

EXHIBIT 10

2/23/2023

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

Dr. John Alford

Page 1

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

2/23/2023

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

Dr. John Alford

Page 12

1 in areas of inquiry you looked at, do you examine
2 the reasons for voters' political affiliations?

3 A Yes.

4 Q Have you ever examined political
5 affiliations in the context of race?

6 A So I want to be a little bit careful
7 because when you say "reasons," are you talking
8 about causation or correlation. So certainly we
9 talk a lot about the kind of demographics that are
10 associated with voting or not voting, demographics
11 that are associated with, you know, voting for
12 particular parties. So yes, in that sense. In
13 the sense of sort of probing the causal
14 connections, probably less so.

15 Q Okay. Have you done any work exploring
16 the causal links, whatever they might be, between
17 race and political affiliation?

18 A Not specifically that I can think of.

19 Q Okay. Turning back to your report and
20 your qualification section in particular, you
21 mentioned specifically the work that you have done
22 on behalf of the state of Texas and state

2/23/2023

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

Dr. John Alford

Page 16

1 cases relating to mapping or Gingles 1, correct?

2 A Correct.

3 Q Have you reviewed the expert reports
4 prepared by Dr. Vernon Burton in these cases?

5 A I may have. I don't have any specific
6 recollection of it. Is this -- if it's on sort of
7 the topic is either Gingles 1 or sort of the
8 details of totality of the circumstances beyond
9 polarization, if I opened it up and saw that's
10 what it was, I probably would have closed it right
11 away.

12 Q Sure. Sure.

13 A It's not something I focus on or have any
14 recollection of.

15 Q Okay. I was going to ask as well about
16 Dr. Loren Collingwood. But I think the simplest
17 way of addressing this is to ask, do you offer any
18 opinions on the Senate 2 -- sorry, on the
19 Section 2 Senate factors, other than racially
20 polarized voting?

21 A I don't believe so, no.

22 Q Okay. And, therefore, in the context of

2/23/2023

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

Dr. John Alford

Page 37

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

2/23/2023

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

Dr. John Alford

Page 38

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?

2/23/2023

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

Dr. John Alford

Page 39

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

2/23/2023

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

Dr. John Alford

Page 44

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

2/23/2023

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

Dr. John Alford

Page 45

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.

2/23/2023

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

Dr. John Alford

Page 82

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

2/23/2023

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

Dr. John Alford

Page 83

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

2/23/2023

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

Dr. John Alford

Page 84

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

2/23/2023

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

Dr. John Alford

Page 90

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

2/23/2023

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

Dr. John Alford

Page 91

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

2/23/2023

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

Dr. John Alford

Page 99

1 A -- is a cue, doesn't mean it's a cue,
2 therefore that creates this causal tumble or
3 whatever. But if the information is available to
4 the voters, therefore it's one of the things they
5 may be acting on because it is apparent to them
6 and it's something they actually know about,
7 people act on things that they don't -- that
8 they're not cognizant of, but certainly the things
9 they are cognizant of can be important.

10 Again, by "racial cue," I mean that
11 information is available to the voters when
12 they're making the decision, and I'm not really
13 going beyond that with the evidence we have here.

14 Q Okay. Would you agree that the race of a
15 candidate is not the only role race plays or race
16 might play in a voter's political behavior?

17 A Yes.

18 Q And, in fact, race might play -- again, we
19 don't -- kind of removing ourselves from the data
20 here and speaking more just abstractly or
21 theoretically, race might play a tremendously
22 important role in a voters' decision or how they

2/23/2023

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

Dr. John Alford

Page 100

1 vote or what their political beliefs are. Do you
2 think that's a fair statement?

3 MR. JACOUTOT: Object to form.

4 A We're saying it might, yes. It might; it
5 might not. I think yeah, there's certainly room
6 for race to be involved in decision-making in a
7 wide variety of ways.

8 Q And what -- and now looking at the data we
9 have in front of us, we know how -- to put it
10 plainly, we know how black voters vote in Georgia
11 and we know how white voters vote in Georgia,
12 correct?

13 A Right, in a limited sense of, you know,
14 our prediction about which candidates they prefer
15 in the general elections, yes.

16 Q But what that data does not necessarily
17 tell us is the degree to which race is influencing
18 those decisions?

19 A So yes, it does. It can answer questions
20 about all or a variety of ways in which
21 speculatively race might influence decision, but I
22 guess the way I would answer that is to say, I

2/23/2023

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

Dr. John Alford

Page 109

1 wants to draw some inference that is not suggested
2 by this fact pattern, then it needs to have an
3 empirical basis. It just can't be speculative.
4 This is just -- what's being done here is too
5 important to have it done on the basis of some
6 speculation. It needs to be done on the basis of
7 empirical evidence.

8 Q Well, so that's kind of what I want to ask
9 now is about what we can and can conclude from
10 this data, what we could conclude from this data.
11 So imagine, for example -- and, again, I want to
12 focus on race here because that is -- that's
13 obviously a crucial component of this inquiry.
14 And we will turn to party shortly.

15 But when we're thinking about race, if
16 black voters and white voters were making their
17 decisions on -- were casting their ballots not on
18 the race of the candidates but based on any other
19 metric of race you can imagine, based on political
20 issues involving race, based on their
21 identification by merging ideology with race,
22 however you want to say it, but if voters were

2/23/2023

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

Dr. John Alford

Page 110

1 casting their ballots for purely racial reasons,
2 wouldn't that -- wouldn't that conclusion also be
3 compatible with the data that we're looking at
4 here, given the extreme polarization that you've
5 observed?

6 A When you say "compatible," sort of we need
7 to unpack that just a little bit. One is to say,
8 what does this evidence empirically demonstrate
9 cannot be true. And so, right, that's a very --
10 demonstrating what this evidence shows cannot be
11 true is very different than saying this evidence
12 demonstrates that X is true.

13 Q Right.

14 A So does this evidence alone indicate that
15 it is not possible that the partisan behavior is
16 actually being driven by racial considerations
17 while the racial behavior is not being driven by
18 racial consideration, right.

19 Q Yes.

20 A Does this demonstrate that can't be true?

21 The answer is no, it doesn't demonstrate that that
22 can't be true. It also doesn't demonstrate a host

2/23/2023

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

Dr. John Alford

Page 111

1 of other possibilities, right.

2 Q Right.

3 A So again, that's a different sort of scope
4 question. The question -- the question is, does
5 it in any way suggest that that might be true or
6 does it give us any sense of how likely that is.
7 And I think common sense, if you're saying
8 something as important in U.S. politics as
9 choosing a party, in choosing candidates based on
10 issues is being driven by race, right, so I'm
11 making my party choice entirely on the basis of
12 race because that's how important race is with me,
13 and then when confronted with a racially contested
14 election, it makes no difference at all.

15 So I just find -- again, this is -- you
16 think of it as sort of obvious. If Republicans
17 choose to be Republicans and it's really all about
18 being white and that being a white party that
19 doesn't support -- that doesn't support blacks,
20 then it's just really hard to get your head around
21 how they nominated Herschel Walker. I mean, it's
22 strategically hard to understand how they got

2/23/2023

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

Dr. John Alford

Page 115

1 always seems to be multiples of experts on your
2 side. And they're all really -- I shouldn't say
3 "all." Never should say "all." They're almost
4 all people I respect both intellectually and in
5 terms of the work product they produce. So if
6 this is something that could be done, I mean, I
7 have no doubt that if there's something to be
8 investigated here, Maxwell Palmer is more than
9 capable of doing it. I'll be happy to let you
10 know if I think he did it right or did it wrong if
11 that occurs.

12 Q Fair enough. Just before we turn away
13 from this question, I just want to make sure that
14 I understand completely and that the record is
15 clear. The conclusions that you have drawn in
16 your expert report, as they relate to race
17 specifically, is limited to the conclusion that
18 given the data in front of you, there's no
19 connection between voting behavior and the race of
20 candidates? You are not making any other
21 conclusions about the other ways in which race
22 might be influencing or where there might be

2/23/2023

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

Dr. John Alford

Page 116

1 connections between race and voting behavior in
2 other ways; is that correct?

3 A Yes. Again, so I'm commenting on or
4 responding to the empirical evidence provided by
5 Dr. Palmer, and he hasn't provided any empirical
6 evidence on any of those questions so I haven't
7 responded to it. And I'm not speculating about
8 it. I'm fine with just dealing with the facts
9 that are on the ground based on his analysis and
10 his report.

11 Q Okay. Let's turn to a discussion about
12 party now. And again, this is a -- I drafted
13 these questions before our conversation, so this
14 might seem a particularly elementary question.

15 But you criticize Dr. Palmer's report
16 because it does not mention the party of
17 candidates in his discussion of the results of his
18 analysis. That's a source of criticism that
19 Dr. Palmer does not engage with party as an issue
20 in his report. Is that a fair statement?

21 A Yes.

22 Q Okay. And again, just kind of as a reset

2/23/2023

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

Dr. John Alford

Page 132

1 things that probably play a role in party
2 identification. We know that parental influence
3 is very powerful in party identification, as it is
4 in religious identification. So yeah, there are
5 other things that play a role, and so there could
6 be -- presumably race could play a role in that as
7 well.

8 Q But you -- maybe perhaps you didn't answer
9 the question quite as phrased this way. As
10 applicable scientist, have you done any analysis
11 into the degree to which race plays that role in
12 shaping political preference?

13 A Nothing I would think of as digging into
14 sort of the -- what we're talking about, you know,
15 can you establish a causal connection or explore
16 the nature of that connection? No, I don't think
17 I have anything, certainly research I've done
18 that, you know, with regard to partisanship or
19 voting behavior that could be related to that.
20 Not that is focused on that topic.

21 Q Okay. Just in your experience as a
22 political scientist, having not perhaps done any

2/23/2023

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

Dr. John Alford

Page 133

1 in-depth research or analysis, but do you have any
2 views or thoughts on the role that race plays in
3 driving political preference?

4 A It's one of many forces that can -- I'm
5 not sure what would be my driving political
6 preference. It starts to sound a lot like causing
7 political preference. I'll just say political
8 preferences are -- political identification in the
9 U.S. is a complicated psychological trait, and it
10 could be influenced by a lot of things and by
11 different things at different points in time.

12 But I don't know in terms of the state of
13 Georgia, where Georgia is right now, I don't have
14 any specific sort of research conclusion about
15 what accounts for that.

16 Q Okay. And your report in this case
17 certainly provides no attempt to explain why
18 voters of a given race support certain candidates
19 or certain political parties; is that fair?

20 A Dr. Palmer's analysis provides a clear
21 question, an answer to the question, why they
22 support particular candidates. Why they support

2/23/2023

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

Dr. John Alford

Page 134

1 particular parties, no. I mean, there's no
2 evidence here about why people support particular
3 parties. There's certainly evidence that party
4 plays a role -- the party of the candidate plays a
5 role in voters supporting particular candidates
6 because that's what the whole pattern is, but not
7 about -- not knowing why people support particular
8 parties beyond the fact that they do is not
9 anything that's been -- that's either in my
10 analysis or Dr. Palmer's.

11 Q So again, this is -- for clarity,
12 edification, however you want to put it, but I'll
13 phrase my next question this way. But let's start
14 with this animating assumption, which is that --
15 and let's be careful about -- I want to make sure
16 we're using the proper verbiage and so I'm not
17 overstating a conclusion or asking you to
18 overstate a conclusion.

19 But if race can drive party preference and
20 party identification, which I think you agree that
21 race is one of the factors that might be
22 influential in shaping a given voters' party

2/23/2023

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

Dr. John Alford

Page 135

1 preference or party identification, and if the
2 pattern that you observe indicates that
3 polarization in Georgia is attributable to party,
4 then it's also true, then, that that polarization
5 might be attributable to race through party. Is
6 that fair?

7 MR. JACOUTOT: Object to form.

8 A So I'll say just to make sure that I'm not
9 quoted out of context.

10 Q Sure.

11 A Not that you would do that but somebody
12 else might. We're just restating what I think we
13 said already, is this a possibility? Yes. Is
14 this something you could do empirical work on and
15 establish? Yes. And again, is there anything in
16 Dr. Palmer's report that in any way establishes
17 that that's true in Georgia empirically? The
18 answer is no.

19 So there's not in evidence here. It's not
20 in his report. And if he puts it in his report,
21 I'd have a chance to respond to it and we can
22 debate, is this real, is it the right evidence, is