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**THE CENTER FOR AMERICAN PROGRESS  
AND  
THE AMERICAN CONSTITUTION SOCIETY FOR LAW  
AND POLICY PRESENT:**

**“VOTING AFTER KATRINA: ENSURING  
MEANINGFUL PARTICIPATION”**

**MODERATOR:**

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**FEATURING:**

**REP. ARTUR DAVIS, (D-AL)**

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MR. WILLIAM YEOMANS: Let me start by thanking all of you for coming today for this discussion of voting after Katrina. We're delighted that you could be here. As you know, this program is sponsored jointly by the Center for American Progress and the American Constitution Society. And I want to thank – before we get started, I want to thank Cassandra Butts for all of her work in making this happen, as well as all of the people at both the Center for American Progress and the American Constitution Society, who handle the logistics and the really hard work that make these things come off as well as they do. So with that, I am delighted that we have extraordinary group of panelists for today's discussion and I'll introduce them in just a minute, but first I want to set a little bit of context for the conversation.

As all of you know, Hurricane Katrina displaced over a million people in Louisiana and it was followed all too quickly by Hurricane Rita. And as you know, many of those people will be unable to return to their homes for an extended period and some – we don't know how many at this point – may choose never to return, yet all of them retain, of course, their right to vote. And the logistics of trying to operate an electoral system in this environment are daunting: voters are widely dispersed; election officials don't know where many of them are; many jurisdictions are significantly underpopulated; others are significantly overpopulated at this point; polling places have been destroyed; and candidates face extraordinary difficulties in trying to figure out how to conduct a campaign.

And, of course, because Louisiana is covered by Section 5 of the Voting Rights Act, any voting change requires advanced approval by the Department of Justice or by a three-judge court in the District of Columbia. And under the Voting Rights Act, a voting change – the words are construed very broadly, so a change covers everything from major redrawing of district lines to simply moving a polling place, to moving the date of an election.

And notably, of course, New Orleans contains the largest concentration of African-American voters in the state. Voters there have elected significant numbers of African-Americans both to the state house and to the state senate. New Orleans forms most of the only majority African-American congressional district in the states. And so obviously this dispersal – whether it's temporary or permanent, it's going to have serious repercussions for the ability of African-American voters to elect candidates of their choice. The dispersal also obviously raises concerns under the one-person/one-vote requirement of the Constitution, so clearly there's a need to think creatively and with sensitivity for a number of different concerns in figuring out how to go about structuring participation in the electoral system there.

Fortunately, we have a panel of people who are engaged in that process, and we hope to be joined by one more who is on his way and we will be here shortly. You have

bios, but let me quickly introduce the people who are up here now. To my right is Congressman Artur Davis, who represents the Seventh Congressional District of Alabama. A graduate of law school, he prosecuted crime as an assistant U.S. attorney, then practiced civil rights law and was elected to Congress in 2002. And he has sponsored legislation to address one piece of the post-Katrina voting problem and will be talking about that today.

To my immediate left is Debo Adegbile, who is the associate director of litigation at the NAACP Legal Defense and Educational Fund, where he helps to supervise the legal program while remaining involved in voting rights litigation and advocacy. He has an extensive history of litigation under the Voting Rights Act, and I know is now spending a considerable amount of his time in the effort to get the Act – the special provisions in the Voting Rights Act renewed.

And then at the end we have Ronald Wilson, who is an attorney practicing in New Orleans who has litigated extensively in the area of civil rights and public interest law. He's a cooperating attorney with the ACLU and the NAACP Legal Defense and Educational Fund, and he has lectured widely and he is active in sorting out the voting issues raised by Katrina.

So, let me begin by – and then we will be joined – I will give him a brief introduction – by Secretary of State Al Ater from Louisiana, who when he gets here I hope will give us some context of what's going on and what they're doing.

But let me turn first to Congressman Davis and ask Congressman Davis, could you give us a little bit of the background of your legislation, the problem that you are trying to address, and what your legislation would do?

MR. ARTUR DAVIS: Let me begin by thanking the ACS and the CAP for sponsoring this event. This is an enormously important topic. It's important if you care about the value of full inclusion in our society. It's important if you care about the value of the franchise for all individuals, and that's where I want to ground my remarks today.

I had a chance to turn on my television a few weeks ago, and I was listening to several officials with the administration talk on one of the Sunday programs about the election process in Iraq. And I remember hearing several officials with the administration talk about how paramount it is to make sure that the Sunnis are firmly included in that process. You get maximum participation of the Sunni, and that you go on to build a political framework in Iraq that is fully inclusive and that allows for the franchised participation by everyone. And I thought what a wonderful set of values and ideals; would that we had them here at home. What a wonderful thing it will be if we had them here at home, and I think that that's maybe the best way to crystallize this argument.

We have heard precious little from government in this county in the last two months about the implications to the vote from what happened with Hurricane Katrina. Our legislation tries to frankly step into their breach. We deal with the problem of

absentee ballot voting. We deal with the problem of making sure that people, if they wish, have an opportunity to maintain their right to vote by absentee ballot in Louisiana.

Again I will put it in context. To this day, we do not know the number of evacuees. We have estimates, but our government has not managed to assemble a single inventory or database of people who been displaced from Louisiana and, to a lesser degree, from Mississippi. No such document exists. There are estimates and numbers that are floating out there, but we have every reason to think that the number is somewhere between possibly 500,000 and 800,000. That's the numbers we have, but it's at least in that range. We know in the city of New Orleans alone that potentially 300,000 people of voting age, who are eligible and qualified legally to vote, have been displaced, so it's not a theoretical problem. It's a very real problem.

There will be elections that will be held in New Orleans in February. There will be elections at the federal level in 2006 – in December 2006 in Louisiana. As you know, they have the unusual election system that comes about a month after everyone else. There will be a governor's race, legislative races in 2007. The constitutional office is elected statewide in 2007, and then you'll have a U.S. Senate race in 2008. So four or five times people will be able to vote in this decimated area, and the people eligible to do so have been scattered and flung all over the country.

Now, what our bill would do would be to give those voters – those disenfranchised voters the same footing that soldiers have. As like almost all of you understand, when our soldiers are stationed abroad, they don't lose their right to vote back home. They have to assert by affidavit what's their original polling area, what's their original place of residence, and they get to vote by absentee ballot.

That is also the law for most college students. While that is obviously something that is settled state by state, the prevailing legal rule in this country is that if you are a college student, you can opt to vote where you go to school or you can vote absentee back in your original home.

I think the evacuees ought to be treated the same and this bill would do so. Maybe just as importantly, the bill would proactively commandeer the secretaries of state to notify evacuees in their states about this new right that's being created because we ought to understand what's happening as a practical matter: a lot of individuals who been displaced are doing the first thing that you often do when you move into a new community – they're registering to vote. I don't think they're doing it casually because I don't think anyone ever registers to vote casually, but they are doing it without thinking through the consequence of their lost voting rights in Louisiana. A lot of them, perhaps mistakenly, assume they can vote in two places. A lot of them mistakenly assume that they can no longer vote in Louisiana, so we can't begin to talk about the process of protecting the franchise until we talk about educating people about it. That is enormously important.

Try to put the bill in a broader context. There's a debate that's going on in this country that I know the other panelists will talk about, that relates to Voting Rights Act and the fact that Voting Rights Act expires in 2007 and must be reauthorized by the Congress before that. Every now and then you will enter this discussion and debate about the Voting Rights Act and someone will say, "Do we still need this?" Someone will ask, "Well, do we still need a Voting Rights Act? Are we not a country that has a black secretary of state and a black U.S. senator who is elected with large numbers of white votes, and don't we have large numbers of black elected officials?" More people will raise the question, why only apply this to certain parts of the country.

I am sure we will have a chance against that broad conversation today, but I hope you to take one thing from this debate about Hurricane Katrina. The secretary of state of Louisiana joins us today. This is why we need a Voting Rights Act, because in our society there are all kinds of instances where the right to vote is eroded or it's chipped away, where it's diluted day in and day out, and we often don't even stop to pay attention to it. This will be another example of that if we're not careful. It will be another example of the right to vote being eroded.

So the final point that I will make – it is enormously important, and that's why I'm glad that so many of you have come out to talk about this issue of making sure that the franchise is protected, but we ought to understand the larger reality which sits behind all of this.

We are going through a phase in our country where there really has a realignment of power. Some people have their own agenda and their interest in pushing that realignment of power and we ought to be sensitive to that, because I'm concerned as we move into the last half of this first decade of this new century of ours that we are moving from a society that values parity. We're moving from a society that values equal access to one that doesn't care as much about those goals or norms. I think that is very much what we're debating about. It's very much what is at stake. And our ability to protect the voting rights for people who are living in these areas, people who've been displaced from these areas, will say a great deal about how committed we are as a country to the value and to the goal of inclusion.

I'm bothered when I turn on my television and I see politicians in New Orleans saying we may have a chance to win elections that we never could have won before; when I see candidates who couldn't have gotten elected mayor of you spotted them 30 points talking about now we can run in New Orleans because the voter dynamic is changing. I am troubled when I see people who are openly talking about what amounts to a de facto political redistricting. You redistrict in this country as part of a process; part of a process sanctioned by the Voters Right Act; part of a process that is sanctioned by the courts, in effect; that is sanctioned by legislatures. You don't redistrict as part of the aftermath of a hurricane. And if we don't find some way to protect the rights of these individuals, you will get a de facto political redistricting and it will happen without anybody sitting down and putting pen to paper. It will happen without anybody sitting

down and crafting new lines. It will happen because we didn't care enough to protect and to preserve the rights of certain people. That's what I think this debate is about.

MR. YEOMANS: Thank you. Let me – thank you, Congressman. Let me introduce our newly arrived panelist, Secretary of State Al Ater, who served eight years in the Louisiana House of Representatives, and after a hiatus returned to state government in 2001, filled a number of senior positions. And after serving as first assistant secretary of state, became secretary of state in July of this year – welcome to the job – and supervises, among other things, the Department of Elections. And Secretary, if you have your feet on the ground –

AL ATER: Absolutely.

MR. YEOMANS: – I'd like to turn to you –

MR. ATER: All right.

MR. YEOMANS: – and just ask you if you could give us a little bit of the context of what's going on and what the Secretary of State's Office, the Department of Elections is doing to try to reach out to voters to get a grip on the voting situation and to keep the electoral process moving forward.

MR. ATER: First, let me apologize to being late. We left my home in Faraday, Louisiana at 3:30 this morning, so it's not that I didn't try. (Laughter.) We just had a long way to go and long way to fly, so I apologize for being late.

The second thing I want to say is that hiatus that he was talking about from government wasn't forced and I wasn't indicted and I wasn't accused of anything. (Laughter.) I actually was one of the rare people that decided to leave for a while. I wasn't beat. I wasn't in danger of getting beat and anything else. I just decided to go home and it was probably the best ten years I've ever spent, because I was elected at the age of 28 to the House of Representatives and served two terms, and then decided not to run for reelection, went home, spent ten years. And I can tell you, I came back with a much better perspective after having, if you will, walked on both sides and had time to back up and reflect.

And I also want to thank you all very much for this and for having the interest in the subject because it's something that's very near and dear to me, and that's protecting and encouraging people to exercise what I believe is the most precious right we have as Americans, and that's the right to choose our own leaders freely, fairly, and accurately.

So what we are faced with in Louisiana is really a unique situation. You know, most times you think of a hurricane – and there's never a good one, but most of the time you think of a hurricane and – the congressman I know, being from Alabama, has dealt with many of them in Gulf region of Alabama: they come one Thursday or Saturday or Monday or whatever day it is they come, and they hit and it's almost like *The Day After*.

It's a beautiful day just like today and things are in shambles, but almost immediately you start to pick up the pieces of your life and you move forward.

Well, what we're facing with – what we're dealing with in New Orleans and the southern region of our state is probably unlike anything that anybody has ever dealt with because we had a hurricane and during the hurricane the levee systems that protect the city of the New Orleans gave away, and then we had a flood. And then the flood waters stayed for like 29 days, so we had a disaster that went on for 29 days. We didn't have a disaster that hit Tuesday morning, and Wednesday morning it was over and we started assessing the damage and putting the pieces of the puzzle back together. As a matter of fact, we're still having the disaster.

There's areas of our state that people still are not allowed back into. They're still not still allowed to go look at their homes. At the height of this disaster, we had approximately 400,000 registered voters displaced. We had over a million people, but I'm going to talk in terms of registered voters because in our business that's what we are deal with. We're very concerned with everybody, but we're talking about registered voters.

About 300,000 of those were from Orleans Parish, which was virtually everybody there. Our latest numbers before the storm in Orleans Parish showed 299,005 registered voters. It was a breakdown approximately 200,000 Democrats, 35,000 Republicans, about 170,000 females, about 130,000 males. That population, by and large, is still gone.

To give you an idea of how the city is still affected, I was meeting with some officials of the energy company that serves Orleans Parish yesterday and they have 199,000 hook-ups – places where people have electricity – 199,000 accounts. They have about 30,000 active right now. They have about 50,000 that could be served, that are ready to be served, but there's nobody there to serve, so there's still over half of the city that is either not ready for or not requiring power. I'll give you some other statistics that I found very alarming.

The Catholic school system, as in most major cities across the America, has a big presence. It's basically in south Louisiana. They usually have 35,000–40,000 kids that they educate at any given time. They have about 2,000 that are attending schools right now. That gives you the sense of how New Orleans still, by and large, is not an occupied community. Now, I don't want to sing doom and gloom because we certainly know it's going to be occupied, and it's going to recover, and with the help of a lot of people – the Congress and other people – we'll thrive and grow again, but we have some major challenges when we talking about elections.

We have other parishes. St. Bernard Parish, which has not gotten a lot of the national attention that Orleans has, because they don't have an election right around the corner and they're not as large a parish – they're about 100,000 people – it's virtually entirely wiped out. There is virtually nothing left in St. Bernard. There's virtually nothing left in Cameron Parish. There's virtually nothing left in Blackman's Parish. And

these parishes also will have to have elections one day, and we can't have races for things like the United States Congress, which is next fall, with these people not being able to participate. So our first challenge is the one that we're here talking about today and that's the Orleans Parish challenge and we have a major challenge.

What we are doing, we have – as you stated, Congressman, there's people just (pulling?) all over. There's people that think that they've never had a chance to win an election before and now they have a chance to win an election. There's incumbents that thought, hey, everybody is out of town, it's going to be a low turnout. That favors me. I want to have the election. Then there's incumbents that said, "Hey, wait a minute. I don't like the people that's left in town. They might not be my folks and I don't want to have an election." So what I had to do very early in this game was what – you all are going to figure this out by yourself soon enough, but I'm a country boy, but what I had to do very early in this game was have what I call a gut check. And a gut check is that I don't care who calls me. There's some basic things in one's life that one has to believe in. And the most basic thing that I believe in, and the reason that I've spent most of my entire public service career in and around the election process is because I think an individual's right to vote is very precious.

I think about kids from Iowa or Alabama or Louisiana or anywhere else that were on a Higgins boat that was built in New Orleans, Louisiana, when it hit on Omaha Beach, and the door flopped down, and they never even got a chance to get off the boat before they were killed. They were over that doing that protecting our right to vote.

I think about the kids that are all over the world today that stand ready to do that again to give us the privilege to choose our leaders, so there's nothing more precious to me than that, and we have taken this very serious. We have embarked upon a path that I think is the right one – we hope it is, anyway – and that is that I have withdrawn – talked everybody that wants to talk, listens to everything that everybody wants to say, but I have withdrawn and said this will not be a political process. Some of those days that you wake up at 2:00 in the morning and you say, "What's the right thing to do?" I have deemed that there's two basic things – two basic questions that we are going to have to be able to answer yes to before we have an election in Louisiana and, in particular, in New Orleans.

Number one is physically can we have the election. We have 400 and some odd precincts in the city of New Orleans: 204 of them weren't damaged; they don't exist anymore. They're not there – over half of our voting precincts. Whether it be a fire station, an individual's home, a school or whatever, it doesn't exist anymore. We have nearly a 1,000 voting machines that, thank goodness, we had a plan that we put into place every time we have threats of storms and all of that. The machines did not go under water, but the building that they were housed in had some damage. Some of the doors blew in, some of the roof flew off. They got wet. Some of them got wet. Some of them got blown over. We have to physically go through each one these and recertify them and make certain that they all work. I think we all are aware that voting machines are not like horseshoes. We don't want to be close. When we put a voting machine out there on

election day, we don't want it to almost get it right. We want it to be absolutely perfect. So we have that challenge.

We also have a challenge of to hold city-wide elections in New Orleans, it takes about 3,000 commissioners. We actually have about 2,300 that actually serve that day. We have about 700 or 800 that are alternates because anytime you have 2,300 people, you know some are going to get sick, some aren't going to show up, and those of you that's in the election business know what I talking about. We don't know where any of those people are as we sit here today. So those are the, if you will, technical and mechanical aspects that we have to be able to say, can we do that. If we can't answer yes to that question, then we don't even get to question number two.

But let's assume for discussion's sake that we can yes to that question: technically and mechanically we can hold an election on February the 4<sup>th</sup>. Then the second thing that we have be able do is I personally – and I take this very personally – have to be able to lay my head on my pillow the night before that election and know that every single human being that wants to participate in this election has been afforded the opportunity to do so. On a day like today when it's absolutely gorgeous, we only get about 45 or 50 percent of the people. Why, I don't know, but that's about all that comes out and votes, so, we know we're not going to get 100 percent, but I am totally committed to – the only ones that do not participate in the election are the ones that choose not to; not because they were excluded, not because they were not afforded the opportunity, and not because they were left out in any shape, form or fashion.

Okay, that might be easy. You posed the questions. Now what's some of the solutions? Obviously, we are working on the technical aspects. The people aspect is a bigger challenge. I have asked FEMA for some help. Most of these displaced people have registered with FEMA, have given addresses of where to contact them. I felt like the first thing that needed to be done, they need to be advised of their rights. I like to say that my son is a 19-year-old freshman at Mississippi State. I know I get lot of it back home. I'm from Louisiana and he's at Mississippi State, but at least they're not a football threat like Alabama and Auburn, so we think we can live with that. (Laughter.)

So he has been is entire 18 years raised with a person that's spent his life that very intimately knows all the details of voting, and I'll bet you right now I can pick up my cell phone and call him at Mississippi State and say, "Thomas, we've been forced out of our home. I'm going to have to come and stay with you. Tell me how we can participate in the elections." I'll bet he couldn't answer that question. I think that's an undo burden to put on any voter who is forced out of their home by no fault of their own to expect them to be election law experts. So what we've asked FEMA for is money and access to the lists of all the displaced voters, not only in Orleans but in the entire state, so that we can give them a basic overview of what their rights are. Their rights are they're a registered voter of Orleans or St. Bernard or St. Tammany or wherever they're from and they enjoy all the privileges and rights that's afforded to a registered voter of that parish or that community and they can participate in that. I don't think a lot of these people know that, so we've done that.

We've also asked for some money to assist them to do that. We've also – are in the process of working with several other voter interest groups, be it the League of Women's Voters, and I could go on for a hour and half about the different groups that – volunteer groups that we're asking for assistance with this. But, we have a monumental challenge, one that has got great, great, great, great impact on the future of the city. I made a statement yesterday in Baton Rouge that I don't think overstates it. This is probably the most important election in the history of New Orleans because whoever is the leadership in this election is basically going to be charged with rebuilding that city. That is not a small task, and it's very important that we do it and we do it right. And my commitment to the people of Louisiana, to the people of America, quite candidly, are we're going to be whole lot more concerned with doing it right than we are with doing it quick. And I know I talked longer than my ten minutes and I'm sorry.

MR. YEOMANS: Thank you. Thank you very much.

Let me turn now to Debo. Debo, I know that you've been focused on the effort to renew Section 5 of the Voting Rights Act, and I wanted to ask you if you would share some thoughts about the Section 5 implications of the situation that Louisiana faces right now.

DEBO ADEGBILE: Sure. Whenever we talk about the Voting Rights Act, Section 5, and the other provisions, I think it's important to take a moment to talk about the historical context.

Section 5, the preclearance provision, covers Louisiana in part because of that state's unfortunate history of discriminating against minority voters. Now, Louisiana has come away and certainly enhanced its political participation since the days of the invention of the grandfather clause, which is part of the state's history. And since the days of the infamous Cruikshank case, which was a terrible reconstruction-era-based decision that came out of the Colfax massacre in Louisiana that involved minority political participation, we've come a long way since then, but it's important to note that the history has contemporary manifestations.

Section 5 preclearance in Louisiana is important today because since the section was last renewed in 1982, Louisiana has seen more objections from the Department of Justice in courts since 1982 than there were between 1965 and 1982. And so I begin with the history because the history has present effects.

Now, we've heard from Secretary of State Ater, and I want to compliment him for the process that he has led so far, because he has taken – he is interested in taking the state into a new era of transparency and inclusion, which is the only way that minority voters are going to be able to be protected as the state works its way through a very difficult process, which is fraught with uncertainties, uncertainties because the basic facts are not known, as we heard from the congressmen and the secretary of state. We don't know where voters are. We don't know how to reach them. We don't know how to

contact them, and FEMA has not been forthcoming with information invoking certain privacy protections.

But the history stays on our mind at the Legal Defense Fund not because we track back to Civil War era decisions, but because in 2004 – 2002 rather, we litigated a case that involved redistricting in Orleans Parish. Louisiana sought to preclear its House of Representatives redistricting plan, the lower house of the state legislature, and the underlining facts in that case, long before there was ever a hurricane, is that the legislators decided to try and remove a majority/minority opportunity district in Orleans Parish. They tried to take it away in the legislative process and tried to just eliminate it from the map.

It was contrary to Section 5 precedent, which says that no voting change that worsens the positioning of minority voters should receive preclearance, and Louisiana had a history of having every single House of Representatives plan in the state legislature denied preclearance since the Voting Rights Act was passed. So I am speaking now about the continuity of the history and why African-Americans are so focused on the important role that Section 5 will play. It is a stop gap that allows people to look to a process that is going to put in the first place the protection of minority voters. And the political dynamics of which Secretary Ater spoke are critical, because entirely apart from the minority protection principles that need to be at the forefront under the Voting Rights Act are the issues are partisan politics and of politics of every kind. And very often it's been our experience at the Legal Defense Fund that minority voting rights gets trampled in that process in the give-and-take of partisan politics, whether they be intentionally trampled or whether the effect of the political deals is to give short shrift to minority voting rights.

Section 5 causes the legislature to put a certain primacy on protecting minority voters in a jurisdiction that's had a history of discrimination. And I just want to say that the process that Secretary Ater has led promises to carry us to a situation where we can find protections, but we're all going to have to work together to make sure that the way forward is one of inclusion.

MR. YEOMANS: Thank you.

Ron Wilson, you have a front row seat for what's going in New Orleans and you've been active in voting rights in the past, and I was wondering if you could share your perspective with us.

RONALD WILSON: Yeah, thanks. Thanks for inviting me. I think Secretary Ater would probably agree with me that even during the best of times there are problems with the Louisiana elections. We had – in fact, one recent case, I think his predecessor, John – Fox McKeithen, commandeered a truck to make sure that voting machines got to the polling places on time. And that's when we had commissioners and we had people in place to handle these things.

You have to look at Orleans Parish, for instance. It's a majority Afro-American city. The form of government is five single-member districts and two at large. We presently have four black council members and three are Caucasian. Districts D and E comprise over 50 percent of the Afro-American voters in Orleans Parish. If you look at the statistics that were provided by Secretary Ater, those two districts – over 80 percent of the homes were inundated by at least four feet of water. The voters in that district, District D, have – you may have seen on television – have been allowed to return to their home only on busses to look at them, but not to enter them.

So you have a situation as to how do you identify these voters? What do you do with these voters? How are they allowed to participate in the election process? And it brings about many questions in identifying those voters because you have all kinds of legal questions. You have Section 2 questions which, in effect, it prohibits any procedure or practice which has the effect of diluting black voting strength. You have one-man/one-vote requirements where you are required to make sure that the districts – the five single-member districts – are as equally dispersed as possible.

We have presently at this time no way – no mechanism for identifying and locating these voters. And what we are going to have is a situation where people who have left New Orleans – New Orleans has somewhat – it's a domicile requirement that you have to – as long as you're domiciled there, you could be – reside elsewhere, but if the effect or indicated domicile to return to New Orleans, that will be sufficient to allow you to vote. But I think if you go elsewhere and you register to vote elsewhere, and you, in fact, do vote elsewhere, it's going to present complications. And what happens is – I've been advised that you're not automatically removed from the rolls in Louisiana, unless the secretary of the state in which you have just registered to vote notifies the secretary of the state in Louisiana that you have, in fact, changed your voting locale.

There are going to be many problems dealing with these elections, and until we are able to identify these people, identify who in effect – who in fact are the voters, who in fact do intend to return in to New Orleans, we're going to have an election that's fraught with all sorts of problems. We're going to have a situation where a candidate – if you're a candidate, how do you campaign if you're living outside of the Louisiana? How do you effectively campaign? How do you contact voters? How do you register? It's a question that's up in the air.

I mean, any election that's held under these circumstances and these conditions are subject to legal challenges starting to be overturned and set aside. So we're very concerned with how are we going to identify and locate those voters, particularly the voters in Districts D and E where you have over 50 percent of the black voting strength of Orleans Parish. These are people who have not been allowed to return to their homes, will not return to their homes, but probably have an intent at some point in time to return to New Orleans; are they still eligible and allowed to vote in the upcoming election? I think until we make a determination as the status of those voters, there is no way we can proceed with an election in New Orleans.

I think the secretary, again, is to be commended on what he has done and what he is doing, and I think his position thus far is that – if I read correctly – is that until those mechanics are ironed out or straightened out, there can be no election in New Orleans. So we have to think in terms of avoiding any disenfranchisement of voters. We have to think in terms of making sure that every person who is eligible to vote does in fact have an opportunity to vote. We have to think in terms of absentee ballots for these voters.

Louisiana has a strange situation whereby if you have a – if you're a registered voter for the first time, you are not allowed to cast an absentee ballot. I understand that there may be some legislation to deal with that, so you have a lot of first-time registrants who have not yet voted. And because they're living out of state, unless – and some effective legislation is put forth, they will not be allowed to vote as absentee voters. Some sort of mechanism has to be provided to deal with them.

There are problems, I guess, that – I guess too numerous to even think about, to even mention because, as Secretary Ater said, it's a once-in-a-lifetime event. No one ever anticipated – I had the misfortune of staying in New Orleans two days after Katrina. And when I left, I thought I'd be back in three days. I went back six weeks later. And there are family members – I don't have one family member who's still residing in Louisiana. They're in Memphis, Houston, Indianapolis. All of them hope at some point in time to return to New Orleans. And how do we make sure that the franchise is extended to them?

These are things that we have to look at and we have to take into consideration prior to any election going forward. And I think again I'd like to comment Secretary Ater the job he has done thus for.

MR. YEOMANS: Thank you.

We're going to have a few minutes of allowing me to ask a couple of questions and let the panelists add anything they want to add, and then we'll open it up for questions and answers from you all. And I just – I wanted to start by raising this topic that several people have now mentioned, which is, first of all, the problem of identifying the displaced – the absentee voters, the people who are still technically eligible to vote in Louisiana. And I know that you've been working with FEMA to try to identify those voters. And I have a couple of questions.

One, I wonder if you could tell us a little bit more about how far long you are in that process. Is it realistic to expect that you are going to be able to contact people and give them the kind of information that they'll need to be able to cast a meaningful vote?

And second, I wanted to get back to something Congressman Davis had talked about, which is the problem of people being eligible to vote in two jurisdictions. So people who leave Louisiana, the first thing they do is what good citizens do everywhere which is register to vote, yet somehow that word doesn't get back to Louisiana and they may not know that they are no longer eligible to vote in Louisiana. I'm wondering if

you've thought about how to deal with that problem, and I wonder, Congressman Davis, if your legislation would do anything to help with that problem.

So Secretary Ater?

MR. ATER: Yes.

MR. YEOMANS: Or Congressman Davis.

MR. ATER: We have a reasonable expectation that we are going to be able to work out something with FEMA by which we will either gain access or they will furnish access to a nongovernmental third party that the question seems to be privacy issues. I've assured them that I would sign any sort of confidentiality agreement, would do anything any lawyer suggested or wanted of me. We feel very strongly that we have to make an attempt to advise people of some things that Ron was talking about. If someone goes to Houston, they register to vote, unknowing to them they may have all the intentions in the world in coming back to St. Bernard Parish or Tamarin Parish or Orleans Parish or whatever – unbeknownst to them, they have to prove residency to be able to register.

Now, I can wow you all to death with statistics, but I'm going to throw a couple more at you that I think is relevant. Ron probably knows this, but 62 percent of the population of Orleans Parish leased their homes. They were not homeowners – 62 percent. When you are evacuated through no fault of your own to Shreveport, Louisiana; Memphis, Tennessee; Houston, Texas, wherever it is, and you're renting your property, you're renting your home, there's no guarantee who you were renting from is going to rebuild.

So once again, through no fault to be your own, you may not have a home to come back to. You may not have a home to prove your residency. I think this is a very important fact that these people ought to be aware of: that they can stay registered in Louisiana, they can participate, and as long as they don't go register somewhere else and give up that right, we're taking the view that that right should not be interrupted. But if they do register somewhere else, as was mentioned, and we know about it, obviously we have the task of saying, you have chosen to become a registered voter of Harris County, Texas, or Shelby County, Tennessee, or wherever it is, and we no longer recognize you as a voter in Louisiana. That may be a very temporary thing, so that's something that's important.

The actual numbers, if you're interested, in Orleans Parish it's about 190,000 African-American registered voters and about 91,000 Caucasian registered voters. From the maps that was up just a few minutes ago, and they're back up right now, this is four feet of water. Those maps indicate where at least four feet of water was on the city. From all the engineers and all the experts that I've talked to – there'll be disagreement because just like with lawyers and politicians, you get more than one of them and you don't get more than one opinion, but the ones that I have spoken to have indicated to me that if there was four feet of water on a dwelling for as long as 29 days, it's reasonable to

expect that that dwelling cannot be rebuilt. It's going to have to be torn down and built over. The reason why I say that, to me that's a very pertinent fact in that this is not, "come in, tear your carpet up, put some new carpet down, refinish your floors, paint the rooms, we're back in business." This is a very long-term situation that these people will be displaced. That the – as was already mentioned, of the 190,000 African-Americans where four feet of water or more stood was about 42 percent of those registered voters who are affected. Of the Caucasian voters, about 28 percent of the approximately 91,000 were affected.

It gets a little more even when you start talking about council districts. The council districts all were affected, but they were kind of affected equally. As was mentioned, council districts D and E were just absolutely devastated. About 70 percent of council district – excuse me, yeah, about 70 percent – 75 percent of Council District E had four foot of water or more. So that means about 75 percent of the residents of that council district not only are gone, but they're gone for quite some time, quite candidly. But they are not doing, as I said earlier, hurricane hits on Thursday, Sunday we're back home with the chainsaws and cleaning up and trying to get our power back on and the other kind of things that the – they pretty much break down evenly though along party lines and those kind of things in those council districts. So the council districts have been affected for those individual things very similar but when you put the city as a whole, those at-large city council seats, the mayor's race, and that kind of things, there is no doubt there's been a disproportionate affect much more so on the minority population and the minority strength – voting strength population than there has on the rest of the voting population there, and so that's got to be addressed.

The thing with FEMA though, we have offered to do anything. I actually have a voice mail right now that I haven't had time to listen to that I was checking when I got off the plane from one of the ladies at FEMA. And I spent last week up visiting with our congressional delegation, as well as some others, asking them to intercede on our behalf to try to get this list. They don't feel very good that they are going to be able to help us with funds, but they felt like that there might be a way to help us with access to the list. I told them if they would get us access to the list in some form of fashion, I would take it upon myself to try to raise the dollars.

We've met with the Broadcaster's Association, we've met with the Press Association, the – every other type of electronic and print news organizations, and during the height of this was getting an overwhelming response to where if we would just produce informational spots – that have to be pre-cleared, by the way, by our state attorney general and by the Justice Department – those informational spots, they would air them at no cost in the places that where heavy concentrations of evacuees are.

We estimate that there is evacuees in all 48 continental states and in Hawaii. And I was kidding with folks the other day at a Senate hearing in our state in our state senate and describing to them our plan of trying to get everybody informed and they said, you mean you got some in Hawaii and I said, "Yes, and I volunteered to go make certain they

know their rights, and so I'm going to take that one on myself." But it's a monumental task to one that doesn't have easy answers, to be candid with you.

REP. DAVIS: You were asking about the probable dual eligibility. There is nothing that can be done about that if someone has gone out and gotten registered to vote under the state, obviously, if at some point they're able to physically go back to Louisiana. They can change the registration, but the current law obviously deals with that kind of situation. But what our legislation would do would be to stop the problem from getting worse, because one of the reasons that people are registering to vote in their new places of occupancy is because frankly they casually assume that they will not be able to vote in Louisiana. They realize as an economic matter that their homes are gone, whether they owned them or were renting, they realize that there is no job prospects that are readily identifiable. So for all kinds of reasons they are making the assumption that they will not be able to physically go back before the municipal races or the federal races, and that they are assuming there is no provision in place to protect their vote, so they're trying to make sure they can vote somewhere.

The only way to avoid those kinds of choices being made is to raise some kind of a safe harbor which would allow people to assert that they are original residents and voters in Louisiana – clearly that can be checked off a voter list – and then secondarily, they have an intent to return.

Our bill only applies to the federal level because Congress has authority to act – most people believe it's only limited to federal elections in this regard. So we would have to have the Louisiana Legislature enact a local version of this bill. But if you at the federal and local level combined come up with a safe harbor for these kinds of voters, you'll stop the problem from getting worse.

The second point I make, is something that the Secretary touched on. The decisions are going to be made in the next several years – I think the next several months, of whether we're committed to reconstituting New Orleans as we knew it or whether we're going to allow a very different city and a very different identity to form in that city. The people most affected by that decision are your lower income people who were living in places like the Ninth Ward, or your displaced evacuees who were renters and not homeowners, or your people who don't live in places where they could easily come back and reconstitute their economic identity. They're the ones who have the greatest stake. So what we have to do, if we're to be true to our goal of promoting democratic values, is to make sure that the people who have the greatest stake in these decisions are not the ones who have the least opportunity to act on that stake. I think that that's the framework for this whole argument to make sure that the people who are most vulnerable are not once again at the bottom of the stick here.

MR. YEOMANS: Let me just ask this – it's kind of a technical question, but is there at some point – and Secretary Ater, I guess this is probably for you, is there some point at which your legal ability to vote in Louisiana expires even though you may have

an intent to return, it doesn't? So you can maintain that intent to return for years and continue to vote in Louisiana?

MR. ATER: We have always – taking a very broad view that one's intent to call some place their domicile is just that. I've been blessed in my life. I own two homes. But only one of them is my domicile, and so we have taken the view – and historically this is nothing new to me, we have taken the view that where your intended permanent domicile is as long as you're not registered somewhere else. Now, we do have things in the law that says where you have homestead exemption that's – you by that act have declared that as your domicile. So if I have a home in Lake St. John in Concordia Parish, Louisiana where I live, and I'm claiming homestead exemption there, by that act I've just also said that's my domicile. But when you don't have homestead exemption when you rent or in some other fashion, no, there's not. The short answer

MR. YEOMANS: Okay

MR. ADEGBILE: There is though, Bill, one technical election aspect that needs to be weighed in the balance, and I think the congressmen has pointed to a very important aspect of these issues, which is that there are some that can be addressed on the federal level if the will is there to do so. There are others that need to be addressed on the state level. And the governor today issued a call for an extraordinary session of the legislature that will take up the voting-related issues that flow from the two hurricanes because Rita of course has had an impact as well, and in particular one of the issues that needs to be examined are the purging rules.

As part of the ordinary election processes, commissioners of election go through and they monitor the lists and they clean up the lists and they do things which are governed by federal law in many instances, including the National Voter Registration Act, NVRA or Motor Voter. And under Motor Voter, registrars are allowed to send notices to people to see if they're still at the address, particularly after they haven't voted in two federal elections, they can send notices to see if that person is still at that address. And if the mail comes back noting that the person is not at that address they can purge that person from the list.

Obviously under the circumstances, if somebody missed the last federal election, we've heard that we have one coming up next year, there could be situations where the purging rules could work a hardship on voters. And separately under Louisiana state law there are certain canvassing rules that deal with the same issue, essentially list maintenance, and those need to be examined by the state legislature as well to make sure that some unfortunate circumstance doesn't come to pass.

REP. DAVIS: Bill, let me quickly add something to that because one of the things that's unique here right now, there are very, very few people in America, who are not named Karl Rove, who live someplace for three or four years and try to vote some other place. Now Karl Rove apparently does that, but that is a fairly rare event in America. Most people vote in the place in which they live and work.

Now, what is anomalous and what's different about what's going to happen in the next several years, we're going to have an identifiable class of people in Louisiana who have not set foot in New Orleans other than to go back and inspect their property; have not set foot in New Orleans, no longer work in New Orleans, no longer own any property in New Orleans, have none of the indicia of residence in New Orleans. All of their indicia of resident will be in Georgia or Alabama or one of the other 48 states. Now, normally that class of voter frankly doesn't exist.

My concern is that elections in Louisiana are very, very close. It is the southern state that is most evenly divided politically between Democrats and Republicans. Two congressional races in Louisiana last year were decided by very small numbers of votes. The Senate race was decided by less than 40,000 votes in 2002. So, in other words, what does that mean? You're going to have an incentive for people to challenge ballots. You are going to have an incentive for people to say you have none of the indicia of residence, you've been in this place for several years, and we're going to go in and challenge that. Now some people say, "Well, that's a remote scenario, or who in the world would have the political incentive, or who would take the political chance of doing that?" I wouldn't have said six years ago that the U.S. Supreme Court would say that the way you make an election valid is not count all the votes.

There are all kinds of scenarios that will float out there. You know when those scenarios really surface? When you get an election of less than 1,000 people deciding the outcome. Really, really close elections make people do really, really crazy things. So I think what we owe the voters of Louisiana is a level of predictability because, again, what we're creating is a class of people that doesn't exist now: people have been away for several years who are trying to vote back in their home jurisdiction.

MR. YEOMANS: All right, thank you. Let's go to –

MR. ATER: Can I add one point to –

MR. YEOMANS: Sure. Please.

MR. ATER: – what you were speaking of, the special session. We have obviously been working very close with the governor and the administration, and at my request we have introduced legislation that suspends the canvass. I've also requested – all of this has to pass our legislature. (Laughter.) I've also requested that we introduce legislation that sets up a vehicle that by the declaration of an emergency, we would be able to put together a plan that would allow us to do things that aren't currently provided by law.

And the Commissioner of Elections Angie LaPlace is with me here today. About three days after this tragedy, Commissioner LaPlace and four or five other lawyers in the office sat down with me and we started poring over our election code and saying, hey, before we can have elections, what things need to be changed? Well, we quickly came to

the conclusion that, (a), we would forget something, and (b), even if we didn't forget something, we'd have the best election changes for a hurricane and flood in Orleans Parish in the world, but if the next tragedy was a dirty bomb in Baton Rouge or a string of tornadoes in north Louisiana, we'd have to go back to square one. So we came up with something that was generic that said, hey, regardless of what the tragedy is, let us have a vehicle that we can declare a state of emergency for that election only, not something that permanently makes changes to our election law that we think has served us very well over time, but we have to be smart enough and forward thinking enough to realize, as the congressman just stated, we have a whole new unique situation now and we have to have the flexibility to deal with it. So that would allow us to do that.

Now, I'm hopeful that it will pass, and I'm hopeful that we will be afforded the flexibility, and it is not something that – having come from the legislature, I know a little something about the legislative body, so I put together a proposal that includes the legislature, the governor's office, and the secretary of state's office so that no one thinks it's a power grab, no one thinks somebody is trying to become a voting czar or anything else. That allowed that all of us and the state's attorney general, all of us come sit down, put together a plan how we're going to address that particular tragedy, and as we all already know, since we're a voting rights state, that has to come to Justice for approval once we do that. So that's the way we're trying to address it to give us some flexibility to be able to do it.

But you brought a very good point up about the voter canvas. What we do in Louisiana, once a year, we send out a whole bunch of postcards and if get them back we say you're not living where you were supposed to be anymore, and you're put over here in a category that you might soon be taken off the rolls. Well, guess what? I told you I was going to bore you all to death with statistics. We checked with the postal service last week one day Angie, and in the New Orleans metro area we've had over 400,000 change of addresses filed with the postal service. So that means 400,000 of those little cards that I sent out with address X on it were going to come back to us. So I told the governor immediately we have to suspend that. It's a requirement by law that we do that. We have to suspend that. It won't be accurate. Most of the time it's serves us well because it's the first indicator, if you will, that let's keep our rolls good, let's make sure who's on those roles are actually there, and all that kind of stuff. But in this situation, we have to suspend that. We have to do some other things that are plain old common sense things, like what Ron was referring to as, or maybe and the other gentleman about our absentees laws in Louisiana. You noticed I said other gentleman because I can't pronounce his first name. (Laughter.)

MR. ADEGBILE: I've litigated in Louisiana –

(Cross talk.)

MR. ATER: I know you have.

MR. ADEGBILE: – so I have my own difficulties down there, too.

MR. ATER: I know you have. I know you have. (Laughter.) Hey, I've been Atter my whole life, so I was impressed when somebody called me Ater. You know, so – but what –

MR. : (I was tipped off?).

MR. ATER: Yeah. But what we – you know and it's either Atter or Alter. The A-L-T-E-R. (Laughter.)

But anyway, what we have in Louisiana that we've also asked to be suspended, is if you register by mail, you are not allowed to vote absentee by mail until you vote in person at least once. Obviously, the logic behind that was if you register by mail and vote by mail, you may not even exist. I could send in registration to say John Doe, register John Doe, and then I could start getting ballots by request in mail to John Doe, and I can vote 27 times. So that was the logic behind that law which hasn't –

MR. : Sounds like –

(Cross talk.)

MR. ATER: – had some logic. But in this instance there is about 10,000 people who through no fault of their own – once again in Orleans Parish, these are the numbers I'm giving you – through no fault of their own registered this way, not knowing that they were going to be forced to where they couldn't vote in person. So we have to address that. I've told the state legislature we have to waive that.

In my opinion – obviously, the state legislature will make these ultimate decisions, but in my opinion if some of these things are not addressed, we are going to have an awful hard time having an election that people will have confidence in. And that's one thing that we do have in Louisiana. Our people, by and large, have confidence in our elections. I go speak a lot. I've spoken to probably 25,000 people in the last 6 or 7 months in different groups like this. From as many as 500 in a group to as many as 15 at a chamber of commerce meeting in rural North Louisiana. One of first questions I asked is how many people in this room right now have any doubt at all that when you walk into – in a voting booth, you punch a button, pull a lever, however you cast your vote, that it's not accurately being recorded, and it's not actually going to the candidate or to the proposition in the manner which you intended it to go and we're not accurately reporting that. I have yet to have a person raise their hand. That's the level of confidence that people have in our election system in Louisiana up to date.

But it's like my dear, deceased father told me, you can spend a lifetime earning someone's trust, then take but 15 seconds to lose it. We don't do this deal in New Orleans right, not only have we lost the confidence that the people of Louisiana have in our system, we've lost the confidence of the people of America, and I have no intention of letting that happen during my watch.

MR. YEOMANS: All right, thank you. Let's go to questions from the audience. If they are members of the press, we defer to you first and let you ask the first questions, and please wait for the microphone to come around because we are recording this.

Q: Yes, Secretary Ater, I'd – I wanted to –

MR. YEOMANS: And please, since we are recording, if you could state your name and affiliation.

Q: Okay. It's Jeff McMurray with the Associated Press. I wanted to add that it sounds like Louisiana is dealing with a lot of the issues that Congressman Davis deals with in his legislation on your own, so I guess my question to you would be is if you're doing this on a state level, do you see other advantages beyond what you are already doing to Congressmen Davis' bill on the national level?

And then the second part of that question is, is there some degree of irony, do you think, that the changes that you're trying to make, which benefit – you know, one of the beneficiaries obviously are African American voters, but that it seems like some of the changes that you're trying to make are being stalled somewhat because of section 5 of the Voting Rights Act that makes Louisiana preclear their election laws ahead of time? Considering that the time constraints you are under, how much of an impediment has that been in trying to go through the process to make some of those changes?

MR. ATER: Actually, we have had a very good conversation and working relationship with Justice. As a matter of fact, I guess it's okay to say that John Tanner with Justice is going to be in Louisiana Thursday. We're going to take him to show him the city of New Orleans. I've made arrangements for one of our state's helicopters is going to fly over the city, land, and tour a little bit of it. This is one of the rare events that the news reports do not do justice to the level of this tragedy.

You know, you guys in the press always kid with friends of mine in the press back home. If there's an 18-car pileup on the bridge, there is 17 cars that's – a bumper was dented this much, and there's one that's pretty bad, most of the viewers walk away thinking all 18 of them were hurt that bad. Well, in my opinion, this is not happening. Just the opposite's happening. It's almost impossible to get the real feel for the devastation unless you're there. It's impossible for a TV camera to do it, so – but we've had a very good working relationship.

We've actually stayed in conversation and told him some of the things we were thinking about this, that and the other, and have been very, very, very, very pleasantly surprised that – been informed that anything we want to send up, it will be considered – be considered very quickly. I'm not saying that they're going to do it, but it was not – I was not led to believe, nor left with the impression, that it would be your typical, long-term, let us think about it, blah, blah, blah, blah. Obviously, they're going to want to make sure that it's fair, and it's prudent, and all that kind of stuff.

But no, I don't think that's a problem – I mean, I really don't – with regard to what the congressman is doing, and I think he and I both having legislative backgrounds – you know, there's no guarantee his passes or what we're proposing passes. So ours would deal with all elections, I guess, I don't know, I suppose, and I will defer to Commissioner LaPlace on this one, I suppose. If we do some things that can be both federal elections and state elections, if we do them on a state level, I share the congressman's same view that whatever they do up here is probably just going to be dealing with federal elections. That's a reason why as well as well-intended as his bill is, does not completely solve Louisiana's problems because it would have nothing – have no impact on the citywide races in Orleans. So that's the reason we have to do things on a state level also.

REP. DAVIS: And let me add two or three points to that. The first one, the secretary is absolutely right that if this were simply a matter of trusting the secretary to do the right thing, I'd be happy to stand back and let the secretary be the election czar because I think he's got the right instincts and the right values. But that's not the way the world works in Louisiana or any other place. He's having to go to his state legislature, he's having to ask for a set of protections and remedies. They may or may not be granted. Similarly, we're having to go the U.S. Congress and ask for a set of protections or remedies that may or may not be granted. So there's no rivalry between the two strategies. They have to exist in tandem. I think it would be a tragedy if next week for some reason Congress passed my bill and Louisiana never acted, because my bill can't touch the municipal races in New Orleans. We don't have the authority under the enforcement provision of the Equal Protection Act to reach out and touch the state elections in Louisiana. There has to be an approach that deals in tandem.

The second point I would make is that even under the best circumstance in Louisiana, I'm concerned we're going to have an issue with domicile. You are going to have an issue with domicile being interpreted by many state courts as a primary test to whether or not someone is a voter or intends to live in an area. Because of the unique circumstances of Katrina, you cannot apply the normal domicile test. And even if the legislatures simply incorporates that test and strengthens it, you're still going to be left with a group of voters whose interests aren't protected.

The third point that I will make is I would make exactly the opposite point from a premise of your question about section 5. What the Voting Rights Act does, and what it is absolutely doing in this instance, is to put a set of values into the decision-making process around elections. Now again, I'd be happy to have this secretary of state's values, but his values don't obtain in every state that's covered by the Voting Rights Act. And his values may or may not even obtain in the state of Louisiana. What section 5 and section 2 do in tandem is to say that you have to include the value of inclusion in whatever you do with your election process. You have to make sure that whatever you do doesn't leave minority voters, who have a long history of disfranchisement, at the bottom of the equation. So I'm very thankful that we have the Voting Rights Act and not just human values at stake here. You know, human values sometimes lead people to

arrest people sitting in the wrong place on the bus, but if you have the right statutory values in place, and that's what the Voting Rights Act has done, it gives us a firmer baseline to rely on.

MR. ADEGBILE: I'll just add quickly that the section 5 pre-clearance process is there because Louisiana has had its collective instincts go wrong in the past. And consistently as I've said, there have been changes that have come out of the political process that would have turned back the progress of minority voters but for pre-clearance. And in terms of the practical aspects, before Louisiana submitted its very first request for an elections suspension, the head of the Civil Rights Division sent a letter to Louisiana and Mississippi, which is also affected, saying that they would expedite review of hurricane-related submissions. And so I would like to share Secretary Ater's sense that the process of section 5 is functional and reacts to the circumstances.

And as to the idea that the – all of the legislation or moves that would come out are designed to help African-American voters, I would suggest to you that there are folks in the legislature in Georgia who have suggested that voter ID will make for a voting process that has better integrity. Recently, a federal court judge has ruled preliminarily that that voter ID provision – that photo ID provision is a poll tax. And any legislator that you talk to with respect to that bill will tell you that it makes the election stronger, and 90 percent of the African-Americans that you speak to, if not more in Louisiana, will you tell it's a poll tax as the judge did. So it's a lot more complicated than some might think.

Q: (Off mike) I have a observation and then a short and a sort of a long term question about the legislation that was included here. The observation is that I can't help feeling that while I really think the effort is great, I keep feeling like we're looking backward instead of forward.

I have a cousin, by the way, whose house was under more than 20 feet of water, and she came to stay with me. She was in part of right – the part of your map where it's dark green. And she's now had to register her teenage son in a school up in New Jersey. Her business was run out of her home with her husband and her work (car?) was there, and she's seriously reconsidering whether she is going to reestablish there because as you said, her house is going to be – have to be demolished even though she's a homeowner, not a renter. And she knows that it's going to be six months before she can even think about – if she had a tent, going back and getting back into business there. So she's finding another job. I think that process is going through the minds of certainly the people who rented who may feel that their house is never going to be rebuilt, as well as the homeowners, and I don't feel like anybody on the panel has spoken about whether, like it or not, this is a giant urban renewal project that is definitely going to change the face of the city to come and that – I almost feel like you're trying to hold back the way the water was there. It's coming, and it would be nice to see something that was a little more forward-looking.

But leaving that observation aside for a second, my two specific questions are short term, Congressman Davis, I don't understand why your legislation does not also say, "and the person has not registered, and does not intend to vote elsewhere in any kind of local or federal election," because you have some provisions that they intend to vote back in New Orleans, but I didn't see something that makes them aware that they can't vote elsewhere, which I think would be good is that – is just a small thing.

And the larger thing that I – the larger problem I have is, I don't think this really – at least it doesn't appeal to me you're – the comment that a lot of people have made here and again, maybe this is not coming from Louisiana, I don't think this is unique to Louisiana. I think it's unusual, but I don't think this is unique. I think that Hurricane Andrew wiped out homes for thousands of people for a long time. I think that the riots right here in Washington DC, when they happened, moved thousands, not hundreds of voters out of certain districts in the city. One of the comments that was made about a dirty bomb could do the same thing. So I sort of wondered why – and the two subsequent hurricanes that have happened, I kind of wondered why you haven't suggested something that was a little more broadly focused in your bill that said – and this is just throwing something out that could be completely wrong, but when, say, the Federal Elections Commission, which I think is bipartisan, makes a statement that for the next federal election anybody who is registered in the last election will be allowed to vote again in such-and-such district, that – you know, that's one possible way of doing it, but I don't think this is so unique, and I think you could have another hurricane next year and we'll be in the same problem again, so I just wondered why you didn't have a slightly broader –

REP. DAVIS: Yeah, three quick points. The first one, we don't require that people exercise the right to vote absentee in our legislature; we allow them to opt. I mean, they can choose to go and vote in their new area, so we don't mandate that.

The second point and the broader point, I think the law is already pretty clear. You can't vote in two different places. I don't know that we necessarily need to state the obvious in the law. Our law does not have the authority to reach people who have already gone out and registered to vote someplace else, unless at some point they physically relocate to Louisiana. So our law also, for example, doesn't state that you have to be the person that you say you are when you sign the affidavit. But I think that that will certainly be presumed to be a part of any process of declaring who you are. You know, and that – as your name is obviously checked off a voter list. I don't think that's necessary to reach that.

But the broader point that I want to make – I think you touched on this with your third question, how unique the circumstances – I don't know of any other instance where between 700,000 and a million people, perhaps as many as three-fourths of those are eligible to vote, have been displaced and there's an expectation that they won't be able to return in the next several elections. Now, you may know better history than I do, but I do not know of any recent incident such as that. Could there be other instances? Sure. And this may provide a template for what we ought to do if we have future disasters in our

country. But this is what's unique. We've had other disasters, we've had other situations, people have temporarily been relocated. But when Andrew hit Florida and when Floyd hit North Carolina, I don't recall politicians going on television and saying that we're not going to rebuild parts of those communities. That sends a signal to people. It says that, frankly, you're not really wanted back.

One of the reasons why this legislation is important is it steps in that breach. It steps in that gap and it says to people, yes, you ought to be a part of making decisions about your community. That ought to be a pretty straightforward value. If it's good for the Sunni, if it's good for the Kurds, if it's good for the Shi'a, I think it's also good for the people living in New Orleans.

Everybody brings different values to this debate. There absolutely are people who believe that New Orleans should be reconstituted as a very different city with a very different identity. They're entitled to that opinion. There are other people who believe that a natural disaster and act of God should not be used as an occasion to change the politics of a community. Those values ought to be put on the table together and whoever can command the most votes ought to win the process, but you can't create a situation that almost locks in a certain outcome.

The biggest tragedy would be if the decision is made to redesign and reconstruct New Orleans and the only people who don't get to participate in that are the ones who are being redesigned or reconstructed as a practical manner.

MR. ATER: Let me add something there too, Congressman. With regard to the situation being not new, I will respectfully disagree with you and I'm going to tell you why. As Bill mentioned when he introduced me, I've had several different posts in government. One of those posts was chief deputy commissioner of insurance of the state of Louisiana. We had the opportunity to look at lots of statistics there and lots of numbers. Typically, when a hurricane hits – let's use Wilma – typically, when a hurricane hits Florida or Alabama or Louisiana, the quarter that the hurricane hits in, tax collections and sales tax collections and those type of tax collections hit the bucket. Typically, there's a quarter after the hurricane hit, they more than compensate. In other words, if we lost a million dollars in sales taxes that we would have normally collected during that quarter, the quarter after that not only do we get that million back, but we get more than that million back. That's typical.

I don't think anyone, and certainly our Commissioner of Insurance, certainly not the insurance industry, although I don't expect them to stand up and testify to this fact, but in confidential talks when we were at that Department of Insurance and talking rates and talking other things, that was not a secret to them either. I don't think they will tell you that they expect – we certainly don't expect that on a state level. So this is not a typical situation. As I said in my opening comments, a typical tragedy is – as horrible as it was, 9/11 happened on 9/11, and on 9/12, we went about saying, what's next? How we are going to repair this, grieving our losses, strengthening our will to make certain this never happens again and all that kind of stuff?

We're in – three months later and this tragedy has not ended yet. There's people that still have not looked at their homes, not allowed to look at their homes because of the host of legal and health and other types of issues. So this is, as we say in the country, we're plowing a brand new field here. This is ground that's never been plowed before, and I think it's very important that we keep that in mind.

The other thing that I wanted to say was when the congressman was talking about the Shiites and the Kurds and all that, I thought he was going to say if its good for them, it's good for those (unintelligible) – well, I can't say that, can I? (Laughter.) But, yes it is. It's very important that – as I said earlier, that we do this right, rather than we do it quick. I take this job very seriously, and I take the responsibility that's been handed to me very seriously.

And the other point I would like to make too is, some of those instances that you talked about, we didn't have the complex laws that we have now. We didn't have the requirements that we have now and all the other things that made that transition through some of those horrible tragedies much easier on people. Nowadays we have a whole host of reasons why it's harder on people to know what to do, it's harder on people to know the consequences of what choices they make. And I feel very strongly they ought to have the basic information and the basic right of knowing what their choices are.

Now, I'm like the congressman: no, we can't compel somebody who's going to vote. We can't compel someone to stay registered in Louisiana. We certainly want them back. We want every one of our people back and some of yours by the way. We want everybody back, but we can't compel them to come back. But I think it's the least of my responsibilities is to give them the information, just like a dietitian would to someone that's overweight, just like a doctor would to someone that's got health problems of here are your options, here are the things that you have to deal with, you make the decision what's best for you and your family, just like your relative is. We're sorry to hear that you may relocate to New Jersey. I understand it. It doesn't make me like it. I understand it, but I want her to know what her options are. I don't think she knows her options right now. That's what we want to do.

MR. YEOMANS: I'm – we can take one more quick question, I think.

Q: Hi, I'm Jonathan Tilove from Newhouse News Service. I just didn't know if the Voting Rights Act could be used to require a government to make – to afford those displaced the right to vote back where they came from, even if they no longer have a residence because they're a renter and there's no prospect that they will again, and for how many election cycles? And whether more fundamentally, it's become kind of a rallying cry, the right of return. Is there some legal basis for a right of return?

MR. ADEGBILE: I don't think that the Voting Rights Act has a specific answer to that question under the section 5 analysis, the preclearance analysis, the Department of Justice or the court's job that's hearing the voting change has to determine whether the

proposed change worsens the position of the minority population vis-à-vis the status quo. Obviously, it will be complicated to figure that out in this context. And so I don't think the Voting Rights Act has been used to address this specific question in the past, but we are happy that section 5 is there as a protection to turn on the lights in what will certainly be a political process because contrary to the goodwill of many, the politicians are going to have to vote on what the law is, and so the Voting Rights Act will be a stop (to that?).

As for the right of return, in the long term, whether or not people, and minority voters in particular, have the right the vote in the displaced areas turns upon what decisions are made about housing. In America, we vote where we live by and large. That's what determines where we vote. And if serious consideration is not given to providing housing for people of all sorts of different economic means, then there will be a dilutive effect on the status of minority voters in Orleans Parish and the adjacent areas.

REP. DAVIS: A quick 30-second addition to that. Again, this is what we've been talking about all day. But for the Voting Rights Act, it is very possible that decisions would be made at the legislative level or beyond that would absolutely dilute the interests of black voters. For example, if you didn't have a Voting Rights Act, if you didn't have section 2 or section 5, the Louisiana legislature could say, "We'll let you vote absentee, if you have a home, as opposed to being a renter." Well, that kind of a choice would be one that I think most people would agree would tend to disfranchise minority voters because they're more likely renters than homeowners, and one could conjure up a number of hypotheticals. And it may be the most important point to make today about the Voting Rights Act: the Voting Rights Act puts a set of values into this decision-making process that otherwise would not be there. That's very important.

You see the Georgia decision. Most people thought that poll taxes were no longer permissible in this country. The Georgia legislature disagreed. Without the Voting Rights Act there as a political vehicle, poll taxes might not be the rule of Georgia as a practical matter in terms of this having to pay a 25-dollar fee for an ID if you don't have a license. So the Voting Rights Act could potentially be implicated if certain decisions happen to dilute black voters, and it is absolutely a constant presence because of the set of values it puts in the process.

MR. YEOMANS: Unfortunately, I think we've run out of time, but I wanted to give Ron one last opportunity. He had something to say, I think.

MR. WILSON: Yeah, I just want to ask the Secretary one question, which I –

MR. YEOMANS: Okay.

MR. WILSON: – have been thinking about. With respect to the legislation that you've been putting forth, Considering the fact that New Orleans is considered a Democratic stronghold, will the politics enter into whether or not the legislature will advance that legislation?

MR. ATER: Oh, I think you know our state as well as I do, and politics enters into everything. (Laughter.) And I don't believe Louisiana is unique in that. Unfortunately, America is very divided right now. And unfortunately, politics enters into everything. I have done my best. I'm proud of this fact. I have done my best to remove politics from this process, and we actually had someone call the office the other day – one of the national media people called the office the other day and they spoke with me. After they spoke with me, they called back and asked the receptionist, and said, "By the way, is Secretary Ater a Republican or a Democrat?" And the staff person said, "You know, I don't know." (Laughter.) Well, you know, I think for a chief elections officer that that's a good thing, you know, quite candidly.

But now is it going to enter into it? Sure it is, Ron, and that's the sad part of it. But I'm as committed as I can, and have statistics that bear it out, that this tragedy is – knows no race by and large, it knows no economic group by and large, and it knows no party by and large. Both were affected, it's obvious from the statistics, simply because the numbers that has had an adverse effect on one segment of the population more than it has the other one. And I don't know how anybody could deny that when you look at facts and stuff that we have put together, so hopefully it will not, but I'm certain it will.

MR. YEOMANS: All right. Well, please join me in thanking the panelists for a very informative and thoughtful discussion.

(Applause.)

(END)