EXHIBIT Q

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHI PHI ALPHA FRATERNITY, INC,,
a nonprofit organization on
behalf of members residing in
Georgia; SIXTH DISTRICT OF THE
AFRICAN METHODIST EPISCOPAL
CHURCH, a Georgia nonprofit
organization; ERIC T. WOODS;
KATIE BAILEY GLENN; PHIL BROWN;
JANICE STEWART,
Plaintiffs,
vs. CASE NO. 1:21-CV-05337-SCJ

BRAD RAFFENSPERGER, in his
official capacity as Secretary
of Georgia,

Defendant.

DEPOSITION of WILLIAM S. COOPER

February 10, 2023

9:00 a.m.

Tayor English Duma, LLP

1600 Parkwood Circle, Suite 200

Atlanta, GA 30339

Lucy C. Rateau, CCR, RPR

don't want to lose it and have to start all over again.

Q. Do you have your Maptitude software set to save a backup after a certain number of changes you make?

A. No.

Q. So unless you affirmatively create backup of a map, there's no prior versioning of that map on your Maptitude system?

A. Yeah, there's no automatic backup. I think it automatically backs up if you exit the program altogether. But I don't have it set to back up something every 10 minutes or so. I just back up whenever I feel the need to. And usually the actual names of the backups make no sense to anybody else because some days I'm just using a time and other days something else.

Q. So in creating the various illustrative plans for this case is it fair to say that your goal was to create additional majority Black districts above those created by the Georgia legislature on its plans for the House and Senate?

A. Well, the goal was to determine whether it would be possible within the constraints of traditional redistricting principles. And I

determined that it unequivocally is possible.

Q. Are the majority Black districts you've created in the illustrative plans in your December 5th report the highest number of majority Black districts you've created in any draft?

A. Yeah, I did not try to -- in some cases I do hypothetical plans just to make the point that more districts could have been drawn or you could have made it five points higher or something. I don't think I drew -- I believe in the first two plans for the preliminary injunction one or two districts were sort of organically majority Black. So I just had, I believe, one less Senate district that is majority Black in this particular plaintiff's plan than the earlier ones.

Q. So you mentioned drawing hypothetical plans. Do you recall creating any hypothetical plans for Georgia with more majority Black districts above your preliminary injunction plans?

A. No, I didn't do that in this case. I've had enough of drawing plans in Georgia. It's one thing to do hypotheticals for a County Commission or something.

Q. So it's correct then that your preliminary injunction plan contained the most Black districts

plan?

A. I don't think there's a metric that would necessarily identify that, other than perhaps one could look at a legislative plan and make an assessment that a plan was disproportionately weighted towards one race or another, so perhaps in that sense.

Q. So in your view if the goal of a map drawer is to draw the maximum number of majority black districts on a plan, that plan wouldn't necessarily be drawn predominantly based on race?

MR. SAVITZKY: I'm just going to object to the extent it calls for a legal conclusion. You can answer if you're able to do so.

A. Could you repeat the question?

BY MR. TYSON:

Q. Sure. You talked about the different ways you would see race predominating in a plan, like the ways that you could look at that. And my question was if the map drawer's goal is to draw the maximum number of majority black districts on a plan, in your view would race predominate in the creation of that district plan?

A. Well, not necessarily. I mean that's sort of an open-ended question. I really can't say.

Normally you would not go into a situation where you were drawing to draw the maximum number of majority Black or majority Latino districts. If you were to do that you would likely run into conflict with some of the other traditional redistricting principles.

Q. And you mentioned earlier the Cynthia McKinney district in the 1990 cycle in Georgia. Are you familiar with the term "max Black" from the 1990 cycle?

A. I've heard that term used. I've never used it and thought it was a stupid term to use from the outset. I remember seeing the I-85 North Carolina district. I still have a clear memory of seeing that standing next to the director of the ACLU in Virginia, and we were both just shaking our head. I mean that's just -- that's as close to insanity as one could get in redistricting.

Q. And it was your belief that a district like that I-85 district in North Carolina didn't comply with traditional redistricting principle?

A. Absolutely. And I said as much at the time in a public setting at Norfolk State like in May of 1991 on some time like that.

Q. Do you ever use the term "proportionality" in any of your work related to Section 2 of the

report, right?
A. Right, no other opinions.
Q. Thank you.
So let's turn back to paragraph number seven in what you were asked to do in the case, and then we'll get into the meat of this. But can you describe generally the methodology you used to determine if Gingles prong one was met in this case for the House and Senate plans?
A. Yes. I draw drafts of state-wide legislative plans and analyze the demographics and the geography and determine where and how one might create additional districts, additional majority Black districts while also adhering to traditional redistricting principles.
Q. So where do you begin with your process then? Do you start with drawing the map? Do you start with demographic analysis? Where does your methodology start for determining Gingles prong one?
A. Well, I look at the enacted plan. I look at demographic change since the 2000 census. I look at the previous plans, the benchmark plan. I look at other geographies unrelated to the legislative redistricting, like the planning districts in the state and metropolitan statistical areas. So I'm

1 looking at various factors all along the way.
2 Q. And in terms of looking at those
3 metropolitan statistical areas or other regional
4 items, do you look at those after you've drawn a
5 plan or before you draw a plan?
6 A. Before.
7 Q. And after you've reviewed all those
8 different data points, is that when you commence
9 drawing the redistricting plans?
10 A. Yes. Obviously, you can spend more time, a
11 lot of time looking at MSAs and other regions, but
12 I'm certainly aware of those regions as I'm drawing
13 the plans.
14 Q. If you would look with me at paragraph
15 number 10 of your report. You state that the
16 illustrative plans comply with traditional
17 redistricting principles. Do you see that?
18 A. Yes.
19 Q. And you list out some different traditional
20 redistricting principles. Are the items in
21 paragraph 10 all of the traditional redistricting
22 principles that you comply with in the drawing of
23 plans or are there others?
24 A. Usually in the background there is the
25 incumbent factor, not exactly a redistricting

principle, but once you try to avoid pairing incumbents to the extent one can.

Q. Is maintaining the core of an existing district a traditional redistricting principle?

A. I don't believe it is. It was not mentioned in the discussion of guidelines for redistricting that the state of Georgia published on the website. And I just recently did a review, a quick review of states that have core retention mentioned as a factor to consider. And I think there's 17 states that do that nationwide. And Georgia would not be one of them, I don't think, unless I'm misunderstanding something.

Q. So did you obtain or make the list of traditional redistricting principles in paragraph 10 based on the Georgia general assembly guidelines or based on your knowledge as a map drawer?

A. Based on my knowledge. And what I'm saying here does not appear to conflict in any way with what the state of Georgia laid out in their brief discussion of guidelines.

Q. So then I just want to make sure I understand for district cores then. Is maintaining district cores a traditional principle generally for you as a map drawer even if it's not specifically

for Georgia?

A. Well, it's something to consider. I'm not tossing it out as not being something that's worth taking into consideration.

Q. And so it's worth taking into consideration like taking incumbent pairing into consideration?

A. Yes, although the state of Georgia in the guidelines published on the website I believe does specifically mention the incumbent issue. I don't see anything about core retention. And core retention is really problematic in some ways in a state like Georgia that's growing so fast. Districts are going to change, right.

Q. I see you don't mention transportation corridors in paragraph 10 as a traditional principle. Is maintaining transportation corridors a traditional principle of redistricting?

A. Well, it's part of communities of interest, right. It's a factor to consider.

Q. So you would put transportation corridors under communities of interest?

A. Yes, I think you could.

Q. I also don't see where you specifically reference maintaining existing jurisdictional boundaries like counties and precincts. Is that a

traditional principle of redistricting?
A. It would fall under the category of communities of interest in my opinion. You could also perhaps set that out as a separate traditional redistricting principle perhaps.
Q. And I see you don't include compliance with the Voting Rights Act as a traditional principle. Is that also a traditional principle of redistricting?
A. Yes, it is. And the state of Georgia has clearly made that one of the guideline principles as set forth on the website.
Q. Is there a reason why, if it's a traditional principle, why you didn't include it in paragraph 10?
A. I did. Non-dilution of minority voting strength I think would be compliance of the Voting Rights Act.
Q. So it's your testimony that non-dilution of minority voting strength in compliance with the Voting Rights Act is the same interchangeable terminology?
A. Well, I'm not a lawyer. One reason that I probably didn't just spell out compliance with the Voting Rights Act is because I'm not a lawyer.

statistician like you said to make some of those calls?

A. Well, a statistician, lawyers, judges. I'm not going to say definitely that one thing I've done is fully comply with the Voting Rights Act.

Q. So you would rely on counsel, other people before you would say for sure a map complied with the Voting Rights Act?

A. Well, I don't think I can really say that. I'm not a lawyer.

Q. Let's talk about some of these specifically. You talk about the traditional redistricting principle of compactness. How do you go about complying with the traditional principle of compactness when you're drawing an illustrative plan?

A. I attempt to put together districts that are reasonably shaped, easy to understand, and lately I also consider compactness scores.

Q. Do you use compactness scores when you're drawing a plan or after you've finished drawing a plan?

A. Both.

Q. So you will run a compactness report while you're drawing a plan, or do you have it displayed

part of my declaration.
Q. And you can also display with labels the racial makeup of particular pieces of geography, right?
A. Well, you can, yes.
Q. And you can also put little graphs on various pieces of geography to show the racial makeup, right?
A. I can. I don't do that, but you could.
Q. And that was going to be my next question. When you were drawing the illustrative plans, at any point did you have a display from Maptitude that showed you the racial makeup of particular precincts on the map?
A. Well, you know, I sometimes utilize little dots to show where the precincts are that are say 30 percent or over Black. So that was sometimes present on the screen as I was drawing a plan.
Q. And when that was present on the screen you were able to know where 30 percent or higher Black population existed in a particular precinct?
A. Not within the precinct, just the precinct itself.
Q. So the whole precinct had a concentration of Black voters greater than 30 percent?

A. Yes.
Q. Did you ever have any features of Maptitude that displayed racial data about census blocks when you were, for example, dividing a precinct when drawing the illustrative plans?
A. I don't specifically recall. I sort of think I did not. I did sometimes go down to block level and look at total population, because Georgia has very tight deviation standards so that you can't go more than plus or minus one percent. And so sometimes that gets a little tricky if you're trying to avoid splitting a county or something and maybe you could look at another option and by examining what the total population is, get a handle on whether or not you could stay within one percent.
Q. But you do not recall ever turning on racial information for census blocks when you were dividing a precinct in drawing the illustrative plans?
A. I don't have a specific recollection, but I probably did at some point. I mean I can't really single out where that happened or when it happened.
Q. So in looking at the way you divided precincts, if they were divided along racial lines, is it possible that you had racial information

plans?

A. Well, I was not referencing it very often, if at all. But I mean I produced a table in my declaration showing what the breakdown is for the Black population, Black counties.

Q. Before you began drawing the illustrative plans in your report did you turn on any features of Maptitude that showed you the racial makeup of counties or precincts to look at before you began drawing?

A. It was probably simultaneous. I mean, as I say, I was aware of the overall Black population percentage in precincts for most of the work I did, just whether or not it was a precinct that was over or under 30 percent.

Q. Is there a particular reason why you chose 30 percent Black population for a precinct to display?

A. That's just something I've usually done. It identifies more or less where the Black population lives or the minority population.

Q. Let's go to paragraph 12. I just had one question on page six in paragraph 12. You reference a potential database of incumbent address information filed in the November 2022 general

1 hypothetical, that if every one of these additional
2 Black individuals that's arrived or been born, I
3 guess, since 2010 moved equally over every census
4 block in the state of Georgia, you wouldn't be able
5 to create additional majority Black districts based
6 on that population growth alone, right?
7 A. If they scattered across all of Georgia, of
8 course not. But they've honed in on metro Atlanta.
9 Q. So then you move into a discussion -- going
10 to paragraph 18 on page 10 -- of areas that you
11 focused on that has substantial Black population.
12 And there are two of them. One is the metro Atlanta
13 counties in the Atlanta metropolitan statistical
14 area, or MSA, and the other is Georgia's Black Belt,
15 right?
16 A. Yes.
17 Q. So let's take a look at each of those. I'm
18 going to hand you what I'll mark as Exhibit 7, which
19 is Exhibit C from your report that's referenced
20 there in paragraph 18.
21 (Exhibit 7 marked.)
22 Q. And is this the map of MSAs in Georgia that
23 you utilized when discussing the Atlanta MSA?
24 A. Yes. This is official U.S. Census Bureau
25 map dated January 1, 2020 based on March 2020

1 delineation lines.
2 Q. Now you say that the Atlanta MSA has
3 substantial Black population in your report, right?
4 A. Yes.
5 Q. And you're not saying that every county
6 contained in the Atlanta MSA has substantial Black
7 population, right?
8 A. No.
9 Q. So when you were conducting your review of
10 the Atlanta MSA did you review the entirety of the
11 MSA or only parts of it?
12 A. Well, I looked at both. I looked at -- I
13 believe my demographic section in this declaration
14 looks at the MSA as well as the five south metro
15 Atlanta counties that I focused on.
16 Q. How did you determine to focus on the five
17 counties in the Atlanta MSA that you focused on?
18 A. Well, I was very familiar with Fayette as a
19 result of the lawsuit in 2012. I was very familiar
20 with Gwinnett as a result of the lawsuit in 2017.
21 And, also, I was familiar to a certain extent with
22 Henry as a result of the House district lawsuit that
23 was filed in 2017. So that part of metro Atlanta
24 was relatively familiar to me. And I had looked at
25 population estimates over the course of a decade and

Q. Did you have a particular method by which you excluded counties that the GBPI found were part of the Black Belt and that you did not find to be part of the Black Belt?

A. No. This was included as, I thought, a very informative report that was hot off the press at the time. It was only a year or so old, year and a half. So I thought that was pertinent information, and for that reason I included it.

Q. So it's fair to say then that this report illustrates your opinions about the Black Belt as opposed to you using it to form your opinions about the Black Belt?

A. Well, both.

Q. So if you used this report to help form your opinions about the Black Belt, I guess I come back to my earlier question, how did you choose which areas not to include as part of the Black Belt in your analysis in your report?

A. I didn't -- I don't exactly understand the question. I mean as they make clear at outset, there is no uniform definition for the Black Belt, so I'm speaking in very general terms when I refer to eastern Black Belt and western Black Belt.

Q. Let's move to next paragraph 20 of your

report. And you discuss you narrowed your focus to four regions within those larger areas. And I'm assuming those larger areas are the Atlanta MSA and the contemporary Black Belt, right?

A. Yes, although I was also aware of the regional planning district boundaries. So those regions also factored into my approach.

Q. And you only looked at three regions in your preliminary injunction report, right?

A. Well, that's true. As I've indicated, upon further investigation and reflection I reassessed and drew a third House district in the Macon/Bibb MSA that actually is kind of metropolitan Macon/Bibb and it's expanded to include Peach and Houston, which is a separate MSA.

Q. So let's move to Region A. Region A you defined as south metro Atlanta, right?

A. Yes.

Q. And you identify that as the counties of Fayette, Spalding, Henry, Rockdale and Newton counties, right?

A. Right.

Q. How did you go about selecting these five counties as Region A?

A. They are in south metro Atlanta and they

A. I was looking at county level data. So it just seemed to me that Columbia County didn't really fit into the prospects of creating another majority Black district.

Q. So then I guess the answer to my question is yes, you could have chosen other counties, but just chose not to based on your assessment of the population there, right?

A. Yeah, to a certain extent, right. But I did not rule in or rule out any county and still haven't. Maybe there is a way to include Lincoln County. I don't think so, but maybe there is.

Q. So your regions then are just kind of the guidelines that you used as you were drafting plans?

A. Right, just in the background, right.

Q. Mr. Cooper, I'm about to move to the section beginning with census data. Are you still good? Do you want to take a short five-minute break?

A. No. I'm fine. Or whatever. I'm in no rush. I'm here until Tuesday.

Q. We can keep plowing ahead.

Let's turn to page 19 of your report, Figure 2. So in Figure 2 you would agree that the increase in Georgia's Black population, as measured

House and Senate district, as is the case in other states. And if you did that, of course, you would probably split fewer counties, and it might be easier to go through the redistricting process. But that's neither here nor there in this case. I'm taking your range at plus or minus one percent for Senate districts to be the rule.

Q. So just to look at Figure 16 and Figure 17, you see the orange District 34 on Figure 16 includes north Fayette and part of Clayton County, and that's District 34 on the enacted plan. Do you see that?

A. Yes.

Q. And on your illustrative Senate 28, that portion of north Fayette is now in the new 28, right?

A. Right.

Q. So District 34 changes between the enacted plan and the illustrative plan, correct?

A. A good point. You've identified where 34 is. Right.

Q. And so it's your testimony that District 34 is not packed on the illustrative plan and is packed on the enacted plan?

A. Yeah. You can't just look at percentages and jump to a conclusion one way or the other. It's

primarily.

Q. And so getting back to the question I asked before we located those maps, in paragraph 101, where is the surrounding Black population you were uncracking that had previously been drawn into 2021 Senate District 16?

A. Well, the Black population that had previously been drawn into Senate District 16 was in the majority Black city of Griffin for one place and parts of Fayette County and areas to the north of Griffin and Spalding County.

Q. And paragraph 101 specifically references Senate District 16. So it's your testimony that that is the Griffin population and some population in Fayette County?

A. I'm looking at the enacted plan, which does not include Griffin or any of the Black population on the eastern border of Fayette County except in the northeast corner in a majority Black district, which I've done with Senate District 28, along with part of Clayton County. And District 16 encompasses all of Spalding County. It's a majority white district. So you have all the Black population in Spalding County is in a majority white district.

Q. Thank you. So for your illustrative

District 28, what connections are there between the Black communities in Spalding County and the Black communities in Clayton County?

A. They're very close geographically. And I would expect that the Black community in Griffin area is perhaps a little bit older. It's a smaller town. It's not as urban but certainly there are connections. I mean it's almost no distance at all between Griffin and southern Clayton County.

Q. So in creating illustrative District 28 what traditional redistricting principles did you apply to its creation?

A. I tried to keep voting district precincts whole and was able to combine communities that clearly have connections, because they're right next door to one another, into a majority Black district that includes Fayetteville and southern Clayton County and the majority Black city of Griffin in Spalding County.

Q. Is there a community of interest between southern Fayette County and Clayton County?

A. Southern Fayette County is a little more rural. Clayton County is more urbanized, so there is that factor. But, again, those districts were packed with Black voters. And I think that the

1 though, in the tables. We just kind of reviewed
2 them a moment ago.
3 Q. I believe you testified earlier you are
4 familiar with the demographics of Fayette County,
5 right?
6 A. Well, just generally speaking because of my
7 involvement in the Fayette County lawsuit back in
8 the early part of the decade, the one that stretched
9 into 2014, 2015 actually.
10 Q. On this plan, your illustrative 16 also
11 runs from northern Clayton County down into the very
12 southern part of Spalding County, right?
13 A. It does.
14 Q. Did you identify a community of interest
15 between northern Clayton County and the rural part
16 of Spalding County that you've included in it?
17 A. Again, it is my belief that the
18 African-American community in Clayton County, even
19 though it's somewhat more urbanized, would not mind
20 being in a second majority Black senate district in
21 Clayton, Henry and Griffin County. Henry is
22 suburban, and so it fits well with either one of
23 those two. It's an in-between area.
24 I mean you've got lots of vertical
25 districts in your plan. This is not particularly

Lamar as rural counties?
A. I would say they're ex-urban. They're part of the Atlanta MSA, so the Census Bureau determines their commonalities there that place them in the same MSA as downtown Atlanta.
Q. And then your split of Griffin on illustrative 28 is along the city boundaries; is that correct?
A. I believe so. No problem with that, is there?
Q. Do you know if that corresponds to the voting precincts in Spalding County?
A. I would have to check the table. But I think that if you're splitting along municipal lines, even though it's important to be aware of VTDs and precincts, they do change. They're constantly changing in Georgia. So I don't know right off the top of my head whether there is a split of the VTD or not. Can we check? We can look and see. I'm sort of curious now.
Q. You can't really tell on the map either.
A. Well, let's check.
Q. Okay, where would we check?
A. What is the plan components of the illustrative Senate plan?

Q. Is that Exhibit 02 that we had --
A. Isn't it broken out by VTD?
MR. TYSON: Let's go off the record for just a second.
(Off the record).
BY MR. TYSON:
Q. Mr. Cooper, during the break we just confirmed that I don't think either of us believe there is a split of a precinct in this Griffin area, that there may be a precinct split in a different part of Spalding County.
A. And it could relate strictly to staying within the plus or minus one percent. I don't know that to be a fact, but perhaps that is the reason.
Q. So let's go to District 17. So your discussion on that begins on page 43. From the bottom of 44 over to the top of 45 in paragraph 103 you criticize enacted 17 for splitting multiple counties as it extends out to Morgan County. Do you see that?
A. It extends out to Morgan and up to Walton in kind of a circular fashion.
Q. And you also criticize in here Districts 10 and 43 for being districts that are packed, right?
A. Where do you see that? I don't doubt that

A. Is it? I would have to check.
Q. I'll hand you what's marked as Exhibit 7, which is Exhibit C. Walton and Morgan Counties are also in the Atlanta MSA, right?
A. Yes.
Q. And so enacted District 17 still stays within the Atlanta MSA even though it includes Walton and Morgan Counties, right?
A. Yes. Do you have a bigger -- I need to look at enacted District 17 though.
Q. Page 44, Figure 17C will show you the borders of it.
A. Okay. That's still in Atlanta MSA, okay, as is 17, as I've drawn it. But you will agree that Morgan County is rather rural as well, right?
Q. I would consider Spalding and Morgan to be pretty rural counties.
A. But Henry County would be ex-urban and suburban.
MR. TYSON: Why don't we go off the record for just a second.
(Recess 12:38 p.m. - 1:17 p.m.)
Q. Mr. Cooper, we're going to turn next to Senate District 23. And before we get to 23, on Figure 18 on page 49, Senate District 22 is wholly

splits.

Q. But you would agree that District 23 does cross regional commission boundaries, right?

A. It does. But it's also adding in districts that have been identified as part of the Black Belt, Baldwin and Twiggs specifically and probably Wilkinson, too.

Q. So you've separated in this plan Hancock and Warren Counties. Are there differences between those counties that led you to separate them?

A. Well, they're separated, but it's conceivable they could be put in district -- one could be put in 23. It's not dramatically different. So it would fit into District 23. But to do so would have created an issue with one person, one vote, I think. It would also not have been quite as reasonably shaped.

Q. In your division of Wilkes County, I believe you said is along County Commission boundaries; is that right?

A. That's correct. I just followed the boundaries established by Wilkes County as recently as this time last year.

Q. And you would agree that that split divided the city of Washington, Georgia, right?

A. It did. It did, between two different commission districts.

Q. Looking at Figure 19B on page 51 --

A. Let me back up. It does not divide -- the illustrative District 23 follows commission lines except that once it reaches the town of Washington on the southwest side it just follows the town boundaries. So it's not like people aren't going to be able to figure out which district they're in.

Q. And so you didn't follow the commission boundaries on that western side of Washington, but you followed the city boundaries in the split?

A. Yes. They're more permanent probably than commission boundaries -- although annexations are common in Georgia, so that may not hold.

Q. Do you know the racial impact of following the boundary line you followed in the split of the city of Washington?

A. Not off the top of my head, no.

Q. So in looking back at Figure 19A in illustrative Senate District 23, what is the community of interest between Richmond County and Twiggs County?

A. Both counties are part of the Black Belt. Richmond County, of course, is a consolidated city,

and I did.

Q. So you made a change to the enacted plan in Clark County on your illustrative plan with the goal of making the counties whole but unrelated to the creation of the new Black majority district?

A. I think so. I don't think deviation would come into play there. The shape of the districts comes into play, so there could have been any number of factors. And certainly you could maintain that all of my illustrative districts, the Plaintiffs' plan, and split Clark County should you wish to do so. That can be done.

Q. So staying with the same area, making Jackson County whole was also not part of the effort to create Senate Districts 17, 23 or 28 as majority Black districts, right?

A. That is true.

Q. And Coffee County down in south Georgia, you making it whole was not related to your efforts to make Senate District 17, 23 or 28 majority Black, right?

A. Probably not. Again, there is a ripple effect with these Senate districts, and deviation is in play. And I'm also worried about, in some instances, protecting the incumbents because I've

1 looked at municipal splits.
2 Q. Actually, let me do it this way. Aside
3 from county splits, municipal splits, regional
4 commission splits and CBSA splits, did you look at
5 any other jurisdictional splits when you were
6 working on this report?
7 A. Yes. Municipalities.
8 Q. And I was excluding municipalities.
9 A. Oh, I'm sorry. Okay. Well, the VTDs. The
10 illustrative plan has fewer VTDs.
11 Q. Let me ask a better question. Is there any
12 jurisdictional split analysis you conducted
13 comparing the illustrative plan to the enacted plan
14 that you did not include the results of in your
15 report.
16 A. I don't think so, maybe because I couldn't
17 think of another angle to take into consideration.
18 Q. Going to paragraph 121. We're on the home
19 stretch of the Senate plan here.
20 You say that the illustrative plan modifies
21 35 of the 56 districts in the enacted plan.
22 Correct?
23 A. Correct.
24 Q. And that's more than half of all the
25 districts, right?

A. Correct; however, you can still maintain these illustrative districts that I've drawn that are new majority Black districts with fewer modifications to the enacted plan districts. It would, however, result in more splits in some of the other counties involved. So there's a trade-off there. I opted for looking at this in terms of pure traditional redistricting principles, and that would be not to worry so much about core retention and think more about county splits and MSA splits and regional commission splits which are more permanent.

Q. So it's correct that you have not created a plan that includes majority Blacks in Districts 17, 23 and 28 that modifies fewer districts than 35, right?

A. At some point I did, but it also had more county splits. And so I made a decision to reduce the county splits at the expense of maintaining what are often just ephemeral enacted plan districts that you guys changed even in mid decade, like you did in 2015 and 2014. So they are very volatile in terms of their lines, whereas county lines in Georgia and even the regional commission lines are unlikely to change.

Q. In paragraph 122, the illustrative plan has

goes down into Griffin; is that right?
A. Right, which is a majority Black city.
Q. And in the process, the city of Locust Grove looks like it's divided on the illustrative plan; is that right?
A. Locust Grove is split, right.
Q. Would it be correct to say that you used Black population from enacted District 116 when you extended -- I'm sorry. Hang on.
House District 117 is a new majority Black district, right?
A. What about it?
Q. Is a new majority Black district, right?
A. It is, yes.
Q. What was the basis for connecting part of the city of Locust Grove with part of Griffin?
A. By and large probably one person, one vote. It was a clear -- there was a clear dividing line there at the precinct level I'm pretty sure.
Q. And so the only connection between Locust Grove and Griffin you can identify is one necessary to get one person, one vote?
A. Well, there are -- I mean Locust Grove is a stone's throw from the Spalding County line, metaphorically speaking anyway. So there are

connections, of course.

Q. What are some of those connections?

A. They are ex-urban and in some places rural. I've driven through Locust Grove. It's a pretty town. There are obvious connections. The two towns are very close. Griffin and Locust Grove are not far apart at all.

Q. So the geographic proximity would be the primary basis for connecting them?

A. That would be one basis.

Q. What are others?

A. Others would be the opportunity to create a new majority Black district in an area that is growing in terms of Black population but not seeing a commensurate increase in majority Black districts over the past 15 years.

Q. And District 117 as configured divides the city of Griffin as well, right?

A. Part of Griffin is taken out of House District 117. Again, I think it's probably the precinct level. But basically it's following the main highway there, State Route 16 I think it is.

Q. And in the geography of House Defendant 117 between Locust Grove and Griffin, you would agree there's intervening rural white population, right?

see a problem. They're lovely districts.

Q. And for Fayette County, you would agree that the southern part of illustrative District 69 and the southern part of illustrative District 77 are in more heavily white areas and rural areas of Fayette County, right?

A. Yes. The part of -- the area that's south of the city of Fayetteville is probably majority white. But I've not -- again, you seem to be very focused on the race of people at one point or another within a district, and I just am not that concerned about getting to that level of detail when I'm drawing a plan.

Q. You would agree that illustrative Districts 68, 69 and 77 both connect more urban population with more rural population, right?

A. Not so much. I mean it's pretty urbanized there from Fayetteville north. Once you go further south, yes, but that's not as densely populated. So the rural population would be a minority in 77 and 69. I know there are probably people who live in Atlanta who would think that Fayetteville is rural. But I mean it is a town, it's urbanized.

Q. So your testimony is in 68, 69 and 77 there is probably some rural population but it's a small

group at the bottom of those districts?
A. Yeah. I think it would be a minority of the population in the districts, I believe. But I'm just talking off the top of my head, and I am not looking at block-level data and not able to really give you a definitive answer as to where the exact dividing line would be between urban and rural with 77, 69 and 68, other than the further south you go the more rural it would get. Although, it's still very suburban, frankly. It's overwhelmingly suburban until you get down to around Woolsey probably, and maybe that's more rural.
Q. So let's move next to the eastern Black Belt area. And here you indicate that you have drawn a new majority Black district, which is District 133; is that right?
A. Yes.
Q. To do that, according to paragraph 169, you unpacked, as I read it, 128, 129, 130, 131 and 132, correct?
A. Yes.
Q. Do you have your population summary report for the illustrative plan handy?
A. I do. Oh, you mean just the percentage?
Q. Yes.

Q. Going back a page just to the overview of House District 133 on Figure 31. Just go back one page to look at the overall view.

What is the geographically compact Black community contained in House District 133?

A. It is found in Hancock County, Taliaferro County, Warren County, part of Wilkes. Wilkinson is majority white but still a significant Black population and a significant Black population in Baldwin County. So it's slightly elongated, but it's easy to follow. It's following county boundaries basically except for the area in Baldwin where I made a Herculean effort to follow municipal boundaries; and Wilkes, which is following County Commission lines that were just established last winter. So I don't see how this could possibly be considered to not follow traditional redistricting principles.

Q. And in the creation of House District 133 you also had to move the boundaries for House District 128, right?

A. I would have to go back and look at the enacted plan. What figure is that?

Q. So Figure 30 and 31 on --

A. Wait. I guess I do have the enacted plan.

Okay.

Q. And so on the illustrative plan, House District 128 splits four counties, right, Burke, Jefferson, Johnson and Lawrence?

A. Yes, it would split four counties, I believe.

Q. Do you know if that's the most counties any single House district splits on their plan?

A. I think that might be.

Q. And the adjustments to 128 were necessary to create the additional majority Black District 133?

A. There may be ways to reconsider how 128 is drawn. Again, I wanted to avoid pairing incumbents. It's not a traditional redistricting principle per se, but it seems to be so important -- and I don't off the top of my head know exactly where the incumbent lives in 128, but that was a factor I'm sure.

Q. And House District 126 also splits four counties, right, Screven, Burke, Jefferson and Richmond?

A. It does split those counties, right.

Q. And in the enacted plan, in this same area, Screven, Burke, Jefferson, Johnson, Lawrence were

A. Yes.
Q. And you describe illustrative District 171 as along the Highway 19 corridor, right?
A. Yes, it follows Highway 19.
Q. What is the community of interest that connects --
A. US Highway 19.
Q. US Highway 19.
What is the community of interest that connects Albany and Thomasville, Georgia?
A. Well, they're not very far apart. And there is a Senate district down there that would include all of 171 except for the Thomasville part. So the state is determined, the legislature is also determined that that area is okay to draw into a single Senate district. So the only thing I've really done is add a little extension into Thomas County in Thomasville to what they have already identified is an area where a Senate district can be drawn.
Q. So the community of interest you identify as the enacted Senate district, and then Thomas County is adjacent to that?
A. Yes.
Q. Any other --

A. No, I have not.
Q. So it's --
A. But I do know that US Highway 19 is.
Q. And so it's fair to say you didn't utilize this particular document when you were creating illustrative 117, right?
A. Well, it just shows that there is, present day -- although 2014 is no longer present day, but it's certainly the modern era -- a study and an interest in maintaining the historic route between Albany and Thomasville. It shows there is a connection there between the governments.
Q. We can set that document aside.
Looking back at page 78, Figure 32, on the enacted plan there's one House district that's wholly within Dougherty County, District 153, right?
A. Right.
Q. And on the illustrative plan on page 80, the next page, Figure 33, there's now no longer one district that is wholly within Dougherty County, correct?
A. That is correct; however, the illustrative plan splits Dougherty County three ways, and the enacted plan splits it four ways. So there's that. Why is that, I wonder.

Black population into 145.

Q. And show you extended District 143 further north into Macon -- into Bibb County but also further south into Twiggs County, right?

A. Yes.

Q. And then you extended District 142 south out of Bibb County into north Houston County, correct?

A. Yes.

Q. And then that freed up enough Black population for you to extend 145 out into Monroe County starting in downtown Macon, right?

A. Yes.

Q. And so, unlike the enacted plan which has two districts wholly within Bibb County, the illustrative plan has no districts that are wholly within Bibb County, right?

A. That is true.

Q. And District 145, as you've configured it, is only 50.2 percent AP Black VAP, right?

A. That's correct.

Q. So can you walk me through what downtown Macon has in common with this piece of Forsyth County over towards Upson County in District 145?

A. It's in the Macon/Bibb MSA. And there is

some Black population in that precinct, but I believe it's a majority white precinct. But that was mainly because I had to make sure that the deviation was within plus or minus one percent. Ninety percent plus of the population in 145 under the illustrative plan lives Macon/Bibb.

Q. And you would agree that District 142 extends out of Macon/Bibb County MSA into the Warner Robins MSA, right?

A. Right, which has a significant Black population.

Q. So unlike 145 where it's the same MSA, 142 crosses MSAs?

A. That is true. But it's part of the consolidated Warner Robins, Macon consolidated statistical area, because they're adjacent, right next to one another. Metropolitan Macon -- actually -- I'm looking for the commission map.

Q. This?

A. No.

MR. SAVITZKY: For the record, I'm handing him Exhibit 10.

MR. TYSON: Thank you.

A. So the middle Georgia commission includes Bibb, Houston, Peach, Pulaski, and going further

north, Crawford, Monroe, Jones, Putnam, Baldwin, Wilkinson, Twiggs. So I'm staying entirely within the middle Georgia commission with House District 145.

Q. And Baldwin County is in that middle district commission, too, right?

A. That's true.

Q. The House District 142 is 52.51 percent AP Black VAP. Did you analyze how much of the population in 142 is the Air Force base in Houston County?

A. I did not. I know you came after me for putting the Air Force base in the original Senate District 23, I believe, so I took care of it there. But they can vote. They're citizens, right? Most military personnel are citizens, so why not.

Q. Is it your understanding that military personnel in Georgia tend to be registered to vote in Georgia?

A. I don't know the percentage of voters on the military base who are registered, no.

Q. Let's move to the supplemental plan information. Mr. Cooper, going to paragraph 184, you indicate that you stayed within a one and a half percent, plus or minus, population deviation limits,

A. Yes. And so what? Why does that matter? I'm happy to bring Dawson back into a single county.

Q. I guess what I'm trying to get to is you, in paragraphs 189 and 190 talk about having fewer county splits in the enacted plan. But that's only because you unsplit some counties in parts of the state far away from where you added new majority Black districts, right?

A. To a certain extent. But why does that matter? I've produced a plan that splits fewer counties. So if that's an important metric, and it is, then the illustrative plan based on split counties and county splits and VTD splits is basically on par with the enacted plan.

Q. But it's only on par with the enacted plan if counties in north Georgia unrelated to the creation of new majority Black districts are unsplit in the drawing process, right?

A. Well, the thing is, is this ripple effect that does begin to be a factor, along with incumbents. So it was apparent to me that I could avoid splitting a couple of counties up there while protecting incumbents. So, yes, I avoided splitting them. And because of that we have split fewer counties.

Q. So when you made Gordon County whole, it's your testimony that that was in part from the ripple effect of making changes?

A. It could have been. I honestly don't recall. I may not have even done it with the knowledge that I was unsplitting the enacted plan split in Gordon County. It's a small county, nice rectangular county, and it may have just happened.

Q. We can set Mr. Morgan's report aside. Turning to page 86, paragraph 192, you have the split report for the CBSAs, and the illustrative plan and the enacted plan are the same in terms of CBSAs that are whole, right?

A. Right.

Q. And the illustrative plan splits slightly more CBSAs than the enacted plan on your CBSA splits column, right?

A. That's correct, it splits four more, so I guess roughly two percent more.

Q. And for the Senate, was there any other geographic wholeness analysis you did that is not reported in this report?

A. Well, you didn't mention regional commission splits. The illustrative House plan has 223 discrete splits for regional commissions, and

Thank you for your time today. That's all the questions I have. Mr. Savitzky has some questions for you, so I'll hand you off to him.

MR. SAVITZKY: Thanks. And, yes, just a few. I'm not going to keep us here too much longer.

EXAMINATION

BY MR. SAVITZKY:

Q. Let's turn back to paragraph 10 of your report, page five. So you were talking to Mr. Tyson about the traditional redistricting principles that are mentioned here in paragraph 10. And we talked specifically about respecting communities of interest. Are municipalities an example of a community of interest in your view?

A. Well, yes, they can be. But they're not the be all and end all because municipalities can have a long history of being racially segregated, so there would be other factors that one would have to take into consideration because you want to respect other kinds of communities of interest, like neighborhoods and history.

Q. So could core-based statistical areas also be a community of interest that one might consider?

A. Yes.

Q. Could regional commissions be a type of community of interest that one might consider?

A. Absolutely. If one were to draw a plan for the state legislature I would think that you would look at those maps in the process of drawing the plans.

Q. Could transportation corridors be a community of interest that one might consider?

A. Well, yes. That's one of the key components of determining what counties are in an MSA, transportation factors.

Q. And could socioeconomic connections or commonalities form a community of interest?

A. Absolutely.

Q. And could historical or cultural connections form a community of interest?

A. Unquestionably.

Q. You mentioned at one point the shared history that Black Americans have. Would you agree that at times Black communities in different areas of a state may also have difference sets of interests that are unrelated to that broader shared history?

A. Well, yes, but they all have that broader shared district which connects African-Americans in

county and VTD boundaries; is that right?
A. Yes.
Q. And are you addressing here the illustrative plan's compliance with the traditional districting principle of following political subdivision lines?
A. Yes, because I made every effort to avoid splitting VTDs and, in fact, most plans -- the Senate plan is superior in terms of VTD splits compared to the enacted plan. And the House plan is the same.
Q. So just moving on, we talked some about the regions that you looked at, Regions A, B, C and D. Would you say that those regions were hard boundaries that you applied in drawing districts?
A. No. I just developed regional areas at the outset and did not think of them as being hard boundaries, just boundaries that I could rely upon to examine whether or not a majority Black district could be created in or around those regions.
Q. So would it be fair to say -- and maybe I'm just restating what you just said -- but would it be fair to say that those regions sort of focused your inquiry at the outset into whether it was possible to draw additional Black majority Districts?

A. Right. Those were the regions that I looked at -- or the set of counties, initially.

Q. Turning to paragraph 30, just to clarify for the record, are the boundaries of Region C that you identified the boundaries of Senate District 12?

A. Yes.

Q. So when you see that shape on some of the maps of the regions we talked about, that's just saying District 12, right?

A. Right.

Q. Now I just want to look at --

A. Enacted Senate District 12.

Q. Enacted Senate District 12. Thank you.

Just looking at -- starting at page 24. Just for the record I want to get the increase in population for some of these areas. I know you talked to Mr. Tyson about percentage increase. Starting with page 24, so starting just with the Atlanta MSA -- and looking at page 24, Figure 6 in your report -- what is the total increase population, Black population in the Atlanta metro over the last decade?

A. It's up by over -- almost 500,000 people. The numbers is here in one of my paragraphs here, is it not? It's up from 1.8 million to almost 2.2

page 60 of your report, Figure 24. Just looking at that chart, does what we just talked about, about the purpose of this comparison between Black voters in majority Black districts versus white voters in majority white district, is that also true for this chart with respect to those metrics for the House side of things?

A. Yes.

Q. Just to clarify, you discussed with Mr. Tyson some changes in the Senate plan that united Clark, Jackson and Coffee counties. Is it possible that ripple effects from the other changes that you made opened the possibility of uniting those counties in your illustrative map?

A. Yes.

Q. And just looking at Figure 29A and turning to specific districts, this is your illustrative 2021 -- sorry.

A. I've got it now.

MR. TYSON: 29A --

MR. SAVITZKY: It's mislabeled.

A. Wait. There are two 29As, aren't there.

MR. TYSON: I believe the second 29A on page 71 is actually 29B, because this is the configuration of the illustrative plan, not the

enacted plan.
A. That is confusing.
BY MR. SAVITZKY
Q. So looking at what should be labeled 29B, the map on page 71 of your report.
A. It does have in the legend -- and I was really looking at the legend during the deposition. It does show that that's the illustrative plan.
Q. Just to clarify for the record, you mentioned that there were commonalities between the communities of Locust Grove and Griffin. Was proximity one of those?
A. Well, that's what I was trying to say, yes. It's not far from one to the other. Regardless of your race, they're close.
Q. And was the character of those communities in terms of being suburban or ex-urban versus urban a commonality that you identified?
A. I think so. They're both small towns, so they're certainly ex-urban.
Q. In your view did those commonalities support uniting those communities in a compact district?
A. I see no reason why you can't.
Q. And now looking at pages 78, starting at

78, you discussed with Mr. Tyson the illustrative District 171, and specifically you were discussing connections between Albany and Thomasville. You mentioned the Georgia Budget and Policy Institute designation of counties as being in the Black Belt. Did you consider that a connection between Albany and Thomasville?

A. Yes.

Q. You mentioned the relevant proximity to one another --

A. Yes. Highway 19.

Q. You mentioned Highway 19, that connection as well?

A. Yes.

Q. In just looking at Exhibit 10, the Regional Commissions, do you view the placement of those counties in Regional Commissions is a connection that they share as well?

A. They're both in southwest Georgia Regional Commission, exactly.

Q. And just looking at paragraph 200 of your report, the socioeconomic analysis, you note Dougherty, Thomas and Mitchell counties all have comparatively high Black poverty rates.

A. Yes.

Q. Do you view that as a connection between those areas as well?
A. Yes.
Q. Do you think those connections support connecting those areas in the district?
A. Absolutely.
Q. You spoke to Mr. Tyson about plans being on par with respect to splits. If your plan had one or two more county splits would you still conclude that they're basically on par with one another?
MR. TYSON: Object to the form.
A. Yes. I'm giving them the benefit of the doubt. We have one less split county in the Senate plan and one less in the House plan. So I'm still saying they're on par.
Q. But if your plan had one more than the illustrative plan, would they still be -- I think your words were basically on par?
MR. TYSON: Object to the form.
A. Yes.
BY MR. SAVITZKY:
Q. If your plan had one or two more county splits than the enacted plan, would you still be confident that your plan is consistent with traditional districting principles?

imagine that an algorithm might be able to produce a plan -- that may be crazy -- and someone could do something from that, I don't know.

Q. Mr. Cooper, did you prioritize race over other traditional districting considerations in drawing your illustrative map?

A. Absolutely not.

MR. SAVITZKY: That's all.

FURTHER EXAMINATION

BY MR. TYSON:

Q. I have a few questions in response to that. Mr. Cooper, Mr. Savitzky asked you about what different things could form communities of interest. Do you recall that?

A. Yes.

Q. Could cores of existing districts also form a community of interest?

A. If there were cores maybe that extend beyond a handful of years, perhaps under certain circumstances, sure.

Q. And you considered the boundaries of Senate District 12 to be a community of interest in a region, didn't you?

A. I did in the sense that it's a district that you had enacted as part of your Senate plan.