

EXHIBIT 9

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

Dr. John Alford

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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.

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

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1 pretty much confined to that one Republican
2 primary.

3 Q Okay. Thank you. Switching gears a
4 little bit here, again you sort of hinted at this
5 earlier, would you consider Dr. Palmer to be an
6 expert in ecological inference analysis?

7 A Yes, I would.

8 Q And if I use the abbreviation "EI," I take
9 it you'll know that means ecological inference?

10 A Correct.

11 Q Okay. You'd agree that EI is the best
12 available method for estimating voting behavior by
13 race?

14 A Yes.

15 Q Do you have any disagreement with
16 Dr. Palmer's EI methodology or the quantitative
17 results he reported?

18 A I don't. And I'll just qualify. I think
19 it's the best available method for understanding
20 vote by race in the context of these kind of cases
21 where we're not doing surveys. There are a lot of
22 other ways that you might analyze this as a

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1 research task.

2 But in terms of dealing with providing
3 information from elections using precinct-level
4 data, this is clearly the right method. And
5 Dr. Palmer, I will say, had various -- in other
6 cases and in this case, reviewed both how he does
7 it and what were the results that he gets. I
8 think he's one of the experts I'd say is clearly
9 using the right technique and using it correctly.

10 Q And those conclusions extend to his work
11 in this case; yes?

12 A Yes.

13 Q Do you agree with Dr. Palmer's conclusion
14 that black Georgians are politically cohesive?

15 A Yes.

16 Q Do you agree that in the areas of Georgia
17 Dr. Palmer examined, white Georgia voters vote as
18 a bloc usually to defeat black preferred
19 candidates?

20 A There are a lot of areas in these reports.
21 And I know so the black cohesion doesn't vary very
22 much across the areas. It's always there. It's

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1 always present. But there are some subareas, and
2 I don't honestly recall if it's Dr. Palmer's
3 report or maybe in one of the areas of
4 Dr. Handley's report.

5 But if you get to a small enough area, you
6 get to an area where white voters are also voting,
7 not as cohesively, but also voting a majority
8 Democratic. So there are areas in Georgia where
9 the white vote is not cohesively to the preference
10 of black voters. But by and large across, these
11 areas, white voters are voting either cohesively
12 or at least in the majority for Republican
13 candidates.

14 Q Okay. Perhaps to put it more in the
15 parlance of Section 2, do you disagree with
16 Dr. Palmer's conclusions related to the third
17 Gingles precondition in this case?

18 A Yes.

19 MR. JACOUTOT: Object to form.

20 Q I'm sorry. So you do dispute his
21 conclusion that white voters generally vote as a
22 bloc to defeat black preferred candidates?

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1 A Well, so I just want to be precise about
2 what it is I agree and disagree with.

3 Q Absolutely.

4 A I don't disagree with his conclusion that
5 white voters are generally voting in a different
6 direction, excuse me, than black voters. In
7 particular contexts, obviously, that could
8 potentially act to bloc minority vote. But,
9 again, I'm not sure I agree. I think he -- his
10 view is that's really all he's trying to
11 establish, although he concludes something a
12 little broader than that. So I don't agree with
13 the broader conclusion.

14 And I'd say I'm agnostic about whether
15 that is or is not important at the 2 and 3 stage.
16 So certainly we don't agree about the totality of
17 the circumstances part. And I'm pretty agnostic
18 about whether -- what you're summarizing is kind
19 of a Gingles 2 and 3 as independent of racially
20 polarized voting.

21 Q Right.

22 A I'm not sure. The Court sometimes acts as

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1 Dr. Alford, second paragraph on page 3, and this
2 just a brief quotation, you wrote the quote: As
3 evident in Dr. Palmer's tables 1 through 6 in his
4 Pendergrass report and tables 2 through 6 in his
5 Grant report, the pattern of polarization is quite
6 striking. That's correct?

7 A Yes.

8 Q And that pattern of polarization you
9 referred to is the pattern observed between black
10 voters and white voters, correct?

11 A Correct.

12 Q And your basis for this agreement is that
13 black voters and white votes overwhelmingly
14 support different candidates in elections
15 Dr. Palmer looked at, correct?

16 A That's correct.

17 Q And this pattern can be seen in each one
18 of those elections regardless of the office, the
19 particular office at issue, correct?

20 A That's correct.

21 Q So is it fair to say that you have no
22 disagreement with Dr. Palmer about the voting

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1 patterns of the two, these two racial groups in
2 Georgia?

3 A So gain, he's confining his analysis to
4 general elections. And in general elections, I
5 don't have any disagreement with Dr. Palmer's
6 finding or his characterization. Specifically of
7 those findings, I think maybe he didn't even
8 characterize them as strongly as I'm
9 characterizing them and reflecting on his results.
10 This is clearly polarized voting, and the
11 stability of it across time and across office and
12 across geography is really pretty remarkable.

13 Q Okay. So now let's kind of drill down to
14 the disagreement that you alluded to earlier. Is
15 it fair to say, do you think, that your
16 disagreement with Dr. Palmer is on the legal
17 significance of these underlying facts and whether
18 they amount to racially polarized voting?

19 MR. JACOUTOT: Object to form.

20 A My own view is it's more fundamental than
21 that, although in the end it becomes a part of the
22 evidence base from what will be a legal finding.

1 wasn't hired by the attorneys to do the
2 plaintiffs' work for them. I'm open, I'm
3 perfectly open to the possibility that there's a
4 very interesting story there, and I'm more than
5 happy to examine evidence that's provided for it
6 and see whether I think it's reliable and
7 appropriate and to comment on it.

8 But at this point, my job is just to
9 comment on the evidence that's been provided and
10 the evidence that's been provided just only shows
11 us the two things I've said and it leaves the rest
12 to be speculation.

13 And again, if -- you know, if the judge
14 thinks the law doesn't require anything other than
15 that the two groups vote differently without any
16 connection to race or even in spite of the fact
17 that the evidence shows no connection to race,
18 then that's the law. I'm fine with that. Again,
19 that's just not my -- that's no more my job than
20 it's my job to prove the unlikely connection that
21 you're suggesting.

22 You know, there's just one of me and there