

EXHIBIT C

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

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1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 COAKLEY PENDERGRASS, ET AL.,)
6 PLAINTIFFS,) CIVIL ACTION NO.
7 v.) 1:21-CV-05339-SCJ
8 BRAD RAFFENSPERGER, ET AL.,)
9 DEFENDANTS.)

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12
13 DEPOSITION OF WILLIAM S. COOPER
14 (TAKEN by DEFENDANTS)
15 ATTENDING VIA ZOOM IN BRISTOL, VIRGINIA
16 FEBRUARY 14, 2023
17
18
19

20 REPORTED BY: Meredith R. Schramek
21 Registered Professional Reporter
22 Notary Public
23 (Via Zoom in Mecklenburg County,
24 North Carolina)
25

1 expert report submitted on December 5th; is that right?

2 A Yes.

3 Q When you were drawing both the illustrative
4 plan for the preliminary injunction hearing and the
5 illustrative plan in your 12/5 report, it would be fair
6 to say your goal was to add a majority black
7 congressional district above the number drawn by the
8 General Assembly; is that right?

9 A No, that was not my goal. My goal was to
10 determine whether it was possible while, at the same
11 time, to include traditional redistricting principles.

12 Q Did you attempt to draw more than one
13 additional congressional map? I mean -- I'm sorry.
14 Let me start that over again.

15 Did you attempt to draw more than one
16 additional majority black district as part of your
17 analysis of Georgia's congressional plan?

18 MS. KHANNA: I'm going to object to the
19 extent that this calls for discussion of any draft
20 reports or draft maps which are protected under the
21 federal rules.

22 So, Bill, I'll instruct you not to answer to
23 the extent it would discuss any of the draft reports or
24 draft maps, but you can answer otherwise if you can.

25 THE WITNESS: Okay. Well, I did not attempt

1 to draw two additional majority black districts.

2 Does that answer the question?

3 BY MR. TYSON:

4 Q Yes, that does. Thank you.

5 Now, in preparing -- or I should ask this:

6 Do you know what principles the Georgia Legislature
7 used for the drawing of its congressional plans?

8 A Well, I've seen a -- there's a document
9 that's posted on the General Assembly's website that
10 identifies the factors to take into consideration. I
11 submit for both House, Senate, and congressional plans.

12 Q Did you rely on that document about the
13 principles for drawing plans when creating your
14 illustrative plans in this case?

15 A Yes. That document is pretty straightforward
16 and typical guidelines that any state would issue.

17 Q So it's typical guidelines and guidelines
18 that you relied on when preparing your illustrative
19 plans?

20 A I believe so.

21 Q All right. So, Mr. Cooper, I know we had a
22 discussion about terminology last week, but I just want
23 to for the purposes of this deposition also just kind
24 of make sure we're all clear in our definitions.

25 Do you use the term "majority black district"

1 in your drawing processes and reports?

2 A I do.

3 Q And what is your definition of a majority
4 black district?

5 A Typically, it would be majority black voting
6 age. In some circumstances, it might be majority black
7 citizen voting age according to the 2020 census for
8 majority black voting age.

9 And then if you're looking at citizen voting
10 age, it would vary over time as the American Community
11 Surveys results are released on an annual basis. So
12 over the course of a decade, that number would
13 change -- citizenship number.

14 Q And then would you distinguish a majority
15 black district from a majority minority district?

16 A Yes, I would. A majority black district
17 would be a district that is over 50 percent majority
18 any part black. And a majority minority district would
19 be a district that is over 50 percent nonwhite or not
20 non-Hispanic white.

21 Q So a majority minority district may include a
22 variety of different minority groups, but the total of
23 the various minority groups would be over 50 percent?

24 A Yes.

25 Q Have you used the term "majority opportunity

1 conclusion.

2 BY MR. TYSON:

3 Q You can answer --

4 MS. KHANNA: You can answer.

5 THE WITNESS: Well, I mean, if the goal is to
6 draw the maximum number possible, then it would
7 certainly be high priority. When I draw plans, I'm
8 always trying to balance traditional redistricting
9 principles. So I would never have that as a goal
10 unless it was just some sort of hypothetical example to
11 show what could be drawn, perhaps even showing that
12 well, it could be drawn, but it would violate
13 traditional redistricting principles.

14 BY MR. TYSON:

15 Q So it's fair to say when you're drawing a
16 map, you're taking into account a variety of different
17 considerations at any given point; right?

18 A Absolutely. Yes.

19 Q Do you know, Mr. Cooper, currently how many
20 black members of Congress are elected from Georgia?

21 A I believe that currently there are five.

22 Q All right. Well, let's turn to your report.
23 Do you have a copy there in front of you? Or would it
24 help you if I shared it on the screen?

25 A I do have a copy of my report. You may wish

1 you offering any other opinions in this case that are
2 not contained in your report or do you plan to offer
3 any opinions in this case that are not contained in
4 your report?

5 A I do not plan to.

6 Q And to be clear, all the opinions you're
7 offering in this case are contained in your
8 December 5th report, Exhibit 1; right?

9 A As best I understand. I suppose I have
10 the -- would have the option of filing some other
11 declaration or something in response to something, but
12 that's not my plan.

13 Q Thank you. So backtracking just a hair to
14 paragraph Number 8, you were asked to determine whether
15 the African-American population in Georgia was
16 sufficiently large and geographically compact to allow
17 for the creation of an additional majority black
18 congressional district in the Atlanta metropolitan
19 area; right?

20 A Correct.

21 Q And you determined the answer to that
22 question was yes?

23 A Unquestionably, yes.

24 Q So can you just generally describe for me the
25 methodology that you used to determine whether Gingles

1 Prong 1 is met on the congressional plan?

2 A Well, I rely on software called Maptitude for
3 Redistricting which allows you look at a jurisdiction,
4 whether it be a city or a state, and analyze the
5 underlying demographics at the county level and then at
6 the subcounty level.

7 And so I used the census data and my previous
8 knowledge from the preliminary injunction hearing and
9 the 2018 White v Kemp case and other local work I've
10 been doing in Georgia, and that helped me know at the
11 outset that there was a pretty good chance that one
12 could draw an additional majority black district.

13 Of course, from the preliminary injunction --
14 going into this latest declaration, I argue that to be
15 a fact. Now I just made some minor changes. But other
16 than that, it's similar to the plan I produced for the
17 preliminary injunction.

18 Q So kind of breaking down that process, I know
19 you said you have a lot of background knowledge about
20 Georgia. And that includes racial demographics and
21 where people live in Georgia; is that right?

22 A Yes. I've worked on a lot of local plans
23 over the years and seen the population change over the
24 years. So I don't live in Georgia, but it's not a
25 foreign territory.

1 Q Okay. But on the illustrative plan that
2 you've presented in this case, you've changed 8 of the
3 14 districts from the enacted plan; right?

4 A Yes.

5 Q And looking at the districts that you did not
6 change, Congressional District 2 currently elects a
7 black democratic member of Congress; right?

8 A Correct.

9 Q And Congressional District 5 currently elects
10 a black democratic member of Congress; right?

11 A Correct.

12 Q And Congressional District 7 currently elects
13 a black democratic member of Congress; right?

14 A Correct.

15 Q And I believe we covered this a little
16 earlier, but there are some changes between the plan in
17 your 12/5 report and the report that you offered in the
18 preliminary injunction hearing; right?

19 A Correct.

20 Q So let's look next to the demographic profile
21 portion of your report. And maybe to make this a
22 little bit easier, Mr. Cooper, did you present the same
23 census information in this report, really from
24 paragraph 13 through paragraph 37, that you presented
25 in the Alpha Phi Alpha report minus the non-Metro

1 A Yes. It didn't go to trial. I think I did
2 file -- or filed a declaration and maybe it was -- I
3 was deposed by you, I thought, at least.

4 (Exhibit 3 Marked for Identification.)

5 BY MR. TYSON:

6 Q And so I don't know if you have Exhibit 3 in
7 front of you, but I can share my screen if not.

8 Do you have your report in the Dwight case
9 handy?

10 A I do not.

11 Q Okay. I'll just share my screen then, if
12 that works.

13 All right. Mr. Cooper, are you able to see
14 my screen here?

15 A Yes.

16 Q And so just going down to page 2, we'll mark
17 this as Exhibit 3, this will be the report from Dwight
18 versus Kemp, and it's the declaration of William S.
19 Cooper.

20 Do you see that?

21 A Yes.

22 Q And do you recall offering the expert report
23 in the Dwight case?

24 A I do.

25 Q Okay. And do you recall what area of the

1 state you analyzed in the Dwight case?

2 A Well, it was the -- this is the congressional
3 plan. So I was looking at the whole state.

4 Q Okay. And so turning to Figure 8 -- I know
5 this is a little difficult to see, but Figure 8 is
6 titled "2010 Percent Black by County - 71-County Area
7 Bounded by Green Lines."

8 Do you see that?

9 A Yes.

10 Q And do you see the 71-county area that starts
11 roughly north of Augusta in Lincoln and Wilkes County,
12 runs down to Macon, down south to Thomas and Brooks
13 Counties, and then over along the coast and back up to
14 the South Carolina border?

15 A Yes.

16 Q And that's the area you evaluated in the
17 Dwight case; is that right?

18 A Correct.

19 Q And then turning to page 27 of that report,
20 you created a majority black District 12 that joined
21 African-American communities in Macon, Augusta, and
22 Savannah in the Dwight case; right?

23 A Yes.

24 Q And in the Dwight case, you didn't look at
25 Metro Atlanta. You looked at this 71-county area in

1 South Georgia; right?

2 A That is my recollection, that that litigation
3 and that district was focused on that area.

4 Q And in this case, you didn't consider any
5 other areas of the state for an additional majority
6 black district besides Metro Atlanta as indicated in
7 your report; right?

8 A Well, that's true. Remember, in the Dwight
9 case, I was relying on 2010 census data. So even
10 though I was aware that there had been significant
11 black population growth based on census estimates in
12 2018, I was still stuck using the 2010 data for Metro
13 Atlanta.

14 Q And do you recall -- well, I guess do you
15 recall reviewing the growth in black population in
16 Metro Atlanta as part of the Dwight case? And I know
17 that was a long time ago so that may not be something
18 you remember.

19 MS. KHANNA: I'm also going to object to the
20 extent that this calls for any draft analyses in that
21 case.

22 I know we're going even farther back in your
23 memory, but you can answer if you can. But be careful
24 about disclosing anything about your draft reports or
25 draft analyses.

1 10 minutes?

2 MS. KHANNA: Works for me.

3 (Off the record 11:44 a.m. to 11:52 a.m.)

4 (Exhibit 2 Marked for Identification.)

5 BY MR. TYSON:

6 Q All right. So, Mr. Cooper, as we get into
7 your analysis of the 2021 plan, I did want to clarify
8 one point. We're going to mark your preliminary
9 injunction report as Exhibit 2 and the Dwight report as
10 Exhibit 3 just so we're clear on kind of which exhibits
11 go where in your deposition.

12 But what I want to do next is turn to the
13 2021 plan analysis as part of Exhibit 1, your report in
14 this case. And you point out in paragraph 40 that "The
15 2021 plan reduces CD 6's BVAP from 14.6 percent under
16 the 2012 benchmark plan."

17 Do you see that?

18 A Yes.

19 Q And you'd agree that Congressional District 6
20 was electing a black candidate to Congress at that
21 14.6 percent black voting age population number; right?

22 A Yes.

23 Q And then the 2021 plan, you say in that
24 paragraph 40, lowered the black voting age population
25 by not quite 5 points to 9.9 percent; is that right?

1 you've made Douglas County whole; is that right?

2 A Yes.

3 Q You've introduced a new split of Cobb by
4 bringing District 3 into Cobb County on the 12/5 plan;
5 right?

6 A That is correct.

7 Q It looks like you took part of East Cobb and
8 put it into the 11th district on the 12/5 plan as
9 compared to the PI plan; is that right?

10 A Well, yes. Yes. I included a little bit
11 less of Cobb County in the 12/5 plan or the
12 illustrative plan attached to my December 2022
13 declaration.

14 So I did not take the district as far north
15 as Acworth, for example, which I did do in the
16 preliminary injunction report. I know you had concerns
17 about that so I took your concerns into account as I
18 was drawing the illustrative plan in my December 2022
19 declaration.

20 Q And you also altered the split in Fayette
21 County, it looks like, from Fayetteville over to the
22 western side of the county; is that correct?

23 A That is correct. To -- to meet one person,
24 one vote, I had to include part of Fayette County in
25 District 6 to meet one person, one vote in District 13

1 districts; right?

2 A Right. When I determine whether a plan
3 complies with one person, one vote, you have to rely on
4 total population.

5 Q And you'd agree that the highest AP black
6 percentage of any district on the illustrative plan is
7 53.59 percent in District 4; right?

8 A It looks like that is the case.

9 Q And not to get too far off track, but over on
10 page 29, you have a Figure 14 that shows the voting age
11 and black citizen voting age population numbers for the
12 illustrative plan and the 2021 plan; right?

13 A Yes.

14 Q And as you've configured it, District 6 on
15 the illustrative plan, if you were to use the
16 non-Hispanic citizen voting age population is
17 50.18 percent BCVAP; is that right?

18 A Non-Hispanic black. But it would be a little
19 bit higher if you used the non-Hispanic DOJ for blacks
20 in that figure.

21 Q And you'd agree that the illustrative plan
22 District 13, the non-Hispanic black CVAP is actually
23 below 50 percent -- I see it's above it on the DOJ
24 number; is that right?

25 A That's correct.

1 Q And the illustrative plan as compared to the
2 enacted plan lowers the black voting age population in
3 District 14 by almost 10 points; right?

4 A In District 14?

5 Q Mm-hmm.

6 A Well, it's 9 points.

7 Q Okay. 9-point drop?

8 A Yes.

9 Q And District 10 is a little bit more than an
10 8-point drop in the black voting age population from
11 2021 to illustrative; right?

12 A A little bit more than what? Eight points?

13 Q Eight points.

14 A Yes.

15 Q Okay. So what I want to do next, Mr. Cooper,
16 you have some exhibits, and I can either put them on
17 the screen here, or if you have them handy. But I want
18 to turn to Exhibit H-2, which is page 73 of the PDF and
19 I'm happy to share the screen if that's easier for you,
20 whatever you prefer.

21 A Do that. I think I have it, but I did not
22 get -- I was unable to connect to a Dropbox account.

23 So bring it on up. Yeah.

24 Q So here, just for reference, this is Exhibit
25 H-2 to Exhibit 1.

1 Do you see that?

2 A Yes.

3 Q And this is the illustrative plan that you've
4 submitted for the 12/5 report; right?

5 A Yes.

6 Q And so just looking at a few of the districts
7 that you changed at different points, you'd agree that
8 District 11 as it's configured connects Bartow County
9 here with North Fulton County; is that right?

10 A That is correct.

11 Q And is Bartow generally a rural county in
12 Georgia?

13 A It is exurban. And if you get up further
14 north near the Gordon County line, it's probably fairly
15 rural.

16 Q How about the portion of North Fulton in
17 District 11? Would you consider that a rural area in
18 the state?

19 A It's more urban.

20 Q And so District 11 unites some rural areas in
21 Bartow County with more urban areas in North Fulton
22 County? Is that fair?

23 A That's fair. But one could draw it
24 differently and put more of Bartow County in
25 District 14 and shift District 11 into Cherokee

1 perhaps.

2 Q But you haven't drawn that for this
3 illustrative plan; right?

4 A This is just an example. And so there would
5 be other ways to configure it, for sure.

6 Q And you'd agree, we looked earlier, there's a
7 small split geographically into Cobb County in
8 District 3; is that right?

9 A Yes.

10 Q And District 3 also includes Columbus,
11 Georgia, and Muscogee County, doesn't it?

12 A It does.

13 Q And it includes rural areas around Pike,
14 Lamar, Upson, and Meriwether Counties?

15 A Yes.

16 Q So can you identify for me in your
17 illustrative District 3 what community of interest
18 unites Columbus, Georgia, with part of Metro Atlanta
19 and West Cobb County?

20 A I want to look on a map here. You split --
21 the General Assembly split Cobb County into four
22 pieces, and I'm just trying to refresh my memory as to
23 whether -- here, it's apparent that the same general
24 area where I included part of Congressional District 3
25 is placed in even more, a larger area, is placed in

1 into Columbus?

2 A Well, the 2021 plan goes as far north as the
3 Douglas County line. And then when you get to Paulding
4 County, it becomes part of District 14. So Paulding is
5 exurban, part of Metro Atlanta. And so I have included
6 Paulding County and a bit of Cobb County, which is a
7 good fit because Paulding is clearly a growing county
8 that is closely linked with the Metro Atlanta area, and
9 it may not be as closely related to Columbus. But at
10 some point, one does have to join areas that are not
11 necessarily next-door neighbors just to find 765,000
12 people.

13 I don't think it would in any way be an issue
14 overall.

15 Q So am I hearing you correctly, then, that you
16 can't identify a specific community beyond the
17 connection between Paulding and Cobb Counties but that
18 at some point, one person, one vote means you have to
19 reach the right number of people? Is that right?

20 A Well, that is a factor, but I don't think
21 that Columbus is so different that it is problematic to
22 include that part of western Georgia with Metro
23 Atlanta, western part, along Paulding and Carroll
24 County lines there.

25 Q Do you think that's also true of the enacted

1 District 14, which combines West Cobb and Paulding with
2 areas running north?

3 A It's less of a problem, I think. Because
4 really, once you -- once you include South Cobb County
5 into District 14, you're in effect adding in Cobb
6 County -- you're placing Cobb County not only into a
7 district that includes the suburbs of Chattanooga, but
8 also into a district that is part of Appalachia. And
9 so it's quite different.

10 I think the distinction there is probably
11 greater than would be the distinction between Cobb
12 County and the Columbus area. Although Cobb County
13 does have a high mountain; right? Kennesaw Mountain is
14 a thousand feet or something like that. I'm only being
15 halfway facetious. It's not quite as mountainous as
16 some parts of existing District 14.

17 Q So just so I understand, existing District 14
18 takes in part of western Cobb County in the south part
19 of the county. Illustrative District 3 takes in part
20 of western Cobb County not quite as far south. Both
21 unite that western part of Cobb County with more rural
22 areas and other metropolitan areas.

23 What is the distinction between those two
24 decisions of how to split Cobb County that you see?

25 A Well, I sort of tried to make that

1 explanation, that there is a closer tie to Metro
2 Atlanta and the counties that are just outside of Metro
3 Atlanta, like Harris and Troup than would be the case
4 of, say, Union and Fannin in the far north.

5 Q And what is -- how are you assessing the
6 connection with Fannin and Union towards metro with
7 Heard and Troup and I'm assuming down to Columbus with
8 Metro Atlanta?

9 A Well, that's how I've drawn this plan. There
10 may be other ways to do it, but I was trying to keep
11 District 2 intact and not change it. So this was the
12 result.

13 And if it is a problem, then one could split
14 Douglas County as the existing plan does, I believe,
15 and then eliminate the need to put any part of
16 District 3 in Cobb County. There would be other ways
17 to draw it if that's truly a big issue.

18 Q So I guess I just want to make sure I
19 understand.

20 For the community of interest in illustrative
21 District 3, the community of interest that you identify
22 is that there is a closer connection between the
23 portion of West Cobb and Paulding that is included in
24 District 3 in the illustrative plan and Heard and Troup
25 Counties versus counties in North Georgia.

1 Do I have that right?

2 A The lay of the land is closer, yeah.

3 Q Okay. Are there any other communities of
4 interest you can identify connecting that portion of
5 western Cobb County to Columbus and Pike, Upson, and
6 Lamar Counties?

7 A It's a part of Metro Atlanta. So Paulding is
8 suburban, exurban. Obviously, that part of Cobb County
9 is largely suburban. And the counties to the south are
10 certainly part of Metro Atlanta. So I'm not sure what
11 the issue is.

12 But if there is an issue, there would be
13 work-arounds by just keeping District 6 roughly as it
14 is and maybe changing District 11. I mean, they're
15 just -- as I've drawn it in the illustrative plan. So
16 there would be other options.

17 Q Okay. But to be clear, you haven't drawn
18 those other options; you just believe they could be
19 drawn?

20 A I mean, there's no question they could be
21 drawn. You could just change District 11 which, in
22 turn, would change District 3 in some fashion. So
23 there is a ripple effect. But one could do that.

24 I believe, I could be mistaken, but I think
25 the total population that would be affected by this

1 Hancock and other counties, Taliaferro in eastern
2 Georgia being part of a new majority black state senate
3 district that you created in one of the other cases;
4 right?

5 A We have discussed that in the other case.

6 Q So can you tell me what the community of
7 interest is between majority black Hancock County and
8 the Appalachian Mountains and Rabun and Towns County on
9 the North Carolina border?

10 A Well, again, the connection is not very
11 strong, but one has to balance out the populations so
12 that you have 14 districts that are roughly 765,000
13 people. So, again, there would be other ways to draw
14 it.

15 Q So, Mr. Cooper, when you talked about, in
16 paragraph 48, the illustrative plan adhering to
17 traditional principles and you listed the various
18 principles, it sounds like what you're saying is
19 population equality is really the most important
20 principle even more so than being able to explain where
21 there's communities of interest between different parts
22 of districts.

23 Do I have that right?

24 A Well, actually I think you do. It's a
25 nonstarter. If it doesn't meet population equality or

1 something very close to plus or minus one, then it's a
2 nonstarter. Right?

3 Q And so then after population equality, what
4 other traditional redistricting principles explain the
5 configuration of District 10 on the illustrative plan?

6 A I was following county boundaries. I think
7 there's a split of Wilkes County. And I believe
8 Lumpkin County, but there are no other county splits I
9 believe, unless -- maybe Hall County is split.

10 But I was attempting to draw a plan that was
11 reasonably compact, reasonably shaped that -- I had the
12 information about the incumbents, I think, at maybe the
13 latter stage of drawing the plan. So I was probably
14 attempting to avoid placing a couple of incumbents who
15 live very close to one another in the Jackson County
16 area, I think. I was attempting to put them, maybe, in
17 different districts even though I understand they don't
18 have to be, I believe. I'm not looking at the
19 incumbents right now and haven't done so since
20 December.

21 Q So, Mr. Cooper, in paragraph 48, I didn't see
22 where you listed incumbents as a traditional principle
23 as part of the illustrative plan, and thought that we
24 had talked about earlier that incumbency wasn't as
25 important.

1 Did you use incumbency data in the drawing of
2 the illustrative plan?

3 A I was sort of aware of where I thought the
4 incumbents lived. It's always in the background. So
5 that was in the background.

6 Q So beyond incumbency and keeping counties
7 whole minus Hall, Lumpkin, and Wilkes Counties, and
8 population equality, are there any other traditional
9 redistricting principles that went into the districting
10 of District 10?

11 A Well, I had to make the plan reasonably
12 compact. I tried to follow county boundaries. The
13 district's contiguous. It looks as compact as the
14 districts that have been drawn in the enacted plan.
15 But it could be drawn differently.

16 Q But you'd agree that there's not a community
17 of interest between majority black Hancock County and
18 Rabun County in extreme northwest Georgia, wouldn't
19 you?

20 A They are different. They are different. And
21 so I am open to other suggestions for how one might
22 draw District 10.

23 Q And I understand they're different. My
24 question was: You'd agree there's not a community of
25 interest between Hancock and Rabun counties; right?

1 A Well, not entirely. Because most counties
2 are quite poor. And in Rabun County, you'd be talking
3 about poor whites. And in Hancock County, a fairly
4 significant black population that is not experiencing
5 prosperity. So there are connections there. There are
6 connections in that regard.

7 Q So you believe a community of interest in
8 illustrative District 10 would be poor white voters in
9 the Rabun and similar socioeconomic status black voters
10 in Hancock County?

11 A Could be. Could be. On certain
12 socioeconomic issues.

13 Q Was that the community of interest you
14 considered when you drew illustrative District 10?

15 A When I was drawing District 10, I was mainly
16 trying to avoid splitting counties and meet one person,
17 one vote requirements. And I was aware that there are
18 different areas in the sense that Rabun County is
19 Appalachian and that parts of the southern end of
20 District 10 are in the historic black belt.

21 Q And you'd agree that Athens and Clark County
22 is included in District 10 on the illustrative plan;
23 right?

24 A That's right. There's a university there.

25 Q And --

1 A So the district is a somewhat diverse
2 congressional district as I've drawn it.

3 Q You'd agree that Athens and Clark County
4 doesn't share the same socioeconomic conditions as
5 Hancock and Rabun Counties; right?

6 A Generally speaking, the population in Clark
7 County is better off socioeconomically than Rabun and
8 Hancock.

9 And one can say the same thing about the
10 population in Cobb County versus the population in
11 parts of North Georgia.

12 Q I'm not sure I follow you. I'm sorry.

13 A Well, there's -- there are probably areas
14 along the Tennessee line that are quite challenged
15 economically and very different, once you get away from
16 the suburbs of Chattanooga, than the southwest part of
17 Cobb County, which is exurban, suburban, and,
18 relatively speaking, prosperous.

19 Q Did you review any socioeconomic data about
20 counties along the Tennessee border in the drafting of
21 your illustrative District 14?

22 A I did not. Part of that is the
23 North Carolina border. But I almost don't need to do.
24 I'm familiar with Appalachia.

25 Q Looking at District 13, are you aware that

1 District 13 in Clayton County begins near the Atlanta
2 airport as you've drawn it?

3 A Yes.

4 Q And you'd agree that Butts and Jasper
5 Counties on the eastern side of District 13 as drawn
6 are rural counties; right?

7 A They are rural, but still part of Metro
8 Atlanta. In other words, the Census Bureau has
9 determined that there's a 29-county area where there
10 are commuting and transportation ties that are
11 significant enough to put those counties into Metro
12 Atlanta.

13 Q But you agree that District 13 as drawn
14 connects urban areas in Clayton County with rural areas
15 in Fayette, Spalding, Butts, and Jasper Counties;
16 right?

17 A Yes.

18 Q Are you aware that the only majority black
19 portions of any county in District 13 as drawn is the
20 portions in Clayton and Newton Counties?

21 A Well, there's obviously black population and
22 significant black population in some of the other
23 counties. Henry County is almost majority black. It's
24 50/50. And the black population is growing. Fayette
25 County has a significant black population that is

1 for a minute. Let me turn to -- this is part of
2 Exhibit I-3, and this is District 6, the zoom on the
3 illustrative plan.

4 Do I have that right?

5 A Yes.

6 Q And so just to clarify the boundaries as
7 drawn, in Cobb County, we have a portion of Cobb in
8 District 6, all of Douglas, a portion of Fulton south
9 of District 5, and a little bit of Fayette County;
10 right?

11 A Right.

12 Q Okay.

13 A Again, as I said earlier, that's because I
14 needed to get the population in District 13 to plus or
15 minus one person.

16 Q And let me turn back to the plan components
17 report for just district -- this district. This is,
18 again, part of Exhibit I-3, and this begins with
19 District 6 at the bottom of page 8.

20 Do you see that?

21 A Yes.

22 Q And you'd agree the portion of Cobb County
23 that is located in illustrative District 6 is
24 37.4 percent black; right?

25 A VAP, yes.

1 Q VAP, yes. Voting age population.

2 And Douglas is, like Henry, majority in total
3 population but below majority on voting age population
4 as a whole; right?

5 A As a whole. Barely below.

6 Q Yes. And the Fayette portion that's included
7 in illustrative District 6 is a total of 4,143 people;
8 is that right?

9 A Correct.

10 Q And it's only 21.73 percent black VAP?

11 A Correct.

12 Q So the only portion of a county in
13 illustrative District 6 that is majority black voting
14 age population is the Fulton County portion at
15 88.29 percent; is that right?

16 A Yes. But as I referenced, Douglas County is
17 almost 50 percent. And so is Henry County.

18 Q Based on looking at this --

19 A I'm sorry. I was referencing District 13,
20 not District 6. Excuse me.

21 Q Looking at this report for District 6, you'd
22 agree that making District 6 a majority black district
23 on voting age population requires the population in
24 Fulton County; right?

25 A It would -- it does include a significant

1 piece of Fulton County.

2 Q And my question was a little different, which
3 is --

4 A That's already in majority black districts,
5 but I did shift it from District 13 into District 6.

6 Q And you shifted the portion of Fulton from
7 District 13 into District 6. And without that portion
8 of Fulton, the district would not be majority black
9 from the remaining components of the district,
10 including Cobb County; right?

11 A As drawn, that's true.

12 Q Let's return back to your main report.

13 MR. TYSON: Is everybody still good? We've
14 been going about an hour. Do we want to take one more
15 quick break? I've got a little ways to go but not much
16 more.

17 (Discussion off the record.)

18 BY MR. TYSON:

19 Q So, Mr. Cooper, let's move to page 26 of your
20 report that focuses on the communities of interest that
21 you reference here.

22 Are you with me on that?

23 A Page 26. Okay.

24 Q So in paragraph 65, you reference the three
25 Cobb County splits or three pieces of Cobb County in

1 have 765,000 people. So it's not just in Georgia, it's
2 in any state you're going to sometimes have to include
3 urban and rural voters in a congressional plan no
4 matter whether you like doing so or not.

5 Q And you'd agree illustrative District 10
6 mixes Appalachian North Georgia with parts of the black
7 belt in Eastern Georgia; right?

8 A It does. It does.

9 Q And you reference Douglas, Fulton, and
10 Fayette Counties being core Metro Atlanta counties in
11 the Atlanta Regional Commission in paragraph 68.

12 Do you see that?

13 A Yeah.

14 Q And is Coweta County also a core Metro
15 Atlanta county under the Atlanta Regional Commission?

16 A I'm not sure. There are 11 counties and I'm
17 not sure Coweta is part of it.

18 Q Are you aware that Coweta County touches
19 Douglas, Fulton, and Fayette Counties?

20 A Yes.

21 Q And you put Coweta County in a district with
22 Columbus, Georgia, on the illustrative plan; right?

23 A I did, yes. Is that bad?

24 Q I guess what I'm trying to understand is
25 you're criticizing the enacted plan for mixing

1 right?

2 A Right. I had to go into the town of Tyrone
3 to get population into District 6. And I did it in a
4 reasonable fashion. But I did put part of Tyrone in
5 District 6.

6 But to reiterate, there would be other ways
7 to accomplish the same objective. As you know, if you
8 go back and look at the illustrative plan that was done
9 for the preliminary injunction, I went into the middle
10 part of Fayette County to get the population and
11 actually get to plus or minus one person for
12 District 13.

13 Q Let's go back to your report and then to the
14 chart on Figure 15, page 30 of the report.

15 So can you just walk me through what
16 Figure 15 shows?

17 A Well, it shows that under the 2021 plan,
18 about half of the black population, black voting age
19 population is in a majority black district, and over
20 80 percent, 82.5 percent of the white population is in
21 a majority white district.

22 In drawing the illustrative plan, I was able
23 to narrow the gap somewhat so that now, under the
24 illustrative plan, over 57 percent of the black voting
25 age population would be in a majority black district;

1 whereas, there would be a reduction for the
2 non-Hispanic white VAP in the majority white districts
3 from 82 percent to three quarters, 75 percent.

4 So the end result is that more of the black
5 voting age population would have an opportunity to
6 elect the candidate of choice. And I'm just using that
7 generically. I'm not a statistician -- under the
8 illustrative plan than under the 2021 plan.

9 Q And did you do any analysis of how much of
10 these changes are due solely to the black population in
11 Cobb County being placed into the illustrative
12 District 6?

13 A No.

14 Q So you can't say for certain where this
15 little more than seven-point movement happened, just
16 that it happened in the state as a whole between the
17 two plans?

18 A Well, in the state as a whole. But clearly
19 it would involve a significant black population in Cobb
20 County.

21 Q So the --

22 A Because that's where a large part of
23 District 6 is located.

24 Q So the change of black residents in Cobb
25 County in District 6 would have a large portion of

1 this, but you can't identify specifically how much of
2 this is due to particular district changes; is that
3 right?

4 A That's true. It's a statewide analysis.

5 Q Looking down to paragraph 78, you say that
6 the compactness scores "are about the same" and "within
7 the norm in Georgia and elsewhere."

8 Do you see that?

9 A Yes.

10 Q And so I think we talked about earlier,
11 there's not an objectively noncompact compactness
12 score; is that right?

13 A That is correct.

14 Q Okay. And so when you say the "norm," you're
15 just referring to general ranges based on other states'
16 compactness scores in their districts; is that right?

17 A Well, based on my experience and there was
18 this study that was produced in 2012 by the software
19 firm -- software company "Osovakia" -- I don't know if
20 I'm saying that right -- that looked at congressional
21 districts nationwide, and there are some very low
22 scores, of course, in that report; and, thus, the
23 illustrative plan and the 2021 plan for that matter are
24 significantly better than many congressional districts
25 in the country --