. Handley has over thirty years of experience in the areas of redistricting and voting rights, both as a practitioner and an academician, and is recognized nationally and internationally as an expert on these subjects. She has advised numerous clients on redistricting and has served as an expert in dozens of redistricting and voting rights court cases. Her clients have included the U.S. Department of Justice, civil rights organizations, independent redistricting commissions and scores of state and local jurisdictions. Internationally, Dr. Handley has provided electoral assistance in more than a dozen countries, serving as a consultant on electoral system design and redistricting for the United Nations, UNDP, IFES, and International IDEA. In addition, Dr. Handley served as Chairman of the Electoral Boundaries Commission in the Cayman Islands.

Dr. Handley has been actively involved in research, writing and teaching on the subjects of redistricting and voting rights. She has co-written a book, Minority Representation and the Quest for Voting Equality (Cambridge University Press, 1992) and co-edited a volume (Redistricting in Comparative Perspective, Oxford University Press, 2008) on these subjects. Her research has also appeared in peer-reviewed journals such as *Journal of Politics*, *Legislative Studies Quarterly*, *American Politics Quarterly*, *Journal of Law and Politics*, and *Law and Policy*, as well as law reviews and edited books. She has taught political science undergraduate and graduate courses related to these subjects at several universities including the University of Virginia and George Washington University. Dr. Handley is a Visiting Research Academic at Oxford Brookes University in the United Kingdom.

Dr. Handley is the President of Frontier International Consulting, a consulting firm that specializes in providing electoral assistance in transitional and post-conflict democracies. She also works as an independent election consultant both in the United States and internationally.

## **Education**

Ph.D. The George Washington University, Political Science, 1991

## **Present Employment**

**President**, Frontier International Electoral Consulting LLC (since co-founding company in 1998).

**Senior International Electoral Consultant**, Technical assistance for clients such as the UN, UNDP and IFES on electoral system design and boundary delimitation

**Visiting Research Academic**, Centre for Development and Emergency Practice (CENDEP), Oxford Brookes University

## **U.S. Clients since 2000**

American Civil Liberties Union – expert testimony in Voting Right Act challenges in several states, expert testimony in Ohio partisan gerrymander challenge and challenge to Commerce Department inclusion of citizenship question on 2020 census form

Lawyers Committee for Civil Rights Under Law – expert testimony in challenges to statewide judicial elections in Texas and Alabama

US Department of Justice – expert witness testimony in several Section 2 and Section 5 cases

Alaska: Redistricting Board (2001 and 2011) – redistricting consultation, expert witness testimony

Arizona: Independent Redistricting Board (2001 and 2021) – redistricting consultation

Colorado: Redistricting Commission (2021), Redistricting Board (2001 and 2011) – redistricting consultation

Connecticut: State Senate and State House of Representatives (2001 and 2011) – redistricting consultation

Florida: State Senate (2000) – redistricting consultation

Kansas: State Legislative Research Department (2001, 2011, 2021) – redistricting consultation

Louisiana: Louisiana Legislative Black Caucus (2001) – expert witness testimony

Massachusetts: State Senate (2001 and 2011) – redistricting consultation

Maryland: Attorney General (2001) – redistricting consultation

Michigan: Michigan Independent Citizens Redistricting Commission (2021) – redistricting consultation

Miami-Dade County, Florida: County Attorney (2001 and 2011) – redistricting consultation

Nassau County, New York: Redistricting Commission (2001) – redistricting consultation

New Mexico: State House (2001) – redistricting consultation, expert witness testimony

New York: State Assembly (2001), State Senate (2021) – redistricting consultation

New York City: Redistricting Commission and Charter Commission (2001, 2011) – redistricting consultation and Section 5 submission assistance

New York State Court: Expert to the Special Master (drew congressional lines for state court)

Rhode Island: State Senate and State House (2001 and 2021) – redistricting consultation

Vermont: Secretary of State (2001) – redistricting consultation

## International Clients since 2000

### United Nations

- Afghanistan – electoral system design and district delimitation expert
- Bangladesh (UNDP) – redistricting expert
- Sierra Leone (UNDP) – redistricting expert
- Liberia (UNMIL, UN peacekeeping mission) – redistricting expert
- Democratic Republic of the Congo (MONUC, UN peacekeeping mission) – election feasibility mission, electoral system design and redistricting expert
- Kenya (UN) – electoral system design and redistricting expert
- Haiti (UN) – election feasibility mission, electoral system design and redistricting expert
- Zimbabwe (UNDP) – redistricting expert
- Lead Writer on the topic of boundary delimitation (redistricting) for ACE (Joint UN, IFES and IDEA project on the Administration and Cost of Elections Project)

### International Foundation for Election Systems (IFES)

- Afghanistan – district delimitation expert
- Sudan – redistricting expert
- Kosovo – electoral system design and redistricting expert
- Nigeria – redistricting expert
- Nepal – redistricting expert
- Georgia – electoral system design and district delimitation expert
- Yemen – redistricting expert
- Lebanon – electoral system design and redistricting expert
- Malaysia – electoral system design and redistricting expert
- Myanmar – electoral system design and redistricting expert
- Ukraine – electoral system design and redistricting expert
- Pakistan – consultant for developing redistricting software
- Principal consultant for the Delimitation Equity Project – conducted research, wrote reference manual and developed training curriculum
- Writer on electoral boundary delimitation (redistricting), Elections Standards Project
- Training – developed training curriculum and conducted training workshops on electoral boundary delimitation (redistricting) in Azerbaijan and Jamaica

### International Institute for Democracy and Electoral Assistance (International IDEA):

- Consultant on electoral dispute resolution systems
- Technology consultant on use of GIS for electoral district delimitation
- Training – developed training material and conducted training workshop on electoral boundary delimitation (redistricting) for African election officials (Mauritius)
- Curriculum development – boundary delimitation curriculum for the BRIDGE Project

Other international clients have included The Cayman Islands; the Australian Election Commission; the Boundary Commission of British Columbia, Canada; and the Global Justice Project for Iraq.

## **Publications**

### ***Books:***

Does Torture Prevention Work? Liverpool University Press, 2016 (served as editor and author, with Richard Carver)

Comparative Redistricting in Perspective, Oxford University Press, 2008 (first editor, with Bernard Grofman).

Delimitation Equity Project: Resource Guide, Center for Transitional and Post-Conflict Governance at IFES and USAID publication, 2006 (lead author).

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### ***Academic Journal Articles:***

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***Chapters in Edited Volumes:***

"Effective torture prevention," Research Handbook on Torture, Sir Malcolm Evans and Jens Modvig (eds), Cheltenham: Edward Elgar, 2020 (with Richard Carver).

"Redistricting" in Oxford Handbook of Electoral Systems, Erik Herron Robert Pekkanen and Matthew Shugart (eds), Oxford: Oxford University Press, 2018.

"Role of the Courts in the Electoral Boundary Delimitation Process," in International Election Remedies, John Hardin Young (ed.), Chicago: American Bar Association Press, 2017.

"One Person, One Vote, Different Values: Comparing Delimitation Practices in India, Canada, the United Kingdom, and the United States," in Fixing Electoral Boundaries in India, edited by Mohd. Sanjeer Alam and K.C. Sivaramakrishnan, New Delhi: Oxford University Press, 2015.

"Delimiting Electoral Boundaries in Post-Conflict Settings," in Comparative Redistricting in Perspective, edited by Lisa Handley and Bernard Grofman, Oxford: Oxford University Press, 2008.

"A Comparative Survey of Structures and Criteria for Boundary Delimitation," in Comparative Redistricting in Perspective, edited by Lisa Handley and Bernard Grofman, Oxford: Oxford University Press, 2008.

"Drawing Effective Minority Districts: A Conceptual Model," in Voting Rights and Minority Representation, edited by David Bositis, published by the Joint Center for Political and Economic Studies, Washington DC, and University Press of America, New York, 2006.

"Electing Minority-Preferred Candidates to Legislative Office: The Relationship Between Minority Percentages in Districts and the Election of Minority-Preferred Candidates," in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman and Wayne Arden).

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"Voting Rights in the 1990s: An Overview," in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman and Wayne Arden).

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"Preconditions for Black and Hispanic Congressional Success," in United States Electoral Systems: Their Impact on Women and Minorities, eds. Wilma Rule and Joseph Zimmerman, Greenwood Press, 1992 (with Bernard Grofman).

***Electronic Publication:***

"Boundary Delimitation" Topic Area for the Administration and Cost of Elections (ACE) Project, 1998. Published by the ACE Project on the ACE website ([www.aceproject.org](http://www.aceproject.org)).

***Additional Writings of Note:***

Amicus brief presented to the US Supreme Court in Gill v. Whitford, Brief of Political Science Professors as Amici Curiae, 2017 (one of many social scientists to sign brief)

Amicus brief presented to the US Supreme Court in Shelby County v. Holder, Brief of Historians and Social Scientists as Amici Curiae, 2013 (one of several dozen historians and social scientists to sign brief)

Amicus brief presented to the US Supreme Court in Bartlett v. Strickland, 2008 (with Nathaniel Persily, Bernard Grofman, Bruce Cain, and Theodore Arrington).

## Recent Court Cases

### Pending cases:

- Louisiana: *Robinson, et al., v. Ardoin* (Docket Number: 3:22-cv-0211-SDD-SDJ) (Middle District of Louisiana)
- Georgia: *Alpha Phi Alpha Fraternity, Inc., et al., v. Raffensperger, et al.* (Docket Number: 1:21-CV-05337-SCJ) (Northern District of Georgia)
- Arkansas: *Arkansas State Conference NAACP, et al., v. Arkansas Board of Apportionment, et al.* (Case Number: 4:21-cv-01239-LPR) (Eastern District of Arkansas, Eighth Circuit Court of Appeals)
- Ohio: *League of Women Voters of Ohio, et al., v. Ohio Redistricting Commission, et al.* (Case Number: 2021-1193) (Supreme Court of Ohio); *League of Women Voters of Ohio, et al., v. Governor DeWine* (Case Number: 2021-1449) (Supreme Court of Ohio)

*Ohio Philip Randolph Institute v. Larry Householder* (2019) – partisan gerrymander challenge to Ohio congressional districts; testifying expert for ACLU on minority voting patterns

*State of New York v. U.S. Department of Commerce* (2018-2019) – challenge to inclusion of citizenship question on 2020 census form; testifying expert on behalf of ACLU

*U.S. v. City of Eastpointe* (settled 2019) – minority vote dilution challenge to City of Eastpointe, Michigan, at-large city council election system; testifying expert on behalf of U.S. Department of Justice

*Alabama NAACP v. State of Alabama* (decided 2020) – minority vote dilution challenge to Alabama statewide judicial election system; testifying expert on behalf of Lawyers Committee for Civil Rights Under Law

*Lopez v. Abbott* (2017-2018) – minority vote dilution challenge to Texas statewide judicial election system; testifying expert on behalf of Lawyers Committee for Civil Rights Under Law

*Personhuballuah v. Alcorn* (2015-2017) – racial gerrymandering challenge to Virginia congressional districts; expert for the Attorney General and Governor of the State of Virginia

*Perry v. Perez* (2014) – Section 2 case challenging Texas congressional and state house districts; testifying expert for the U.S. Department of Justice

*Jeffers v. Beebe* (2012) – Arkansas state house districts; testifying expert for the Plaintiffs

*State of Texas v. U.S.* (2011-2012) – Section 5 case challenging Texas congressional and state house districts; testifying expert for the U.S. Department of Justice

## Appendix A

### Statewide

## 2020 November

**U.S. President**

[illegible]

**U.S. Senator**

[illegible]

## 2019 October

**Lieutenant Governor**

[illegible]

**Attorney General**

[illegible]

## Appendix A

### Statewide

### Estimates for Black Voters

### Estimates for White Voters

Statewide													
	Party	Race	Vote	EI RxC	95% confidence interval	EI 2x2	ER	HP	EI RxC	95% confidence interval	EI 2x2	ER	HP
<b>Secretary of State</b>													
Gwen Collins-Greenup	D	B	33.8	91.6	(91.1, 91.9)	92.3	95.0	88.9	9.3	(9.0, 10.0)	9.4	8.5	11.6
Kyle Ardoin	R	W	41.1	3.1	(2.8, 3.9)	2.9	0.5	4.9	57.4	(57.0, 57.6)	57.3	55.9	55.2
Thomas Kennedy III	R	W	19.0	3.3	(3.1, 3.5)	2.8	2.7	3.9	25.7	(25.5, 25.8)	25.8	27.1	25.4
Amanda Smith	R	W	6.1	2.0	(1.8, 2.2)	2.1	1.8	2.3	7.7	(7.4, 7.8)	7.8	8.4	7.8
<i>Black turnout/BVAP</i>			35.2										
<i>White turnout/WVAP</i>			45.2										
<b>Treasurer</b>													
Derrick Edwards	D	B	34.5	94.6	(91.5, 95.0)	94.6	97.4	91.9	11.2	(10.8, 13.3)	9.4	9.0	12.5
John Schroder	R	W	60.0	2.1	(1.7, 5.4)	2.9	-2.1	4.2	84.7	(83.2, 85.0)	84.3	85.0	82.2
Teresa Kenny		W	5.5	3.3	(3.0, 3.6)	4.3	4.7	3.9	4.0	(3.4, 4.3)	5.9	6.0	5.4
<i>Black turnout/BVAP</i>			35.2										
<i>White turnout/WVAP</i>			45.2										
<b>2019 November</b>													
<b>Secretary of State</b>													
Gwen Collins-Greenup	D	B	40.9	96.1	(95.9, 96.3)	96.0	99.7	93.8	12.9	(12.7, 13.1)	13.7	12.0	15.4
Kyle Ardoin	R	W	59.1	3.9	(3.7, 4.1)	4.0	0.3	6.2	87.1	(86.9, 87.3)	86.4	88.1	84.6
<i>Black turnout/BVAP</i>			44.0										
<i>White turnout/WVAP</i>			47.9										
<b>2018 November</b>													
<b>Secretary of State</b>													
Gwen Collins-Greenup	D	B	19.8	55.1	(54.8, 55.4)	57.9	56.4	52.8	3.1	(3.0, 3.5)	2.8	3.0	5.2
Renee Fontenot Free	D	W	16.4	34.7	(34.4, 35.0)	37.2	36.8	33.9	8.3	(8.0, 8.5)	6.6	6.8	7.6
Julie Stokes	R	W	11.2	1.7	(1.6, 1.9)	2.0	1.0	2.7	15.2	(15.0, 15.3)	15.5	14.2	15.0
Kyle Ardoin	R	W	20.5	2.2	(2.1, 2.3)	2.3	1.2	3.1	29.2	(29.0, 29.3)	28.9	30.7	28.9
Rick Edmonds	R	W	11.3	1.3	(1.2, 1.4)	1.2	0.5	1.8	16.1	(16.0, 16.2)	16.1	15.3	15.3
Thomas Kennedy III	R	W	9.4	1.6	(1.5, 1.7)	1.2	1.1	1.9	13.1	(13.0, 13.2)	13.1	14.6	13.4
Others			11.3	3.5	(3.3, 3.6)	3.0	3.0	3.7	15.0	(14.9, 15.1)	15.1	15.4	14.7
<i>Black turnout/BVAP</i>			41.1										
<i>White turnout/WVAP</i>			49.1										

## Appendix A

### Statewide

### Estimates for Black Voters

### Estimates for White Voters

## 2018 December

**Secretary of State**

[illegible]

## 2017 October

**Treasurer**

[illegible]

## 2017 November

## Treasurer

[illegible]

## 2015 October

**Lieutenant Governor**

Kip Holden	D	B	33.3	86.3	(85.9, 86.7)	87.3	87.3	83.2	12.4	(12.2, 12.7)	11.1	10.7	13.4
Billy Nungesser	R	W	29.9	4.1	(3.8, 4.3)	3.7	3.5	5.2	40.4	(40.0, 40.6)	40.9	39.9	39.4
John Young	R	W	28.9	6.1	(5.8, 6.4)	5.8	5.5	7.9	37.5	(37.3, 37.8)	38.5	39.1	37.9
Elbert Guillory	R	B	7.9	3.6	(3.4, 3.8)	4.1	3.8	3.7	9.7	(9.6, 9.8)	9.8	10.3	9.3
<i>Black turnout/BVAP</i>			30.0										
<i>White turnout/WVAP</i>			37.8										

## Appendix A

### Statewide

### Estimates for Black Voters

### Estimates for White Voters

Appendix A													
Statewide	Party	Race	Vote	El RxC	95% confidence interval	El 2x2	ER	HP	El RxC	95% confidence interval	El 2x2	ER	HP
Attorney General													
Ike Jackson	D	B	10.8	33.1	(32.8, 33.4)	33.6	33.0	30.6	1.7	(1.5, 1.9)	1.8	1.9	2.9
Geri Broussard Baloney	D	B	17.6	46.7	(44.6, 47.2)	48.7	49.1	46.1	5.3	(5.0, 6.3)	5.6	5.3	6.8
Buddy Caldwell	R	W	35.4	14.9	(14.5, 15.6)	13.7	14.1	16.8	44.5	(44.2, 44.7)	44.4	44.2	42.6
Jeff Landry	R	W	32.7	3.3	(3.0, 4.8)	2.4	1.5	4.0	45.0	(44.3, 45.3)	45.3	44.5	43.8
Marty Maley	R	W	3.6	2.0	(1.8, 2.1)	2.2	2.3	2.5	3.6	(3.4, 3.7)	4.1	4.1	3.9
Black turnout/BVAP			30.0										
White turnout/WVAP			37.8										
Secretary of State													
Chris Tyson	D	B	37.8	93.5	(93.2, 93.9)	94.0	95.5	91.5	14.2	(14.0, 14.8)	14.2	15.4	17.8
Tom Schedler	R	W	62.2	6.5	(6.1, 6.8)	5.9	4.5	8.5	85.8	(85.2, 86.0)	85.8	84.6	82.2
Black turnout/BVAP			30.0										
White turnout/WVAP			37.8										
2015 November													
Lieutenant Governor													
Kip Holden	D	B	44.6	96.2	(95.9, 96.5)	96.4	98.7	93.2	20.5	(20.2, 20.9)	19.9	19.4	22.2
Billy Nungesser	R	W	55.4	3.8	(3.5, 4.1)	3.6	1.3	6.8	79.5	(79.1, 79.8)	80.0	80.6	77.8
Black turnout/BVAP			33.2										
White turnout/WVAP			37.5										

## Appendix B

### Congressional Elections

### Estimates for Black Voters

### Estimates for White Voters

[illegible]

## Appendix B

### Congressional Elections

### Estimates for Black Voters

### Estimates for White Voters

Congressional Elections				95% confidence interval					95% confidence interval				
	Party	Race	Vote	EI RxC		EI 2x2	ER	HP	EI RxC		EI 2x2	ER	HP
<b>2016 October</b>													
Jacob Hebert	D	W	8.9	30.8	(24.8, 32.3)	33.5	33.0	32.1	2.2	(1.6, 4.6)	1.5	1.4	3.4
Larry Rader	D	B	8.7	33.5	(27.5, 35.1)	35.4	37.2	36.0	1.6	(1.2, 3.9)	1.0	0.4	2.9
Clay Higgins	R	W	26.5	6.4	(4.4, 12.5)	3.1	4.4	4.2	32.0	(28.9, 32.9)	33.7	34.7	30.0
Scott Angelle	R	W	28.6	20.1	(19.0, 22.7)	16.2	17.3	16.9	31.6	(30.8, 32.0)	32.3	32.9	30.4
Other Reps (6)	R		25.6	7.0	(5.8, 9.9)	6.1	4.6	8.1	31.8	(31.0, 32.1)	31.6	29.4	32.1
Others (2)			1.7	2.3	(1.9, 2.8)	4.3	3.5	2.6	0.7	(.6, .9)	1.1	1.3	1.3
<i>Black turnout/BVAP</i>			53.8										
<i>White turnout/WVAP</i>			65.8										

## Congressional District 4

## 2020 October

[illegible]

## Congressional District 5

## 2020 October

[illegible]

## Appendix B

### Congressional Elections

### Estimates for Black Voters

### Estimates for White Voters

[illegible]

Appendix C Enacted Plan District 2			Estimates for Black Voters					Estimates for White Voters					
			95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	
Party	Race	El	RxC	El	2x2	ER	HP	El	RxC	El	2x2	ER	HP
2020 November													
U.S. President													
Biden/Harris	D	W/B	94.0	(88.4, 96.5)	97.5	99.3	95.1	45.4	(40.9, 53.4)	36.3	36.4	16.4	
Trump/Pence	R	W/W	5.2	(2.8, 10.7)	1.6	-0.7	3.5	53.5	(45.3, 57.9)	61.4	61.5	82.3	
Others			0.8	(.7, 1.0)	1.2	1.4	1.4	1.2	(1.0, 1.4)	2.0	2.1	1.3	
U.S. Senator													
Adrian Perkins	D	B	48.9	(48.3, 49.5)	48.4	48.8	48.3	28.3	(27.1, 29.5)	24.8	24.8	8.7	
Derrick Edwards	D	B	32.4	(31.9, 33.0)	33.6	33.9	30.8	4.0	(3.4, 4.6)	3.1	3.5	3.5	
Bill Cassidy	R	W	4.2	(3.8, 4.6)	3.4	1.4	5.7	62.1	(61.0, 63.0)	63.3	63.0	81.7	
Others			14.4	(13.9, 14.9)	15.7	15.9	15.2	5.7	(4.9, 6.5)	8.5	8.7	6.0	
2019 October													
Lieutenant Governor													
Willie Jones	D	B	86.4	(85.7, 87.0)	86.7	88.4	83.6	25.2	(24.0, 26.5)	26.4	26.8	15.7	
Billy Nungesser	R	W	13.6	(13.0, 14.3)	13.3	11.6	16.4	74.8	(73.5, 76.0)	73.5	73.1	84.3	
Attorney General													
Ike Jackson	D	B	91.8	(91.2, 92.4)	92.9	93.7	89.5	31.8	(30.6, 33.4)	32.0	33.5	19.3	
Jeff Landry	R	W	8.2	(7.6, 8.8)	7.1	6.2	10.5	68.2	(66.6, 69.4)	67.9	66.4	80.7	
Secretary of State													
Gwen Collins-Greenup	D	B	90.9	(90.4, 91.4)	91.7	93.2	89.1	31.2	(30.2, 32.4)	30.3	31.3	18.3	
Kyle Ardoin	R	W	4.5	(4.0, 4.8)	3.8	2.6	5.5	42.8	(41.7, 43.6)	43.1	42.7	51.0	
Thomas Kennedy III	R	W	2.8	(2.5, 3.2)	2.6	2.4	3.3	20.9	(20.4, 21.5)	21.3	20.5	24.3	
Amanda Smith	R	W	1.8	(1.6, 2.0)	1.5	1.9	2.1	5.0	(4.6, 5.5)	6.7	5.6	6.4	
Treasurer													
Derrick Edwards	D	B	95.2	(93.9, 95.6)	95.3	96.1	92.5	31.6	(30.4, 33.7)	25.5	27.9	19.4	
John Schroder	R	W	2.2	(1.8, 3.5)	1.0	-0.4	3.7	63.7	(61.2, 64.6)	63.7	62.6	75.4	
Teresa Kenny		W	2.6	(2.4, 2.9)	3.7	4.3	3.8	4.7	(4.1, 5.3)	9.8	9.6	5.2	
2019 November													
Secretary of State													
Gwen Collins-Greenup	D	B	96.8	(96.3, 97.3)	96.8	98.0	94.7	40.0	(38.6, 41.6)	38.5	37.5	24.6	
Kyle Ardoin	R	W	3.2	(2.7, 3.7)	3.1	2.0	5.3	60.0	(58.4, 61.4)	61.5	62.4	75.4	

Appendix C Enacted Plan District 2			Estimates for Black Voters					Estimates for White Voters						
			95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval	95% confidence interval		
Party	Race		El	RxC	El	2x2	ER	HP	El	RxC	El	2x2	ER	HP
2018 November Secretary of State														
Gwen Collins-Greenup	D	B	55.7	(55.1, 56.3)	56.4	56.1	53.8		12.5	(11.2, 13.9)	10.5	10.4	8.2	
Renee Fontenot Free	D	W	33.7	(33.1, 34.2)	34.0	35.0	33.3		24.1	(22.8, 25.1)	21.8	20.7	11.5	
Julie Stokes	R	W	2.8	(2.5, 3.1)	2.7	2.0	3.7		20.9	(20.1, 21.7)	21.7	21.6	21.3	
Kyle Ardoin	R	W	2.4	(2.2, 2.7)	2.2	1.8	2.9		17.7	(17.2, 18.2)	18.0	19.2	24.1	
Rick Edmonds	R	W	1.5	(1.3, 1.7)	1.4	1.3	1.8		6.6	(6.2, 6.9)	7.1	7.3	9.3	
Thomas Kennedy III	R	W	1.1	(.9, 1.2)	1.0	0.9	1.3		8.2	(7.8, 8.7)	9.0	9.1	10.6	
Others			2.8	(2.5, 3.1)	3.0	2.9	3.2		10.0	(9.3, 10.6)	11.7	11.6	15.0	
2018 December Secretary of State														
Gwen Collins-Greenup	D	B	97.0	(96.6, 97.5)	96.9	99.0	95.1		42.7	(41.5, 43.9)	44.4	40.4	30.8	
Kyle Ardoin	R	W	3.0	(2.5, 3.4)	3.1	1.0	4.9		57.3	(56.1, 58.5)	55.5	59.8	69.2	
2017 October Treasurer														
Derrick Edwards	D	B	83.4	(82.9, 84.1)	84.1	85.9	79.8		34.8	(33.6, 36.1)	29.2	24.2	20.1	
Angele Davis	R	W	7.0	(6.6, 7.3)	6.7	6.3	7.4		16.2	(15.5, 16.9)	16.0	19.2	22.2	
Neil Riser	R	W	4.9	(4.6, 5.3)	3.6	4.5	6.5		13.4	(12.4, 14.4)	16.3	12.9	13.1	
John Schroder	R	W	2.1	(1.8, 2.4)	2.0	0.5	3.0		30.7	(30.0, 31.4)	31.3	37.5	38.3	
Others			2.6	(2.3, 2.9)	3.1	2.7	3.2		4.8	(4.2, 5.5)	6.7	6.2	6.3	
2017 November Treasurer														
Derrick Edwards	D	B	98.2	(97.7, 98.6)	97.4	100.4	95.9		48.7	(47.1, 50.1)	47.2	33.8	30.9	
John Schroder	R	W	1.8	(1.4, 2.3)	2.4	-0.3	4.1		51.3	(49.9, 52.9)	52.6	66.2	69.1	
2015 October Lieutenant Governor														
Kip Holden	D	B	84.5	(82.8, 85.1)	85.0	84.4	83.1		21.7	(20.8, 22.8)	17.8	19.1	14.1	
Billy Nungesser	R	W	5.9	(5.5, 6.6)	5.3	5.3	6.3		42.5	(41.1, 43.4)	43.2	41.5	49.3	
John Young	R	W	7.4	(6.9, 8.3)	7.8	7.8	8.1		33.0	(32.2, 33.9)	35.9	35.7	32.4	
Elbert Guillory	R	B	2.2	(2.0, 2.5)	2.5	2.5	2.5		2.8	(2.5, 3.1)	3.6	3.7	4.2	

Appendix C Enacted Plan District 2			Estimates for Black Voters					Estimates for White Voters					
			Party	Race	95% confidence interval		EI 2x2	ER	HP	95% confidence interval		EI 2x2	ER
EI RxC		EI RxC				EI RxC							
Attorney General													
Ike Jackson	D	B	31.3	(30.8, 31.9)	31.9	31.4	30.7	3.3	(2.7, 4.2)	2.9	3.5	3.4	
Geri Broussard Baloney	D	B	49.4	(48.6, 50.0)	50.0	51.5	47.1	16.2	(15.2, 17.5)	15.1	17.2	9.7	
Buddy Caldwell	R	W	13.5	(13.0, 14.0)	12.7	11.9	15.6	41.0	(40.0, 41.8)	41.2	40.6	40.0	
Jeff Landry	R	W	2.7	(2.3, 3.1)	2.2	1.9	3.3	34.8	(34.0, 35.5)	35.6	33.4	39.9	
Marty Maley	R	W	3.1	(2.9, 3.4)	3.1	3.3	3.3	4.7	(4.2, 5.1)	5.7	5.3	7.1	
Secretary of State													
Chris Tyson	D	B	94.4	(94.0, 93.9)	95.4	96.3	92.8	26.1	(25.1, 27.3)	25.4	28.5	21.9	
Tom Schedler	R	W	5.6	(5.1, 6.0)	4.6	3.6	7.2	73.9	(72.7, 74.9)	74.6	71.5	78.1	
2015 November													
Lieutenant Governor													
Kip Holden	D	B	94.5	(93.9, 94.9)	94.3	95.0	91.8	33.5	(32.3, 34.6)	29.7	31.4	20.5	
Billy Nungesser	R	W	5.5	(5.1, 6.1)	5.7	5.0	8.2	66.5	(65.4, 67.7)	70.2	68.5	79.5	

Appendix D Enacted Plan District 3			Estimates for Black Voters					Estimates for White Voters				
			Party	Race	95% confidence interval		EI 2x2	ER	HP	95% confidence interval		EI 2x2
EI Rx	C	EI Rx			C							
2020 November												
U.S. President												
Biden/Harris	D	W/B	81.6	(58.9, 91.8)	96.4	100.6	94.1	16.3	(12.5, 23.4)	9.3	7.9	12.9
Trump/Pence	R	W/W	16.8	(6.8, 39.2)	3.1	-2.6	4.2	83.2	(76.0, 87.0)	89.0	90.5	85.6
Others			1.6	(1.3, 2.0)	2.2	2.0	1.7	0.5	(.4, .6)	1.6	1.6	1.5
U.S. Senator												
Adrian Perkins	D	B	41.1	(40.2, 42.0)	42.3	41.6	37.2	3.9	(3.6, 4.3)	2.9	3.0	4.9
Derrick Edwards	D	B	34.6	(33.7, 35.5)	36.5	36.5	36.6	2.8	(2.4, 3.2)	1.9	1.7	4.0
Bill Cassidy	R	W	5.1	(4.4, 5.9)	3.4	1.4	7.4	88.7	(88.2, 89.0)	89.1	89.2	84.1
Others			19.2	(18.2, 20.1)	20.6	20.4	18.9	4.6	(4.2, 5.1)	5.7	6.2	6.9
2019 October												
Lieutenant Governor												
Willie Jones	D	B	90.9	(90.0, 91.9)	92.4	93.2	88.5	6.1	(5.7, 6.6)	5.9	5.8	10.7
Billy Nungesser	R	W	9.1	(8.1, 10.1)	7.6	6.9	11.5	93.9	(93.4, 94.3)	94.1	94.2	89.3
Attorney General												
Ike Jackson	D	B	90.0	(89.0, 91.0)	91.6	92.1	88.0	7.5	(7.1, 7.9)	7.3	7.1	12.1
Jeff Landry	R	W	10.0	(9.0, 11.0)	8.4	8.0	12.0	92.5	(92.1, 92.9)	92.7	92.9	87.9
Secretary of State												
Gwen Collins-Greenup	D	B	91.0	(90.0, 91.9)	92.8	93.0	88.7	8.2	(7.7, 8.6)	6.8	6.8	11.6
Kyle Ardoin	R	W	3.1	(2.3, 3.9)	2.7	1.3	4.9	64.1	(63.6, 64.5)	64.5	63.5	60.3
Thomas Kennedy III	R	W	4.3	(3.6, 5.0)	3.8	3.9	4.3	22.3	(22.0, 22.6)	22.7	23.2	22.0
Amanda Smith	R	W	1.6	(1.2, 2.1)	2.5	1.9	2.1	5.4	(5.1, 5.7)	6.3	6.5	6.1
Treasurer												
Derrick Edwards	D	B	93.9	(93.0, 94.8)	94.2	95.8	90.4	9.4	(9.0, 9.8)	7.4	7.4	12.4
John Schroder	R	W	2.3	(1.6, 3.3)	2.8	-0.6	5.0	86.5	(86.1, 86.8)	86.5	86.6	81.9
Teresa Kenny		W	3.8	(3.2, 4.4)	4.4	4.9	4.5	4.2	(3.9, 4.5)	5.9	5.9	5.7
2019 November												
Secretary of State												
Gwen Collins-Greenup	D	B	94.5	(93.7, 95.4)	95.9	97.0	91.2	9.8	(9.4, 10.5)	9.4	9.6	14.9
Kyle Ardoin	R	W	5.5	(4.6, 6.3)	4.1	3.1	8.8	90.2	(89.5, 90.6)	90.6	90.4	85.1

Appendix D Enacted Plan District 3			Estimates for Black Voters					Estimates for White Voters				
			95% confidence interval		El Rx2	ER	HP	95% confidence interval		El Rx2	ER	HP
Party Race												
<b>2018 November</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	51.8	(51.0, 52.6)	53.9	53.2	49.5	3.4	(3.0, 3.7)	2.5	2.8	5.5
Renee Fontenot Free	D	W	38.2	(37.3, 39.0)	39.5	39.4	37.3	7.4	(7.0, 7.8)	6.7	6.7	8.6
Julie Stokes	R	W	1.1	(.9, 1.4)	0.9	0.6	1.7	11.2	(10.9, 11.4)	11.5	11.3	11.2
Kyle Ardoin	R	W	2.3	(1.8, 2.7)	1.8	1.5	3.4	35.7	(35.4, 36.0)	35.9	36.0	33.4
Rick Edmonds	R	W	1.0	(.8, 1.3)	1.1	0.2	1.8	15.8	(15.5, 16.1)	16.0	15.6	15.5
Thomas Kennedy III	R	W	1.9	(1.5, 2.2)	1.1	1.4	2.0	13.2	(13.0, 13.4)	13.4	14.2	12.9
Others			3.8	(3.2, 4.3)	3.6	3.7	4.3	13.3	(13.0, 13.7)	13.7	13.5	12.9
<b>2018 December</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	96.2	(95.4, 97.0)	95.0	100.0	92.9	11.7	(11.2, 12.2)	11.9	10.7	15.8
Kyle Ardoin	R	W	3.8	(3.0, 4.6)	5.0	0.0	7.1	88.3	(87.8, 88.8)	87.9	89.3	84.2
<b>2017 October</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	87.5	(85.6, 89.2)	87.1	92.4	85.8	9.1	(8.6, 9.6)	8.7	8.2	11.4
Angele Davis	R	W	6.6	(5.3, 8.1)	6.8	5.7	8.3	33.8	(33.3, 34.4)	33.6	33.3	32.5
Neil Riser	R	W	1.8	(1.3, 2.4)	1.0	-0.2	1.7	22.6	(22.1, 23.1)	22.9	23.0	22.5
John Schroder	R	W	1.5	(1.0, 2.0)	2.3	-0.4	1.2	28.5	(28.0, 28.9)	28.3	29.1	27.2
Others			2.7	(2.0, 3.5)	2.0	2.5	3.1	6.0	(5.6, 6.4)	6.7	6.4	6.3
<b>2017 November</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	97.3	(96.4, 98.2)	95.9	101.1	96.5	14.8	(14.3, 15.4)	15.1	14.8	18.1
John Schroder	R	W	2.7	(2.0, 3.6)	4.1	-1.0	3.5	85.2	(84.6, 85.7)	84.9	85.2	81.9
<b>2015 October</b>												
<b>Lieutenant Governor</b>												
Kip Holden	D	B	84.8	(83.8, 85.7)	87.7	86.4	82.0	9.8	(9.3, 10.3)	8.3	9.3	12.7
Billy Nungesser	R	W	2.3	(1.9, 2.8)	1.9	1.2	3.7	42.9	(42.5, 43.3)	43.3	43.3	40.9
John Young	R	W	4.5	(3.8, 5.2)	4.0	3.7	5.7	35.1	(34.6, 35.4)	35.3	35.4	34.1
Elbert Guillory	R	B	8.4	(7.6, 9.2)	8.6	8.7	8.6	12.2	(11.8, 12.6)	12.7	11.9	12.2

Appendix D Enacted Plan District 3			Estimates for Black Voters					Estimates for White Voters				
			EI Rx	95% confidence interval	EI 2x2	ER	HP	EI Rx	95% confidence interval	EI 2x2	ER	HP
Party	Race											
Attorney General												
Ike Jackson	D	B	32.5	(28.0, 33.7)	32.6	33.2	29.4	1.6	(1.3, 3.0)	1.5	1.7	3.0
Geri Broussard Baloney	D	B	47.5	(41.1, 49.1)	49.3	49.6	51.0	5.1	(4.6, 7.1)	4.3	4.2	6.7
Buddy Caldwell	R	W	9.6	(8.7, 10.6)	8.8	8.6	10.2	31.1	(30.7, 31.6)	31.2	31.4	31.5
Jeff Landry	R	W	9.4	(7.6, 19.4)	7.1	7.7	8.1	60.6	(56.9, 61.3)	61.5	60.5	56.5
Marty Maley	R	W	1.1	(.9, 1.5)	1.0	1.0	1.2	1.6	(1.3, 1.8)	2.2	2.2	2.3
Secretary of State												
Chris Tyson	D	B	94.0	(93.0, 94.9)	94.6	95.4	91.2	15.8	(15.3, 16.3)	14.8	15.9	19.0
Tom Schedler	R	W	6.0	(5.1, 7.0)	5.4	4.7	8.8	84.2	(83.7, 84.7)	85.2	84.1	81.0
2015 November												
Lieutenant Governor												
Kip Holden	D	B	97.1	(96.3, 97.8)	98.2	99.2	93.9	18.9	(18.4, 19.6)	18.1	19.0	22.9
Billy Nungesser	R	W	2.9	(2.2, 3.7)	2.3	0.8	6.1	81.1	(80.4, 81.6)	81.9	81.0	77.1

Appendix E Enacted Plan District 4			Estimates for Black Voters					Estimates for White Voters				
			95% confidence interval		El Rx2	ER	HP	95% confidence interval		El Rx2	ER	HP
Party Race			El	RxC				El	RxC			
<b>2020 November</b>												
<b>U.S. President</b>												
Biden/Harris	D	W/B	87.4	(68.3, 94.5)	95.6	101.1	93.9	15.3	(11.3, 25.5)	8.5	4.9	9.9
Trump/Pence	R	W/W	11.1	(4.1, 30.2)	3.8	-3.2	4.3	84.1	(73.8, 88.1)	89.8	94.0	89.0
Others			1.5	(1.3, 1.7)	1.9	2.2	1.9	0.6	(.5, .8)	1.2	1.1	1.1
<b>U.S. Senator</b>												
Adrian Perkins	D	B	63.8	(63.2, 64.5)	65.6	62.7	62.3	4.0	(3.7, 4.4)	2.9	1.1	4.3
Derrick Edwards	D	B	20.8	(20.1, 21.2)	21.3	22.6	18.8	1.4	(1.2, 1.7)	1.7	1.8	2.7
Bill Cassidy	R	W	3.0	(2.5, 3.5)	4.3	0.1	6.0	90.2	(89.7, 90.6)	90.0	92.0	87.0
Others			12.5	(11.9, 13.2)	14.0	14.6	12.8	4.4	(4.0, 4.8)	5.0	5.1	6.0
<b>2019 October</b>												
<b>Lieutenant Governor</b>												
Willie Jones	D	B	91.0	(90.3, 91.7)	91.1	92.8	87.0	6.2	(5.8, 6.7)	6.1	5.7	9.9
Billy Nungesser	R	W	9.0	(8.3, 9.7)	8.9	7.2	13.0	93.8	(93.3, 94.2)	94.0	94.4	90.1
<b>Attorney General</b>												
Ike Jackson	D	B	88.0	(87.2, 88.7)	88.7	89.2	83.0	6.4	(5.9, 6.8)	6.0	5.6	9.6
Jeff Landry	R	W	12.0	(11.3, 12.8)	11.3	10.7	17.0	93.6	(93.2, 94.1)	94.1	94.4	90.4
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	92.4	(91.5, 93.1)	92.2	93.9	89.7	6.8	(6.4, 7.3)	6.1	5.0	9.3
Kyle Ardoin	R	W	2.3	(1.8, 2.9)	3.5	1.1	3.5	57.0	(56.5, 57.3)	56.4	56.1	54.4
Thomas Kennedy III	R	W	3.6	(3.1, 4.2)	3.3	3.2	4.3	28.4	(27.9, 28.8)	29.2	29.7	27.6
Amanda Smith	R	W	1.7	(1.4, 2.1)	1.6	1.9	2.5	7.9	(7.5, 8.2)	9.0	9.3	8.7
<b>Treasurer</b>												
Derrick Edwards	D	B	94.5	(92.4, 95.2)	94.3	96.0	92.0	8.1	(7.5, 9.6)	6.9	6.3	10.7
John Schroder	R	W	2.1	(1.5, 4.5)	3.1	-0.4	4.4	88.4	(87.3, 88.9)	88.3	88.7	84.7
Teresa Kenny		W	3.4	(3.0, 3.8)	3.7	4.3	3.6	3.6	(3.1, 3.9)	4.5	5.0	4.6
<b>2019 November</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	96.0	(95.5, 96.4)	95.2	98.4	93.1	8.5	(8.0, 8.9)	8.8	7.2	12.0
Kyle Ardoin	R	W	4.0	(3.6, 4.5)	4.8	1.6	6.9	91.5	(91.1, 92.0)	91.2	92.8	88.0

Appendix E Enacted Plan District 4			Estimates for Black Voters					Estimates for White Voters				
			95% confidence interval		El Rx2	ER	HP	95% confidence interval		El Rx2	ER	HP
Party Race												
<b>2018 November</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	53.8	(53.1, 54.4)	55.5	54.3	51.5	2.9	(2.5, 3.3)	2.3	2.1	4.4
Renee Fontenot Free	D	W	35.5	(34.9, 36.1)	37.7	36.5	34.2	5.8	(5.5, 6.2)	4.5	4.4	6.5
Julie Stokes	R	W	1.2	(1.0, 1.4)	1.3	1.4	1.7	7.4	(7.2, 7.7)	7.3	7.6	7.8
Kyle Ardoin	R	W	2.2	(1.9, 2.6)	2.7	1.4	3.2	31.1	(30.8, 31.5)	30.6	33.6	31.1
Rick Edmonds	R	W	1.2	(1.0, 1.4)	1.1	1.0	1.9	23.8	(23.5, 24.1)	24.1	20.4	20.4
Thomas Kennedy III	R	W	2.2	(1.9, 2.5)	1.9	1.9	2.7	14.9	(14.5, 15.2)	15.2	15.8	14.7
Others			4.0	(3.7, 4.4)	3.2	3.3	4.8	14.0	(13.7, 14.3)	14.1	16.2	15.1
<b>2018 December</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	96.2	(95.6, 96.8)	94.9	99.2	92.3	10.6	(10.0, 11.1)	11.9	8.0	13.8
Kyle Ardoin	R	W	3.8	(3.2, 4.4)	5.2	0.8	7.7	89.4	(88.9, 90.0)	88.0	92.0	86.2
<b>2017 October</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	90.7	(89.6, 91.7)	88.7	93.3	87.3	7.1	(6.6, 7.7)	7.6	6.2	9.5
Angele Davis	R	W	3.5	(2.8, 4.4)	3.2	1.7	5.2	29.4	(28.9, 30.0)	29.3	30.6	29.4
Neil Riser	R	W	2.4	(1.8, 3.1)	2.6	2.5	3.8	30.1	(29.6, 30.6)	29.7	29.4	29.5
John Schroder	R	W	1.8	(1.4, 2.3)	1.4	1.7	2.0	27.3	(26.8, 27.8)	28.1	27.4	25.2
Others			1.6	(1.3, 2.1)	0.7	0.9	1.7	6.0	(5.7, 6.3)	6.6	6.5	6.4
<b>2017 November</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	98.1	(97.6, 98.6)	94.4	101.9	96.6	11.2	(10.6, 11.8)	13.4	10.6	13.9
John Schroder	R	W	1.9	(1.4, 2.4)	5.7	-1.9	3.4	88.8	(88.2, 89.4)	86.6	89.4	86.1
<b>2015 October</b>												
<b>Lieutenant Governor</b>												
Kip Holden	D	B	83.2	(82.4, 83.9)	84.4	83.7	79.1	9.3	(8.8, 9.7)	7.7	9.2	12.1
Billy Nungesser	R	W	2.5	(2.2, 3.0)	2.3	2.6	3.3	34.3	(33.8, 34.7)	35.2	33.9	33.4
John Young	R	W	8.1	(7.4, 8.7)	8.2	7.0	12.1	41.6	(41.1, 42.1)	41.7	41.5	40.5
Elbert Guillory	R	B	6.2	(5.7, 6.8)	6.3	6.6	5.4	14.9	(14.5, 15.2)	15.1	15.4	14.1

Appendix E Enacted Plan District 4			Estimates for Black Voters					Estimates for White Voters					
			Party	Race	95% confidence interval		EI 2x2	ER	HP	95% confidence interval		EI 2x2	ER
EI RxC		EI RxC											
Attorney General													
Ike Jackson	D	B	31.7	(31.0, 32.3)	31.2	32.3	30.1	2.2	(1.9, 2.5)	2.5	2.3	3.5	
Geri Broussard Baloney	D	B	45.3	(42.0, 46.3)	46.4	45.1	44.1	5.0	(4.6, 6.0)	4.4	4.9	6.4	
Buddy Caldwell	R	W	18.7	(17.8, 20.4)	18.2	19.0	20.5	44.5	(43.8, 45.0)	44.6	43.8	43.6	
Jeff Landry	R	W	3.0	(2.4, 4.9)	2.4	2.4	4.0	44.8	(44.1, 45.2)	45.5	44.7	42.7	
Marty Maley	R	W	1.4	(1.2, 1.6)	1.0	1.2	1.2	3.6	(3.4, 3.8)	4.0	4.3	3.8	
Secretary of State													
Chris Tyson	D	B	90.0	(89.2, 90.8)	90.7	90.0	87.2	14.1	(13.6, 14.6)	13.7	15.5	18.5	
Tom Schedler	R	W	10.0	(9.2, 10.8)	9.3	9.9	12.8	85.9	(85.4, 86.4)	86.4	84.5	81.5	
2015 November													
Lieutenant Governor													
Kip Holden	D	B	97.7	(97.3, 98.1)	97.5	99.1	95.3	16.9	(16.4, 17.4)	16.9	17.6	21.7	
Billy Nungesser	R	W	2.3	(1.9, 2.7)	2.5	0.9	4.7	83.2	(82.6, 83.6)	83.1	82.4	78.3	

Appendix F Enacted Plan District 5			Estimates for Black Voters					Estimates for White Voters				
			EI RxC	95% confidence interval	EI 2x2	ER	HP	EI RxC	95% confidence interval	EI 2x2	ER	HP
Party	Race											
2020 November												
U.S. President												
Biden/Harris	D	W/B	87.2	(70.0, 93.9)	95.3	99.7	94.2	12.3	(8.6, 21.2)	7.3	5.3	8.5
Trump/Pence	R	W/W	11.5	(4.9, 28.5)	4.2	-1.6	4.1	87.2	(78.2, 90.8)	91.1	93.6	90.4
Others			1.3	(1.2, 1.6)	1.8	1.9	1.7	0.6	(.5, .7)	1.3	1.1	1.1
U.S. Senator												
Adrian Perkins	D	B	42.4	(41.8, 42.9)	43.4	42.9	41.9	2.1	(1.9, 2.3)	1.9	1.3	3.0
Derrick Edwards	D	B	34.0	(33.4, 34.5)	35.1	34.8	32.5	1.4	(1.1, 1.6)	1.5	1.6	2.9
Bill Cassidy	R	W	6.5	(5.9, 7.0)	6.5	4.4	8.6	91.4	(90.9, 91.7)	90.9	91.3	88.3
Others			17.2	(16.6, 17.7)	18.8	18.0	17.0	5.2	(4.8, 5.5)	5.0	5.8	5.9
2019 October												
Lieutenant Governor												
Willie Jones	D	B	90.1	(89.5, 90.8)	90.2	91.7	87.8	4.9	(4.6, 5.3)	5.1	5.3	8.2
Billy Nungesser	R	W	9.9	(9.2, 10.5)	9.7	8.3	12.2	95.1	(94.7, 95.4)	94.9	94.7	91.8
Attorney General												
Ike Jackson	D	B	89.1	(88.4, 89.7)	89.0	90.9	85.8	5.1	(4.8, 5.5)	5.5	5.5	8.2
Jeff Landry	R	W	10.9	(10.3, 11.6)	11.0	9.1	14.2	94.9	(94.5, 95.2)	94.5	94.5	91.8
Secretary of State												
Gwen Collins-Greenup	D	B	91.0	(90.4, 91.5)	90.7	92.8	87.8	5.2	(4.9, 5.8)	5.4	5.2	7.9
Kyle Ardoin	R	W	2.2	(1.8, 2.6)	2.3	1.1	3.8	53.6	(53.0, 54.0)	53.7	52.6	51.5
Thomas Kennedy III	R	W	4.5	(4.0, 4.9)	4.1	3.9	5.5	31.6	(31.3, 31.9)	31.6	32.0	31.0
Amanda Smith	R	W	2.4	(2.1, 2.7)	2.1	2.1	2.9	9.5	(9.3, 9.8)	9.9	10.2	9.7
Treasurer												
Derrick Edwards	D	B	93.7	(93.2, 94.3)	93.3	95.7	91.2	7.1	(6.7, 7.7)	6.8	6.5	9.4
John Schroder	R	W	2.2	(1.8, 2.6)	3.8	-0.4	4.6	88.3	(88.0, 88.6)	87.9	88.1	85.7
Teresa Kenny		W	4.1	(3.7, 4.5)	4.1	4.8	4.2	4.6	(4.2, 4.9)	5.3	5.4	5.0
2019 November												
Secretary of State												
Gwen Collins-Greenup	D	B	96.0	(95.5, 96.5)	95.2	98.0	93.5	8.1	(7.8, 8.5)	8.5	8.1	11.0
Kyle Ardoin	R	W	4.0	(3.5, 4.5)	4.8	2.0	6.5	91.9	(91.5, 92.2)	91.4	91.9	89.0

Appendix F Enacted Plan District 5			Estimates for Black Voters					Estimates for White Voters				
			95% confidence interval		El Rx2	ER	HP	95% confidence interval		El Rx2	ER	HP
Party Race												
<b>2018 November</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	54.5	(53.9, 55.1)	57.0	55.6	52.0	2.1	(1.8, 2.5)	1.6	2.0	4.0
Renee Fontenot Free	D	W	35.2	(34.6, 35.7)	36.7	36.3	34.4	5.3	(5.0, 5.5)	4.1	4.3	5.4
Julie Stokes	R	W	1.0	(.8, 1.1)	0.8	1.2	1.2	10.3	(10.1, 10.5)	10.6	10.1	9.5
Kyle Ardoin	R	W	2.2	(1.9, 2.5)	2.7	1.5	3.3	33.7	(33.4, 34.0)	33.4	34.3	32.9
Rick Edmonds	R	W	1.2	(1.0, 1.5)	0.9	0.5	1.8	15.1	(14.8, 15.3)	15.2	14.9	15.2
Thomas Kennedy III	R	W	2.3	(2.0, 2.6)	1.9	1.5	3.2	18.6	(18.3, 18.8)	18.7	19.6	18.6
Others			3.7	(3.4, 4.1)	3.2	3.5	4.2	15.0	(14.7, 15.2)	15.3	14.8	14.4
<b>2018 December</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	96.1	(95.6, 96.6)	93.4	99.8	92.1	8.6	(8.1, 9.1)	10.6	7.5	9.7
Kyle Ardoin	R	W	3.9	(3.4, 4.4)	6.6	0.2	7.9	91.4	(90.9, 91.9)	89.3	92.5	90.3
<b>2017 October</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	86.7	(84.0, 88.0)	82.9	89.5	83.3	5.6	(5.1, 6.4)	6.4	4.0	7.7
Angele Davis	R	W	4.5	(3.6, 5.6)	5.0	5.2	5.4	25.7	(25.2, 26.1)	25.6	25.7	22.7
Neil Riser	R	W	4.6	(3.8, 5.6)	6.8	1.9	8.4	47.7	(47.2, 48.1)	46.6	51.9	50.0
John Schroder	R	W	1.9	(1.4, 3.2)	0.5	1.2	1.1	17.1	(16.7, 17.5)	18.1	14.5	15.6
Others			2.3	(1.8, 3.0)	1.0	2.1	1.7	3.9	(3.6, 4.2)	4.3	3.9	3.9
<b>2017 November</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	98.1	(97.7, 98.6)	93.0	102.8	96.6	11.4	(11.0, 12.0)	14.0	9.8	13.1
John Schroder	R	W	1.9	(1.5, 2.3)	7.0	-2.8	3.4	88.6	(88.0, 89.0)	86.0	90.2	86.9
<b>2015 October</b>												
<b>Lieutenant Governor</b>												
Kip Holden	D	B	90.0	(89.3, 90.6)	90.1	91.2	86.9	8.9	(8.5, 9.3)	8.7	8.9	10.5
Billy Nungesser	R	W	3.4	(2.9, 3.9)	3.2	3.0	4.6	40.2	(39.8, 40.6)	40.4	39.3	38.2
John Young	R	W	4.1	(3.6, 4.6)	4.2	3.6	5.4	40.3	(39.9, 40.6)	40.1	40.5	40.1
Elbert Guillory	R	B	2.5	(2.2, 2.9)	2.2	2.3	3.0	10.7	(10.4, 10.9)	10.9	11.5	11.2

Appendix F Enacted Plan District 5			Estimates for Black Voters					Estimates for White Voters				
			95% confidence interval		EI 2x2	ER	HP	95% confidence interval		EI 2x2	ER	HP
Party Race			EI RxC					EI RxC				
<b>Attorney General</b>												
Ike Jackson	D	B	34.4	(33.8, 35.0)	34.6	33.5	30.8	1.5	(1.3, 1.8)	1.7	1.8	2.7
Geri Broussard Baloney	D	B	43.5	(42.2, 44.3)	44.9	45.1	43.1	4.0	(3.7, 4.5)	3.7	3.7	5.3
Buddy Caldwell	R	W	17.6	(16.9, 18.5)	15.7	18.1	20.7	51.5	(51.1, 51.9)	52.0	51.9	49.8
Jeff Landry	R	W	2.9	(2.5, 3.5)	2.2	1.8	3.7	39.2	(38.8, 39.5)	39.6	38.3	38.5
Marty Maley	R	W	1.5	(1.3, 1.7)	1.5	1.5	1.7	3.8	(3.6, 3.9)	4.1	4.4	3.9
<b>Secretary of State</b>												
Chris Tyson	D	B	93.2	(92.6, 93.9)	92.9	93.7	91.2	13.7	(13.3, 14.3)	13.7	14.4	16.5
Tom Schedler	R	W	6.8	(6.1, 7.4)	7.2	6.3	8.8	86.3	(85.7, 86.7)	86.3	85.6	83.5
<b>2015 November</b>												
<b>Lieutenant Governor</b>												
Kip Holden	D	B	97.6	(97.2, 98.0)	96.7	99.9	95.3	16.7	(16.3, 17.4)	17.1	17.0	17.8
Billy Nungesser	R	W	2.4	(2.0, 2.8)	3.3	0.1	4.7	83.3	(82.6, 83.7)	82.9	83.0	82.2

Appendix G Enacted Plan District 6			Estimates for Black Voters					Estimates for White Voters				
			EI	95% confidence interval	EI 2x2	ER	HP	EI	95% confidence interval	EI 2x2	ER	HP
Party	Race											
2020 November												
U.S. President												
Biden/Harris	D	W/B	79.5	(57.8, 92.1)	96.6	102.3	92.3	19.0	(13.8, 26.5)	10.8	9.1	12.7
Trump/Pence	R	W/W	19.1	(6.7, 40.4)	2.1	-4.0	6.4	80.4	(72.9, 85.6)	87.0	89.1	85.7
Others			1.4	(1.0, 1.8)	1.3	1.6	1.3	0.6	(.5, .7)	2.0	1.8	1.6
U.S. Senator												
Adrian Perkins	D	B	49.7	(48.4, 51.0)	53.0	51.4	55.9	5.7	(5.2, 6.2)	4.5	3.8	6.0
Derrick Edwards	D	B	30.1	(29.0, 31.1)	33.3	32.9	23.6	1.5	(1.3, 1.9)	1.5	1.5	3.0
Bill Cassidy	R	W	6.3	(5.3, 7.3)	3.5	0.2	8.0	88.7	(88.1, 89.0)	88.8	89.4	85.4
Others			13.9	(12.8, 15.0)	15.4	15.5	12.5	4.1	(3.7, 4.6)	4.9	5.3	5.6
2019 October												
Lieutenant Governor												
Willie Jones	D	B	84.6	(83.2, 86.0)	87.8	89.7	81.3	7.5	(7.0, 8.0)	7.3	7.1	11.3
Billy Nungesser	R	W	15.4	(14.0, 16.8)	12.1	10.3	18.7	92.5	(92.0, 93.0)	92.7	92.9	88.7
Attorney General												
Ike Jackson	D	B	90.8	(89.4, 92.0)	92.6	95.8	87.3	9.2	(8.8, 9.7)	9.2	8.3	12.5
Jeff Landry	R	W	9.2	(8.0, 10.6)	7.4	4.2	12.7	90.8	(90.3, 91.2)	90.8	91.7	87.5
Secretary of State												
Gwen Collins-Greenup	D	B	91.1	(88.0, 92.4)	93.6	95.9	89.0	9.8	(9.1, 11.4)	8.3	7.8	12.1
Kyle Ardoin	R	W	4.5	(3.4, 7.4)	3.0	1.3	7.0	65.4	(63.8, 65.9)	65.4	64.5	61.5
Thomas Kennedy III	R	W	2.9	(2.2, 3.9)	1.7	1.7	2.4	18.9	(18.5, 19.2)	19.6	20.4	19.4
Amanda Smith	R	W	1.5	(1.0, 2.1)	2.4	1.1	1.5	6.0	(5.5, 6.4)	6.8	7.3	7.0
Treasurer												
Derrick Edwards	D	B	92.3	(83.5, 93.8)	93.8	96.3	90.2	11.5	(10.8, 14.5)	8.6	8.6	13.3
John Schroder	R	W	5.2	(3.7, 13.8)	2.3	-0.5	6.4	84.9	(82.3, 85.4)	85.5	85.3	81.2
Teresa Kenny		W	2.5	(1.8, 3.3)	3.6	4.2	3.4	3.6	(3.2, 4.1)	5.7	6.0	5.5
2019 November												
Secretary of State												
Gwen Collins-Greenup	D	B	95.0	(93.8, 96.0)	96.4	99.8	93.7	12.6	(12.1, 13.1)	12.5	11.3	16.5
Kyle Ardoin	R	W	5.0	(4.0, 6.2)	3.6	0.3	6.3	87.4	(86.9, 87.9)	87.5	88.7	83.5

Appendix G Enacted Plan District 6			Estimates for Black Voters					Estimates for White Voters				
			95% confidence interval		El Rx2	ER	HP	95% confidence interval		El Rx2	ER	HP
Party Race												
<b>2018 November</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	60.1	(58.8, 61.3)	64.8	62.9	60.3	2.6	(2.2, 3.1)	2.1	2.1	4.8
Renee Fontenot Free	D	W	30.3	(29.0, 31.5)	33.4	32.6	26.2	8.5	(8.0, 9.0)	6.9	7.2	7.6
Julie Stokes	R	W	1.9	(1.3, 2.7)	1.7	2.6	3.1	14.1	(13.6, 14.6)	14.4	13.8	12.6
Kyle Ardoin	R	W	2.7	(2.0, 3.5)	1.9	0.5	4.8	33.0	(32.6, 33.4)	33.2	34.3	33.1
Rick Edmonds	R	W	1.1	(.7, 1.7)	0.8	-2.4	1.7	22.4	(22.2, 22.7)	22.7	21.4	22.4
Thomas Kennedy III	R	W	1.3	(.9, 1.8)	0.8	0.8	1.1	9.0	(8.8, 9.2)	9.3	10.2	9.4
Others			2.6	(1.9, 3.3)	2.3	3.0	2.8	10.3	(9.8, 10.6)	10.5	11.0	10.1
<b>2018 December</b>												
<b>Secretary of State</b>												
Gwen Collins-Greenup	D	B	97.0	(95.9, 97.8)	96.8	103.8	95.1	14.8	(14.2, 15.4)	15.6	11.0	17.9
Kyle Ardoin	R	W	3.0	(2.2, 4.1)	3.1	-3.7	4.9	85.2	(84.6, 85.7)	84.4	89.0	82.1
<b>2017 October</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	86.2	(84.2, 87.9)	89.2	91.9	82.5	10.4	(9.8, 11.0)	8.7	8.0	12.2
Angele Davis	R	W	3.6	(2.4, 5.2)	3.6	2.8	4.9	41.9	(41.3, 42.4)	42.3	39.1	40.1
Neil Riser	R	W	6.6	(5.2, 8.0)	2.3	5.8	7.6	11.8	(11.3, 12.3)	13.5	10.1	11.6
John Schroder	R	W	2.1	(1.4, 3.0)	0.8	-1.9	2.0	30.5	(30.0, 31.0)	30.8	36.1	29.8
Others			1.6	(1.1, 2.4)	1.4	1.3	3.0	5.4	(4.9, 5.8)	6.6	6.7	6.2
<b>2017 November</b>												
<b>Treasurer</b>												
Derrick Edwards	D	B	96.8	(95.4, 97.9)	97.3	104.0	94.1	16.1	(15.5, 16.9)	16.5	13.4	19.1
John Schroder	R	W	3.2	(2.1, 4.6)	2.8	-3.8	5.9	83.9	(83.1, 84.5)	83.5	86.6	80.9
<b>2015 October</b>												
<b>Lieutenant Governor</b>												
Kip Holden	D	B	91.3	(89.2, 92.7)	93.6	95.5	91.9	24.7	(24.1, 25.4)	22.6	20.2	24.7
Billy Nungesser	R	W	3.0	(2.1, 4.2)	1.2	5.4	3.1	37.9	(37.4, 38.3)	38.5	40.4	37.9
John Young	R	W	3.9	(2.8, 5.2)	2.4	0.3	2.7	31.3	(30.8, 31.8)	32.1	31.6	30.0
Elbert Guillory	R	B	1.9	(1.3, 2.6)	1.7	0.2	2.3	6.1	(5.7, 6.6)	7.7	7.8	7.5

Appendix G Enacted Plan District 6			Estimates for Black Voters					Estimates for White Voters				
			95% confidence interval		El Rx2	ER	HP	95% confidence interval		El Rx2	ER	HP
Party Race			El Rx2	95% confidence interval	El Rx2	ER	HP	El Rx2	95% confidence interval	El Rx2	ER	HP
<b>Attorney General</b>												
Ike Jackson	D	B	38.7	(37.6, 39.7)	40.5	40.8	34.5	1.6	(1.4, 2.0)	1.2	1.1	3.0
Geri Broussard Baloney	D	B	39.6	(38.0, 41.1)	41.4	41.9	37.0	5.4	(4.9, 6.0)	4.8	5.1	7.0
Buddy Caldwell	R	W	16.9	(15.4, 18.4)	15.8	14.6	22.8	50.0	(49.5, 50.5)	50.2	48.6	46.8
Jeff Landry	R	W	2.4	(1.6, 4.5)	1.3	0.3	3.5	38.3	(37.7, 38.7)	38.6	39.8	38.3
Marty Maley	R	W	2.3	(1.7, 3.0)	2.2	2.5	2.1	4.6	(4.2, 5.1)	5.6	5.3	4.9
<b>Secretary of State</b>												
Chris Tyson	D	B	92.1	(90.3, 93.7)	93.8	94.9	91.8	13.4	(12.8, 14.2)	12.7	13.9	18.2
Tom Schedler	R	W	7.9	(6.3, 9.7)	6.2	5.2	8.2	86.6	(85.8, 87.2)	87.2	86.0	81.8
<b>2015 November</b>												
<b>Lieutenant Governor</b>												
Kip Holden	D	B	95.7	(94.2, 96.9)	97.1	99.8	93.3	31.0	(30.4, 31.8)	29.8	27.9	32.7
Billy Nungesser	R	W	4.3	(3.1, 5.8)	2.9	0.2	6.7	69.0	(68.2, 69.6)	70.2	72.1	67.3

# **Exhibit 3**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, EDGAR CAGE,  
DOROTHY NAIRNE, EDWIN RENE  
SOULE, ALICE WASHINGTON, CLEE  
EARNEST LOWE, DAVANTE LEWIS,  
MARTHA DAVIS, AMBROSE SIMS,  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
("NAACP") LOUISIANA STATE  
CONFERENCE, AND POWER COALITION  
FOR EQUITY AND JUSTICE,  
*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana.

*Defendant.*

Civil Action No. 3:22-cv-00211-SDD-RLB

EDWARD GALMON, SR., CIARA HART,  
NORRIS HENDERSON, TRAMELLE  
HOWARD,  
*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana.

*Defendant.*

Civil Action No. 3:22-cv-00214-SDD-RLB

**Preliminary Expert Report of Dr. R. Blakeslee Gilpin**

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## Credentials, Purpose

I am an Associate Professor of History and the Director of Graduate Studies at Tulane University in New Orleans, Louisiana. I earned my Ph.D. in 2009 from Yale University, my M.Phil from Cambridge University (2003) and a combined BA/MA from Yale University (2001). I study the history of the American South with a particular focus on the legacies of slavery and the Civil War. My first book, *John Brown Still Lives!: America's Long Reckoning with Violence, Equality, and Change*, was published by the University of North Carolina Press after winning the C. Vann Woodward Prize for the best dissertation by the Southern Historical Association in 2010.

I have worked extensively in the editorial realm as a historian. I co-edited *The Selected Letters of William Styron*, published in 2012, a *New York Times* Editor's Pick and nominated by Random House for the Pulitzer Prize. I have recently finished another editorial project as the historian paired with a literary scholar for the 2020 Norton Critical Edition of Frederick Douglass's *My Bondage My Freedom*. By far the most completely notated and thoroughly contextualized edition of this landmark text, this project is the most thorough historical treatment of Douglass's second autobiography.

My scholarship has been published and appreciated widely in academic and popular publications. My article on New Orleans' Hansen's Sno-Bliz was a finalist for the James Beard Award for best magazine writing of 2019. I have published chapters on the Reconstruction era in two prominent volumes: *Reconstruction* (Kent State University, 2016) and *Routledge History of Terrorism* (2016). My essays have appeared in the scholarly journals *Slavery & Abolition* and *Early American Literature*. My work has also appeared in *The Paris Review*, *The Boston Globe*, and *The New York Times* "Disunion." Other scholarship has appeared in *The American Scholar*, *The Journal of Mississippi History*, and *Biography: An Interdisciplinary Quarterly*. I have reviewed books for *The Journal of American History*, *Journal of Southern History*, *Slavery & Abolition*, *The New England Quarterly*, and *The Journal of American Studies*.

I include with this report a complete CV with my academic qualifications, academic positions, publications, fellowships and prizes, invited lectures, media appearances, and presentations. I am compensated at the rate of \$300 per hour for my work in preparing this the report. This compensation is not dependent upon my findings, and my opinions herein do not represent the sum total of my opinions in this matter, which are subject to change upon further research or revelations. I have not testified as an expert in any litigation in the past four years.

I have been asked by plaintiffs to examine any relevant historical evidence and determine if there are sociohistorical factors relevant to Louisiana's election laws that might affect the ability of Black voters in Louisiana to participate in the political process and elect candidates of their choice. My analysis adheres to the common standards of the historical profession, but I am also guided by the "totality of circumstances" test, as applied using the "Senate Factors," to evaluate whether the election laws in question do and will prevent Black voters in the state from equitably exercising their right to vote.

## I. Introduction

The state of Louisiana's long history of racial discrimination is without dispute. Since before Louisiana was admitted to the Union on April 30, 1812, the main consideration in determining a person's legal and political rights were the countless color gradations created by whites in power ("black," "creole," "quadroon," "octaroon," etc). Until Louisiana's Constitution of 1864 abolished slavery, the defining character of the state was the ownership and control of Black bodies. "Efforts to restrict black participation in the governmental process," explains the definitive history of voting rights in the south, "have been a permanent feature of Louisiana's political environment."<sup>1</sup> When Black Louisianans gained the right to vote following the ratification of the Fourteenth and Fifteenth Amendments in 1868 and 1870, the state's racial discrimination actually intensified even as opportunities to exercise the vote reached their historical peak. Overall, the story of Black suffrage in Louisiana is the story of "freedom-seeking former slaves and status-preserving masters."<sup>2</sup> Disenfranchising efforts after 1868 were now fueled by a special desire to exclude a burgeoning electorate likely hostile to white supremacist policies that had so long dominated the state. Hand in hand with foundational societal beliefs and customs built to reinforce white supremacy, Louisiana's laws and lifeways were explicitly designed to exclude non-whites from the political, social, educational, and economic rights enjoyed by white citizens. These discriminatory practices have been extensively documented by historians and plainly admitted to by Louisiana's lawmakers across its 210-year statehood. Even with so much evidence of and open hostility to Black political participation, contesting the tools of white supremacy has taken many forms across the past 150 plus years, including in state and federal courts. Louisiana overwhelmingly and consistently designed policies that could protect white voters while disenfranchising Black voters.

I summarize that history here for the Court, beginning with a brief account of antebellum racial attitudes, the laws and strategies deployed for racial control during that period, and the tools used for racial suppression before 1865. It is important to note that the strategies developed during slavery's legality were central to white Louisianans' conception of the "appropriate" level of white political control, a level they have consistently attempted to maintain since slavery was outlawed in 1865. From there, I look at efforts at disenfranchisement stretching from 1868 to the present day.

## II. The History of Racial Discrimination and Control in Louisiana

### *From the Code Noir to the End of Spanish Rule, 1724-1803*

In the context of 21<sup>st</sup> century voter disenfranchisement, early Louisiana laws and racial practices demonstrate the incredible depth and longevity of white anxieties about race and control.

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<sup>1</sup> Richard L. Engstrom, Stanley A. Halpin, Jr., Jean A. Hill, and Victoria M. Caridas-Butterworth, "Louisiana," in Chandler Davidson and Bernard Grofman, eds., *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990* (Princeton: Princeton University Press, 1994), 103.

<sup>2</sup> Marek D. Stedman, *Jim Crow Citizenship: Liberalism and the Southern Defense of Racial Hierarchy* (New York: Routledge, 2012), 53.

The story of Louisianan laws governing Black people is fundamentally a story of the area's fluid racial categories colliding with the encroaching realities of racial slavery and the official implementation of slave laws. That collision began with 1724's Code Noir, "borrowed with only slight modifications from Saint-Domingue's 1685 slave code." Louisiana made miscegenation illegal and introduced "restrictions against owners keeping slave concubines." All these measures were simply "a transparent attempt to widen racial divisions by fostering feelings of white superiority." Most notably in this regard, Louisiana's Code Noir strengthened the penalties for Black people guilty of the same crimes committed by whites. Indeed, most of the legal apparatus of the 18<sup>th</sup> century was dedicated to policing racial boundaries, particularly lines that were hard to visually discern. From attempts to control interracial socializing in "gambling dens and cabarets" and policing Black sartorial choices, "these boundary-fixing measures revealed...a nascent governing class still unsure of its grip on power, still uncertain of its identity and status."<sup>3</sup>

Indeed, the consolidation and maintenance of white supremacy was a constant act of improvisation. Planters worked on their own, collectively, and with the state to try to control enslaved people determined, whatever the cost, to practice agency, individuality, and basic humanity. Early laws in French Louisiana reveal the steady move to fortify and define white power. A 1744 regulation was introduced to stop slaves from carrying weapons without permits and a 1751 regulation requiring passes for slaves to travel both speak to white anxieties and white efforts to exercise control. Slave owners were urged to police their own slaves more vigilantly and there were suggestions of imposing lockdowns at night.

The revision of Spanish law in 1789 was perhaps more responsible than any other factor in securing New Orleans' and Louisiana's future, though not intentionally. Although the 1789 law controversially opened the slave trade, the new code also inserted the state in the "personal and moral lives of slaves," establishing guidelines for work, cohabitation, and leisure.<sup>4</sup> Slave owners were deeply unhappy with this new arrangement, bristling "at the crown's reassertion of authority over areas that masters considered their inviolable prerogative." Indeed elites' hostility to these revisions emphasized how slave owners hoped to preserve "the private-state sovereignty of their plantations."<sup>5</sup>

The preeminent historian of New Orleans captured this dynamic when he explained that "no matter how resolutely the city's masters cracked down on the slaves' customary rights and enjoyment privileges, they always found themselves backtracking, yielding to the necessity of allowing their bondpeople the creative scope to remake themselves after models not always of their owners' making."<sup>6</sup>

White elites were also living in the atmosphere of repression and fear that characterized American slavery. The Pointe Coupée region was particularly problematic in this regard and "insurrection panics and reports of maltreatment seemed to sprout like forest mushrooms after a hard rain."<sup>7</sup> At this moment, planters were not aligned with the Spanish crown, particularly the

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<sup>3</sup> Larry Powell, *The Accidental City: Improvising New Orleans* (Cambridge: Harvard, 2013), 73, 117.

<sup>4</sup> Ibid., 274.

<sup>5</sup> Ibid., 275-6.

<sup>6</sup> Ibid., 276.

<sup>7</sup> Powell, 253.

laws they interpreted as “slave-friendly.” The 1795 discovery of a massive slave plot to revolt, the so-called Pointe Coupée conspiracy, proved to white elites that their fears of their slaves were justified.<sup>8</sup>

It was in this atmosphere of fear and repression, and of a deep desire by white elites to command “unfettered power over race policy,” that Louisiana would soon enter the United States.<sup>9</sup>

### *American Louisiana, 1804-1861*

The Louisiana Purchase extended the frontiers of the United States and enabled the explosive expansion of the young republic’s slave-based sugar and cotton kingdoms and a new birth of unfreedom. Antebellum Louisiana consisted mainly of large plantations under the armed guard of mounted overseers, spaces whose explosive economic success and very survival depended upon uniting all sectors of white society under the banner of uncompromising white supremacy as a deterrent against slave insurrection. Understanding this deliberate cultivation of state power to control and marginalize Black people is essential to understanding later white strategies of disenfranchisement.

### **Slavery and Race**

Just as French and Spanish Louisiana did through its early laws, American Louisiana reinforced white anxieties over black control and the complexities of racial categories. Louisiana’s uniquely large population of free Black people prompted the first formal citizenship promises to Black people, but the profound growth of slavery reinforced the fraught power dynamic so fundamental to latter day Louisiana.

As one celebrated historian of antebellum Louisiana has explained, American Louisiana was, by every real measure, the exemplary center of North American slavery.<sup>10</sup> And yet, the Louisiana the United States purchased was more complex than any other slaveholding society in the United States. “Situated at a variety of indeterminate points between masters and slaves were Louisiana’s free people of color, numbering almost 19,000 in 1860,” writes Rebecca Scott.<sup>11</sup> The 1803 Treaty of Cession actually “recognized a formal claim to citizenship by this community, but President Thomas Jefferson quickly backed off on that promise.”<sup>12</sup> Jefferson’s sidestepping

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<sup>8</sup> Ibid., 253.

<sup>9</sup> Ibid., 309.

<sup>10</sup> As Walter Johnson explained, New Orleans “is, in no small measure, the story of antebellum slavery.” See Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard, 1999), 3. Johnson also explains that New Orleans, was “the commercial emporium of the Midwest, the principal channel through which Southern cotton flowed to the global economy and foreign capital came in to the United States, the largest slave market in North America, and the central artery of the continent’s white overseers’ flirtation with the perverse attractions of global racial domination.”

<sup>11</sup> Rebecca Scott, *Degrees of Freedom: Louisiana and Cuba After Slavery* (Cambridge: Harvard, 2005), 14. Scott explains that “Many of these families were descended from early French, Spanish, and African settlers, augmented by exiles and migrants from Haiti and Cuba, and by newly manumitted slaves.”

<sup>12</sup> Scott, 14.

this citizenship issue is not the earliest example of the state restricting non-white freedoms but does mark the earliest concrete instance of the state restricting non-white political rights.

Following the successful crystallization of American sugar in New Orleans, Louisiana and the entire Mississippi River Valley were rapidly consumed by a tightly managed, interlocking commercial enterprise of slave-grown cash crops, enormous slave-labored plantations, and the most thriving slave market in the history of the western hemisphere.<sup>13</sup>

For four decades, sugar was the unparalleled driver of New Orleans' exponential population growth and unremitting economic ascendance.<sup>14</sup> Between 1803 and 1810, New Orleans' population doubled and did so every decade until 1840, when the city became the third largest in the United States.<sup>15</sup> At that same moment, New Orleans reached its all-time historical peak as the fourth-largest port in the world. Slavery defined every aspect of antebellum Louisiana; "slavery was the pivot around which everything revolved."<sup>16</sup> Sugar created a massive capitalist engine and an insatiable demand for enslaved labor. Not only did American sugar fuel one final explosion of transatlantic slave trading before that avenue legally closed in 1808, Louisiana sugar was the point of origin for the devastating internal slave trade in the United States, the so-called Second Middle Passage, and the true eruption of the institution of American slavery itself.<sup>17</sup>

Connecticut-born Amos Stoddard (who would become the Commandant of the military district of Upper Louisiana after the Louisiana Purchase) attributed this financial boon to the massive increase in the importation of enslaved individuals, primarily the invigorated domestic slave trade originating in the Upper South. "The number of slaves has increased," Stoddard explained, so that "sugar estates are cultivated on a more extensive scale, and the number of them greatly multiplied."<sup>18</sup> Stoddard estimated "each good slave will annually earn his master from four hundred, to four hundred and fifty dollars" per year.<sup>19</sup>

Stoddard carefully tied this transformation to the developing Second Middle Passage. "Some considerable slave holders, who now find it difficult to subsist," Stoddard explained, "would soon with the same means accumulate fortunes on the Lower Mississippi. In no other part of the United States can each good slave yield his master from two hundred and fifty to three

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<sup>13</sup> Ibid., 3.

<sup>14</sup> It took more than a few decades for cotton production in Louisiana and Mississippi to start rivaling and outstripping the historically dominant growers in Georgia and South Carolina. Sven Beckert, *Empire of Cotton*, 103.

<sup>15</sup> Richard Campanella, *Bienville's Dilemma: A Historical Geography of New Orleans* (Lafayette, LA: Center for Louisiana Studies, University of Louisiana at Lafayette, 2008), 149.

<sup>16</sup> Scott, 15.

<sup>17</sup> This massive forced migration transported slaves from the upper South – particularly increasingly unprofitable tobacco plantations across the South to the bloody fields of sugar and cotton of the Deep South, destroying families and enslaved communities across America. See Ira Berlin, "Coming to Terms with Slavery in Twenty-First-Century America," 16.

<sup>18</sup> Major Amos Stoddard, *Sketches, Historical and Descriptive of Louisiana*. (Philadelphia, PA: Matthew Carey 1812), 161

<sup>19</sup> Ibid., 181.

hundred dollars annual profit; and the expense of removing families to that quarter by way of the rivers would be inconsiderable.”<sup>20</sup>

### **White Fear and Black Repression**

White fear of Black agency was the most important aspect of the antebellum Louisianan mind-set. Those fears were most deeply focused on perceived manifestations of Black freedom and the possibility of violent Black revenge.

It was through slavery that Louisiana began to change under American rule. “Most of the white constables in the streets of New Orleans” had been reared in St. Domingue, regulating Haitian slavery, before the 1789 Haitian Revolution on that island, which began as a slave revolt, forced them to take refuge in Louisiana. Experts from the brutal sugar plantations of Haiti poured into Louisiana for the same reason, helping to jumpstart the United States’ first successful sugar cultivation and fueling Louisiana’s commercial explosion. In turn, “a little Saint-Domingue” grew on the Mississippi River’s so-called “German Coast,” dominated by the Haitian-inspired plantations, many of them manned by slaves who had been carried across the Caribbean with their masters.

These refugees from Haiti also brought concrete reminders of the slave owner’s greatest fear: violent and bloody slave rebellion. Indeed, as Black bodies laid the cornerstones of a new nation’s physical edifice and Black labor built a world-conquering capitalist economy, a concomitant fear of blackness anchored the country’s imagination. The country’s rapid ascension to heretofore unseen achievements of democratic governance and economic success depended upon racial fears. The historian Alan Taylor’s brilliant research into fear in antebellum Virginia has explored the complex zero-sum game that early Americans thought governed the benefits and costs of freedom and slavery. “Slavery enslaved blacks,” Taylor explains, “but it also imprisoned whites in a web of distortions and deceptions of their own making.”<sup>21</sup>

Life under American slavery was, in the words of Taylor, an “ongoing cold war,” an arrangement always on the verge of “erupt[ing] into bloody retribution.” Events like the Haitian Revolution reaffirmed and encouraged both delusions: “powerful dread” at an “internal enemy” and a corresponding obsession with white “safety and prosperity.” The illusions of control – slave patrols, restrictive laws, physical punishment, even the idea of genetic superiority – were evidence of white America’s perpetual “war against the black enemy within.”<sup>22</sup>

Louisianans were particularly fearful of the explosive potential of the humans they subjected to bondage. Writing to Thomas Jefferson, Governor William Claiborne decried what he saw as “a general spirit of Insubordination” in the slaves of Louisiana. New Orleans’ mayor John Wilkins agreed that “the negroes are in a shameful state of Idleness, and want of

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<sup>20</sup> Ibid, 266.

<sup>21</sup> Alan Taylor, *The Internal Enemy*, 81.

<sup>22</sup> Taylor, 86, 8.

subordination. They are suffered to wander about at night without passports, stealing, drinking and rioting.”<sup>23</sup>

Leading slaveholders became particularly concerned about maroonage, where enslaved people absconded with their own bodies. “The danger is growing more and more,” agreed New Orleans’ Conseil de Ville in 1805, noting, “the larger part of the population of the Colony appears to be alarmed over its symptoms.” Louisiana sought advice and examples from their Caribbean counterparts. When we consider the long march from racial fluidity of French Louisiana to the desperate disenfranchisement of the 20<sup>th</sup> century, the 1805 maroonage crisis was a signal moment in transferring “some coercive powers from slaveholder to state,” the legitimization of white supremacist discipline and control.<sup>24</sup> Borrowing legal inventions and tools of oppression from previous stops in the world school of slavery, from São Tomé to Barbados to Saint-Domingue, Louisianans established themselves as the world’s singular practitioner of racial slavery.

When the sugar boom consumed Louisiana, the plantations around New Orleans produced fortunes unimaginable to earlier generations. Gross exports in 1804 were nearly \$5 million, four times that figure in 1895. “Eager Americans flocked to the region,” explains the Louisiana historian John Bardes, “foreseeing the imminent accumulation of vast fortunes – all dependent on increasing the territory’s labor supply.”<sup>25</sup> The years 1800-1804 witnessed “an usually rapid and large influx of overwhelmingly male and overwhelmingly African-born slaves” as well as a “‘daily influx’ of refugees from Saint- Domingue, many of whom appeared tainted by the rebels’ ‘revolutionary principles.’”<sup>26</sup>

American slave owners had proven their commitment to innovative repression early on. Outflanking their own British laws by devising matrilineal slavery to sustain the enslaved population was the defining transformation of American slavery. From this legal creation, further concoctions covered every possible means of dehumanizing and controlling human property. Unfortunately, each innovation also stoked pervasive white fears ever hotter.

“One cannot pause but shudder,” the Crescent City’s Conseil de Ville warned, “at the thought that these men with their hands still reddened with the blood of our unfortunate fellow countrymen are arriving daily in great number in our midst and that perhaps tomorrow their smoking torches will be lighted again to set fire to our peaceful homes.” The Conseil recommended that the state help ameliorate white fears; the city simultaneously created a standardized penal system and replaced the city’s watch with one of the first professional police forces in the United States.<sup>27</sup>

These were viewed as necessary steps given the stakes. Louisianan slavery had become a specter of devastation for enslaved people elsewhere in the United States. For 100 miles upriver of New Orleans, slavery generated heretofore unseen economic rewards along with what one

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<sup>23</sup> John Bardes, “Mass incarceration in the age of slavery and emancipation,” Unpublished Dissertation, Tulane University, 43.

<sup>24</sup> Bardes, 43.

<sup>25</sup> Ibid., 44.

<sup>26</sup> Ibid., 46.

<sup>27</sup> Ibid., 49.

contemporary observer called slavery's typical "scenes of misery and distress."<sup>28</sup> These qualities worsened year upon year as sugar masters demanded ever-increasing production and profit.

### **Slave Uprising**

The brutality of Louisiana's slave economy soon generated the 1811 slave revolt 25 miles upriver New Orleans, the largest slave uprising in the history of the United States, dwarfing the better-known and more-deadly revolt in Virginia in August 1831. The barbarity of the resulting suppression underscores the violent lengths otherwise civilized men would go to protect their investments and control over their property. Indeed, the slave uprising on the German Coast on January 5, 1811, was a defining moment for the future of Louisiana's race relations as well as its political identity. There is perhaps no event in early Louisiana more symbolic, not just because the enslaved rebels so specifically targeted sugar, but because the revolt confirmed planters' paranoid fantasies about the violent potential of their slaves. It was at these moments when the state's planter elite truly revealed the worldview that would be expanded upon for another 200 years.

As the definitive history of the Crescent City explains "it took no time at all for the full force of federal and slaveholder power to be brought to bear." The rebels were stopped near the present-day suburb of Kenner where a militia of planters led by one whose son had been killed by the rebels "routed them completely." Sixty-six slaves "were mutilated and beheaded on the spot" followed by an improvised "tribunal of planters [who] ordered the shooting and beheading of eighteen additional slaves." A further 21 slaves were decapitated by the New Orleans City Court, "hung upon the levee within the Parish of Orleans" and others "exposed at one of the lower gates of this city."<sup>29</sup> The decapitated heads of the enslaved were mounted on poles "to decorate our Levee, all the way up the coast." This was the kind of justice meted out by Louisiana's Slave Code of 1806 and Mississippi River air was dominated by the stench of rotting flesh for weeks.<sup>30</sup>

### **State Control of Black Louisianans**

Meanwhile, the racialized penal system and public executions of slaves show the increasing involvement of the state in policing and controlling Black Louisianans.

The violent terror, constant discipline, and elaborate mechanisms of control to keep Black majority populations at bay were defining characteristic of Louisianan slavery. Louisianans became pioneers in the emerging science of penology. In 1822, Edward Livingston, a Louisiana statesman and sugar planter, published his "plans for the total redesign of Louisiana's criminal laws, punishments, and penal institutions."<sup>31</sup> Livingston imagined an integrated system of

<sup>28</sup> Edward Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic, 2014), 51.

<sup>29</sup> *Ibid.*, Case No. 188.

<sup>30</sup> Powell, *The Accidental City*, 345.

<sup>31</sup> Livingston came from an illustrious background. His older brother had served in the Continental Congress and on the five-person drafting committee of the Declaration of Independence. After a term in Congress and mayor of New York City, Livingston was forced to resign in scandal and fled to New Orleans in 1804. Livingston quickly embedded himself in the planter elite, purchasing two sugar plantations and dozens of slaves. *See* Barden, 106.

“workhouses, penitentiaries, prisons, lock-ups, public school, and juvenile reformatories – a totalizing system, bent on reform rather than retribution, molding and upholding disciplined republican citizens from cradle to grave.”<sup>32</sup>

Livingston’s “cradle to grave” dream underscores Louisianans’ historic commitment to racial control. Livingston’s insistence that “each institution would scientifically classify offender” exposed Louisianans’ obsession with racial categories (among others). These were the cornerstones of a regime that would eventually embrace voter discrimination and disenfranchisement, the bedrock of the cultural and eventually legalized racism that would come to define Louisiana.

Perhaps the most crucial element of Livingston’s proposed innovations to Louisianan law and order was the author’s insistence that the state distinguish its laws and punishments by making “absolute distinctions” between the races. Livingston’s theories reveal much about white perceptions of laws and punishment, but particularly about policing the lines between enslaved and white Louisianans by using the state to create and enforce racial differences. “Efforts to reify racial difference were integral to this rapid transformation of Louisiana’s penal infrastructure. Whereas cells in the old state prison had often been integrated, the new facilities were either entirely restricted to one race or boasted separate wards for whites, slaves, and free people of color.”<sup>33</sup>

The enthusiastic use of the state to help police race and control the populace was a harbinger of postbellum Louisiana. Such practices would be essential to white supremacist interactions with Black citizens after 1865.

Hand in hand with white control over voting was a concomitant embrace of public displays of state violence like the spiked heads following the German Coast uprising. Public slave executions were a regular feature of antebellum Louisiana justice and culture. Indeed, historian John Bardes has called these brutal displays “carnavalesque affairs – ‘a sort of cheap amusement for the people,’ according to the *Daily Picayune*, ‘jovial and jocose.’”<sup>34</sup>

Like chain gangs, that most publicized public display of the state’s control of unruly slaves, “public slave executions were also intended as deterrents and tools of racial terrorism.” The terror-inducing aspect of slave executions, the central design of most slave “justice,” also involved the compulsory attendance of “an estimated two to three thousand slaves...in the *Place d’Armes* to view the mangled corpse of a prominent maroon and accused murder[er]” in 1837. In this case, authorities specifically explained that the gruesome scene was “for the sake of example,” designed to “have a salutary effect [upon the slaves] to let them gaze upon the outlaw and murderer as he lay bleeding and weltering in his gore.”<sup>35</sup>

One such spectacle execution in 1846, of an enslaved woman who had struck her mistress, drew nearly 5,000 onlookers. “Witnesses described streets ‘thronged’ with ‘men and boys, and women, too, with infants in arms... carriages filled with female spectators... all were

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<sup>32</sup> Bardes, 107.

<sup>33</sup> Ibid., 102.

<sup>34</sup> Ibid., 127.

<sup>35</sup> Ibid., 127.

stretching their necks, standing on tip-toe, pushing and jostling each other that they might get a good sight.” Interestingly, this massive public execution was likely New Orleans’ last public and officially sanctioned mutilation of an enslaved person’s corpse.<sup>36</sup>

But even as the state gave up the most extreme form of racial terrorism, the strength and intensity of its policing kept increasing in scale and frequency. Arrest rates in New Orleans during the 1850s were more than five times the next-highest city in the United States. Much of this was due to the Crescent City’s commercial engagement with the world and the constant exchange of sailors, international travelers, immigrants, and refugees. These populations, with their varying identifying markers, threw the color classifications so central to law and order in New Orleans and Louisiana into disarray. Indeed, authorities had great trouble trying to discern between free and enslaved. Papers and passes, so easily forged, were essentially meaningless. Free Black sailors were regularly arrested and imprisoned. In several instances, these free Black sailors were sold into slavery by the state of Louisiana.<sup>37</sup>

### **Experiments with Voter Control**

The 1840s and 1850s saw the state’s first experiments with voter disenfranchisement in the history of Louisiana, initially designed to deal with populations that white elites found undesirable. These practices, from taxpaying and residency requirements, would be sharpened as tools of disenfranchisement when Black Louisianans gained the right to vote.

While Black voting was being hammered into a logical and legal impossibility, the targets of antebellum voter disenfranchisement were immigrants. During the 1830s and 1840s, white Louisianans practiced their methods on these other groups. In 1845, leaders in the southern parishes of Orleans, St. Bernard, Jefferson, Lafourche, Saint Tammany, and Plaquemines, afraid that a perceived flood of immigrants would shift the political status quo, “succeeded in doubling the state residency requirement from one year to two, while demanding a full year’s residence in the parish. Residency also would be voided by an absence of ninety days or longer.”<sup>38</sup> These were the exact methods (refashioned for Black voters) Louisianan leaders would revisit and revive two decades later when the fearsome potential of Black voting power threatened white political control. White Louisianans practiced this two-front battle on perceived political threats by creating hurdles for undesirable voters while “eliminating taxpaying requirements” to expand desirable white votes, the “mortar solidifying the edifice of white supremacy.”<sup>39</sup>

White authorities were soon confronted with the regular seasonal arrival of immigrants – influxes that coincided with the cotton harvest. Ships arriving to carry cotton also represented “the period of peak international immigration because the same ships that arrived to collect cotton had little cargo to deposit and thus offered exceptionally inexpensive passenger fares,” explains historian John Bardes. Some of the ships made a second round-trip and carried a “second, smaller wave of immigrants in May.”<sup>40</sup>

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<sup>36</sup> Bardes, 160-70.

<sup>37</sup> Ibid., 160-170

<sup>38</sup> Ibid., 160-170

<sup>39</sup> Alexander Keyssar, *The Right to Vote*, 77.

<sup>40</sup> Bardes, 227.

Since the repressive and disciplinary tools against the enslaved and Black population had been so refined, this influx of immigrants was an additional population white elites were eager to control. “We are losing a valuable, manageable, and healthy population for one, in every sense the reverse,” cautioned the *Southern Quarterly Review* in 1853 – “the submissive, acclimated, non-voting negro pushed aside by the turbulent, feverish, naturalized foreigner.”<sup>41</sup> This writer’s specificity, particularly in the odd construction of “non-voting negro,” was both revealing and prescient – the paramount priority of the white elite.<sup>42</sup>

### **Eliminating Free People of Color**

Up until the 1840s, one of the defining characteristics of Louisiana, and particularly New Orleans, was the presence of a significant population of free people of color. To understand the recalcitrant and repressive state of postbellum Louisiana, it is crucial to understand how white Louisianans cracked down on the racial fluidity that had been so common in earlier times.

So while the state was attempting to exact greater control over enslaved people and reject any attempts by white immigrants to vote, the heaviest brunt of the racial backlash fell on the francophone free people of color, who were increasingly regarded as a fifth column threat to white supremacy and solidarity. Self-help societies were dissolved and free people of color were forbidden to hold meetings without the presence of a white person.<sup>43</sup> Louisiana quickly banned the possibility of slaveholders emancipating their slaves (manumission) and free people of color were invited by the state to find themselves masters.

“In the decades that preceded the Civil War, Louisiana’s legislators systematically tightened the constraints on people of African descent, slave and free, rural and urban” and this change became visible in the form of everyday harassment from the police and other white authorities. Creoles “chafed at the humiliations imposed on them,” but in every way this population was even more of an anomaly in the 1850s than they had been on the eve of American rule. “In 1860 Ascension Parish held 7376 slaves, but counted only 168 free people of color. In Lafourche Parish the figures were 6395 slaves, 149 free.”<sup>44</sup> There were fewer and fewer opportunities to be emancipated by one’s master, to “live in free union with a white man” or “own property in [one’s] own name.”<sup>45</sup>

“The free population of color in New Orleans fell in size between 1840 and 1850, and in 1857 the Louisiana legislature prohibited all future manumissions.”<sup>46</sup> This was part of a series of laws within Louisiana designed to further marginalize the civic existence of free Blacks in a slave state. “The squeezing out of free people of color translated into isolation and diminished hopes for those held as slaves...By 1860 Louisiana law was implacable in its hostility to the very existence of free persons of color, and fierce with regard to fugitives. Although individual

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<sup>41</sup> Ibid., 227.

<sup>42</sup> Ibid., 200.

<sup>43</sup> Scott, 15. Also note the similarity to white registrars in the 1950s and 1960s demanding potential black voters have a white person to prove their legitimacy.

<sup>44</sup> Ibid., 15.

<sup>45</sup> Ibid., 12.

<sup>46</sup> Ibid., 16.

masters still found ways to free occasional favored slaves, the freedom thus gained was hemmed about with dangers.”<sup>47</sup>

The “bedrock reliance on a coercive labor system marked by brutality” was matched by the extreme hostility to living alongside Black people with any legal status at all.<sup>48</sup> “Some slaves in rural Louisiana,” writes Rebecca Scott, “would live their whole lives without ever seeing a Black man or woman who was legally free.”<sup>49</sup>

From Baton Rouge in the 1850s came a steady stream of “further restraints on manumission and heightened control of slaves.” “In Louisiana, what legal rights had once been accorded to slaves had been aggressively rolled back in both city and country, and even the master’s own right to free his slave would be almost entirely blocked after 1857. A slave in Louisiana was not only a “person with a price” but a being whose very right to have rights had been squeezed almost to the vanishing point. A customary privilege to cultivate a garden, perhaps and sometimes. But rights, almost never.”<sup>50</sup>

### ***The Civil War, 1861-1865***

The American Civil War represented one principle moment when white fears of Black freedom began to materialize. Louisiana saw wartime emancipation advance faster and extend further than anywhere else in the Confederacy. On the very eve of Black political rights, white Louisianans demonstrated the dogged resistance that would take many forms in the years that followed.

The 1860 census recorded 331,726 slaves, a staggering 46.8% of the state’s population. Indeed, this interest, in Black people held as slaves, was the very reason Louisiana had ultimately tilted towards seceding from the Union. On December 10, 1860, Governor John Moore warned his state that “the election of Mr. Lincoln by the Northern people...shews[sic] that the Northern mind is poisoned against us, and that it no longer respects our rights...as a slaveholding State.”<sup>51</sup> Louisiana seceded from the Union on January 26, 1861. Shortly after, the St. Bernard sugar planter P.G.T. Beauregard ordered his artillery to fire upon federal troops stationed at Fort Sumter in Charleston, the shots that began America’s bloodiest conflict.

Louisiana was unique among the states that seceded from the Union in being largely defeated militarily and occupied by federal troops by 1862. The capture of New Orleans in April of that year (followed by the occupation of Baton Rouge on May 9) had Louisianan Confederates relocate their capital first to Opelousas and subsequently to Shreveport.

The early occupation of New Orleans signaled a real permissiveness with slave owners’ autonomy. Union troops participated in the policing and protection of slavery while rebellious soldiers risked discharge to aid fugitive Black people. “Local and Federal officials initially

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<sup>47</sup> Ibid., 16.

<sup>48</sup> Ibid., 27.

<sup>49</sup> Ibid., 27.

<sup>50</sup> Ibid., 27-28.

<sup>51</sup> Charles B. Dew, “Who Won the Secession Election in Louisiana?” *The Journal of Southern History* Vol. 36, No. 1 (Feb., 1970), 20.

worked together to maintain the city's preexisting infrastructure for capturing, disciplining, and returning fugitive slaves," writes John Bardes, but enslaved people refused to "to remain static [and] demolished slavery's foundation."<sup>52</sup> "As slavery collapsed, local and Federal officials transformed the city's antebellum infrastructure for policing and containing fugitive slaves into postbellum infrastructure for policing and containing" Black people.<sup>53</sup>

New Orleans witnessed the arrival of 30,000 Black Louisianans over the 1860s. Some of the fugitive slaves "sought *de facto* emancipation, safety from white violence, escape from white surveillance, and the possibly of reassembling divided family; later, the higher earning potential, and opportunity for cultural engagements, that urban life provided. Many had been expelled or abandoned by owners who had fled westward. They traveled by foot, horse, mule, plantation cart, and skiff. Some migrated with all of their belongings: clothing, food, 'boxes, bedding, and luggage of all sorts.' Others came in 'scarred, wounded, and some with iron collars round their necks,' as one officer later recalled – virtually naked, starving, and carrying nothing at all."<sup>54</sup>

Even before the Black population swelled, New Orleans was experiencing the consequences of the heady arrival of some kind of freedom. The "seemingly innocuous presence of unattended African Americans in New Orleans streets sowed frustration and fear" in both white Louisianans and Union soldiers. "The conduct of the negroes in New-Orleans is intolerable to their owners," wrote one Union soldier: "they laugh and talk and walk together up the streets in the most disgusting style, showing very little indications to make way on the banquette for ladies or gentlemen... a more idle, filthy, lazy, degraded looking set of wretches never were seen." "The Negroes will commit all kind of depredations... and [be] totally spoiled for the future whatever his condition may be," William Mithoff, President of the Jefferson Parish Police Jury, predicted: "free or slave... [the negro] must be controlled."<sup>55</sup>

In this sense, white Louisianans and Union troops agreed that the collective solution could not be to let Blacks determine their own fates. Some runaway slaves were declared contraband. Others were returned to owners who had "maintained loyalty" to the Union. But reports continued to flood the Union lines. "Darkies come flocking in here," Col. E.F. Jones, commander of Forts St. Philip and Jackson, reported in June.<sup>56</sup> "[T]hey have heard all sorts of stories... all tending to implant the notion that if they can only get to the forts they are free."<sup>57</sup>

"In July of 1862 Welman Pugh, the son of the owner of Woodlawn plantation, had reported 'a perfect stampede of the negroes' on several plantations," writes Rebecca Scott, "and

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<sup>52</sup> Bardes, 258-9.

<sup>53</sup> Ibid., 258-9. Bardes writes that "As the nation debated the meaning and future of Black freedom," "daily struggles in the streets of New Orleans – between police, jailors, local authorities, Federal officials, planters, free people of color, and fugitive enslaved people themselves – would have lasting repercussions on the reconstruction of Black punishment, the design of postbellum criminal justice, and white Southerners' theories of African American deviance and criminality."

<sup>54</sup> Ibid., 262.

<sup>55</sup> Ibid., 264.

<sup>56</sup> Ibid., 261.

<sup>57</sup> Ibid., 261.

Union officers near New Orleans reported the arrival of thousands of ‘contrabands,’ a term used by Butler for the slaves of disloyal southerners.”<sup>58</sup>

“The jails have become full, and I have no means of feeding them,” came a report from St. Bernard Parish.<sup>59</sup> As the Union army liberated more territory, the problem only grew. “What shall I do about the negroes?” complained General Godfrey Weitzel in Lafourche river region, “I have no rations to issue to them. I have a great many more negroes in my camp now than I have whites. These negroes are a perfect nuisance.”<sup>60</sup>

“Hoping to control” the massive influx of fugitive slaves to both Union lines and New Orleans, “Butler ordered that they be impressed as military laborers, turned over to Unionist slaveholders, or expelled from Union lines” “to save them,” Butler argued, “from idle and vicious habits.”<sup>61</sup>

By January of 1864 elites began to acknowledge that the laws and provisions of the state constitution pertaining to slavery were now “inoperative and void,” but those same elites continued to seize any opportunities to salvage elements of white supremacist rule.<sup>62</sup> Police in New Orleans began to ignore the antebellum distinctions between free Blacks and possibly fugitive slaves, efforts that simply radicalized the Afro-Creole population and allied them (tenuously at first) with the enslaved population.<sup>63</sup>

Efforts by white elites to control some now-generalized Black population backfired in this immediate context. Arrests of Afro-Creole people and the obliteration of those clearly honored antebellum color distinctions suggested to “the city’s freeborn people of color...that their security was now firmly bound to the security of the formerly enslaved.”<sup>64</sup>

“This transformation was to have profound consequence for local and national politics during Reconstruction,” writes John Bardes, and “white Unionists’ pervasive racism during the 1864 Louisiana constitutional convention, the failure of all efforts to win suffrage rights, and the legislature’s rejection of the ‘Quadroon Bill’ which would have given the vote to free men of color possessing three-fourths white ancestry” all helped radicalize this population.<sup>65</sup> “Yet no single factor more forcibly demonstrated to New Orleans’ free people of color the new racial reality that they now faced than the repeated experience of having members of their community physically locked in cells with former slaves, and the realization that their traditional right to walk New Orleans’ streets unimpeded, without the law presuming their maroonage, was forever lost.”<sup>66</sup>

This interclass alliance of Black Louisianans would face formidable challenges before the war was over. Lincoln’s 10% plan allowed Louisiana to establish a new Constitution in 1864

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<sup>58</sup> Scott, 31.

<sup>59</sup> Bardes, 261.

<sup>60</sup> Ibid., 261.

<sup>61</sup> Ibid., 264.

<sup>62</sup> Scott, 35.

<sup>63</sup> Bardes, 328.

<sup>64</sup> Ibid., 287.

<sup>65</sup> Bardes, 288.

<sup>66</sup> Ibid., 288.

using just 10% of the 1860 census taking a loyalty oath to the United States. That Constitution abolished slavery a year before the 13<sup>th</sup> Amendment but intentionally made no provision for the right of Black people to vote.

After the assassination of Abraham Lincoln in April of 1865, President Andrew Johnson met with Louisiana's new Governor Wells and it became clear that there was more than hope for white supremacy's fortunes in Louisiana. Johnson shared elite Louisianans' distaste for any increase of Black civil and political rights and had no problem with extending military occupation of the South. Johnson reassured white elites and "proclaimed the return of suffrage rights to virtually all former Confederate soldiers and officials. Louisiana, one contemporary noted, was now controlled by 'the disloyal and proslavery element.'"<sup>67</sup>

Planters simply refused to allow former slaves to rent or purchase land, which served a dual purpose of distancing them from political rights. There was the "immediate hardship" as well as a separation of the population which would make organizing against white supremacy even more difficult.<sup>68</sup> "Class position thus continued to map closely onto color categories," writes Rebecca Scott, "'sugar worker' was associated with black-ness and former slave status, 'farmer' with whiteness and a birthright to freedom."<sup>69</sup>

Scott explains further that the creation of a postbellum labor system was directly guided by white fears of and priorities for "the definition and prerogatives of citizenship."<sup>70</sup> Black political organizations even ran candidates "alongside the lily-white official elections" as a symbolic act, despite their candidates having no possibility of actually being elected to or holding office.<sup>71</sup>

### ***Louisiana Black Codes and the New Orleans Massacre***

Black Codes are the earliest example of white efforts to maintain the level of control they enjoyed during slavery. While these attempts at a legal failsafe ultimately failed, the Black Codes established the guidelines for white Louisianans' violence, beginning with racial massacres like the New Orleans Massacre of 1866.

Black Codes, designed explicitly to control Black citizens, began to be written and passed as soon as the Civil War ended and furthered these same ends. In late 1865, Mississippi and South Carolina led the charge, followed quickly by Louisiana's code on December 21, 1865.<sup>72</sup> Louisiana's Black Code was slightly modified by individual parishes but the template was nearly identical. All the codes sought to establish *de facto* slavery by restricting the right of Black Louisianans to travel within parishes "without special permits" or be fined and forced to work a chain gang.<sup>73</sup> Drunkenness in the parish also drew a fine or work on the chain gang. Blacks were not "permitted" to rent homes, preach, sell goods, "carry fire-arms, or any kind of

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<sup>67</sup> Bardes, 318.

<sup>68</sup> Scott, 39.

<sup>69</sup> Ibid., 39.

<sup>70</sup> Ibid., 39.

<sup>71</sup> Ibid., 39.

<sup>72</sup> See Appendix 2.

<sup>73</sup> Ibid.

weapons.”<sup>74</sup> “Every negro is required to be in the regular service of some white person” the Code delineated, and “no public meetings or congregations of negroes shall be allowed.”<sup>75</sup> “It shall be the duty of every” white Louisianan to “act as a police officer for the detection of offences and the apprehension of offenders.”<sup>76</sup>

The Louisiana Democratic party platform, authored by many of the same white elites responsible for the Black Code, explicitly set out that “we hold this to be a Government of white people, made and to be perpetuated for the exclusive benefit of the white race” and “people of African descent cannot be considered as citizens of the United States, and that there can, in no event, nor under any circumstances, be any equality between the white and other races.”<sup>77</sup> The fight by white Louisianans in the following 150 years to preserve this power dynamic would take many forms but the most persistent was the dogged effort to disenfranchise.<sup>78</sup>

The New Orleans Massacre of 1866 was a direct response to the Black Codes. Angered by the state legislature’s refusal to extend voting rights to Black men, a peaceful demonstration was being held by mostly Black freedmen outside the Republican Constitutional Convention. What followed was a harbinger of the extreme efforts white supremacists would make to control Black freedom. On July 30, 1866, a mob of ex-Confederate soldiers attacked the Black demonstrators.

“The whites stomped, kicked, and clubbed the black marchers mercilessly,” author Ron Chernow describes, while “policemen smashed the institute’s windows and fired into it indiscriminately until the floor grew slick with blood. They emptied their revolvers on the convention delegates, who desperately sought to escape. Some leaped from windows and were shot dead when they landed. Those lying wounded on the ground were stabbed repeatedly, their skulls bashed in with brickbats. The sadism was so wanton that men who kneeled and prayed for mercy were killed instantly, while dead bodies were stabbed and mutilated.”<sup>79</sup>

Federal troops were required to suppress the riot, jailing many of the white insurgents and New Orleans remained under martial law until August 3. Though the exact figure is unknown, nearly 200 people were killed, almost all Black Louisianans. On the national level, the New Orleans Massacre allowed radical Republicans to gain a supermajority and overturn vetoes by President Johnson, who opposed voting rights for Black people.

While most historians consider the major transition in Louisiana’s history to be from the antebellum period (up to 1865) to the postbellum period (after 1865), it was the transition to Black citizenship and Black suffrage that defines the primary shift in the state’s history. Until Black Louisianans gained the right to vote, the practice of white supremacy was based in racial slavery, driven by fear and focused on control and punishment. Indeed, the culminating act of pre-suffrage, the New Orleans Massacre, underscores the overall story of Louisiana before and after the Black vote. That story, developed until 1866 and doggedly followed since 1868, is one

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<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Scott, 39.

<sup>77</sup> Walter Lynwood Fleming, ed., *Documentary History of Reconstruction*, 2 vols. (Cleveland: 1906-7), I, 229.

<sup>78</sup> Fleming, 229.

<sup>79</sup> Ron Chernow, *Grant* (New York: Penguin, 2017), 574-75.

of tightening control over Black Louisianans and the relentless efforts to preserve power relations established in the antebellum era.

### III. The History of Black Voting in Louisiana

#### *The Dawn of Black Voting and the Height of White Supremacist Violence, 1868-1877*

The century following the passage of the Fourteenth and Fifteenth amendments were defined by utter intransigence in voting equality. In broad strokes, that century was defined first by white terrorism designed to intimidate Black voters and eventually legislation intended to disenfranchise Black voters. The most outrageous terrorist violence in American history defined this 12-year period in Louisiana, a ferocious blowback to the legislative advancements in Black peoples' rights.

While the passage of the Fourteenth and Fifteenth Amendments to the Constitution guaranteed citizens the right to vote free of discrimination, the defining experience of the 150 plus years since their passage has been “a history of efforts to render the guarantee meaningless.”<sup>80</sup> Those efforts have taken many forms over the years but once power had been taken away from white Southern governments in the five military districts of Reconstruction, the white South's answer was overwhelmingly highly targeted violence designed to intimidate or physically prevent Black Louisianans from exercising their right to vote.

In the first such elections in the fall of 1868, U.S. Congressional testimony on Louisiana established that “over 2000 persons were killed, wounded and otherwise injured in Louisiana within a few weeks prior to the presidential election; that half the state was overrun by violence; midnight raids, secret murders, and open riot that kept the people in constant terror until the Republicans surrendered all claims, and the election was carried by the (white) democracy.”<sup>81</sup>

Political terrorism and violence in service of white supremacy became defining features of Reconstruction Louisiana, perpetrated by the Ku Klux Klan and its many imitators. It was the violent threat of the antebellum slave patrol that guided white supremacist violence in Louisiana, aimed specifically at voter intimidation and disenfranchisement. The Klan organized across many states and eventually similar groups were founded under many different names: the White Line, the White Caps, and others revived antebellum methods meant to keep first slaves, then freed Blacks in whatever whites defined as “order.” Louisiana's most popular white terror group, the Knights of the White Camelia, was organized in May 1867 and grew so famous that the organization crossed into “the western Alabama Black Belt by 1868, the year of its maximum growth.”<sup>82</sup> Each of these organizations functioned to derail Black civil rights, but most specifically Black suffrage – always considered by white Louisianans the most outrageous expression of racial equality. In Louisiana, the Knights of the White Camelia were “bands of postwar regulators and vigilantes” using violence to roll back postbellum Black advancements,

<sup>80</sup> Louisiana Advisory Committee for the United States Commission on Civil Rights, “Barriers to Voting in Louisiana” (June 2018).

<sup>81</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, Rep. No. 41, 42nd Congress, 2nd Session, pt. 1, at 21-22 (1872).

<sup>82</sup> Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Baton Rouge, LA: LSU, 1995), 126.

particularly in the political sphere, white men trying to restore some semblance of the antebellum racial order.<sup>83</sup>

In 1868, one St. Martinville newspaper reported on white Louisianan regulators murdering a Republican judge and sheriff in a neighboring parish. The judge and sheriff, reasoned the paper, were pushing “advanced political ideas, and of progressive social reforms [and]we are compelled to own that they have met the fate they deserved.”<sup>84</sup> “We people of the South, who have suffered wrongs beyond endurance,” the writer maintained, “radicalism and negroism, which in the South are one and the same thing” have forced responsible Louisianans to “use such harsh means, but we have not the courage to blame them.”<sup>85</sup>

The open embrace of murder and violence to halt the advance of Black suffrage in the former Confederacy became the lever by which Southerners decided to reclaim their region. Outrages during election times got so terrible – murders, riots, and blatant political fraud – that the federal government was eventually forced, despite great reluctance, to get involved.<sup>86</sup> The result, in the words of the first historian to study white supremacist violence during Reconstruction, was “open white paramilitary organization and wholesale intimidation backed up on occasion by mob violence and more or less inspired rioting.”<sup>87</sup> Indeed, in his history of racial terrorism, the historian Allen Trelease established beyond any doubt that white supremacist organizations like the Klan served deliberately as the paramilitary wing of the Democratic Party.<sup>88</sup>

Federal response to white terrorist violence temporarily drove the Ku Klux Klan as an individual organization underground but its imitators fought on, especially at election time. One of the most notable ways that white Louisianans organized against Black suffrage were so called “Race riots,” interracial collisions organized and planned by white supremacist groups to antagonize and intimidate Black voters. “Many of the so-called riots came close to being massacres,” most notably the July 30, 1866, New Orleans Riot. This premeditated act of political intimidation injured more than 200 Blacks and killed 34 when “former Confederate soldiers and police officers shot unarmed Blacks attending Louisiana’s constitutional convention.” The riot killed four white Louisianans and injured 10, men who came to the convention to prevent Blacks from helping to shape Reconstruction policies and decide whether Black men would gain the right to vote.<sup>89</sup>

It was only the Republican Party’s overwhelming success in the midterm elections of 1866 which gave new hope to the suffrage issue. The Reconstruction Acts placed Louisiana in the Fifth Military District. Beginning in late spring of 1867, the fifth district commander was tasked with supervising voter registration to prepare for delegate elections to a state

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<sup>83</sup> Trelease, 126.

<sup>84</sup> *Courier of the Teche* (St. Martinville), Oct. 30, 1868, quoted in House Miscellaneous Documents, 41st Congress, 2d sess., No. 154, pt. 2, p. 320.

<sup>85</sup> Ibid.

<sup>86</sup> Trelease, 472.

<sup>87</sup> Ibid., 472.

<sup>88</sup> Ibid., 472.

<sup>89</sup> Trelease, xlv. Gloria J. Browne-Marshall, *The Voting Rights War: The NAACP and the Ongoing Struggle for Justice* (New York: Rowman & Littlefield, 2017), 138.

Constitutional Convention. Although a congressional order allowed registration without restriction to color, disloyalty to the Union was a disqualifying condition. As countless contemporaries and historians have commented, loyalty oaths were a ridiculously slippery notion. In the end, treasonous Confederates voted en masse, the central obstacle to racial equality in the democratic process. But enthusiasm was infectious for these first elections and Black Union veterans seized on suffrage as a validating and empowering measure. Republicans were elected in early every district to draw a new Constitution and “roughly half of the ninety-eight seats went to candidates of some African ancestry.”<sup>90</sup>

But this explosion of Black political participation came with real human cost. White Louisianans reacted with outrage at this new behavior by a population who just a few years earlier had been, in theory, an endless source of labor and obedience. Across 1866 and 1867, voter intimidation took the form of violent attacks and murders of freedmen. In February of 1867, “210 cases of whipping, beating, and stabbing” were reported in Louisiana, “almost all of them unpunished.”<sup>91</sup> Moreover, 70 Black Louisianans were murdered but “the actual total...might have been twice that number” if the victims were not so fearful of even reporting the violence.<sup>92</sup>

### Legislating Equal Rights

The foundation of Black voting rights were the Fourteenth and Fifteenth Amendments along with a new state Constitution. These early experiments with using the law to aid Black voting were met with tremendous violence and Black Louisianans were keenly aware of the precariousness of their newly gained rights.

Truly marking the beginning of an era, the draft Louisiana Constitution was both a fulfillment of the promises of the founding of the nation to Black Louisianans and a promise that would remain mostly unfulfilled for another century.

“Louisiana’s new Bill of Rights held that all citizens of the state should enjoy ‘the same civil, political and public rights and privileges, and be subject to the same pains and penalties,’” writes Rebecca Scott.<sup>93</sup> Along with “the bold claim of civil and political rights” the Louisiana Constitution “clarified an explicit prohibition of racial discrimination on public conveyances and in places of ‘public resort,’ or what we would now term public accommodations. This document became a touchstone of political commitment for activists, fusing their claim to political voice with an insistence on public respect.”<sup>94</sup>

Article 13 is powerfully important to the rest of Louisiana’s legal history and its deep patterns of voter disenfranchisement because it explicitly reclaimed the public space denied to the enslaved and free people of color before the Civil War. Article 13 also set the stage for the *Plessy v. Ferguson* case and the dire experiences of Jim Crow that followed. As Article 13 explained, “all persons shall enjoy equal rights and privileges upon any conveyance of a public

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<sup>90</sup> Scott, 40-1.

<sup>91</sup> Trelease, xliii.

<sup>92</sup> Ibid., xliii.

<sup>93</sup> Scott, 42.

<sup>94</sup> Ibid, 42.

character; and all places of business, or of public resort, or for which a license is required by either State, parish or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color.”<sup>95</sup>

As Rebecca Scott explains, the insistence of delegates on spelling out these rights about “public character” “had its roots in a keen recognition of the shaming intent of separate streetcars, alongside a memory of the multiple humiliations heaped on free people of color in the years prior to the Civil War.”<sup>96</sup>

But even further, the draft state constitution anticipated the eventual strategies of white supremacist disenfranchising legislation like 1898’s grandfather clause. The document “granted suffrage to all men who had been resident in the state for a year, and in the parish for ten days, except for those explicitly disenfranchised for crime or sedition by the constitution itself.” “Broad suffrage” was not just a bedrock priority of the postbellum Republic Party, it also spoke “to the need of former slaves in the countryside for political voice to counteract the reassertion of mastery by their former owners.”<sup>97</sup>

With a knowing prescience, “Representative P. F. Valfroit, a propertyless Black schoolteacher from Terrebonne, proposed unsuccessfully that the convention resolve that no legislative body be able to amend the constitution or call another convention for a period of seventy years.”<sup>98</sup> It was a strategy hedging against the white supremacists Blacks and Republicans saw whetting their blades. “Planters and other anxious defenders of racial hierarchy” reacted typically to the 1868 Constitution.<sup>99</sup> “The ratification elections of April 1868 were a wild, freewheeling battle that conservatives characterized as white versus black,” recounts Rebecca Scott, “Laborers left the fields to cast their votes, and in the end the constitution carried the day, 66,152 to 48,739. The constitution thus went into effect, functioning as the state’s fundamental document for the next eleven years.”<sup>100</sup>

Black Louisianans held the 1868 Constitution in almost holy regard, “a shining beacon of what was and could be again.”<sup>101</sup> For the first time in the state, the massive Black population had expressed their democratic voice, voting for universal suffrage, interracial marriage, civil and political rights of citizens without regard to color or previous condition. “In other words, they enlarged the scope of civil privileges of all races, instead of restricting it.” Despite their inability to maintain a political majority, the authors of the document had written a text whose vision of public rights would inform the initiatives of several generations of Louisiana activists.<sup>102</sup>

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<sup>95</sup> Ibid., 42.

<sup>96</sup> Ibid., 45.

<sup>97</sup> Ibid., 45.

<sup>98</sup> Ibid., 45.

<sup>99</sup> Ibid., 45.

<sup>100</sup> Ibid., 46.

<sup>101</sup> Ibid., 46.

<sup>102</sup> Ibid., 46.

That hope was counterbalanced by violence aimed squarely at undoing Black suffrage. One former slave, John J. Moore, “returned to St. Mary Parish after the war and took up work hoeing cane on George Cleveland’s plantation [and] organizing Republican clubs on various plantations.” Historian Rebecca Scott recounts that “it did not take long for a group of white men to come to the Cleveland plantation” to threaten violence and a concealed Moore “heard them try to coax information on his whereabouts from one of his fellow Republicans.” Moore later testified about the incident for a Congressional Committee, recalling that “the white gang told Moore’s friend that ‘there is but one way that you niggers can live here with us, and that is to let politics die. Leave them alone; you cannot live with us, and live and work and vote against our interests. All that you get and all that you have comes from us and by us; and now if you do not let politics alone you will get killed here. It is white peoples’ business; the business of negroes is to go into the fields and work, and we will pay you.’” Moore decided that even though this visit gave him only “‘a very poor chance’ he continued organizing: The ‘civil, political and public rights’ asserted in the new state constitution were costly to exercise, but activists like Moore responded with defiance rather than with deference.”<sup>103</sup>

### **The Belligerence of White Political Terror**

Violence aimed at intimidating Black voters was a plague on Reconstruction Louisiana. At no other time or place in American history has there been more sustained and varied acts of political terrorism designed to disenfranchise Black voters.

White Louisianans continued to respond with belligerence, violence, and a relentless determination to roll back Black suffrage. “We proclaim that we are opposed to negro suffrage under any circumstances, and stand ready to use all legitimate means to prevent its present and future exercise,” plainly explained one St. Martinville newspaper in 1868, speaking on behalf of “an overwhelming majority of the enlightened and liberal white people of the State.” “The Caucasian needs not to kneel to any other race,” the paper reasoned, and Black suffrage was “pregnant with future disaster and disgrace.”<sup>104</sup>

Even in this environment so hostile to Black suffrage, the power of the Black vote was immediately apparent. Plantation records in November of 1870 recorded “No work today. All hands gone to vote...Cutting cane today and hauling wood. The Rads carried the Parish by about 415 votes!” Despite electing many Black representatives, including the fearless John Moore, the overall story was one of increasing power of white supremacists. “Organization and voting by black fieldhands remained dangerous, and the physical security of those who undertook these projects depended to a considerable extent on Republican rule of the state, backed up by the presence of federal troops,” write Rebecca Scott, and the problem was the proliferation of “white-supremacist leagues, clubs, and ‘rifle companies.’” These groups portrayed “themselves as the legitimate representatives of the people” and violently antiblack groups like the Knights of the White Camelia” began to thrive. The White Line was eerily reminiscent of Louisiana’s policing in the 1850s, obsessed with “forbidding blacks to beat drums and cutting the drums up” at political rallies or election times. “This is a white man’s country, and we don’t allow that,” Black republicans were informed before they were beaten with sticks and pistols. “On election

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<sup>103</sup> Scott, 47-48.

<sup>104</sup> *Courier of the Teche* (St. Martinville), Sept. 19, 1868.

day... White Liners dragged a [twenty-four-pound cannon] to the polling place and then began beating potential black voters.” The votes told the story of racial terrorism in the South: Republican votes plummeted from 1400 in 1873 to 90 in 1875.<sup>105</sup> The story was the same across the former Confederacy.

Those plummeting numbers were not accidental, it was the very design of white terrorism in Louisiana and elsewhere. That terrorism, intended to disenfranchise Black voters and their Republican allies, reached its apotheosis on Easter Sunday of 1873, striking the tone for nearly a century of white supremacist domination of the state of Louisiana, a period where Black political rights were under relentless attack. On April 13, 1873, white terrorists perpetrated what became best known as the Colfax Massacre, an event that would influence Louisiana far beyond the 1870s. An outgrowth of the disputed electoral results of 1872, dueling governments converged on a courthouse in Colfax, a town on the Red River 220 miles north of New Orleans. Tension between Democrats and Republicans had simmered and boiled over into violence several times before hundreds of local Blacks, including women, children, and armed men gathered at the Colfax courthouse to show their support for the Republican candidates they had voted for. At least 150 local whites, armed with a cannon and mounted riders forced the Black attendees into the courthouse and set fire to it. Shots were fired, and one of the white leaders, James Hadnot, a principle in the Knights of the White Camelia, was killed along with another white man. The white force began firing into the crowd and over the course of the day, somewhere between 60 and 250 of the Blacks strategizing to defend the election results were murdered.<sup>106</sup>

One day later, the Supreme Court handed down the decision in the Slaughterhouse Case. This case grew out of the Reconstruction government in Louisiana creating a single slaughterhouse downstream from New Orleans which replaced several operating within the city. The law required the entirely white population of butchers to bring cattle and hogs to this new facility. The case arose because Blacks were also allowed to use the new slaughterhouse, entering a closed white occupation without starting their own businesses. The reason this case would have such importance in Louisiana and elsewhere (one newspaper called it “one of the most significant decisions that has ever emanated” from the Supreme Court) because the white butchers sued claiming the Fourteenth Amendment should protect them. Their lead attorney, John A. Campbell, was a former Supreme Court justice who had served as the Confederate secretary of war who had voted affirmatively in the Dred Scott decision when the Supreme Court ruled in 1857 that no Black person could ever be a citizen of the United States. Campbell specifically sought “to undermine the legitimacy” of Black political participation.<sup>107</sup>

Campbell and his clients did not convince the Court of the unconstitutionality of the new slaughterhouse, but the Supreme Court effectively crippled the Fourteenth Amendment in the Slaughterhouse ruling. “To fetter and degrade the state governments by subjecting them to the control of Congress” was not the amendment’s intent, according to the majority opinion, and the Supreme Court would not serve as a “perpetual censor” of state laws. “The decision eviscerated

<sup>105</sup> Michael Fellman, *In the Name of God and Country: Reconsidering Terrorism in American History* (New Haven: Yale University Press, 2010).

<sup>106</sup> Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York: Norton, 2019), 335. See also LeeAnna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (New York: Oxford University Press, 2008).

<sup>107</sup> Foner, *The Second Founding*, 310.

the Privileges and Immunities Clause so effectively” explains the most revered historian of the period, that it “ceased to have constitutional meaning.” Thereafter, Black Louisianans “were deprived of a potential constitutional avenue for asserting claims for expanded rights.”<sup>108</sup>

To see the effect that the Slaughterhouse ruling would have on Black political rights in Louisiana is to observe the realpolitik that white violence would wreak when it operated hand in hand with a deferential federal government. August and September of 1874 witnessed two of the most significant acts of violence aimed at Black disenfranchisement in the history of the state. A small bit of geography helps explain the first of these outrages against Black voters. “The valleys of the Red River and the Mississippi River form a huge topographical Y that cuts through the heart of Louisiana. Radical Reconstruction was the program of the Republican Party, and Republican rule in the state rested on African American votes, which were concentrated in the alluvial bottomlands of the Y. The smaller and weaker arm of the Y was the Red River Valley, hence the importance of Red River Parish.”<sup>109</sup>

During Reconstruction, the upper Red River Valley had come under the purview of a Vermont carpetbagger named Marshall H. Twitchell, a former Captain of Black troops in the Union Army and a ready symbol to white Louisianans of the frightening future of Black suffrage and Republican rule. Although white supremacists had initially joined the KKK or the Knights of the White Camelia to disenfranchise Blacks and intimidate white Republicans, federal legislation had succeeded somewhat in driving those organizations underground. In their place, the White League came to dominate the Red River Valley. The White League was “less secret, better organized, and more explicitly political in its aims,” argues the writer Nicholas Lemann, and “its purpose was to use extralegal violence to remove the Republican party from power, and then to disenfranchise black people.”<sup>110</sup>

“We have been preserving the ascendancy of white people by revolutionary methods. In other words we have been stuffing ballot boxes, committing perjury, and here and there in the state carrying the elections by fraud and violence,” explained one verbose fellow traveler.<sup>111</sup> Quite simply, the White League “tried to drive the Republican officeholders out of power, to disrupt Republican campaign activities, and to prevent Negroes from voting – all aims that were to be accomplished by any means necessary.”<sup>112</sup>

### **Political Massacres and Coup D’Etats**

Beyond the intense political terrorism of the 1860s and 1870s, Louisiana witnessed two racial massacres – Coushatta and Colfax – where significant numbers of Black Louisianans were murdered to disenfranchise Black voters. Along with the crushing legal decisions in Slaughterhouse and Cruikshank, Louisiana proved to be on the cutting edge of schemes to eliminate Black voters from the body politic.

<sup>108</sup> Slaughterhouse Cases, 83 U.S. 36 (1872); Foner, 310-11. 312.

<sup>109</sup> <https://64parishes.org/entry/coushatta-massacre>.

<sup>110</sup> Nicholas Lemann, *Redemption: The Last Battle of the Civil War* (New York: FSG, 2006), 25.

<sup>111</sup> Judge Chrisman, quoted in James G. Hollandsworth, *Portrait of a Scientific Racist: Alfred Holt Stone of Mississippi* (Baton Rouge, LA: LSU, 2008), 57.

<sup>112</sup> Lemann, 25.

In Louisiana, where some of the most brutal terrorist violence in American history took place, white planters defended the violent tactics of white citizens. For B.W. Marston, white Republicans, particularly carpetbaggers, were simply trying “to organize the freedmen element against the interests of the white people.” With such “incendiary purposes” in mind, Marston explained to Congress that Blacks and whites who supported the Republican party would be dealt with “promptly.” Marston was referring, however obliquely, to the Coushatta Massacre, where the local White League assassinated six white Republicans and as many as 20 Blacks who witnessed the killings.<sup>113</sup> Coushatta was the most significant community in that Y described above and one where aggrieved whites were particularly outraged by the alliance of carpetbagging Yankees and local Blacks. The local White League decided a project of “extermination” was in order and these political vigilantes began by murdering a Black Republican in the Brownsville community. The next day several prominent white Republicans, including two of Twitchell’s family members, were arrested “on the pretext that they were plotting a murderous Negro rebellion.”<sup>114</sup>

The invocation, recalling the German Coast uprising so well known to white Louisianans, “drew heavily armed whites from neighboring parishes” who “thronged the streets” of Coushatta “swearing, drinking, and demanding blood.” Sham trials were conducted, all the accused white Republicans murdered before White Leaguers seized a black leader named Levin Allen, broke his arms and legs, and burned him alive. Two more Black voters were subsequently hanged by the White League. The so-called Coushatta Massacre was nothing more than a coup d’etat, indeed “the officialdom of an entire parish—and white men at that—had been virtually decapitated in a single murderous act.” The Massacre was a stunning revelation to Black and white Republicans alike about the future of Louisiana. White terrorists in service of the Democratic party had removed and executed the Republican leadership of the parish and murdered them “with impunity (none of the lynch mob would ever be brought to justice).” Republican safety, let alone government, was shown to be a hollow shell.<sup>115</sup>

The illusion of Republican political control and even control over public safety took place just two weeks later in New Orleans. There came a long-sought confrontation between white supremacists and the Metropolitan police force. Indeed, far from a spontaneous eruption of hostility between the Republican-run police force and the White League of New Orleans, the conflict that erupted had been in planning for quite some time, a concerted effort to intimidate Blacks and Republicans and regain control of New Orleans and the state.

The city’s White League had first called for volunteers on July 5, 1874, raising 1,500 men under Frederick Nash Ogden, a Confederate officer and prominent local Democrat and president of the Crescent City White League. Highly directed political violence was Ogden’s design (he had had led the failed Cabildo raid in March 1873) and the 1874 White League “represented political militarism on a scale that had never before been seen in the city nor has been seen since.” Throughout the summer, “dozens of companies of White League volunteers drilled in private club rooms and ward meeting halls across the city” while Ogden and other

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<sup>113</sup> *Testimony of B.W. Marston Re: The Coushatta Affair*. House Reports, 44th Congress, 1st Session, No. 816, 645-727.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

League leaders procured decommissioned Civil War weaponry cheaply available “from merchants in the North.”<sup>116</sup>

In addition to the secret military drills, the White League, deliberately invoking the slave patrols of the antebellum era, made torch-lit marches through the city throughout the summer of 1874. With an arms shipment arriving on September 14, an enormous rally of 5,000 white Democrats were whipped into an anti-Republic frenzy, barricades built, and battle lines set on Canal Street. Alongside the Metropolitan Police, Black troops were the only federal forces still in uniform, under the command of former Confederate General James Longstreet.

What followed was an intense military battle with the White League routing the Republican authorities and controlling the city of New Orleans within hours. The Black state militia was “forcibly disarmed and disbanded.” However, Ogden was careful not to commit murderous outrages because of the public opinion fiasco of the Colfax Massacre. Indeed, Colfax soon wheeled back into the center of Louisianan politics.

The bloodiest act of terrorism during Reconstruction produced one other rarity – a trial of nine white men, charged not with murder but with depriving murdered Black Louisianans of their civil rights. After a mistrial, four of the nine were convicted, including a participant in the massacre named William B. Cruikshank. Cruikshank’s conviction was appealed and the case ended up before the same Supreme Court that had crippled the Fourteenth and Fifteenth Amendments in the Slaughterhouse ruling. On March 27, 1876, Cruikshank and his three compatriots had their convictions overturned by the Supreme Court. Chief Justice Waite cited the Slaughterhouse Case in affirming state authority over its citizens and denied the Fourteenth Amendment’s ability to take such authority away from Louisiana. “Sovereignty, for the protection of the rights of life and personal liberty within the respective States,” Waite wrote, “rests alone with the States.” The Fourteenth Amendment “prohibits a State from depriving any person of life, liberty, or property without due process of law, and from denying to any person within its jurisdiction the equal protection of the laws, but it adds nothing to the rights of one citizen as against another... The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the Amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.”<sup>117</sup>

James R. Beckwith, U.S Attorney for the District of the Circuit Court of Louisiana, wrote to the U.S. Attorney General that following the Cruikshank ruling, white terrorist organizations had actually proliferated, “sprung to life and grown influential precisely because of this decision.” As one historian explains, the state of Louisiana had, contrary to the Supreme Court’s ruling, “defaulted in their duty to protect citizens, so the federal government had to step in.” But the crucial distinction in the Court’s ruling in Cruikshank was that the federal government could only defend Black rights if the state itself was the violator. “The Cruikshank decision

<sup>116</sup> <https://64parishes.org/entry/the-battle-of-liberty-place>.

<sup>117</sup> *United States v. Cruikshank*, 92 U.S. 542 (1875).

therefore gave a green light to acts of terror wherever local officials either could not or would not enforce the law.”<sup>118</sup>

Endlessly trotted out as a relatively clear-headed observer of the horrors of Redemption, Adelbert Ames, the carpetbagger governor of Mississippi, captured the flavor of post Cruikshank Louisiana quite well. “Through the terror caused by murders and threats, the colored people are thoroughly intimidated,” Ames explained. They “are disenfranchised [and] are to be returned to a condition of serfdom – an era of second slavery.”<sup>119</sup>

And yet, even these concerted efforts to intimidate and disenfranchise went through almost two decades of sustained failure. By 1888, the voter rolls in Louisiana read like a nightmare to white elites: 128,150 Black voters and 125,407 white voters. Given the bald intimidation so common in Louisiana during this period, these numbers cannot be taken completely at face value since Black votes were routinely “stolen by Democratic election officials, as was the general practice in the black-majority districts.”<sup>120</sup> At the time, it was more important to steal Black (and immigrant) votes than to deny them because representation at the state level was based on parish totals.

### ***Legislating Resistance to Black Voting, 1877-1896***

This period witnessed a shift from white supremacist violence to the legislative voter disenfranchisement that would define 20<sup>th</sup> century Louisiana. The introduction of poll taxes, grandfather clauses, and literacy tests would combine with the *Plessy* ruling to introduce nearly seven decades of extreme voter disenfranchisement.

Despite waves of white supremacist violence specifically aimed at intimidating Black voters, the period from 1868-1896 represents the high-tide mark of Black voting in the state of Louisiana. In 1896, Black citizens made up 45% of the state’s registered voters, a number that has never been equaled since.

In other words, white Louisianans had tried terrorist violence and while it had succeeded in voter intimidation and in specific elections, Blacks were still voting and increasingly so. In the 1870s and 1880s, southern newspapers, as well as agricultural and political journals, were filled with discussions of how to get rid of Black voters. Indeed, by the late 1880s, efforts proceeded across the states in the former Confederacy to consolidate power in the white democratic minority. In 1889, Florida passed a poll tax law to prevent Blacks from voting. In 1890, Mississippi passed the Mississippi Plan, laws adding poll taxes and literacy tests to prevent Blacks and poor Whites from voting. South Carolina, Louisiana, North Carolina, Alabama, Virginia, Georgia, and Oklahoma passed laws adding poll taxes, grandfather clauses, and literacy tests to voting registration requirements, based on the Mississippi Plan.

In May of 1894, a constitutional commission in Louisiana drafted a suffrage amendment which established a series of qualifications designed to disenfranchise Black voters, including a

<sup>118</sup> <https://64parishes.org/entry/cruikshank-case>.

<sup>119</sup> Stephen Budiansky, *The Bloody Shirt: Terror After Appomattox* (New York: Viking, 2008), 207.

<sup>120</sup> Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001), 127.

residency requirement, a poll tax, and either a literacy test or a high bar of property ownership. The state legislature was simultaneously considering a secret ballot proposal. Indeed, white supremacist Democrats in the state had not yet figured out the delicate construction of literacy tests and other tools that would allow them to retain the immigrant voters they needed while getting rid of the Black voters they feared.

The 1896 election witnessed voter fraud unprecedented in Louisiana history, where the white supremacist gubernatorial candidate, Murphy Foster, obliterated his opponents in the 25 black-majority parishes. As the formal protest to these results explained, the results were “so false [and] so infamous” it was going to require a complete audit of the ballot.<sup>121</sup> The premier historian of voter disenfranchisement across the South explains that “as the ink on the forged ballots was still drying, the *Picayune* announced the lesson to be derived from the recent scurrilous election: ‘The illiterate and shiftless population, chiefly, but not wholly, made up of the negro element, should be expunged from the political conditions.’”<sup>122</sup>

But it was the dire political crisis the grew out of the fraudulent 1896 election that caused Louisiana’s Democratic leadership to specifically get rid of the Black vote. J. C. Pugh, Ernest B. Kruttschnitt, and Robert S. Landry published “Address to the White Democracy” in which they described just three possibilities for Louisiana: “amalgamation, negro domination, or WHITE SUPREMACY.”<sup>123</sup>

“The Democracy is pledged to a limitation upon suffrage which will eliminate the Senegambian from politics as far as can be under the Constitution of the United States,” Louisiana’s Democratic Party leaders explained, “Mississippi and South Carolina have set us the example.”<sup>124</sup>

On the rippling effects of Louisiana’s streetcar segregation case *Plessy v. Ferguson*, the history of the fight over voting rights explains that after *Plessy*, “segregation took hold of American culture, then spread blood deep into every crevice. Terrorism followed, giving rise to murder with impunity by civilians as well as law enforcement officials. *Plessy v. Ferguson* heralded a disastrous period for all those who believed in American democracy.”<sup>125</sup>

Voting and civil rights activists were well aware of the laws white supremacists were passing and their ultimate design. Albion Tourgée, the crusading Reconstruction lawyer and activist, was particularly incensed by the aggressive shift against Civil Rights that characterized the 1890s. Tourgée had become particularly impassioned and outspoken by the time Louisiana passed its Separate Car Act in 1891. One column helped galvanize “a committee of prominent mixed-race Creoles and several black allies in New Orleans, which was already bent on mounting a legal challenge to the law.”<sup>126</sup> Homer Plessy identified as a Black man, but was classified as Creole by Louisiana custom and could pass for white. Accordingly, Homer Plessy

<sup>121</sup> *The New Orleans Daily Picayune* reported the revised official results on May 15, 1896.

<sup>122</sup> Perman, 133.

<sup>123</sup> Democratic Central Committee, “Address to the White Democracy,” May 4, 1896.

<sup>124</sup> Ibid.

<sup>125</sup> Browne-Marshall, 215.

<sup>126</sup> Steve Luxenberg, *Separate: The Story of Plessy V. Ferguson and America’s Journey from Slavery to Segregation* (New York: Norton, 2019), 14.

bought a first-class ticket on the East Louisiana Railway line on June 7, 1892, taking his seat in the railroad car designated for Whites.

Now the enforcement mechanism of these segregated trains is very informative about the ingenious penetrative power of white supremacist laws and the necessity of enlisting as many white accomplices as possible. Under the terms of the 1890 law, conductors on the trains (who were all white) were required to remove violators or risk jail and a fine themselves.

On June 7, Plessy was asked to move to the “Negro-only” car. Upon refusing to, Plessy was removed by police, arrested, and locked up in the Orleans Parish jail. As with test cases that would follow (*Brown v. Board* being the most prominent), Plessy intended to be arrested and also planned on appealing that charge as high up the judicial chain as he could go. The case was appealed to the Supreme Court, where the staunch segregationist Justice Henry Billings Brown wrote the majority opinion, denying Plessy’s claims of discrimination and dismissing the notion that “a badge of inferiority would be placed on Blacks segregated from the general population.”<sup>127</sup>

“If one race be inferior to the other socially,” Judge Brown wrote, “the Constitution of the United States cannot put them upon the same plane.” Brown’s reasoning was the bedrock of white supremacy before and after Black suffrage, affirming the invented differences of race and the inability of the law to promote actual equality. “A law which implies merely a legal distinction between the white and colored races—a distinction which is founded in the color of the two races and which must always exist so long as white men are distinguished from the other race by color—has no tendency to destroy the legal equality of the two races,” the decision explained, “The object of the [Fourteenth Amendment] was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either.”<sup>128</sup>

“Every aspect of American life was affected by this ruling,” writes Gloria Browne-Marshall in her history of the battle over voting rights, “the states were given the power to legislate social interaction between the races. The *Plessy v. Ferguson* opinion instituted the ‘separate but equal’ doctrine, which imposed on the country an Americanized version of apartheid.”<sup>129</sup> The dissenting opinion blasted both the logic of the majority and the effects the decision would certainly produce. Justice John Marshall Harlan wrote that “the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case.”<sup>130</sup>

Indeed, the high tide of Black voting in Louisiana was marked the same year as the *Plessy* decision: 1896, when Black voters made up nearly 45% of registered voters in the state of Louisiana.

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<sup>127</sup> Browne-Marshall, 211.

<sup>128</sup> 163 US 537 (1896).

<sup>129</sup> Browne-Marshall, 213.

<sup>130</sup> Browne-Marshall, 213, and 163 US 537 (1896).

### *Nadir of Black Voting, 1898-1954*

From Louisiana pioneering the grandfather clause to all manner of disenfranchising strategies, 1898-1954 witnessed the lowest numbers of Black voter registration and political participation since Blacks were enslaved.

Although the 30 years following Black enfranchisement in Louisiana were replete with violence and struggle, Black voter registration reached its highest point in 1896. The following 70 years would represent the effective creation of legislative white supremacy, a system of economic, social, and political discrimination that effectively removed Black voters from the body politic. Indeed, from 1898-1944, when the Supreme Court voided all-white primaries as unconstitutional, Louisiana's record on disenfranchising Black voters followed a standard pattern. "When one form of voting discrimination was identified and prohibited," one Congressional report explained, "another sprang up in its place."<sup>131</sup>

Black voting numbers plummeted after the *Plessy* ruling, from 130,334 to fewer than 5,320 just two years later. Researchers have been unsuccessful in locating a single Black Louisianan elected to office until the 1940s. The Louisiana legislature quickly amended its constitution to exclude Black voters. In 1898, when approximately 44% of all the registered voters in the state were Black, a policy was put in place denying them the right to vote based on race. The Black vote never reached more than 1%. From the grandfather clause to literacy tests to White-only primaries, for 80 years Louisiana schemed to exclude Black voters.<sup>132</sup>

It was not so much how the *Plessy* ruling applied to voting rights specifically, but how the case seemed to provide a broad mandate for states like Louisiana to develop sophisticated and persistent methods to disenfranchise Black voters. The next few decades showed Louisiana's "unremitting and ingenious" methods of ensuring that its African-American citizens would have no effect on the political process.<sup>133</sup> Just two years later, Louisiana pioneered the Grandfather Clause, imposing byzantine education and property requirements on any citizens whose fathers or grandfathers were not registered voters before January 1, 1867. As a direct result of the Grandfather Clause, Black voters plummeted from 45% to just 4% in two years.

Ernest B. Kruttschnitt, the President of the 1898 Constitutional Convention, explained this as the very design of the Grandfather Clause. "We know that this convention has been called together" Kruttschnitt explained, "to eliminate from the electorate the mass of corrupt and illiterate voters who have during the last quarter of a century degraded our politics." "Doesn't it let the white man vote," he continued, "and doesn't it stop the negro from voting, and isn't that what we came here for?"<sup>134</sup>

<sup>131</sup> Louisiana Advisory Committee for the United States Commission on Civil Rights, "Barriers to Voting in Louisiana," June 2018.

<sup>132</sup> Browne-Marshall, 390.

<sup>133</sup> Depo P. Adegbile, "Voting Rights in Louisiana, 1982-2006," *Review of Law and Social Justice* [Volume 17:2, 2008], 417.

<sup>134</sup> Ernest B. Kruttschnitt, "February 1898 speech," *New Orleans Daily Picayune*, February 9, 1898.

Indeed, contemporary observers understood that white politicians were attempting to “perpetrate one big steal” in Louisiana so there would be no need for “more fraudulent work to do hereafter.”<sup>135</sup>

In response to the baldness of the disenfranchising effort in Louisiana, the U.S. Supreme Court struck down the Grandfather Clause in 1915 in *Guinn v. United States*, but Louisiana was quite creative in searching out alternative means to follow Kruttschnitt’s statement of the obvious purpose: to “stop the negro from voting.” Laws were written “prohibiting elected officials from helping illiterates” and “potential voters were required to count the number of jelly beans in a large jar just by looking at it.”<sup>136</sup> Poll taxes, literacy tests, so-called “understanding” clauses were all deployed to prevent Black voting.<sup>137</sup> None of these methods were transparent to the potential Black voter, never graded in plain sight or in front of the applicant attempting to register, and nor were answers shared with the applicant.<sup>138</sup>

Louisiana’s 1921 constitutional convention was the first that had the potential of including Black women. The NAACP recognized that a permanent lobby was going to be necessary “to prevent...adverse legislation framed for the purchase of disfranchising the Negro.”<sup>139</sup>

The massive purging of Black voters was incredibly difficult to counteract. Very few Black voters could navigate the numerous “discriminatory hurdles” designed to keep them from exercising their democratic rights.<sup>140</sup> To complement these devices, Louisiana “authorized an all-white Democratic primary which functioned to deny blacks access to the determinative elections.” The all-white primary completely excluded African-Americans in Louisiana from the political process between its creation in 1923 and the Supreme Court’s condemnation of the practice in 1944.<sup>141</sup>

Understanding requirements, poll taxes, and registration purges gave way to even more sophisticated strategies to disenfranchise Black voters. Citizenship tests and bans on single-shot voting (which allowed Black voters to aggregate votes behind one candidate) were additional discriminatory techniques developed by Louisiana. As has been extensively quantified and documented, these methods were staggeringly effective “in achieving their discriminatory objectives.”

“From 1910 until 1948, less than 1% of Louisiana’s voting age African-American population was able to register to vote. In 1948, that proportion rose to 5%.” Even as the Federal government became more involved from 1952 until 1964, “the proportion rose only from 20% to 32%, reaching 32% only in October 1964.”

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<sup>135</sup> *Southwestern Christian Advocate* (New Orleans), editorial, February 24, 1898.

<sup>136</sup> Browne-Marshall, 406.

<sup>137</sup> See Exhibit A.

<sup>138</sup> See Appendix 3 for a contemporary map of the Black population in the Louisiana Parishes.

<sup>139</sup> Lee Satain, *Invisible Activists: Women of the Louisiana NAACP and the Struggle for Civil Rights, 1915-1945* (Baton Rouge: LSU, 2007), 49.

<sup>140</sup> *Major v. Treen*, 574 F. Supp. 325, 340 (1983).

<sup>141</sup> Adegbile, 417.

White voting registrars had enormous power, which bolstered the discriminatory effect of the myriad laws meant to disenfranchise Black voters. The registrar's "complete discretion" allowed them to reject 64% of Black registrants (as opposed to 2% of white registrants) between 1956 and 1962. Indeed, "the consistency of Louisiana and other states' abilities to develop techniques and devices to maintain white supremacy in the political process, even as the Supreme Court condemned one disenfranchising practice after another" prompted the search for more effective legislation and Federal oversight of these sustained and innovative attacks on the democratic process.<sup>142</sup>

Civil rights groups began conducting voter education classes on the Constitution and freedom schools taught classes on the state and federal constitutions to try and outwit the tactics of disenfranchisement. The numbers tell how effective these efforts were. From 1910 until 1948, less than 1% of eligible Black voters were able to register. By 1948, the percentage had crept up only to 5%. Those fighting for civil rights and the Black vote came up with the ingenious strategy of turning the *Plessy* ruling on its head, demanding quantifiably equal treatment as they battled *Plessy* and other offenses in the courts. That legal crusade culminated in the *Brown v. Board* ruling of 1954, which found segregation in public schools unconstitutional but only ordered desegregation to take place "with all deliberate speed."<sup>143</sup>

### ***The Civil Rights Era, 1954-1965***

The intensification of legal efforts to fight for Black voting rights was met by a well-practiced and inventive white elite absolutely determined to prevent Black Louisianans from gaining political power. As legal decisions began to go against Louisianan practices, whites became increasingly concerned about how to continue a 200-year tradition of white supremacy.

The realities of Black voting in 1950s Louisiana were grim. After massive voter registration efforts by the NAACP and the YWCA in New Orleans, for instance, only 25% (25,524) of the Black population was registered. Suits were filed against the registrar of Rapide Parish in April of 1954 after efforts to register were denied several times. As in earlier eras, Black voters in Rapide were being denied because the registrar rejected applications on the grounds that the Black voters could not answer questions about the state and federal constitution to his satisfaction. The U.S. District Court for the Western District of Louisiana found no fault with the disenfranchising effects of these literacy tests.<sup>144</sup> The ruling explained that "we do not see how we could decide that the administration of the laws...penalized Negroes more than it did other citizens."<sup>145</sup>

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<sup>142</sup> Ibid., 417-18.

<sup>143</sup> 349 U.S. 294, 301 (1955).

<sup>144</sup> Some examples from the literacy tests used in the 1950s explained that Applicant must correctly answer any four of the following six questions so as to evidence an elemental knowledge of the Constitution and Government, an attachment thereto, and a simple understanding of the obligations of citizenship under a republican form of government. Questions include 1. The church that we attend is chosen, a. by the National Government; b. by ourselves; c. by the Congress. 2. The President must be at least, a. twenty-five years old; b. thirty years old; c. thirty-five years old. 3. It is important for every voter, a. to vote as others tell him to vote; b. to vote for the most popular candidates; c. to vote for the best qualified candidates.

<sup>145</sup> Shannon Frystak, *Our Minds on Freedom: Women and the Struggle for Black Equality in Louisiana, 1924-1967* (Baton Rouge: LSU, 2009), 72 and Adegbile, 419.

Efforts elsewhere in Louisiana met with similar obstinance from white authorities. Caddo Parish's white registrar refused to accept identification from a Black voter without a registered white voter to prove her identity. When the voter produced "a white store owner as well as a white notary" the "registrar rejected both as sufficient to establish identity."<sup>146</sup>

Therefore, the importance of the Brown ruling was not so much how it applied to Black suffrage but the overall treatment of Black people in Louisiana and more specifically that it reinvigorated efforts by white Louisianans to try and prevent Black suffrage through any means necessary. It was ultimately this intransigence that would prompt greater federal oversight, just as the violent outrages of the 1860s and 1870s against Black voters had done. The Southern Manifesto was crafted by Southern politicians in 1956 as a means of urging Southerners to use any "lawful means" to resist desegregation.<sup>147</sup> Indeed, the resistance on the ground in Louisiana was violent, venomous, and dramatic.

Piecemeal legislation to move desegregation forward, particularly in the political realm, proved inadequate to firmly entrenched white supremacist policies. The Civil Rights Act of 1957, which gave the attorney general power to prosecute those who obstructed voting in federal elections, could not change extra-legal practices. Indeed, Howard Smith, chairman of the House Rules committee and author of the southern Manifesto, remarked on that legislation that "the Southern people have never accepted the colored race as a race of people who had equal intelligence and education and social attainments as the whole people of the South."<sup>148</sup> Sharecroppers continued to be evicted from their land when they tried to register to vote.<sup>149</sup> In 1960, the Civil Rights Act of 1960 made the collection of state voter records mandatory and authorized the U.S. Justice Department to investigate and access voter data and history in all states so that Civil Rights legislation could be enforced. In 1962, just 150,000 Black voters, a mere 31% of eligible voters, were registered in Louisiana.<sup>150</sup> The year 1964 saw the ratification of the 24<sup>th</sup> Amendment which outlawed poll taxes nationwide. And finally, the penultimate legislation of this era, the Civil rights Act of 1964 made discrimination on the basis of race, national origin, gender, or religion in voting illegal.

Notwithstanding all this legislation, from 1956 to 1965, the high-tide mark of Civil Rights legislation in all of American history, Black voters in Louisiana rose just .1%, from 31.7% to 31.8% of eligible voters.<sup>151</sup> These stalled numbers spoke to the reality: every discriminatory and disenfranchising technique developed by Louisiana remained in practice, except for the few specifically condemned by the Supreme Court, until Congress banned them expressly or made them subject to meaningful legal review through the passage of the Voting Rights Act of 1965 ("VRA").

"Race was a factor in every aspect of voting" writes Gloria Marshall in her account of the path to the Voting Rights Act. This well-known discrimination was also the basis of a Louisiana

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<sup>146</sup> Frystak, 73-4.

<sup>147</sup> <https://history.house.gov/Historical-Highlights/1951-2000/The-Southern-Manifesto-of-1956/>.

<sup>148</sup> *The Congressional Record: Proceedings and Debates of the 87<sup>th</sup> Congress*, Vol. 107, Part 2, 1498.

<sup>149</sup> Gary May, *Bending Toward Justice: The Voting Rights Act and the Transformation of American Democracy* (Durham, NC: Duke University Press, 2014), 28.

<sup>150</sup>

<sup>151</sup> Browne-Marshall, 461.

lawsuit handed down just before the VRA's passage, one that really captured the dire need for federal oversight to ensure Black suffrage. *Louisiana v. United States* was brought by the U.S. Attorney General's office against the state of Louisiana for "beginning with the adoption of the Louisiana Constitution of 1898" putting into "effect a successful policy of denying Negro citizens the right to vote because of their race."<sup>152</sup> The Supreme Court found that the Louisiana Legislature had formed a "Segregation Committee" which cooperated with white supremacist Citizens Councils to instruct registrars to purge Black voters from the voter rolls and promote white political control.<sup>153</sup>

Justice Hugo Black, a former member of the Ku Klux Klan himself, explained that "at least 21 parishes in the mid-1950s began applying the interpretation test, to which was added in 1960 a comprehension requirement, applicable to all persons, which the State Registration Board ordered rigidly enforced."<sup>154</sup> The Court found that "under the State's statutes and constitutional provisions" voter registrars, "without any objective standard to guide them," had full discretion to enforce interpretation tests and "the manner in which the interpretation [was]s to be given, whether it is to be oral or written, the length and complexity of the sections of the State or Federal Constitution to be understood and interpreted, and what interpretation is to be considered correct."<sup>155</sup> The Supreme Court "held that test, on its face and as applied, invalid under the Fourteenth and Fifteenth Amendments and 42 U.S.C. § 1971(a) and enjoined its future use in the State."<sup>156</sup>

In *Anderson v. Martin* (1964), Black residents of East Baton Rouge brought a lawsuit successfully challenging a Louisiana law that required ballots to specify the race of the candidates running for office. Louisiana defended its measure as necessary information for the electorate; moreover, "the labeling applie[d] equally to Negro and white."<sup>157</sup> A unanimous court recognized that this labeling was a violation of the Fourteenth Amendment and that it encourage[] its citizens to vote for a candidate solely on account of race."<sup>158</sup> The only reason to include race on a ballot was for discriminatory purposes, "so that people can react to it."<sup>159</sup>

As the VRA gained traction, Louisiana legislators spoke openly of their opposition to Black enfranchisement. Louisiana's Allen J. Ellender declared of the VRA that he would "talk against it as long as God gives me breath" and once bragged, "I have always voted for white supremacy."<sup>160</sup>

Louisiana's Joe D. Waggoner disagreed, arguing that there "were no problems in his home state [and] Blacks could vote just like anyone else." Waggoner's denials of the basic facts of Louisiana's discriminatory practices made compelled fellow Louisianan Congressman Hale Boggs to contradict this distorted account.

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<sup>152</sup> *Louisiana v. United States*, 380 U.S. 145 (1965)

<sup>153</sup> *Id.* at 149-50.

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*, 150.

<sup>156</sup> *Ibid.*, 150.

<sup>157</sup> *Anderson v. Martin*, 375 U.S. 399 (1964).

<sup>158</sup> *Id.* At 404.

<sup>159</sup> Browne-Marshall, 431.

<sup>160</sup> May, 406.

“I wish I could stand here as a man who loves his state, born and reared in the South...and say there has not been discrimination,” Boggs declared, “but unfortunately it is not so.”<sup>161</sup> In his own district, he said, there lived more than 3,000 Blacks, but less than 100 were registered. “Can we say there has been no discrimination? Can we honestly say that from our hearts? I shall support this bill because I believe the fundamental right to vote must be a part of this great experiment in human progress under freedom which America is.”<sup>162</sup>

On July 6, Congress nevertheless passed the Voting Rights Act, 333 to 85. The country’s need for racial justice, Johnson explained in the speech in the Capitol Rotunda on August 6, 1965, announcing the VRA’s passage, was necessary because racial equality had been intentionally obstructed at every turn.<sup>163</sup>

#### IV. The Battle Over the Voting Rights Act in Louisiana

##### *The Voting Rights Act Era Begins, 1965-1982*

While it is true that the Voting Rights Act transformed the century-long battle over Black voter participation, that transformation was not in changing the hearts and minds of Louisianans, who were just as dogged in their efforts to disenfranchise Black voters after 1965. Rather, the VRA’s supervision of state practices provided a permanent threat of action to combat the continued effort to mute Black Louisianans’ political power. The most crucial objections under Section 5 have allowed the federal government to prevent “the state from implementing racially discriminatory districting plans for the state legislature.”<sup>164</sup>

As the most comprehensive study of the effect of the Voting Rights Act has explained, “discriminatory election laws...continue to be a serious problem in Louisiana.”<sup>165</sup> From 1965-1989, the Attorney General had to issue 66 objection letters (11 to the state and 55 to local governments) nullifying over 200 changes. So while overall the VRA has changed the nature of voter discrimination in Louisiana, most commonly leaving white lawmakers to resort to vote dilution, it is only the “interference” of the VRA that has allowed to progress towards “a more open electoral process.”<sup>166</sup>

As one account explains, the “passage of the Voting Rights Act in 1965 eliminated literacy tests and other legal mechanisms that had been used to prevent black southerners from

<sup>161</sup> Robert A. Pratt, *Selma’s Bloody Sunday: Protest, Voting Rights, and the Struggle for Racial Equality* (Baltimore, Johns Hopkins, 2017), 108.

<sup>162</sup> Pratt, 108.

<sup>163</sup> Lyndon B. Johnson, “Remarks in the Capitol Rotunda at the Signing of the Voting Rights Act,” August 6, 1965. See <https://www.presidency.ucsb.edu/documents/remarks-the-capitol-rotunda-the-signing-the-voting-rights-act>. “The heart of the act is plain,” Johnson went on, “Wherever, by clear and objective standards, states and counties are using regulations, or laws, or tests to deny the right to vote, then they will be struck down. If it is clear that state officials still intend to discriminate, then federal examiners will be sent in to register all eligible voters . . . And under this act, if any county anywhere in this nation does not want federal intervention it need only open its polling places to all of its people.”

<sup>164</sup> Engstrom et al., “Louisiana,” 111.

<sup>165</sup> Ibid., 111.

<sup>166</sup> Engstrom et al., “Louisiana,” 103, 110-11.

registering.”<sup>167</sup> But it was the Section 5 supervision that precluded those in Louisiana from “simply substituting a new discriminatory trap for its invalidated literacy test.” Louisiana’s preclearance requirement was renewed in 1970, 1975, and again in 1982. “Across Louisiana, local blacks began to vote for the first time,” but the VRA’s strides were consistently compromised by those who “have remained steadfast in their efforts to minimize African-American voting power.”<sup>168</sup>

Indeed the VRA began in Louisiana mainly as a story of white resistance, particularly by the historic stopgap of disenfranchising whites, the registrar. When Orleans Parish Black voters swelled by 13,000 applicants, registrars used every tactic of delay, keeping thousands “waiting patiently under a blazing sun or in drizzling rain.”<sup>169</sup> Registrars in Shreveport rejected 337 Black applicants for inadequate identification in the first weeks following the VRA’s passage.<sup>170</sup> Five parishes in Louisiana had received more federal examiners and had particularly abysmal registration rates even compared to their counterparts. Morehouse and West Carroll actually saw declines in their Black voters. Across Louisiana, registrars refused Black ballots because of party affiliation or illiteracy; “good character” tests also began in the 1960s. After the threat of statewide federal intervention seemed imminent, Governor John McKeithen “prodded recalcitrant parish authorities to mend their ways.”<sup>171</sup>

And yet, instead of mending anything, white Louisianans simply seemed to abandon the registrar as their tool for Black disenfranchisement. In the first 17 years of its implementation, the Department of Justice made 50 formal objections to “attempts by state and local authorities to implement voting changes that would have diluted African-American voting strength.”<sup>172</sup> From 1982-2006, that number ballooned to 96 objections. In other words, white Louisianans efforts to lessen the impact of Black voters have only increased since the VRA was enacted.<sup>173</sup>

The patterns so entrenched in Louisianan history – of Black citizenship gains followed by white backlash – are as clearly visible in the battle over the Black vote as they were in the German Coast Uprising of 1811. Black Louisianans have been intentionally denied the most fundamental democratic act: voting, by the state of Louisiana. “The violations that affect various public offices, including judicial, aldermanic, councilmanic and school boards” are the defining experience of Black voters in the state.<sup>174</sup> This dynamic has been most pronounced in the Voting Rights Act era stretching from the passage of the VRA in 1965 to the gutting of the VRA’s core provisions in the 2013 Supreme Court case of *Shelby County v. Holder*.<sup>175</sup>

Louisianans outrage over gains by Black voters are clearly identified because those gains always precipitate “rejection of readily available non-discriminatory alternatives, inconsistent

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<sup>167</sup> Michael S. Martin, *Louisiana Beyond Black and White: New Interpretations of Twentieth-Century Race and Race Relations* (Lafayette, LA: University of Louisiana at Lafayette Press, 2011), 148.

<sup>168</sup> Frystak, *Our Minds on Freedom*, 229 and Adegbile, 419.

<sup>169</sup> Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915-1972* (Athens: University of Georgia Press, 1995), 388.

<sup>170</sup> Fairclough, 388.

<sup>171</sup> *Ibid.*, 388.

<sup>172</sup> Adegbile, 419.

<sup>173</sup> *Ibid.*, 419.

<sup>174</sup> *Ibid.*, 460.

<sup>175</sup> *Ibid.*, 460.

application of standards [and] drastic voting changes” designed to minimize Black voting strength.<sup>176</sup> Thus, it is crucial to contextualize the very real successes of the VRA by understanding the intransigence of white efforts to roll back those advances in voting equality. The overall story of the VRA era is that legislation designed to break down prejudice has in some ways created a smaller but more greatly impassioned and resistant population in Louisiana, more deeply “committed to perpetrating voting discrimination” and dramatically “more sophisticated at concealing their objectives.”<sup>177</sup> As one report on this era has explained, “the consistent efforts to diminish African-American voting power in Louisiana are not inconsequential remnants of the distant past that can be ignored.”<sup>178</sup>

In Louisiana, more than 350,000 Black residents registered in 1969. But the test of Black voting power was not simply registration but also electing Black leaders. “In the first big test of black voting” after the passage of the VRA, “all twenty-four black candidates lost...the requirement to gain an outright majority...proved the bane of black candidates, who invariably led in the first primary only to lose in the runoff.”<sup>179</sup> As Adam Fairclough, the preeminent historian of the history of Black voting in Louisiana, has explained, “even a coherent black vote...could not guarantee the election of black candidates, for strenuous mobilization for blacks often led to equally vigorous countermobilization on the part of whites.”<sup>180</sup> Fairclough could have easily been describing Leander Perez, “the racist boss of Louisiana’s Plaquemine Parish,” who did not simply capitulate to what he and many Louisianan leaders saw as an unlawful and unconstitutional attempt to bring them to heel.<sup>181</sup> When officials visited Clinton, Louisiana, local businessmen complained about a second Reconstruction. “The Feds are fixing it so the Negroes can take over,” the district attorney complained to *The Wall Street Journal*. Indeed, the 57 years since the passage of the VRA of 1965 have been plagued by the same racism and resistance that so characterized the Jim Crow era.

Indeed this new legislation met a seemingly intractable force: resistance by those who had fought for centuries against any measurable power for Black Louisianans. President Johnson had mentioned this possibility in the speech celebrating the VRA’s passage, explaining that “there is always room for understanding toward those who see the old ways crumbling. And to them I say simply this: it must come. It is right that it should come. And when it has, you will find that a burden has been lifted from your shoulders, too.”<sup>182</sup>

But Louisiana’s experience of the VRA showed that Johnson’s rhetoric was no match for efforts to disenfranchise Black voters. In the first five years that followed the legislation, Black Louisianans made up an absolutely “miniscule proportion of the state’s elected officials, fewer than 1 percent.”<sup>183</sup>

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<sup>176</sup> Ibid., 434.

<sup>177</sup> Ibid., 434.

<sup>178</sup> Ibid., 435.

<sup>179</sup> Fairclough, 394.

<sup>180</sup> Ibid., 394.

<sup>181</sup> May, 464.

<sup>182</sup> Lyndon B. Johnson, “Remarks,” August 6, 1965.

<sup>183</sup> Fairclough, 394.

Tensas Parish in Northeastern Louisiana was the last parish in the state to allow Black Louisianans to register to vote. Before the VRA, in 1964, only 15 Black voters were on the rolls when at least 6,000 Black people called Tensas home. By 1967, 34% of the Black population had been registered, a huge leap forward, “but not a single black ran for office.”<sup>184</sup> In other words, progress in involving Black voters was never instantaneous. The Voter Education Project (“VEP”) worked doggedly to register more of Tensas’ black population, adding 310 Black voters in just 10 days that year.<sup>185</sup> It was only through these efforts and the legal oversight of the VRA that produced astonishing voting and electoral results. In the next election cycle, all five city council seats were contested by black candidates for the first time. Still, fewer than half the eligible black voters actually cast votes.

Tensas’ early post VRA elections highlighted the myriad subaltern strategies to preserve white supremacy in Louisiana. “Whites told their black employees, most of them maids or farmworkers, that ‘there is no use wasting time voting,’ and they would lose their food stamps if they did.” In Waterproof, a Tensas community near the Mississippi, the town’s only doctor, a white man, warned “his black patients that he would leave” the town if blacks succeeded in town elections.<sup>186</sup>

By 1971, when the population of the Parish dipped to 9,400, with a Black population of roughly 5,600 (60% of the population), Black people still represented just 46% of registered voters.<sup>187</sup> Despite the slow progress, by 1975, Black voters had at least shown success in the town of Waterproof, which now had a Black mayor, five councilmen, and a Black chief of police.<sup>188</sup>

After Louisiana’s Section 5 renewal in 1970, both the House and Senate plans adopted by the legislature contained a mixture of single and multimember districts that clearly disadvantaged Black voters. These plans utilized both of the most common strategies used to limit Black voters’ political strength in Louisiana: over-concentrating Blacks into fewer districts (“packing”) or breaking up the Black population and spreading them out across white majority districts (“cracking”). “The dilutive consequences of the legislature’s schemes were so blatant that a federal district judge stated in 1971 that if the Attorney General had not objected to their implementation, he would have found them to be unconstitutional for, among other reason[s], ‘employing gerrymandering their grossest form.’”<sup>189</sup>

New Orleans’ second effort at councilmanic redistricting in the 1970s became the basis of a significant Supreme Court decision involving Section 5 preclearance criteria. A unanimous three-judge panel found that the city’s councilmanic districts had a discriminatory effect, specifically by cracking and diluting Black voting power. But when the city council did not accept the Attorney General’s decision, it sought preclearance from the federal judiciary which

<sup>184</sup> Ari Berman, *Give Us The Ballot: The Modern Struggle for Voting Rights in America* (New York: FSG, 2015).

<sup>185</sup> Eight hundred Voters were registered as a result of the VEP efforts, so many “that the white registrar closed his office to process the ‘paper work.’” *See* Berman, 103.

<sup>186</sup> Berman, 103.

<sup>187</sup> Berman, 102; <https://fred.stlouisfed.org/series/LATENS7POP>.

<sup>188</sup> Berman, 103.

<sup>189</sup> Engstrom et al., “Louisiana,” 111.

eventually found that the districts were not retrogressive.<sup>190</sup> *Beer v. United States* (1976) was the first decision restricting the ground upon which the Attorney General could deny preclearance and a frightening sign of the limitations of federal oversight when white intransigence was sufficiently dogged. The Supreme Court's ruling in *Beers* established, before it was superseded by statute, that Section 5 preclearance applies only to change in election procedures not to dilutive structures like at-large elections, in place before November 1, 1964.

Fortunately, the extension and amendment of the VRA in 1982 made the retrogression standard slightly less impactful. Indeed, the 1982 amendments to Section 2 were even more vital as white resistance to Black voting power in Louisiana was just as stubborn after 1982 as it had been before. During the debates over the VRA's renewal, Louisiana Republican W. Henson Moore chafed at the continuing oversight under Section 5. Moore denounced his "sanctimonious brethren" in Congress for promoting laws that, he claimed, only hurt his constituents. "We want to be treated like everybody else," Moore argued.<sup>191</sup>

And yet, just months later, when new Congressional maps were proposed in Louisiana, Moore's position was revealed to be yet another strategy to preserve white power. In these maps, a new Black majority congressional district had been created in New Orleans, not unthinkable for a Black-majority city in a state where Black people made up 29% of the population but held exactly zero statewide elected positions.<sup>192</sup> White political leaders reacted to the potential of a Black Louisiana congressperson with barely suppressed outrage. Louisiana's governor, David Treen, explained simply that "any bill in that form is unacceptable and without question will be vetoed."<sup>193</sup> Treen's passion on this front was not unexpected; he had begun his political career in the extreme segregationist States' Rights Party of Louisiana and had run several unsuccessful campaigns opposing civil rights in voting, education, and housing. Once elected, Treen voted "against nearly every piece of civil rights legislation, including the VRA extension of 1975."<sup>194</sup>

Treen's commitment to vetoing any such map led a "small group of legislators and state officials" to convene "in the subbasement of the state capitol to draft a new congressional map without a majority black district."<sup>195</sup> Needless to say, no Black officials participated in this secret meeting. Representative Peppi Bruneau, the chairman of the redistricting subcommittee, told Lawrence Chehardy, the Jefferson Parish tax assessor, that "we already have a nigger mayor, and we don't need another nigger bigshot."<sup>196</sup>

The men concocted absurd maps that distributed Black New Orleanians into absurdly drawn districts in order to dilute the power of potential Black voters. Not only was Governor Treen "aware of the racial consequences" of the deliberate effort to mute Black wards, "racial considerations formed the basis" of the Governor's logic. In the litigation over Treen's attempts, "the court accepted the plaintiffs' expert's testimony, showing racially polarized voting and that

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<sup>190</sup> *Beer v. United States*, 425 U.S. 130 (1976).

<sup>191</sup> May, *Bending Towards Justice*, 577.

<sup>192</sup> Berman, 162.

<sup>193</sup> May, 577.

<sup>194</sup> *Ibid.*, 577.

<sup>195</sup> *Ibid.*, 577.

<sup>196</sup> *Ibid.*, 577.

such voting played a significant role in the electoral process. It also found that ‘Louisiana’s history of racial discrimination, both *de jure* and *de facto*, continue[d] to have an adverse effect on the ability of its black residents to participate fully in the electoral process.’”<sup>197</sup>

The result of rejecting Treen’s racist redistricting of Orleans Parish was the election of Louisiana’s first Black Congressman since the 1870s. The most notable aspect of the Treen case is not just the bald racism nor staggering absence of Black representatives up until that point, but the fact that none of these facts would likely have been known without the oversight of Section 5 of the VRA.

“By any measure, attempts to dilute African-American voting strength in Louisiana have been widespread,” wrote one expert on voting in the state, “thirty-three—more than half—of Louisiana’s sixty-four parishes and thirteen of its cities and towns have proposed discriminatory voting changes since 1982, many more than once.”<sup>198</sup> These efforts were so persistent and diverse that collectively Louisianan attempts to disenfranchise Black voters highlight a state utterly determined to not simply resist the laws of the nation but to reinforce the control over Black people that have defined the state since the 1800s.

### ***Voting Rights in Louisiana, 1982-2013***

Much like the immediate post-VRA period, 1982-2013 experienced a similar flood of attempts by Louisiana to dilute Black voting strength. If the long history of Black disenfranchisement has shown anything, Louisianans will continue to attempt any combination of strategies to deny equal voting rights to Black residents of the state. This section explores both Section 5 and Section 2 responses to voter disenfranchisement to show how persistent resistance to voting equality has been since the 1982 renewal of the VRA. The time between the 1982 amendments to the VRA and the Supreme Court ruling in *Shelby County v. Holder* are considered below in two separate but interrelated sections. First, the various cases and violations under Section 2 of the VRA will be discussed, and following, the cases and violations under Section 5.

## **Section 2**

Discussed at the end of the previous section when the case began in 1980, in *Major v. Treen* (1983), a federal court found that the state’s Congressional redistricting plans cracked Black voters in a “racially selective manner.” “If the maps had been allowed to stand, the power of Black voters would be unfairly and illegally minimized.”<sup>199</sup>

The Supreme Court’s ruling in *Thornburg v. Gingles* (1986), a case on multimember legislative districts in North Carolina, had a deep impact on efforts to invalidate electoral “systems that dilute through submergence.” Indeed, the first post-*Gingles* decision by the Fifth Circuit Court of Appeals involved the West Bank of New Orleans municipality of Gretna.

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<sup>197</sup> Adegbile, 430.

<sup>198</sup> *Ibid.*, 430.

<sup>199</sup> *Ibid.*, 118.

There, aldermanic elections – for mayor and aldermanic board – were the root of almost all political power in the town. No Black candidate had managed to be elected to any municipal office in the town since its incorporation in 1913 despite representing 30% of the population. In *Gretna*’s case, an informal slating process drawn from the reigning mayor and the father-and-son Chiefs of Police excluded Black voters from “meaningful participation in the political process.” Despite white defendants claiming that if any Blacks supported winning white candidates, then Blacks voters’ inability to elect Black candidates was “legally inconsequential,” the court found that the at-large electoral system “effectively barred African-American citizens from any meaningful role in the city’s government.”<sup>200</sup>

In *Citizens for a Better Gretna*, the court observed the “history of black citizens’ attempts, in Louisiana since Reconstruction, to participate effectively in the political process and the white majority’s resistance to those efforts is one characterized by both *de jure* and *de facto* discrimination. Indeed, it would take a multi-volumed treatise to properly describe the persistent, and often violent, intimidation visited by white citizens upon black efforts to participate in Louisiana’s political process.”<sup>201</sup>

The combined precedents of *Gingles* and *Gretna* represented an important development in the fight against voter disenfranchisement in Louisiana. The Supreme Court ruling in *Gingles* that “plaintiffs need show only the existence of [racial] divisions” in voting, “not the reasons for them.” The consistent arguments by disenfranchising entities was “that as long as blacks were often on the winning side in white-on-white elections, they had no valid claim of dilution.”<sup>202</sup> As one analysis explains, “this argument was especially pernicious in light of the chilling effects that dilutive arrangements often have on black candidacies.”<sup>203</sup>

Fortunately, the Fifth Circuit’s decision in *Gretna* essentially eliminated this rationale in Louisiana. Demonstrating the widespread attempts to persist in disenfranchising and diluting schemes, Jefferson Parish authorities attempted to use this invalidated defense in *East Jefferson Coalition for Leadership and Development v. Parish of Jefferson* (1988).<sup>204</sup> A federal district court later found that the parish council plan had a dilutive result and therefore violated Section 2.<sup>205</sup>

These rulings did not stop efforts to use “multimember districts to elect judges” which also served to dilute Black voting strength.<sup>206</sup> Accordingly, the Louisiana judiciary was particularly ripe for legal intervention. In a series of cases under the *Clark v. Roemer* label, plaintiffs tried to stop these multimember elections. Research for the case showed that “of 156 district court judgeships in Louisiana outside of Orleans Parish, only two African-Americans had ever been elected in the state’s history.”<sup>207</sup> Perhaps even more shocking was that across the 20<sup>th</sup> century in Orleans Parish where there had been periods of Black majorities as high as 65%, only

<sup>200</sup> *Citizens for a Better Gretna v. City of Gretna*, 834 F.2d 496 (5th Cir. 1987).

<sup>201</sup> *Citizens for a Better Gretna*, 636 F. Supp. 1113, at 1116 (E.D. La 1986).

<sup>202</sup> *Ibid.*

<sup>203</sup> Engstrom et al., “Louisiana,” 121.

<sup>204</sup> *East Jefferson Coal. For Leadership & Dev. v. Parish of Jefferson*, 703 F.Supp. 28 (1989).

<sup>205</sup> *East Jefferson Coal. For Leadership & Dev. v. Parish of Jefferson*, 926 F.2d 487 (1991).

<sup>206</sup> Adegbile, 461.

<sup>207</sup> *Ibid.*, 461.

one Black attorney “had ever served on the criminal district court and only three had been elected to serve on the civil district court. Of the forty-eight court of appeal judgeships in the state, only one judge was African-American. No African-American citizen had ever been elected to any statewide office, to the U.S. Congress or to the Louisiana Supreme Court.”<sup>208</sup>

Similar appeals formed the basis of the *Chisom v. Roemer* cases, where five Black voters in Orleans Parish filed a class action suit on behalf of all Black voters registered in the parish. The case revolved around the system of electing two at-large supreme court justices from Orleans, St. Bernard, Plaquemines, and Jefferson parishes. The plaintiffs argued that this design violated the “VRA, the Fourteenth and Fifteenth Amendments to the U.S. Constitution and 42 U.S.C. § 1983 by impermissibly diluting, minimizing and canceling the voting strength” of Black voters.<sup>209</sup>

*Chisom v. Roemer* sat on a fault-line between Louisiana’s two most prominent disenfranchising strategies: at-large voting and redistricting. Louisiana’s First Supreme court district had 1,102,253 residents, 63.4% white, 34.4% Black and 515,103 registered voters, 68% white, 31.6% Black. The First Supreme Court District, “encompassing only Orleans Parish, would then have an African-American population and voter registration comprising another district, comprised of Jefferson, Plaquemines and St. Bernard Parishes, would be majority white.” The *Chisom* case, settled in 1992, had a profound effect on future efforts to dilute Black voting strength and spurred efforts to legislate against the gains made in the settlement.

## Section 5

Section 5 violations continued to occur after the VRA was renewed in 1982 and the DOJ was forced to respond to “thirty-three parish school board redistricting and expansion plans proposed by twenty-three parishes and one city, thirty-one parish police jury redistricting and reduction plans proposed by twenty parishes, seven parish council redistricting and reduction plans proposed by six parishes, eleven city and town council redistricting plans proposed by ten cities and towns, two board of alderman redistricting plans proposed by two cities and six annexations proposed by the city of Shreveport alone.”<sup>210</sup>

“In a stark illustration of the persistence of the hostility to equal African-American participation in Louisiana’s political process with statewide consequences, in *every* decade since the VRA was passed in 1965, the proposed Louisiana State House of Representatives redistricting plan was met with a DOJ objection.”<sup>211</sup>

Packing and cracking black voters remained common strategies for the dilution of black voting power. These efforts are particularly common after Black voters make significant

<sup>208</sup> Adegbile, 461. See *Clark v. Roemer* series of cases (*Clark v. Roemer (Clark-2 III)*, 750 F. Supp. 200 (M.D. La. 1990); *Clark v. Roemer (Clark-2 II)*, 777 F. Supp. 445 (M.D. La. 1990); *Clark v. Edwards (Clark-2 I)*, 725 F. Supp. 285 (M.D. La. 1988).

<sup>209</sup> *Ibid.*, 463. See *Chisom v. Roemer* series of cases (*Chisom V*), 501 U.S. 380 (1991); *Chisom v. Roemer (Chisom IV)*, No. 86-4057, 1989 WL 106485 (E.D. La. 1989); *Chisom v. Edwards (Chisom III)*, 839 F.2d 1056 (5th Cir. 1988); *Chisom v. Edwards (Chisom II)*, 690 F. Supp. 1524 (E.D. La. 1988); *Chisom v. Edwards (Chisom I)*, 659 F. Supp. 183 (E.D. La. 1987).

<sup>210</sup> *Ibid.*, 434.

<sup>211</sup> *Ibid.*, 434.

showings in an election cycle. “In 1988, Louisiana attempted to adopt anti-single-shot devices in circuit court elections and add more at-large judges to the circuit courts. Both efforts drew Section 5 objections but exposed the myriad strategies being used in concert to disenfranchise Black voters in the state. Information requests about these changes were ignored by the State and Louisiana attempted to add at-large or multimember judicial seats again in 1989, twice in 1990, 1991, and 1994, and again adopted anti-single-shot devices in 1990. In its 1991 objection letter, the DOJ noted blatant noncompliance with Section 5. As the objection letter noted, the state had gone ahead and held at-large elections for un-precleared judgeships from its last two submissions, and that white judges were now sitting in these seats. These facts manifest a willful disregard for the VRA mandates.”<sup>212</sup> Annexing white suburbs was another common strategy used to dilute Black voting power. The city of Monroe attempted to annex their white suburbs in 1990, and Shreveport tried six times to shift the balance of power from 54% Black to 45% Black. Numerous efforts, in Washington Parish, Franklin Parish, and Concordia Parish, among others, continued these attempts to dilute or eliminate majority Black districts. Local officials were remarkably consistent and persistent in their efforts to eliminate or minimize the influence of majority African-American districts and, at times, remove African-American elected officials from office, without resort to the familiar “packing” or “cracking” associated with discriminatory redistricting techniques.

The year 1994 presented the beginning of another era of disenfranchisement strategy, very much in the century-long tradition of grandfather clause, poll taxes, and the like. Louisiana attempted to require photo identification “as a prerequisite for first-time voters who register by mail,” a requirement the DOJ concluded had both discriminatory purpose and discriminatory effect. Louisiana distinguished itself with voter identification laws, even among recalcitrant states trying to undo the VRA’s influence. Indeed, Louisiana consistently demonstrated a real dedication to what one scholar has deftly termed “adaptive discriminatory voting changes.”<sup>213</sup>

At-large voting, which the DOJ objected to for the first time on June 26, 1969, has been the most consistently deployed strategy for disenfranchisement in Louisiana. Attempted time and time again, particularly in voting for boards of aldermen, judges, and school boards, at-large voting has been clearly established to dilute minority votes. School boards have been a particularly rich arena for Louisianan voter disenfranchisement through at-large voting schemes. St. Bernard Parish, as one example, altered their school board structure in 2001 with this goal in mind.

Between 1982 and 2003, many parishes (DeSoto, Morehouse, East Carroll, Madison, East Baton Rouge, West Feliciana, St. Landry, Webster, Richland, Lafayette, and Washington) were “repeat offenders” in submitting discriminatory redistricting plan and 13 times the DOJ noted that local authorities were merely resubmitting objected-to proposals with cosmetic or no changes. Municipalities played the same game (Shreveport, Monroe, St. Martinsville, Ville Platte, and Minden) leading one expert to comment on the remarkable “tenacity of local resistance to compliance.”<sup>214</sup>

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<sup>212</sup> Adegbile, 441.

<sup>213</sup> Ibid., 440.

<sup>214</sup> Ibid., 463-5

Pointe Coupée Parish attempted to alter school board and police jury districts in 1983, 1992, and 2002 – all efforts to dilute Black voting by packing as much of the Black population into single districts. Jefferson Parish used a novel (at that point) strategy of actually resisting redistricting plans that would increase Black voting power. In other words, whatever position or strategy would best provide the outcome of diluting Black voting, whether that was claiming redistricting was necessary or that redistricting was an affront to logic, would be utilized. The state of Louisiana demonstrated the same hypocrisy and naked desire to disenfranchise Black voters in Orleans Parish in 2002, arguing that white voters in the state were entitled to proportional representation in the Parish despite never arguing that Black voters were entitled to the same across the state.

Two points on these efforts in Orleans Parish are very instructive about the character of voter discrimination in the state. The only reason voters in Louisiana learned about these subversions of the law was because of Section 5 Reviews under the VRA. Throughout the 1990s, St Landry Parish, East Carroll Parish, Morehouse Parish, and DeSoto Parish all tried to dilute the Black vote until the DOJ stepped in. Furthermore, Louisianan officials pathologically resisted DOJ requests for any information about changes to voting laws in the state. “In 1993, when Morehouse Parish attempted to reduce the number of its elected justices of the peace, the DOJ noted that the parish’s initial submission ‘contained virtually none of the information required’; that the parish ignored a request for more information for over a year; and that the response, when finally received, still contained no population data by race and included maps of such poor quality” they were illegible.<sup>215</sup> “The DOJ noted similar efforts by Louisiana officials to withhold information in the city of Cottonport in 1987, Jackson Parish in 1991, Evangeline Parish in 1993 and Richland Parish in 2003.”<sup>216</sup>

Secondly, Louisianan legislators were engaged in a constant effort to rewrite laws even before Congress had any opportunity to reevaluate renewing Section 5 of the VRA. In other words, the desire to disenfranchise Black voters was so intense that the state constantly had plans prepared in advance, ready to try and roll back advances in Black voting power made since 1965.

All of these efforts reflect a deep hostility to the intent of the VRA – the pursuit of voting equality for Black Americans. Louisiana’s record since 1965 showed local elections have been even more prejudicial than state elections. Analysis has definitively shown that “for 27.5% of the districts created for district court judges and 40% of the districts for circuit court judges the State ignored its preclearance obligations. Given Louisiana’s African-American population of about 1,299,281 following the 1990 Census, the failure to obtain preclearance as required for district court election districts potentially affected the voting rights of hundreds of thousands of African-Americans, while the failure to obtain preclearance for circuit court election districts potentially adversely affected several hundred thousand African-American citizens of the state.”<sup>217</sup>

Voting discrimination in the state persists and attempts to dilute Black votes remain commonplace while “many white officials remain intransigent, refusing to provide basic information required under Section 5.” From 1982-2005, “African-Americans have been

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<sup>215</sup> Adegbile, 450.

<sup>216</sup> Ibid., 450.

<sup>217</sup> Ibid., 452-53.

excluded from local decision-making processes, and African-American officials who advocate for non-discriminatory voting changes have confronted retaliation...[a] record [that] includes examples of discriminatory effects and intentionally discriminatory acts.”<sup>218</sup>

The 1990 census came wheeling back into voter litigation because of efforts in Bossier Parish to create 12 single-member districts without any Black-majority districts. This case prompted the *Reno v. Bossier* Parish School Board lawsuit and two separate Supreme Court decisions. The DOJ found that the school board’s plan violated the Section 2 results test as well as Section 5. This case was significant because it showed that retrogression did not provide a high enough standard when Black political power remained at zero between redistricting plans. Bossier II (2000) clarified the deep power of the VRA’s Section 5 in states like Louisiana that continued to fight so doggedly to disenfranchise Black voters. The Justice Department’s power “to stop a state or locality from even provisionally implementing districting and other decisions...shifts the burden of proof, normally on plaintiffs to the defendant jurisdictions.” Those jurisdictions must convince the attorney general that any proposed changes are not discriminatory.<sup>219</sup>

In Louisiana since 1965, that stop-gap against Black disenfranchisement has been utterly necessary. And yet, Justice Scalia, in trying to weaken the protections of the heavily relied-upon Section 5 emphasized that Section 2 and the Fourteenth Amendment do provide legal recourse, but shift the burden to plaintiffs “for proving their charge of purposeful discrimination in a federal court” because “they could not prevail on the basis of suspected illegality alone.” In Louisiana, much like earlier moments where the doggedness of whites to disenfranchise Blacks had worn down federal mechanisms to insure voting equality, Bossier was an encouraging sign to opponents of Black political power.<sup>220</sup>

Barack Obama’s first presidential campaign revealed how divisive race still was for Louisianan voters and how unfamiliar it was to vote for a Black man even in 2008. Had the VRA produced lasting effects, especially in terms of transforming racist attitudes, Obama should have done much better across many different metrics. Among the states singled out by the original VRA, Louisiana was third from the bottom and only 14% of white Louisianans voted for Obama. The gulf separating southern white and minority voters was greater than ever before. A similar gulf existed between white voters in the covered and noncovered states. In the latter Obama received 47% of the white vote, a bit better than Kerry had in 2004, but more than 20% greater than in the covered states of the South. Although Obama’s showing among white voters outside the South is encouraging, he won a majority of their vote only in 18 states and the District of Columbia.<sup>221</sup> Without an increase in minority turnout and decline in white participation (both of which characterized the 2008 election), Obama probably would have lost even though the conditions – an unpopular incumbent, a sinking economy, high unemployment, and two wars – favored his candidacy.

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<sup>218</sup> Ibid., 405.

<sup>219</sup> Abigail Thernstrom, *Voting Rights – And Wrongs: The Elusive Quest for Racially Fair Elections* (Washington, D.C.: AEI Press, 2009), 64-65.

<sup>220</sup> Ibid., 66.

<sup>221</sup> May, 622.

### *Voting Rights in Louisiana after Shelby County, 2013-2022*

Given the 50-year history of relentless resistance to Black voting equality under the VRA, the last nine years have been an experiment in how difficult the post-preclearance period would be for Black voters seeking fair treatment. Indeed, the loss of preclearance oversight has meant that white efforts to disenfranchisement are allowed to proceed until plaintiffs can gather evidence and file suit.

In *Shelby County v. Holder*, the Supreme Court declared that the preclearance formula used to protect Black voters in Louisiana was outdated. Curiously, Chief Justice Roberts wrote in his majority opinion that “voting discrimination still exists; no one doubts that.”<sup>222</sup> Of course, the practical effect of this ruling was crippling Section 5 of the VRA, in particular the preclearance protections that have so clearly been the last line of defense against Louisianan efforts to disenfranchise Black voters were defeated. “Without the protections of Section 5, Louisiana voters must wait until they are aggrieved before seeking judicial intervention,” reported one Congressional subcommittee, “Lawsuits prompted by voting restrictions, once handled administratively by the Justice Department, must now be addressed through more expensive and less efficient litigation.” That report cited a recent case in Terrebonne Parrish, Louisiana, protesting the most frequent Louisianan violation of the VRA: at-large voting. On August 17, 2017, a federal court ruled that Louisiana’s use of at-large voting for electing five members to the 32<sup>nd</sup> Judicial District Court violated the Voting Rights Act of 1965 and the U.S. Constitution. Despite comprising 20% of the parish electorate, no Black candidate had ever been elected in the face of opposition in the district under the at-large system. The District Court held the at-large voting system had discriminatory or dilutive effect, in violation of the VRA.

Across states formerly under Section 5 preclearance supervision, there has been a pronounced shift to 21<sup>st</sup> century versions of the jelly-bean counting, poll taxes, and literacy tests of the 1910s and 1920s. Voter suppression laws now focused on identification requirements and registration-drive bans, but have expanded to other strategies to disenfranchise black voters. In Louisiana, restricting access to polling places, early voting, and electoral information have all emerged in the 2010s as strategies for those seeking to disenfranchise Black voters.

The hotly contested election of 2016 was seen as the first major test of the new iteration of the VRA. The state legislature had already used the opening provided by *Shelby County* to push voter restrictions tied to concerns about supposed voter fraud. As *The Times Picayune* explained “the federal courts have agreed with increasing frequency that those new laws were improperly based on race.” The changes to the VRA in the wake of *Shelby County* meant that states were no longer under the burden of proving their laws to be nondiscriminatory. Voters were now responsible for proving discrimination under Section 2 of the VRA.<sup>223</sup>

Angie Rogers, the Commissioner of Elections for the state of Louisiana, testified on December 6, 2017, that state “law requires that every precinct is assigned a polling place” but with 3,904 precincts, Louisiana only had 2,068 polling locations or about one polling place for every two precincts. The Louisiana Parish Board of Supervisors had eliminated 103 polling

<sup>222</sup> *Shelby County v. Holder*, 570 U.S. 2 (2013).

<sup>223</sup> Richard Rainey, “As New Voter Restrictions Crash and Burn,” *The New Orleans Time-Picayune*, August 11, 2016.

places since 2012, requiring greater travel which overwhelmingly impacts Black voters. Furthermore, the consistent patterns of subterfuge and intransigence and even willful ignorance were evident in testimony by Kyle Ardoin (then-First Assistant to Secretary of State Tom Schedler) on behalf of Louisiana. Ardoin either intentionally misled or betrayed a total misunderstanding of what authorities could close or move polling locations when he attributed any such changes to local Orleans Parish elected officials. Schedler explained that “information was provided to the Commission that Louisiana’s polling locations were distributed disproportionately using race and/or income as the determining factor.” Indeed, contrary to Ardoin’s testimony that Orleans Parish elected officials voluntarily shut down polling places, “the number of polling locations per 1,000 registered voters in a census tract is negatively related to the number of black residents in that census tract.”<sup>224</sup> Budgetary shortfalls were the proximate explanation of the real dearth of early voting locations and opportunities but widening access to voting, particularly for Black voters, is not only something the state does not prioritize but something the state actively works against.

These priorities can be seen in Louisiana’s ongoing resistance to compliance with the National Voter Registration Act because citizens were not given information about registration when applying for public benefits. “[T]housands and thousands of African American voters were not being provided with access to this information [which is] a barrier to access to voting.”<sup>225</sup>

Testimony before the June 2018 Louisiana Advisory Committee identified several ways in which Louisiana’s voter identification requirements create barriers to voting. First, Carol DeVillie of the League of Women Voters of Lafayette, noted that her organization received a number of complaints that voters were being turned away when they did not present a photo identification and were never offered the affidavit as an alternative method of identification. The disenfranchisement of Black voters is complex, but the authority given to election officials and poll workers has the ultimate effect of reinforcing patterns from the 20<sup>th</sup> century where registrars could deny Black voters for essentially infinite reasons. Even in 2018, testimony established that poll workers continue to believe (to the explicit consequence of disenfranchising Black voters) that contrary to state law they have discretion to deny the vote to people without identification. Voter identification requirements “present unique barriers to certain groups of people” and “dissuades many people, particularly the poor and African Americans, from even attempting to vote.” Low participation rate of voters in poor and African American communities has been strongly tied to the increase and intensity of voter identification requirements.<sup>226</sup>

Finally, an issue facing many states, especially those in the former Confederacy and under Section 5 preclearance, is that of felons. Dr. Joshua Stockley of the University of Louisiana at Monroe testified “that approximately 80% of the parolees/probationers currently ineligible to vote are African American, compared with about 32% of the population of the state.”<sup>227</sup> Indeed, Stockley helped explain how the racial impact of incarceration in the state is so radically disproportionate and had a disenfranchising consequence, influencing even the “concept of proportional representation. If many members of a community are unable to vote,

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<sup>224</sup> “Barriers to Voting in Louisiana,” 11, 12.

<sup>225</sup> *Ibid.*, 14.

<sup>226</sup> *Ibid.*, 14.

<sup>227</sup> *Ibid.*, 24.

they are denied the opportunity to be governed by people who might best serve their interests.”<sup>228</sup>

Act 636 was passed in 2018 to address the more-than 40,000 voters disenfranchised because of felony convictions, again overwhelmingly Black voters in Louisiana. Mack Terrance, a formerly incarcerated New Orleanian has spoken extensively on the importance of voting but that state had made registration burdensome and difficult for former felons. Allegations continue to crop up about inappropriate voter purges and state officials “imposing unnecessary and onerous requirements on former incarcerated people attempting to register to vote.”<sup>229</sup>

### ***Louisiana’s Recent History of Discriminatory Voting Changes, 2021-2022***

April of 2021 saw a settlement between the Justice Department and the City of West Monroe over VRA violations. Not entirely surprisingly, West Monroe’s Board of Alderman was resorting to the at-large system proven again and again to disenfranchise Black voters. As the consent decree explained, “Black residents comprise nearly 30% of the electorate” and yet “no Black candidate has ever been elected to the West Monroe Board of Aldermen.” West Monroe agreed in the settlement to “discontinue use of its current at-large method of electing the five members of its Board of Aldermen.”<sup>230</sup>

Most recently, the 2022 case of *Harding v. Edwards* demonstrated the recalcitrance of the state of Louisiana to expand the franchise even in the midst of a worldwide pandemic that fell most acutely on the state’s Black residents. Although *Harding v. Edwards* is a case involving restrictions on absentee voting during the COVID-19 pandemic, the case is highly to the state of Louisiana’s sustained efforts to disenfranchise Black voters. In that case, a federal court found evidence of the undue burdens regularly placed on voters, but particularly those disproportionate burdens facing Black Louisianans, exacerbated by the pandemic. The court in *Harding v. Edwards* provided limited injunctive relief for early voting.<sup>231</sup>

Taken as a whole, the two halves of the history of Louisiana underscore a profound and sustained hostility to the freedoms of Black people. In the pre-suffrage era, most of which involved legalized slavery, controlling Black freedoms was the primary cog in the economy, society, and function of the state. After suffrage, these efforts to restrict Black freedom focused mainly on restricting Black voting. As previous studies of voter disenfranchisement in Louisiana have noted, “any careful study of the experience of minority voters in Louisiana reveals that much of the progress that has been achieved in the state is a direct result of the protections of the VRA generally...the role of the VRA both as a remedy for, and as a deterrent to, voting discrimination is unmistakable.”<sup>232</sup> Since the *Shelby County* ruling in 2013, Louisiana has continued in the path established after 1898, “having one of the most severe, adaptive, and

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<sup>228</sup> Ibid., 24.

<sup>229</sup> <https://www.prnewswire.com/news-releases/civil-rights-group-demands-action-by-state-of-louisiana-to-remedy-violations-of-federal-voting-rights-law-301158988.html>.

<sup>230</sup> <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-city-west-monroe-louisiana-under-voting-rights-act-0>.

<sup>231</sup> 487 F. Supp. 3d 498 (M.D. La. 2020).

<sup>232</sup> Adegbile, 472-3.

violent histories of discrimination in voting.”<sup>233</sup> As this report should make clear, that history stretches back even before Black suffrage, when white Louisianans sought to control Black bodies and actions. Because of this deep history and sustained practice of Black disenfranchisement, Louisianans’ efforts to continue in this manner must be recognized and in whatever cases it is possible, stopped.

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<sup>233</sup> Ibid., 472-3.

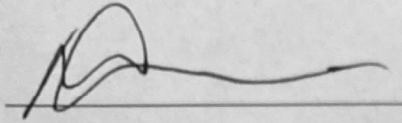
## **Appendices**

Appendix 1 is my curriculum vita.

Appendix 2 is an excerpt of Louisiana Code from December 21, 1865.

Appendix 3 is a contemporary map of the Black population in the Louisiana Parishes.

Per 28 U.S. Code 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 14, 2022.

A handwritten signature in black ink, appearing to read 'R. Blakeslee Gilpin', is written over a horizontal line.

R. Blakeslee Gilpin, Ph.D.

## APPENDIX 1

### **R. Blakeslee Gilpin**

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#### EDUCATION

- Ph.D. in History (with distinction), Yale University, May, 2009
  - *John Brown Still Lives!: America's Long Reckoning with Violence, Equality, and Change*
  - Winner, 2010 C. Vann Woodward Dissertation Prize, Southern Historical Association
  - David W. Blight, Director. Glenda Gilmore and John Mack Faragher, Dissertation Committee.
- M.Phil in History, Yale University, 2005.
- M.Phil in British History, Cambridge University, 2002.
- B.A., M.A. in History (with distinction), *Magna Cum Laude*, Phi Beta Kappa, Yale University, 2001.

#### ACADEMIC POSITIONS

- Director of Graduate Studies, 2017-18, 2020-present; Associate Professor, 2018-present; Assistant Professor, 2013-present, Tulane University.
  - Courses: American Race War; US History and the Law; Stars and Bars; Slavery, Banjos and Moonshine; The Southern Imagination; Memory and History; Civil War and Reconstruction; Utopia-Dystopia.
- Gilder Lehrman Institute of American History, Summer Teacher Institute, "Southern Fictions," 2014.
- Assistant Professor, University of South Carolina, 2011-2013.
  - Courses: Southern Intellectual and Cultural History; Readings in Nineteenth-Century U.S. History; Southern Memory and the Civil War; Civil War and Reconstruction; America to 1877.
- Postdoctoral Fellow, United States Studies Centre, University of Sydney, 2010.
- Postdoctoral Fellow, Center for the Study of the American South, University of North Carolina, 2009.

#### PUBLICATIONS & BOOK PROJECTS

- Editor, with Nicholas Bromell, Frederick Douglass, *My Bondage My Freedom. A Norton Critical Edition* (W.W. Norton, October 2020).
- Editor, with Rose Styron, *The Selected Letters of William Styron* (Random House, 2012).
- 2013 Pulitzer Prize Nominee in Non-Fiction; *The New York Times* Editor's Choice.
- *John Brown Still Lives!: America's Long Reckoning with Violence, Equality, and Change* (University of North Carolina Press, 2011).

- Finalist, 2012 Frederick Douglass Prize, Gilder Lehrman Center, Yale University.

#### ARTICLES & BOOK CHAPTERS

- “The Family Dynasty,” *Gastro Obscura*, August 2019. Finalist for James Beard Award.
- “The Other Side of the World: Battling the Exceptional South,” *Early American Literature*, June 2017.
- “Essential and Pure: Imagining Old-Time North Carolina,” *Scalawag Magazine*, Spring 2015.
- “Reconstruction: Emancipation and Race,” in Smith, ed., *Reconstruction* (Kent State University, 2016).
- “Crimes of a Guilty Land: Racial Terrorism,” in *Routledge History of Terrorism* (Routledge, 2016).
- “Love Letters to Black America: Charles White’s Art for the People,” *Slavery and Abolition*, Sept 2013.
- “John Brown, Religion, and Violent Abolition,” *The Huffington Post*, January 22, 2013.
- “Book Bag: The Best Letter Collections,” *The Daily Beast*, December 18, 2012.
- “William Styron Letters,” *The Paris Review*, December 2012.
- “William Styron to Norman Mailer: Two Letters,” *The New York Review of Books*, October 25, 2012.
- “To the Last Pike,” *The New York Times*, Disunion, March 2, 2012.
- “Birthday of a Nation,” *The New York Times*, Disunion, December 19, 2011.
- “The Battle Hymn of John Brown,” *The New York Times*, Disunion, November 25, 2011.
- “The War Not For Abolition,” *The New York Times*, Disunion, October 20, 2011.
- “Why they sang about John Brown,” *The Boston Globe*, August 14, 2011.
- “*The Afterlife of John Brown*,” *Biography: An Interdisciplinary Quarterly*, Winter, 2007.
- “The Fugitive Imagination: Robert Penn Warren’s *John Brown*,” chapter in *Memory and Myth: The Civil War in Fiction and Film* (Purdue University Press), 2007.
- “Hopping Freights,” *The American Scholar*, July 2003.
- “The Way It Ought To Sound: Mississippi John Hurt and The Blues Of The Mississippi Delta,” *Journal of Mississippi History*, July 2000.

#### BOOK REVIEWS

- Aston Gonzalez, *Visualizing Equality*, *Journal of American History*, December 2021.
- Scott Matthews, *Capturing The South*, *Journal of American History*, December 2019.
- Stephen Lubet, *The “Colored Hero,” American Historical Review*, December 2016.
- Jeff Forret, *Slave Against Slave*, *Civil War Book Review*, Fall 2016.
- W. Brent Morris, *Oberlin: Hotbed of Abolitionism*, *Journal of American Studies*, Fall 2015.
- C. Friend and L. Glover, eds., *Death and the American South*, *Journal of American History*, Fall 2015.
- Minrose Gwin, *Remembering Medgar Evers*, *Journal of Southern History*, August 2014.
- Gregory Smithers, *Slave Breeding*, *Journal of American History*, December 2013.
- Jonathan Kahrl, *The Land Was Ours*, *Florida Historical Quarterly*, Spring 2013.
- Stephen Lubet, *John Brown’s Spy*, *Civil War History*, Spring 2013.

- Anne Valk and Leslie Brown, eds., *Living With Jim Crow, Journal of Southern History*, Spring 2011.
- John McGlone, *John Brown's War Against Slavery, Slavery and Abolition*, Winter 2010.
- Bruce Ronda, *Reading the Old Man, New England Quarterly*, Summer 2010.
- Elizabeth Varon, *Disunion!*, *Journal of American Studies*, 2009.

#### FELLOWSHIPS & HONORS

- Inaugural Rosenthal Fellow, New Orleans Center for the Gulf South Food Studies Program, 2019-20.
- Lurcy Fellowship, Tulane University, 2016.
- Heyburn Lecturer, Milton Academy, 2014.
- Monroe Fellowship, New Orleans Center for the Gulf South, 2014.
- Finalist, Frederick Douglass Prize, Gilder Lehrman Center, Yale University, 2012.
- C. Vann Woodward Dissertation Prize, Southern Historical Association, 2010.
- Hutchins Lecturer, University of North Carolina - Chapel Hill, 2010.
- Gilder Lehrman Research Fellowship, Gilder Lehrman Center, 2008.
- Beinecke Rare Book Library Research Fellowship, 2007.
- John Hope Franklin Grant, Duke University, 2007.
- Lamar Scholar, Howard R. Lamar Center for the Study of Frontiers and Borders, Yale University, 2007.
- Gilder Lehrman Fellow, Gilder Lehrman Institute of American History, 2006.
- Joan Nordell Fellow, Houghton Library, Harvard University, 2006.
- W.M. Keck Foundation Fellow, Huntington Library, 2006.
- John F. Enders Grant, Yale University, 2006.
- Paul Francis Speaker Series, Yale University, Spring 2005.
- Beinecke Rare Book Library Graduate Pre-Prospectus Fellowship, 2004.
- Graduate Fellow, Calhoun College, Yale University, 2004-2006.
- Paul Mellon Fellow, Clare College, Cambridge, 2001-2003.
- Class of 1955 Fellowship, 2000.
- Alanne Linck Fellowship, 2000.

#### INVITED LECTURES

- "Horace Pippin and John Brown," The Artist's Institute, Hunter College, November 9, 2021.
- "Imagining History and Finding John Brown," Milton Academy, Milton, MA, December 3, 2014.
- "John Brown in Antebellum Life," Peninsula Foundation, Peninsula, OH, September 21, 2013.
- "Letters and Life of William Styron," Martha's Vineyard Book Festival, Chilmark, MA, August 2, 2013.
- "William Styron: Tell About the South," University of North Carolina, February 14, 2013.
- "William Styron: A Discussion," Perkins Library, Duke University, February 13, 2013.
- "William Styron: Life and Letters," Jimmy Carter Presidential Library and Museum, January 14, 2013.

- “Meteor of War: John Brown, Slavery, and the Civil War,” Northwestern University, January 9, 2012.
- “The Chains of Slavery: The Literature of John Brown,” Brown University, April 18, 2011.

#### MEDIA APPEARANCES

- Greater Boston, WGBH, July 6, 2015.
- [\*American Experience: Abolitionists\*](#), PBS, January 2013.
- National Book Tour, *Letters of William Styron*, December 2012-February 2013.
- [\*Walter Edgar’s Journal\*](#), South Carolina Public Radio, April 10, 2012, April 8, 2013, April 12, 2013
- [\*Southern Belle\*](#), 2011.
- “The Letters of William Styron,” *Book World*, ABC Radio National, January 28, 2011.
- “The Long Legacy of American Slavery,” *Saturday Extra*, ABC Radio National, November 27, 2010

#### PRESENTATIONS & CONFERENCE PAPERS, SELECTED

- Organizer and Speaker, “Making History Come Alive,” Organization of American Historians Annual Meeting, April 8, 2017.
- Organizer and Speaker, “Trailblazing Abolition,” Organization of American Historians Annual Meeting, April 8, 2016.
- “From Dissertation to Book: Testimonials from Three Woodward Prize Winners,” Southern Historical Association, November 2, 2012.
- “A Kiss for the Negro’s Child: Painting an Abolitionist Martyr,” University of Melbourne, November, 2010.
- “The Slave Rebel and Black Power: Nat Turner and the 1960s,” University of Sydney, October 2010.
- “John Brown’s Place in American Art: 1860-2010,” Ackland Art Museum, May 5, 2010.
- “John Brown: Old Testament Avenger or Peaceful Patriarch?,” University United Methodist Church, Chapel Hill, NC, May 2, 2010.
- “Legend, Myth, and Jacob Lawrence’s Harlem,” Gallery Talk, Ackland Art Museum, April 14, 2010.
- “The Mad Hero: John Brown Through the Prism of Paint,” Organization of American Historians Annual Meeting, April 10, 2010.
- “The Dogged Pursuit of Destiny: W.E.B. Du Bois and John Brown,” University of North Carolina – Chapel Hill, February 9, 2009.
- Organizer and Speaker, “John Brown, Slavery, and the Legacies of Revolutionary Violence,” Gilder Lehrman Center 11<sup>th</sup> Annual International Conference, October 29-31, 2009.
- “John Brown Remembered: 150th Anniversary of the Raid on Harpers Ferry,” Harpers Ferry
- National Historical Park in Harpers Ferry, West Virginia, October 14-17, 2009.
- “The Fugitive Imagination,” University of North Carolina – Chapel Hill, October 8, 2009.
- “Words and Action: Franklin Sanborn and a John Brown for the Gilded Age,” American Historical Association Annual Meeting, Atlanta, GA, January 6, 2007.
- Panelist, “Race and the Americas,” Gilder-Lehrman Center for the Study of Slavery and Abolition, November 5, 2005.

## APPENDIX 2

AN ORDINANCE relative to the police of negroes recently emancipated within the parish of St. Landry.

Whereas it was formerly made the duty of the police jury to make suitable regulations for the police of slaves within the limits of the parish; and whereas slaves have become emancipated by the action of the ruling powers; and whereas it is necessary for public order, as well as for the comfort and correct deportment of said freedmen, that suitable regulations should be established for their government in their changed condition, the following ordinances are adopted, with the approval of the United States military authorities commanding in said parish, viz:

**SECTION 1.** *Be it ordained by the police jury of the parish of St. Landry,* That no negro shall be allowed to pass within the limits of said parish without a special permit in writing from his employer. Whoever shall violate this provision shall pay a fine of two dollars and fifty cents, or in default thereof shall be forced to work four days on the public road, or suffer corporeal punishment as provided hereinafter.

**SECTION 2.** *Be it further ordained,* That every negro who shall be found absent from the residence of his employer after 10 o'clock at night, without a written permit from his employer, shall pay a fine of five dollars, or in default thereof, shall be compelled to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

**SECTION 3.** *Be it further ordained,* That no negro shall be permitted to rent or keep a house within said parish. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent, or give the use of any house to any negro, in violation of this section, shall pay a fine of five dollars for each offence.

**SECTION 4.** *Be it further ordained,* That every negro is required to be in the regular service of some white person, or former owner, who shall be held responsible for the conduct of said negro. But said employer or former owner may permit said negro to hire his own

time by special permission in writing, which permission shall not extend over seven days at any one time. Any negro violating the provisions of this section shall be fined five dollars for each offence, or in default of the payment thereof shall be forced to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

**SECTION 5.** *Be it further ordained,* That no public meetings or congregations of negroes shall be allowed within said parish after sunset; but such public meetings and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol, within whose beat such meetings shall take place. This prohibition, however, is not intended to prevent negroes from attending the usual church services, conducted by white ministers and priests. Every negro violating the provisions of this section shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

**SECTION 6.** *Be it further ordained,* That no negro shall be permitted to preach, exhort, or otherwise declaim to congregations of colored people, without a special permission in writing from the president of the police jury. Any negro violating the provisions of this section shall pay a fine of ten dollars, or in default thereof shall be forced to work ten days on the public road, or suffer corporeal punishment as hereinafter provided.

**SECTION 7.** *Be it further ordained,* That no negro who is not in the military service shall be allowed to carry fire-arms, or any kind of weapons, within the parish, without the special written permission of his employers, approved and indorsed by the nearest or most convenient chief of patrol. Any one violating the provisions of this section shall forfeit his weapons and pay a fine of five dollars, or in default of the payment of said fine, shall be forced to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

**SECTION 8.** *Be it further ordained,* That no negro shall sell, barter, or exchange any articles of merchandise or traffic within said parish without the special written permission of his employer, specifying the articles of sale, barter or traffic. Any one thus offending shall pay a fine of one dollar for each offence, and suffer the forfeiture of said articles, or in default of the payment of said fine shall work one day on the public road, or suffer corporeal punishment as hereinafter provided.

**SECTION 9.** *Be it further ordained,* That any negro found drunk within the said parish shall pay a fine of five dollars, or in default thereof shall work five days on the public road, or suffer corporeal punishment as hereinafter provided.

**SECTION 10.** *Be it further ordained,* That all the foregoing provisions shall apply to negroes of both sexes.

**SECTION 11.** *Be it further ordained,* That it shall be the duty of every citizen to act as a police officer for the detection of offences and the apprehension of offenders, who shall be immediately handed over to the proper captain or chief of patrol.

**SECTION 12.** *Be it further ordained,* That the aforesaid penalties shall be summarily enforced, and that it shall be the duty of the captains and chiefs of patrol to see that the aforesaid ordinances are promptly executed.

**SECTION 13.** *Be it further ordained,* That all sums collected from the aforesaid fines shall be immediately handed over to the parish treasurer.

**SECTION 14.** *Be it further ordained,* That the corporeal punishment provided for in the foregoing sections shall consist in confining the body of the offender within a barrel placed over his or her shoulders, in the manner practiced in the army, such confinement not to continue longer than twelve hours, and for such time within the aforesaid limit as shall be fixed by the captain or chief of patrol who inflicts the penalty.

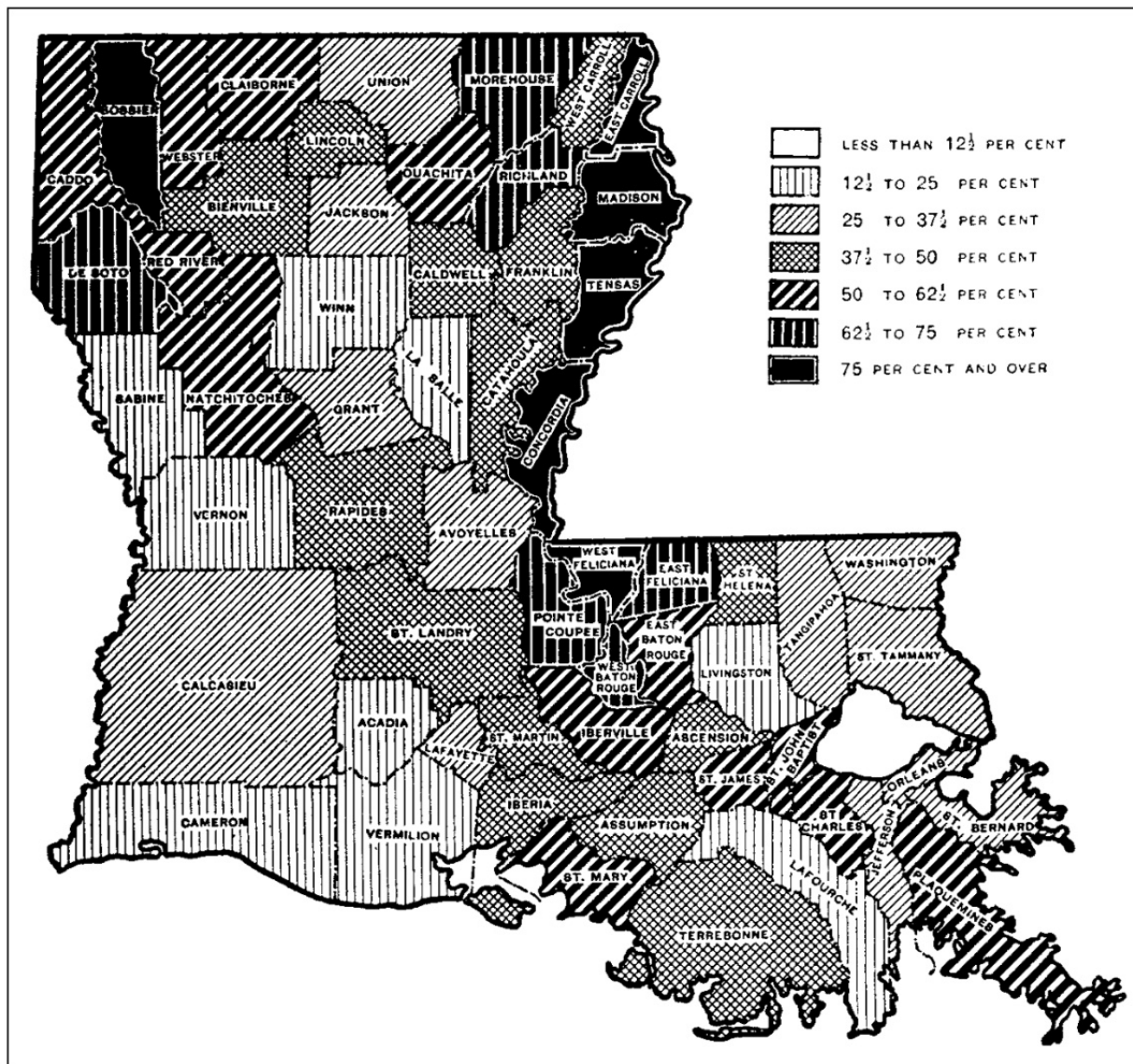
**SECTION 15.** *Be it further ordained,* That these ordinances shall not interfere with any municipal or military regulations inconsistent with them within the limits of said parish.

**SECTION 16.** *Be it further ordained,* That these ordinances shall take effect five days after their publication in the Opelousas Courier.

Official copy:

J. LOVELL,  
Captain and Assistant Adjutant General.

## APPENDIX 3



Map 5. Percentage of African Americans in Total Population of Louisiana, by Parishes, 1910

# **Exhibit 4**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, EDGAR CAGE,  
DOROTHY NAIRNE, EDWIN RENE  
SOULE, ALICE WASHINGTON, CLEE  
EARNEST LOWE, DAVANTE LEWIS,  
MARTHA DAVIS, AMBROSE SIMS,  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
("NAACP") LOUISIANA STATE  
CONFERENCE, AND POWER COALITION  
FOR EQUITY AND JUSTICE,  
*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana.

*Defendant.*

Civil Action No. 3:22-cv-00211-SDD-RLB

EDWARD GALMON, SR., CIARA HART,  
NORRIS HENDERSON, TRAMELLE  
HOWARD,  
*Plaintiffs,*

v.

KYLE ARDOIN, in his official capacity as  
Secretary of State for Louisiana.

*Defendant.*

Civil Action No. 3:22-cv-00214-SDD-RLB

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### Qualifications and Background

My name is Dr. Traci Burch. I am Associate Professor of Political Science at Northwestern University and Research Professor at the American Bar Foundation. I received my Ph.D. in Government and Social Policy from Harvard University in 2007.

Over the past 15 years, I have led several large, long-term quantitative and qualitative research projects on political participation in the United States. I have participated in and coauthored several book chapters and articles that examine race, political participation, and inequality. For instance, I have worked with Professors Kay Schlozman, Sidney Verba, and Henry Brady on book chapters and articles related to the causes and consequences of inequality in political participation. I also collected data on congressional hearings and interest group activities for that book. For my coauthored article with Jennifer Hochschild and our book with Vesla Weaver, I analyzed the legislative history of several racial policies, including the 1965 Hart-Cellar Act. We also explore political participation and attitudes in our book *Creating a New Racial Order*.

I am widely regarded as an expert on political behavior, barriers to voting, and political participation. My work has been widely cited and replicated and has won several awards. My dissertation on the effects of felony disenfranchisement on voting in North Carolina, Georgia, and other states, “Punishment and Participation: How Criminal Convictions Threaten American Democracy” won the Robert Noxon Toppan Prize for the Best Dissertation on a Subject of Political Science at Harvard in 2007. I also achieved national recognition for this work; the dissertation was awarded the E.E. Schattschneider Award from the American Political Science Association for the best dissertation in American Government, and the William Anderson Award for the best dissertation in federalism, intergovernmental relations, and state and local politics. Several articles from this dissertation, including work evaluating voting patterns among people with felony convictions in North Carolina, Georgia, Florida, Missouri, and Michigan, have been published in leading peer-reviewed journals. In particular, my articles “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida’s Ex-Felons” and “Turnout and Party Registration among Criminal Offenders in the 2008 General Election,” which appeared in the peer-reviewed journals *Law and Society Review* and *Political Behavior*, respectively, included my calculations of felony disenfranchisement.

My academic book on the community-level effects of criminal convictions on political participation, *Trading Democracy for Justice*, was published by the University of Chicago Press and also won multiple national awards from the American Political Science Association and its sections, including the Ralph J. Bunche Award for the best scholarly work that explores the phenomenon of ethnic and cultural pluralism and best book awards from the law and politics and urban politics sections. *Trading Democracy for Justice*, as well as the articles “The Effects of Imprisonment and Community Supervision on Political Participation,” “Did Disenfranchisement Laws Help Elect President Bush?,” “Skin Color and the Criminal Justice System,” and “Turnout and Party Registration among Criminal Offenders in the 2008 General Election” rely on the analysis of data from Georgia. My most recent articles measure the effects of officer-involved killings on political interest, voter turnout, and protest among community members.

I have had the opportunity to engage in important professional service. Currently, I am a member of the Executive Council of the Elections, Public Opinion, and Voting Behavior Section of the American Political Science Association. I also serve on the Scientific Advisory Board for the General Social Survey, a longstanding national public opinion survey run by the National Opinion Research Center at the University of Chicago. I have served on the editorial boards of leading journals including *Political Behavior* and *Law and Social Inquiry*. I routinely review the work of my peers for tenure, scholarly journals, university presses, and grants and have served as a reviewer for the *American Political Science Review*, *The American Journal of Political Science*, *The Journal of Politics*, *Political Behavior*, the National Science Foundation, Cambridge University Press, Princeton University Press, the University of Chicago Press, Oxford University Press, and many other entities. I have received several grants for my work, including a grant from the Stanford University Center on Poverty and Inequality. I also serve as co-Principal Investigator on a National Science Foundation grant that supports graduate and postdoctoral fellowships at the American Bar Foundation.

My curriculum vitae is provided in the Appendix. I am being compensated \$300 per hour for work in this case, plus expenses. My compensation is not contingent on the analysis and opinions offered or on the outcome of this litigation. This is my seventh engagement as an expert witness. I previously testified at trial and in a deposition in a case in federal district court in Florida, (*Jones v. DeSantis*, Consolidated Case No. 4:19-cv-300), at trial and in a deposition in a case in Wake County Superior Court in North Carolina (*Community Success Initiative, et al. v. Moore*, No. 19-CVS-15941), at trial and in a deposition in federal district court in Alabama (*People First of Alabama, v. Merrill*, No. 2:20-cv-00619-AKK), and at trial and in a deposition in federal district court in Florida (*Florida State Conference of the NAACP v. Lee*, No. 4:21-cv-00187-MW-MAF). The trial courts relied on my expert testimony and I was cited in the courts' opinions in *Jones v. DeSantis*, *People First of Alabama v. Merrill*, *Florida State Conference of the NAACP v. Lee*, and in *Community Success Initiative v. Moore*. Recently, I was deposed in a case in a consolidated case in federal district court in the Western District of Wisconsin (*One Wisconsin Institute Inc. v. Jacobs* and, No. 15-CV-324-JDP and *Luft v. Evers*, No. 20-CV-768-JDP). I also have testified before the U.S. Commission on Civil Rights about the collateral consequences of felony convictions with respect to voting and other issues.

### Scope of the Report

For this case, I was asked by the attorneys for the plaintiffs to examine the Louisiana Legislature's passage of HB1 and SB5 with respect to information relevant for evaluating the totality of the circumstances as it relates to Section 2 of the Voting Rights Act, which I understand to refer to discrimination or practices in the social, political, and economic environment that might make it harder for minority groups to cast ballots. I was asked to discuss information pertaining to Senate Factor 5, or "the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process," particularly with respect to Black Louisianans. I also was asked to discuss information that would be relevant for evaluating Senate Factor 6, or "the use of overt or subtle racial appeals in political campaigns;" Senate Factor 7, or "the extent to which members of the minority group have been elected to public office in the jurisdiction;" Senate Factor 8, or "whether there is a lack of responsiveness on the

part of elected officials to the particularized needs of minority group members;” and Senate Factor 9, or whether the policy underlying the challenged standard or practice is tenuous.

In formulating my opinions, I relied on my analysis of standard sources for political scientists such as the reviews of scholarly literature and the analysis of demographic data, census data, historical records, government reports and data, and public opinion surveys where noted.

### Summary of Opinions

Based on my analyses and review of the scholarly literature, I offer the following opinions:

1. Senate Factor 5: There are large gaps in educational attainment, unemployment, and other socioeconomic indicators between Black and White Louisianans. Research shows that these disparities are the result of contemporary and historical discrimination by government and market institutions and actors. Educational attainment and other socioeconomic indicators are important predictors of voting behavior.
2. Senate Factor 5: Several cities in Louisiana are marked by racial residential segregation, which has been shown to affect voting. These patterns of residential segregation are the result of contemporary and historical racial discrimination by government and market actors.
3. Senate Factor 5: Health outcomes vary by race in Louisiana; health is also an important predictor of voter turnout. Health disparities in Louisiana are shaped by government and market policies that affect the sites of environmental hazards as well as access to health care.
4. Senate Factor 5: Criminal justice involvement also affects voting, and criminal justice outcomes vary by race in Louisiana. Black people are overrepresented in Louisiana’s correctional populations. Research has shown that racial discrimination played a role in racial disparities in criminal justice in Louisiana in the past and continues to do so today. Patterns of criminal justice outcomes cannot be explained fully by the differential commission of crimes by race.
5. Senate Factor 6: Political campaigns in Louisiana have historically been and remain marked by implicit and explicit racial appeals.
6. Senate Factor 7: Black people are one third of Louisiana’s overall population, yet are underrepresented among elected officials at all levels of government, including among executives (such as Governor, Lieutenant Governor, and Mayors), federal and state legislators, and judges.
7. Senate Factor 8: Policy outcomes, such as with respect to infrastructure, do not track the specific needs of the minority community in several ways. Moreover, Black Louisianans often express the belief that they are not valued equally by elected representatives in both public comments and surveys.

8. Senate Factor 9: Although supporters of SB5 and HB1 offered several justifications for passing SB5 and HB1, including respect for traditional redistricting principles such as minimizing deviations from the ideal district population, compactness, keeping precincts and parishes whole, keeping traditional district boundaries, and maintaining communities of interest, the Legislature ultimately elected not to pass legislation proposing maps with two majority-minority districts that more closely conformed to these traditional redistricting principles than SB5 and HB1.
9. Senate Factor 9: Sponsors of SB5 and HB1 provided no evidence that they tried to draw an additional majority-minority district, nor did they provide evidence that adding a second majority-minority district would fail to allow Black Louisianans an opportunity to elect a candidate of their choice.

#### Senate Factor 5: Historical Discrimination in Education, Employment, Health, and Other Areas

##### *Education and Political Participation in Louisiana*

Educational attainment is one of the most fundamental explanatory variables with respect to political participation (Almond and Verba 1963, Brady, Verba, and Schlozman 1995, Burden 2009, Campbell et al. 1980, Verba, Schlozman, and Brady 1995). Voters with higher educational attainment are more likely to vote. Verba, Schlozman, and Brady argue that the relationship between socioeconomic status and voting exists because people with greater income and education also tend to have more of the resources such as time, money, and civic skills that affect the calculus of participation (1995: 282). Education makes it easier for individuals to navigate the costs of voting such as acquiring information about the candidates and issues or learning how to register and vote (Verba, Schlozman, and Brady 1995).

Black Louisianans have faced educational discrimination throughout Louisiana's history. Although the U. S. Supreme Court ruled segregation in public schools unconstitutional in *Brown v. Board of Education* in 1954, and Congress outlawed segregation in public accommodations in the Civil Rights Act of 1964, Louisiana's state and local governments continued to enforce and support segregation in educational institutions well into the 1970s. Despite the court's ruling in *Brown*, the education provided by the state to Black and White students remained separate and unequal. In 1959, the average district in Louisiana spent only 72 cents on Black instruction for every dollar spent on White students (Reber 2011: 406). By May of 1961, the Southern Educational Reporting Service found that only .0004% of Louisiana Black students attended school with White students (1961). Even as late as 1968, Reber writes, "11 of 64 counties [*sic*] in Louisiana still were completely segregated, but the average black was still in a school that was about 8 percent white, while whites comprised over 60 percent of enrollment" (Reber 2004: 5). In 1961, only five of 13 publicly supported colleges and universities in Louisiana enrolled both Black and White students, and even this limited integration occurred only as a result of a court order (1961).

The lack of progress on desegregating public schools was due to Louisiana's state and local governments' policies of consistent resistance. Federal courts issued orders to desegregate the schools in Orleans Parish in 1956 (Douglas and Center 2005), but the Louisiana legislature adopted several laws in special sessions that were designed to maintain segregated schools

(1961, Douglas and Center 2005). According to the district court ruling in *Bush v. Orleans Parish School District* (1960), the Legislature:

promptly enacted 25 measures designed to halt, or at least forestall, the implementation of the Orleans Parish School Board's announced proposal to admit five Negro girls of first grade age to formerly all-white schools. The first of these, Act 2 of the First Extraordinary Session of 1960, LSA-R.S. 49:801 et seq., is the so-called "interposition" statute by which Louisiana declares that it will not recognize the Supreme Court's decision in *Brown v. Board of Education*, supra, or the orders of this court issued pursuant to the mandate of that case."

The Louisiana Legislature attempted to abolish the Orleans Parish School Board and passed Act 555, which required separate schools for Black and White children (1961). However, with federal intervention, the first seven Black students integrated New Orleans public schools in November, 1960 (1961). Ultimately, the story of one of those children, Ruby Bridges, inspired the Normal Rockwell painting, *The Problem We All Live With* (Douglas and Center 2005: 1)

Although integration and funding equalization accelerated throughout the late 1960s and early 1970s due to the continued oversight of federal courts (Douglas and Center 2005, Reber 2004, 2011), the State of Louisiana continued to support school segregation. In 1975, federal courts prevented the state from continuing its practice of providing "substantial state assistance to racially segregated private schools" such as "furnishing school textbooks, school supplies and educational materials, library books, and by providing school bus transportation to students attending private, racially segregated schools which serve as a haven to those leaving racially integrated public schools" *Brumfield v. Dodd*, 405 F. Supp. 338 (E.D. La. 1975).

This long history of persistent racial discrimination in education affects outcomes in educational attainment for Louisianans to this day. Although there have been gains in educational attainment in Louisiana over time, racial gaps persist. Figure 1 shows data from the 2019 1-Year Estimates from the American Community Survey on the percentage of Louisianans over the age of 25 who have earned a bachelor's degree or higher, by race. The data show that White and Asian Louisiana adults are far more likely than Black and Latino adults to have earned a bachelor's or postgraduate degree. Louisiana's history of educational segregation contributes to these disparities, because the youngest school-age children in the 1970s are only in their mid-50s today; in Louisiana, people age 55 and older make up 41.6 percent of registered voters (2022h). Put another way: 41.6 percent of Louisiana voters were school age when Louisiana's state and local governments still funded segregated and unequal schools by law.<sup>1</sup> As of the date of this report, Ruby Bridges, one of the young students who integrated New Orleans public schools, is only 67 years old.<sup>2</sup>

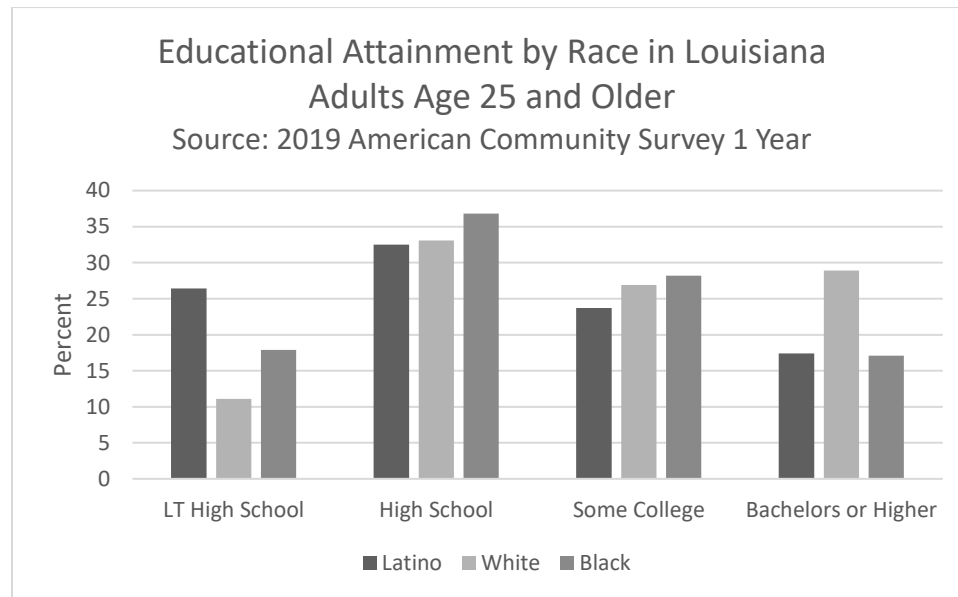
Differences in educational attainment can explain some of the racial gap in voter turnout in Louisiana. Based on my calculations of data from the 2020 Current Population Survey Voting and Registration Supplement, 64% of White Louisianans said that they voted in the 2020 general

<sup>1</sup> For reference, 77.6 percent of Louisiana residents were born in Louisiana (2020b).

<sup>2</sup> People age 65 and older make up 23.9 percent of Louisiana's registered voters (2022h).

election, compared with 58% of Black Louisianans.<sup>3</sup> However, as Table 1 shows, voter turnout among Louisianans increases with educational attainment across racial groups. Within educational levels, Black voting may reach parity or, in the case of people without high school diplomas, outperform White voting. But as Figure 1 shows, Black Louisianans have lower educational attainment overall due to the factors discussed here, which results in lower voter turnout overall compared with White Louisianans.

*Figure 1: Educational Attainment by Race among Louisiana Adults Age 25 and Older*



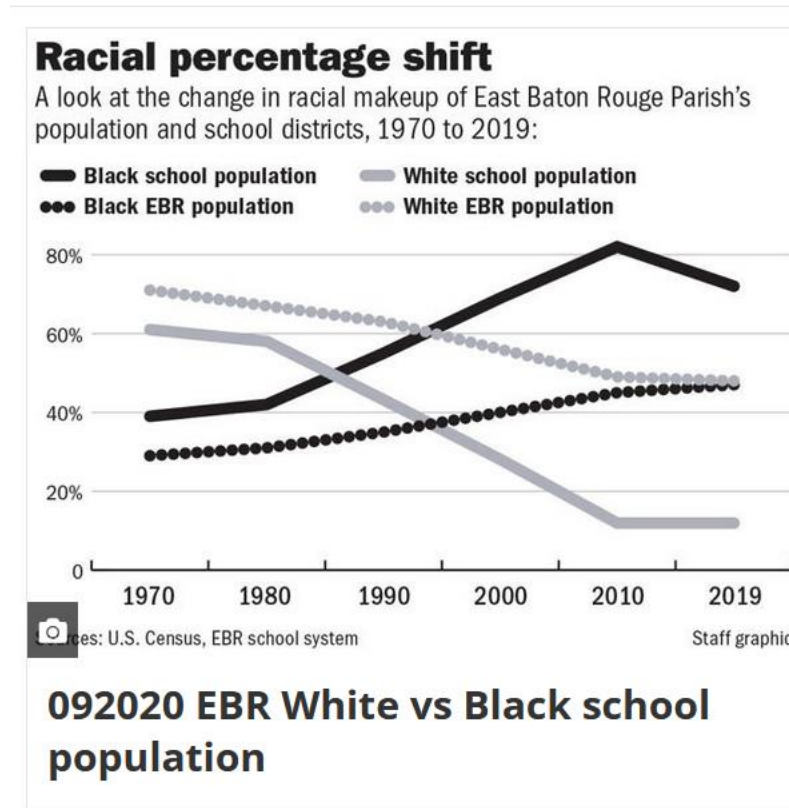
<sup>3</sup> These figures may differ from those calculated using other methods, such as the census voting age population, for several reasons: First, I calculated these figures for non-Hispanic Black alone and White alone citizens aged 18 and older (McDonald and Popkin 2001). Moreover, because the CPS is a household survey, it excludes people in group quarters, which may inflate turnout, especially when certain racial groups are more likely to be in group quarters populations such as prisons (Pettit 2012). Finally, people in surveys sometimes overreport voting (Silver, Anderson, and Abramson 1986).

*Table 1: 2020 Voter Turnout by Educational Attainment and Race among Louisianans. Source 2020 Current Population Survey Voting and Registration Supplement. Cells contain estimated number who voted, with turnout rate in parentheses.*

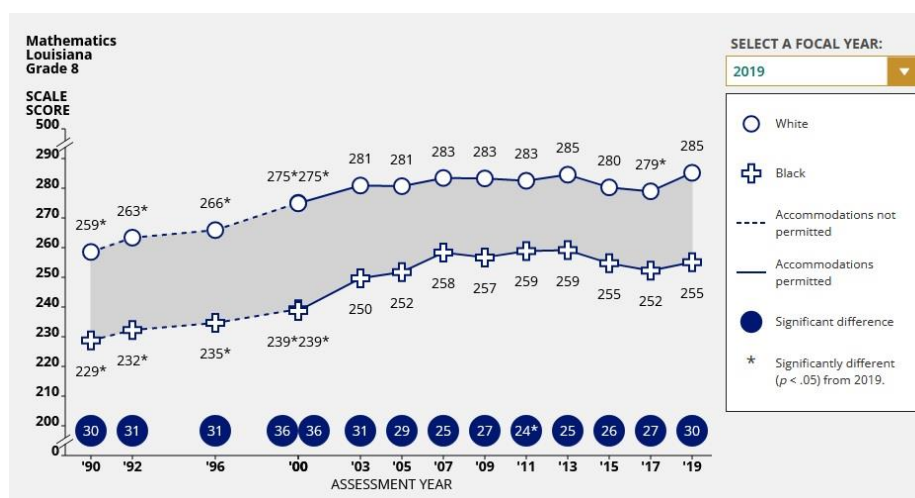
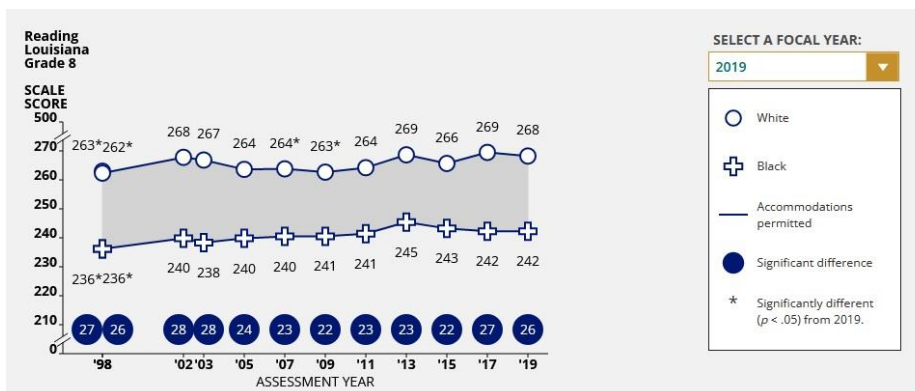
<b>Educational Level</b>	<b>White Turnout</b>	<b>Black Turnout</b>
No High School Diploma	52,269 (30%)	71,105 (46%)
High School Diploma	432,887 (61%)	258,376 (56%)
Some College or Associates Degree	374,984 (67%)	162,680 (60%)
Bachelor's Degree	293,618 (74%)	62,456 (76%)
Graduate School	152,234 (86%)	39,603 (70%)

Moreover, school segregation and educational inequality still are the reality for current Louisiana students today. School segregation has been shown to detrimentally affect the academic performance of minority students: Black and Latino students who grew up under conditions of segregation were less academically prepared for college and had been exposed to more violence and social disorder than those coming from “majority-dominant settings.” (Massey and Fischer 2006). According to ProPublica’s *Miseducation* project, as recent as 2017, 50 percent of traditional school districts for which data were available demonstrated high levels of racial segregation within the district (2017). Nine of the 68 traditional school districts in Louisiana were more than 87% non-White (2021c). Partly, this persistent educational racial segregation is the result of racial residential segregation and of White parents opting out of integrated schools, and out of public schools in general (Reber 2011). For instance, as Figure 2 shows, White people are about half of the population in East Baton Rouge Parish, but only 11 percent of that district’s students (Lussier 2020). Secession movements driven by flight from East Baton Rouge schools (2022a) have further contributed to the high concentration of minority students in that district (Harris 2019).

Figure 2: *Racial Makeup of East Baton Rouge Parish's Population and School Districts.* (Lussier 2020)



Educational outcomes vary among current students by race. As shown in Figures 3 and 4, among current students, there is a gap in scores on assessment tests in Louisiana; for example, Black eighth graders score 30 points lower in Math (on average) and 26 points lower in Reading (on average) than White eighth graders (2019b). In the 2017-2018 school year (the latest data available from the federal government), Black students were 43.5 percent and White students were 44.7 percent of Louisiana public school students (2019b). However, that year, Black students were only 22.9 percent of students in gifted and talented programs and 35.5 percent of students taking Advanced Placement courses (2018). Two out of every three students who had received one or more out of school suspensions that year were Black, while 26.5 percent of students who had received a suspension were White (2018). School suspensions have been shown to increase subsequent arrests and other anti-social behavior in youth (Mowen and Brent 2016, Hemphill et al. 2006).

Figure 3: Scores on 8<sup>th</sup> Grade Math Assessments in Louisiana, by Race (2019b)Figure 4: Scores on 8<sup>th</sup> Grade Reading Assessments in Louisiana, by Race (2019b)

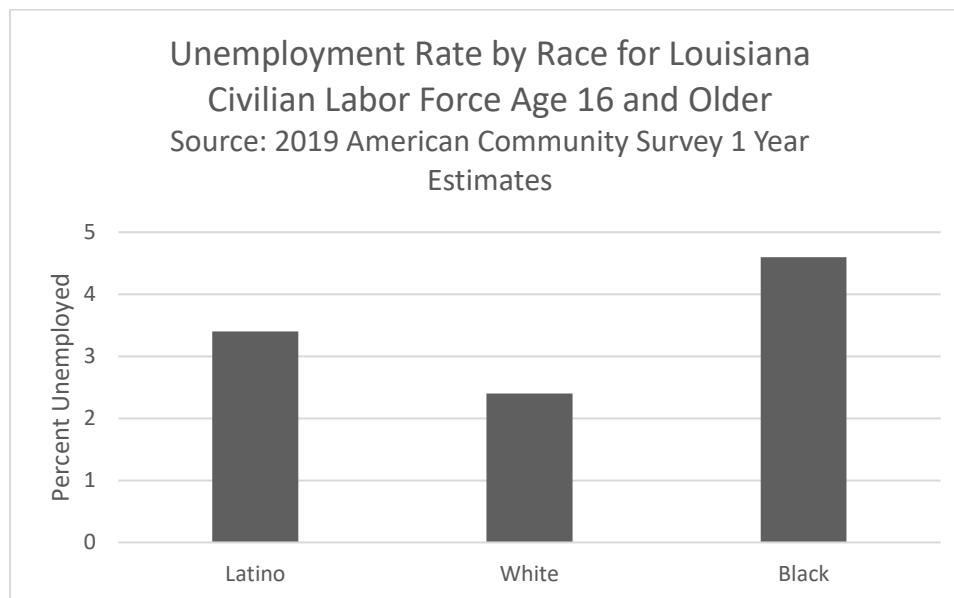
### Employment, Socioeconomic Status, and Voting in Louisiana

Employment also may affect voter turnout through several pathways. First, white collar occupations may provide employees with a greater opportunity to develop civic skills that can be useful in navigating electoral bureaucracies (Almond and Verba 1963, Verba, Schlozman, and Brady 1995). Second, salaried workers may have greater freedom to take time off work without risking their pay. Finally, Rosenstone and Hansen argue that work is an important site for recruitment into politics, which also increases voter turnout (Rosenstone and Hansen 1993).

As depicted in Figure 5, data from the 2019 American Community Survey show there are racial gaps in unemployment, with Black Louisianans nearly twice as likely to be unemployed than White Louisianans. There is evidence that people of color in Louisiana face racial discrimination in employment. In 2021, 74 percent of Black respondents to the Louisiana Survey agreed that “. . . Black people are treated less fairly than White people . . . in hiring, pay, and promotions at work” (2021a). Research supports these claims: audit studies, which hold constant potentially confounding factors in order to isolate the causal effect of race, have consistently found that employers discriminate against racial minorities in hiring (Bertrand and Mullainathan 2004, Pager and Quillian 2005, Quillian et al. 2017). This racial discrimination is

magnified when job applicants have a criminal background (Pager and Quillian 2005). Data on discrimination filings with the Equal Employment Opportunity Commission show that 8,698 charges of race- or color-based employment discrimination were filed in Louisiana between 2011 and 2021 (2022f).

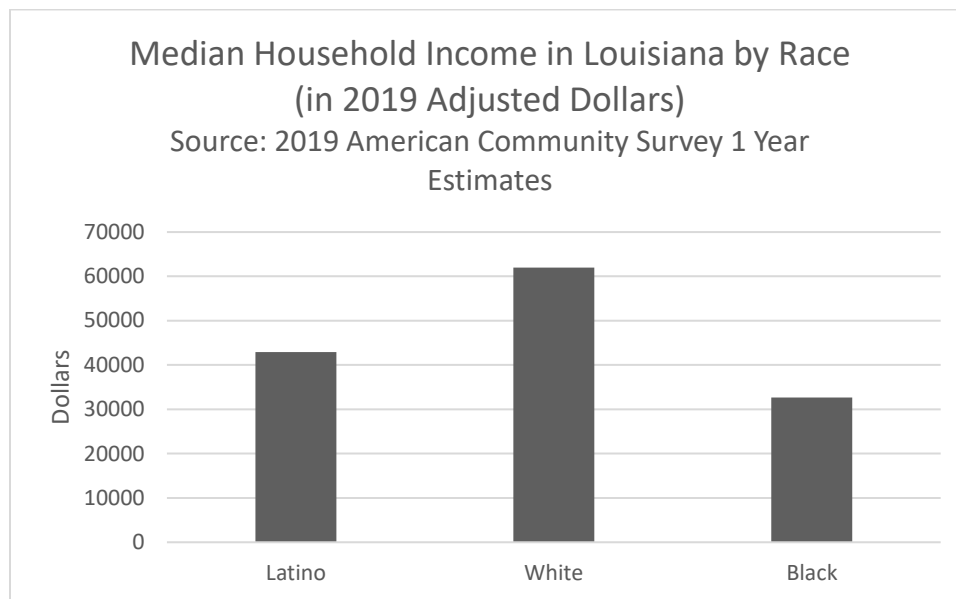
*Figure 5: Unemployment by Race in Louisiana for Civilian Labor Force Age 16 and Older*



There are persistent racial gaps in income and poverty among Louisianans as well. The American Community Survey shows that racial gaps in poverty rates, shown in Figure 6, also are large and persist over time: the Black and Latino poverty rates are more than 2.8 times as high as the White poverty rate in Louisiana. The median income for Black Louisiana households is about \$29,000 less than that of White Louisiana households (Figure 7). More than three times as many Black households lack access to a vehicle than White households (Figure 8).

Educational discrimination (Long 2010), as well as discrimination in access to capital, can produce such economic disparities. According to JP Morgan Chase, Black Louisianans are underrepresented among small business owners relative to Whites (Farrell, Wheat, and Mac 2020). Black Louisianans also face more difficulty in securing relief to rebuild homes and businesses after natural disasters such as hurricanes (Fussell, Sastry, and VanLandingham 2010). Among Black respondents to the Louisiana Survey, 72 percent believe that Black people are treated less fairly when applying for a loan or mortgage (2021a).

*Figure 6: Median Household Income in Louisiana by Race*



*Figure 7: Family Poverty in Louisiana, by Race.*

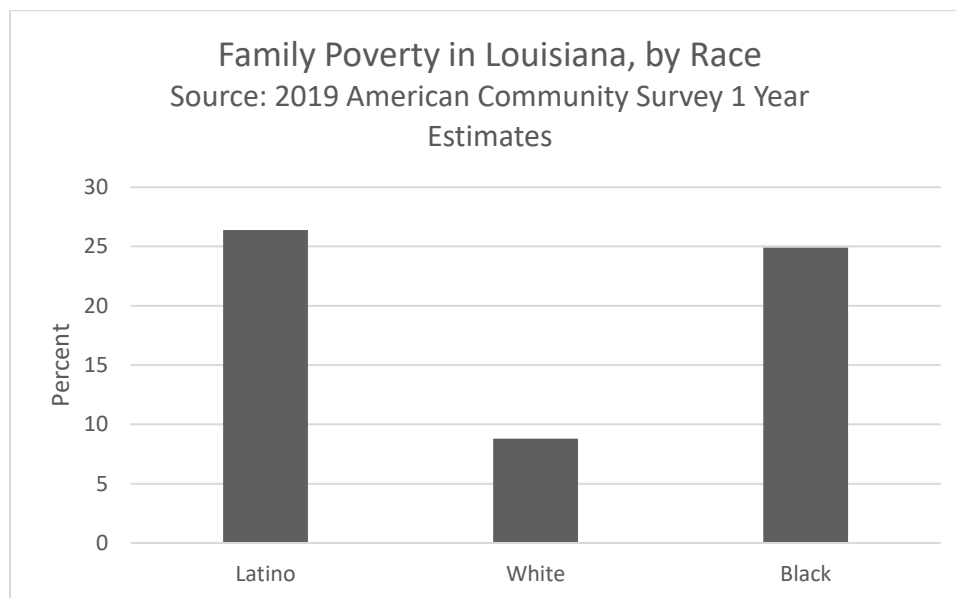
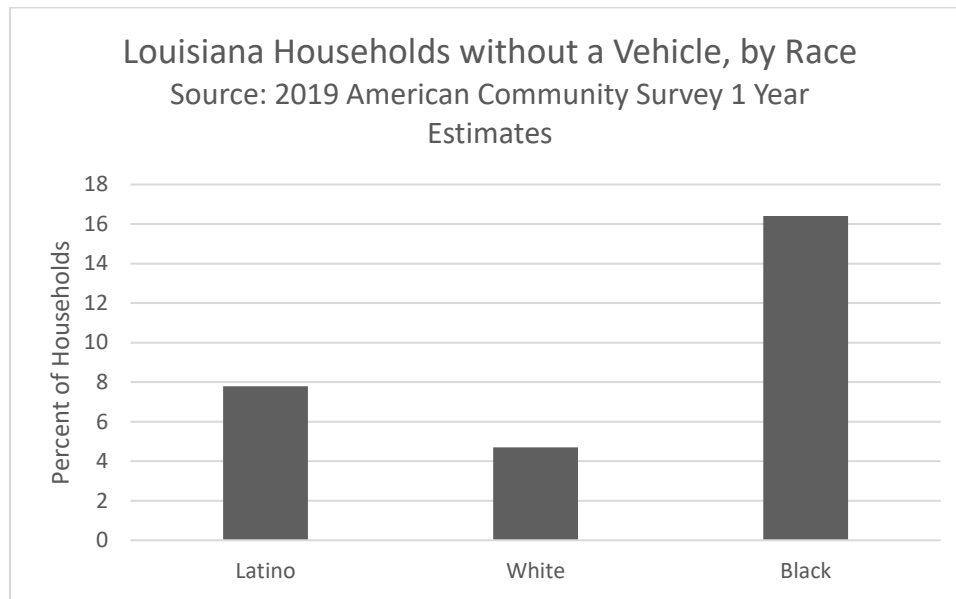


Figure 8: Louisiana Households without Access to a Vehicle, by Race.



In sum, education, employment, and other elements of socioeconomic status are leading predictors of voting. From this discussion, it is clear that Black Louisianans are at a disadvantage relative to White Louisianans along many of the socioeconomic indicators that have been shown to affect voting. These contemporary disparities are the result of historical and present-day discrimination by government policies and market actors.

#### *Racial Residential Segregation and Voting in Louisiana*

Neighborhood context matters for political mobilization and political outcomes (Burbank 1997, Burch 2013, Cohen and Dawson 1993, Huckfeldt, Plutzer, and Sprague 1993, Huckfeldt 1979, Tam Cho and Rudolph 2008). In particular, racial residential segregation has been shown to decrease Black voter turnout. Researchers argue that segregated Black areas have less access to public goods, such as polling places or transportation, that might matter for voting (Zingher and Moore 2019). Racial residential segregation also affects politics indirectly because it is an important determinant of economic and health outcomes. Racial residential segregation increases Black poverty rates, lowers Black educational attainment, and increases income inequality between Black and White residents (Ananat 2011). Research attributes these effects to isolation from quality schools and jobs (Kruse 2013, Massey and Fischer 2006, Wilson 1996). Racial residential segregation also contributes to the test score gap between Black and White students (Reardon, Kalogrides, and Shores 2019), to inequalities in the provision of public goods, to lower public goods expenditures (Trounstine 2016), and to worse health outcomes and greater exposure to environmental toxins (Ard 2016, Kramer and Hogue 2009).

Like many southern states, Louisiana operated under a strict regime of *de jure* racial segregation that affected nearly all aspects of public life and even intimate relationships for much of the 20<sup>th</sup> century. Residential patterns in Louisiana also were affected by local laws and policies that facilitated White suburbanization and Black segregation, such as segregation in public housing (Spain 1979). Federal housing policy also was a major driver of racial residential segregation in many cities. The Federal Housing Administration (FHA) was created in 1934 in

order to “insure lenders against any loss on loans made for purchasing homes” (Kimble 2007: 402). The FHA, in this role, “could dictate the range of acceptable, insurable terms and conditions of home lending” (Kimble 2007: 403). Race was the most important criterion that the FHA used to evaluate “the trajectory of a city and its neighborhoods” (Kimble 2007: 403). Black and racially mixed areas were deemed hazardous for lending; the FHA “instructed financial institutions not to lend to households in integrated or predominantly African American areas” (Kimble 2007: 405). The FHA also encouraged the use of racially restrictive covenants and racial zoning to uphold racial residential segregation (Kimble 2007). The FHA did not officially abandon this policy until 1949 (Kimble 2007).

In order to prevent lending to places where Black people lived, the FHA relied on Residential Security Maps that were produced by the Home Owners Loan Corporation (“HOLC”) (2021h). These maps “color-coded neighborhoods using racial composition as a primary indicator of their acceptability as candidates for mortgage investment” (Kimble 2007: 405). The maps assigned grades to neighborhoods based on racial composition, “with “A” being most desirable and a “D” grade ensuring rejection” (Kimble 2007: 405). For example, the HOLC maps for New Orleans and Shreveport are shown in Figures 9 and 10, respectively. In the maps, hazardous areas are shown in red. In the New Orleans map, flooding and elevation may have played a role in the neighborhood grades. However, the HOLC descriptions of the red zone areas contain several references to race as well: part of Area 34 is described as “composed of 2 story singles and doubles, some camel backs, some negro tenements, a conglomeration of everything. It is the largest area of concentrated negro population in the City;” Area 3 is described as “[a]n area predominantly of cheaply constructed cottages occupied by Negroes. Large Negro school in area;” Area 35 is described as “composed of 2 story doubles, negro row houses, raised singles. This area includes what is often referred to as the “Irish Channel” and it is one of the toughest sections in the entire City. It has a mixed population, some blocks are mixed white and colored, some solid white, some solid colored, and properties are in a varying condition, fair, bad and indifferent. It is a regular conglomeration of the worst features found in the city” (2021h). In Shreveport, all the areas graded A or B were 100 percent White, while all the areas marked D had some proportion of Black residents (2021h).

Figure 9: Homeowners Loan Corporation Underwriting Map for New Orleans.

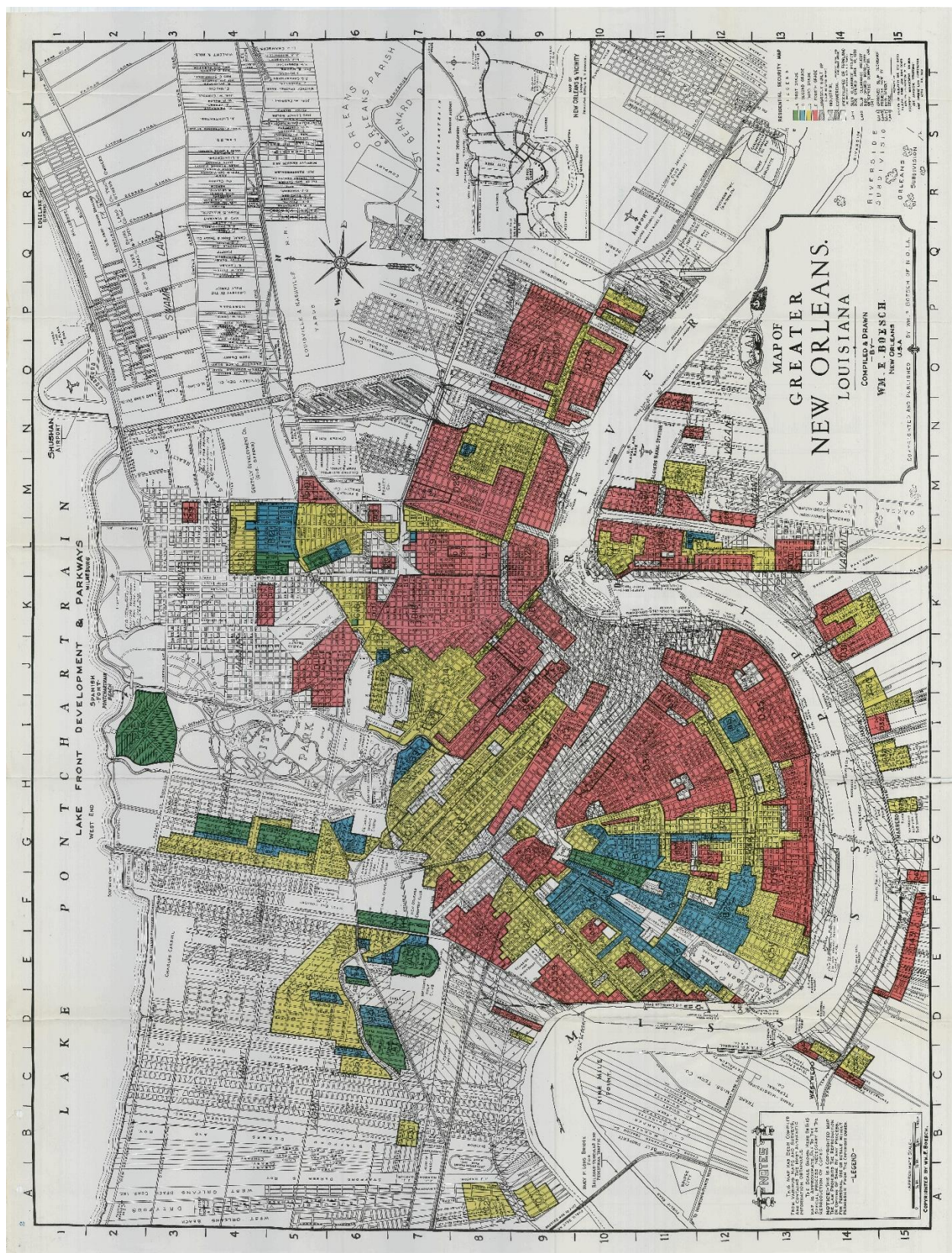
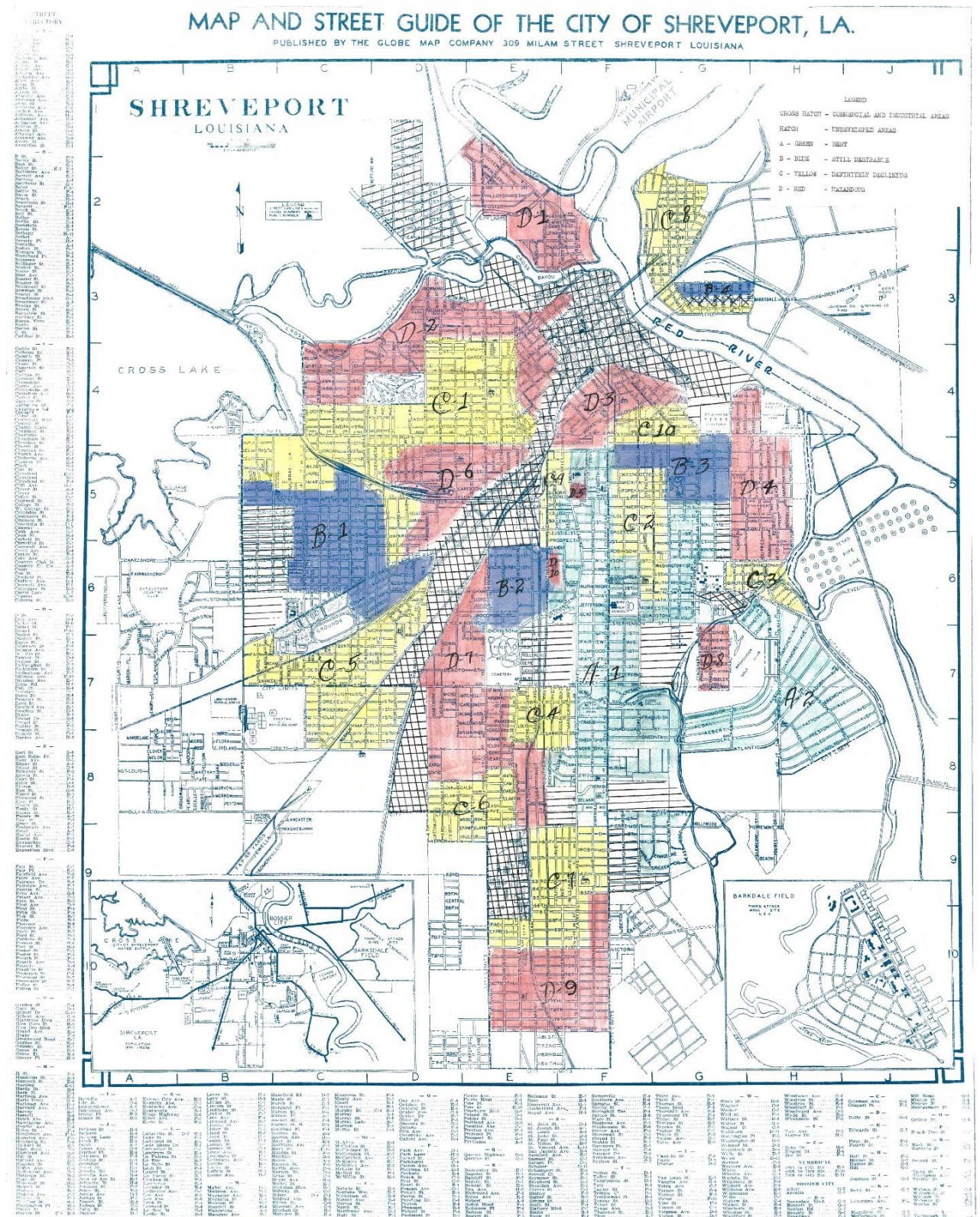


Figure 10: Homeowners Loan Corporation Underwriting Map of Shreveport, Louisiana.



Both 2020 census data and the geographic analysis of cell phone data demonstrate that many of the most populous cities and metropolitan areas in Louisiana still are highly segregated by race. The Othering and Belonging Institute characterized the metropolitan areas of New Orleans-Metairie-Kenner, Baton Rouge, Shreveport-Bossier City, and Lake Charles as high segregation (2021i). Baton Rouge, New Orleans, Monroe, Alexandria, Shreveport, and Lake Charles cities are highly segregated as well (Athey et al. 2021).

Contemporary government policies continue to shape patterns of racialized displacement and resettlement. For instance, neighborhoods damaged by Hurricane Katrina in 2005 were 45.8 percent Black, on average, compared with undamaged neighborhoods, which were 26.4 percent Black (Logan 2006). In the aftermath of Hurricane Katrina, preexisting inequalities by race and socioeconomic status made Black New Orleans residents more likely to be displaced, and for longer periods, than White New Orleans residents (Fussell, Sastry, and VanLandingham 2010, Fussell 2015). Black New Orleans residents also had a more difficult time returning to their old neighborhoods due to disparities in the delayed timing of disaster relief and rebuilding efforts (Gotham 2014, Fussell 2015). As a result, New Orleans's Black population still has not recovered to its pre-Katrina levels: in 2000, New Orleans was 67.5 percent Black, while in 2020, it was only 59.5 percent Black.

To conclude, where a person lives affects their ability to vote. Black Louisianans have been subjected to racial residential segregation for generations. The existing literature shows that such racial residential segregation detrimentally affects voting.

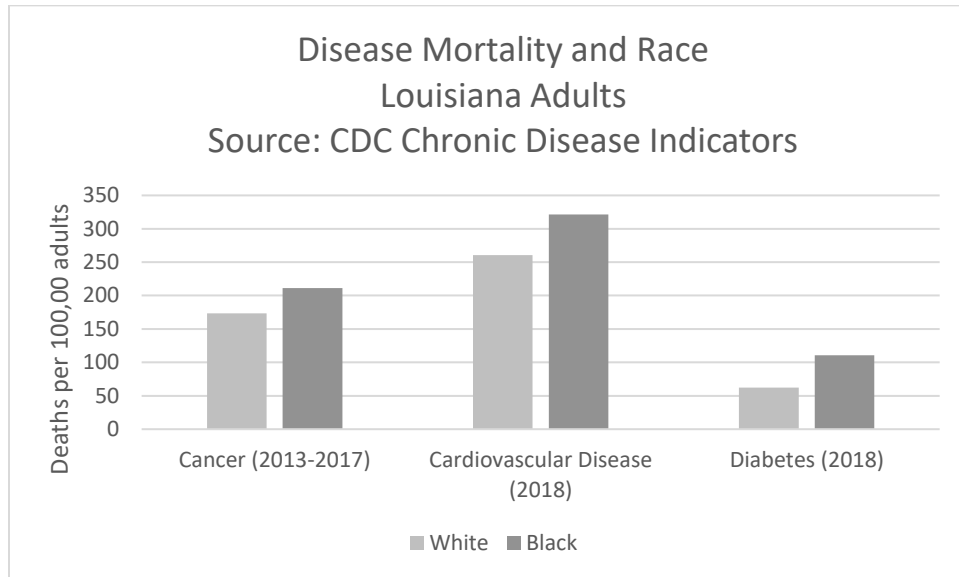
#### *Race and Health in Louisiana*

Health status also may affect voting. Several studies have associated poor health with lower voter turnout (Blakely, Kennedy, and Kawachi 2001, Lyon 2021, Pacheco and Fletcher 2015). The effects of health on voting may take many pathways, such as reducing the availability of free time and money that could otherwise be devoted to politics (Pacheco and Fletcher 2015). Impaired cognitive functioning or physical disability also may make voting more difficult (Pacheco and Fletcher 2015). Poor health is likely the reason that voter turnout declines in old age (Pacheco and Fletcher 2015). People with disabilities also are less likely to vote; problems with polling place accessibility only partially explain this gap (Schur, Ameri, and Adya 2017, Schur et al. 2002).

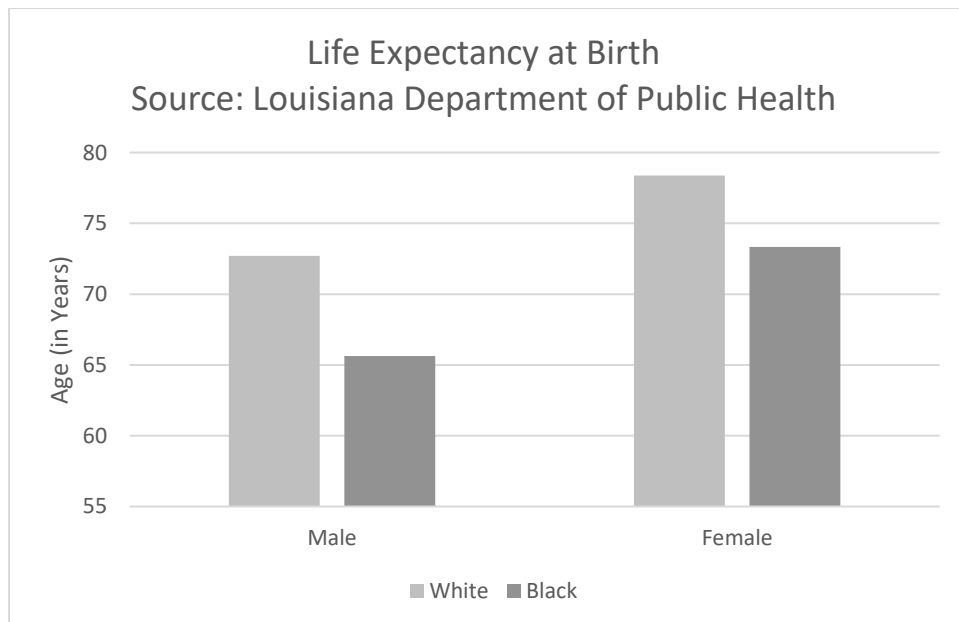
Black Louisianans have worse health outcomes than White Louisianans on several metrics. For instance, although rates of invasive cancer are similar across Black and White Louisianans (487.9 per 100,000 adults vs. 478.7 per 100,000 adults, respectively), as shown in Figure 11, there is a large disparity in the mortality rate from invasive cancers (211.2 deaths per 100,000 adults for Black Louisianans vs. 173.6 deaths per 100,000 adults for White Louisianans) (CDC). Similarly, Figure 11 also shows large racial differences in the mortality rates for cardiovascular disease and diabetes (for cardiovascular disease: 260.5 per 100,000 White adults vs. 321.5 per 100,000 Black adults; for diabetes: 62.2 per 100,000 White adults vs. 110.8 per 100,000 Black adults) (CDC). Disease prevalence rates also vary by race: 17.7 percent of Black Louisiana adults have been diagnosed with diabetes, compared with 10.8 percent of White adults (CDC). Obesity disparities also are large: 42.9 percent of Black Louisiana adults are obese, compared with 32.4 percent of White Louisiana adults (CDC). These disparities in health

translate into disparities in life expectancy as shown in Figure 12: in Louisiana, White men are expected to live over seven years longer than Black men (72.71 vs. 65.62, respectively), while White women are expected to live over five years longer than Black women (78.37 vs. 73.34, respectively) (2022g). Infant and child mortality rates among Black children are about twice as high as those for White children (Benno and Lake).

*Figure 11: Disease Mortality Rates by Race among Louisiana Adults.*



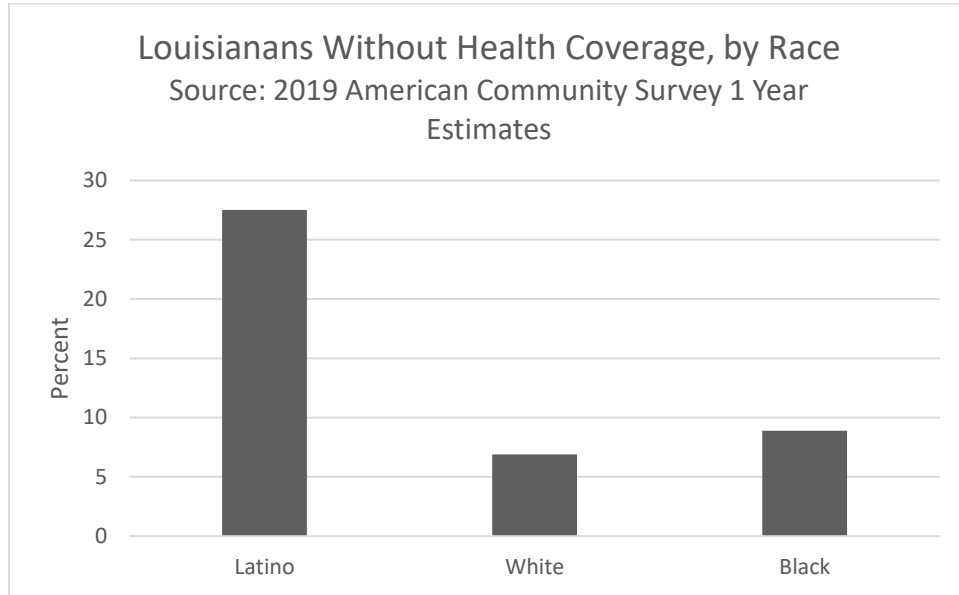
*Figure 12: Life Expectancy at Birth, by Race and Gender (2022g).*



These racial gaps in health outcomes are partly explained by racial disparities in access to care. According to a 2020 Kaiser Family Foundation survey, Black Louisianans are more likely than White Louisianans to say that there was a time in the past 12 months that they needed to see

a doctor but could not because of cost (12.8 percent of Black respondents vs. 8.2 percent of White respondents) (2020a). Moreover, as shown in Figure 13, data from the 2019 American Community Survey 1-Year Estimates shows that White Louisianans also are more likely to have health insurance than Black Louisianans. More than 60 percent of Black Louisianans also think that Black people are treated less fairly than White people when seeking medical care (2021a).

*Figure 13: Health Coverage in Louisiana by Race*



Discrimination in other arenas of life also contributes to racial health disparities. Racial residential segregation, which, as discussed above, affects many Louisiana cities, has been shown to lead to worse health outcomes for Black Americans. Several studies have demonstrated that racial residential segregation contributes to racial gaps in cancer outcomes (Landrine et al. 2017, Blanco et al. 2021, Poulson et al. 2021). Racial residential segregation also may make it more difficult for Black Americans to access primary care physicians and other doctors (Gaskin et al. 2012, Anderson 2018). Similar problems have been reported with respect to racial disparities in access to COVID-19 vaccination sites in Louisiana (Berenbrok et al. 2021, McMinn et al. 2021). Such factors, by contributing to racial disparities in health, ultimately may affect voting because of the link between poor health and lower voter turnout.

In Louisiana, environmental factors contribute to racial health disparities. Natural disasters are one such avenue: Black mortality rates during Hurricane Katrina were significantly higher in Orleans Parish across all age group categories 30 years and older (Brunkard, Namulanda, and Ratard 2008:3). The siting of chemical plants and other hazards near heavily Black residential areas exposes residents to high levels of air pollution and other dangers (2021d, Baurick, Younes, and Meiners 2019). In Cancer Alley, an area of Louisiana that stretches between New Orleans and Baton Rouge, studies have linked high levels of air pollution to increased risk of cancer, COVID-19, and asthma (Bakshi et al. 2022, Terrell and James 2020). Cancer Alley includes several unincorporated, mostly Black land areas that have little say in the decisions to locate factories and refineries near their homes (2021d, Baurick, Younes, and Meiners 2019, Terrell and James 2020). Such policies of siting environmental hazards in ways

that detrimentally affect the health of Black communities can shape voting, because health affects voting as shown above.

To reiterate, poor health can decrease voter turnout. In Louisiana, Black people are more likely to be in poor health than White people by several measures, including mortality rates, disease prevalence, and life expectancy. These health disparities partly are the result of racial discrimination: disparities in access to care, exposure to environmental hazards, and racial residential segregation all detrimentally affect the health of Black Louisianans.

*Race, Criminal Justice, and Voting in Louisiana*

A growing body of research shows that criminal justice interactions affect political behavior. Several studies (including my own work) have shown that, for individuals, contact with the criminal justice system, from police stops, to arrest, to incarceration, directly decreases voter turnout (Burch 2011, Lerman and Weaver 2014, Weaver and Lerman 2010). Primarily, criminal justice contact decreases turnout through “the combined forces of stigma, punishment and exclusion” which impose “barriers to most avenues of influence” and diminish “factors such as civic capacity, governmental trust, individual efficacy, and social connectedness that encourage activity” (Burch 2007: 12).

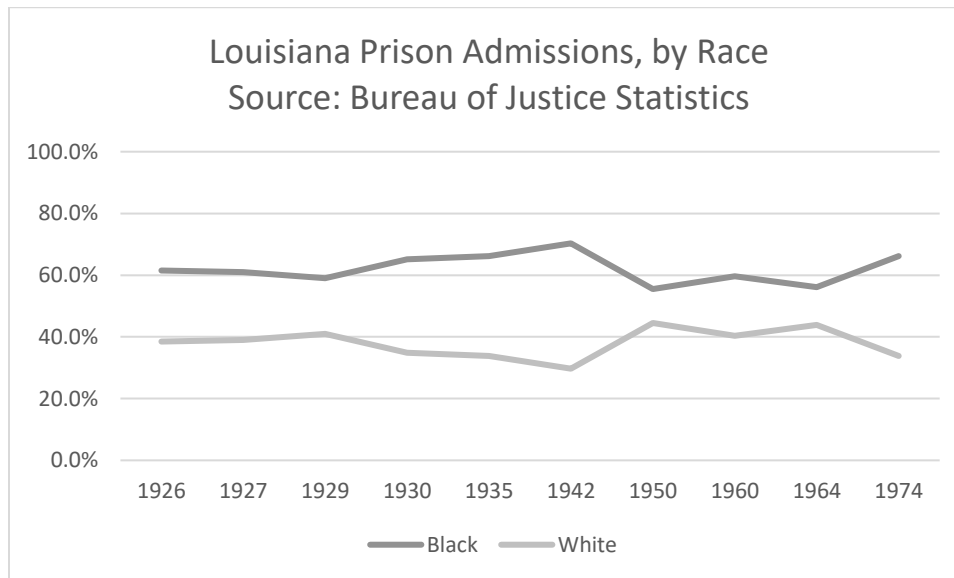
As in other aspects of life, criminal justice outcomes in Louisiana have been shaped by race for more than a century. For instance, like many other southern states, Louisiana enacted Black codes at the end of the Civil War, which were designed to penalize newly freed slaves and control their labor through enticement laws, vagrancy laws, and other schemes (Vandal 2001, Roback 1984, Cohen 1976). Louisiana’s prison was destroyed during the War, so the state turned to a system of convict leasing (2019a, Cardon 2017, Muller 2018, Mancini 1978). Louisiana’s Black Codes were used to force newly freed Blacks into labor contracts, and many people who refused to sign contracts were arrested and “subleased to landowners to replace slaves” (2019a). As a result of the legal changes brought about by the Black Codes, the racial makeup of Louisiana’s convict labor population shifted from mostly White in the antebellum period to mostly Black after the Civil War (Cardon 2017, Vandal 2001).

Louisiana’s contracts were awarded to S. L. James, a civil engineer and planter who bought up several plantations in Louisiana, including Angola Cotton Plantation (2019a, Cardon 2017). The prisoners’ labor also was used for post-war rebuilding and modernization, particularly for the construction of levees and railroads (Cardon 2017). Angola Plantation was known as the James Prison Camp beginning in 1880, and in 1900 the state purchased the site from the James Family (2019a). Currently, Angola is the largest maximum security prison in the world (2019a); its lands have been worked continuously by an unfree, majority Black labor force since before the Civil War.

The pattern of disproportionate racial impact has continued unabated in Louisiana since reconstruction. Between 1925 and 1940, for instance, Adler finds that the Louisiana prison population increased in a racially disproportionate manner: White incarceration rose by 39 percent during the period, while Black incarceration rose by 143 percent, despite lower overall crime rates in 1940 (Adler 2015: 44). Data from the Bureau of Justice Statistics in Figure 14

shows that Black people constituted around 60 percent of Louisiana's prison admissions in each year between 1926 and 1974 (Langan 1991).

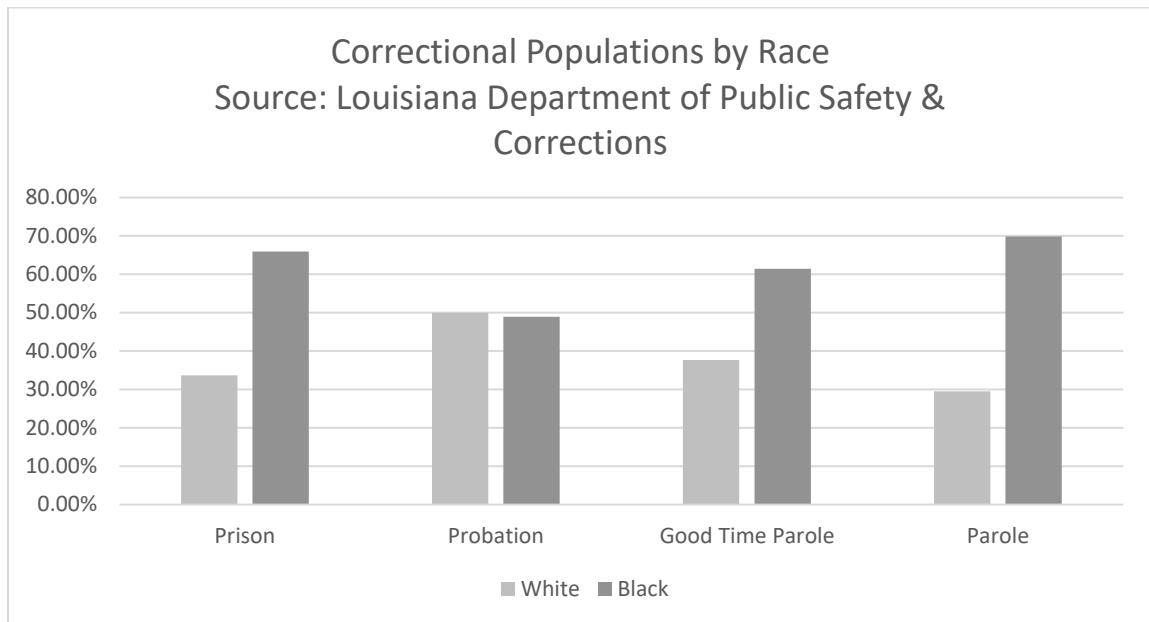
*Figure 14: Louisiana Prison Admissions, by Race (Langan 1991).*



Today, Louisiana's incarceration rate is the highest in the country (Minton, Beatty, and Zeng 2021: 11). Black prisoners still constitute about two-thirds of Louisiana's prisoners and are imprisoned at a rate double their presence in the population. Black Louisianans also are disproportionately on probation and parole in Louisiana. Although approximately one-third of Louisiana's population identifies as Black, Black people are a majority of people in prison or on community supervision in the state (2022d). As Figure 15 shows, 65.92 percent of prisoners, 48.90 percent of probationers, 61.46 percent of good-time parolees, and 69.89 percent of parolees are Black (2022d). Overall, in 2019, the Black incarceration rate in Louisiana was 1,411 per 100,000 adults, which is 3.7 times that of White Louisiana adults (381 per 100,000).

Disparities punishment may not be explained solely by disparities in crime rates (Mitchell and Caudy 2017). For instance, there is a racial disparity in imprisonment for drugs: about 61.5 percent of people in prison in Louisiana for drugs as their most serious offense are Black, while 38.3 percent are White (2022d). However, among Black Louisianans arrested for drug offenses in 2019, 62.5 percent were arrested for marijuana possession only, while only 42 percent of White Louisianans arrested for drug offenses were arrested for marijuana possession (2021e). Once marijuana possession is excluded, White people constitute a majority of people arrested for more serious drug offenses (e.g., possession of hard drugs, or the sale or trafficking of any drug) in Louisiana (2021e). The racial disparity in imprisonment, where Black Louisianans make up two-thirds of the incarcerated population, does not reflect the fact that the majority of people arrested for serious drug offenses in Louisiana are White.

Figure 15: Correctional Populations by Race, 2021 (2022d).



Racial discrimination still is an important contributor to the disproportionate representation of Black people in the criminal justice system today. For instance, racial disparities in arrests are caused partially by factors that make it more likely that police will stop or search Black people, such as spatially differentiated policing, racial residential segregation, and discrimination (Beckett, Nyrop, and Pfingst 2006, Gelman, Fagan, and Kiss 2007, Ousey and Lee 2008, Pierson et al. 2020). Racial disparities also exist in bail decisions (Arnold, Dobbie, and Yang 2018) and in sentencing (Bushway and Piehl 2001, Mitchell 2005, Steffensmeier and Demuth 2000, Steffensmeier, Ulmer, and Kramer 1998).

With respect to Louisiana in particular, research shows that racial discrimination affects criminal justice outcomes. For instance, a high proportion of Black Louisianans (86 percent) believe that Black people are treated less fairly when dealing with police (2021a). Studies have shown that racial disparities are associated with capital sentencing in Louisiana: people who kill Black victims are less likely to receive the death penalty than people who kill White victims (Baumgartner and Lyman 2015). As of 2015, no White person had been executed in Louisiana for killing a Black person since 1752 (Baumgartner and Lyman 2015). A study of prosecutorial case files in Caddo Parish shows that prosecutors extend greater effort in cases with White female victims than Black victims (Pierce et al. 2014).

Another important pathway by which criminal justice contact can decrease voter turnout, at least for people with felony convictions, is through felony disenfranchisement laws (Burch 2007). Louisianans who are serving an active sentence in prison or on parole or probation for a felony conviction cannot vote (Uggen et al. 2020). An estimated 4.41 percent of the Black voting age population in Louisiana cannot vote due to a felony conviction compared with 2.23 percent of the state's population as a whole (Uggen et al. 2020). Uggen et al. estimates that 47,951 Black Louisianans were unable to vote in 2020 due to their felony convictions (Uggen et al. 2020).

To summarize, criminal justice involvement has been shown to affect voter turnout through several pathways. In Louisiana, Black people are disproportionately arrested, convicted, and punished for crimes. Research suggests that racial discrimination has played a role in these disparities historically and continues to do so because of discriminatory arrest, conviction, and sentencing practices.

#### Senate Factor 6: Racial Appeals in Campaigns

Whether politics is marked by “the use of overt or subtle racial appeals in political campaigns” is another consideration of section 2 of the Voting Rights Act. A deep and robust literature on racial appeals in campaigns exists in political science (Hutchings and Valentino 2004, Stephens-Dougan 2021). Writing in 2001, Mendelberg argued that a “norm of racial equality,” which held that “southern segregation and the ideology of white supremacy were illegitimate” gained ascendance in the U. S. (Mendelberg 2001: 70). The norm of racial equality meant that using explicitly racist rhetoric or espousing explicitly racist policy positions would not help, and may even hurt, politicians (Mendelberg 2001). However, because “racial attitudes are still a potent force in American politics,” candidates still have an incentive to appeal to White racial fears (Valentino, Hutchings, and White 2002: 76). These two phenomena, the need to appear racially egalitarian while activating racial attitudes, means that campaigns would work to activate White voters’ negative racial attitudes through covert or implicit means such as images or coded language (Valentino, Hutchings, and White 2002, Mendelberg 2001).

Implicit racial appeals make racial attitudes and concerns more salient in the minds of voters, even without explicitly mentioning or referring to a particular race or group (Valentino, Hutchings, and White 2002, Mendelberg 2001). Implicit racial appeals may rely on certain code words or issues, use images of Black exemplars, or a combination of both, to make race more salient to voters (Valentino, Hutchings, and White 2002). In particular, Caliendo and McIlwain highlight racist appeals, which “prime antiminority racial fear, resentment, and bias . . . through a variety of audiovisual and textual cues that associate persons of color with long-standing, negative, racial stereotypes” (McIlwain and Caliendo 2014: 1159). These implicit racial appeals can rely on code words such as “inner-city” or “sanctuary city” or reference crime, welfare, and illegal immigration (Brader, Valentino, and Suhay 2008, Collingwood and O’Brien 2019, Hurwitz and Peffley 2005, Valentino, Hutchings, and White 2002). More broadly, McIlwain and Caliendo argue that racial appeals in television ads typically include elements such as, “a salient stereotype, most often those of criminality, laziness, taking undeserved advantage, and the charge of liberalism (read, “extreme” liberal, “dangerously” liberal, “radical,” etc.); a minority opponent’s image; all-White, noncandidate images; and an exposed audience that includes a high percentage of White potential voters” (McIlwain and Caliendo 2014: 1159).

The 1988 Willie Horton ad targeting Michael Dukakis is probably the most famous example of an implicit racial appeal (Hurwitz and Peffley 2005, Valentino, Hutchings, and White 2002, Mendelberg 2001). In this ad, “the narrator of the spot states that Willie Horton, a convicted murderer, received multiple weekend furlough passes from prison,” during the last of which, the narrator informs us, he “fled, kidnapping a young couple, stabbing the man and

repeatedly raping his girlfriend.” While the ad could have conveyed exactly the same information without graphics, NSPAC elected to superimpose the most menacing possible picture of Horton, a Black man, over the narrative. (Hurwitz and Peffley 2005: 100). The ad never explicitly mentions Horton’s race, but the ad does incorporate many of the elements common to implicit racial appeals as expressed in the literature: evoking the salient stereotype of criminality and the charge of liberalism by using images of a Black exemplar, in this case, Horton’s mugshot.

There are prominent examples of racial appeals in Louisiana politics. Most notably, David Duke, a former Grand Wizard of the Ku Klux Klan, “won a strong majority of Louisiana’s white vote in three recent statewide elections: a 1990 U.S. Senate race, a 1991 gubernatorial open primary, and a 1991 gubernatorial runoff” (Voss 1996: 1156). Duke’s base of support included White suburbanites as well as White college graduates (Voss 1996). Duke, the founder of the National Association for the Advancement of White People, ran on a platform that openly appealed to white racial fears (Harrison 1989). Duke also endorsed other Louisiana political candidates, such as Governor Mike Foster, who received eighty-four percent of the White vote and only four percent of the Black vote (Sack 1995).

Louisiana politicians still resort to implicit racial appeals to mobilize White voters. In the 2019 Gubernatorial race, Eddie Rispone, the Republican candidate, produced an ad that echoed the same themes as the Horton ad (2019c). Like the Horton ad, Rispone blames Governor Jon Bel Edwards for crimes committed by people after their early release from prison (2019c, Governor 2019). The ad never explicitly mentions race, but does discuss crime and sanctuary cities (2019c, Governor 2019). Similar to the Horton ad, Rispone’s ad begins with mugshots of Black men prominently displayed, alongside additional mugshots of two other men who could be Latino.<sup>4</sup> The imagery of the ad also contains the all-White, non-candidate images of Rispone with his constituents that McIlwain and Caliendo mark as common in implicit racial appeals. The mugshots, words such as murder, robbery, New Orleans, and sanctuary city, and Rispone and his White constituents flash as ominous music plays and a narrator says the following:

Dangerous, sick, violent. John Bel Edwards put them back on our streets where they robbed, attacked, murdered. Under Edwards murder is up 20 percent. Thousands of dangerous criminals released and New Orleans a sanctuary city mecca for lawlessness. Eddie Rispone will ban sanctuary cities and leave forgiveness to God, not government. Commit the crime, do the time. Eddie Rispone for governor.” (Hilburn 2019).

In an ad placed in a prominent newspaper, Rispone further embraced implicit racial appeals, again relying on “the charge of liberalism” and code words such as sanctuary city, illegal immigration, terrorist, gang, and radical leftists protesting that research has shown to prime racial resentment in White voters (Brader, Valentino, and Suhay 2008, Christiani 2021, Clapp 2019, Collingwood and O’Brien 2019, Hurwitz and Peffley 2005, Major, Blodorn, and Major

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<sup>4</sup> After searching the citations provided in the ad, I was unable to find the news stories that identified all of the people in the mugshots.

Blascovich 2018, Mendelberg 2001, Reny, Valenzuela, and Collingwood 2020, Valentino, Hutchings, and White 2002).

The conventional wisdom based on studies conducted primarily before the elections of Presidents Obama and Trump argued that these kinds of implicit racial appeals were more effective than explicit racial appeals, which could backfire (Stephens-Dougan 2021, White 2007, Valentino, Hutchings, and White 2002, Mendelberg 2001). However, recent studies suggest that candidates can increase their vote share by making explicit racial appeals (Reny, Valenzuela, and Collingwood 2020, Valentino, Neuner, and Vandenbroek 2018, Stephens-Dougan 2021, Christiani 2021, Major, Blodorn, and Major Blascovich 2018). The implicit-explicit distinction appears to work only for certain subsets of White voters, meaning that racial appeals need not be subtle in order to activate negative racial attitudes (Wetts and Willer 2019, Huber and Lapinski 2006).

Explicit racial appeals may target Black voters as well. For Black voters, racial appeals operate differently; White argues that racial appeals often activate in-group attachments rather than out-group antagonism among Black voters (White 2007). However, certain kinds of racial campaign rhetoric, specifically messages designed to portray the chosen candidate or party of Black voters as racist or indifferent to Black concerns, can demobilize Black voters (Stout and Baker 2021). Such messages may include assertions “that the Democratic Party and its presidential candidates, Hillary Clinton in 2016 and Joe Biden in 2020, were using African Americans for their votes without providing any solutions for systematic racial inequality” (Stout and Baker 2021: 1).

In a particularly ugly exchange, again during the 2019 Gubernatorial Race, Rispone and Edwards began trading accusations that the other was racist. Supporters of Edwards ran ads targeting Black voters, arguing that Rispone supported Donald Trump and calling Trump a racist. Studies have shown that this type of explicit racial appeal can serve as a counterstrategy to neutralize racial appeals in ways that galvanize White liberals and Black voters (Banks and Hicks 2019, White 2007). In response, Rispone and the Louisiana GOP said that Edwards, who did not run the ad himself, was a racist taking part in the family tradition of taking advantage of Black people:

It is absurd for John Bel Edwards to attempt to link Eddie Rispone to a Ku Klux Klan member when historical records make it clear that the Edwards family has been racist for generations. From slavery, through segregation the Edwards clan has been taking advantage of black people in Louisiana for their personal benefit since Louisiana was born.

John Bel is just the latest Edwards to follow in this “family tradition”(2019d).

As noted above, studies have shown that messages like these are designed to demobilize Black voters by portraying their chosen candidate or party as insensitive to the group’s needs (Stout and Baker 2021). Other candidates in Louisiana have embraced this tactic as well. For instance,

Republican State Sen. Conrad Appel argued in a Facebook post that African Americans should not support Democrats because the party's policies will lead to racial replacement:

And this is the great irony of blind support of Democrats by African Americans. The Democrat Party has assumed the position that open borders and unlimited illegal immigration is their cause célèbre. Their logic appears to be that inviting millions of illegal immigrants into the nation will lead to pressure in the future for blanket amnesty and eventual citizenship. That, in their plan, will create an unbeatable mass of Democrat voters for the future.

But that inflow of non-white immigrants will swamp the native black population and accelerate the demand by these new immigrant populations to assume the roles that African Americans enjoy today.

So as this year's Essence Festival ends I am left to wonder why any black American would want to see an acceleration to the inevitable time when other non-white citizens have the voting power to overwhelm and displace African Americans.

But, as in the past, by block voting for Democrats and by ignoring the logic of border and immigration control offered by Republicans that is exactly what they are doing (Rasso 2019).

Comments such as these make it clear that politicians think that explicit racial appeals still resonate in Louisiana politics. As a result, explicit racial appeals such as these appear even in recent political campaigns.

#### Senate Factor 7: Black Elected Officials

Black Louisianans are underrepresented relative to their share of the population with respect to Senate Factor 7, or "the extent to which members of the minority group have been elected to public office in the jurisdiction." There have been no Black people elected as Governor of Louisiana since Reconstruction, when P. B. S. Pinchback was elected governor. Similarly, three Black men served as Lieutenant Governor of Louisiana (Pinchback, Oscar Dunn, and Caesar Antoine) during Reconstruction; however, none have been elected since. No Black senators have been elected to the U. S. Congress from Louisiana.

Louisiana has sent five Black people to Congress. Charles Nash served during Reconstruction (2022b). Cleo Fields, William Jennings Jefferson, Cedric Richmond, and Troy Carter have been elected since (2022b). Troy Carter is currently the member from the majority-minority 2<sup>nd</sup> district, which Richmond and Jefferson also represented (2022b).

Black people are underrepresented in other elected offices as well. As noted previously, about one-third of Louisianans are Black. However, Black legislators hold only 25 percent of state legislative seats, or 36 of 144 total seats (2021g). There are 10 Black Louisiana State Senators out of 39 total seats (2021g). Twenty-six Black legislators serve in the state House of Representatives out of 105 total members (2021g). Less than one-quarter of Louisiana mayors are Black (71/304) and 26.1 percent of Louisiana's state court judges are Black (2022e). Two of

the eight elected Board of Elementary and Secondary Education members are Black (2022e). One Associate Justice on the Louisiana Supreme Court, Piper Griffin, is Black (2022e).

#### Senate Factor 8: Lack of Responsiveness

When reauthorizing Section 2 of the Voting Rights Act in 1982, the Senate also suggested the consideration of “whether there is a lack of responsiveness on the part of elected officials to the particularized needs of minority group members.” Louisiana ranks among the worst states in the nation on many indicators of well-being. For instance, Louisiana ranks 48<sup>th</sup> out of 50 states in math achievement scores (2019b), 46<sup>th</sup> for cancer death rates (2022c), and 44<sup>th</sup> for overall life expectancy (2021f). As the previous discussion shows, Black Louisianans are even worse off along all of these dimensions, which, in my opinion, indicates a lack of responsiveness of public officials to these problems. Racial disparities in education, segregation, employment, housing, health, and criminal justice have been evident in Louisiana for generations.

Louisiana public officials often are opposed to specific policies that might ameliorate problems experienced by Black communities. For instance, in 2021, when President Biden announced several climate-related executive orders designed to promote environmental justice and mentioned Louisiana’s “Cancer Alley” specifically, Louisiana Senator Bill Cassidy called the remarks “a slam upon our state” and denied that pollution was a factor in elevating cancer rates (Boyle 2021). Instead, Cassidy blamed behavioral factors for the elevated cancer rates:

We have a higher incidence of cigarette smoking, of obesity, of certain viral infections, and other things which increase the incidence of cancer in our state, (Boyle 2021).

An advocate for the affected areas called Cassidy’s comments victim blaming: “It’s always ‘blame the folks’ -the poor, Black folks -for their own demise” (Boyle 2021). Also, as noted previously, peer-reviewed studies (Terrell and St Julien 2022, Terrell and James 2020) do find a statistically significant relationship between pollution and both cancer and COVID-19 in Louisiana.

Similarly, Black Louisianans noted the opposition of their congressional delegation to the passage of the Build Back Better Act, which the White House claimed would, among other benefits, support early childhood education, childcare, Pell Grants, and rental assistance for thousands of Louisiana families (2021b), including the families of Black Louisianans. Five of Louisiana’s six members of congress voted against the bill. During the redistricting road show, Herbert Dixon, of Alexandria, said of Build Back Better:

In my community of similar interests, there should be a Congress person that understand[s] the importance of a \$1.2 trillion infrastructure bill that would create vast opportunities for central Louisiana and our state. According to Republican U.S. Senator Bill Cassidy, one of the chief architects of the bill, the \$1.2 trillion infrastructure Bill signed by President Biden would do the following: One, \$6 billion would be allocated to Louisiana for roads and bridges for the first five years of the rollout. Think what this would mean for Gilchrist Construction Company, Diamond B Construction Company,

TL Construction, Madden Construction Company and all other local contractors in our area. . . . In the Alexandria region we should have a U.S. Congress person that represent our community interest. Every Louisiana U.S. House Congressional member voted against the \$1.2 trillion infrastructure bill, except one. That one House Congressperson represented the community interest of South Louisiana and represented a majority-minority congressional district.<sup>5</sup>

Several other members of the public noted the opposition as well.<sup>6</sup>

The evidence suggests that Black Louisianans do not feel adequately represented and believe that many public officials are not responsive to their needs. For instance, during the redistricting road show, where members of the Louisiana Legislature traveled to public meetings throughout the state, several Black Louisianans from across the state offered opinions on the redistricting process and criticized current officials for being unresponsive to their needs. The speakers often explicitly linked officials' lack of responsiveness to race. For instance, at a meeting in Lake Charles, Louisiana, Lydia Larse, a Black citizen of Lake Charles, said:

“the Constitution starts with we the people. I don’t feel that. None of you guys up here represent me, but a few. . . We’re one-third of the state, and I’m not being represented. . . Our voices are not being heard. At all.” . . . I feel as though my voice is not being heard because y’all don’t need us. We’re not needed. You don’t care.”<sup>7</sup>

As an example of how disregarded she felt by public officials, Ms. Larse further noted, “I’ve been watching Representative Tarver, he’s been sleeping back there. I guess he’s not interested, but I understand. We don’t matter to you. I just want to matter. I just want to matter.”<sup>8</sup> Another Black Lake Charles resident, Adam Moore, expressed similar sentiments when he said, “Do we care about gerrymandering? Hey, let’s isolate these people over here! Do you care? . . . Help us! . . . Do anyone care? Hey, its not my fault I’m Black! I was born this way!”<sup>9</sup> Jacqueline Germany said, “I’m sick and tired of being sick and tired. I’m sick and tired of being not fairly

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<sup>5</sup> 2:03:00. “Louisiana Redistricting Video, Alexandria, Louisiana 11/9/21.”  
[https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1109\\_21\\_Alexandria\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/nov/1109_21_Alexandria_Redist).  
 Accessed 11 Mar 2022.

<sup>6</sup> For an additional example, see public testimony of Albert Samuels, Baton Rouge, at 1:19:40.  
 “Louisiana Redistricting Video, Baton Rouge, Louisiana 11/16/21.”  
[https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1116\\_21\\_BatonRouge\\_RedistSU](https://redist.legis.la.gov/default_video?v=house/2021/nov/1116_21_BatonRouge_RedistSU).  
 Accessed 7 Mar 2022.

<sup>7</sup> 1:35:40. “Louisiana Redistricting Video, Lake Charles, Louisiana 12/15/21.”  
[https://redist.legis.la.gov/default\\_video?v=house/2021/dec/1215\\_21\\_Southwest\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/dec/1215_21_Southwest_Redist).  
 Accessed 7 Mar 2022.

<sup>8</sup> 1:39:20. Louisiana Redistricting Video, Lake Charles, Louisiana 12/15/21.”  
[https://redist.legis.la.gov/default\\_video?v=house/2021/dec/1215\\_21\\_Southwest\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/dec/1215_21_Southwest_Redist).  
 Accessed 7 Mar 2022.

<sup>9</sup> 1:17:20. “Louisiana Redistricting Video, Lake Charles, Louisiana 12/15/21.”  
[https://redist.legis.la.gov/default\\_video?v=house/2021/dec/1215\\_21\\_Southwest\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/dec/1215_21_Southwest_Redist).  
 Accessed 7 Mar 2022.

represented in Congress. I'm sick and tired of a congressman overlooking my district.”<sup>10</sup> Even non-Black Louisianans noted that Black people did not receive proper consideration from their representatives. Melissa Flournoy of Louisiana said in Baton Rouge:

We have five hardcore Republican Congressmen, and we have one African-American Congressman who for all intents and purposes, is expect [*sic*] to represent the voices of African-American voters in Caddo Parish, in East Baton Rouge Parish, in Tallulah, Richland, Tensas, Concordia Parish. Because he's the only congressman that will return the calls, okay? He's the only congressman that really will be engaged in the issues that are important to people. So, Mr. Jenkins can say race doesn't matter. I'm here today to say race does matter.<sup>11</sup>

The lack of responsiveness of public officials to the interests of Black Louisianans was a persistent theme in the public comments.

In every redistricting road show, the members of the public who commented on the issue of a second majority-minority district favored drawing a second majority-minority congressional district outnumbered those who opposed the idea. For instance, among the speakers in New Orleans, the topic of a second majority-minority district was addressed by a majority of speakers, with 19 of the 25 speakers who expressed a clear opinion in favor of adding the second majority-minority congressional district. In Covington, all six speakers who referenced the topic supported a second majority-minority district; in Thibodeaux, there were only a handful of speakers, but the four who mentioned a second majority-minority congressional district were in favor. In Lafayette, of the seven speakers who expressed an opinion about adding a second majority-minority district, only one expressed opposition. Across the road shows, nearly two-thirds of the written comments that expressed a clear opinion on the topic supported drawing a second majority-minority congressional district.

The Louisiana Senate failed to pass a map with a second majority-minority congressional district. Senator Hewitt did acknowledge the clear and passionate arguments against racial gerrymandering that packed Black voters into the second congressional district:

I want you to know I've been moved by much of what I've heard. Several members of the public in their comments yesterday and others on the road have helped me to better understand the passion around the right to vote and the importance of the Voting Right Act. Senator Price, and you know, I was especially moved yesterday when one of the ladies came and testified and she said, “I just felt like I had to be here. I had to come and speak. I wanted to be heard.” We've heard that Senator Price along on the road show

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<sup>10</sup> 2:21:00. “Louisiana Redistricting Video, Baton Rouge, Louisiana 11/16/21.” [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1116\\_21\\_BatonRouge\\_RedistSU](https://redist.legis.la.gov/default_video?v=house/2021/nov/1116_21_BatonRouge_RedistSU). Accessed 7 Mar 2022.

<sup>11</sup> 1:37:42. “Louisiana Redistricting Video, Baton Rouge, Louisiana 11/16/21.” [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1116\\_21\\_BatonRouge\\_RedistSU](https://redist.legis.la.gov/default_video?v=house/2021/nov/1116_21_BatonRouge_RedistSU). Accessed 29 Mar 2022.

from other people that were just as passionate about that, and I really appreciate that. And, some people have traveled around the state, right? So, we had people here from North Louisiana who traveled here yesterday to speak and it really has helped me to understand more about how people feel. It's a blessing and I appreciate that people took the time to say that and to help us understand better. And so, I just want to acknowledge that because that's been a very important part of the process and an important part of the journey to me. It's not just about maps and numbers. It is about people and I appreciate that.<sup>12</sup>

However, Senator Hewitt went on argue against creating a second majority-minority district anyway, saying, without presenting any evidence, that “[b]y taking minority voters out of a district that is 56 percent Black VAP today and creating two underperforming districts as proposed in several other bills, we would jeopardize the current majority-minority district and this Legislature would be remiss in our obligations to comply with the Voting Rights Act.”<sup>13</sup> In other words, in the face of a clearly articulated policy preference expressed by members of the minority community, Senator Hewitt and the members of the Senate chose do the opposite of what was responsive to the particularized needs of the group.

#### Senate Factor 9: Tenuousness

The sponsors and advocates of SB5 and HB1 provided several justifications for supporting these plans over plans that provided for two majority-minority districts in Louisiana. However, as I will show, many of the proffered justifications lacked empirical support, were vague or contradictory, or were based on misunderstandings. In some instances, the final plan adopted by the Louisiana legislature fails to live up to the very principles that bill sponsors said were important.

#### *Adherence to Traditional Redistricting Principles*

The most important criterion, according to Speaker Schexnayder, who sponsored HB1, was adherence to the principle of one person, one vote. Speaker Schexnayder took pride in the fact that his map had low relative and absolute deviations between districts:

This Bill is my best efforts to achieve population equality among the districts. In fact, HB1 has a relative deviation of 0.00 percent, which is the percentage of which all district populations differ from the ideal population of 776,292. And then, the overall range of 46 which means that between the highest populated district in my Bill, which is District 4

<sup>12</sup> 26:30. “Louisiana Senate and Governmental Affairs Committee, 2/4/2022.”

[https://redist.legis.la.gov/default\\_video?v=senate/2022/02/020422SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/020422SG). Accessed 14 Mar 2022.

<sup>13</sup> 29:11. “Louisiana Senate and Governmental Affairs Committee, 2/4/2022.”

[https://redist.legis.la.gov/default\\_video?v=senate/2022/02/020422SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/020422SG). Accessed 14 Mar 2022.

and the lowest populated district in my Bill which is Senate District 3, there's a difference of only 46 people.<sup>14</sup>

Chairman Stefanski agreed:

Our duty to make sure that these populations are equal is an overriding duty. Specially, on this map. We have to try to get down to as close to the nearest person and I think the numbers speak for themselves on that.<sup>15</sup>

Representative McGee also stressed the importance of equalizing the population across the six districts as the paramount goal:

The reason why you come into redistricting is because the census data has changed and you have to do it because you have to make the districts equal and Mr. Speaker's map is the best map as far as making them equal in population.<sup>16</sup>

However, maps with two majority-minority districts, such as Senator Gaines's Amendment 88, had lower absolute and relative deviation.<sup>17</sup> When it was pointed out that Senator Fields had presented an amendment with a lower absolute deviation than SB5 and also managed to create a second majority-minority district, Senator Hewitt said that getting to the lowest deviation was not that important after all:

The things that I see different in this map and the map in the Amendment that Senator Fields has proposed and the map that I have presented . . . this is very similar to Senate Bill 2 with a few tweaks which the committee did already consider and did hear. The senator talks about the deviation from zero, you know what the courts have ruled is that passed when we were working under preclearance ten years ago was to anything less than a hundred was kind of the objective, and so Senate Bill 5 definitely meets that objective; it ranges from minus 92 to 36. The amendment from minus 12 to 32, although it is better, I don't know that it is significant in terms of the law.<sup>18</sup>

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<sup>14</sup> 3:47. "Louisiana House and Governmental Affairs Committee, 2/4/2022."  
[https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>15</sup> 12:40. "Louisiana House and Governmental Affairs Committee, 2/4/2022."  
[https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>16</sup> 32:50. "Louisiana House and Governmental Affairs Committee, 2/4/2022."  
[https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>17</sup> "House Floor Amendments." <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=1246825>  
Accessed 28 Mar 2022.

<sup>18</sup> 2:31:25. "Louisiana Senate Chamber Day 6, 2022 ES1."  
[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

The sponsors of HB1 and SB5 stressed the importance of keeping precincts whole. This claim came up multiple times throughout the process. For instance, Senator Hewitt said:

Another principle: respect the established boundaries of political subdivisions and the natural geography of the state and contain whole precincts to the extent practicable. We've done that in this map. We've kept 49 of 64 parishes whole, which is more than the current map, we minimized the split precincts and they are actually zero.<sup>19</sup>

Representative Stefanski also said publicly, "I'll tell you from my House perspective though, I don't want to split precincts, and I want to try to stick as much to the natural geography as possible."<sup>20</sup> Likewise, Representative Farnum said during committee:

You get into splitting of precincts and things of that nature that to me is a very disenfranchising method of splitting absolutely an area of interest. When you take an individual precinct and cut it in half, much less a parish or any other thing. So, I guess the method of how you got here is disturbing.<sup>21</sup>

It is important to note that the legislature voted not to proceed with plans, such as the maps presented in HB4, for instance, that managed to draw two majority-minority districts also without splitting precincts.

At various points, supporters of HB1 and SB5 also stressed the importance of compactness. Supporters of HB1 and SB5 were particularly concerned with what they referred to as the "Z map" or the "7 map." They argued that this map was not compact and was similar to a district that was struck down by courts in *Hays v. State of Louisiana*, 862 F. Supp. 119 (W.D. La. 1994). Legislators raised this point in particular with reference to SB16, which drew a second majority-minority district through Shreveport. As Senator Hewitt said:

This is sort of the famous Z-Map that we had back in the day that, you know, gets used in a lot of classes, political science classes as maybe not such a great example, but nevertheless I want to just try to talk to you a few minutes about it. It looks to me like a lot of metropolitan areas, you know, seems to get split up in this map. Not Alexandria so much, because it misses the Z, but the Z catches a lot of other things, you know, you've got Lafayette in a district with New Orleans. You've got neighborhoods in Baton Rouge, would share a member of Congress with Shreveport and Lake Charles is joined with parts of Monroe, it divides up some of the Barksdale Community. I guess tell me your thoughts on that because, you know, one of our redistricting principles is trying to as you said, keep the parishes together, but also the communities of interest in some of those

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<sup>19</sup> 2:02:42. "Louisiana Senate Chamber Day 6, 2022 ES1."

[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

<sup>20</sup> 21:09. "State Rep. John Stefanski Press Club 11/22/2021." Louisiana Public Broadcasting. <https://www.youtube.com/watch?v=SuquGa6rJI8> Accessed 29 Mar 2022.

<sup>21</sup> 2:24:50 "Louisiana House and Governmental Affairs Committee, 2/10/22." [https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0210\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0210_22_HG). Accessed 16 Mar 2022.

metropolitan areas, you know, seems to me, you would want to try to keep them together as best you could.<sup>22</sup>

Representative Beaulieu raised a similar concern earlier in the process:

So just from a personal standpoint, I think map five should have been labeled as map seven when I'm looking at it because it looks you got a big lucky seven in that map, or we'll call it the border map. And I guess kind of on this one, specifically, it looks like you're going all the way from Oil City to Kentwood, Louisiana. Do you think someone in the Shreveport area and the communities of interest in those two geographic areas of the state are all – I guess what was the thought there with just that border map?<sup>23</sup>

However, when presented with redistricting plans that achieved better compactness scores across multiple empirical measures than HB1 and SB5, supporters of HB1 and SB5 then rejected the measures used by courts and demographers in favor of eyeball tests and other subjective notions of appearance. For instance, Representative Ivey said about one of the coalition maps that drew two majority-minority districts, “Yeah, I mean that’s one of the craziest looking maps I’ve seen. Now, it may meet Section 2, but I’m telling you, you’ve got Shreve--parts of Shreveport, Monroe, East Baton Rouge Parish. I mean, my God, that’s a crazy-looking map.”<sup>24</sup> Chairman Stefanski said:

I’m a little more curious and you discussed the measure of how much fits in the circle. I understand that analyzation but I think for a lay person looking at that presentation, District 5 is pretty hard for just a normal person without a deep understanding of redistricting law – it’s been a long day already – to call that district compact.<sup>25</sup>

It is important to note that these and other maps with two majority-minority districts that were before the legislature still were more compact, based on objective measures used by courts and demographers, than the plans adopted by the Louisiana legislature. For instance, Senator Fields argued that his amendment was superior to SB5 in terms of compactness.<sup>26</sup> By the final debate,

<sup>22</sup> 4:25. “Louisiana Senate and Governmental Affairs Committee, 2/3/22.”

[https://redist.legis.la.gov/default\\_video?v=senate/2022/02/020322SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/020322SG). Accessed 16 Mar 2022.

<sup>23</sup> 2:18:56. “Louisiana Joint Governmental Affairs Committee, 1/20/22.”

[https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

<sup>24</sup> 2:27:53. “Louisiana Joint Governmental Affairs Committee, 1/20/22.”

[https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

<sup>25</sup> 2:41:22. “Louisiana Joint Governmental Affairs Committee, 1/20/22.”

[https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

<sup>26</sup> 1:12:50. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2021ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2021ES_Redist). Accessed 17 Mar 2022.

Representative Magee said that compactness was no longer a primary concern for the drafters of HB1.<sup>27</sup>

Supporters of HB1 and SB5 also stressed the importance of maintaining existing districts and communities of interest. They also expressed concerns about splitting parishes. For instance, when closing on SB5 in committee, Senator Hewitt argued for SB5 because, in her view, “it does the best job of the maps presented to this committee in keeping communities of interest, parishes and precincts together and providing for continuity of representation by preserving the cores of our current districts.”<sup>28</sup> At several points in the road shows and hearings, community members did request to be considered as communities of common interest. For instance, Kay Katz, speaking at the Monroe meeting, said:

And I hope that in the lines that were drawn, I hope that District 5 stays in Northeast and North Central Louisiana. We’re a rural area and we have the same interest. Of course, we have a great metropolitan area in Monroe, which is the big city in Northeast Louisiana, and we’re not real big. So we’re good folks together, and I hope that you will keep the lines as close as to what they were before. I support the 5th district the way it is. Thank you.<sup>29</sup>

Several people noted that Acadiana was a community of interest in the Lafayette meeting. For example, George Swift said that keeping the third congressional district intact because of common interests was important to him:

. . . we think the congressional districts need to be comprised of areas that have things in common. And in our particular district, District 3, we have of course the I-10 corridor, we have all of the things that have been talked about earlier. So we would ask that you consider keeping the congressional districts as much intact as possible with common areas and particularly we think in District 3 that that would mean that basically the metros of Lafayette and Lake Charles would stay together in the same district.<sup>30</sup>

In the Covington road show meeting, several people spoke of the North Shore as a community of interest that deserved representation separate from New Orleans. Melissa Flournoy of Louisiana Progress spoke of the North Shore as a community of interest that should have its own congressional district:

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<sup>27</sup> 20:33. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

<sup>28</sup> 28:12. “Louisiana Senate and Governmental Affairs Committee, 2/4/2022.”

[https://redist.legis.la.gov/default\\_video?v=senate/2022/02/020422SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/020422SG). Accessed 14 Mar 2022.

<sup>29</sup> 1:09:48. “Louisiana Redistricting Video, Monroe, Louisiana 10/20/21.”

[https://redist.legis.la.gov/default\\_video?v=house/2021/oct/1020\\_21\\_Monroe\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/oct/1020_21_Monroe_Redist) Accessed 29 Mar 2022.

<sup>30</sup> 1:46:02. “Louisiana Redistricting Video, Lafayette, Louisiana 10/26/21.”

[https://redist.legis.la.gov/default\\_video?v=house/2021/oct/1026\\_21\\_Lafayette\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/oct/1026_21_Lafayette_Redist). Accessed 29 Mar 2022.

We think there's an opportunity to really think of the Northshore of Louisiana really as Louisiana's Gold Coast. We look at the development here along the I-10 and I-12 corridor. It's the center of economic development and energy around redevelopment, commercial development, population growth. And as people are forced by hurricanes really to become climate migrants, we think that there'll be even additional growth in this I-10, I-12 corridor over the next ten years. So, as you consider redrawing these maps, we know it will be difficult to make everyone happy. We do think that there's an opportunity to create a Northshore congressional district, a second minority district to look at the possibility of a second minority district for the supreme court and the public service commission.<sup>31</sup>

Several other community configurations were mentioned by members of the public throughout the road shows.

For their part, several legislators who supported HB1 and SB5 also raised concerns about keeping multiple communities of interest intact. For instance, Representative Deshotel mentioned Avoyelles Parish as a community of interest:

Representative Deshotel: Thank you Mr. Chairman. Representative, I'm looking at the map and I'm obviously interested in my area and I'm looking at Avoyelles Parish. And I noticed that you have the northern portion of Avoyelles in District 3. And I'm assuming that you separated Avoyelles via the river. Is that the case?

Representative Marcelle: Absolutely.

Representative Deshotel: So, I just would like to know your thought process of giving North Avoyelles, which is a community of interest with more North Louisiana. Why did you give North Avoyelles to a district in -- that would be South Louisiana?<sup>32</sup>

Senator Hewitt identified some communities of interest that were important to her as well:

. . . we heard a lot in Iberia and St. Martin Parish just to give a shout out to our Lafayette friends about that being a community of interest certainly and Lake Charles and Lafayette see themselves as a community of interest so we want to make sure that we hear those issues as well.<sup>33</sup>

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<sup>31</sup> 1:26:59. "Louisiana Redistricting Video, Covington, Louisiana 11/30/21." [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1130\\_21\\_Northshore\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/nov/1130_21_Northshore_Redist). Accessed 29 Mar 2022.

<sup>32</sup> 2:12:38. "Louisiana House and Governmental Affairs Committee, 2/10/22." [https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0210\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0210_22_HG). Accessed 16 Mar 2022.

<sup>33</sup> 2:53:54. "Louisiana Joint Governmental Affairs Committee, 1/20/22." [https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

Representative Ivey expressed concerns with a map that split East Baton Rouge three times<sup>34</sup> and later identified “rural Louisiana” and “urban Louisiana” as separate communities of interest.<sup>35</sup> In the final debate on HB1, Representative Magee said that “the people of Monroe have a certain community of interest, the people of Shreveport have a certain community of interest, the people of Lafayette have a certain community of interest, the people in Terrebonne have a certain community of interest, the north shore has its own flavor, all of that is maintained in this map.”<sup>36</sup> Representative Magee said that he had concerns that maps with two majority-minority districts split LaFourche and Terrebonne parishes.<sup>37</sup> Senator Hewitt identified several other communities of interest:

We ensure that Louisiana’s agriculture heritage continues to be respected by maintaining a primarily rural and agricultural-based district. We preserve the connectivity of Louisiana’s Acadiana region. Louisiana’s major cities and their surrounding communities are preserved and connected to the maximum extent possible. We ensure that Louisiana’s major military installations remain strong and in connection with their surrounding communities of support, which is very important when you’re looking at brack implications. This maintains the connection with the community of interest of Baton Rouge and its surrounding communities. It maintains the connections of the communities of interest of the New Orleans region and its surrounding communities. It maintains the connections and the community of interest of the Shreveport region, and its surrounding communities and the same for Alexandria, and Monroe.<sup>38</sup>

Based on these statements, there are clearly multiple communities of interest that could be accounted for when drawing congressional districts.

However, there was little sense of which communities of interest were to be prioritized over others and why, a point poignantly made by Devonte Lewis of Baton Rouge:

. . . you’ve probably heard from George Swift about keeping Lake Charles and Lafayette in the same congressional district. And this map does that. But I’ve heard Black people

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<sup>34</sup> 2:27:16. “Louisiana Joint Governmental Affairs Committee, 1/20/22.”

[https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

<sup>35</sup> 1:37:40. “Louisiana House and Governmental Affairs Committee, 2/4/2022.”

[https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>36</sup> 14:05. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2022ES_Redist). Accessed 17 Mar 2022.

<sup>37</sup> 22:55. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2022ES_Redist). Accessed 17 Mar 2022.

<sup>38</sup> 2:03:51. “Louisiana Senate Chamber Day 6, 2022 ES1.”

[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

say, give me an opportunity and they haven't been heard. And so, all I'm asking is that this committee gives Black people, minorities, and some of us the same privilege that we give Mr. Swift. I love George Swift, but I want to know why his voice is more powerful than mine. Why do we value the interest of that community more than we value the interest of Black and Brown people of this state?<sup>39</sup>

Similarly, when Representative Miguez asked why HB1 split St. Martin and St. Mary parishes, Representative Magee just said that sometimes the lines have to move.<sup>40</sup> Ultimately, the House plan split Rapides Parish when it was first adopted, spurring objections.<sup>41</sup> After the compromise bill split Grant Parish, Representative Firment responded, "All along we've heard about continuity of representation and communities of interest, but those two factors do not seem to have been considered in this amendment."<sup>42</sup> Ultimately, supporters of HB 1 and SB5 felt they had to sacrifice some of these communities of interest, but there was no a clear explanation in the record of why some interests were spared over others.

It is important to note that there were several maps that managed to incorporate two majority-minority districts while keeping certain parishes or communities together to the same degree as the map ultimately adopted by the legislature. For example, SB2, SB9, and SB11 do not split Avoyelles Parish. SB2 and SB11, like SB5, split East Baton Rouge into only two districts. HB8 and HB12 both drew two majority-minority districts while splitting the same or fewer parishes than the plan ultimately adopted by the legislature also while keeping Terrebonne and LaFourche parishes whole. Representative Duplessis said that he presented an option that did not break up Grant Parish.<sup>43</sup> Some alternative bills also show that it is possible to create two majority-minority districts while splitting even fewer parishes than the plans in HB1 and SB5; for example, HB8, HB9, and SB9 split fewer than 15 parishes overall. The plan adopted in HB1/SB5 splits 15 parishes.<sup>44</sup> In any event, when members raised issues with particular districts

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<sup>39</sup> 2:49:54. "Louisiana House and Governmental Affairs Committee, 2/4/2022."  
[https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>40</sup> 18:06. "Louisiana House Session Day 9, 2022 ES1."  
[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2022ES_Redist). Accessed 17 Mar 2022.

<sup>41</sup> 1:02. "Louisiana House Session Day 9, 2022 ES1."  
[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2022ES_Redist). Accessed 17 Mar 2022.

<sup>42</sup> 10:50. "Louisiana House Session Day 15, 2022 ES1."  
[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0218\\_22\\_Day15\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0218_22_Day15_2022ES_Redist). Accessed 17 Mar 2022.

<sup>43</sup> 37:04. "Louisiana House Session Day 15, 2022 ES1."  
[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0218\\_22\\_Day15\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0218_22_Day15_2022ES_Redist). Accessed 17 Mar 2022.

<sup>44</sup> Enrolled Senate Bill 5. <https://legis.la.gov/legis/ViewDocument.aspx?d=1248635>

or communities of interest in maps with two majority-minority districts, the sponsors of those maps always expressed willingness to redraw the maps to keep particular areas intact.<sup>45</sup>

It is also important to note that the prominent voices in the road show who stressed that New Orleans and Baton Rouge were *not* communities of common interest were ignored. Such sentiments came up at multiple points in the road shows, committee hearings, and debates.<sup>46</sup> For instance, in the House Governmental Affairs Committee Hearing on February 4, Devonte Lewis said:

I live in here in the Garden District in Baton Rouge. But I live on what's known on the south side, which is typically considered Black. You walk up the street, you enter the sixth congressional district, Garry Graves, same neighbors, same power line, same water infrastructure, but the only thing that is different between my neighbor on Park Boulevard and me on South 18th is I start what known as the Black side of the city and so I got thrown into the second congressional district. Even though if we took communities of interest of my community and my neighborhood, I would be with my neighbor, Garry Graves, who lives three blocks down. So, when we talk about community of interest, it seems that the only time Black community of interest matters is when it's being diluted, not when we are giving the opportunity to succeed and have our voices be heard.<sup>47</sup>

The issue also came up in this exchange with Senator Hewitt:

Michael Pernick: . . . One of the most significant requests that I've heard from members of the public just following this process was to not place East Baton Rouge and Orleans Parish in the same congressional district. . .

Senator Hewitt:: Well, we certainly heard that in a couple places primarily in New Orleans and that was a theme in Baton Rouge as well.<sup>48</sup>

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<sup>45</sup> For instance, see 2:17:00. "Louisiana House and Governmental Affairs Committee, 2/10/22." [https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0210\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0210_22_HG). Accessed 16 Mar 2022. Or 2:54:09. "Louisiana Joint Governmental Affairs Committee, 1/20/22." [https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022. Or at 1:41:22. "Louisiana House and Governmental Affairs Committee, 2/4/2022." [https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>46</sup> This statement from Melissa Flournoy, also cited above, is one example. 1:26:59. "Louisiana Redistricting Video, Covington, Louisiana, 11/30/21." [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1130\\_21\\_Northshore\\_Redist](https://redist.legis.la.gov/default_video?v=house/2021/nov/1130_21_Northshore_Redist). Accessed 29 Mar 2022.

<sup>47</sup> 2:51:43. "Louisiana House and Governmental Affairs Committee, 2/4/2022." [https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>48</sup> 2:53:25. Louisiana Joint Governmental Affairs Committee, 1/20/22." [https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

Representative Stefanski also acknowledged the concerns over Baton Rouge publicly:

If anyone was listening to the road show we had in Baton Rouge there was a lot of talk about that. A lot of talk about Baton Rouge not being split, talks about Baton Rouge not being included in an Orleans congressional district. So I think that's an evolving conversation. Certainly in Baton Rouge there is a high minority population so if the conversations are devolving on a second majority-minority district, it's hard to have those conversations without Baton Rouge in em [sic].<sup>49</sup>

As Senator Hewitt and Representative Stefanski both noted, this sentiment was raised repeatedly in the road shows. In Baton Rouge, Roland Volk said:

People often ask me, why is the U.S. Congress so confrontational and what can be done? I believe the answer is we need to move to congressional districts that are not gerrymandered. With one district, with all minority and low-income people packed into it. In the other district's minority and low-income voters influence is diluted. How do we regain the sense of community in our politics? The answer is to adjust political districts to match the communities they serve rather than being gerrymandered for political gains. The North Baton Rouge to New Orleans district is a classic example.<sup>50</sup>

Albert Samuels also said in Baton Rouge, "Fairness might ask the question of why is the Scotlandville area, the North Baton Rouge area, lumped in with a district that really predominantly represents New Orleans?"<sup>51</sup> Ultimately, the legislature did not act on these expressions of community: Representative Marcelle's amendment that would give the legislature the opportunity to split Baton Rouge from New Orleans failed.<sup>52</sup>

Finally, it is important to note that Black Louisianans constitute a community of common interest whose needs should be considered. This viewpoint was shared at several points during the road shows and hearings. For instance, Sheila Lewis, in Baton Rouge, said, "It is time for Louisiana to do the right thing. It is time for us to be able to say that we, people of color, have a seat at the table where there is representation that takes care of the well-being of all citizens of

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<sup>49</sup> 23:00. "State Rep. John Stefanski Press Club 11/22/2021." Louisiana Public Broadcasting. <https://www.youtube.com/watch?v=SuquGa6rJI8> Accessed 29 Mar 2022.

<sup>50</sup> 1:45:00. "Louisiana Redistricting Video, Baton Rouge, Louisiana 11/16/21." [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1116\\_21\\_BatonRouge\\_RedistSU](https://redist.legis.la.gov/default_video?v=house/2021/nov/1116_21_BatonRouge_RedistSU). Accessed 29 Mar 2022.

<sup>51</sup> 1:18:30. "Louisiana Redistricting Video, Baton Rouge, Louisiana 11/16/21." [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1116\\_21\\_BatonRouge\\_RedistSU](https://redist.legis.la.gov/default_video?v=house/2021/nov/1116_21_BatonRouge_RedistSU). Accessed 29 Mar 2022.

<sup>52</sup> "House Floor Amendments." <http://www.legis.la.gov/legis/ViewDocument.aspx?d=1247152>. Accessed 31 Mar 2022.

this great state of Louisiana.”<sup>53</sup> Valerie D. Oliver, also from Baton Rouge, said, “I am concerned about policing in my community, and who will understand what it is like to wonder, every single day, if I am pulled over for a busted taillight, if I am going to make it home?”<sup>54</sup> At the Joint Governmental Affairs Committee Hearing, Chris Kaiser of the ACLU said:

Kaiser: And so, I would just offer that in this date, minority voters and in particular Black voters are themselves communities of common interest—

Representative Ivey: Absolutely.<sup>55</sup>

However, the legislature failed to provide Black Louisianans with the two districts they had requested.

In summary, it is clear from the record that, although sponsors of HB1 and SB5 cited the importance of traditional principles of redistricting, such as compactness, maintaining communities of interest, or respecting political boundaries, when presented with alternative bills that added a second majority-minority district while outperforming SB5 and HB1 on those metrics, they backed away from their strict adherence to traditional principles. By the end of the process, the supporters of HB1 in particular had shifted their legislative priorities. Instead of compactness or other measures, Representative Magee said that the primary criterion for drawing the congressional districts had become “to honor the traditional boundaries as best as possible to create this map that we believe is legal.”<sup>56</sup> Representative Magee said the drafters of HB1 prioritized the traditional boundaries after looking at all the other criteria they could have used. He refused to even say why HB1, which he sponsored, was superior to other bills.<sup>57</sup> Later, he said that HB1 was designed to “maintain traditional boundaries, communities of interest, geography, and make sure it accounted for the population deviation, and that it comported with federal law.”<sup>58</sup> Representative Magee said that he did not even look at any performance data or

<sup>53</sup> 1:03:20. “Louisiana Redistricting Video, Baton Rouge, Louisiana 11/16/21.” [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1116\\_21\\_BatonRouge\\_RedistSU](https://redist.legis.la.gov/default_video?v=house/2021/nov/1116_21_BatonRouge_RedistSU). Accessed 7 Mar 2022.

<sup>54</sup> 2:01:40. “Louisiana Redistricting Video, Baton Rouge, Louisiana 11/16/21.” [https://redist.legis.la.gov/default\\_video?v=house/2021/nov/1116\\_21\\_BatonRouge\\_RedistSU](https://redist.legis.la.gov/default_video?v=house/2021/nov/1116_21_BatonRouge_RedistSU). Accessed 7 Mar 2022.

<sup>55</sup> 1:23:15. “Louisiana Joint Governmental Affairs Committee, 1/20/22.” [https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

<sup>56</sup> 12:55. “Louisiana House Session Day 9, 2022 ES1.” [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

<sup>57</sup> 15:25. “Louisiana House Session Day 9, 2022 ES1.” [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

<sup>58</sup> 20:30. “Louisiana House Session Day 9, 2022 ES1.” [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

metrics to compare HB1 with plans that would create two majority-minority districts.<sup>59</sup> Representative Magee did not know of any performance analysis that had been done on HB1.<sup>60</sup> The legislature had the opportunity to adopt maps that performed better on metrics such as compactness, population deviation, parish, and precinct splits, and with similar groupings with respect to communities of interest that established two majority-minority districts. The members chose to reject those options.

*Resistance to Adding a Second Majority-minority District*

Supporters of HB1 and SB5 resisted the idea of adding a second majority-minority district. When asked, they admitted that they did not prioritize, consider, or even try incorporating changes in the racial demographics of Louisiana into their maps. For instance, when asked specifically whether the map in HB1 reflects changes in the racial demographics of Louisiana, in particular the decline of the White population percentage relative to the Black population percentage, Representative Magee replied, “That is not something that I think is the primary driver, it’s an important driver, it’s a factor, but this map was based off of maintaining the traditional maps that we’ve always had in the State of Louisiana.”<sup>61</sup> When asked by Representative Marcelle whether the authors of HB1 even attempted to draw a plan with a second minority district, Representative Magee replied, “I cannot say that it rose to the level of attempt.”<sup>62</sup> When pushed to provide a map or draft that they worked on that attempted a second majority-minority district, Representative Magee said, “There has been no draft maps that answers your questions.”<sup>63</sup> Under lengthy questioning, Representative Stefanski never said that any attempt to draw a second majority-minority district was ever made, and refused to give any reasons for why it was not possible for the bill’s authors to have done so:

Representative W. Carter: What specific did you do in order to comply with section 2? Did you draw a map and find that map didn’t work, or did you draw a proposed district and couldn’t get enough numbers in there because you had to comply with the population

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<sup>59</sup> 50:30. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

<sup>60</sup> 53:00. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

<sup>61</sup> 09:45. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

<sup>62</sup> 21:10. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

<sup>63</sup> 22:09. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_20221ES_Redist). Accessed 17 Mar 2022.

requirement of the congressional act? What specific did you do or the speaker or the authors of the bill do to try to comply with Section 2?

Representative Stefanski: Well, specifically, we're discussing a senate instrument that I am not the author of I've just been asked to carry so there's not a lot—my efforts are minimal because it's not mine.

Representative W. Carter: But my point is, you just said this is a compromise between the two.

Representative Stefanski: Yeah.

Representative W. Carter: You did the other phase of the bill, the other half. I'm very interested in the southern part of the state. That's where I'm from. Okay? So I thank you for keeping Calcasieu together, whole, in the compromise. But, that second half of the state is really the speaker's bill.

Representative Stefanski: Yes.

Representative W. Carter: You handled that bill for the speaker.

Representative Stefanski: Well, Representative Magee was actually the one who handled that.

Representative W. Carter: Well your committee was the one who was responsible.

Representative Stefanski: Yes it was, correct.

Representative W. Carter: You had to put the hours into the bill to get it into a form that it could be presented to this body is what I'm saying. Now, I just want to know what you did to comply with section 2. Did you draw a district—attempt to draw a second minority district, and couldn't do it because of numbers? Or because you had to damage too many communities of interest? Or because there was not enough population in the south or in the north? What specific kept you from being able to create a second minority district? That's all I'm saying.

Representative Stefanski: I have probably drawn more maps than I ever want to draw in the rest of my life. There were a number of different versions in multiple different bills that were made. I took our population, I took the geography of the state, I took our communities of interest, I took the will of the public, the will of the legislature, and I balanced all of that with the law, and came up with something that the speaker and I believed was the best for Louisiana.

Representative W. Carter: Which one of those things that you just mentioned prevented a second minority majority district? Which one of those things—

Representative Stefanski: It is not a simple answer, as you know as well, it is a complicated process that involves a holistic view of all the elements to try to decide what works best for the state of Louisiana. It is not a one-word answer that I can give you on

that. It's everything. You look at all these factors, and you weigh them, and you balance them with the law, and then you make a policy decision on what you believe that your attempt is the best for Louisiana.

Representative W. Carter: I've heard people say, in this body, the reason why they couldn't create a second minority district was because it'd have to damage too many communities of interest, okay. And, that apparently was not the problem you had in your work with this bill.

Representative Stefanski: It's a factor, it's not—In order to decide—In order to redistrict, you have to look at all of these elements, and you have to balance all of these and come up with an instrument not only that you believe is the best for Louisiana, but that also can meet the legislative process. As you know, this is a power that is vested in the legislature. The constitution says the legislature shall do this. You have been around this body for a long time. You understand what it takes for a bill to become a law. So that's an element that you balance as well. All of those elements that you have to balance to come up with something.<sup>64</sup>

In other words, the sponsors of HB1 were given multiple opportunities to say they tried to draft a plan with a second majority-minority district and declined to say that they had.

Similarly, on the senate side, it was unclear that there was ever any attempt to draw maps with a second majority-minority district. When questioned about the process on the senate floor, Senator Hewitt said that her team tried to produce a second majority-minority district map and couldn't, but when asked for drafts, details, or documentation about that map she was unable to provide any.<sup>65</sup>

Sponsors of HB1 and SB5 further argued that the Voting Rights Act did not require them to consider adding a second majority-minority district. As Senator Hewitt said:

[T]he fact that one third of the population around the state is a minority population does not guarantee that there should be two minority districts and I think that statement in Section B clearly says that it does not provided [sic] that nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population. So it doesn't mean that you have the default is because it's a third that you have two minority districts.<sup>66</sup>

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<sup>64</sup> 21:44. "Louisiana House Session Day 15, 2022 ES1."

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0218\\_22\\_Day15\\_2021ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0218_22_Day15_2021ES_Redist). Accessed 17 Mar 2022.

<sup>65</sup> 2:36:42-2:37:27. "Louisiana Senate Chamber Day 6, 2022 ES1."

[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

<sup>66</sup> 10:28. "Louisiana Senate and Governmental Affairs Committee."

[https://redist.legis.la.gov/default\\_video?v=senate/2022/02/020322SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/020322SG). Accessed 16 Mar 2022.

Likewise, Representative Farnum said, “Yeah. I just know that the Voting Right [*sic*] Act does not guarantee that a third of six is two. I know that to be true.”<sup>67</sup> However, that interpretation of the Voting Rights Act was disputed several times on the record. For instance, Senator Luneau said in response to Senator Hewitt:

I interpret that to mean that the minority people are given the opportunity to elect the person they wanted, it doesn’t guarantee that a minority is going to be elected. It’s never intended to do that. And what this map does is just that, it doesn’t guarantee that they’re going to elect a minority, it guarantees that the minority will have the opportunity to elect the people that they want to elect. It gives them the right to come in and vote in who they choose to. And like I said earlier. I’m a living example of that if they don’t want to elect a minority, they don’t have to but it gives that segment of the population an equal opportunity to come in and elect people. You could dilute it.<sup>68</sup>

Representative Carter argued that under the Voting Rights Act:

If you didn’t attempt to create a district, and didn’t set down why you couldn’t do it, in plain English, ‘this is why we couldn’t do it, we had too many districts or couldn’t get the population, population wasn’t compact enough,’ none of those things have been enumerated from that podium as a problem of complying with section 2. So, you don’t violate section 2 necessarily by not creating a district, you violate section 2 by not trying to allow a protected class if they have sufficient numbers, sufficient compactness in order to elect a person of their choice to represent them.<sup>69</sup>

However, Senator Hewitt continued to make the claim that the Voting Rights Act did not necessitate a second majority-Black district. Senator Hewitt says that Kate McKnight, a lawyer with the law firm Baker Hostetler, told her that the map she presented complied with the Voting Rights Act, and that she has exchanged emails with her containing legal advice about compliance with the Voting Rights Act.<sup>70</sup>

Proponents of SB5 and HB1 also resisted adding a second majority-minority district because the current map, which was cleared by the Department of Justice in 2010, does not have one. As Representative Magee claimed:

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<sup>67</sup> 2:26:58. “Louisiana House and Governmental Affairs Committee, 2/10/22.”

[https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0210\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0210_22_HG). Accessed 16 Mar 2022.

<sup>68</sup> 9:28. “Louisiana Senate and Governmental Affairs Committee.”

[https://redist.legis.la.gov/default\\_video?v=senate/2022/02/020322SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/020322SG). Accessed 16 Mar 2022

<sup>69</sup> 26:39. “Louisiana House Session Day 15, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0218\\_22\\_Day15\\_20221ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0218_22_Day15_20221ES_Redist). Accessed 17 Mar 2022.

<sup>70</sup> 2:39:00-2:39:45; 2:44:15. “Louisiana Senate Chamber Day 6, 2022 ES1.”

[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

What we really have to do is just, keep what we have. And that's exactly what this map does. Yes, its malapportioned, certain districts lost, certain districts gained, but it keeps the status quo. And it's based off of the traditional lines of this body that was drawn before, that has passed legal muster, and we believe this map will also pass legal muster.<sup>71</sup>

When asked later to provide the basis for his claim that HB1 was legal, Representative Magee declined to cite to any particular laws or analysis, but referenced his own consideration of the legislative testimony.<sup>72</sup> This idea also was discussed in an exchange during a meeting of the Joint Governmental Affairs Committee:

Representative Ivey: So my point is I don't believe based on the conversations I've had with staff and everything that, you know, obviously I think just about everywhere there's always some challenging, but I do believe that we passed muster and the Justice Department accepted our maps and so there wasn't any – I mean, obviously, there was a bigger issue.

Chris Kaiser: One quick response to that though, irrespective of the Section 2 compliance. In 2010, remember Section 5, it was this pre-Shelby County and so the question whether—

Representative Ivey: I wasn't here, so I couldn't remember but—

Chris Kaiser: Shelby County was handed down in 2013 and Section 5 has to do with whether the Department of Justice wants to intervene in a change to election law. That's no longer what we're talking about.<sup>73</sup>

When this claim arose again, Michael Pernick of the NAACP LDF noted:

Mr. Representative Farnum, if I may, I think it's important to clarify that the standard that the Department of Justice used to measure preclearance under Section 5 of the Voting Rights Act is a different standard than Section 2. There have been many maps that have been pre-cleared under Section 5 that have subsequently been struck down by federal courts under Section 2, including here in Louisiana. The Supreme Court has made very clear that they – and this is almost an exact quote that they will not equate the Section 2 vote dilution standard with the Section 5 non-retrogression standard. So, I would caution – with respect, I would caution you not to rely on DOJ preclearance in 2011 as a free

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<sup>71</sup> 08:34. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2022ES_Redist). Accessed 17 Mar 2022.

<sup>72</sup> 10:43. “Louisiana House Session Day 9, 2022 ES1.”

[https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2022ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2022ES_Redist). Accessed 17 Mar 2022.

<sup>73</sup> 1:26:04. “Louisiana Joint Governmental Affairs Committee, 1/20/22.”

[https://redist.legis.la.gov/default\\_video?v=house/2022/jan/0120\\_22\\_JGA\\_BatonRouge\\_Redist](https://redist.legis.la.gov/default_video?v=house/2022/jan/0120_22_JGA_BatonRouge_Redist). Accessed 16 Mar 2022.

ticket on those maps because it's a different legal standard and we know from experience that does not necessarily mean that the maps comply with Section 2.<sup>74</sup>

It is not clear whether the proponents of SB5 or HB1 received advice from other attorneys about the validity of this claim.

Senator Hewitt also said that she was particularly resistant to adding a second majority-minority district because she was concerned about minority vote dilution. Senator Hewitt makes this argument in the committee hearings as well as in the floor debates:

I do not believe, and there is too much uncertainty to convince us otherwise, that a second majority-minority district can be drawn in Louisiana that is sufficiently compact and would perform as a minority district without greatly diminishing the opportunity to elect a candidate of choice that has currently afforded the voters in Congressional District 2. By taking minority voters out of a district that is 56 percent Black VAP today and creating two underperforming districts as proposed in several other bills, we would jeopardize the current majority-minority district and this legislature would be remiss in our obligations to comply with the Voting Rights Act.<sup>75</sup>

Representative Stefanski also raised this point in his public comments before the Press Club:

Certainly it is being considered, so there's a ton of dynamics in that. Number one, which I think is the most prominent in the maps that I've seen submitted to me is that, you know, are these districts effective? And what I mean by that is, you know, what's the minority population located in these districts, what is the voting age population located in these districts, what is the registration located in these districts. There's a limit to what becomes an effective district to produce the desired results. The second thing I will say is that some of these districts look very similar to districts that have been struck down in the past as racial gerrymanders. As we can remember in the—I believe it was the early 2000s they two districts, one that is commonly referred to as the Zorro district and one that is commonly referred to as the Slash district. Both those were struck down by the courts and I think its difficult to draw two majority-minority districts that are legal.<sup>76</sup>

Representative Ivey echoes this concern in an exchange in the House and Governmental Affairs Committee:

Representative Ivey: . . . So, it's possible, I would imagine, to draw a map that would produce that two 50 plus 1 districts, but yet maybe a candidate wouldn't be able – maybe the minority in either district would not be able to actually elect a candidate in a choice

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<sup>74</sup> 1:58:40. “Louisiana House and Governmental Affairs Committee, 2/4/2022.” [https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

<sup>75</sup> 28:44. “Louisiana Senate and Governmental Affairs Committee, 2/4/2022.” [https://redist.legis.la.gov/default\\_video?v=senate/2022/02/020422SG](https://redist.legis.la.gov/default_video?v=senate/2022/02/020422SG). Accessed 14 Mar 2022.

<sup>76</sup> 15:27. “State Rep. John Stefanski Press Club 11/22/2021.” Louisiana Public Broadcasting. <https://www.youtube.com/watch?v=SuquGa6rJI8> Accessed 29 Mar 2022.

based on the traditional turnout or even it had to – you know what I’m saying? Is that a concern that y’all have had in how these additional districts are shaped?

Jamison: Well, I will say it may possibly be a concern, right? But as you’ve heard, some of our colleagues from NAACP LDF, they’ve actually compared this analysis and watch these trends as well and they’re very confident in their performance.<sup>77</sup>

Senator Hewitt made this argument again when presenting the final version of SB5:

And in addition, I am concerned about taking a currently performing majority-minority district that’s performing at about 58 percent Black voting age population, taking some of the Black voters out of that district to create a second district where you end up with two districts that are 51 percent or 51 percent Black voting age population. So there is no evidence that we have seen yet, and considerable uncertainty, as to whether both of those districts would perform as minority districts. And so you could very likely, in an attempt to create a second district, you could put the current minority district in jeopardy and end up with no minority representation whatsoever. And so again, I think the law provides some guidance on that issue, and where there is too much uncertainty about whether a second majority-minority district would perform sufficiently, the deference to the courts have been to the map drawer, and that’s why I have chosen in my bill to not have a second district--minority district, to only have one but to know that that district is going to continue to perform to give the minorities an opportunity to elect the candidate of their choice. And so for those reasons, I object to this amendment.

However, there is no evidence to support the claim that the two majority-minority districts presented in any of the alternative bills would not perform with respect to allowing Black voters to elect a candidate of their choice. Senator Hewitt or other legislators who made that claim did not offer any supporting evidence or data analysis. When pressed on this point, Senator Hewitt admits that an analysis of racially polarized voting would be needed to see whether two majority-minority districts would perform, but she did not have one done:

Obviously, what needs to be done is to have, you know, a racially polarized voting analysis done, there have been folks that have testified at the table that they have done them, I haven’t seen them, I’ve asked for that so that we can see. You know, what you have to have in a study you have to have enough election history, enough knowledge of voter turnout, you have to be able to have enough data to be able to be statistically significant so that you can predict a trend with some certainty, and so any information. . . I’ve had a number of people talk to me with some interest in this and maybe some statistical information and no one has had the confidence to be able to predict with some certainty any of the trends. Again, what I keep hearing is that there is too much noise in the data, there’s not enough consistency in the performance on voter turnout and other

<sup>77</sup> 2:33:50. “Louisiana House and Governmental Affairs Committee, 2/4/2022.” [https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0204\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0204_22_HG). Accessed 11 Mar 2022.

things in different areas to be able to model it with any confidence. And so, for lack of certainty on that, again, I think the best course of action currently is the action that I've chosen to take, is to not create the second district because I want to make sure that we're preserving the integrity of the current minority district.<sup>78</sup>

Senator Hewitt did not have a racially polarized voting analysis done, nor did she present documentation that anyone told her that such an analysis was impossible because of data limitations or other reasons.<sup>79</sup> Senator Hewitt admitted talking with Baker Hostetler about hiring consultants to conduct a racially polarized voting analysis but said that she was told that an unidentified person at Stanford University thought it was not possible to conduct the analysis.<sup>80</sup>

Moreover, as Ms. Jamison says above, the analyses of the plans with two majority-minority districts that were conducted by advocacy groups such as the NAACP LDF show that they reliably allow Black voters to elect candidates of their choice. What's more, interested stakeholders agree. As Representative Wilford Carter argues:

You know that's another important point I want to make. I looked at both maps I said, they're not that much different. All you did is cut off that part of District 2 that come in in East Baton Rouge Parish and create another district by reducing District 2 numbers. And if Troy Carter don't have any problem with it, I ain't got a problem with it, okay. So, apparently, you must have satisfied him that the studies you've done would be that he would -- that district produce favorable to him. And I assume you did the same study for District 5.<sup>81</sup>

In other words, while Senator Hewitt claims without evidence that adding a second minority district would dilute Black voting power, members of the Black community, their elected representatives, and several statistical analyses showed time and time again on the record that it is possible to add that second district in ways that would reliably allow Black voters to elect two candidates of their choice.

### *Summary*

This examination of the legislative debate shows that it is possible to accomplish the goals that the sponsors of HB1 and SB5 consider important, such as compactness, keeping

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<sup>78</sup> 2:49:08. "Louisiana Senate Chamber Day 6, 2022 ES1."

[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

<sup>79</sup> 2:51:49. "Louisiana Senate Chamber Day 6, 2022 ES1."

[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

<sup>80</sup> 2:55:30. "Louisiana Senate Chamber Day 6, 2022 ES1."

[https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2022/02/020822SCHAMB). Accessed 17 Mar 2022.

<sup>81</sup> 2:42:51. "Louisiana House and Governmental Affairs Committee, 2/10/22."

[https://redist.legis.la.gov/default\\_video?v=house/2022/feb/0210\\_22\\_HG](https://redist.legis.la.gov/default_video?v=house/2022/feb/0210_22_HG). Accessed 16 Mar 2022.

certain parishes and communities of interest together, keeping precincts whole, and ensuring that Black voters can elect candidates of their choosing, in plans that provide for two majority-minority districts. In fact, on all of their expressed redistricting priorities, plans with two majority-minority districts performed equally or better than the plans passed by the legislature. Proponents of SB5 and HB1 provided no evidence to the contrary. These facts came up before legislators clearly and repeatedly over the months and weeks leading up to the final vote. For instance, regarding Amendment 88, Representative Gaines said:

This bill is going to give you an opportunity to bring Louisiana in line with fairness and the Voting Rights Act. It doesn't guarantee anything it just gives us an opportunity to invoke, create fair representation for this state. This particular bill is more compact than any bill that's been presented, HB1 or SB5, it has minimal population deviation, and it prioritizes community of interest. It also has the lowest population deviation of any map that's been presented today or last week. It has the fewest number of split parishes. So this bill does all this and still enables Blacks to elect someone of their choice, someone from their community, someone who has shared values, someone who has shared interests. It still creates that opportunity.”<sup>82</sup>

No one disputed or questioned Representative Gaines's characterization of the amendment. Amendment 88 failed anyway. Senator Fields also presented an amendment on the senate side that added a second majority-minority district while outperforming SB5 on metrics such as compactness and population deviation. It failed as well. There is nothing in the record to support the claim that adding a second majority-minority district is incompatible with other goals of the legislature.

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<sup>82</sup> 1:12:50. “Louisiana House Session Day 9, 2022 ES1.” [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2022/feb/0210\\_22\\_Day09\\_2021ES\\_Redist](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/feb/0210_22_Day09_2021ES_Redist). Accessed 17 Mar 2022.

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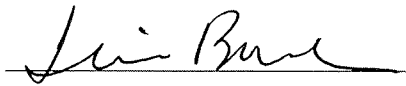
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Per 28 U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 14, 2022.

A handwritten signature in black ink, appearing to read "Traci Burch", is written over a horizontal line.

Traci Burch, Ph.D

## APPENDIX 1

### Traci Burch

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#### Employment

- Associate Professor, Northwestern University Department of Political Science (2014-Present)
- Research Professor, American Bar Foundation (2007- Present)
- Assistant Professor, Northwestern University Department of Political Science (2007-2014)

#### Education

- *Harvard University*  
Ph.D. in Government and Social Policy  
Dissertation: *Punishment and Participation: How Criminal Convictions Threaten American Democracy*  
Committee: Jennifer Hochschild (Chair), Sidney Verba, and Gary King
- *Princeton University*  
A.B. in Politics, *magna cum laude*

#### Publications

- Burch, Traci. 2022. "Officer-Involved Killings and the Repression of Protest." *Urban Affairs Review*.
- Burch, Traci. 2021. "Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout." *Perspectives on Politics*.
- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2018. "Organizations and the Democratic Representation of Interests: What Happens When Those Organizations Have No Members?" *Perspectives on Politics*.
- Burch, Traci. 2016. "Political Equality and the Criminal Justice System." In Resources, Engagement, and Recruitment. Casey Klofstad, ed. Philadelphia: Temple University Press.
- Burch, Traci. 2016. "Review of The First Civil Right by Naomi Murakawa." *The Forum*.

- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2015. "Louder Chorus – Same Accent: The Representation of Interests in Pressure Politics, 1981-2011." In Darren Halpin, David Lowery, Virginia Gray, eds. The Organization Ecology of Interest Communities. New York: Palgrave Macmillan.
- Burch, Traci. 2015. "Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Criminal Sentencing." *Journal of Empirical Legal Studies* 12(3): 395-420.
- Burch, Traci. 2014. "The Old Jim Crow: Racial Residential Segregation and Neighborhood Imprisonment." *Law & Policy* 36(3) 223-255.
- Burch, Traci. 2014. "The Effects of Imprisonment and Community Supervision on Political Participation." Detaining Democracy Special Issue. *The Annals of the American Academy of Political and Social Science* 651 (1) 184-201.
- Burch, Traci. 2013. Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation. Chicago: University of Chicago Press.
- Hochschild, Jennifer, Vesla Weaver, and Traci Burch. 2012. Transforming the American Racial Order. Princeton: Princeton University Press.
- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Traci Burch, and Phillip Jones. 2012. "Who Sings in the Heavenly Chorus? The Shape of the Organized Interest System." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Phillip Jones, and Traci Burch. 2012. "Political Voice through Organized Interest Activity." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Burch, Traci. 2012. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida's Ex-Felons." *Political Behavior* 34 (1); 1-26.
- Burch, Traci. 2011. "Turnout and Party Registration among Criminal Offenders in the 2008 General Election." *Law and Society Review* 45(3): 699-730.
- Burch, Traci. 2011. "Fixing the Broken System of Financial Sanctions." *Criminology and Public Policy* 10(3).
- Hochschild, Jennifer; Vesla Weaver, and Traci Burch. 2011. "Destabilizing the American

Racial Order.” *Daedalus* 140; 151-165.

- Burch, Traci. 2009. “Can the New Commander-In-Chief Sustain His All Volunteer Standing Army?” *The Dubois Review on Race* 6(1).
- Burch, Traci. 2009. “Review of *Imprisoning Communities*, by Todd Clear.” *Law and Society Review* 43(3) 716-18.
- Burch, Traci. 2009. “American Politics and the Not-So-Benign Neglect of Criminal Justice,” in The Future of American Politics, ed. Gary King, Kay Schlozman, and Norman Nie. (New York: Routledge).
- Schlozman, Kay Lehman and Traci Burch. 2009. “Political Voice in an Age of Inequality,” in America at Risk: Threats to Liberal Self-Government in an Age of Uncertainty, ed. Robert Faulkner and Susan Shell (Ann Arbor: University of Michigan Press).
- Hochschild, Jennifer and Traci Burch. 2007. “Contingent Public Policies and the Stability of Racial Hierarchy: Lessons from Immigration and Census Policy,” in Political Contingency: Studying the Unexpected, the Accidental, and the Unforseen, ed. Ian Shapiro and Sonu Bedi (New York: NYU Press).

## Grants

- Co-Principal Investigator. “Fellowship and Mentoring Program on Law and Inequality.” September 1, 2020 to August 31, 2023. \$349, 313. National Science Foundation.

## Honors and Fellowships

- **American Political Science Association 2014 Ralph J. Bunche Award** (for Trading Democracy for Justice).
- American Political Science Association Urban Section 2014 Best Book Award (for Trading Democracy for Justice).
- American Political Science Association Law and Courts Section 2014 C. Herman Pritchett Award (for Trading Democracy for Justice).
- Research grant, Stanford University Center for Poverty and Inequality (2012).
- American Political Science Association E. E. Schattschneider Award for the best doctoral dissertation in the field of American Government (2009)
- American Political Science Association William Anderson Award for the best doctoral dissertation in the field of state and local politics, federalism, or intergovernmental relations (2008)

- American Political Science Association Urban Section Best Dissertation in Urban Politics Award (2008)
- Harvard University Robert Noxon Toppan Prize for the best dissertation in political science (2007)
- Institute for Quantitative Social Sciences Research Fellowship (2006-07)
- *European Network on Inequality* Fellowship (2005)
- Research Fellowship, The Sentencing Project (2005)
- Doctoral Fellow, Malcolm Weiner Center for Inequality and Social Policy (2004-07)

#### **Professional Service**

- APSA Law and Courts Section Best Paper Award Committee (2020-2021)
- APSA Elections, Public Opinion, and Voting Behavior Executive Committee (2020-2023)
- General Social Survey Board of Overseers (2020-2025)
- APSA Kammerer Prize Committee (2017)
- Associate Editor, *Political Behavior* (2015-2019)
- APSA Law and Courts Section, Lifetime Achievement Award Prize Committee (2014-2015)
- Law and Society Association, Kalven Prize Committee (2013-2014)
- American Political Science Association, Urban Politics Section Dissertation Prize Committee (2012-13)
- American Political Science Association, Urban Politics Section Executive Committee (2012-13)
- Law and Society Association Diversity Committee, (2012-2013)
- American Political Science Association, Urban Politics Section Program Co-Chair (2011)
- Associate Editor, *Law and Social Inquiry*
- American Political Science Association, Urban Politics Section Book Prize Committee (2009)

- Reviewer for *The American Political Science Review*, *Public Opinion Quarterly*, *American Politics Research*, and *Time-Sharing Experiments in the Social Sciences*.

### **Presentations and Invited Talks**

- University of Pennsylvania. Virtual. “Voice and Representation in American Politics.” April 2021.
- University of Michigan. Virtual. “Which Lives Matter? Factors Affecting Mobilization in Response to Officer-Involved Killings.” February 2021.
- University of Pittsburgh. Virtual. “Policing and Participation.” November 2020.
- Hamilton College Constitution Day Seminar. Virtual. “Racial Protests and the Constitution.” September 2020.
- New York Fellows of the American Bar Foundation. New York, NY. “Police Shootings and Political Participation.” March 2020.
- Pennsylvania State University, State College, PA. “Effect of Officer Involved Killings on Protest. November 2019.
- Princeton University. Princeton NJ. “Effects of Police Shootings on Protest among Young Blacks.” November 2019.
- Missouri Fellows of the American Bar Foundation. Branson, MO. Police Shootings and Political Participation in Chicago. September 2019.
- Northwestern University. “Police Shootings and Political Participation.” November, 2018.
- Princeton University. Princeton, NJ. “Police Shootings and Political Participation.” September, 2018.
- University of California at Los Angeles. Los Angeles, CA. “Police Shootings and Political Participation.” August, 2018.
- American Bar Association Annual Meeting. Chicago, IL. “Police Shootings and Political Participation.” August 2018.
- American Bar Endowment Annual Meeting. Lexington, KY. “Effects of Police Shooting in Chicago on Political Participation.” June 2018.
- Vanderbilt University. “Effects of Police Shootings in Chicago on Political Participation.”

April 2018.

- Washington University in St. Louis. “Effects of Pedestrian and Auto Stops on Voter Turnout in St. Louis.” February 2018.
- Fellows of the American Bar Foundation, Los Angeles. “Assaulting Democracy.” January 2018.
- Northwestern University Reviving American Democracy Conference. Panel presentation. “Barriers to Voting.” January 2018.
- University of Illinois at Chicago. “Effects of Police Shootings in Chicago on Political Participation.” October, 2017.
- Chico State University. “Constitution Day Address: Policing and Political Participation.” September, 2017.
- Fellows of the American Bar Foundation, Atlanta, Georgia. “Policing in Georgia.” May 2017.
- United States Commission on Civil Rights. Testimony. “Collateral Consequences of Mass Incarceration.” May 2017.
- Northwestern University Pritzker School of Law. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” April 2017.
- University of California at Los Angeles. Race and Ethnic Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” March 2017.
- University of North Carolina at Chapel Hill. American Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” February 2017.
- National Bar Association, St. Louis MO. “Political Effects of Mass Incarceration.” July 2016.
- Harvard University, Edmond J. Safra Center for Ethics. Inequalities/Equalities in Cities Workshop. April 2016.
- American Political Science Association Annual Meeting. September 2015. “Responsibility for Racial Justice.” Discussant.
- St. Olaf College. April 2015. “The Collateral Consequences of Mass Incarceration.”
- Northwestern University. Institute for Policy Research. February 2015. “The Civic Culture

Structure.”

- Texas A&M University. Race, Ethnicity, and Politics Workshop. September 2014. “Trading Democracy for Justice.”
- Columbia University Teachers College. The Suburban Promise of Brown Conference. May 2014. “Can We All Get Along, Revisited: Racial Attitudes, the Tolerance for Diversity, and the Prospects for Integration in the 21<sup>st</sup> Century.”
- University of Kentucky. Reversing Trajectories: Incarceration, Violence, and Political Consequences Conference. April 2014. “Trading Democracy for Justice.”
- University of Chicago. American Politics Workshop. March 2014. “How Geographic Differences in Neighborhood Civic Capacity Affect Voter Turnout.”
- Kennedy School of Government, Harvard University. February 2014. “Trading Democracy for Justice.”
- University of Michigan. American Politics Workshop. December 2013. “Trading Democracy for Justice.”
- Yale University. American Politics and Public Policy Workshop. September 2013. “Trading Democracy for Justice.”
- American Political Science Association Annual Meeting. August 2013. “The Heavenly Chorus Is Even Louder: The Growth and Changing Composition of the Washington Pressure System.” With Kay Lehman Schlozman, Sidney Verba, Henry Brady, and Phillip Jones.
- National Bar Association, Miami Florida, July 2013. “The Collateral Consequences of Mass Imprisonment.”
- Loyola University. American Politics Workshop. December 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”
- Marquette University School of Law. November 2012. “The Collateral Consequences of Mass Imprisonment.”
- Yale University. Detaining Democracy Conference. November 2012. “The Effects of Imprisonment and Community Supervision on Political Participation.”
- Brown University. American Politics Workshop. October 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”

- American Bar Association National Meeting, August 2012. “Mass Imprisonment: Consequences for Society and Politics.”
- University of Madison-Wisconsin. American Politics Workshop. March 2012. “The Spatial Concentration of Imprisonment and Racial Political Inequality.”
- American Political Science Association Annual Meeting. 2011. **“Theme Panel: How Can Political Science Help Us Understand the Politics of Decarceration?”**
- University of Pennsylvania. Democracy, Citizenship, and Constitutionalism Conference. April, 2011. “Vicarious Imprisonment and Neighborhood Political Inequality.”
- University of Chicago School of Law. Public Laws Colloquium. Chicago, IL. November, 2010. ““The Effects of Neighborhood Incarceration Rates on Individual Political Efficacy and Perceptions of Discrimination.”
- Pomona College. November, 2010. “Incarceration Nation.”
- University of Washington. Surveying Social Marginality Workshop. October 2010. “Using Government Data to Study Current and Former Felons.”
- American Bar Foundation, Chicago, IL, September 2010. “The Effects of Neighborhood Incarceration Rates on Individual Political Attitudes.”
- Northwestern University. Chicago Area Behavior Conference. May 2010. “Trading Democracy for Justice: The Spillover Effects of Incarceration on Voter Turnout in Charlotte and Atlanta.”
- Annual Meeting of the Law and Society Association, Chicago, IL, May 2010. “Neighborhood Criminal Justice Involvement and Voter Turnout in the 2008 General Election.”
- Annual Meeting of the Southern Political Science Association, Atlanta, GA, January 2010. “The Art and Science of Voter Mobilization: Grassroots Perspectives on Registration and GOTV from Charlotte, Atlanta, and Chicago.”
- University of Illinois at Chicago. Institute for Government and Public Affairs. November 2009. “Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election.”
- Annual Meeting of the American Political Science Association, Toronto, Ontario, Canada, September 2009. “‘I Wanted to Vote for History:’ Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election.”

- Harris School of Public Policy, University of Chicago. American Politics Workshop. December 2008. “Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation.”
- Northwestern University School of Law. Law and Political Economy Colloquium. November 2008. “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons.”
- University of California, Berkeley. Center for the Study of Law and Society. October 2008. “Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation.”
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons.”
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."
- Midwest Political Science Association Conference, Chicago, IL, April 2007. Paper: “Concentrated Incarceration: How Neighborhood Incarceration Decreases Voter Registration.”

### **Working Papers Under Review**

- “Introduction” (with Jenn Jackson and Periloux Peay) in *Freedom Dreams: A Symposium on Abolition*. Eds. Jenn Jackson, Periloux Peay, and Traci Burch. Social Science Quarterly.
- “The Effects of Community Police Performance on Protest in Chicago” (For Symposium Honoring John Hagan)
- “How Police Departments Frame Low-Threat Victims of Officer-Involved Killings”
- Which Lives Matter?

### **Additional Activities**

- Expert witness in *Kelvin Jones vs. Ron DeSantis, etc. et al.* (U.S. District Court for the Northern District of Florida Consolidated Case No. 4:19-cv-00).
- Expert witness in *Community Success Initiative, et al., Plaintiffs v. Timothy K. Moore* (Superior Court, Wake County, NC Case No. 19-cv-15941).

- Expert witness in *People First of Alabama v. Merrill* (U.S. District Court in Birmingham, Alabama, Case No. 2: 20-cv-00619-AKK)
- Expert witness in *Florida State Conference of the NAACP v. Lee* (U.S. District Court in the Northern District of Florida, Case No. 4:21-cv-00187-MW-MAF)
- Expert witness in *One Wisconsin Institute Inc. v. Jacobs* (U.S. District Court in the Western District of Wisconsin, Case No. 15-CV-324-JDP).
- Expert witness in *Alpha Phi Alpha Fraternity Inc., et al. v. Raffensperger* (U.S. District Court for the Northern District of Georgia, Case No. 1:21-cv-05337-SCJ)