EXHIBIT B

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

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

of any plans that you drew for the Georgia legislature, right?

A. I think that's probably safe to say. I drew them differently here and there, but I don't think I drew any that had more than seven districts.

Q. And I know you referenced -- and I've been there with you -- drawing 180 House districts is not an easy proposition. Have you ever drawn state-wide legislative plans for Georgia before your involvement in the Alpha Phi Alpha case?

A. Yes.

Q. And what was that?

A. I guess it's okay to divulge. I mean I've worked --

MR. SAVITZKY: I'll just caution the witness that if there's some non-public work that you did for an attorney, you should exercise care.

A. Well, I did a little work for a law firm in Atlanta in the 2011, 2012 period. A lawsuit was not filed. It was a fairly small project, but it did involve House and Senate plans -- or at least certainly House plans. I'm not sure about Senate.

Q. And I believe when we spoke about this in a prior case, that was the Bondurant Mixson and Elmore

district" in your work?
A. I probably did in Gwinnett County.
Q. And how would you define a coalition district when you use that term?
A. A coalition of minority plaintiffs, in other words, typically it would be African-Americans and Latinos, but in Gwinnett County it was African-Americans, Latinos and Asian-Americans. In some places out West you would have a coalition of African-Americans, Latinos and native Americans, indigenous population, certainly in Arizona.
Q. In your work do you ever use the term "ability to elect districts"?
A. I probably have almost never used that term because that's sort of the Gingles 2, Gingles 3 expert. But I might have accidentally. If you know of one case where I used that term, I probably should have not used it because that's not my bailiwick.
Q. That's helpful. Thank you.
So you're aware that race can predominate in the drawing of a redistricting plan, right?
A. It could.
Q. Do you have a way you would determine in your work if race predominated in a districting

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

Q. So when you're drawing maps you take the Voting Rights Act into account though, right?

A. Well, yes. I mean I pay attention to the demographics of a region or a county. So I'm aware of the minority population, not just Black population but other minorities as well.

Q. And when you're drawing maps and taking the Voting Rights Act into account, is the way you think about compliance with the Voting Rights Act in that context, the non-dilution of minority voting strength?

MR. SAVITZKY: Objection; vague. Although, if you understand it you can answer.

A. Well, it is in a simple Gingles one fashion, but ultimately a statistician would have to also be called in to examine whether a district that is 50 percent Black is a district that would meet Gingles 2 and Gingles 3 prongs. So that's a general statement. I think what I've said in paragraph 10 is a pretty common recitation of the traditional redistricting principles.

Q. And so is it correct to say then that you as a map drawer would not offer an opinion of whether a particular district complied with the Voting Rights Act because you would need a

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

before.
A. Not in a paper format, but I did review it as a PDF.
Q. And is this the document that's referenced in footnote 10 of your report, Education in Georgia's Black Belt: Policy Solutions to Help Overcome a History of Exclusion.
A. Yes. Both documents have October 2019 publication date.
Q. So it's safe to say then that you relied on this document in preparing your report about the Black Belt, right?
A. Yes, the contemporary Black Belt.
Q. So let's turn to page number five of this report. Could you read the very first sentence at the top of that page?
A. "There is no uniform definition for the Black Belt."
Q. Do you agree that there's no uniform definition for the Black Belt?
A. I think that's a reasonable statement.
Q. And the definition that the Georgia Budget and Policy Institute used was a general description where the majority of people in an area are Black or live in poverty, right?

A. Yes. I think the focus was on school districts.

Q. And in looking at the map that's here on page five of the report, it appears that's the same map produced on page 11 of your report, right?

A. Yes.

Q. And that map includes Savannah and Chatham County as part of the Black Belt, right?

A. It does, as part of the contemporary Black Belt, again based on school enrollment and poverty.

Q. And it includes Athens, Georgia, Clark County as part of the contemporary Black Belt; is that right?

A. Yes.

Q. And it includes Glenn County and Brunswick on the coast as part of the contemporary Black Belt?

A. It believe so.

Q. And you relied on this report to determine which counties were in the Black Belt for purpose of your focus area that you looked at for your report, right?

A. Yes. I just wanted to see if the area that I had outlined around Augusta was also an area that the Georgia Budget and Policy Institute had identified.

Q. And you would agree that Glascock County near Augusta they did not consider part of the contemporary Black Belt, right?

A. That's true.

Q. Did you consider Glascock County as part of the contemporary Black Belt in your map drawing?

A. It's part of the majority Black districts. It's a very small county. And it's right in the center, so it's included in both Senate District 2 and House District 133 I believe -- not 133. I will have to double-check. But it's one of the House districts as majority Black. I believe it's in one of the House districts as majority Black maybe even under the enacted plan.

Q. And it's correct that you did utilize all the counties that the Georgia Budget and Policy Institute identified as Black Belt counties as part of your analysis of the contemporary Black Belt, right?

A. Well, I'm just using this as general background information. That's not to say that you can't draw majority Black districts outside of the areas that GBPI identified as part of their contemporary Black Belt based on student enrollment and poverty.

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

Q. And so in creating your illustrative plans you rely in part on the history of the experience of Black Americans and the commonality that goes with that as the basis for a community of interest, right?

A. I think that's legitimate, yes.

Q. On your map of regions, you are also aware that the Census Bureau has different statistical areas for Warner Robins and Houston County and for Bibb County, right?

A. Yes. But then they have a new category that they call a consolidated statistical area where they combine them and say they're adjacent. For example, the Athens area is now part of a consolidated statistical area with the Atlanta MSA. So they've got this extra layer of commonality.

Q. And so it's fair to say then for all the different regions in your report that you're just looking for things that they have in common; some based on regional commission, some based on census, some based on historical Black Belt, it just depends on that particular region?

A. Yeah. I mean all that is in the background. When you're drawing a plan there's a lot of -- sort of an amorphous quality to what

you're working on because there are different ways of interpreting things.

Q. In designing your regions you could have included other counties in those regions but you just chose not to, right?

A. I wasn't definitively choosing not to. As I was drawing the plans some districts looked more viable in terms of shape than others. Contiguity is an issue. So there was a multiplicity of factors, as you know, when you're drawing a plan. I'm comfortable with what I've drawn. I think it would hold up well against anything that the state has done today or historically, and would hold up elsewhere in the country if I drew them in other states.

Q. I'm not quite jumping ahead to the districts yet. I'm talking about the regions. Were the regions still being formed while you were drawing the districts then?

A. What do you mean?

Q. Well, you've identified these four regions that you focused on. And my question was you could have included other counties in those regions but you choose not to. And then you gave an answer about districts. So I wanted to understand --

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

illustrative Senate District 23 is only 50.21 percent AP Black VAP, right?

A. Right. It might be a little bit higher on CVAP. I'm not really looking at that.

Q. So in looking at illustrative District 23, it includes counties both from your Region B and from Region D, right?

A. That is true.

Q. And it includes counties that are located in the -- I'm sorry. It includes counties that are outside of the central Savannah River area regional commission, correct?

A. Yes. The counties of Wilkinson and Baldwin and Twiggs are in middle Georgia.

Q. So if you were looking at these particular regions, why then does illustrative District 23 cross regions to create this new majority Black district?

A. Well, the regions are informative and instructive, but they're not cast in stone. You can certainly cross regions, as your plan does. As I've mentioned previously, I think, I've got fewer splints of the regional planning districts than in the enacted plan. Very close, but there's a three or four commission difference in terms of the

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

changed the district but still want to make sure that the incumbent is assigned to the district that's been changed, if possible, without pairing incumbents. So all of those factors come into play. And I frankly don't recall the sequence of events that would have led me specifically to make Clark County whole or make Coffee County whole, because there were incumbents -- and, again, I'm using the January '22 data set that we got from you guys. And I have not attempted to take into account the November '22 election results and the residences of the incumbents under that scenario. And so other things could change clearly to take that into account in the next illustrative plan, should there be one.

Q. And you would agree with me that of the five counties that you unsplit on the illustrative plan, all of those counties are not majority Black, right?

A. Well, they're not majority Black voting age. Newton County is almost 50 percent. It's 49.7. Columbia is 20.8. Coffee and Clark, there's a significant Black population in those two counties. It's 26.2 for Clark and 29.2 for Coffee. The only one that is overwhelmingly white really is

Jackson County in the north.

Q. We can set that aside for the moment. You can set Mr. Morgan's report aside. You might want to hold onto the map for just a second.

A. Okay.

Q. Going to paragraph 119 of your report, you talk about regional splits.

A. Yes.

Q. And you run this based on the regional commissions that we've discussed and also the 39 federally-designated core-based statistical areas in Georgia; is that right?

A. Right.

Q. So is the map of the MSAs and other geography that we have, I believe, as Exhibit 7, the map of the core-based statistical areas in Georgia?

A. Yes. This map shows both MSAs, Metropolitan Statistical Areas, which have populations that are greater than 50,000 in the combined counties they cover, but it also includes smaller counties with populations of 10,000 and above. Those are called micropolitan statistical areas.

So I think there are 10 or 12 MSAs and maybe more than that in terms of micropolitan

Paragraph 125, you compare the labor force participation rates in Fayette, Spalding and Clayton Counties, right?

A. Yes.

Q. Did you compare the labor force participation rates in any of the other districts aside from Senate District 28 on the illustrative plan?

A. On the illustrative plan I did not do that. Although, you can quickly get that information just by going into CDs. That kind of analysis could just go on forever. This is just an example to show that there are similarities in District 28, even though Clayton County is fairly urban and Spalding less so.

Q. And did you look at, for example, the number of bachelor degree, the rate of that for Fayette, Spalding, and Clayton Counties?

A. I did not report it. I believe that -- I would have to look at the data. Fayette County has very high socioeconomic statistics. In fact, it -- and I'm talking about the Black population here. It outscores the white population in many, many of the other counties in the state. It's high income, suburban, ex-urban Black population.

Q. Is it a distinct --

data after the districts were drawn or before?

A. The actual documentation, after. But there are some things that I knew without even accessing the charts. I knew that Senate District 23 would be significantly poorer than say Senate District 28. And I knew that Senate District 28 would be much better off financially, the African-American population and the white population, than say Senate District 12. Of course, that's already there. It's the enacted plan. But that's where I drew the new House district -- so the things that I knew that I did not necessarily need in terms of drawing the plan.

Q. And this ACS data, you can't display it by any particular method on Maptitude while you're drawing maps, right?

A. You could. You could.

Q. Did you?

A. I did not. I think really it's better to look at county level data. There is less of a margin of error.

Q. And to be clear, when you're talking about these various districts, you're not looking below the county layer to any split counties; you're looking only in total county rates, right?

A. Correct. I will say that next year you'll be able to get a breakout of the present enacted plan in the ACS by the enacted Senate and House districts. That's reported starting next year, I believe, with the -- I guess it would be the 2018 - 2022 ACS. But then I wouldn't be able to take that apart and look at the illustrative plan, because it's not an enacted plan so the Census Bureau is not going to run that analysis.

Q. Understood.

We're going to move to the House map. Do you want a break or keep on going?

A. I don't care.

Q. Okay. We'll plow ahead into the House.

So let's begin in the same place. We start with a number of majority Black districts. And you would agree that from Figure 23 on page 59 that when you apply the 2020 census numbers to the prior House district plan there were 47 majority Black districts, right?

A. Yes.

Q. And the 2021 enacted House plan increased that number of majority Black districts by two, to 49, right?

A. Yes.

of the western division of the historic Dixie Highway recognized by the Southwest Georgia Regional Commission.

A. Yes.

Q. And then you reference a Corridor Management Plan from 2014 in a Footnote 32, right?

A. Right.

(Exhibit 17 marked.)

Q. I'm going to hand you what I've marked as Defendant's 17. Is this the Corridor Management Plan that you referenced in that footnote?

A. I think. There it is, 1.2, Corridor Management Plan.

Q. Do you recall how you located this particular Corridor Management Plan that you cited in your report?

A. I was looking around for information about US Highway 19 and found it.

Q. Was that after you drew the illustrative District 171?

A. In this particular case it probably was.

Q. So after you drew the district you were hunting around looking for information about Highway 19 and what it connected; is that fair to say?

A. I did look at that. I mean I knew that

Highway 19 was, in a sense, a historical highway. US highways of that vintage with a 19 on it go way back in time, so it's not like there haven't been transportation connections between Thomasville and Albany since the 1930s.

Q. So turning to page seven of Exhibit 17, you see there's a heading 1.6, "How to Use the CMP".

A. Yes.

Q. And it says that the CMP should be utilized in conjunction with the associated planning documents, including -- and then it lists a series of five other documents. Do you see that?

A. Yes.

Q. Did you ever review any of those five documents?

A. No, I did not.

Q. And going to 1.7 there is a route description that begins at the Albany Welcome Center and it's almost kind of a metes-and-bounds-like set of bullets of where this route proceeds. Do you see that?

A. Yes.

Q. Have you analyzed whether all the pieces listed in 1.7 of this route description are included in illustrative 117?

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,

right?
A. Right. Even though the guidelines established by the General Assembly did not really specify that it was necessary to stay within that range, that's the range that the enacted plan was in so I just stuck to that range.
Q. You would agree that the deviation on the illustrative plan as a whole is higher than the deviation on the House enacted plan?
A. Right, it's slightly higher, like a couple of tenths of a percentage point or so.
Q. But either way, the illustrative plan did increase the total deviation over the enacted plan even if only slightly, right?
A. Well, it's only slightly, so it's a meaningless distinction.
Q. And you note that you have one fewer county split in the enacted plan in Figure 37; is that right?
A. One less split county. And the same number of county splits, because that's a different metric.
Q. So we'll go back to Exhibit Number 9. And if you could turn with me to page 45 of Mr. Morgan's report.
Mr. Cooper, are you with me on page 45 of

more carefully than it. Ben Hill is 38 percent apparently.

Q. So kind of like we did in the other plan, I was looking to see which of those counties you unsplit related to the creation of the five new majority Black districts. And the only ones I could identify that were somewhere close were Lamar, McDuffie and Jones. Were any of these other counties unsplit related to the creation of the five new majority Black districts?

A. Ben Hill perhaps because of the ripple effect. So some of that spills out. I mean even though Ben Hill is not one of the majority Black, potentially a new majority Black district, it's not that far from the area.

Q. Any other counties you can identify?

A. Well, I've not attempted to identify these. Oconee is not split, but it's close to a majority Black Senate district. And House District 133 almost borders on Oconee -- and maybe it does. I need to look at the map. It's very close.

Q. You would agree that Dawson County with one and a half percent Black population is nowhere close to any of the new majority Black districts you created, right?

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