EXHIBIT P

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA 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 and JANICE STEWART,	CASE NO. 1:21-CV-05337-SCJ
Plaintiffs,	
vs.	
BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia,	
Defendant.	

VIDEOTAPED DEPOSITION OF JOHN B. MORGAN
(Taken by Plaintiffs)
February 9, 2023
9:40 a.m.

Suite 200
1600 Parkwood Circle
Atlanta, Georgia

Reported by: Debra M. Druzisky, CCR-B-1848

APPEARANCES OF COUNSEL

On behalf of the Plaintiffs:

ARI SAVITZKY, Esq.
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10004
(212) 549-2500
asavitzky@aclu.org

-and-

JOE ZABEL, Esq.
Wilmer Hale
7 World Trade Center
250 Greenwich Street
New York, New York 10007
(212) 230-8800
joe.zabel@wilmerhale.com

On behalf of the Defendant:

BRYAN P. TYSON, Esq.
DIANE LAROSS, Esq.
BRYAN F. JACOUTOT, Esq.
Taylor English Duma
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339
(678) 336-7249
btyson@taylorenglish.com

Also Present:

Leo Mileman, videographer
Abha Khanna, Esq.
David Rollins-Boyd, Esq.

--oOo--

INDEX TO EXAMINATION

Witness Name:	Page
JOHN B. MORGAN	
By Mr. Savitzky	7

INDEX TO 1 EXHIBITS

No.	Description	Page
Exhibit 1	Curriculum vitae of John B. Morgan.	11
Exhibit 2	12-5-22, Expert report of John B. Morgan re: The above-captioned action.	62
Exhibit 3	2021-2022 Guidelines for the House Legislative and Congressional Reapportionment Committee re: Georgia.	102
Exhibit 4	5-31-18, Westlaw print-out re: Vesilind v. Virginia State Board of Elections synopsis.	142
Exhibit 5	Stipulations re: Vesilind v. Virginia State Board of Elections.	145
Exhibit 6	1-23-23, Expert Report of John B. Morgan re: The above-captioned action.	240
Exhibit 7	12-5-22, Declaration of William S. Cooper re: The above-captioned action.	241

INDEX TO PLAINTIFF'S EXHIBITS (Continued.)

No.	Description	Page
Exhibit 8	Plan components with Population Detail report.	330

- - -

the report I discuss a process of map drawing which can be applied to other circumstances.

Q. Do you conclude in your December 5th report that the illustrative maps that you drew are evidence that the illustrative maps drawn by Mr. Cooper don't comply with traditional districting principles?

A. That's not in the report.

Q. So let's actually crack open this report and take a look at it, starting with Paragraph 4 and 5. Actually, we can go right to Paragraph 5. You say you set out "to draw a blind plan that did not consider race or incumbency or past redistricting plans for Georgia."

Do I have that right?

A. Yes.

Q. Okay. Did someone ask you to do that?

A. I would say that I was asked to do something like that. I would say that, you know, in order to make some comparisons, that I was asked to draw a plan like that, yes.

Q. Were you asked to draw a plan specifically with those parameters in terms of not considering those three things?

A. That's what it ended up being.

1 actual boundaries.
2 But again, I might generally know there's,
3 you know, about four districts in this area, so
4 whatever the legislature did and whatever I did is
5 going to have about four districts in an area.
6 Q. You mentioned you're -- you know, been to
7 half the counties in Georgia and you have
8 significant sort of background knowledge and
9 awareness of Georgia's demographics.
10 Am I correctly characterizing what you
11 said?
12 A. Yes. When I met with the eight
13 congressmen in 2001 when they were drawing -- the
14 Republican congressmen when they were drawing
15 districts, they respected my opinions.
16 Q. So you know sort of which areas have large
17 black populations?
18 A. Generally, yes.
19 Q. Okay. And when you drew your map, did you
20 consider whether black voters would be able to
21 elect candidates of choice under the lines that you
22 drew?
23 A. I didn't analyze that. I specifically
24 treated every district the same way. So I didn't
25 make any analysis in the areas where I knew there

was black population. I applied the same process that I did in areas where there -- I knew there was not a lot of black population.

Q. So you did not consider whether black voters would be able to elect candidates of choice in --

A. Not --

Q. -- those areas?

A. Not in this report, no.

Q. Have you ever used these, again, adopting your term, blind parameters before in drawing an illustrative map or in any map?

A. I've seen them used before, yes.

Q. Where have you seen them used?

A. North Carolina, Arizona specifically.

Q. In what context?

A. In the early stages of map drawing, there's a lot of maps that are done that pair counties in a certain way.

Or in the case of Arizona, my understanding is that the process begins with a map drawn by map drawers that is then turned over to the commission.

So somebody drew that plan and they turned it over to the commission, and the commission

Q. Sure.
A. Okay.
THE VIDEOGRAPHER: Off the video record at 12:11 p.m.
(Whereupon, a discussion ensued off the record.)
(Whereupon, there was a luncheon recess.)
(Whereupon, Ms. LaRoss did not return to the deposition.)
THE VIDEOGRAPHER: Back on the video record at 12:53 p.m.
BY MR. SAVITZKY:
Q. All right. Hello again, Mr. Morgan.
A. Hello.
Q. So we were talking about some of the different communities of interest definitions and whether and how you considered them in your illustrative map that you drew for the December 5th report.
Did you consider socio-economic commonalities when you created your illustrative maps?
A. Generally, I would say no. These were examples of what people may consider communities of

A. No. I wasn't given information on the public hearing process.

Q. Okay. So and just to summarize, in terms of considering communities of interest, other than looking at municipalities and places on the map and whatever background knowledge you might have had, were those the two ways that you considered communities of interest?

A. I mean, there were others that I mentioned. I mentioned mountains and other geographical features that were not simply municipalities.

Q. Other than considering the features that you could view on the map and whatever background knowledge you were bringing to the table, were there any other ways that you considered communities of interest in constructing your illustrative maps for the December 5th report?

A. I would say it was mostly based on the geography and the maps.

Q. When you say "mostly" --

A. Yes.

Q. -- were there other things that you considered other than the geography and your background knowledge?

Q. Recognizing that one requirement is that all plans comply with Section 2 of the Voting Rights Act, would you say that your plan complies with the guidelines?

MR. TYSON: I'll object to form.

THE WITNESS: I don't know how to determine compliance in that regard.

BY MR. SAVITZKY:

Q. So let's look at Paragraph 28 here. And you have this region one analysis starting in Paragraph 28. You say:

"Region one consists primarily of DeKalb, Clayton, Henry, Rockdale, Newton and Walton Counties."

Can you describe, like, what are the exact parameters of this region that you've defined here?

A. I just defined it.

Q. Well, you say primarily, so what do you mean by "primarily"?

A. Well, if you look at the next page, there's a map, and most of the districts cover all of the territory of DeKalb, Clayton, Henry, Newton, Rockdale and Walton.

Q. So is the region that you're talking about defined by the districts that you selected?

the districts -- the group of districts that you assessed for enacted region one and the group of districts you assessed for illustrative region one?

A. No.

Q. Is there any empirical basis for choosing this particular set of districts?

A. Well, they cover pretty close to the same geographic area.

Q. So it's just rough, rough geographic area in the counties you've selected?

A. Well, let's see. In this case all of DeKalb County is accounted for, all of Clayton, most of Henry, all of Rockdale. In the case of the enacted plan, all of Walton but not Newton and not Henry. And in the other case, it's only missing a portion of Walton.

So it could be that, looking at the illustrative plan and establishing that coverage, and then looking at the enacted plan and looking at the same relative coverage area, and those are the districts that overlap.

Q. Do you know the overall demographics of the set of counties that you chose?

A. In what sense?

Q. Do you know the racial demographics of the

A. No. I listed the individual compactness scores of all of the districts.

Q. Okay. And that's what you're referring to when you talk about the contrast in compactness?

A. In general, yes.

Q. And then you say "There may be many causes" for why the regions are so different. Do you still agree with that?

A. I'm sure there could be.

Q. You mean -- do you mean that there may be many causes for why -- well, sorry. Strike that.

What are some of the many causes that you're referring to here?

A. I didn't identify them.

Q. Are you able to identify them now?

A. I didn't look at that in this report.

Q. Could one of those causes be avoiding pairing incumbents?

A. I suppose.

Q. Could one of those causes be retaining district corridors and continuity of representation?

A. That's possible.

Q. Could one of those causes be various community of interest factors that weren't

1 considered?
2 A. I suppose so.
3 Q. Could one of those causes be constituent
4 feedback during the constituent sessions in the
5 redistricting process?
6 A. That's possible, I suppose.
7 Q. Could one of them be compliance with the
8 Voting Rights Act?
9 A. I suppose that's possible.
10 Q. Could one cause be the individual
11 balancing decisions of different map drawers?
12 A. I suppose so. There's many possibilities,
13 I'm sure.
14 Q. So in Paragraph 30 starting on 22, you
15 say:
16 "Looking at some specific
17 districts shows that the compactness
18 of those districts is lowered by
19 apparent effort to create more
20 majority black districts."
21 And then you look at one set of districts,
22 you compare one set, your illustrative 90 versus
23 enacted house District 89. And you say that the
24 enacted district is more elongated but your
25 district is more compact.

1 districts. I mean, I think there were fewer in
2 this region than the previous region, but not by
3 much.
4 Q. Did you do any core constituency analysis
5 to determine the precise overlap between the set of
6 districts in your illustrative region two and the
7 enacted region two?
8 A. No. I did not compare the core
9 constituency between these two plans, but I suppose
10 that's something that could be done.
11 Q. So looking at Paragraph 32 of your report,
12 you again say, you say:
13 [As read] "...the maps in region
14 two show a contrast between the
15 illustrative and the enacted plan with
16 respect to compactness."
17 Is that a fair statement of your
18 assessment of these two maps?
19 A. I think that's pretty close to what I said
20 in the report, yes.
21 Q. And then you say there may be many causes
22 for the differences one sees between the enacted
23 and the illustrative map that you draw; right?
24 A. Yeah.
25 Q. Could one of those causes be avoiding

A. Uh-huh.
Q. Did you look at any other individual head-to-head comparisons or just District 59 for region two?
A. Well, I mean, there's a chart. You can look at them here. They're all here. I reported the information on all of the districts that are in the region as defined.
Q. Did you discuss any other head-to-head comparisons in your report?
A. No. The report verbally describes what's in the table in one instance.
Q. Do you know how much District 59 in your illustrative map and District 59 in the enacted map overlap with each other?
A. In what sense?
Q. Do you know what their geographic and population overlap is?
A. No. I said I did not run the core constituency comparisons.
Q. Do you know whether they are the most alike districts when it comes to core constituencies, whether there's a better comparison that could have been made?
A. A better comparison?

Q. One that more accurately reflects the population.

A. I'm not sure I understand.

Q. My question is, is -- are 59 and 59 the right comparators or is there another set of comparators that overlap more tightly?

A. There's 25 or 26 districts. You can compare any one of them.

Q. In your view you can compare any of these districts?

A. No. I chose ones that were in the same general area.

Q. You chose ones in the same general area with --

A. Same geographic area, yeah. I, as I said, I didn't run the constituency comparison reports. I suppose I could have done that.

Q. Okay. Do you know whether enacted District 59 was drawn the way it was in order to avoid pairing incumbents?

A. No.

Q. Do you know how many incumbents you pair in your map in Fulton County?

A. No.

Q. You say drawing a more compact district in

Q. Is that right?
A. Yeah.
Q. Okay. Compactness score of 55 in your plan is point 32 and point 34?
A. Yeah.
Q. Compactness of District 55 in the enacted plan is point 34 and point 37?
A. I wasn't comparing those, but okay.
Q. You weren't comparing those?
A. I think the one I'm pointing to here is District 10 in the enacted plan.
Q. Oh. I'm sorry. So you compared District 55 in the illustrative plan to District 10?
A. Yeah.
Q. Okay.
A. And I said it's an -- they're both anchored in southern DeKalb, and District 10 goes south into Henry whereas District 55 is entirely in southern DeKalb. And that's a contrast.
And I think you can see that in the enacted plan, southern DeKalb is parcelled out into several districts. Whereas, in the illustrative plan it's basically in three.
Q. Did you do any core constituency report to determine which district most overlaps with

illustrative District 55 in your illustrative map?

A. Boy, that, I think that would be a little difficult. Because it's so fractionalized in the enacted plan. I suppose one might be more than another.

Q. So District 55 in the enacted plan could have more of the population of District 55 than the illustrative plan?

A. Yeah, I don't know. It's really fractionalized in the enacted plan. I'd have to look at that carefully.

Q. And just --

A. And I don't know that that's -- like, which one do you pick? It's hard to say.

Q. Well, you picked the one with the lower compactness scores, but District 55 in the enacted plan actually has a higher Reock score than District 55 in your illustrative plan; right?

A. Yeah. And I don't know that there's a great deal of overlap, but maybe there is.

I mean, and again, it's so fractionalized that, you know, if you were to take District 55 in my illustrative plan, you know, you might have 20 percent in one and, you know, 25 percent in another.

way in, like, a numerical quantitative sense.

Q. Is the claimed effect from racial considerations greater than the effect of taking into account constituent feedback from the redistricting process?

A. I think that would be difficult to analyze, so I don't know.

Q. Did you come to a conclusion about which of these different factors had more or less of an effect --

A. No, I --

Q. -- than the enacted?

A. I didn't intend to discuss that, and I don't think I did. I said that the racial considerations had an effect. I think there's -- this clearly indicates there's a tendency and there's an effect.

Q. So your conclusion of an effect from racial considerations is based on comparing the maps enacted by the State of Georgia and the plan that you put together?

A. Yeah. And what -- in reviewing the enacted plans combined with drawing -- I think having the plan, the illustrative plan that I drew is useful as a comparison tool.

of traditional districting factors?

A. Well, I didn't specify that here. But if we look through the analysis, there's many pieces to the analysis, so individual pieces support that conclusion.

And so as a whole, yes, I think that's the case. It's, in that sense, it's a holistic analysis.

Q. What do you mean when you say that the Cooper plans are focused on race? What does that mean?

A. I -- I would say that there are many examples that I discuss in my report that show that race was a focus, very much so.

Q. Does it mean something other than being aware of race?

A. Yeah, I think so.

Q. What? What does it mean other than being aware of race?

A. I would say that there are instances that I discuss in the report where steps are taken in the drawing of the plan that prioritize race, not just being aware of it, that there are actions I see that show that the focus of certain areas was a racial focus.

Q. Does it mean something other than complying with the Voting Rights Act?

A. I don't know that complying with the Voting Rights Act is well defined here or -- I don't know how to answer that. Like, the compliance is a separate question. I think there are many ways that could be considered compliance in my experience.

Q. Is your opinion that the Cooper plans are too focused on race?

A. When you say "too focused," there's sort of an implicit comparison there to something, but you haven't identified what that is. So too focused as compared to what?

Q. Is it your opinion that the Cooper plans are inappropriately focused on race?

A. I think that there is -- yeah, there's a real focus on race. In some cases you could say that it's inappropriate.

But you know, I don't know that I can say that it's categorically across the board inappropriate. But I have many instances where I discern a focus on race.

Q. What evidence did you rely on to reach the conclusion that the Cooper maps are focused on

A. No.
Q. -- or did you just analyze the B.E.F.s?
A. I looked at the report a little bit, but mostly I analyzed the block assignment files.
Q. Would you say you read the whole report?
A. Probably. I skimmed it. I didn't read it in great detail.
Q. So your opinions about the Cooper plan were developed without really considering Cooper's report and his description of how he drew the plans?
A. I didn't rely on that for this report.
Q. Did you consider it?
A. I may have considered portions of it, yes.
Q. Okay. Did you disagree with anything in the Cooper report?
A. I don't recall right here right now. I mean, if we want, we can look at it, but I don't have a specific disagreement. I have opinions based on the plan that I analyzed.
Q. And your opinions are based on analyzing the B.E.F.s of the plan?
A. Generally, yes.
Q. Okay. You also say that you did some analysis of prior plans submitted by Mr. Cooper

A. Well, that's what I'm saying. I think I just need to see if it's in the appendices or not, if I could.

Q. That's okay.

A. Okay.

Q. You don't list core constituency comparison to the benchmarks in this list of seven, do you?

A. Yeah. That's right. But I'm trying to say that it might have been run. Because I had the prior plans, and it's something that could have been done.

Q. Okay.

A. So that's why I'm saying I'm not sure if it's in the appendices. And if I can look, I can check that.

Q. So when comparing Cooper's maps to the enacted maps, did you consider the redistricting principles set out by the State of Georgia that we previously talked about that have been marked as Exhibit 2 --

MR. ZABEL: Three.

BY MR. SAVITZKY:

Q. -- 3? Did you consider those?

A. It's not in the report.

aligns more closely with the enacted senate plan than the Cooper PI-2 plan.

A. Yes. But I didn't say anything as to how it aligns with the enacted plan.

Q. Just looking at your chart two, would you agree the Cooper senate plan is the same or better than the enacted plan on all of the metrics that you identify?

MR. TYSON: Object to form.

THE WITNESS: I, again, I don't quite understand. I show the information and the comparisons we just went over in detail.

BY MR. SAVITZKY:

Q. Are there any metrics that you look at here where the Cooper plan doesn't perform as well as the illustrative plan --

A. I --

Q. -- or the, as the enacted plan?

A. Yes. There are the voting precinct splits -- sorry, the compactness is better. Yeah, no, I'd say -- we talked about the deviation. It looks like they're all very similar.

And some numbers are higher than the enacted plan, and most numbers are higher for the

compactness, lower for the splits, more for the incumbents.

Q. Okay. And just to be clear for the record, the Cooper plan is better on voting district splits?

MR. TYSON: Object to form.

THE WITNESS: Again, the number is higher on the enacted plan for splits and lower on the Cooper plan for splits.

BY MR. SAVITZKY:

Q. Got it.

So let's -- just hold one second.

And you say that 21 of the 56 districts in the Cooper plan are identical to the enacted map?

A. I believe that's correct.

Q. And you say on Paragraph 18, moving along to Page 8:

[As read] "The Cooper 12/05 senate plan has 35 of 56 districts drawn differently but still has mean compacted scores close to the enacted plan, with" mean compactness -- "with the mean compactness score on Reock higher and the mean compactness score in Polsby lower."

But I think we already discussed you agree those compactness scores are virtually identical?

A. Yes.

Q. Okay. Now, let's look at your regional analysis starting at Paragraph 19. You did an analysis of the metro region with respect to the senate map, and you focus on a cluster of four senate districts that you selected.

Is that -- do I have that right?

A. Yes. They're senate districts in the same area, same region.

Q. Uh-huh. And just looking at Page 10 of your report, can you confirm that the map on Page 10 is supposed to depict districts from the enacted map?

A. Just a moment.

Q. And not to hide the ball, but I just -- because it says Cooper on top, but I'm pretty sure that --

A. Does it say it on both?

Q. It says it on both.

A. Okay.

Q. And I think this is the enacted side --

MR. TYSON: Yeah, the --

BY MR. SAVITZKY:

the appendix to the report, so it's possible to look at any district you want to make a comparison to. But I chose this district because it does show differences. And I'm showing some differences in the two plans.

Q. Right. I mean, you conducted a cluster analysis examining the compactness of these particular districts, which you didn't do for other -- any other set of districts in the metro area?

A. In the metro area? I don't think so. I mean, I talked about -- I think I talked about another district in the metro area. Yeah, I talked about Spalding a little bit.

Q. Did you run any analysis to determine how much these groups of four districts overlap in a core constituency analysis between the two?

A. Well, I mean, the core constituency analyses are included as an appendix in the report, so that information is available. But I didn't highlight it or discuss it in the verbal part of the report.

Q. Do you know how much this set of districts overlaps?

A. No. I didn't look at that specifically.

Again, I was picking these counties and looking at districts that are generally in that area.

Q. And when you look at these maps, we can only see the district lines for the set of four districts that you selected?

A. In this map, that's correct. However, in the appendix, there are additional single districts that we could look at.

Q. When we look at these maps, we can't see whether the lines of the surrounding districts are more or less compact or split more or fewer counties in one map or the other?

A. There are four districts on this map in the enacted and the Cooper plan.

Q. Yeah. So you're -- in this analysis, you can only see the districts that you selected?

A. Yes.

Q. So let's turn to some of the districts that you selected. On the enacted map you've got enacted District 10 you describe in Paragraph 21. You say it's a 71.5 percent B.V.A.P. district. And you say it stretches for 25 miles across from DeKalb, Henry County to the Spalding County line.

How do you measure those distances, by the way? How did you do that?

1 specifically, it is being elongated to get lower
2 concentrations of black population in Spalding
3 County into District 16 in the Cooper plan.
4 Q. But other districts are less elongated
5 in -- among the four that you've chosen?
6 A. Some are, some aren't.
7 Q. Do you ever conclude in your report that
8 Cooper's districts in this area do not comport with
9 traditional districting principles?
10 A. I don't know that I explicitly said that
11 in this area of the report.
12 Q. Is that your opinion?
13 A. I said in my opinion that there was a
14 focus on race to the detriment of these other
15 redistricting factors.
16 Q. But you're not saying that the plans are
17 inconsistent with traditional districting
18 principles?
19 A. I didn't say that. I don't think I said
20 that anywhere in the report. I said that it -- I
21 said what I said in the concluding statement, and
22 in Paragraph 6, that it's focused on race to the
23 detriment of those factors.
24 Q. So you're not concluding that the
25 illustrative plans do not comport with traditional

1 does better on minimum compactness?
2 A. I would assume it's Cooper.
3 Q. It is, but I'd for the record like you to
4 verify that.
5 A. Okay. For the record, let's see, the
6 illustrative house plan has a low of point 16 on
7 Reock and point 11 on Polsby-Popper. Cooper is --
8 sorry. That's Cooper.
9 Cooper plan is point 16 Reock, point 11
10 Polsby-Popper. The enacted is point 12 Reock and
11 point 10 Polsby-Popper.
12 Q. So Cooper's plans, Cooper's house plan is
13 more compact when looking at the minimum
14 compactness measure?
15 A. Yes.
16 Q. Okay. So regarding number of paired
17 incumbents, we have 25 in the Cooper illustrative,
18 20 in the enacted?
19 A. Yes.
20 Q. And deviation ranges are similar; would
21 you say that's correct?
22 A. The Cooper plan has a higher deviation
23 range.
24 Q. But it's within that 1.5 percent number
25 that you chose for your 12/05 plan?

A. Yes.
Q. Okay. So would you say that's sufficient to comport with traditional districting principles, being in that plus or minus 1.5 percent deviation range?
A. Generally.
MR. TYSON: Object to form.
THE WITNESS: Sorry.
MR. TYSON: Sorry.
THE WITNESS: Okay. I answered most of it. I would say that let me clarify my answer here. It is the same deviation range that I used in my illustrative plan. In my experience, I have seen plans that have this range of deviation before.
BY MR. SAVITZKY:
Q. By the way, sometimes deviation can be higher than that, right, 5 percent?
A. It really depends where you are. Not in Nevada.
Q. We are not in Nevada.
A. No.
Q. So did you look at any other metrics other than these?
A. The top line metrics? No. But I have all

Q. So substantially the same compactness?
A. Okay.
Q. Would you agree with that?
A. It's, yes, it's close.
Q. And then for District 133, it looks like the enacted plan District 133 is more compact. That district is a different, a very -- a different area from the illustrative map, isn't it?
A. Probably.
Q. Do you know what the overlap of those two districts is?
A. No. I don't have it in front of me.
Q. Okay.
MR. SAVITZKY: Is this the -- that's fine. We don't need to...
BY MR. SAVITZKY:
Q. Would you say that it makes sense to do a comparison of two districts where there's only 40 percent overlap between the populations at deal?
A. It can. It depends on what the circumstances are. For example, when you were talking about Senate District 55, what district to compare that to, well, the -- that same area in my illustrative 55 was fractionalized in the enacted plan. So which one do you compare it to?

1 I don't know what the highest percentage
2 is in that area.
3 Q. And you didn't look at the core
4 constituency report -- core constituency, excuse
5 me, report to try to figure out what the best
6 comparator would be?
7 A. I didn't. And more to the point, in this
8 case when you say is 40 percent a good number, I
9 don't know. It really depends on what the other
10 options are.
11 Q. Is it possible that you could have a
12 situation where the districts are so different that
13 there isn't really a good comparator?
14 A. Sometimes, sure.
15 Q. Looking at District 145, the enacted plan
16 is a little better on Reock and the Cooper plan is
17 better on Polsby-Popper; is that right?
18 A. Yes.
19 Q. Okay. And looking at 171, it's a little
20 bit more compact under the enacted plan?
21 A. It's point 35 Reock in the enacted and
22 point 28 in the Cooper for Reock. And
23 Polsby-Popper is point 37 in the enacted and point
24 two in the Cooper plan.
25 Q. And did you look at the overlap between

1 P.I. plans and this, so I included the same
2 information.
3 Q. Okay.
4 A. But all of the compactness scores are in
5 the reports.
6 Q. So let's turn to Paragraph 48 and some of
7 these maps. You look at metro area house
8 districts. You look at a map shown which is called
9 a metro region.
10 And you have some maps on Pages 27, 29 and
11 30 of your report with V.T.D.s shaded by B.V.A.P.;
12 is that right?
13 A. In general, yes.
14 Q. All right. You say:
15 [As read] "Looking at the
16 specific districts will show the
17 compactness of the districts as
18 impacted by the efforts to create more
19 black majority districts."
20 When you say "impacted," what do you mean?
21 A. Where is that in the report?
22 Q. In Paragraph 50. I'm sorry. You say:
23 "...the compactness of the
24 districts is impacted by the efforts
25 to create more majority black

mean compactness would have changed?
A. I don't know. I assume so. We discussed this earlier. It's possible and likely that it would change, but I don't know how it would change.
Q. So if you did a different analysis, the mean compactness for Cooper's districts could be better and the mean compactness for the enacted could be worse?
A. I have no idea. This is the analysis that I provided in the report.
Q. Based on the districts that you chose?
A. Yes. That are in the same geographic area.
Q. Along with other districts that are also in that area that you didn't choose?
A. I chose these districts, and I discuss them in some detail in the report.
Q. And when you picked these districts, did you run a core constituencies analysis to determine how much they overlapped between the illustrative and the...
A. It's available in the appendices. It's not in the text portion of the report.
Q. Do you know how much of enacted District 77 actually overlaps with District 77 in the Cooper

map?

A. Probably not very much. It doesn't look like very much overlaps.

Q. But you decided to do a head to head on them anyway?

A. I wouldn't describe it as a head to head. In some extent that's why I picked this grouping of four, because it's in the same general region.

So even though 77 may not have exactly the same, and certainly not exactly the same, but a lot of the same territory, as a group they cover a lot of the same territory.

Q. So just looking at Paragraphs 51 and 52 of your report, you've got one district in north Clayton, one in Fulton and Fayette, one in Fayette and Coweta, one in Fayette and Spalding and Henry for the enacted plan.

Does that sound about right?

A. Yeah. That's what it shows.

Q. And then just turning to Paragraph 53, which is still on this page, you say:

[As read] "In the Cooper 12/05 plan, the engineering of a new black majority district is accomplished by elongating the districts to connect

I believe.

Q. So whichever part of a split in Spalding County has Griffin is going to have most of the black population?

A. Probably.

Q. And you didn't consider that in assessing whether the county split that Mr. Cooper draw -- or drew was appropriate?

A. I reported on what I saw, and I drew some conclusions from it.

Q. So let's look at Paragraph 58 and turn to the discussion of the black belt sort of area. You sort of pick out ten districts in this region to examine.

Why did you pick these districts?

A. They cover roughly the same area. And I think in particular I have a discussion of county splits with regard to District 128 in Cooper's plan.

Q. Did you run the core constituencies analysis to determine how much of the area in your region and the area in the illustrative overlapped?

A. I didn't run a core constituency. The -- those numbers are in the appendix.

Q. Did you conduct any compactness analysis

of the districts in this area?
A. That's in the reports. It's all there.
Q. But you're not contending that the com -- that there's some -- that the districts in the Cooper map are less compact or there's some detriment to compactness?
A. I think there is, I mean, specifically with 128.
Q. Well, specifically with 128 --
A. Compared to, say, District 155 in the enacted plan.
Q. I mean, do you discuss the compactness scores of the districts in this area at all in your report?
A. I don't think so. I think I'm looking at a different aspect here regarding the county splits.
Q. Okay. You say that District 33 -- 133 has a number of V.T.D. splits in Baldwin County?
A. Yes.
Q. That's on Paragraph 61.
A. Yes.
Q. Is that due to the shape of Milledgeville and the V.T.D.s around Milledgeville?
A. No.