

EXHIBIT 46

2/23/2023

Coakley Pendergrass, et. al., v. Brad Raffensperger, et. al.

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

COAKLEY PENDERGRASS, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, in his
official capacity as the
Georgia Secretary of State,
et al.,

Defendants.

Civil Action No.

2:21-CV-05449-SCJ

ANNIE LOIS GRANT, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, in his
official capacity as the
Georgia Secretary of State,
et al.,

Defendants.

Civil Action No.

1:22-CV-00122-SCJ

Videotaped deposition of DR. JOHN ALFORD, taken
remotely in the above-captioned cause, before
Rachel F. Gard, CSR, RPR, CRR, commencing at
the hour of 11:00 a.m. Eastern on Thursday,
February 23, 2023.

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1 government except making sure everybody is
2 carrying a pistol.

3 But certainly for any court, as it was for
4 the court that Brennan was working with, you can't
5 approach an issue like the legitimacy of an
6 application of the Voting Rights Act, if you're
7 going to blind yourself to evidence presented by
8 the plaintiffs as convincing, solid evidence that
9 their expert backs that shows that the racial cue
10 in the election makes no difference at all to the
11 behavior, voting behavior of blacks or whites.

12 Q So we've been going for about 90 minutes
13 now. It might be -- we might be approaching a
14 good time to take a break. But before we do, I
15 just want to have a couple follow-up questions to
16 what we've been talking about.

17 The first one is: Just when -- and we'll
18 get into this more a little later on. But you
19 just suggested that the analysis that you're
20 purporting to undertake doesn't have a causation
21 element. But when you say that these results
22 demonstrate that the polarization is on account as

1 party affiliation, how can that be construed as
2 anything but a causal conclusion? Isn't that by
3 necessity what "on account of" means? You're
4 looking for a factor that explains the reasons for
5 something, not merely observing what the data --
6 not merely, not merely seeing what the data on its
7 face demonstrates, I guess that's my question.

8 A That's a good question. I think so the
9 issue that you're going to get at is sort of, is
10 this -- when we look at the data, we can clearly
11 see that these groups vote difference in a party
12 sense, blacks are voting for the Democrat
13 overwhelmingly, whites are voting for the
14 Republican overwhelmingly. So that appears to
15 demonstrate the party of the candidate appears to
16 be having an effect, right.

17 That's compatible with a whole lot of
18 arguments about partisan causation, okay. It is
19 not evidence of causation. It's evidence that it
20 might be fruitful and certainly suggests that
21 there may be some connection. It's an awfully
22 strong pattern, durable across -- up and down the

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1 ballot and across the country, it's an awfully
2 durable element if it doesn't have some causal
3 connection. But in and of itself, right, it just
4 ultimately is a correlation. It is not a causal
5 inquiry.

6 So it is definitely evidence of a clear
7 partisan voting pattern, right. There's a clear
8 connection between the party label and the
9 candidate and the behavior of the voters. But
10 whether that connection is causal or not is a
11 different kind of inquiry. EI is never going to
12 answer a causation question. It can barely answer
13 a correlated question, unless the evidence is
14 really as clear as it is here, right.

15 So the question -- the answer is that is
16 the evidence here is clearly compatible with any
17 number of arguments in which partisanship might be
18 causal. That's not the case, right. So, for
19 example, what we saw here was that the party of
20 the candidate didn't make any difference to this
21 pattern at all. So all I'm asking to be
22 recognized here is if a pattern shows no

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1 established causation or not. All you've
2 established there is that you don't want to
3 discuss causation.

4 Q But as you just noted -- we'll get into
5 this as well. Causation with the data we have in
6 front of us is difficult to ascertain, correct?

7 A So we're moving into the area that's more
8 about kind of philosophy of science than it is
9 about redistricting, okay. So causation is a big
10 topic in political science now. Causation is a
11 big topic in the sciences in general. To the
12 degree we see ourselves as a science, we're a
13 lot -- we're now very actively involved in trying
14 to transform ourselves from an associational
15 discipline into a causal discipline, which means
16 we do a lot of experimental work. We have a lot
17 of quasiexperimental work. We have really
18 fancy -- we now have two separate individuals in
19 our department that just teach causal methodology.
20 I can promise you, it looks nothing like this at
21 all.

22 Establishing causation is a very difficult

1 scientific issue, and it's really kind of
2 fundamental. It's being thrown around here in the
3 common sense term of causation. It's not the
4 scientific sense of causation. So I don't think
5 anything -- when people say, well, isn't "on
6 account of race" the same thing as establishing
7 causation? In a colloquial sense, maybe. Even in
8 a legal sense, probably. In a scientific sense,
9 no.

10 Q Okay.

11 A In a scientific sense, I've never seen any
12 work done in terms of the evidence that the Court
13 is looking for or relies on that's come anywhere
14 within a hundred miles of a causal analysis.

15 Q So then you would agree that the data we
16 have, certainly the data we have in front of us in
17 this case, is insufficient to draw conclusions as
18 to causation, certainly in a scientific sense,
19 correct?

20 A But the only thing we can draw from this
21 is the evidence we have is very strong evidence
22 that voters respond differently according to the