

EXHIBIT 7

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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13 DEPOSITION OF WILLIAM S. COOPER
14 (TAKEN by DEFENDANTS)
15 ATTENDING VIA ZOOM IN BRISTOL, VIRGINIA
16 FEBRUARY 14, 2023
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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 Asian-American, African-American, or Latino.

2 Q So a majority minority district would include
3 kind of all coalition districts, but not all coalition
4 districts are majority minority districts?

5 A Well, in a Section 2 case, a coalition
6 district would, by definition, be a -- have to be a
7 majority to constitute a single district that would be
8 an additional district. But you could have situations
9 where there is a minority population but is so diverse
10 that you really couldn't apply Gingles 1 to that
11 particular instance because no minority or coalition of
12 minorities would be over 50 percent. It would just be
13 the entire minority class. And I suppose in some
14 circumstances, you could identify the entire minority
15 class as being a Gingles 1 class, but I've not
16 really -- I don't really recall being in a case like
17 that.

18 Q So I'd like to ask you just your views -- are
19 you familiar with the term "racial predominance" in the
20 drawing of a plan?

21 A Yes. I've heard the term used.

22 Q Does race predominate in the drawing of a
23 district plan if the map drawer's goal is to draw the
24 maximum number of majority black districts?

25 MS. KHANNA: Objection. Calls for a legal

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 Q And so you have your local -- your kind of
2 background knowledge that you bring, and then you said
3 you look at both census information at the county level
4 and the subcounty level.

5 How do you go about looking at census
6 information at the county level and subcounty level?

7 A Well, you can display on a computer screen as
8 you're drawing a redistricting plan the demographics of
9 a city or a precinct or block group or a census block.
10 So all of that information is available as one is
11 putting together a plan.

12 Q And while you were working on the
13 illustrative plans you created in this case, were you
14 displaying racial demographic information on the screen
15 at any point?

16 A Sometimes I had demographic information
17 displayed, either through the data view that is part of
18 the Maptitude software indicating what the population
19 is in a particular district and break out the race of
20 the component parts.

21 So I had that. And I also had precinct
22 lines. So I was able to identify precincts that had
23 significant black populations.

24 I think I mentioned in my last testimony that
25 I used sometimes little dots showing where the minority

1 population is concentrated. So I was aware of that.
2 And, really, based on previous knowledge, in some of
3 these counties like particularly Fayette County and
4 others, Gwinnett, I kind of had been through those
5 areas and so understood basically where the population
6 is even before beginning the plan.

7 Q And do you have any political data in your
8 Maptitude system or is it only racial information from
9 the Census Bureau?

10 A It's racial information along with, of
11 course, breakouts by age and ethnicity and also
12 socioeconomic data is available.

13 Q So in paragraph 10, you find you can create
14 this additional majority black congressional district,
15 and you use the term "consistent with traditional
16 redistricting principles."

17 What does the phrase "consistent with
18 traditional redistricting principles" mean?

19 A Well, it just means that it's possible to
20 draw a plan that adheres to traditional redistricting
21 plans. In other words, the districts within a plan
22 should be, for a congressional plan, perfectly equal in
23 terms of total population plus or minus zero.

24 It means that one should be aware of
25 political subdivision boundaries, respect communities

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 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 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