

# EXHIBIT A

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

Page 1

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 Q So if a plan split fewer counties than your  
2 illustrative plan, you wouldn't say that your  
3 illustrative plan was inconsistent with the principle  
4 of keeping jurisdictions whole?

5 A No. Because you're constantly balancing  
6 things.

7 Q And so there's -- for Georgia, there's no  
8 objective number of county splits that makes a plan  
9 consistent with the traditional principle of keeping  
10 counties whole; is that right?

11 A Well, ultimately, there would be. But I --  
12 you know, it's difficult to give you a number because  
13 there are some very small counties and some large  
14 counties and so it could vary. And -- so I'm unable to  
15 tell you exactly what the threshold would be.

16 I've -- in the latest plan, the plan that's  
17 part of my November 2020 -- December 2022 declaration,  
18 I've split one fewer county -- or one less county. And  
19 there are, I think, 18 county splits total compared to  
20 21 in the state plan.

21 So I assume that's sufficient since I've  
22 been -- done better than the State did in that respect.

23 Q But you wouldn't say that the State's plan  
24 was inconsistent with the traditional principle of  
25 keeping counties whole just because your plan splits

1 one fewer, would you?

2 A No.

3 Q On that --

4 A Just looking at -- from the perspective of  
5 splits of political subdivisions, no.

6 Q Okay. You mentioned the compactness scores  
7 and the compactness of the districts.

8 How do you determine that a plan is  
9 consistent with the traditional redistricting principle  
10 of compactness?

11 A Well, that's very tricky because states and  
12 towns and precincts can have odd shapes and so that  
13 would vary from state to state and district to  
14 district. A coastal district, for example, might score  
15 very low on Polsby-Popper because of all the ins and  
16 outs of a coastline or a river.

17 So it's a very -- it seems to be an objective  
18 score, but it ends up being so much subjective in terms  
19 of how you interpret it. But I don't think there's any  
20 question that the illustrative plan I've drawn is  
21 acceptable in terms of compactness based on the Reock  
22 and Polsby-Popper scores.

23 Q Is there a range for the Reock and  
24 Polsby-Popper scores that is unacceptable for  
25 compactness?

1           A       There is not necessarily. I do think that at  
2       some point, at least in terms of drawing districts that  
3       are not affected by a coastline or a municipal boundary  
4       or some other potential subdivision like a precinct,  
5       that once you get into the low single digits, become  
6       somewhat problematic.

7                   But you can have situations like, say, the  
8       infamous "snake on the lake" in Ohio that stretches --  
9       it was the old snake on the lake that went from  
10      downtown Cleveland all the way to Toledo, a narrow  
11      strip of land along the lake. It actually had a very  
12      high Polsby-Popper score, and that was, of course, very  
13      misleading and that was because it had precincts that  
14      extended out into Lake Erie because a couple of those  
15      islands in the lake are populated. So that "snake on  
16      the lake" congressional district had a reasonably high  
17      compactness score even though it was not at all  
18      compact.

19           Q       Do you use or display the Reock and  
20      Polsby-Popper scores on the screen as you're drawing a  
21      plan, or do you just check them once the plan is  
22      complete?

23           A       I will look at them occasionally, but I don't  
24      routinely check them. The latest version of Maptitude  
25      does allow you to do that from the data view, but I

1 basically just ignore that until I'm interested.

2 Q So within Maptitude, you don't use the  
3 display of the compactness score as you're drawing?  
4 You have to stop and run a report to see that  
5 information?

6 A Well, it's there. But normally I would just  
7 run the report because I use just visual assessments  
8 basically as I'm drawing a plan so that I would  
9 hopefully check it if I thought the plan was starting  
10 to look a little strange. So needless to say, with  
11 respect to this congressional plan, I never checked it  
12 because it looks good from the start.

13 Q And I believe we discussed the traditional  
14 redistricting principle of incumbency doesn't really  
15 apply on a congressional plan because incumbents can  
16 live anywhere in the state; right?

17 A That's my understanding.

18 Q And so when you say in paragraph 10 that this  
19 district is "consistent with traditional redistricting  
20 principles," the new district, are you saying anything  
21 beyond it splits a similar number of counties, it has a  
22 similar compactness score, and its equal population to  
23 other districts in the state?

24 A Well, as I've mentioned, one must factor  
25 in -- I mean, again, this is very subjective --

1 cultural and historical information and, above all, of  
2 course, one must take into account minority voting  
3 strengths and whether or not the plan is, you know, not  
4 protecting minorities under Section 2.

5 Q Okay. So you referenced historical and  
6 cultural connections. Do I have that right?

7 A Yes, generally speaking.

8 Q Okay. How do you determine if a plan is  
9 consistent with the traditional principle of historical  
10 and cultural connections?

11 A It's subjective. I mean, it's a community of  
12 interest, which is entirely subjective. I think I've  
13 likened it to pinning Jell-O to a wall because everyone  
14 can have a different definition.

15 Q So your determination that your plan complies  
16 with the traditional principle of maintaining  
17 historical and cultural connections is just your view  
18 and there's not a specific definition for how that  
19 complies?

20 A I don't think there would be a specific  
21 definition, no. It's very general. And different  
22 people can come to different conclusions, obviously.

23 Q You also referenced minority voting strength  
24 as a traditional redistricting principle.

25 How do you go about determining that the

1 illustrative plan complies with the traditional  
2 principle of maintaining minority voting strength?

3 A Or not diluting minority voting strengths?

4 Q Or not diluting.

5 A Well, to a large degree, I would rely on the  
6 attorneys' interpretation of the statistical work done  
7 by the individual who's working on the Gingles 2 and  
8 Gingles 3 analysis, expert analysis.

9 Q So as a map drawer, are there any steps you  
10 take apart from reliance on the attorneys for  
11 maintaining the traditional principle of not diluting  
12 minority voting strength?

13 A Well, I mean, just my general background  
14 depending on the circumstances. I mean, in Georgia I  
15 know, for example, that there are two districts that  
16 are actually slightly under 50 percent black voting age  
17 population, District 2 and District 5. So it would  
18 appear in Metro Atlanta, a district that is around  
19 50 percent black is a competitive district that could  
20 be a so-called minority opportunity district. That  
21 might not be the case in the delta of Mississippi, but  
22 it just depends.

23 Q And specifically for District 6 -- again, not  
24 asking for anything that you relied on the lawyers for  
25 in this case, but as a map drawer, did you determine



1 that the dilution of minority voting strength was met  
2 as a traditional principle because District 6 was over  
3 50 percent?

4 A Well, yes. It's over 50 percent. And so for  
5 that reason, along with evidence that minorities have  
6 been elected even in districts that are under  
7 50 percent, I reached that conclusion, which was  
8 confirmed, I suppose, in the Gingles 2 and Gingles 3  
9 analysis in this case.

10 Q So, again, kind of getting back to your  
11 conclusion that the new CD 6 is drawn consistent with  
12 traditional redistricting principles, what you mean by  
13 the phrase "consistent with traditional redistricting  
14 principles" is that it meets population equality by  
15 being plus or minus zero, it splits a number of  
16 counties and precincts similar to the enacted plan, the  
17 compactness scores are similar to the enacted plan, in  
18 your opinion, historical and cultural connections are  
19 maintained, and the district is over 50 percent black  
20 VAP.

21 Is there anything else that is included in  
22 the phrase "consistent with traditional redistricting  
23 principles" in paragraph 10?

24 A Well, reasonably shaped and compact. I don't  
25 think you mentioned that. And the district should be

1 contiguous unless the jurisdiction in question is not  
2 contiguous. So those are other factors that I took  
3 into consideration.

4 Q On any other factors that you took into  
5 consideration that we've not talked about that are  
6 included in that phrase "consistent with traditional  
7 redistricting principles"?

8 A I think we've covered them, but I reserve the  
9 right to interject another one if I suddenly think that  
10 maybe we didn't.

11 Q Understood. But as of right now, you can't  
12 think of another one; is that right?

13 A As of right now, I don't have any other one  
14 top of mind.

15 Q Let's go next to paragraph 11 of your report.  
16 And you reference that you don't change districts -- 6  
17 of the 14 districts on the enacted 2021 plan; correct?

18 A Correct.

19 Q And so in order to draw the new majority  
20 black Congressional District 6, you've had to change,  
21 on the illustrative plan, 8 of the 14 districts from  
22 the enacted plan; right?

23 A I don't know if I had to change eight, but --  
24 I suppose it's possible I could have changed fewer than  
25 eight. I don't know.

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 without -- I could have split up another county, I  
2 suppose.

3 But in order to avoid splitting a county  
4 like, say, Coweta or one of the others, I added that  
5 portion of Fayette County into District 6. It's  
6 basically hugging the county line around Tyrone and  
7 just outside of Fayetteville to the northwest.

8 Q Okay. And so you said in order to avoid  
9 splitting another county, you had to split Fayette.

10 Did I hear that right?

11 A Well, yeah. I think so. I mean, there may  
12 have been -- there may be some other way to do it, but  
13 I was focused on equalizing the population in  
14 District 13, not District 6 because I could have  
15 extended District 6 north, and I didn't do that, you  
16 know, to make up that difference. But I had to take  
17 population out of District 13 under this configuration  
18 from Fayette County just to get plus or minus one for  
19 District 13.

20 Q Is not changing District 5 part of the reason  
21 why you had to split Fayette County on this plan?

22 A Perhaps. Perhaps.

23 Q Because you'd agree if you were willing to  
24 change the boundaries of District 5, you could alter  
25 the split between District 5 and District 13; right?

1           A     That's true. But then I would have to make  
2     some other change to District 5, which would affect  
3     District 4. So there's this ripple effect. But there  
4     are -- you know, there would be different  
5     configurations. This is just an illustrative plan.

6           Q     And on the illustrative plan, you chose not  
7     to alter the boundaries of District 5 as drawn by the  
8     General Assembly; right?

9           A     Right. I made it a priority to try to avoid  
10    changing districts that the Legislature had drawn where  
11    possible. And so I was able to isolate the changes to  
12    8 of the 14 districts.

13          Q     So let's turn to paragraph 48 where you  
14    discuss traditional redistricting principles. And you  
15    say in paragraph 48 that "The illustrative plan adheres  
16    to traditional redistricting principles."

17                   Do you see that?

18          A     Yes.

19          Q     Then you list a number of principles. When  
20    you say in paragraph 48 the illustrative plan adheres  
21    to traditional redistricting principles including the  
22    principles you listed, are you saying something  
23    different than what you said in paragraph 10, that the  
24    plan was designed consistent with traditional  
25    redistricting principles?

1 A I think it's synonymous.

2 Q Synonymous? So it's the same thing?

3 A Yes.

4 Q And then I know we talked about communities  
5 of interest a little while ago.

6 Looking at illustrative District 6 in  
7 Figure 10 there on page 20, what are the communities of  
8 interest that you can identify located in illustrative  
9 District 6?

10 A Well, illustrative District 6 is largely  
11 suburban/exurban Atlanta. So it's part of the Atlanta  
12 core counties, the 11 core counties, which are also  
13 part of the Atlanta MSA. So there are economic and  
14 transportation commonalities there, lots of small  
15 cities. It can get sort of rural once you get out into  
16 western Douglas County, for example. I took a little  
17 spin around the district in -- on Saturday after our  
18 deposition on Friday of last week and visited parts of  
19 Douglas and extended all the way -- drove actually  
20 almost halfway to Villa Rica.

21 I guess you say it differently though, don't  
22 you? How do you say that?

23 Q We say "Villa Rica." That's where my Tysons  
24 are from actually, is in Villa Rica.

25 A Pardon?

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 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 growing.

2 So I'm not -- I'm just not that focused on  
3 the pieces of a particular county in terms of the  
4 actual percentages involved, but I do know there's  
5 significant black population in the area that comprises  
6 District 13, including South Metro counties like  
7 Spalding and, of course, Fayette and Henry.

8 Q Okay. Let's take a look at that. Exhibit  
9 Number I-3 of your declaration, this is the plan  
10 components report for the illustrative plan; right?

11 A Right.

12 Q And this shows, for the portion of each  
13 county located in a district, what the population and  
14 racial breakdown of the portions of those counties in  
15 that district is; right?

16 A Right. And I'll stress that this was  
17 reported after the plan had been completed. In other  
18 words, I was focusing on what the component parts were  
19 as I was drawing the plan.

20 Q And so looking at District 13, do you agree  
21 that the portion of Butts County in District 13 is  
22 27.80 percent AP black VAP; right?

23 A Right. It's a significant black population.

24 Q Right. And Clayton, the portion in Clayton  
25 is 71.9 percent AP black VAP?

1     Appalachian North Georgia with urban/suburban Metro  
2     Atlanta, but then on the illustrative plan, you're  
3     doing the same thing on District 3 connects areas of  
4     urban/suburban Metro Atlanta to Columbus. It connects  
5     areas of the Appalachia North Georgia to the black  
6     belt.

7             I guess what I'm trying to understand is  
8     what's the distinction with Congressional District 6  
9     and 14 on the enacted plan that's different from the  
10    illustrative plan?

11            A     Well, first of all, Cobb County is split four  
12    ways in your -- in the enacted plan. And I just split  
13    it three ways in the illustrative plan. So there's an  
14    unnecessary split involved there. And also it includes  
15    a much larger base population. I mean, we can go back  
16    and look at the numbers, but I'm fairly confident that  
17    the population that's placed in District 14 in Cobb  
18    County is much larger than the smaller area that I've  
19    identified that would go into District 3 along the  
20    Paulding County line.

21            We could look at those numbers. I could be  
22    incorrect about that, but I'm fairly certain that the  
23    population difference would be pretty significant,  
24    bringing a large chunk of Cobb County into District 14.

25            Q     So let's turn next to paragraph 72. You

1 reference the split into Fayette County to help ensure  
2 that CD 13 is not overpopulated.

3 Do you see that?

4 A Yes.

5 Q And you say that the dividing line "generally  
6 follows the municipal boundary of Tyrone."

7 Do you see that?

8 A Yes.

9 Q It doesn't follow the municipal boundary  
10 exactly though, does it?

11 A No. Because I had to get it to zero.

12 Q Okay.

13 A I had to get District 13 to zero. I mean, as  
14 we've already -- I'm not really adding in black  
15 population into District -- into District 6. What I'm  
16 doing is taking some population out of Fayette County  
17 to get District 13 down to plus or minus one person.  
18 That's all.

19 Q Okay. So at some point --

20 A But I did have to split a precinct and  
21 actually maybe include part of Tyrone to get -- to get  
22 it to balance out to plus or minus one person.

23 There definitely would be other ways to do it  
24 though. This seemed to be the cleanest way because  
25 once you're really zoomed out, you hardly even know

1 that District 6 goes into Fayette County.

2 Q Well, I just want to look briefly at Exhibit  
3 M-4 of your report. That's on page 183. So as you can  
4 see -- your declaration Exhibit M-4.

5 Do you see that?

6 A Yeah.

7 Q And this is a report called "Communities of  
8 Interest (Condensed)"; is that right?

9 A Yeah. That's an automated Maptitude report.

10 Q And scrolling down to the first column,  
11 District 6, Tyrone, and it indicates I believe on this  
12 report that about 29.9 percent of the population of  
13 Tyrone is in District 6; is that right?

14 A Yes.

15 Q And then on the next page, the remaining  
16 70 -- a little bit more than 70 percent of Tyrone is in  
17 District 13; right?

18 A Right.

19 Q So when you say you're generally following  
20 the municipal boundary of Tyrone, how are you ending up  
21 with a 70/30 split of the city?

22 A Well, it goes into the city but around the  
23 city. I followed the Tyrone boundary. I believe.

24 Q Okay. But 70 percent of the population is in  
25 District 13 and roughly 30 percent is in District 6;

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           You skipped over the other portion of  
2       Figure 14 there where the illustrative plan is superior  
3       to the 2021 plan for VTD splits -- split cities and  
4       towns and city/town splits. I'm just pointing that  
5       out.

6           And now we'll go to your question.

7           Q     And to be clear, as you said earlier, Georgia  
8       doesn't tend to focus on municipality splits when  
9       drawing its redistricting plans; right?

10          A     Well, it's not -- it's not emphasized in the  
11       general guidelines posted on the website. I mean, it  
12       could be, because Georgia tends to have frequent  
13       annexations. But then precincts change also. So I'm  
14       not sure what the rationale is there. Because as I was  
15       saying, everyone knows what town they live in. But no  
16       one -- or hardly anyone including me knows what  
17       precinct they're in. Maybe the polling place, but the  
18       precinct, no.

19          MS. KHANNA: No one except Mr. Tyson.

20          THE WITNESS: Except Mr. Tyson, right. And  
21       Abha probably knows too.

22       BY MR. TYSON:

23          Q     All right. So let's see if we can land the  
24       plane here.

25          Paragraph 83 you talk about socioeconomic

1 characteristics; is that right?

2 A Yeah.

3 Q And the ACS data that you're referencing that  
4 you prepared charts for is based on, ultimately,  
5 county-level data. Do I have that right? Or is it  
6 based on some other level of geography?

7 A No, it's county-level data from the 2021 ACS,  
8 which was released in September of 2022.

9 Q And in paragraph 85, it appears that the  
10 only -- the only statement you're making about these  
11 data is that non-Hispanic whites maintain higher levels  
12 of socioeconomic well-being.

13 Is that what you say in paragraph 85?

14 A I think so in this case. First of all, I'm  
15 not the expert on historical or cultural factors or  
16 socioeconomic factors in this case. And usually I  
17 produce these charts and they end up getting used for  
18 making a point about Senate Factor 5. And they could  
19 be used for that purpose here, but I'm not going to be  
20 testifying on that.

21 Q Okay. And that's what I wanted to just make  
22 sure, that while you're offering these particular  
23 facts, you're not offering any opinions about the ACS  
24 data that you're reporting in paragraphs 83, 84, and  
25 85; right?

1 A Nothing beyond that, no.

2 (Exhibit 4 Marked for Identification.)

3 BY MR. TYSON:

4 Q Mr. Cooper, I have one other quick exhibit to  
5 show you and then I think we're going to be finished  
6 here. Just a couple of quick questions on that. I'm  
7 going to mark Exhibit 4 which is the supplemental  
8 declaration that you submitted in January of 2022 in  
9 this case.

10 Do you see that on my screen?

11 A Yes.

12 Q Okay. So I'm going to go down to  
13 paragraph 4. And in this, you're responding to  
14 Mr. Morgan's report in the preliminary injunction  
15 proceedings; right?

16 A Right.

17 Q And you make a statement in paragraph 4 that  
18 "Core retention is largely irrelevant when an election  
19 plan is challenged on the grounds that it violates  
20 Section 2."

21 Do you see that?

22 A I do.

23 Q Do you consider core retention of districts  
24 to be a traditional redistricting principle?

25 A In the background, perhaps. But it's a